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Petitions, protests, and policy: The influence of the American colonies on Quebec, 1760-1776

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Petitions, protests, and policy: The influence of the American colonies on Quebec, 1760–1776

Fenton, Mary Ann, Ph.D.

University of New Hampshire, 1993
PETITIONS, PROTESTS, AND POLICY

THE INFLUENCE OF THE AMERICAN COLONIES ON QUEBEC

1760-1776

BY

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BA, Bishop’s University, 1977
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DISSERTATION

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ABSTRACT

PETITIONS, PROTESTS AND POLICY

THE INFLUENCE OF THE AMERICAN COLONIES ON QUEBEC, 1760-1776

by

Mary Ann Fenton
University of New Hampshire, December 1993

The beginning years of British rule in Quebec are examined from a new perspective: the influence of the American colonies on Quebec. Three major issues were selected as the basis of the study: the impact of the American immigrant merchants on the internal life of the province; the role of the American colonies on British policy as it affected Quebec; and the failed American invasion of Quebec in 1775-76. Several long-held beliefs with respect to the mercantile community, the American component of that community, and the support of the merchants for the American revolutionaries during the invasion are challenged. The conclusion that the American influence in these critical, formative years was a significant one in the development of the political, economic, and social development of Quebec adds a new dimension to Canadian history and to Canadian-American relations.
INTRODUCTION

For most of their national history, Canadians have been preoccupied with who they are as a people. They bristle when Americans assume that there are no differences between them. Part of their distress stems from the fact that Canada cannot escape being affected by what happens below the 45th parallel. These two issues, the differences in political culture between Canadians and Americans and how living next to the United States has affected them, have resulted in myriad studies by Canadian and American historians. But most of them begin their analyses with the influx of Loyalists during the Revolutionary War. Rarely do they trace the origins of the American influence from the beginning of the British rule in Quebec. Generally, historians either dismiss the possibility that there was an influence worthy of note or they treat the influence tangentially. Yet it was in this period, from the capitulation of Montreal in 1760 to the failed American invasion in 1776, that the tug of war was waged between those who would emulate the emerging republicanism of the American colonies and those who would resist such advances. For a brief period in 1775-76, there was a possibility that Quebec might have joined the American colonists in their fight for independence from the mother country. When that option was decisively rejected, Canada emerged as a society with a political culture distinct from that of its rebellious neighbors.
What is the basis for historians' neglect of the influence of the American colonies in this seminal period in Canadian history? Perhaps it is because most Canadian and British historians are consumed with the effect that British rule had on the two founding peoples—the French and the English. This emphasis is understandable. Despite the merits of cultural diversity, the more than two hundred year history of contentious relations between the French-speaking and English-speaking populations, which threatens Canadian unity today, had its beginnings in these early years of British rule. The treatment by these historians is usually from a nationalist perspective. The French-Canadian historian seeks an understanding of the inferior status of his people. The decapitation theory in which the French Canadians were victims of the conquest thus emerged. The English-Canadian historian defends the role of the British as conquerors for the tolerance and humanity shown the conquered people, especially as represented in the Quebec Act of 1774. Similarly, the British historian attempts to justify imperial policy which had to deal with an alien population that already had an established government. Its Quebec policy of conciliar government is applauded as a prototype of future British colonies.

Though American studies are scant in comparison to Canadian and British ones, the concerns addressed by American historians are also from a nationalist perspective: of how the Quebec Act affected the American colonies and whether it triggered the American Revolution; of the motives behind Britain's western policy and how it thwarted colonial expansion; or why the American invasion of Quebec failed when prospects
seemed so promising. What is lacking from the historical literature is a focus on what the American influence was on Quebec, as Canada was then described, in this inchoate period of its history and what was significant about it.

The earliest reference to American involvement in British Canada occurred nine days after the capitulation of Montreal in September 1760 when General Amherst invited the traders in the bordering colonies to "come hither" with their wares and goods. These traders were among the first English-speaking civilians in Quebec, but they were only a small minority of a minority population. There were other merchants, who though not American-born had immigrated, mostly from England and Scotland, to New England or New York and then on to Quebec. The latter group, together with the American-born merchants, changed the equation of the American influence significantly. What is more important than the numbers is the influence this group exerted on the political, economic, and social development of Quebec. To try to understand this influence, it is first necessary to examine the English-speaking merchants as a group. Despite the merchants' importance, in most histories of this period they have been depicted as unsavory, unruly, "licentious fanaticks." One of the considerations of this study will be to determine whether this characterization was a just one and how it originated. Since few merchant records were available, the primary source material came originally from official documents or from the personal papers of government officials, resulting in a one-sided view. The struggle of the merchants for political power threatened the government
officials, who were generally from an aristocracy that disdained all forms of republicanism and commerce.

In the special circumstances in Quebec, as military rule gave way to civilian rule, the clash between the merchants and the military and the military governors proved disruptive to the peace, order, and good government of the colony. One of the main obstacles to better relations between the merchants and the governors was the latter's lack of sympathy for the merchants' demands for political power. By the terms of the Proclamation of 1763, the English-speaking people in Quebec were promised the right of an assembly, as well as other British rights such as trial by jury and *habeas corpus*—the "birthright" due every Englishman. But the population of Quebec in 1763 was estimated to be composed of only 200 English households against 65,000 French-speaking people. [Estimates of the population vary, but for 1763, there is general agreement on these figures.] Beyond the numerical imbalance was the difference in language, law, customs, and religion.

How to resolve this thorny problem vexed British policymakers for the next eleven years. Initially, Quebec was treated the same as other colonies ceded to the British after the Seven Years' War. But how could the policy of anglicization work in a country so predominantly French? The first two governors, charged with carrying out this policy, concluded that assimilation was not only impossible but unjust as well. Their energies were expended in trying to reverse the policy as called for in the Proclamation. But the
merchants were equally determined to protect their interests. As they gained in economic importance, their demands for representative government became more strident. What the role of the immigrants from the American colonies, who had experienced a degree of self-rule unparalleled at that time, played in this struggle can only be determined when their identities can be established. This task will not be an easy one, for most of the literature does not differentiate between American or English merchants. They are all referred to as "English Canadians." The American influence was not limited to the actions of the merchants who had immigrated from the colonies. What was happening in the "old colonies" undoubtedly had an impact on the attitudes of the two protagonists in Quebec: the governmental officials and the civilian population. Yet this influence has been given scant attention. While the English-speaking merchants were pressuring the home government with petitions, protests, and personal representations, simultaneously, dissidents in the thirteen "old" colonies were also protesting British policy. Whether these parallel demands for greater autonomy influenced the policy decisions affecting Quebec or whether there was any spillover effect in Quebec of the colonists' rebellion against British policy are questions to be addressed.

This attention to policy questions is the second focus of the American influence on Quebec and is an important consideration in the history of Canadian-American relations. To what extent were American interests considered by British policymakers in determining policy toward Quebec? Could the interests of Quebec compete with the powerful American lobby in London composed of American agents representing their
colonies or private interests, as well as London merchants and members of Parliament with business and personal ties to the colonies? The triangular relationship of Canada, Great Britain, and the United States, which Canadians have perceived as detrimental to their interests, had its origins in the decision to retain Canada after the Seven Years’ War. The peace treaty, the Proclamation of 1763, Western policy of 1768, and the Quebec Act of 1774 were important policy decisions that affected both countries. The Quebec Act is of particular significance not only to Canadians but to Americans as well, for it is generally believed to have triggered the American Revolution.

Alarmed by the Quebec Act, which the Americans perceived as one of the Intolerable Acts designed to “enslave” them, the more radical element galvanized the separate states into a united force to pressure the home government into granting the colonies autonomy in all but imperial trade issues. These Sons of Liberty determined at the First Continental Congress to elicit the support of the Quebec merchants and habitants. But being the fourteenth state in an American union was too radical an idea for the majority of merchants who, though dismayed by the Quebec Act, did not want to sever ties with Britain. What sympathy the merchants and habitants had for the American cause was dissipated with the failed invasion of Quebec by the rag-tag American army. Along with the retreating army went many of the merchants who actively espoused the American cause. But the flow of merchants was not all outbound. Ever since 1774, merchants from New York and New England concerned about the nonimportation agreements of the colonies and about the possibility of breaking with the
mother country, relocated in Quebec. The year Seventeen Seventy-Six marked a pivotal point in the political cultures of both countries: the Americans went on to launch a unique experiment in democratic government; Quebec (Canada) remained a colony of Great Britain ultimately fashioning its government after the British parliamentary system. Never again would there be as favorable an opportunity to forge a continental union.

The study will be divided into two parts: from 1760 to 1774 in which the American colonies influence was indirect; and the two years, 1774 to 1776, when intervention by the Americans ranged from political persuasion to outright invasion. The first part, the indirect influence will deal primarily with the Montreal merchants, their feud with both Governors James Murray and Guy Carleton, and their efforts to pressure the home government to act in their interests. Four major policy decisions, mentioned above, will be examined that affected both the American colonies and Quebec. They include the Treaty of Paris of 1763 in which Canada was ceded to Great Britain by France; the Royal Proclamation of 1763 which followed closely on the heels of the treaty calling for anglicizing Quebec; Britain's Western policy in 1768 in which the boundary between the Indian reserve and settlement was redefined and in which control of the fur trade was returned to the colonies; and the Quebec Act in 1774 that repealed the terms of the Proclamation, reinstituted Canadian law and customs, and returned the territory to its pre-conquest status. The latter act represented a defeat for the British merchants, whose dissatisfaction the American colonists hoped to exploit.
The second phase of the study covers the period 1774 to 1776 and begins with the decision by the Continental Congress to enlist the support of the Canadians. When events overpowered the colonists, they decided to invade Quebec ". . . if it will not be disagreeable to the Canadians. . . . "¹ The role of the habitant in supporting the Americans in the early phase of the war has been generally well documented. The part of the merchants has not. The effort here will be to determine how extensive the merchants' support was and if it could have made a difference in the outcome.

The task outlined is an ambitious one and one that presents some difficulties. For example, the literature generally does not distinguish between "American" and other "English" Canadians. Only by culling all available records has it been possible to compile a list of merchants who were American-born or who had lived in the colonies before immigrating to Quebec. The greatest assist was the Dictionary of Canadian Biography. The English merchants listed in it are included in Appendix II, which contains a list of all merchants who could be identified to some degree. The files of the Quebec Gazette in the National Archives of Canada in Ottawa were another important source for identifying the more important merchants. Also in the Archives were applications for licenses to sell liquor, firearms, to engage in the fur trade, to post bond for those leaving the province. Data on the merchants was also found in the Provincial Archives and McCord Museum in Montreal; the Massachusetts Historical Society; the

Colonial Albany Social History Project in Albany, New York; the New Hampshire State Library, Concord; Baker Library at Dartmouth College; and the University of Maine Library in Orono. All these sources were of value in compiling the list of merchants living in Quebec in the period under consideration and in being able to identify which ones had immigrated from the American colonies.

Before proceeding further, the usage of certain terms in the paper needs clarification. Although Canadians and Americans share the same continent, the term "American" generally refers to the thirteen "old" colonies, now part of the United States. When referring to Canadians, unless otherwise specified, the term is usually applied to French Canadians and includes seigneurs, habitants, and merchants. Quebec now consists of the provinces of Ontario and Quebec, but in the period under consideration, the terms Canada and Quebec are used interchangeably. Several style points in the use of quotations also need explanation. Since the "meaning" of quotations was the paramount concern, the exotic use of capitals in the original text has been altered to comply with today's usage. In addition, to be consistent, "British" spellings, used also in Canada, have been modernized in the American manner. Otherwise, the quotations are generally true to the original text.

The historiography, as was mentioned earlier, is almost exclusively dealt with by British and Canadian historians. Until A. L. Burt's study in 1933, The Old Province of Quebec, most of the histories suffered from biases, national and even religious, and lack.
of important source material. In 1966, in *Quebec, The Revolutionary Age*, Hilda Neatby, Burt's protégé, taking advantage of new historical materials available since Burt's study, produced what is still considered one of the best overall analyses of the period. Several more recent works approach the subject from a British perspective. These studies include British historian Vincent T. Harlow's two volume, *The Founding of the Second British Empire, 1952*; British political economist, Brian Donoughue's *British Politics and the American Revolution, the Path to War, 1773-1775*, 1964; and the most recent study by Canadian historian Philip Lawson, *The Imperial Challenge*, 1990. All these historians revisit an old theme that the Quebec Act was enacted to punish the American colonists. This issue had been bandied about ever since the First Continental Congress proclaimed that the Act was one of the Intolerable Acts and intended to teach the rebellious colonists a lesson. All three studies refute this view and support the view that British policymakers were concerned primarily with the needs of Quebec.

In addition to the political literature, there has been a more recent interest in the economic and social history of the period. These new studies cast the merchants in a more favorable light, but they are from a nationalist perspective—English-Canadian and French-Canadian. One of the pioneer works that is still considered important is by English-Canadian historian, Donald Creighton. In *Empire of the St. Lawrence*, 1956, Creighton contends that the first British Canadians were merchants before they were "Britons, Protestants or political theorists." He also suggests that the conflict between the English and Canadian merchants was not race- but class-driven. Creighton portrays
the merchants as being more important to the development of Quebec than the British administrators. But he is criticized for his Anglo-centric views, since he generally neglects the Canadian merchants. French-Canadian historian Fernand Ouellet does not. His controversial *Economic and Social History of Quebec*, written in 1966, deals with French-Canadian society. His hypothesis that the conquest cannot be blamed for the inferiority of French Canadians triggered an angry response from other French-Canadian historians, especially those of the "Montreal School." One of the most recent studies is by Jose Igartua of the University of Montreal. *In A Change of Climate: The Conquest and the Marchands of Montreal*, 1974, Igartua does not support the decapitation thesis, but he argues that the conquest required a readjustment that put the Canadian merchant at a disadvantage. All these studies are useful for they explore in greater depth the role of all the merchants. Increasingly, monographs are appearing on particular merchants, such as a work in progress by McGill historian, Brian Young, on the merchant, David McCord.

Why is this study important? The focus of the American influence on Quebec during the period under consideration has not been done before. By determining what that influence was, a new chapter is advanced in our knowledge of Canadian history; of Canadian-American relations, which includes the triangular relationship of Canada, Great Britain, and the United States; and of a neglected aspect of American colonial history. What can an American historian contribute who has lived and studied in both countries and whose concentration has been on Canadian-American treaty relations? One of the
first advantages is an awareness of the literature of both countries. This fact seemed obvious until it was discovered in the course of this undertaking that historians of both countries are generally not conversant with the literature of the other. As a result, linkages are not as apparent. For example, in the analyses of the Quebec Act, no attention is paid to the prejudices of the British policymakers who were simultaneously enacting both the Intolerable Acts and the Quebec Act. Could the views of these men be so compartmentalized that the decision in the one case was not influenced by the decision in the other? Another advantage of being an American historian might be that of a more detached view of this troubling period of history in which the conflicts between the English- and the French-speaking people, which plague Canada to this day, had their roots.

A more comprehensive understanding of Canadian-American relations emerges if the treaty history between the two countries is expanded to begin not with the influx of Loyalists or the Treaty of Paris in 1783, but with the earlier Treaty of Paris in 1763 and the arrival of American traders and merchants shortly after the conquest. The triangular relationship among Canada, Great Britain, and the United States has been a contentious one. Canadians have always believed that their interests were given short shrift by the British who wanted to remain on good terms with the Americans. This experience has resulted in Canadian distrust of the United States that lingers on even today. A careful review of the triangular relationship, which now can be traced to 1763, does not support such a view. As far as American colonial history is concerned, the interactions between
the colonists in Quebec and their southern neighbors during this period has generally been ignored. Yet many of the same imbalances that are true in the relationship between the two countries today, existed then.

In a broader context, this period of history represented the social, economic, and political struggles that were taking place in England, the American colonies, and Quebec between the commercial class and the aristocracy, and between the forces intent upon more democratic representation and those who feared such tendencies as threatening to law and order. The ultimate decision of the Quebec merchants and habitants to reject the Revolution had implications that help explain the difference between Canadian and American political cultures, which are apparent today. With the influx of Loyalists, a conservative political culture fashioned after the British parliamentary system began to emerge. This helped shape Canadian society in a way that distinguished it from the American experience.

The following treatise attempts to advance a new dimension to the history of Canada and Canadian-American relations, and to a neglected period in American colonial history. Although Canadians cannot dismiss the fact that what happens below the 45th parallel will affect them, they can be satisfied that their quest for a separate identity from the United States can be traced to the very beginning of the English rule. For all these reasons, a study that focuses on the American influence in Quebec from 1760 to 1776 appears justified and long overdue.
PART ONE
PROLOGUE

GENERAL AMHERST SETS THE STAGE

Only eleven days after the French capitulation of Montreal, General Jeffery Amherst, the British commander in chief of the North American troops, invited the traders and merchants in the bordering American colonies to set forth with all dispatch for Quebec. However controversial the merchants' role became, there is little doubt that every encouragement was given to them to journey to Montreal and Quebec that fall. In his letter of September 19, 1760, to the governors of the bordering provinces of New Hampshire, New York, and Massachusetts, Amherst wrote to encourage:

the traders and adventurers of the province over which you preside to transport themselves hither and to Quebec with quantities of molasses, salt, wines, teas, sugars, and all kind of grocery, as likewise sheep and every thing also, that may occur to them to be useful; for all of which, they may depend upon finding good markets given encouragement, they can, in reason wish or desire.\(^2\)

Amherst was clearly mindful of the risks the traders would be taking at that time of year should they comply with his request. As incentives, in addition to ready markets for their goods, he promised that the commanders at Forts George, Ticonderoga, and Crown Point would supply bateaux and "the hands to man them" as far as Chambly, where for the last fifteen miles to Montreal, the traders would be furnished land carriages.

at "easy" rates. In addition, any duties normally charged upon the goods to be brought in were waived. Only passports from the governors of the particular provinces were required.

Following these letters to the various governors, Amherst issued a placard in both French and English to be posted on church doors and in other prominent places in Montreal where the French congregated. He explained to the people of Montreal that because they had received such meager support from France for the past two years, Canada's wealth, supplies, and necessaries were exhausted. But Amherst promised,

we have for the common good both of the troops and the habitant, given orders in our letters, to the different governors of the English colonies nearest to Canada, to repair hither with all sorts of provisions and supplies, and we flatter ourselves, that we shall see this project carried out without delay; and as soon as it is done, everyone will be notified so that he may have a share in it, at the current rates, and without duty.3

In just two weeks, Amherst had proved himself not only an extraordinary military strategist, but a perceptive and tireless administrator as well. The capitulation of Montreal a year after the British victory on the Plains of Abraham in Quebec City secured all of French America to the British. Seldom in the annals of military history had a fortified town surrendered as readily as did Montreal on September 8, 1760. Overwhelmed by what was described as one of the most astonishing military feats of all time, the French Commander Vaudreuil laid down his arms when he realized he was

surrounded. Although he would be tried by the French for this "shameful" surrender, Vaudreuil recognized that not to do so would have been too costly in human lives.

Amherst was the architect of this successful pincer movement. General James Murray traveled from Quebec down the St. Lawrence; Lieutenant Colonel Frederick Haldimand approached from the south; and Amherst from the southwest. They arrived at Montreal within a day of one another surrounding the French on three sides, making escape impossible. In a day when communication and travel were still primitive, this military feat, accomplished with little loss of life, was remarkable. Had any contingency hampered their approaches, the scheme would have failed. It did not.

Before departing for New York, where he would continue in command of the British forces in North America, Amherst established the administrative machinery necessary for governing the conquered people. Unknowingly, he set the stage for the bifurcated policies that would plague the French- and English-speaking people in Quebec even to the present day. Amherst recognized that until peace was declared, the primary object of the Army was to keep the 65,000 Canadians contented. The terms of capitulation were generous. They granted all Canadians the right to practice their religion, and the landed gentry the privilege to enjoy peaceable possession of their goods and other property. Canadians, in return, if they would not become loyal subjects of the king, were at least to remain neutral in any future conflict.
Generals James Murray, Thomas Gage, and Colonel Ralph Burton were appointed governors, respectively, of the three existing districts of Quebec, Montreal, and Trois Rivières. To assuage concerns of the "Canadians" (referred to as "habitants") about their new masters, captains of militia, comparable to justices of the peace in England, were appointed from the Canadian gentry in each parish and made responsible for resolving minor disputes. A right of appeal to a higher authority, the British officer in command of the district and then ultimately the governor himself, was established. In the settlement of civil differences, French law obtained; in criminal cases, British law. Since the British assumed their law superior to the French, they expected the Canadians would be grateful for this hybrid system of combining British rights with those practices already familiar to the people.

Amherst understood that such administrative actions were not enough to placate the fears of the habitants or to win their loyalty. Toleration for their customs, language, and laws was also reflected in his instructions to the soldiers. He insisted that the French language, which most of the officers spoke, should be used in all communications not only to show respect for the people but to ensure their understanding of what was happening and what was expected of them. "Benevolence" was the rule for the conduct of the English toward the French. But Amherst was aware that such tolerance by the American colonials toward the French might be expecting more than human nature would allow. For over a half century New Englanders had experienced firsthand atrocities committed by the Indians with the aid of the French on their people and communities.
To avoid potential conflict, Amherst discharged the provincial troops first. The British regulars would remain to keep the peace. But if Amherst was concerned about the American colonists as peacekeepers, he was not concerned about them as civilian merchants and traders.

Until a peace treaty with France and the ceding of Quebec to Great Britain, which at the time was not assured, the army's job was to maintain the good will of the Canadian people. Before he set out for New York, Amherst had attended to every aspect of what he perceived to be the duties of the conqueror toward a conquered people. He could not have realized then the consequences of his actions in inviting the American traders to Quebec. Since the clash during the first few decades of English rule was curiously not between the Canadians, the new subjects, and the English-speaking peoples, the old subjects, but between the English civilians, primarily merchants, and their compatriots, the English militia, it is important to know more about the merchants who moved to Quebec. The historians' record is a confusing, sometimes contradictory one.
CHAPTER ONE

SWARM OF LOCUSTS?

In response to Amherst’s request, the initial influx of American "traders and adventurers" seems to have been sufficient to supply the beleaguered towns of Montreal, Quebec, and Trois Rivières with the necessary provisions and supplies. Presumably, some camp followers, or "sutlers" as they were called, would have already been on the scene. Since there were no commissariat services in those days, sutlers followed the army wherever it went and were representatives, usually British, of large exporting and army contracting firms. From Amherst’s orders to the governors, it can be assumed that the sutlers’ supplies were not sufficient to provide for the civilian population as well as the occupying army. With winter approaching, the provisions that the merchants from the American colonies would bring were particularly important.

In most histories of this period, the merchants and traders who responded to Amherst are depicted as an unsavory element that came flocking from Britain and the American colonies to exploit the conquest. The oft-repeated description by Mason Wade states that a "... swarm of camp followers and commercial adventurers descended on the newly-conquered land like a cloud of locusts."¹ More recently, two economic historians, French-Canadian Fernand Ouellet and English-Canadian Donald Creighton,


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refute the view that the first merchants and traders "swarmed" or "flocked" to Quebec immediately after the conquest. Ouellet agrees with Creighton that "it was not... a mass phenomenon," but rather a fairly small number of individuals who came with or shortly after the army\(^2\). The number of American traders who secured passports that first winter cannot be determined since no records are available. If any traders came from Britain, it would not likely have been until the spring of 1761.

If these first merchants and traders could not be described as a "swarm," they also did not deserve to be labeled "locusts." Letters and newspapers written during the first winter of the occupation portray a cooperative, generous spirit on the part of all. In glowing terms, on December 3, 1760, Governor James Murray wrote to William Pitt, secretary of state for the southern department, of the important contribution that the merchants and traders made to the well-being of the army and habitants. He says,

> I flatter myself you will pardon the liberty I take in troubling you with the enclosed. It regards a set of men who have been very serviceable to his Majesty's troops and have run many risks and who have been induced to pour in their merchandize here to a large amount from a laudable of promoting trade at the invitation of Mr. Amherst, the commander in chief... The troops being well lodged and provided with every necessary are at present healthy and likely to continue so.\(^3\)

\(^2\)Fernand Ouellet, *Economic and Social History of Quebec, 1760-1850*, trans. (Ottawa: Carleton University, 1980), 79.

A month later on January 1, 1761, in a letter to Amherst, Murray stated with pride that "the merchants and officers have made a collection of five hundred pounds Halifax currency... to help alleviate the distresses of the French habitant, who suffers famine as a result of the war and a bad harvest." He boasted that these acts of good produced a harmony between the French and English unprecedented at home.

Further evidence to support the positive role of the merchants in that first winter is found in many articles in colonial newspapers. For instance in the February 20, 1761, issue of The New Hampshire Gazette, a note from Quebec and Montreal states, "All Canadians well provided for and happy. Great harmony. English merchants and officers support poor during the winter. Provisions brought into Montreal and sold very cheap."

If the contribution of the merchants and traders was so profusely praised publicly and privately that first winter, what went wrong? In a letter written in 1766 when Murray had been recalled to London to answer charges brought against him by the merchants, his description of those merchants and traders who came following the army contradicts the sentiments he expressed in the above letter to Pitt at the end of 1760. In his letter five years later, Murray called the same merchants and traders,

people of little education or soldiers discharged after the reduction of troops. All came to make their fortune, and I fear that many will not be over

\[4\text{Ibid.}\]
scrupulous in the way they come by it. I declare that they make up the most immoral collection of individuals I have ever known.\(^5\)

Understandably, this proud man would be venting his anger at the men who injured him. Unfortunately, the latter view of the merchants is the one that has lived on. Most accounts of the merchants acknowledge that there is some foundation for these remarks, but that they are considered extreme. A. L. Burt and Hilda Neatby, both preeminent Canadian historians for their analyses of Quebec during the period under consideration, reflect the general sentiment. Neatby says that though the merchants were represented as "rude hecklers of the humane governor and would-be oppressors of the Canadian," it is only fair to view them as they viewed themselves, "building their own fortunes, but also enriching the community and the nation by seeing life steadily in terms of profit and loss.\(^6\)

The immediate task is two-fold: to re-examine the role of the merchants from a different perspective of who they were individually and what they contributed to the development of Quebec; and then to determine what part the merchants who were American-born or with some American experience played within the context of the overall community. A brief overview of the situation in Quebec in 1760 is required before continuing the discussion about the character of the merchants and the role they

\(^5\) Ouellet, Economic, 80.

\(^6\)Hilda Neatby, Quebec: The Revolutionary Age, 1760-1791 (Toronto: McClelland and Stewart, 1966), 57.
played in these early years of British rule. Elsewhere in the world, the Anglo-French war was not over. Uncertainty over whether the British would retain Canada at its conclusion made governing all the more difficult. The economy of the country was in a shambles not just as a result of the recent conflict, but also because of the corrupt practices of the governing elite under French rule. The legacy of the French was high inflation, scarcity of food and provisions, and a paper currency that had little if any value. Not inconsiderable, but rarely mentioned, were the numbers of French shopkeepers, especially bakers and butchers, who quickly learned from their masters the profits to be gained from artificially producing scarcities and price-gouging. Homes, churches, agriculture, industry and roads suffered the devastation of war and had to be rebuilt.⁷

The merchants and traders who arrived on this scene responded from economic, not humanitarian, interests. Their task was a difficult one. Transporting supplies over long distances was expensive, as well as risky. A hostile country, hostile Indians, and hostile climate all took their toll. The market for their goods had to be adequate for them to realize a profit. But the poverty of the people, the lack of currency, and endless regulations limiting the conduct of business resulted in the need to be competitive and concerned about their survival. Advertisements in the Quebec Gazette, which began circulation in April 1764 gave testimony to the extent of failed businesses. Many

⁷See Chapter 2, "The Crisis of the Conquest" in Ouellet’s, Economic and Social History, 46-70.
merchants returned to England; others had to seek alternative means of livelihood. Neatby comments that the merchants saw life steadily in terms of profit and loss. How else could they see life under such circumstances?

The unstable business climate was not the only obstacle facing the merchants. Murray, in particular, but Gage and Burton also, embodied the prejudice of the British aristocracy toward the commercial class. The noble professions for the elite were the army or politics. The bias against those who made their living by commerce was long-standing. Nothing in the background, education, or experience of these men gave them an appreciation for the competitive nature of the middle class, especially in so remote and primitive a country as Quebec. On their part, the merchants were unsympathetic to the military. If the officers disdained those who made their living by commerce, the merchants viewed unfavorably those who made their living by fighting wars. Nor were the merchants acquiescent. They were feisty, competitive men not trained to obey orders docilely if they perceived themselves insulted or injured. Clearly, the sidewalks in Quebec, especially Montreal, were not wide enough to accommodate both groups of people, and after the first blush of cooperation among all peoples that first winter, dissension began to mount.

This situation presented problems for the merchants, but it also promised rewards for the enterprising. Although the most lucrative industry was the fur trade—it represented 78.5 per cent of Quebec’s total exports in 1760—other industries were there
to be exploited. The exports of wheat, flour, lumber, potash, iron, and fish were not initially profitable, but many merchants invested in such undertakings which did become viable at the time of the American Revolution. Their entrepreneurial talents and their willingness to take risks provided Quebec with a more diversified economy. They also contributed to the infrastructure of the province by building roads, bridges, wharves, churches, schools, waterworks, and hospitals. They were founders of various fraternal societies in Quebec such as the Masons and the Beaver Club. After the great fire in Montreal in 1764, they were responsible for acting collectively to protect themselves against future catastrophes. Thus the Quebec Fire Society became one of the most popular volunteer organizations. The more successful merchants not only owned their own homes, but as members of the middle class, they recognized the profit and prestige of land ownership. Many of them enhanced their positions by buying up seigneuries in the faubourgs of Montreal, Quebec, and Trois Rivières. Unfortunately, the historical record of these early years in Quebec has emphasized the merchants’ political role and given short shrift to the importance of their economic and civic activities. In order to evaluate the merchants in a fairer light, their political arguments should be examined in the context of who they were and what their contributions were in the development of Quebec.

The initial influx of immigrants was generally classified as Protestant and urban dwellers, divided equally between Montreal and Quebec. In a 1764 survey by Murray, "Ibid., p. 83."
two hundred Protestant households were listed in the towns of Quebec and Montreal;\(^9\) in a more detailed study a year later dealing only with the district of Montreal, there were ninety-nine male Protestants in the town of Montreal and thirty-seven in the rest of the district. Of the ninety-nine about fifty were designated as new merchants. From the 1765 list, the names, origins, and former callings of forty-five of the fifty new merchants were given. Over fifty per cent came from England and Scotland, twenty per cent from Ireland, thirteen per cent from the American colonies, and another thirteen per cent from various countries (Switzerland, Germany, France, Guernsey).\(^{10}\) No similar breakdown is available for Quebec, but assuming that an equal number of merchants settled in that port city, there would have been fifty merchants in each town and no more than one hundred in the entire province.

One of the problems in trying to assess the blanket condemnation of the merchants made by Murray and others is that distinctions were not made among the various groups of the English-speaking immigrants. Some of the innkeepers, barbers, tailors, bakers, hucksters were no doubt "people of little education." Some were "soldiers discharged after the reduction of troops." Some may have come to "make their fortune." Murray may have been partially right when he said "many would not be over scrupulous in the way they come by it," and he may have found them "the most immoral collection of individuals" he had ever known. One cannot judge what other collection of individuals,

\(^9\)PAC, Q, 2, 332-36.

\(^{10}\)PAC, CO42, 5, 28-33.
outside the Army, that he would have known. But his views cannot be supported by an examination of 200 merchants who immigrated to Quebec primarily between 1760 and 1765. They were a diverse group, but if there was any common denominator it was that they were, generally, men from middle class families, competitive and entrepreneurial, who appreciated the opportunities open to them with the withdrawal of the French from Quebec and the introduction of British rule.

The most important merchants were those who engaged in the fur trade, which was the backbone of the Quebec economy. Adventurers and traders mostly from Scotland, England, Ireland, and the American colonies ventured to Montreal and west to Detroit, Niagara, Michilimackinac, the Illinois country, and eventually the northwest to engage in that lucrative trade, which included supplying the forts and Indians with provisions. Because of the great risks involved in the industry, most of the traders acted in concert with others. Many of the more prominent traders became partners at some point in the North West Company, the rival of that hallowed British institution, the Hudson Bay Company. The Frobisher brothers (England), Forrest Oaks (England), James McGill (Scotland), Richard Dobie (Scotland), Isaac Todd (Ireland), Peter Pond (America), Peter Pangman (America), and Simon McTavish (Scotland and America) are identified as having been partners in the North West Company at some point. A look at their backgrounds reveals a group of men whose energies, capital, and know-how were integral to the well-being and economic viability of the province.

\[^{11}\]The biographies of these merchants can be found in Appendix II.
Of paramount importance were the Frobisher brothers, Benjamin and Joseph, who immigrated to Quebec from England in 1763 and Thomas in 1769. They arrived with some capital and immediately organized themselves into a family enterprise, but to share the risks they took on various partners. Their success was due to their early recognition of the importance of the western trade, initially in the Lake Superior region and later as far west as the Saskatchewan country. Also contributing to the success of their ventures was their willingness to assign to each other the role that best utilized their particular talents. Benjamin was the organizer and manager of the operation, which was headquartered in Montreal; Joseph, the eldest, acted as trader between Grand Portage, other posts, and Montreal; and Thomas spent most of his time traveling from Grand Portage to distant trading posts in the west. Thomas was seldom in Montreal. The company prospered until the downturn in the economy after the American Revolution. When Benjamin died in 1787, Joseph found himself in debt to the government. Only with the help of his wife’s dowry and his friends’ aid (Thomas Dunn, Robert Lester, Robert Morrogh, Thomas Scott, Isaac Todd, and James McGill) was he able to reschedule his debt and to survive. But Joseph knew that neither he nor his brother Thomas, who died a year after Benjamin, had Benjamin’s talent for administration, so he wisely sought the aid of Simon McTavish. Reorganized as McTavish, Frobisher, and Company, under McTavish’s shrewd leadership the company went from virtual bankruptcy to become the premier financial enterprise in Canada. Although Joseph complained to McTavish that his role was "limited to outdoor business, hiring of men
and public duty," he was able to rebuild his fortune.\textsuperscript{12} He diversified his financial base by investing in the Batiscan Iron Work Company and the Company of Proprietors of Montreal Water Works. He tapped the forest resources of his seigneury at Champlain and accumulated vast land holdings. As one of the four original members to survive, he held a place of honor in the Beaver Club. He was active in religious affairs, was a major in the British militia, supported British parliamentary institutions, was a member of the Assembly from Montreal, a justice of the peace, and administrator of a pension fund for aged voyageurs. Joseph was described as "an immensely rich merchant, a most worthy, honest and beneficent man." He confirmed his brother's testimony in 1766 that although there were some scoundrels in the trade "the greatest part. . . are men of property settled in Montreal and give bonds for their good behavior to a great amount."\textsuperscript{13}

Another important merchant-trader who was a partner in the original North West Company was Forrest Oakes. He was also partner at various times with Charles Boyer, Peter Pangman, and his brother-in-law and chief supplier, Lawrence Ermatinger (Switzerland). Most of his time was spent in the interior country, either at Michilimackinac or Sault Ste. Marie, with his Indian wife. He was known for the meticulous records of indents and provision lists that he sent to Ermatinger. He arranged


\textsuperscript{13}PAC, Shelburne Mss., MG 23A, 4, II, 162.
for corn shipments from Detroit, kept track of the wintering partners, and supervised the packaging and shipment of cargo inland and of furs to Montreal. Such organization was essential to the profits of any business, but especially to the fur trade. When Ermatinger died, he left property in England.

Another prominent merchant-trader was James McGill, who came from a prosperous trader family in Glasgow and was a graduate of the University there. His first trip to the pays d'en haut in 1766 was as a deputy of William Grant. He was in partnership at various times with his brother, John; Charles Jean-Baptiste Charboillez, a veteran of the southwest trade; Isaac Todd; and Maurice-Regis Blondeau. His investment in the fur trade in 1782 was supposedly the largest in the colony, some £26,000. He was considered by his contemporaries as the richest man in Montreal, due to the fact that he was one of the largest shareholders in the North West Company. He married the widow Charlotte Trottier Desrivières, née Guillimin. The label "philanthropist" best describes his generosity and breadth of civic contributions, from overseeing the Lachine turnpike to bequeathing land and an endowment for a college in Montreal, today the prestigious McGill University.

Although Richard Dobie was apparently from "humble" origins, he had previous experience as a merchant in Scotland before coming to Montreal in 1761. His first successful entry into the fur business was in partnerships with Pierre Montbrun and Lawrence Ermatinger, later with Benjamin and Joseph Frobisher. For the most part,
however, Dobie carried on his business as outfitter and financial backer alone. After 1777 he became one of the principal fur traders and outfitters southwest of the Great Lakes and in the region around Lake Superior and Lake Nipigon (Ontario). Furs were not his only venture. He became an exporter of wheat, dabbled in efforts to produce ginseng in New York, backed a potash manufacturer, and sold wood produced from his own sawmill near Sorrel. He also served as a financial go-between for the government, paying accounts and advancing money for various governmental services. Due to the refusal of Britain to allow its colonies the right to issue paper money or set up a banking system, moneylenders often found themselves loaning money that the government would not reimburse. Despite such problems, Dobie accumulated an impressive fortune, was said to have a "luxurious" standard of living, and was an influential member of Montreal society. He was a member of the grand jury of the district of Montreal several times; he chaired the Presbyterian church's committee to manage temporalities; and he was a member of the local Masonic lodge.

Isaac Todd, an Irishman, was considered a "father figure in the fur-trade community." He formed partnerships with McGill, the Frobishers, George McBeath, Nicholas Blondeau, and Peter Pond. He acted as an agent for Phyn, Ellice and Co. of Schenectady in 1774. Todd actively petitioned the British government to grant British rights and to reduce restrictions on the fur trade. He was a member of the grand jury in 1769 and was founder of the influential lobby, the Canada Club in London. The Canada Club played an important role in supporting the right of Catholics to participate
in a general assembly for the province. Todd also headed the Quebec committee to gather support for repeal of the Quebec Act. He was a member of the prestigious Beaver Club.

Simon McTavish went from rags to riches and today enjoys a reputation as one of Canada's important early figures. In 1763 he emigrated from Scotland to Albany, where he served an apprenticeship. In 1772 he joined with an important Albany merchant, William Edgar, who was engaged in the fur trade at Detroit and Niagara. In 1774 McTavish and his partner, James Bannerman, concerned about the effects of the colonies' nonexportation and nonimportation agreements on the fur trade, moved to Quebec. McTavish became the prime mover in steering the North West Company through trying days of increased competition and smaller profits. In 1821 his leadership and entrepreneurial skills thrust the North West Company into trade with China and the United States before it finally was absorbed by the Hudson Bay Company. Compared to McGill and Richardson, this industry magnate only modestly participated in the colony's public life. His real contribution was in the wealth produced by the North West Company in terms of the economic development of Quebec.

In the same category of the Frobishers and McTavish, three of the first and best-known fur traders and adventurers were from the "old colonies." Even before the capitulation, Alexander Henry entered Montreal with Amherst. Soon, however, he was back in Albany, where his commercial connections were and where he procured a
quantity of goods to trade at Montreal. Instead of Montreal, however, he headed for Michilimackinac, the farthest post in the interior at that time. It would be fourteen years before he reached Montreal. In the interim he became one of the leading fur traders, living among the Indians - involuntarily during Pontiac's war where he witnessed the slaughter of the English - procuring furs, and selling them to Albany agents. In 1774, like many of his compatriots, he relocated to Montreal. There he participated in civic affairs; he was a justice of the peace, captain of the militia, signed petitions and memorials in support of an assembly, he was one of the nineteen founding members of the Beaver Club. But his real contribution was his knowledge of the west. His journal, "Travels and Adventures in Canada and the Indian Territories," provides one of the best descriptions of Indian life of that day. He was one of the first traders to map the region, to make a detailed plan for an expedition to find an overland route to the Pacific, and to encourage trading with China. In contrast to Creighton's description of the fur trader as being as untamed as the country he explored, Henry is described as a "middle-sized man, easy yet dignified and esteemed by all who knew him."14

Peter Pond, born in Milford, Connecticut, was a controversial figure. He has been variously described: by some he was "bold and unscrupulous"; by others he enjoyed a reputation for "honesty and integrity." Pond's father was one of the first traders to set forth for Detroit after the British conquest, leaving his young son, whose mother had died, to look after the family. The father's fate, dying in debt to his Albany creditors,

14Ibid., VI, 316-19.
did not deter the son from following in his footsteps. About 1765 he, too, left his own young family in Milford for the frontier, not to return except briefly for twenty years. By age thirty-one, according to Harold Innis, Pond was considered a master trader known for his knowledge of French and of the Indians, including their languages. Along with acquired skills of navigation and astronomy, his exploits in the northwest wilderness enabled him to provide maps of uncharted lands. Pond’s talent for organization and use of supplies enabled him to penetrate farther and trade more effectively than his contemporaries. Like Henry, Pond became a key figure in Quebec, being instrumental in the formation of the North West Company. But his reputation for violence—he had been involved directly or indirectly with two murders—forced his retirement from the trade. Pond drew maps of the country he discovered and presented them variously to Lord Dorchester, the Empress of Russia, and President Ezra Stiles of Yale College. In 1790 Pond returned to live in the United States. He died, probably in Milford, Connecticut, like his father in poverty. His real contribution was in his pioneer discoveries of the Athabasca region which paved the way for others, such as Alexander Mackenzie, to explore the Mackenzie River systems.

Peter Pangman was more fortunate than Pond in translating his knowledge and expertise into material and social gain. Born in Elizabeth, New Jersey, he traveled up the North Saskatchewan River farther than any white man had previously done. Pangman survived the period of fierce competition that threatened all participants in the fur trade. Eventually he joined the North West Company. When he retired, he did so
an affluent man, enjoying more profit than loss. He purchased a seigneury from Jacob Jordan near Montreal, contributed to the building of the Scotch Presbyterian church in Montreal, married, and had a son who became a member of the Legislative Council of Lower Canada.

The above merchants were among the more prominent ones engaged in the fur trade in the early days of British rule. But there were many other merchants who participated as suppliers. These were the merchant-traders who came with the army to provision it as well as the civilian population and were the "sutlers" to whom Murray disparagingly refers. Some of these merchant-traders might be headquartered in Montreal, where they would provide surety for other traders or provision the canoes. Among them were: John Askin (Ireland), Henry Bostwick (England), William Holmes (Ireland), Joseph Howard (England), and John Welles (England, New York). For biographies of these traders, see Appendix II. Other merchants came independent of the army and settled primarily in Montreal and Quebec. In addition to provisioning the army and the civilian population or investing in the fur trade, they seized other opportunities that the conquest afforded them. Brief descriptions of some of them will illustrate the range of their entrepreneurial activities and will afford a greater appreciation of the breadth of the commercial community.

Lawrence Ermatinger (Switzerland), already mentioned, was a sutler. He was a partner in the firm of Trye and Ermatinger, merchants of London. Although he was
plagued with misfortune, fire destroying his home and offices twice, during his active years he was involved in trying to influence political and economic events in Canada. He helped finance partnerships, including one of Oakes and Charles Boyer; was a partner himself with Oakes; and owned a share in the North West Company. He was one of the first members of a Masonic organization in Montreal.

John McCord (Ulster Scot), literate, from a well-respected family of merchants, read about the conquest of Quebec by the British in an article in the *Belfast Courier*. With his second wife (Margaret Hanna, from a prominent Irish merchant family) and two sons, McCord left Newtry, Ireland, for Quebec. There he purchased a house, warehouse, and dock, and set himself up to supply the British regiments and the civilian population. His position in the merchant community was strengthened by family ties: his brother-in-law, James G. Hanna, was a successful clockmaker; his third wife, Henrietta Maria Gilbert, was from a prominent merchant family; two of his sons-in-law, Alexander Fraser and Malcolm Fraser, were substantial landowners and influential men in the province; another son-in-law was Josiah Bleakley, an important fur trader. McCord's son, Thomas, married Sarah Solomon, daughter of the Montreal merchant Levy Solomon. McCord was a rebel sympathizer who suffered the disapproval of his countrymen. His house and dock were burned by the British during the American invasion, but he managed to continue to reside in Quebec. Too great a risk-taker, however, he suffered financial reverses. In order to avoid bankruptcy, he bequeathed his property to his son, John, Jr. In this way, he secured the income from his property,
which was well-managed, and was the source of the family wealth. Today, the McCord Museum of Canadian History, affiliated with McGill University, records the exploits of the McCord family up to 1931.

James Murray wrote the Board of Trade that he could not countenance the appointment of William Grant, whom he called a "conceited boy," as a member of the council. Grant (Scotland), the son of the laird of Blairfindy, had a liberal education. He was fluent in French, and when he was only fifteen, he was sent to Quebec to represent his uncle's firm, which had a contract as a navy supplier for Quebec. William soon began to diversify and to build a substantial fortune in trade and in land acquisitions. He seized every opportunity to take advantage of the sale of properties of French landowners who opted to return to France. But he became overextended financially, and to try to recoup his losses, he was persuaded to smuggle wine from Bordeaux, France, to Labrador on a ship owned by the merchant, John Gray. Grant was supposed to have sold the ship and with the proceeds purchase goods. The ship with its bootlegged cargo was wrecked off the Strait of Belles Isles. Still only nineteen, an undaunted Grant went on to amass a fortune in real estate in Montreal and Quebec. In 1766 he married the widow of the seigneur Charles Jacques Le Moyhne de Longueuil. In the process he gained access to her extensive holdings since, according to French law, the wife retains her possessions, but the husband has sole discretion to manage it. Before turning twenty-five, Grant was estimated to be worth £80,000. He lived a long, productive life; frequently, he was at the center of controversy. An expert in French and
English laws and experienced as a Court of Appeals judge, he devoted his political energies toward revising the province’s commercial code to make it more advantageous to business. He was prominent in establishing the Quebec Benevolent Society to support members in need; was a trustee of the Quebec Library; a charter subscriber to the Agriculture Society; founder and president of the Constitutional Club to promote knowledge of the British constitution; and was a leader, representing the English party, in Quebec’s first parliament.

One of the chief antagonists of the army in Quebec during the military regime was a young, carousing bachelor named George Allsopp (England). Allsopp was a junior partner in the mercantile London supply firm of Jenkins, Trye and Company. When he arrived in Quebec in 1761, he became one of the principal commercial and political figures in the province. Like Grant, he led a full but rarely tranquil life. Most biographers describe him as irascible for he seemed always to have been in the center of disputes, especially over the policies of Murray and the military. His objections were not without provocation. Along with several other merchants who were excluded from carrying on trade at government-controlled king’s posts, Allsopp protested the inconsistencies of Murray’s trade restrictions. Because of what Murray termed Allsopp’s fractious behavior, he refused to install him in government offices, purchased by Allsopp according to the customs of the day, which would have provided him with a secure income. Murray’s replacement, Guy Carleton, reversed both the decision to exclude Allsopp from the king’s post and from the offices he had purchased. Allsopp’s business
interests ran the gamut of participation in the wheat, fur, timber trades, the Gulf of St. Lawrence fisheries, the manufacture of potash and spirits and the production of the Saint-Maurice Ironworks. His commercial concentration in later years was mainly in flour production, which in 1788 comprised twenty-two per cent of the colony's annual production. Though he belonged to the Quebec Fire and Agriculture societies, his main interest outside his commercial concerns was in promoting British constitutional law for Quebec.

Hugh Finlay (Scotland) was more fortunate than Allsopp in the treatment accorded him by Murray. With family connections in the business communities of both Glasgow and London, he was independent of Murray for patronage positions. He arrived in Quebec in 1763 with assurance of being appointed postmaster of the colony. He was fluent in French, became affiliated with Stephen Moore, a merchant who had established himself in Quebec in August 1761. Their retail advertisements in the Quebec Gazette reflected in amusing alliteration—bindings, buckles, buttons and boots—the wide range of goods sold. In 1765 Finlay and Moore, deeply in debt, but unable to collect from those who owed them, had to turn their business over to creditors. Such bankruptcies were commonplace and part of the problem of the credit structure of business. Alternative sources of income were important to merchants. In Finlay's case, his job as postmaster probably provided him some security. He instituted biweekly service between Quebec and Montreal via Trois Rivières and a bimonthly post south to Albany to meet the mail packet between New York City and Falmouth, England. In 1773 he attempted to
establish other routes— one down the Chaudière and Kennebeck to Falmouth, Maine (a route made famous two years later for its impassability by Benedict Arnold on his march to capture Quebec City); another through the White Mountains down the St. Francis River in the Eastern Townships to Montreal. In 1774 Finlay succeeded Benjamin Franklin as one of the deputy postmasters general for North America. In 1775 Carleton appointed him to the Legislative Council and in 1776 to the "inner council of five." The latter body, though illegal, was the real legislative arm of the government. Finlay was vehemently opposed to the arbitrary powers exercised by Carleton such as corvees and billeting of soldiers. Not surprisingly, he was dropped from the inner council. From the Proclamation of 1763 on, Finlay had been a champion of British rights.

No list of merchants in Montreal would be complete without reference to Thomas Walker (England, Boston). Walker arrived in Montreal from Boston in 1763, immediately purchased one of the most substantial houses in the town and established himself as one of the leading merchants in the province. His reputation for abhorring the practice of billeting of soldiers became a major source of contention between him and the army. In 1764 his actions as a jurist against an officer who, he concluded, had abused the privilege of billeting led to an incident called "Walker's Ear." This event, which will be discussed later, marked the turning point in the conflict between the merchants and Murray. From then on, the merchants' efforts to have Murray recalled were relentless. Walker's influence in Quebec is remembered more for his political activities than for his commercial ventures, although he was involved in the fur trade and
was a major wheat purchaser and speculator. He played a major role in support of the American revolutionists during the invasion of Quebec in 1774-76, which will be discussed in Chapter 7. He is generally depicted as a cantankerous, difficult individual, a reputation which may be deserved; but this may be too one-sided a view. Very little is known about him when he lived in Boston, but before moving to Montreal, he was listed with other prominent figures of the day as a member of the Society for Encouraging Trade and Commerce within the Province of the Massachusetts Bay.15

Merchants who do not receive sufficient attention in this period are the Jews, many of them Sephardic Jews, who had immigrated to North America during the Seven Years’ War. Some were suppliers of the French; others stationed with the British troops in New York had gained reputable credentials so that after the conquest they were given contracts to supply the troops in Quebec and in the various forts vacated by the French. Aaron and Moses Hart, Eleazar Solomons and his cousin, Lucius Levy Solomons, and Samuel Jacobs were among the more prominent Jews who settled in Montreal, Trois Rivières, and St. Denis. These merchants were well connected, having financial support in London, New York City, Philadelphia, and Albany. As a result they were able to operate on a larger scale than some other merchants who came with the army or shortly thereafter, but except for Joseph Bindon, Lazarus David, David Salesby Franks, son of Abraham Franks, Andrew Hays, and Simon Levy, there is no mention of them in any accounts of Quebec. One explanation that is advanced is that they did not find it

15Massachusetts Historical Society, T. Paine Mss.
hospitable and returned to New York from where they came. They must have had some influence in Quebec, however, for these immigrant Jews were a close-knit group and, as in the following example, they kept business and family ties even after they returned to the colonies.

Aaron Hart (England, Albany) was a sutler who moved to Trois Rivières, where he was purveyor of the troops under acting Governor Haldimand. Hart soon became involved in the fur trade, engaging the best known voyageurs in the region. He parlayed this success into substantial land acquisitions. Hart worked at establishing a family dynasty in Trois Rivières and maintaining close ties to other members of his family. He traveled to London to marry a cousin, Dorothy Judah, whose brothers, Uriah and Samuel, were already in Canada. Aaron’s brother, Moses, joined him in Trois Rivières; another brother, Henry, settled in Albany, and a third, Lemon, owned a rum distillery in London. Hart’s four sons were brought into his business enterprises and eight of his eleven children inherited substantial holdings in and around Trois Rivières. Despite Aaron’s efforts to retain for his family their Jewish heritage, his survivors were eventually assimilated into the French-Canadian culture of Trois Rivières.

Lucius Levy Solomons was part of a consortium with Ezekiel Solomons to supply the British army from Albany during the Seven Years’ War. After the conquest the

cousins became involved in the fur trade and moved their headquarters to Montreal. They were financially ruined during Pontiac's uprising, and although the partnership broke up, they eventually recouped their losses and went on to become significant traders. In 1768 they were among the founders of the Shearith Israel congregation in Montreal, which helped solidify the Jewish community in Montreal that survives to this day. During the American occupation of Montreal in 1775, Levy cooperated with the invaders. When they left, the British turned him out of his house. Once again he survived and continued in business in Montreal until 1782.

Another Jew to arrive in Quebec with Wolfe's army in 1759 as purveyor of the troops was Samuel Jacobs. In 1760 Jacobs loaded down a schooner with dried fish for Portugal, but it was commandeered for military transport. Stranded in Quebec, he opened up a retail store catering to the British officer corps. Like other merchants, he tried to diversify his business ventures to minimize risks. Thus before settling in St. Denis, his speculative ventures included forming a distillery company with two other merchants, Benjamin Price and John Hays; establishing a store at Crown Point to take advantage of the St. Lawrence-Richelieu waterway in an effort to ship goods more cheaply than traders in New York; and with partners, James Stewart and George Allsopp, he dabbled in potash production. All these schemes met with indifferent success, largely because Jacobs had too little capital and too little patience to devote to them. Finally, however, he realized that "a rolling stone does not gather moss," and he settled down to retail sales and grain trafficking in the Richelieu Valley. Jacobs was
important to the region’s economy. While it might be assumed that as a major grain purchaser, he could take advantage of the habitant, a recent study shows that the habitant was a sharp bargainer and held out for as high a price as he could get. According to Allan Greer, the habitant was independent and quite able to take care of himself.17

There were other merchants who came soon after the conquest. Joseph Schindler (Switzerland), a silversmith who produced silver for the fur trade; James Hanna (Ireland), a clock and watchmaker, related to John McCord’s wife established himself first in McCord’s house in Quebec, but later became a prosperous merchant; Jacob Jordan (England), an agent for the London firm of Fludyer and Drummond, victuallers for the British troops in America; John Painter (England) probably came as the agent of a British firm. He left Quebec in 1776, but returned in 1783, prospered and became a major figure in Quebec’s commercial life. James Johnston and John Purss (both from Scotland) formed a lifelong partnership and engaged in diverse activities which included overseas trade.

Even those merchants who arrived without education or influence became in many cases productive members of Quebec society. One such example was Murray’s tailor, Ralph Gray (Scotland). Gray was a regimental tailor under Amherst, was wounded in the attack of Montmorency Falls, and on the Plains of Abraham in 1759. He secured his

17Allan Greer, *Peasant, Lord, and Merchant* (Toronto: University of Toronto Press, 1993), 149.
discharge and established himself as a tailor in Quebec, setting up shop first on the Rue de la Pauvre and then purchasing with cash (£600) a stone house on Rue de la Fabrique. At first he carried commonplace items in his shop, but later such luxury items as Irish linens, silks, and elegant European velvets were advertised in the Quebec Gazette. With the success of his business, Gray was able to become a wealthy landowner and respected member of Quebec society.

Murray's disdain for the "little educated" English element included the "soldiers discharged after the reduction of troops." In his list of 136 Protestants living in Montreal in 1765, thirty-six, or twenty-six per cent, were designated as soldiers, sergeants or corporals. These men were described as butchers, clerks, barbers, innholders, or clerks. One was listed as a goaler, another a schoolmaster, and another a merchant. Richard McCarthy (New England) probably was a commissary with the Connecticut militia. In 1765 he was a freeholder and notary in Chambly; in 1768 he became a barrister and attorney-at-law. In 1770 he apparently decided to give up his practice since he is recorded as taking out a trading license to travel from Montreal to Michilimackinac. Whether he was a lone agent, or perhaps somehow involved with his uncle by marriage, who was believed to be the highly respected Canadian merchant, Francois Baby, is not known. For the next few years he traded between Michilimackinac and the Illinois country, and in 1775 he established himself in a place that he named St. Ursule's on the east side of the Mississippi. During the Revolution he first provided valuable information to the British, but soon he joined up with the Virginian forces. He explained
to his wife in Montreal that his change of allegiance was an attempt to establish a fortune for their children and a pension for herself in the event of his death. Whether this was true will never be known for he was murdered while in the service.

Two officers who remained after the reduction were Edward William Gray and Moses Hazen. Edward William Gray (England) came to Montreal on the British warship "Vanguard." He engaged in trade but was mostly an officeholder, serving as deputy registrar, provost marshal and deputy commissary for the district of Montreal. He was a notary public and lawyer. By marriage he was related to fur traders Forrest Oakes and Lawrence Ermatinger. Moses Hazen (New England), an officer also wounded at the battle of Sainte-Foy, impressed Murray with his boldness and courage in battle. Murray recommended him for a lieutenant's commission in the 44th foot. Murray attributed to Hazen "so much... bravery and good conduct as would justly entitle him to every military reward he could ask or demand."18 In 1763 Hazen retired in Montreal on half pay, became a major speculator, and seized opportunities wherever he saw them. Unfortunately, he was always involved in dubious dealings, and whether as the plaintiff or defendant, he seems to have spent a great deal of his life in court. During the impending invasion of Montreal in 1775 by General Schuyler, Hazen was accused of being a traitor by each side. Reluctantly, he eventually decided to throw in his lot with the American rebels. After the war, he lived in New York and was tireless in his efforts to seek redress for those Canadians in his regiment who could not return to Quebec.

18 Dictionary of Canadian Biography, V, 412.
Hazen's biographer, Allan S. Everett, laments the fact that Hazen, a "man of marked abilities and great drive," was prevented from realizing his ambitions due to the Revolution. Everett says that he was "a buccaneer in an age of buccaneers, [who] might have become one of the great colonizers of his generation."19

The foregoing description of merchants includes some who were American-born or who had an American experience. Most historians refer only tangentially to the influence of the American colonists in Quebec at this time. From Murray's list of Protestants in Montreal in 1765, the American colonists represented only thirteen per cent of the population. However, that figure is limited and misleading. If the merchants who had lived in the colonies before immigrating to Quebec are included, the percentage becomes greater. As can be seen from Appendix II, out of a study of one hundred of the most prominent merchants, almost half came from the American colonies directly or had lived in the colonies at some point. In addition to mere numbers, another consideration has to be the extent of the influence these men exerted. In this context, three of the most important fur traders--Alexander Henry, Peter Pond and Peter Pangman--were from the American colonies. Moses Hazen and Richard McCarty contributed to the development of Quebec until the onset of the Revolution, when they eventually sided with the Americans. Simon McTavish, while not American-born, had apprenticed in Albany and had been affiliated with a leading Albany fur merchant,

19Allan S. Everett, Moses Hazen and the Canadian Refugees in the American Revolution (Syracuse, New York: Syracuse University Press, 1976), 179.
William Edgar, before moving to Montreal. Alexander and Robert Ellice from Schenectady brought know-how, capital and connections to Quebec. Thomas Walker was another transplant from England by way of the colonies. Walker lived in Boston for eleven years and was imbued with ideas of republicanism. He played a prominent role in the political activities of the province. Thomas Aylwin (England) and Thomas Ainslie (Scotland) also lived in Boston before moving to Quebec. Important members of the American Jewish community arrived in Quebec from New York at the time of the conquest. Many of them returned but those who remained established themselves in Montreal, St. Denis, and Trois Rivières and kept close ties with their families, friends, and business associates in New York, Albany, and Philadelphia.

A group of merchants of American origin who arrived in Quebec during this period and who have generally been ignored by historians except for their role in the American invasion of Quebec were Alexander, James, and John Livingston, all related to the prominent Albany family; James Price and William Haywood, whom Carleton described as "barbers," but who were listed as merchants and freeholders in Montreal in 1765. According to Creighton, Price loaned £20,000 to the Americans during the invasion in 1775. Joseph Bindon, Joseph Torry, John Blake, Samuel Mather, and John Hacy are listed by Murray as merchants, born in America and living in Montreal or its district in 1765. Price, Haywood and Blake were among the Montreal merchants protesting a meeting of seigneurs in February 1766. Bindon, Blake, John Livingston, Price, Haywood, and Torry are listed as signing petitions for an assembly prior to the Quebec
Act. They do not as a group appear to have been among the most prominent members of Quebec society, but they were active politically and did exert a critical influence during the 1775 invasion.

The purpose of the above investigation was two-fold: to determine the validity of the charge that the merchants were a disreputable "swarm of locusts" who descended on Quebec after the conquest; and to decide whether there was an American influence that was significant. The conclusion thus far is that there was an American influence of note and that the label of "licentious fanaticks" was undeserved. The foregoing descriptions of the merchants and those described in Appendix II illustrate how misleading the history of this period is if only the political and official accounts are relied on by historians. Many of the merchants either had some education, some connection with important supply houses in London, or some capital of their own with which to launch their careers in Quebec. They were responsible for developing the infrastructure of Quebec. In many developing economies, there are individuals who will channel their entrepreneurial talents to better their own situations and with their new-found wealth take flight. This does not seem to be the case with the Quebec merchants. Most of them reinvested in their own country. Often interrelated by business or marriage, they were the builders of community life.

This positive portrayal, however, does not ignore the fact that there were "unscrupulous" merchants who engaged in sharp practices. This fact is hardly surprising
given the nature of new societies in general. Add to that the impact of the frontier on
the mentality of an aggressive, ambitious, competitive element and it is understandable
that this period of the early years of British rule was unstable. Nonetheless, what this
retrospective suggests is that the merchants as a group were probably no better nor worse
than the general society. Collectively, the merchants examined here could not have
changed so dramatically to go from being "the worse collection of scoundrels ever
known," according to Murray, to the responsible, civic-minded citizens that investigation
into their lives would indicate.

An argument to support the good character of the merchants is that the supply
houses of London would not have risked employing men whom they could not trust. With credit the only means of conducting business in the colonies, if the colonial agents
were not trustworthy, the firms would not have survived. Self-interest was also the
argument Benjamin Frobisher used in his letter to Shelburne, mentioned earlier. He
argued that the greatest part of the traders were men of "property settled in Montreal"
and since they had to give bond "to a great amount... their own interest and the
difficulty of escaping the hands of justice would prompt them to behave in a becoming
manner."20 There were scoundrels, as Frobisher admitted, but part of the problem was
in distinguishing who and where the scoundrels were. Many of the more serious crimes
occurred in the frontier, where conditions have always produced lawlessness. The
unscrupulous were also not always the traders. Government officials were accused of

20 PAC, Shelburne Mss., 162.
exact unreasonable fees from the habitants. Everyone seemed on the take. As will be seen in Chapters 2 and 5, the Superintendent of Indian Affairs, Sir William Johnson, and his deputy, George Groghan, were not exempt from conflicts of interest in Indian land deals. 21

Another possible criterion for determining the merchants' behavior is to examine the Proclamations and ordinances issued between 1760 and 1764 during the military occupation. 22 The records for Quebec have been lost, but those of Montreal and Trois Rivières give sufficient knowledge of the tenor of the actions. In Montreal, the first action taken by General Gage was in February 1761, and it forbade the fraudulent practice of cutting dollars or crowns. In the same month traders and merchants going into the upper country were required to have passports and to list their merchandise, the number of canoes, and names of employees. On April 1, 1761, sending peltries to France was declared illegal. In order to combat the practice of individuals' transferring money to other places where the value was higher, on July 20, 1762, an ordinance was passed increasing the value of French money from 6 livres tournois to 8 shillings, 10½ pence. On August 2, 1762, an ordinance was issued establishing one measure, the English yard, for sale of dry goods since representatives doing business in Montreal were

21See the Papers of Sir William Johnson (Vols. III-XIII, Albany: The University of the State of New York, 1931-62) for a better understanding of frontier conditions. For background on Johnson's and Groghan's land deals, see Clement Currey, Road to Revolution.

22PAC, Annual Reports, 1918, Appendix B.
making use of different measures to the detriment of everyone including merchants in the preparation of accounts with principals in England. The price of bread was fixed in an ordinance dated October 18, 1762. On January 13, 1763, selling corn or flour outside Montreal was prohibited. In 1763 as a result of complaints by traders and merchants, those artisans, journeymen, and others who left their regular callings were prohibited from daily selling their wares below market value in the public squares in town.

When Burton replaced Gage as governor of Montreal, he fixed the price for bread and beef. On January 5, 1764, the storing, selling, bartering of gunpowder was declared illegal. A few months later, Burton declared all merchants and traders had leave to trade and traffic with the Indians openly and freely without passes. They were, however, forbidden to sell gunpowder, firearms, ammunitions, or spirituous liquors, and they were forbidden to pass beyond established posts on the Ottawa and St. Lawrence Rivers.

Similar types of Proclamations and ordinances were passed by Governor Burton at Trois Rivières. In September 1760, inhabitants were prohibited from selling game, sheep, and other items to travellers. They were also forbidden to receive or give, in payment for their goods or merchandise, the paper money known by the name of Ordinance money. On October 28, 1760, an ordinance read:

We are very much surprised to find in this town persons of a character so low and contemptible as to abuse the permission we have given to our merchants to sell brandy or other liquors to Canadians and habitants, prohibiting selling same to soldiers in fear of disorder. Despite this the sordid appetite for a paltry gain or the reprehensible desire to drink with our
soldiers, has misled some wretched creatures, to buy booz for soldiers. Unless stopped all sale to all people will be stopped.\textsuperscript{23}

All \textit{coureurs des côtes} (hucksters) were forbidden to sell or be in town. Any found were warned they would have to leave within twenty-four hours. On March 19, 1762, a Proclamation reminded those small traders who "are contemptible enough to employ all artifices to impose upon the Indians and deceive them in the dealing they have together" that the Indians were subjects of His Majesty.

The concerns dealing with the merchants and traders that were important enough to receive public attention are expressed in these official statements. Some were in response to the complaints of the merchants and were in their interests. Others clearly indicated the need to protect the consumers and Indians from shoddy practices. Many of the ordinances and Proclamations were commonplace at that time. A comparison with those of Albany, New York, which had been in British hands for almost a century, were quite similar. Because there was no uniformity of standards, such as there are today, it was difficult for the population, merchants and consumers, to appreciate what was a fair price for certain commodities.\textsuperscript{24} It is also important to note that the ordinances and Proclamations also censored the Canadians.

\textsuperscript{23}\textit{Ibid.}

Thus far only the English mercantile community has been considered. What is generally ignored by most historians is that the many charges leveled against the English should also have been leveled against the Canadians. Canadian importers, itinerant hucksters, bakers, and butchers remained after the conquest. They were used to monopolistic practices and were not above taking advantage of the scarcity of food and supplies. But rarely are the Canadians considered in the same context as the English merchants and traders who were charged with being an "immoral" group. There is ample evidence to indicate that they should have been. Ouellet debunks the nationalists' theory of the "trauma" of the conquest and argues that the real trauma was the exploitation of the habitant by his own people. Ouellet quotes an observer of this fraudulent behavior while France still occupied Canada.

It is a wonder that the Canadian isn't annoyed from listening each day to the reproaches about the huge expenses made on his behalf in protecting his religious freedom and his possessions; but what disheartens and discourages him is the immense fortunes made under his very eyes by particular people, who have been sent from France, to govern them, but who greedily despoil them by turning to their own profit and to the prejudice of the colonies' establishment the very investments that were destined them.25

These corrupt practices, Ouellet suggests, were so widespread among the population that even after the men of the Grand Société returned to France, those who were left behind continued to take advantage of the situation.

Thus far, a review of the Proclamations and ordinances do not support singling out the English-speaking merchant community as an "unscrupulous" group of men. If they were, from Ouellet's study mentioned above, they were not alone, for the Canadians were guilty of corrupt practices as well. Conditions were ripe for such practices, but despite such an acknowledgment, the foregoing identification of many of the most prominent merchants indicates that these men were frequently from good families, had influential connections, that discharged soldiers in some cases received Murray's commendation, that those who might be termed "uneducated" went on to gain substantial wealth, and that the majority of merchants were responsible citizens of their communities. Two other segments of the English-speaking community that have not been mentioned are the professionals and government officials. They, too, have been chastised for taking advantage of the habitant, exacting unreasonable fees for services. The rest of the English-speaking population were the small innkeepers, shopkeepers, barbers, bakers, and other tradesmen. If Murray is referring to this segment of the population, he does not make that clear. But it is obvious that he is not, for his target is the articulate, politically active merchants who opposed him. Since Gates and later Carleton made the same disparagements against the merchants more than personal pique has to be considered.

Many historians have attributed the conflicts to be class-driven. There is little question that the disdain each had for the other underlay the ensuing political struggles between the merchants and the army and the merchants and the governors. Until 1763 there were only slight indications of the strife that would later erupt. The merchants
explained that they did not protest the denial of their civil rights because they understood they were living under military rule. When civilian rule went into effect on August 10, 1764, they anticipated being granted the same rights as other Englishmen living in a British colony. They had no reason to think otherwise. An exchange between the merchants and General Gage on January 1, 1762, is illustrative of such an expectation. In a "humble address of the trading people of the city and government of Montreal" to Gage, the merchants expressed pleasure in the moderation and justice of his administration, the encouragement and protection he gave to trade and commerce, the easiness of access with which they could approach him, and the polite manner in which he received them. The merchants were voicing their appreciation for the appointment of an English council to hear and redress their complaints, which, they said, was evidence of the "highest sense of, and strictest regard to, the liberties and privileges of a British subject." They assured Gage that "with strict regard to truth, [they found themselves] in the full and free enjoyment of those inestimable privileges, which, as subjects of one of the best governments in the world, we are entitled to."26

Gage responded. "I flatter myself that the new branch of commerce opened to His Majesty's subjects, by the conquest of this country, will, through your integrity, care, and industry, be improved to the highest advantage." He promised that,

You will find a readiness in me to encourage your endeavors, and second your attempts; and will ever meet with that protection, for your persons and

26 New Hampshire Gazette, March 19, 1762.
properties, which every person, born under the benign influence of a British government, has a right to expect and demand.27

Such harmony did not last long.

Perhaps the first rumblings heard from the merchants occurred in the fall of 1762, when they presented a memorial to Murray in Quebec complaining of the hardships placed on them and the nation by various articles in the Capitulation.

By these articles the French have liberty to export to France whatever peltries they may have without being confined to any particular time or quantity, to which purpose they are, moreover, to be found with British vessels at any time. By this means the French have got possession of the fur trade as fully as before the conquest of Canada, and run no other risk than that of the sea in fencing at home.28

The merchants went on to say that since the French were better acquainted with the country, they could engross all the fur trade and import manufactured goods from France by way of Guernsey and Jersey and "laugh at all the efforts of the British merchants to share it with them." If a stop were not put to such practices, the merchants warned, "adieu to the British trade in Canada; it will be in vain to import anything more than the trifle that may be wanting for the use of the troops."29

27 Ibid.

28 Ibid., September 25, 1762.

29 Ibid.
Increasingly, the merchants stepped up their protests against the regulators who they believed did not understand or have sympathy with the needs of the commercial community. At the same time, dissension was growing between the civilian population and the military. The merchants bristled when their wives, but not they, were invited to officers' balls. Such slights only added to the outrage the merchants felt toward practices such as billeting of soldiers, corvees, and curfews. By the time the military occupation ended, the clashes between the merchants and the militia had reached crisis proportions.

Few historians have dealt with this clash from the perspective of the merchant class. A typical account of the military rule is expressed by A. L. Burt in *The Province of Old Quebec*. Burt concludes:

> On looking back over all the enactments of the military regime, one is struck by the fact that the governors did more than follow the forms of the old regime. They caught its best spirit. They speak not as conquerors to a subject race, but as fathers to their children; their words are less stern commands than paternal admonition.\(^3\)

The military governors deserve much applause for their tolerance and concern for the conquered people. But what Burt misses is the subtle distinction that along with this tolerance went an air of superiority that was also demeaning. This distinction is not germane to the issue here; however, if the English merchants were also expected to submit to being treated like children, it is easy to understand how a clash between the

\(^3\)Burt, *The Province of Old Quebec* (Toronto: The Ryerson Press, 1933), 52.
governors and the merchants would be inevitable. Creighton describes the merchants as spirited, ambitious, and competitive and, he adds, as a result of being linked to the savagery of North America,

A sense of the treachery and violence of men and nature in the new world was in their blood; and their lives were governed by the incalculable chances of success and calamitous failure and sudden death31

If Creighton is right, then how could such men be treated like children and denied what they believed they rightfully deserved?

The merchants' case and their demands for British rights have generally been cast in a negative light as that of a small self-seeking English minority trying to impose its views on an overwhelming French-speaking majority. This indictment from their perspective and from the perspective of history appears to be less than just given the encouragement they received from General Amherst to venture to Quebec in the first place, the promise once there by General Gage that their rights as Englishmen would be protected, and that promise given constitutional guarantees in the Royal Proclamation of 1763. The Proclamation which was intended to usher in a new period of British hegemony in North America instead triggered a bitter conflict that resulted in the recall of the first civilian governor and eventually to a reversal of policy in 1774. British motives in the policy decisions of the Proclamation and the influence of the American

31Donald Creighton, Empire of the St. Lawrence (Toronto: Macmillan Co. of Canada, 1956), 27.
colonies on those decisions are germane to an understanding of this embryonic stage in Canadian-American relations that began with the Treaty of Paris and the Royal Proclamation of 1763.
CHAPTER TWO

THE PROMISE OF THE PROCLAMATION

Few British policies have been so roundly condemned as the Royal Proclamation of 1763. For eleven years after it went into effect, its promise of British rights to the inhabitants of Quebec was a constant source of friction between the English-speaking merchants and the first two civilian governors. The Proclamation called for a general assembly, for a British system of justice, and for rights enjoyed by all Englishmen. With the same brush stroke, however, the Proclamation severely curtailed the fur trade by the reduction of the borders of the province, now named Quebec, to a thin strip on either side of the St. Lawrence. Land grants for settlers were prohibited and traders restricted between the Proclamation line (the Appalachian divide) and the Mississippi River. Had the political rights of the British merchants been granted, as was called for in the Proclamation, their frustration at being regulated economically might have found an outlet in the political power they would gain. But no attempt at calling an assembly was made. Murray found it inexpedient to do so on the grounds that a small minority of Englishmen would rule as an oligarchy over the overwhelming French-Canadian population which, because of its religion, was prohibited from holding office.

Once the Proclamation went into effect, the clash between the British merchants and the civil administrators and the military was inevitable. What had promised to be
a far-reaching plan for global and continental integration of Britain's vast new empire resulted in the disintegration of the empire. But was the cause of the disintegration the Proclamation itself or Murray's (and later Carleton's) refusal to implement it? Historians generally believe the policymakers who formulated the Proclamation were misguided. They argue that Murray was right and that a policy of anglicization did not take into account the peculiar conditions of the conquered people. What then was the rationale of the policymakers? Who were they? How much influence did the American interests in London wield in the formulation of such policy? Was that influence in competition with Canadian interests and did it undermine those interests as Canadian historians have variously claimed? The answer to these questions will provide a better understanding of the nature of the triangular relations among Canada, the United States, and Great Britain, for the roots of that relationship began in 1763 with the Treaty of Paris and the Royal Proclamation.

Before discussing the role of the various interests in both the Treaty and the Proclamation, the various forms of competition between the old colonies and the new need explication. In 1761, Murray complained that contracts for victuallers and money lenders for the army posts in Canada were awarded to American firms rather than to Quebec firms. Murray was right that many contracts were rewarded to syndicates in the colonies through connections in London. Such contracts were extremely profitable. Between 1768 and 1774 the victualling contract brought £90,000 sterling annually into
North America and the money contract £94,000.\(^1\) The two contracts usually went hand in hand. From 1760 to 1774 the New York agents, who enjoyed the lion’s share of the North American business, were John McEvers, partner of John Watts, and Watts’ father-in-law, Charles Apthorp of Boston. Already mentioned were the contracts awarded Phyn, Ellice, and Company. Other established firms carrying on a substantial business of supplying traders at Detroit were William Edgar, a New York merchant with whom McTavish was initially affiliated, and the Philadelphia firm of Baynton, Wharton, and Morgan.\(^2\) American involvement with an important and politically well-connected English merchant firm had many advantages—economic, political, and social. Canadian historians Creighton and Ouellet stress the fact that this influence was largely responsible for the disadvantageous terms of the Proclamation to Canadian fur interests.

The rivalry in the fur trade between the American colonies and Quebec centered, according to Creighton’s thesis, around the two river systems, the St. Lawrence and the Hudson. Until the fur trade moved farther west beginning in 1768-69, the major advantage of the Hudson seems to have been that transportation costs, especially those for tobacco and rum so vital to the fur trade, were less there than in the St. Lawrence, which was unnavigable from the onset of winter until the spring thaw. The New York


to Michilimackinac route was considered the easier one. Large bateaux could be used, enabling the traders to carry greater provisions not only to sell to the Indians but to sustain them on longer trips into the wilderness. The main advantage the Montreal fur traders had was the experience of the French Canadians who manned the canoes and taught the English how to deal with the Indians.³

The rivalry in the triangular trade with London and the West Indies suffered not only in the fur industry, but in other industries as well. The riches of the St. Lawrence fisheries were severely curtailed by the Proclamation. The new boundaries of Quebec reduced that profitable export market in southern Europe and the West Indies, a void which the New England fishermen were only too glad to fill. The timber trade and the infant agricultural industry could not compete with New England's highly-controlled markets, their geographic advantage, and their larger population, giving them market advantage.

Many of these advantages Canadian historians attribute to the fact that American interests were responsible for the delimitation of Quebec and for the restrictions imposed on the fur traders, both of which were detrimental to Quebec. To evaluate such charges, in this chapter the influence of the American colonies on Quebec shifts from Quebec to London and the ephemeral role of influence peddlers on the formulation of British policy

vis à vis Canada. These influence peddlers included American agents in London representing various interests, private and provincial, merchant-members of the House of Commons, and British merchants with American interests. In comparison, there were few spokesmen for Canadian interests at this time.

The decisions that affected Canada began with the debate over the retention of Canada at the treaty. That debate pitted the expansionists against the mercantilists and was of prime importance for it reflected the changing and conflicting attitudes about the role of the colonies and the mother country toward each other. The policy decisions with respect to retention of Canada at the treaty, the Proclamation, Western policy in 1768, and the Quebec Act of 1774 were influenced by that debate. Since the decision to retain Canada and the intent of the Proclamation are so important to an understanding of the history of this period, the arguments advanced in their formulation are treated here in some detail.

With the capitulation of Montreal in 1760, there were doubts whether Canada would be ceded to Great Britain. The pamphlet literature from 1760 to 1761, which was mostly anonymous, predated the end of hostilities and the beginning of peace negotiations and reflected a wide range of conflicting views. Generally, the expansionists, led by Pitt, wanted to retain all the conquered territory in order to quash France’s colonial designs. This included retaining Canada and the French sugar islands captured by Great Britain, especially Guadeloupe. Generally, the pacifists, led by the Duke of Bedford,
argued that trade and not territory should be Britain's concern. The Bedfordites were opposed to Britain's being "overloaded" should Canada and Guadeloupe both be retained. However, no one view prevailed. Over sixty pamphlets, not to mention magazine articles and newspapers, argued the merits and demerits of the various options.

One of the notable exchanges of letters, both written anonymously, was in 1760: "A Letter Addressed to Two Great Men on the Prospect of Peace," referring to Pitt and Newcastle, and a response to it entitled "Some Account of Remarks on the Letter Addressed to Two Great Men." These two articles, presumably written by John Douglas and William Burke, respectively, represented contrary views about the retention of Canada and Guadeloupe at the forthcoming peace negotiations. The former pamphlet compared Guadeloupe and Canada. The reasons advanced for retaining Guadeloupe were enumerated. "It was an island of great fertility, well stocked, well cultivated, and would be an immediate producer of considerable riches to Great Britain. It could contribute to a lower price for sugar in home markets, supply neighboring countries with sugar, and increase British exports for the supply of necessaries for the planters and their slaves." On the other hand, the author reasoned, retention of Canada had great potential for establishing Great Britain as the leading mercantile nation in Europe. Canada's potential wealth in furs, lumber, and fish would provide exports for markets in Europe and the Spanish and French settlements in South America. Britain's manufactures could be sold to the Canadians and to the Indians, thereby providing employment for its people while at the same time enriching the nation. The fisheries would provide a nursery for seamen,
strengthening Britain’s naval power. Above all, retention of Canada would give England secure possession of the whole Atlantic seaboard of North America. The author concluded: "Common sense gives preference to Canada..."4

In response to the above letter, the author of "Some Account of Remarks on the Letter Addressed to Two Great Men" attacked the weakness of the argument in support of retaining Canada and advised instead retaining Guadeloupe. Those who believed retaining Canada would reduce the chance of another war with France, the author argued, neglected the fact that the French would still be in control of Louisiana, a vast territory bordering the American colonies; they would still navigate the Mississippi and be settled along it; and their long ties with the Indians would not easily be expunged. By removing France from the borders of the American colonies, those colonies would no longer be dependent on Great Britain for protection and would soon assert their independence from the mother country. In addition to these geo-political considerations, the economic advantage of Guadeloupe, according to the author, was that its products did not compete with those of England. Guadeloupe would immediately produce economic benefits. Jamaican trade alone accounted for as much as Virginia and Maryland and more than all the New England colonies combined.5

4January 3, 1761 article from London reprinted in the New Hampshire Gazette, April 3, 1761.
As compelling as the latter argument seemed, the counter-argument articulated by Benjamin Franklin was considered one of the most popular treatises on the subject. In "The Interest of Great Britain Considered with Regard to her Colonies and the Acquisitions of Canada and Guadeloupe," Franklin supported the expansionists’ view, but from a pragmatic American perspective. Not surprisingly, Franklin favored retention of Canada. This astute statesman attacked the three basic fears of those who argued against retaining Canada: concern that without France on its borders, the American colonists would become more independent; that they would start their own manufacturing to supply the expanding population into the interior; and that the acquisition of such vast territory in America would depopulate Britain. Franklin had been one of the architects of the Albany Plan in 1754, a scheme for the colonists to join together in a federation for their mutual protection against the Indians. He knew firsthand how fractured and unwilling the American colonies were to join together in common cause even for their own protection. Franklin stressed in his article that with all their petty jealousies, there was little chance that the colonies would ever give up their own autonomies. Without the barrier of the French on the western frontier, he believed, the American colonies would grow and prosper and the mother country would be the economic beneficiary. With land to settle, the colonists would eschew manufacturing for farming, leaving Britain to supply an increasing population in need of her manufactured goods. Furthermore, he believed with the great river system, transporting goods to and from Britain would not be a problem. In contrast to Burke’s views about the economic role of colonies to the mother country, Franklin reflected the changing nature of the
relationship, i.e. that supplying markets for Britain's manufactures was at least as important as supplying her raw materials. Franklin also prophesied that in time Quebec would lose her distinct French culture and would become assimilated into the larger English-speaking culture of the continent.\(^6\)

In less than sixteen years the formidable Franklin was proven wrong on two counts—the independence of the colonies and the assimilation of the French Canadians. But at the time, his argument was considered one of the most cogent and sophisticated on the subject. Even the author of "Remarks," who was against retaining Canada, declared that of all the writers who argued in support of Canada, Franklin was "clearly the ablest, the most ingenious, the most dexterous, and the most perfectly acquainted with the fort and faible of the argument, and we may therefore conclude that he has said every thing in the best manner that the cause would bear."\(^7\)

Such tributes should not be misleading. In 1761 a persuasive argument, more prophetic than Franklin's, was made from a contrary viewpoint. The author of "The Reasons for keeping Guadeloupe at a Peace preferable to Canada Explained in Five letters from a Gentleman in Guadeloupe to his Friend in London" raised concerns not previously considered. The author queried, "How great a revenue or profit would accrue


\(^7\)Ibid.
from taking over an economy based on the fur trade?" He reminded his readers that New France had been a constant drain on France. Furthermore, he pointed out a glaring omission in the public debate: the inhabitants of New France were an alien race, one of a different culture and religion. Since their allegiance would always be suspect, he stressed the fact that the cost to Britain of governing would be even greater than for France since a permanent garrison would always be required. The author concurred with Burke that removing France from Canada would neither dissolve ties with the Indians nor remove France from the southern settlements on the Mississippi.

His remedy? It was based on trade, not territorial aggrandizement, and on three assumptions. First, the American colonies had exceeded the original function of the trading relationship with the mother country and would do so until Britain took remedial actions. Second, Canada should be left in French hands in order to be a check on the colonists. Third, by retaining the West Indian islands, especially Guadeloupe, the American colonies' coastal trade would be linked with the West Indies in a dependent trading relationship with the mother country. According to Lawson, this "ingenious" plan would have guaranteed the loyalty of the colonies; it would have excluded the French from trade among the rich West Indies, which would then encourage the ascendancy of British economic might.8

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Despite the fact that the American colonists themselves entertained no thought of independence during this period, it is important to note that in the British mind this was a distinct possibility. Examples of such fears were frequently heard. As early as 1759 in a letter to Pitt, General Murray expressed the concern that without France on its borders, the mantle of British protection would no longer tie the American colonies to Great Britain.\(^9\) In 1761, the leader of the "pacifick" party, the Duke of Bedford, expressed his anxiety: "I don't know whether the neighborhood of the French to our northern American colonies was not the greatest security of their dependence on their mother country, which I fear will be slighted by them when their apprehensions of the French are removed."\(^{10}\)

The Cabinet discussions mirrored those of the public debate and illustrated how divisive the issue was. But despite the disparate composition of the Cabinet and the ambivalence of some of the ministers about which territories to be retained or returned, the members voted unanimously on June 24, 1761 to retain Canada. Many ministers continued to have doubts about this action, but the decision was not reversed. In fact, though peace negotiations broke off and though Pitt resigned from office four months later because the Cabinet would not support his call to declare war against Spain, the issue of ceding Canada to Britain was never again discussed either in Cabinet or at the


\(^{10}\)Ibid.
treaty table. Lawson claims that the question of choice is a myth perpetuated by historians. He says that Britain never had a choice between Guadeloupe and Canada for the simple reason that France had no interest in having those "acres of snow" returned to her.\(^{11}\) France had long been concerned about the drain of Canada on its resources: its inclement climate, difficult access, and meager profits were so many millstones around her neck. Lawson claims that France used Canada only as a pawn in the peace negotiations. Whether there is merit to Lawson's supposition or not, the fact is that the British ministry voted unanimously to retain.

Shortly after the June 24 vote, Bute, who replaced Pitt, was forced into a declaration of war against Spain since that nation joined forces with France to protect its own geo-political interests. Fortunately for Britain, its military successes in the West Indies and Havana brought the exhausted nations to the peace table where Britain's negotiating position was enhanced. Despite this, the terms were generous since its chief negotiator, the Duke of Bedford, recognized that a humiliating defeat might only lead in the long run to another war with France. As might be expected, the treaty terms did not please the expansionists. But the Bute ministry believed the treaty gave Britain sound strategic and economic advantages. British interests were served and so were those of the American colonists. No longer would the colonists have to fear another war with the French in North America, and without the French to rile up the Indians, it was hoped

that Indian uprisings would abate. To further that aim, the western border was secured by France's granting all the lands east of the Mississippi River. Bordering the Atlantic, Britain would command all the territory of North America from Newfoundland on the north to Florida on the south. By expelling France from the continent east of the Mississippi, with the exception of two small islands off Newfoundland, and Spain from Florida, Britain's commercial and naval power would make it preeminent in the world. The lucrative North Atlantic fisheries would be Britain's to exploit; they would also provide a nursery of seamen for its navy in time or war. What was most important—the proposed treaty was considered an equitable one by the public.

Parliament obviously agreed with the ministry. The vote in support of the peace terms passed with a clear majority in both houses. Historians are not agreed on why Parliament voted as it did. Some nineteenth century Whig historians, opposed to George III and Bute, maligned the members of Parliament for being "bought off." More recently, some historians attribute the Canada vote to the powerful West Indian sugar interests which were credited for voting against retaining Guadeloupe in fear that the price of sugar would be reduced, impacting their own narrow interests. Sir Lewis Bernstein Namier, perhaps the most authoritative writer on parliament in this period, refutes this argument. Namier says that the sugar interests were not as numerous as has generally been depicted and that there was no solid voting block among them since some
ambitious West Indian merchants saw that by retaining Guadeloupe they could extend their own empires.\textsuperscript{12}

Namier contends that historians have tried to analyze the vote in terms of a division between Whigs and Tories. Even Alvord, who understood that there was "no such division of men and measures," Namier says, tried to be too "neat and symmetrical." This was because, Namier believed, Alvord ascribed "more permanence and coherence to eighteenth-century parliamentary groups than they possessed and he assumed that the question of Canada versus Guadeloupe was a major issue with them, on which the members of any one group had to think, or at least to speak and vote, alike."\textsuperscript{13} Namier says that factions abounded in the Parliament in 1762 with the Scotch, West Indian, and pro-American blocs most prominent. Pitt, Newcastle, Bute, and Bedford all had their followers. The combination of any of these factions or personalities might have influenced the vote. But even if the vote for the treaty could not be assigned to any particular party or faction, the American bloc in Parliament that Namier referred to was impressive. He devotes much attention to the makeup of those members of the House of Commons who had some connection with the American colonies from 1761 until 1774. He lists twenty-two members who were elected in the 1761 general election and

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\textsuperscript{12}Namier, \textit{England}, 322-323.
\textsuperscript{13}Namier, \textit{England}, 317.
\end{flushleft}
in succeeding by-elections. Of that number, four had served in America in the Seven Years' War: Adam Drummond, Isaac Barré, William Harvey, and William Amherst. Four members served as provincial agents: Richard Jackson for Connecticut and assistant agent for Massachusetts; Charles Garth for South Carolina; Edmund Burke for New York; and John Thomlinson, Jr., as co-agent with his father for New Hampshire. One member, a native of New Hampshire, John Huske, was Charles Townshend's chief lieutenant. Two served as governors: Thomas Pownall of Massachusetts and Sir Charles Hardy of New York. John Sargent was active in the Stamp Act repeal and received recognition by the New York Assembly for his energies on their behalf.

Most of the American bloc members were merchants. Several MPs held lucrative victualling contracts. Sir William Baker brought in £110,000 annually during the Seven Years' War, due probably to his friendship with Newcastle. Other partisans of Newcastle who also held contracts to supply the troops were James and George Colebrook and Arnold Nesbitt. Their American partner was Moses Franks, from a prominent Jewish family in Philadelphia, who also had relatives in Quebec. When Newcastle resigned, Colebrook and Nesbitt lost their contracts, but in 1763 Sir Samuel Fludyer and Adam Drummond resumed them, keeping Franks on as their American

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14 Unless otherwise cited, the descriptions of merchant-members of the House of Commons are taken from Namier, England in the Age of the American Revolution, Chapter IV, 265-327.

15 Leland J. Bellot, William Knox, the Life and Thought of an Eighteenth-Century Imperialist (Austin: the University of Texas Press, 1977), 44.

16 See Chapter One, 39.
partner. Drummond was also a friend of the New York merchant and counselor, John Watts. Watts and Franks were business associates. John Thomlinson, Jr.'s father supplied gunpowder to New Hampshire during the War of the Austrian Succession from 1740 to 1746. Both Thomlinsons engaged American partners, Barlow Trescothick and Charles Apthorp of Boston, the latter the father-in-law of John Watts. Trescothick would later become agent for New Hampshire as well as head of the Canada Committee, a lobby active in 1768, representing merchants with Canadian business interests.

Several merchant-members had regional interests in North America. Two members traded extensively with the southern provinces: Anthony Bacon, who lived in Maryland for a number of years and whose brother Thomas was compiler of the laws of Maryland; and Sir Ellis Cunliffe, a leading Liverpool merchant who traded with the southern colonies, especially with Maryland. Several members had interests in Nova Scotia and Newfoundland. The two Fludyers, Drummond, and Anthony Bacon had enterprises in the coal mines of Cape Breton. As a merchant trading to Portugal, Brazil, and the Mediterranean, Joseph Gulston had interests in the Newfoundland fisheries. He also had commercial interests in New Hampshire. Chauncy Townsend, a coal and metal merchant, had extensive connections in New England, Newfoundland, and Nova Scotia. He also had victualling contracts for both Newfoundland and Nova Scotia. Townsend boasted to Newcastle that he was conversant with the most considerable persons of New England which gave him a particular knowledge of that government. The foregoing list
of merchants gives only a glimpse of the various liaisons between British merchants and their American interests.

In addition to the American bloc in Parliament, the Atlantic provinces were also represented in London by their appointed agents. These connections were not novel to the period under consideration. By the 1760s, representation in London by American agents or representatives of American interests had become an established and welcomed institution. The colonies had been sending envoys to represent their interests for a century and a half. When the colonies did not have representation, as was the case of North Carolina in 1768, Hillsborough, then secretary of state for the colonies, warned that they should appoint one since "the affairs of North Carolina must, in some degree, necessarily suffer delay and disappointment for want of a regular agent here duly authorized to act in every case in which the interest of the colony may be concerned."[^17]

A third important political force in influencing policy toward the American colonies came from the British merchants with business interests to defend or promote. When the three groups—the merchant-members of the House of Commons, the American colonial agents, and the British merchants—joined together to pressure government action or inaction on a particular issue, their influence could be formidable. Since trade was considered the foundation of Britain's preeminence in the world, mercantile concerns

were of paramount importance. But the British merchants' and the American agents' interests were not always compatible. The merchants' self-interest in promoting policies that would not hinder the productive capacity and the buying power of their American customers had to be balanced with their interest in the strict enforcement of the navigation laws and mercantile restrictions. As middlemen, they reaped large profits by limiting most of the colonies' foreign trade to Great Britain and by securing a monopoly in colonial markets for their manufactures. The task of the American agents was to hammer out regulations that both could live with. An interesting insight into this process is gleaned from a letter the New Hampshire agent, John Thomlinson, Jr., wrote his father in 1764. In it he said, "I have been a good deal engaged this week in attending upon the House and in meeting with the North American agents upon the present duty proposed (molasses and Madeira wine) to be raised in the provinces. . . . We agents have adjourned our further meeting till tomorrow when we shall after this day's proceeding be better able to draw up our joint memorial to the Treasurer."\(^{18}\) In this instance, the joint action by the agents was referred to the ministry, but if the action concerned legislation, members of Parliament associated with the Americans were the ones responsible for seeing their interests protected in that governmental body.

As it today, influence peddling defies monitoring. How does one know what transpires in the coffee houses or at dinner parties between political friends? The answer is that frequently it is only through happenstance--perhaps from a diary or personal

\(^{18}\text{Namier, } \text{England, } 226.\)
letters. For example, we learn that on December 31, 1765, Rockingham wrote to Newcastle that he had "company to dinner which consisted of Sir William Baker and Dowdeswell and Trecottick, Ltd. Dartmouth, etc. upon American topics." Did they discuss the Stamp Act? If they did, did it buttress Rockingham's decision to repeal the Act?

"Access" to key policymakers is critical to the success of any special interest. In 1762 and 1763 when the peace terms were being negotiated, most ministers welcomed input from colonial "experts." Three such "experts"--an American agent, an MP and friend, and a New York merchant who was a friend of an MP--illustrate the way the process worked. All three men were in support of retaining Canada at the treaty table. Foremost of the American agents residing in London, at least until 1772 when his influence began to wane, was Benjamin Franklin. At various times Franklin represented Pennsylvania, Georgia, New Jersey, and Massachusetts. His apartment on Craven Street was a meeting place for Americans traveling to London. He had cultivated a coterie of influential friends in diverse segments of British society. He was credited with authoring 133 articles in various London newspapers as well as being responsible for publication of all newsworthy items concerning the colonies. It was well known that in addition

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20Sachse, *Colonial*, 102. Not all historians support the view that Franklin was influential with British authorities. John Sosin in *Merchants and Agents* says that Franklin's influence was overrated and that Franklin himself was the source for claims of his influence. The record, however, as examined throughout this study, does not appear to support Sosin's argument.
to his persuasive pamphlet explicating the advantages of retaining Canada at the peace treaty, Franklin's influence with Lord Bute was substantial. Bute frequently called on Franklin for advice. Evidence of his esteem for Franklin was reflected in his appointing Franklin's son, William, governor of New Jersey, and honoring him with a baronetcy. Franklin was one of the first to register enthusiasm for the "glorious peace you have made, the most advantageous for the British nation, in my opinion, of any your annals have recorded."21

The role that Franklin had with Bute, Sir William Baker, MP, had with Newcastle. Newcastle sought Baker's views on how the peace treaty would affect the colonies. Baker's advice was usually liberal and pro-American. As a West Indian merchant, he was opposed to retaining Guadeloupe because it might bring down sugar prices.22 During the Stamp Act crisis, the Rockingham ministry also called on him for advice. Baker was also Sir William Johnson's financial agent in London. Through their correspondence, Baker was apprised of Johnson's views on Indian and western affairs.

The influence of John Watts, a leading New York merchant, was less direct than Franklin's or Baker's, for his access was through Lieutenant Colonel Isaac Barré, member of Parliament and friend to America. Barré had served in America during the Seven Years' War and maintained contact with his American friends, one of whom was

21Alvord, Mississippi, I, 73.

22Lawson, Imperial, 14.
Watts. Watts' views on what the aims of the peace treaty should be were expressed in a letter to Barré on February 28, 1762, and are especially interesting because of the threat Canada posed to Albany fur interests. Watts urged the desirability of retaining Canada. He made clear that he did not favor imposing restrictions on the fur trade, and he voiced confidence that the Americans would be the winners in any competition with Canada. His reasoning was:

> The fur trade as I take it should have its natural course either through the St. Lawrence or Hudson River, as experience proves it most beneficial and safe. Each no doubt will possess some share from the efforts and struggles of its own inhabitants, and where the largest capital in commerce circulates and the best supplies of proper goods are found most probably the largest share will centre. I don't see there any limitations necessary to the trade of Canada if we keep it, let it take its fair chance. The endless winters and tedious navigation are limitations enough.\(^2^3\)

How significant were the opinions of Franklin, Baker, and Watts in the decision to retain Canada? We can only guess that their views added weight in support of the retention of Canada.

After the decision to retain Canada was made and the treaty ratified, newly-appointed ministers sat down to establish policies for Britain’s recently-acquired colonies. In the critical year when the Proclamation was being formulated, Bute resigned and in his place a triad of ministers ruled--Grenville, Egremont and Halifax. Lord Egremont, Grenville’s brother-in-law, succeeded Pitt as secretary of state for the Southern

Department and Shelburne replaced Halifax as president of the Lords of Trade. Both Egremont and Shelburne relied heavily on the advice of those knowledgeable in colonial affairs. The reports of the governors of Quebec, Trois Rivières, and Montreal, which Egremont had requested in December 1761, were submitted to the Board in early 1762. But except for their reports the key policymakers did not have anyone with firsthand experience in Quebec to advise them. Their reliance, therefore, was on anyone with knowledge of North America. Henry Ellis, just returned as governor of Georgia from 1757 until 1762, served as chief adviser to Egremont. John Pownall, secretary to the Board of Trade, was Shelburne’s main assistant. William Knox, agent for Georgia, where he had served from 1757 to 1762 as provost marshall when Ellis was governor, advised both Egremont and Shelburne. In addition to these subministers, once again Franklin’s views were of considerable interest to the Board, especially since the Albany Plan of 1754 resolved the thorny issue of who would pay for Britain’s North American defense expenditures.

With the assistance of Ellis and Knox, early in 1763 Egremont developed a comprehensive plan for North America entitled "Hints Relative to the Division and Government of the Conquered and Newly Acquired Countries in America." Egremont submitted this report to the Board of Trade on May 5, 1763, with the directive to prepare a report that would address two major considerations: how to maximize the commercial

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advantages of the new territories and how those advantages could be secured to "His Majesty’s trading subjects." Egremont also asked that the Board consider what changes should be made in the forms of government already established in Quebec, what security provisions were necessary to protect North America against any European power, and how to preserve the internal peace against the Indians. In the latter case, fear of the Indians superseded the concerns of the fur merchants, who argued against regulation, and the land speculators, who objected to the prohibition against settlement beyond the Appalachian mountains. Egremont proposed that the Indians be assured the protection of their rights and a guarantee that their hunting grounds would not be invaded or occupied unless by fair purchase. Notices to that effect had already been sent to the governors of Virginia, the two Carolinas and Georgia, as well as the agents for Indian Affairs.25

The Board’s June 8 letter contained decisions to restrict Quebec to the confines of the St. Lawrence River and to administer it with a governor and council. The argument for delimiting Quebec was based on the belief that the American colonists would not choose to settle there. That being the case, the Board believed it improbable that English immigration would ever be sufficient to equalize the French and that Quebec should be segregated in the areas already occupied by it. In this way, the French could enjoy their own laws, be discouraged from settling in remote areas, and could more easily be held in subjection by British troops. A governor and council, the Board believed, would be

25Shortt and Doughty, Documents, 132-133.
adequate for these purposes. Another reason for separating the vast territory that was Canada from the proposed truncated area to be called "Quebec" was that not to do so posed a threat to the American colonies. Left as it was, Canada would soon overawe the American colonies and even if it had a nominal civil government, in practice it would become a military government. In addition, since western settlements would now be prohibited to the American colonists, some alternative provision was considered essential. By re-annexing parts of the lands bordering the St. Lawrence that connected the Bay of Fundy to Nova Scotia, a large tract of land on the seacoast would be open for settlement. For the same reason the islands of Cape Breton and St. John's (now Prince Edward Island) were also re-annexed to Nova Scotia. One of the advantages of this proposal was that such settlements would come under the jurisdiction of Nova Scotia rather than of Quebec, a choice the Board believed the Americans would prefer.\textsuperscript{26}

Although the Board was not aware at this time of Pontiac's rebellion, the decision to prohibit settlement had already been made by Egremont. His directive to the Board on this issue was primarily to determine the eastern boundary. Before making that decision, Shelburne believed it important to have input from those knowledgeable about the frontier. To a fault, Shelburne would not make a decision until he was satisfied that he had adequate information from those who knew firsthand what the situation was. To gain this information, much to Egremont's distress, Shelburne requested that the commander-in-chief of the North American troops and the superintendents of Indian

\textsuperscript{26}Ibid., 131-147.
Affairs report to him directly. Egremont viewed this as a power-play on Shelburne's part and would not give his consent. As a result, Shelburne delayed proposing a boundary line, but he believed that any boundary should not disturb settlements where the frontiersmen were already established west of the mountains and where the Indians were settled east of them. It was believed that gradually this boundary would disappear as the colonists expanded westward, but that would occur only through agreement between the Indians and the governors of the respective colonies. Since settlement was in the future, the Board saw no need to provide civil government. A military force in the different posts and forts would be necessary to protect the fur trade and the good treatment of the Indians. The superintendents of Indian affairs and the commander-in-chief of the army were given that responsibility.

Finally, on the issue of how the colonies could contribute toward their own civil and military expenses, Shelburne's letter to Egremont stated, perhaps facetiously, that it deferred action since "it is entirely out of our power to form any opinion which we could presume to offer. . . as most of the materials necessary to form a just and accurate judgment upon it are not within reach of our office." Although Knox held strong opinions after his Georgia experience about how the colonies should finance such costs


28Ibid., 192.
and outlined them in a report to Shelburne, this vital issue was never addressed by the Board--a major flaw that critics of the Proclamation are quick to point out.29

On July 14, 1763, Egremont responded to the Lords' of Trade proposal. The king, he said, agrees that there should not be settlement in the vast territory outside Quebec, but that all the Great Lakes and all the Ohio Valley to the Mississippi should be included in the new province; and that there should be civil government under the jurisdiction of the government of Canada. The king also sought the Board's advice on how to promote peopling the new colonies either from those colonies that "may be overstocked with inhabitants, or from any foreign parts."30

The Lords replied to Egremont's letter on August 5, 1763. They objected to annexing any of the land outside Quebec to any particular government, especially to that of Canada. They cited three reasons: First, the Indians might misconstrue such action as considering themselves under the government of Canada; second, it would give Canada superior advantage in the Indian trade, which should be open to all subjects; third, the only way the government of Canada could control such extensive property would be through fortifying the various posts and forts. This would give Canada inordinate military power, virtually inviting conflict between the governor of Canada and the commanding officers of the army. The Lords repeated that the boundary of Quebec


30Shortt and Doughty, *Documents*, 150.
should be, as previously recommended in their June 8 report, confined to the St. Lawrence and that the reserved territory should be placed under command of the commander-in-chief in North America.\textsuperscript{31}

Later that August before the king could respond to the Board’s proposals, Egremont died. The shakeup in the Cabinet, due to the secretary’s death, was distasteful to Shelburne. He precipitously resigned, but prior to his resignation during the month of August, he was at work preparing the Board’s report. It was this report that Halifax, who now replaced Egremont, submitted to Hillsborough, Shelburne’s successor, on September 19, 1763. Halifax urged the Board to act quickly since there were fears of the deteriorating situation in Quebec and of further Indian uprisings. He suggested that they incorporate in the final Proclamation the policies already agreed upon: the reserved lands for the use of the Indians; free trade with the Indians under proper licenses and regulations; grants of lands for reduced officers and soldiers; and a commission establishing the commander-in-chief of the armies in North America the responsibility for governing the interior country. The latter condition was the result, Halifax informed the Board, of the king’s willingness to withdraw his previous suggestions that the lands reserved for the Indians be placed under the government of Canada.\textsuperscript{32}

\textsuperscript{31}Ibid., 151-152.

\textsuperscript{32}Ibid., 153-154.
On October 4 the Board submitted the final Proclamation to Halifax. The most controversial issue in the report was the inclusion of an assembly for Quebec. In his covering letter, Hillsborough stated that in addition to a governor and council in order to encourage British settlers to the new colony, especially from the American colonies, "there should be an immediate and public declaration that the intended permanent constitution would consist of an assembly as in the other North American colonies." The governor and council were granted temporary power to make ordinances and regulations, but no stipulation on how money bills should be initiated was included. Such an oversight led to questions of constitutionality when Murray tried to raise revenues.

Another provision that became controversial concerned the Proclamation line. Worried about further Indian uprisings, the Board eschewed Shelburne's proposal which would have taken time to survey and opted instead for a straight line along the Appalachian divide. The Proclamation read that no "loving subject" could purchase land or settle in the territory without special license from a colonial governor. In addition, those who had settled there were admonished "forthwith to remove themselves." Since no enforcement mechanism was provided for violators, the settlers paid no heed to the law.

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33*Ibid.*, 156.
Approved by the Privy Council on October 5, 1763, the Proclamation was not to go into effect until August 10, 1764, giving those who wished to leave the province time to settle their affairs. The terms seemed inclusive. A delimited Quebec was established to be administered by a governor and council, and when feasible, an elected assembly was to be called. In addition to an elected assembly, in order to encourage immigration, generous land grants were to be offered. English law would apply. The language and religion of the French-speaking inhabitants would be protected as stipulated in the terms of the capitulation and in the peace treaty. An Indian preserve was established between the Appalachian divide and the Mississippi River, beyond which no settlement could occur. Land purchase from the Indians might occur but only through colonial governors. The former French forts and posts were to be fortified. The western territory was to be governed by the commander-in-chief of the North American army and by the superintendents of Indian affairs. The fur trade would be open to all, but regulated so that abuse of the Indians might be prevented. The eastern lands that had previously been Quebec’s were ceded to Nova Scotia and Newfoundland, providing the colonists with the opportunity for new immigration north rather than west.

The Proclamation has had few defenders among historians. Donald Creighton termed it "the imperfect introduction of an imperfect imperial plan." W. S. Wallace called it "one of the most casual and inadequate instruments of government in the history

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34 Creighton, Empire, 35.
of colonial rule."\textsuperscript{35} Philip Lawson’s most charitable comment was that Halifax "made a decision for the future that made no sense in Quebec, but... appeared reasonable in the British context."\textsuperscript{36} The criticism focuses primarily on the fact that the government of Quebec was to be fashioned after that of the thirteen old colonies and that the majority French-speaking, Catholic population was given short shrift. The difficulty in assessing the merits of the Proclamation as it was conceived is that it has become part of an ongoing debate between the two founding people—the French and the English. This was A. L. Burt’s warning in the 1930s. Then he cautioned that "though modern eyes may see the Proclamation as an egregious blunder, the eyes of that day saw differently."\textsuperscript{37}

As early as 1896, American historian Victor Coffin, and as recently as 1966, French Canadian historian Fernand Ouellet, remind us that the motives of the Proclamation have been distorted for various reasons. Ouellet comments that "it was too often forgotten at the time and since" that the Proclamation was not "conceived with the purpose of setting up the rule of a minority over a majority; nor with the view of bringing about, at any price, the subjugation of the French Canadians."\textsuperscript{38}

What then was the intent of the Proclamation in 1763? The chaotic political situation during the time the Proclamation was being formulated probably accounts for


\textsuperscript{36}Lawson, \textit{Imperial Challenge}, 33-37.

\textsuperscript{37}Burt, \textit{Old Province}, 83.

\textsuperscript{38}Ouellet, \textit{Economic}, 95.
the difference in interpretation about whether the policy was ill-conceived and hastily drafted, as has been charged. The contention here is that the issues involved were as carefully considered as those of any policy question and that while the political storms broke around the principal negotiators—they in fact created some of the turbulence—the policy was hammered out in a typical give and take fashion. That the final version contained changes from the previous report can be explained by the exigencies of the time—the critical need to provide Quebec with civilian government and to assure the Indians of Britain's good intentions toward them. In defense of the policymakers, their primary concern was with British policy overall and not just with Quebec. Their intent was twofold: to have a consistent policy for all the colonies in North America that would complement its mercantile interests; and to repel Indian unrest in the western frontier of Canada and along the western borders of the thirteen old colonies. The negotiators argued over how Quebec would fit into such a scheme. Since the men most responsible for the decision were Whigs and pro-American, they envisioned an integrated North American territory stretching from Newfoundland to Florida in which Quebec would eventually become assimilated. In terms of prohibiting settlement beyond the Appalachian divide, they agreed that it was a necessity of the moment. All their intelligence from Amherst and Sir William Johnson reflected the need to restrict settlement; otherwise Indian hostilities would continue. There was disagreement later whether the intent was to prohibit settlement forever. The debate was a repeat of the previous Canada-versus-Guadeloupe argument. The expansionists, including Shelburne, believed western settlement was good for the colonies and the mother country; the
mercantilists such as Knox wanted the American colonies contained between the Appalachian divide and the Atlantic.

This rationale for the Proclamation would find few defenders among historians who believe that the distinctive nature of Quebec should have been the primary consideration. Lawson’s study of imperial policy is the most recent work that deals with the Proclamation. While Lawson assigns most of the shortcomings of the Proclamation to Halifax, he also contends that disputes between Shelburne and Egremont prevented formulation of a well-thought-out plan. In fact, he argues that the rivalry between the two men prevented them from agreeing on anything. He acknowledges, however, that some of the problems were systemic. Jurisdiction between the two governmental bodies most responsible for American affairs, the Southern Department and the Board of Trade, was unclear. This situation exacerbated the stressful relations between the two men. Egremont believed that Shelburne was trying to usurp too much power. Shelburne believed Egremont was zealously preventing him from getting information necessary to do his job.

Lawson believes that the king’s attempts over the summer of 1763 to replace the Grenville ministry with one formed by Pitt, followed by the untimely death of Egremont and the precipitous resignation of Shelburne, prevented any progress from being made on the Proclamation. Believing that to be the case, Lawson understandably finds it inconceivable that when Hillsborough and Halifax succeeded to the vacated offices, they
were able to produce a final document in six days. Lawson criticizes the Board for not considering the 1762 Quebec governors' reports until October 28, 1763, after the Proclamation had been promulgated. But his major complaint is leveled against Halifax, especially for his inclusion of an assembly for Quebec. Lawson argues that Halifax was a "Whig of the old school" who in political and constitutional terms found it inconceivable to tell Parliament that English law would not prevail in Quebec over British subjects. Halifax, Lawson says, was willful and did not heed the counsel of others, particularly on the issue of an assembly. On the other hand, Lawson says that Halifax was motivated by political expediency, as one who always weighed views according to their popularity with the public and Parliament.39

Lawson's arguments from this writer's perspective fail on several counts. First, the conclusion that the chaotic political conditions and the rivalry between Shelburne and Egremont prevented the two men from making progress on a policy for Quebec ignores the history of the negotiations. Their disagreements had as much, if not more, to do with personal pique and protocol than substance. Substantively, a great deal had been accomplished. As stated previously, early in 1763 Egremont, with Ellis' assistance, produced a basic document on policy issues which was enclosed in his directive to the Board on May 5. The exchange of views between Egremont and Shelburne during the summer established further agreements which were incorporated in the report that Shelburne worked on prior to his resignation. On September 18, Halifax submitted this

report to the incoming Board president, Hillsborough, and directed him to incorporate in a completed report those decisions that had already been made. In addition, Halifax informed the Board that the terms previously debated with respect to the reserved territories were resolved in the Board's favor. The king had agreed to drop his plan for placing the territory under the jurisdiction of Quebec.

Second, Lawson is mistaken when he insinuates that the Board was derelict for not considering the Quebec governors' reports until October 28, after the Board had submitted the Proclamation for approval. Lawson says, "It is instructive to note. . . that the Board of Trade itself did not formally take the 1762 reports from Burton, Gage, and Murray 'into consideration' until 28 October, 1763."\(^{40}\) In their June 8 response to Egremont's directive of May 5, the Board made specific reference to the governors' reports: "It is obvious that the new government of Canada, thus bounded, will, according to the Reports of Generals Gage, Murray and Burton, contain within it. . . ."\(^{41}\) (Italics mine.) Even if the particular reference to the governors' reports was not made, the contents of the Board's letter clearly indicate that the information in it was culled from the governors' comments.

Third, Lawson's diatribe against Halifax seems excessive. The inclusion of an assembly for Quebec was, according to Lawson, based solely on Halifax's stubbornness

\(^{40}\text{Ibid.}\)

\(^{41}\text{Shortt and Doughty, } Documents, \text{ 142.}\)
and slavish devotion to "old Whig" republicanism. Curiously, Lawson never mentions
the president of the Board, Lord Hillsborough, who had the responsibility to complete
the final version and was an ardent advocate of an assembly for Quebec. It was
Hillsborough, and not Halifax, who later was held responsible for that inclusion. As will
be discussed later, his 1769 proposal to the Board called for an assembly that would
include French Catholics. Neither Hillsborough nor Halifax, however, initiated the idea
of an assembly for Quebec. In the beginning of the Board’s deliberations on Quebec,
Egremont, his assistant, Ellis, William Knox, and Shelburne had all believed that when
circumstances changed to "render it expedient, representative government should be
granted His Majesty’s new Canadian subjects."42 In fact, Shelburne had gone even
further. Detesting patronage and sinecures, he proposed to the council that there be an
elected governor. This suggestion, presumably rejected by Grenville, was too radical for
the times.43 As a member of the triumvirate, however, Halifax would have been a
participant in these Cabinet discussions. The language of the Proclamation with respect
to calling an assembly differs little from that initially discussed by Egremont, Shelburne,
and their aides. In the latter case, an assembly was to be called "when expedient"; in
the Proclamation, an assembly was to be called "so soon as the state and circumstances
of the said colonies will admit."44 Halifax and Hillsborough obviously understood that

42Bellot, William Knox, 47.

43Alvord, Mississippi, 177.

44Shortt and Doughty, Documents, 165.
Quebec was not yet ready, whereas Florida was. As a result, Florida's governor was instructed to call an assembly immediately, fashioned after that of Nova Scotia.

Another perspective on Halifax, a more sympathetic one, is by Alvord and helps explain the rationale for his policy. Alvord, who describes Halifax as a man of considerable ability though precipitous in judgment, says that Halifax was popular with the merchants and that he was considered the principal authority on American subjects. American interests would, therefore, have been uppermost in his mind in the formulation of a policy for Quebec. In time Halifax believed that Quebec would become integrated into the rest of the English-speaking continent. He believed that economic integration with the American colonies would be the only way for Quebec to be viable. This would alleviate any concern on the part of the thirteen old colonies about an alien population on its borders. By prohibiting western settlement, by calling for an assembly and other British rights for Quebec, by advertising generous land grants in Quebec, Halifax believed there would be a large influx of immigrants from the south. Migration north rather than west would result in a concentrated population along the Atlantic seaboard which would harmoniously advance the mercantile interests of the mother country. Franklin, too, it might be recalled, believed that eventually Quebec would become assimilated into the larger English-speaking North American community.

As events proved, Halifax and Franklin miscalculated. But their views were justified at the time. The American colonies were becoming overpopulated and fertile
land a scarce commodity. Many New Englanders had already settled in Nova Scotia; two decades later many more would seek political asylum and/or attractive land offers in Quebec. Is this, then, Lawson's real criticism - that the policies espoused by Halifax and the other Whig policymakers were primarily concerned about the American colonists and not concerned about the distinct nature of Quebec?

If so, Lawson has company. Delimiting Quebec was considered the major blunder of the Proclamation, according to economic historian Donald Creighton, since "it repudiated Canada's character and history as a distinct American economy and... recreated [it] in the interests of imperial standardization. A great inland commercial empire, its life rigidly simplified and organized to combine with geography for prosecution of a single staple trade, was to become a normal colony, limited in territory, devoted to agriculture, modestly typical and completely undistinguished." As far as Creighton was concerned, the Proclamation reduced Quebec to a stunted little colony, a fragment of what it had been. Creighton's primary concern with the Proclamation was the effect it had on the merchants' ability to carry on their trade. He says that their competitive, commercial, continental outlook required their access to the western hinterland. The boundaries of a truncated Quebec were satisfactory for the purpose of settling the country and for trying to appease the Indians, but it was a disaster for the fur trade.

45Creighton, Empire, 36.
Creighton’s condemnation of how British policies jeopardized the distinctive aspects of Quebec as a fur trading colony fails to take into consideration the fact that no economy could long survive without a broader economic base. British policymakers anticipated a more diversified economy. What would happen when the supply of furs was exhausted, or beaver hats were no longer the fashion? Contrary to Creighton’s statement that the distinct nature of Quebec was not considered, the Board made it one of its first priorities. In its June 8 letter, the Board explained its position. Since Shelburne was not as sanguine as Franklin and Halifax that there would be an influx of immigrants to Quebec, the decision was made to divide the province. This division would do justice to both the British subjects and the French new subjects. The 65,000 French Canadians who were already settled along the St. Lawrence would be ensured the rights guaranteed them by the treaty, and they would be discouraged from settling in remote places, where they would not be under the jurisdiction of any colony and unlikely to contribute to the trade and commerce of Great Britain.46

W. S. Wallace agrees with Creighton that by delimiting Quebec’s boundaries, the authors of the Proclamation failed to take into consideration the province’s reliance for its prosperity on the western fur trade. Wallace also asserts that those who drew up the Proclamation were "sadly ignorant of conditions in Canada" and that its language reflected a "smug Anglo-Saxon self-complacency."47 Wallace presents a laundry list

46Shortt and Doughty, Documents, I, 141.

47Wallace, Beginnings, 6 (1925), 208.
of the Proclamation's omissions and ineptitudes: its imprecise language called into question the constitutionality of the form of government; its policy of assimilation failed to consider the preponderance of the French-Canadian Catholic population; all religious issues were left up to the "king's pleasure," leaving undefined that status of Roman Catholics—whether they could serve on juries, hold public office or commissions in the army.

These criticisms are all legitimate. But they have to be balanced with the motivations of the policymakers in 1763 that were discussed previously. The larger British interests were their concern. The men most responsible for the decisions were pro-American and Whigs, who believed in representative government. The disagreements between Shelburne and Egremont were more of protocol and personality than policy. Halifax and Hillsborough shared similar political views. The chief assistants of Egremont and Shelburne—Ellis and Pownall—are credited with authoring, and by inference, approving, a good part of the reports submitted by their offices. Assisting them all was William Knox, Ellis' protégé, who had served with him in Georgia from 1757 to 1762.

In addition to shared political views, the key policymakers had special interests to protect. We know that Franklin whose counsel was sought by the Board and who was a personal friend of Shelburne had invested heavily in western land schemes and would not want the prohibition against expansion to be permanent. William Knox had
substantial land holdings in Georgia and would presumably not want to jeopardize the value of them. Though there is not evidence for it, the merchant-members of the House of Commons, mentioned earlier—the Fludyer brothers, Adam Drummond, Anthony Bacon, Joseph Gulston, Chauncy Townsend—with interests in Newfoundland and Nova Scotia, would probably have supported the decision to delimit Quebec. The Albany and Philadelphia fur interests, the London merchants with American partners or agents involved in the Indian trade—all would have resisted the king's preference to have the western regions part of Quebec and administered by its governor.

In contrast to the supporters of American colonial interests, the spokesmen for Canadian interests appear inconsequential. Creighton points out this numerical imbalance in 1765. He says that the London merchants trading to the Atlantic colonies could muster as many as twelve hundred signatures for any petition dealing with their American interests. In comparison only fifty-six London merchants signed the memorial protesting the "Walker's ear" incident and calling for an assembly in 1765 and only twenty-five firms signed the petition for Murray's recall.48 This imbalance was probably greater in 1763, since many British merchants would not have invested in Quebec until there was certainty that it would be ceded to Great Britain.

Despite the controversy that subsequently evolved over the Proclamation, at the time it was formulated it appears to have had widespread support. As previously

48Creighton, Empire, 42.
mentioned, Burt reminds us that "though modern eyes may see the Proclamation as an egregious blunder, the eyes of that day saw differently." The British merchants in Quebec were elated. Now they would be able to enjoy the rights they believed were theirs by birth. But even more important, now they might be able to gain the political power they lacked. This was of special concern to them because they believed their economic interests were being neglected by the military governor. Even Murray initially accepted the Proclamation with joy. He wrote in January 1764 that the Proclamation "gives everybody great content and satisfaction."49 He was confident that in time the policy of assimilation would work, that the Canadians could be weaned from their adherence to French laws and religion to British law and Protestantism. The only known segments of the Quebec population that would have been opposed to the policy were the seigneurs and the clergy, and they were even a smaller minority than the English merchants. We cannot know what the views of the habitants were, but much of their civil law had never been really threatened, so that the Proclamation would not have seriously concerned them.50

Rather than place all the blame for the failed policy on Whitehall's doorstep, perhaps it would be instructive to consider other reasons for its failure. One of the obstacles to the success of the policy of assimilation was Murray himself. As mentioned

49Burt, Old Province, 83.

before, he was initially in favor of the policy. Only when confronted with the reality of having to implement such policies did he appreciate the enormity of the task. How could 65,000 Canadians be assimilated into the culture of only 200 English households? He apparently did try to encourage immigration, writing personally to friends as well as advertising in some American newspapers. But he ignored instructions to make public intentions of calling an assembly as part of a plan to encourage immigration. Such an omission might have seriously jeopardized the colonists' interest in settling Quebec. Murray also followed instructions to survey the land. But he was accused of showing partiality toward the seigneurs in these surveys, which resulted in enlarging the land of certain French landholders and reducing what was available for the English. When he equivocated on implementing the policy of anglicization, the merchants began their protests against him. Had Murray been more supportive of the merchants, they might not have resorted to radical measures. The Proclamation was, after all, the law of the land. The merchants believed its governor should implement it.

Another deterrent to the successful implementation of the Proclamation had nothing to do with the Proclamation, but with administrative policy and bureaucratic bungling. The two were intertwined. In the first instance, Murray's dismissal from his appointment as military commander of Quebec provoked enmity between him and the new commander, Ralph Burton. When Murray discovered that he had been named civil governor of Quebec, but not military governor as well, he was outraged. In fact, he tried in every way possible to regain his command, and seriously talked of resigning.
Despite his pleas that Quebec was a special case and needed its leader to have military power, Halifax insisted that separating the civil and military authority was in keeping with British policy in the colonies. Murray remained unconvinced. In the second instance, the offices of the war department and the secretary of states acted independently of one another. To maintain Gage and Burton, who had been military governors of Montreal and Trois Rivières, in similar capacities, the posts of lieutenant governor were offered them. But these offers came after the war department had appointed Gage to replace Amherst as commander-in-chief of the North American army. Gage, in turn, appointed Burton to be in command of the northern armies which included Quebec and the rest of the territory that had been New France. As a result, both declined the civil appointments, and rather than make new appointments, the offices were abolished.

These changes left only the governor, stripped of his military authority, in Quebec City, and the military commander of the northern territory with no civil authority headquartered in Montreal. Many of the administration duties of the two men were not clear-cut in terms of civil or military jurisdiction. This problem would not have become as serious an issue if the relations between Burton and Murray had continued on the basis of the warm friendship they had enjoyed ever since the Battle of Quebec in 1759. Murray was convinced that Burton conspired with Gage to have his military command stripped from him. When Burton was promoted to a rank higher than his, the personal feud became obstructive of good administration. The abolition of the office of lieutenant governor need not have resulted in continual feuds over jurisdiction between the two men.
if Murray had not been overly sensitive to the fact that Burton outranked him militarily. Murray appointed two of his councillors to serve as unofficial lieutenants governor in Trois Rivières and Montreal. A better use of them might have reduced the tensions existing in those towns, which certainly were too far distant to be ruled from Quebec City.

Another major obstacle to the success of the policy of assimilation was the slow recovery of the economy. Pontiac’s rebellion and the restrictions placed on traders by the Proclamation and Sir William Johnson impeded recovery of the fur trade. The foot-dragging of the French government to make good on converting the paper money held by the habitants at the close of the war resulted in a scarcity of hard specie. This shortage led to speculation and to restrictive policies detrimental to trade and business. In addition, the attempt to devise a uniform medium of exchange failed to take into consideration the trade flows between Quebec and New York. These were just some of the problems faced by those conducting business in Quebec, and many companies failed. Murray’s lack of understanding the value and needs of commercial activity resulted in regulations that the merchants said hampered them in conducting their businesses.

All policies, no matter how well conceived, depend for the execution and enforcement on the capabilities and willingness of the leadership. The Proclamation had its failings, but one of the greatest obstacles to the success of the policy stemmed from Murray’s rebuff of the merchants. The merchants had been encouraged to immigrate to
Quebec. They had been promised that they would enjoy the rights of Englishmen. The Proclamation gave those promises legal standing. Had Murray been more of a civilian leader than a military leader, he might have tried to make some accommodation with the merchants, who were vital to the economic recovery of the province. At least, he should not have treated them so disparagingly. The Proclamation is generally considered to have been ill conceived and the cause of the turmoil in Quebec. The turmoil did not end with the reversal of that policy, the Quebec Act of 1774. In fact, for almost a century, policy shifts from assimilation to segregation would continue, making the question asked by Fernand Ouellet a penetrating one: "Can we believe that the Proclamation of 1763 would have been so quickly abandoned if economic recovery had been rapid, if there had been a massive immigration into the province, and if there had been no American threat?"\footnote{Ouellet, Economic, 95.}

The year 1763 was a critical year in Quebec's history. The Treaty of Paris, promulgated in May, ceded Canada to Great Britain and promised the French Canadians the protection of their language and religion "as far as the laws of Great Britain" permitted. One of the primary considerations in that decision was the fear of future wars with France against the colonists. The colonies were viewed as a vital link in England's position as the leading imperialist nation in the world. Consistent with that belief were the policy decisions of the Royal Proclamation delimiting Quebec, calling for its integration into the North American community. There was also fear about Indian
uprisings, such as occurred in May and June with Pontiac's rebellion. The Royal Proclamation provided for an Indian preserve to protect the Indians against further encroachment on their sacred lands. These decisions were made by neophyte policymakers who were generally pro-American. Influencing them were the American interests in London. What was considered good for the thirteen colonies was considered good for Quebec. In contrast, in 1763 there were few spokesmen for Canadian interests. Murray was named civilian governor and for a brief time he was supportive of the policy of assimilation. But soon his quarrels with the London bureaucrats, with the English-speaking merchants, and with Burton and Gage impeded any real chance of a successful policy. To understand the first years of civil government in Quebec, it is necessary to look more closely at the individual most responsible for its successes and failures—the governor and General James Murray.
CHAPTER THREE

MURRAY VS. MERCHANTS

Most of the histories of the first years of British rule in Quebec derive from records of its military leaders. As a result, the bias of these leaders toward the merchant class has to be considered before any fair evaluation can be made of the role of the merchants. The officer class of the military was drawn from the British aristocracy and the aristocrats of that period disdained the commercial class. Murray was representative of his class, but more than that, he saw in the merchants a threat to his policies in maintaining the peace after the conquest and in gaining and keeping the loyalties of the Canadians toward the British. Whatever prejudices he may have had with regard to the American colonies were rarely expressed in writing by him, but it can be assumed that he shared the same concerns about their democratic tendencies as others of his class. What part the Americans in Quebec, who were for the most part merchant-traders, played in the early years of settlement is intertwined with the role of the merchants as a group. The English merchants, whether American or not, expected to be granted English political and legal rights with the institution of civil government. When Murray refused to grant the right of an assembly, as called for in the Proclamation of 1763, the merchants and Murray were on a collision course. How creditable a person Murray was is critical to any assessment of the role of the merchants in this period.
Murray's clash with the merchants has to be set in the larger context of the times. The supremacy of Great Britain among the nations of Europe was due in large measure to its importance as a trading nation. The commercial interests, especially in London and the West Country, exerted powerful influence in Parliament. As a result, the conjoining of the Montreal merchants with the London merchants represented an important counterforce to any policies which were viewed by the merchants as detrimental to their interests. Overlaying these economic concerns was the unstable political situation in which there were seven ministries from that of Pitt and Newcastle in 1760 and Lord North in 1770. Within the bureaucracy there was no clear channel of command for formulating and carrying out colonial policy. Jurisdictional confusion resulted with the Southern Department, Board of Trade, War Office, and Treasury all meddling in the affairs of Quebec. This statement seemingly contradicts the comments made in the previous chapter about the formulation of policy vis à vis the Proclamation and the bungling by the War Office and the Southern Department with respect to the office of lieutenant governor. Conceding such confusion, the development of a policy for Quebec did not suffer any more than most bureaucratic endeavors. What it did suffer from was the fact that other issues were more critical to Britain's interests, and until 1770 it did not have as influential spokesmen as the Americans pressuring the government to give attention to Quebec's problems.

The Proclamation may not have been adversely affected by the dissensions among the old Whigs and the new ministers appointed to replace them, but the new civil
governor of Quebec believed he was a victim of these political dissensions. Merit alone did not win political or military appointments, nor recognition by government for services rendered. That was also true of the old Whig oligarchy that controlled politics under the two previous Georges and it would continue to be true under George III. Murray had always curried favor of those who would be influential in promoting his interests. While in Quebec, he enjoyed the favor of two of the four ministries in power: those of the Duke of Newcastle and the Earl of Bute from 1759 to 1763. When Bute resigned in April 1763 and George Grenville became head of the new ministry, Murray complained, unwarrantably as it turned out, that due to his brother’s falling out of political favor, he, by association, was also maligned. Certainly Murray was not politically naive about influence: he knew the rules of the game, and he was a willing player—as long as he had a winning hand. But with the mounting criticism of the merchants against him, he proved, even with friends in high places, to be his own worst enemy.

Although Murray was a controversial figure, most would agree that he was the quintessential "God, King, and country" patriot. He devoted his life to his king and was not found wanting in courage, integrity, and dutifulness. But accompanying these admirable qualities was an insufferable air of superiority, of intolerance, and even paranoia, for those who did not live up to his standards, differed with his views, or gained honors he believed due him. He was the aristocrat who knew what was best for the people, the general whose orders were not to be disobeyed under any circumstance,
the public official who could not be compromised. The result was a career that, however exemplary, was also peppered with controversy.

Apart from all the dissensions, in the first few years Quebec was administered relatively well by Murray. His integrity and demand for honest government were reflected in his success in halting smuggling, in conscientiously setting administrative policy to promote the well-being of the habitants. One of Murray’s first reports on Quebec after the conquest in 1762, requested by Egremont, reflected his optimism that Quebec had an important role to play economically in Britain’s future. He saw potential for the fisheries, production of potash, the outfitting of masts for the British Navy, and not least important providing markets for British-manufactured goods. He ardently believed that the French Canadians would be among the most loyal of British subjects if British policy were equitable and just.

Despite this enthusiasm for Quebec, however, for over a year Murray had been requesting a transfer from Quebec to his old regiment in Ireland. The reason for this request probably reflected Murray’s sense of himself as first and foremost a military man. He was envious of his fellow governor in Trois Rivières, Ralph Burton, who had been relieved of his governorship to assume command of forces in the West Indies. Murray believed Townshend was blocking his request to rejoin his old regiment in Ireland. His brother Gideon assured him in a letter on April 10, 1762, that his suspicions were ill-founded, that Townshend was a good friend. Gideon cautioned his
brother against his suspicious tendencies and counseled him not to imitate "our three brothers."¹

Murray's desire to be relieved from his duties in Quebec was temporarily put on hold when Gideon informed him in a letter dated May 21, 1763, that he was the likely candidate for the new post of governor of Quebec. Murray was delighted with the prestige the new position would give him and spared no expense in equipping himself with befitting accoutrements. From his agent, George Ross in New York, he ordered a post chaise and horses, table silver in sets of six dozen. He asked the influential New York merchant, John Watts, to buy him two black slaves "born in northern colonies" and for each "a clean young wife, who can wash and do all the female offices about a farm." "I shall begrudge no price," he added and explained.

As it is now certain I am to remain in this country, where I propose doing all the good I can, by exciting the people to industry, and promoting the improvement of agriculture by setting a good example, I must most earnestly interest your assistance, without servants nothing can be done, had I the inclination to employ soldiers, which is not the case, they would disappoint me. And Canadians will work for nobody but themselves.²

To his wife, Delia, in England, he wrote on November 6, 1763, asking her to conquer her fears of the trans-Atlantic crossing and join him. Assuming that she would do so, he counseled,

¹PAC, Murray Papers, MG 23, II, 1, Series 2.
²Ibid., Nov. 2, 1763.
I need not tell you how necessary it will be to provide yourself with a large stock of magnificent clothes, the people of this country are very vain, love show and will expect to see their governor’s lady dressed as she ought to be. I have wrote to Mr. Ross to give you what money you please so I expect I shall not be put to the blush by any deficiency on your part.3

These two letters reveal Murray’s desire to be a role model and to impress the Canadians. His admonition to his wife not to embarrass him apparently did not encourage her to brave the Atlantic.

One of Murray’s difficulties once the Proclamation became known was the fact that it did not go into effect until August 10, 1764. This hiatus of almost a year placed Murray in an untenable position. Gage left Montreal for New York to replace Amherst. Burton, who had returned from the West Indies and resumed his governorship of Trois Rivières, replaced Gage as governor of Montreal. Haldimand was appointed to replace Burton at Trois Rivières. Until the effective date of the Proclamation, both men had autonomy to run their respective districts, but Murray as governor-elect and as governor general in command of Quebec and all its territories tried to impose authority over Burton and Haldimand in anticipation of transforming the colony from a military to a civilian government. Burton and Haldimand, however, would not accede to such pretensions on Murray’s part. Burton ignored Murray, deferring instead to Gage in New York. An infuriated Murray complained to Gage that he was Burton’s ranking officer and that Burton was treating him with disrespect. Gage, whose own relations with

3Ibid., 23.
Murray were contentious, wrote Burton to be patient, for he anticipated promoting Burton to the rank of brigadier general and to the position of command of the northern armies. When that happened, Burton would outrank Murray.

In part, the quarrel between Gage, Burton, and Murray, already alluded to in the last chapter, had to do with army protocol with regard to promotion. There were two ranks: army and regimental. Promotion in army rank normally depended upon seniority; in regimental rank, it depended upon a combination of seniority and ability to purchase. Departure from this recognized plan of promotion, which Gage was proposing, was bound to create recrimination and disharmony. When a man of Murray's sensitivity, vanity, and ambition became the victim of such irregular, though not uncommon, practices, the situation became explosive.

Compounding the problem was the fact that Murray's jealousy of Burton was not without precedent. In 1759 though Murray was senior to Gage (by one day), Gage had been promoted twice to the position of brigadier general, thereby outranking Murray. Murray was convinced that the promotion was politically motivated since Gage's brother was popular with the new government in London and Murray's brother, a liberal Whig, was out of favor. The animosities between Gage and Murray were mutual and continued while both were governors of their respective districts. When each was appointed

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governor of Montreal and Quebec with autonomous power, in a letter to Amherst on March 27, 1761, Murray made clear that he would "hardly consult Mr. Gage, and as to authority I dare say, it is not meant, he should have any over the governor of Quebec, until we meet in the field, and then I know his brigadiership must take place, though I am his senior col[league] in America."\textsuperscript{5}

With such an attitude it is hardly surprising that upon Burton’s promotion to brigadier general, Murray’s previously warm friendship for Burton turned to bitter enmity. After the defeat of Quebec by the British on September 18, 1759, a year before the capitulation of Montreal, Murray was appointed to serve as governor of the town, Burton as lieutenant governor. During the spring of 1760 in a battle to retake Quebec at Ste. Foy, Burton commanded the right wing under Murray’s command in an almost disastrous battle. Militarily, Murray should not have risked such an engagement in the field where he was outnumbered three to one, but his desire, according to Burt, to emulate Wolfe overcame good judgment.\textsuperscript{6} He lost a third of his men. The right wing retreated in disorderly disgrace, ransacking the town in search of liquor. Murray did not blame Burton at the time. Later, he did, and claimed that his previous actions saved Burton from a court martial. When Burton, as commander in charge of the northern army, decided to make Montreal his headquarters, the two men tangled over authority just when strong government was essential in Montreal. The city was growing in

\textsuperscript{5}Ibid., 121-22.

\textsuperscript{6}See A.L. Burt, Quebec, 15-16.
population and its economy was becoming diversified. Ever since the Proclamation of 1763 was announced in October, the tensions between the army and civilians in Montreal had been escalating. But as the result of ineptness at Whitehall, Murray tried to govern affairs in Montreal from Quebec City, a distance of 180 miles. A combination of factors--the frictions caused by the personal feud between Burton and Murray, the disagreements over civilian and military jurisdictions, and the growing tensions between the civilian and military population of Montreal--created a volatile situation.

If the promotions of Burton and Gage were not enough of a blow to Murray's vanity, when he learned that he had been stripped of his military command, he was anguished and angry. He complained to Halifax that the Canadians respected military authority and that he could not command their respect if he were denied that authority. Had he confined his arguments to questions of policy, perhaps he might have gained greater support in the ministry. His vociferous protestations at losing his military command were not restricted to the argument of why this was an unwise move. His vituperation expressed in letters addressed to James Oswald, Sir Harry Erskine, Halifax, his brother Admiral Murray, Lord Elibank (his father-in-law), and Lord Eglinton was aimed at Gage and Burton. To his good friend, James Oswald, vice treasurer for Ireland in Grenville's administration, he complained that "Mr. Gage and Mr. Burton have long been plotting to ruin me. . . they mean no less than to turn me out of the Army. . . . It is all envy without the least provocation on my side."⁷ Murray pleaded, "If you find

⁷PAC, Murray Papers, MG23, III, 1759-1789, Letters to and from Murray.
that His Majesty has come to a resolution to allow no civil governor to have any military command, for God sake get me as handsomely out of this civil embarrassment as soon as possible." On the same day, October 16, 1764, he wrote to Sir Harry Erskine: "If Abercrombie is in London, he can inform you that Mr. Gage and Burton have been long envious of me, and have been most industrious to hurt me, without the smallest provocation." On October 30, 1764, he continued his tirade against Gage and Burton to Halifax: "When I had the honor to be appointed governor of this province, these two gentlemen were much piqued; they have since taken every opportunity of showing their ill humor, which will probably continue till the cause is removed."

Murray then described the explosive situation in Montreal. He said that the military and civilians were:

Inveterate enemies. . . . Every art is used to improve the least incident, which may augment popularity with the troops; discipline of course must be neglected, the Canadian deemed an alien and an irreconcilable enemy to England, the few British settled there held cheap, and everything in a ferment. The contagion may reach Quebec, but it cannot exist long, where the commander is not infected. In short, My Lord, I believe it will be happier for Mr. Burton and everybody here, was he ordered to another province. It must be disagreeable and very difficult for a man to serve in a subaltern capacity in the very country he governed without control. . . ."

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8Ibid.
9Ibid.
10Ibid.
11Ibid.
The spate of letters sent off decrying this personal injury and the charge that the actions came as a result of his compatriots' jealousies alienated Halifax. The secretary told Murray that he should not have taken personally a policy, established under Shelburne, that was consistent with those in the American colonies. British troops in all the colonies were simply a detachment of the British army serving abroad; they were generally sent for a special purpose and there could be no thought of placing them under the command of governors with civil appointments, and often civilians themselves. Murray countered with the fact that Quebec was a special situation since the people were used to military authority. He stressed, in addition, that he was no "ordinary governor." He argued that he accepted a civil appointment with the belief that a military form of government was not only traditional but necessary:

It is by military force we are to govern this lately conquered province in which there does not exist above 50 Protestant subjects exclusive of the troops, and by my instructions of these 50 Protestants must be composed the magistracy; but what force, what weight can such a magistracy have unless the Supreme Magistrate has authority with the troops? It is evident that the Brigadier must, in fact, be the Governor. . . .

It is difficult to know whether there was justification for Murray's position. Many Canadian historians such as Hilda Neatby and Donald Creighton support Murray, but that position depends in large measure on the judgment of whether the habitant was, in fact, used to military rule and, therefore, submissive. Since the habitants left no records and since they were not only war-weary but also suffering economic hardships in these first

12 Shortt and Doughty, Documents, 211.
years of the conquest, there is insufficient evidence to support the conclusion that they were submissive. In fact, as early as 1762 in an official report, Murray stated that the habitants "do not submit so tamely to the yoke, and under sanction of the capitulation they every day take an opportunity to dispute the tithes with their cures."13 As mentioned previously, in Murray's letter requesting the purchase of slaves, the governor stated that employing Canadians is not an option since they "work only for themselves." On October 23, 1763, Murray submitted several petitions to the home government from French Canadians in which they expressed their concern about reinstating the hierarchy of the clergy, suggesting instead that the priesthood be preserved only as a devotional and educational body.14 Such references suggest that if the habitants were not independent, they were not submissive either, even under military rule.15

If the habitants were not submissive, as Murray and later Carleton generally reported them to be, such assessment was a serious misjudgment. In the Quebec Act of 1774 payment of tithes was reinstated, which some historians argue was one of the causes in 1775 of the habitant refusing to bear arms against the American colonists. But in 1764 Murray insisted that the habitant would respect only a military ruler, and just two years later the military command was restored to the civil command when Carleton was

13Ibid., 79.

14Victor Coffin, "The Province of Quebec and the Early American Revolution," Bulletin of the University of Wisconsin, 1, No. 3 (June 1896,), 284.

15The recent study by Allan Greer, cited before, on rural society in three Quebec parishes, supports the view that the habitant was not submissive.
appointed to replace Murray. By that time, however, the jurisdictional difficulties encountered between Murray and Burton and growing doubts about the policy of anglicization, may have influenced Whitehall to return the military authority to the governor. Also by that time, the American colonists were colliding with British authorities over the issue of taxation. For that reason it may have seemed expedient to return the military authority to the governor of Quebec.

In 1764, despite his disappointment at losing his military command, Murray tackled the task of instituting civil government with energy and enthusiasm. Though at first optimistic about the policy of assimilation called for in the Proclamation and in his instructions, he soon found that implementation was another matter and he reverted to the view he expressed in 1762. One of the rare comments recorded by Murray in reference to the American colonies was his advice to Egremont that whatever the future government of Quebec, it should not be modeled after those in the American colonies for he said "the people here do not yet seem ripe for such a government." Murray firmly believed that was the case. He could not see how a small minority could legislate the interests of the overwhelming French-Canadian majority. To comply with his instructions for calling an assembly, Murray would be promoting a government run by an oligopoly of British Protestants, from no more than 200 householders, to rule over 65,000 Canadian Roman Catholics. Religious freedom was granted by the Treaty of Paris but only "as far as the laws of Great Britain permit." This meant that if the laws

16 Burt, Quebec, 83.
were strictly applied, French Roman Catholics would not be eligible to vote for or sit in an assembly, to serve on the judiciary, or hold civil office. Given Murray's sympathies for the Canadians and his disdain for the British merchants, it is not difficult to understand why he balked at implementing the policies called for in his instructions. Instead he compromised.

His first act as civil governor was to appoint members of the council. These men were carefully chosen by Murray and were partial to the Canadians. The council of twelve (four ex-officio and eight others) included only two British merchants--Benjamin Price and Thomas Dunn. While they could have been spokesmen for their commercial colleagues, they chose to remain neutral in the controversies with Murray. The first ordinance established a legal system which granted Canadians rights that compromised the terms of the Proclamation. The controversial ordinance for which Murray was held accountable was the work of Attorney General George Suckling and Chief Justice William Gregory, both considered unqualified for the job since neither was acquainted with the French language or with French law. Suckling had been appointed by the king on the strong recommendation of London merchants doing business with Canada, but no one was satisfied with the judicial system that was established. In an attempt to deal with the French and English populations, three courts were created: the Court of King's Bench, the Court of Common Pleas, and Courts of the Justices of the Peace. English law was practiced in the higher and lower courts and was confined to practitioners in King's Bench and Protestants were made justices of the peace. However, the Court of
Common Pleas was instituted to accommodate the Canadians and, as Murray put it, "to prevent their being made a prey to our upright lawyers." If cases had arisen before October 1, 1764, French law would apply; Canadians could sit on juries and either party might request a trial by jury; and advocates of civil law were permitted to practice. Murray appointed judges to the Court of Common Pleas who were sympathetic to Canadians. He also created a prerogative court to facilitate testamentary business; grants and rights of inheritance in force before the Treaty of Paris were recognized; and an alternative to the English law of primogeniture was provided by sanctioning the French custom of coparcenary, i.e., joint ownership, which, Murray maintained, contributed to the better cultivating and peopling of the country.

To the merchants who had been anxiously awaiting civilian government, the new civilian rule seemed no different than the despised military rule. Under military rule the government could commandeer men, carts, and canoes for transport of supplies. Under civilian rule, Murray decided that such impressment could not be exercised except on his authority. Murray frequently withheld that authority, some charged, arbitrarily. Curfews were still imposed; and those out after dark were required to carry lanterns. Another irritant, and one that provoked the crisis between Murray and the merchants, was billeting of soldiers. Under military rule, billets were found by the captains of militia and any householder could be required to receive soldiers. Under civilian rule, the merchants serving as justices of the peace assumed the role of finding housing for the

17Dictionary of Canadian Biography, IV, 574.
soldiers, although they themselves were exempt. In the November 29 ordinance establishing practices for billeting of soldiers, Murray also exempted seigneurs from such an invasion on their private lives. The noblesse were part of the aristocracy, and as such, Murray firmly believed, merited special treatment.

These first months of civilian rule convinced the merchants that Murray was not going to act in their interests. He could, they observed, bend the law according to his whims, but never in their direction. While Murray equivocated on calling an assembly, he strictly enforced regulations for fur traders. Licenses were required, as were recognizances before entering the territory, and all trade was restricted to just a few established, but no longer active, posts. These restrictions, the merchants and traders complained, put them at a competitive disadvantage with the French who were not under such regulations. They were already hurting economically due to the Indian uprisings the previous year.

According to Creighton, the merchants had two goals—to gain economic and political influence. Government regulations restricting their ability to compete with French and American traders thwarted their economic goals, and Murray’s refusal to inaugurate representative government thwarted their political goals. Men who were described as spirited and ambitious, who thrived on challenge and competition, were not about to submit silently to being so restrained. They exercised what little power they did have as members of the Grand Jury. In a presentment to the king on October 17, 1764,
signed by both French and British members, the jurists argued that as the only representative body in the province, they should be consulted before any ordinance was passed. To further diminish the power of the governor, they insisted that the Grand Jury should audit the province's public accounts at least twice a year. An addendum to this presentment, signed only by the British jurists, denounced the inclusion of army officers in the commission of the peace and protested against Catholics serving on juries.

An infuriated Murray attacked all the members of the Grand Jury for these actions. The Canadian members intimidated by Murray's scathing attack issued their own presentment to the king, explaining that being unfamiliar with the English language, they had not understood the document they signed on October 17. The Canadians also expressed their resentment of the British members of the jury for the insulting addendum. But in the interim, the Grand Jurors were publicly thanked by fifty Quebecers for "their very spirited and laudable proceedings."\(^{18}\) The Grand Jury would later be chastised by the Privy Council in London for their "licentious" behavior. Most historians do not question the validity of the Privy Council's decree, but perhaps a fresh look at the presentment and the response is in order. For example, the jurists objected to the legal system because they believed it would be costly, complicated, oppressive, and even unconstitutional. As it turned out, that was the very argument Carleton and the government made against the ordinance during the Quebec Act debates. Some of the other objections of the Grand Jurors were that of allowing peddlers to sell wares on

public streets, to turning docks and wharves into private property contrary to the public
good, to allowing commercial activities on the Sabbath, to proper regulations for
maintaining safety and order. All these complaints were justified and subsequently dealt
with by the governor and council, but the Privy Council accused them of overstepping
their bounds and ignoring the proper channels for making such complaints.
Understandably, the council could not condone such behavior, for law and order had to
be maintained. But this very fact should not influence the historians' assessment of the
situation. This is especially true of the blanket condemnation of all the members of the
Grand Jury. They have all been branded as "malcontents from not having been made
magistrates," chosen by a devious opponent of Murray's, Williams Conyngham. The
foreman of the jury, James Johnston, was described as having been "thwarted by the
governor in his attempt to obtain a share of public property."

The inference is, of
course, that he had a personal grudge against the governor. The source for these
condemnatory remarks was George Suckling, the author of the ordinance being criticized
and, as has already been mentioned, generally considered an incompetent attorney
general. From what knowledge we have of these "malcontents," the description of them
as such does not appear a just one. For example, Johnston was a man concerned about
the religious life of his community; he had a life-long partnership with John Purss that
was harmonious and responsible; in addition to his own children, he generously educated
and employed his nephews; and respect for him by his community was evidenced by
various civic appointments. Governor Carleton recommended him for a seat on the
council and described him as "a man of a very excellent understanding and likewise very
fit." He was active politically in support of English rights for the province. In addition to the Grand Jury presentment, he signed the merchants’ memorial a few months later calling for Johnson’s recall. Peter Faneuil, another grand juror, may have been related to the Peter Faneuil, who died in 1748 in Boston, and was a highly respected and important figure in that city’s early history. He also signed the petition for Murray’s recall.20 Alexander Dumas was a French Huguenot merchant living in Montreal who was part of an influential circle of merchant-traders. He was active in the political affairs of the province. He signed a petition for an assembly in December 1773 and was an advocate for French civil law except in commercial dealings. Daniel Bayne, Thomas Aylwin, John Lymburner, Philip Payne, John Danser, and Gilbert McRandall were all merchant-traders involved in the economic and political life of the province.21 What all of them had in common was their objection to Murray’s administration, and whatever interpretation is put on the petitioners and the presentment, what is not debatable is the fact that both sides determined to influence the home government of the validity of their claims.

To assure that their message was accurately received by the British authorities, the merchants decided it was essential for them to present their grievances in person.

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19Dictionary of Canadian Biography, IV, 399-400.

20Efforts to establish the relationship between Peter Faneuil of Boston and the merchant in Montreal in the Massachusetts Historical Society records have failed. However, the likelihood is that there might be some connection, given the same name and origin of Massachusetts.

21See Appendix II for their biographies.
Pooling their resources, they elected two of their brethren, Daniel Bayne and William McKenzie, to act on their behalf. Murray, too, had by this time decided that he needed a spokesman in London to voice his concerns about the Proclamation’s many shortcomings that hampered his ability to govern. His trusted friend and council member, Hector T. Cramahé, was dispatched to defend the ordinance establishing courts of justice and also to argue for reinstatement of a lieutenant governor for Montreal, since Murray claimed "every intrigue to our disadvantage will be laid and hatched there."22

The following oft-quoted letter in which Murray’s partiality toward the “new subjects” is expressed reveals not only the crux of the problem of his administration but the flaw in his character that exacerbated tensions. With characteristic exaggeration and overdramatization, Murray says,

Little, very little, will content the new subjects but nothing will satisfy the "licentious fanaticks" trading here, but the expulsion of the Canadians who are perhaps the bravest and the best race upon the globe, a race, who could they be indulged with a few privileges which the laws of England deny to Roman Catholics at home, would soon get the better of every national antipathy to their conquerors and become the most faithful and most useful set of men in this American empire.23

The postscript to this letter was also characteristic of Murray for he was never hesitant to disparage those he did not like. In it, Murray brands three merchants who he erroneously believed were in London petitioning to become members of the council.

22Shortt and Doughty, Documents, 231-232.

23Ibid., 231.
Actually, on the very day that Murray was writing his letter, Bayne and William McKenzie were embarking from Quebec for London. Murray described McKenzie as a "notorious smuggler and a turbulent man," and William Grant, "a conceited boy." The third, Alexander Mackenzie, he called "a weak man of little character." He informed the Lords that "it will be impossible to do business with any of them." While Bayne and William McKenzie were still on the North Atlantic, bound for London, the situation in Montreal had reached crisis proportions.

The conflict was over billeting of soldiers in private homes. Taking the lead in opposing this practice was the merchant Thomas Walker. According to Walker, the officers were bleeding citizens by having more than one billet at a time. Walker stated that in consequence of the ordinance,

The officers all want to change their quarters for better houses and demand feather beds and sheets, sometimes threaten to take the citizens beds from under them and turn them out of doors. They take their victuals from them and sit up all night carousing and burning their wood and upon the least reprimand threaten to burn them in their houses. The women are still more impertinent and abusive than the men. They will not quit the houses where they have formerly billeted and when they change insist upon being taken in with their husbands, in defiance of the ordinance and the justices whom they abuse with foul language.

\(^{24}\)Ibid.

\(^{25}\)PAC Report for 1888, XI, XII, Walker Memorial, Note 37.

\(^{26}\)PAC, CO42:4.
According to the military, Walker encouraged citizens to withhold the privileges the soldiers formerly enjoyed and even relished turning soldiers out of their quarters into the streets on bitter evenings. One such incident occurred when an officer named Payne refused to vacate his newly acquired quarters, which the merchant and magistrate who lived below claimed to have rented themselves. The defiant Payne was arrested and jailed. Walker was one of the magistrates who signed the warrant. When complaints of this incident were reported to Murray, he summoned all the Grand Jury members to Quebec. But before that happened, it is believed that some of the men of the 28th Regiment decided to take revenge upon Walker themselves.

On the evening of December 6, 1764, they seized the opportunity to do so. Earlier that day in Quebec, Murray had issued a follow-up ordinance with respect to the responsibility of householders who were billeting officers: wood at specified rates was to be provided; officers were to have free use of the kitchen and necessary cooking utensils in common with the rest of the family; and rooms were to be decently furnished with either a fireplace or stove in each. Penalties for violating these instructions could range from a minimum of forty shillings to a maximum of five pounds. In Montreal, unaware of Murray's attempt to shore up compliance of householders, Walker's assailants, about twelve or thirteen disguised men, forced entry into his home. There they terrified Walker's wife and servants and brutally attacked him, relenting only when they believed him dead. Miraculously, Walker physically survived the beating, though he had experienced, he said, over two hundred blows to his body. His swollen face was
unrecognizable, except for one permanent mark—a severed left ear which was carried off as a trophy. Any attempt to trace the torturous trail of bringing Walker’s assailants to trial need not concern us here. What was significant was the fact that Murray, who believed he had tried to resolve the conflict as judiciously as he could, became the target of Walker and the merchants.

With only one exception, W. Stewart Wallace, historians have little charity to spare with regard to Walker and his wife. The Walkers may have been obnoxious but several points need mentioning that have been left out of most accounts of the incident. Walker had been promised by Murray that the trial of those accused of the attack would be held in Montreal, but Murray changed the venue, he said, because the defendants could not get a fair trial in Montreal. Comments by the merchant, Thomas Ainslie, support Murray’s concern. Ainslie described Montreal as "a melancholy scene [where] not a man in the street meets another but he thinks of having his throat cut." Ainslie says, "I don’t mean one set of people more than another for every man seems to be doubtful of his neighbour." But Walker and his wife also had fears. Theirs were that the 28th Regiment had been moved to Quebec due to the high state of tension between


28Benjamin Franklin, who was their guest while on his mission to Canada with a companion, on his return said of them: "I think they both have excellent talents at making themselves enemies, and I believe, live where they will, they will never be long without them." William B. Willcox, ed., *The Papers of Benjamin Franklin, XXII* (New Haven: Yale University Press, 1982), 439.

29PAC, Council minutes, CO42, 4, 188.
the regiment and civilians. The Walkers were concerned that their safety could not be assured in that city. Walker also protested the expense that would be involved in transporting his wife, his servants, and himself that distance. The only note about the change of venue is in the March 6 council minutes. The minutes read, "Walker trial to be heard in Quebec because of the 'very great expense to the governor.'" No mention is made about a fair trial. This information gives a slightly different cast to the accusation that Walker defeated the government's best efforts to try those charged with his beating by his refusal to travel to Quebec for the initial trial.30

As has been mentioned previously, little is known about Walker before his arrival in Montreal in 1763 except that he was British-born, had emigrated first to Boston in 1752, and was a member of a Boston merchants' society. In Montreal, Walker bought a handsome home on Rue St. Paul near the cathedral and convinced the other merchants that he was qualified to be their spokesperson. But even before the fateful evening in December, Walker was viewed as a troublemaker by the authorities. In a civil suit brought against him and his wife while Quebec was still under military government (no mention has even been made of what the charge was), his behavior was considered coarse and objectionable. Again, this information comes from official records. Yet Murray appointed Walker to the first grand jury. What, one might speculate, was his rationale for doing so? According to Hilda Neatby, Murray was warned of Walker's disputatious nature when he appointed him a magistrate, but she says that Murray

30PAC, CO42, 5.
believed he could manage him. She presumably makes this assessment from a lengthy letter of Murray to John Fraser on September 11, 1764. In it Murray discussed how proud women and men can, if properly managed, produce good. He believed that it was the task of the "ruler" so that if results were not good, it was the ruler's fault, not the individual's. Pertaining to Walker, Murray said,

Walker and Knipe have been here with a very respectful address. I have had much conversation and if any confidence may be put in them we may hope to find the people at Montreal very tractable; to contribute to it I have made Walker and Knipe justices of the peace, the first is certainly a sensible man and with proper management may be kept within the bounds of moderation - made a useful member of society; the man is proud and wants not perhaps more than a moderate share of ambition; to give a right turn or bias to such passions is to show we can govern properly. The direction produces the effects and if every tool is not put to its proper use, the workman may be deemed ignorant or negligent.31

Perhaps such a boast was creditable in Murray's military rule, but Murray's exalted opinion of his ability to manage men in a civilian capacity, was his undoing. Walker could not be managed. When he thwarted all Murray's efforts in his behalf, an exasperated Murray removed him as a commissioner of the peace. But Walker was not to be summarily dismissed. He decided to plead his case in London.

The year was 1765. Halifax was preoccupied with the rebellious response of the American colonists to the Stamp Act which went into effect in April. Also in April the public was outraged as news of the brutal attack upon Walker reached London. Shortly

after, another memorial from twenty-two merchants called for Murray's removal for the good of the province. All but five of the fourteen jurors who signed the presentment in October 1764 signed this memorial. They were Samuel Duncan, Thomas Aylwin, Gilbert McRandall, John Lymburner, and Alexander Dumas. The reasons for their failure to do so are not known. Perhaps Murray's previous chastisement of them was sufficient to silence them. Or it is possible that they were out of the province at the time. In addition to the jurors, the other merchants who signed were: George Allsopp, Benjamin Comte, John A. Gastineau, Edward Harrison, James Jeffry, Eleazer Levy, William McKenzie, George Measam, John Ord, John Purss, James Shepherd, and John Watmough. John Purss and George Allsopp were partners of James Johnston. Both men became prominent merchants in Quebec, though until Murray was recalled, Allsopp was notorious for his opposition to the military and to Murray. Jeffry was Peter Faneuil's partner in Quebec. The other signatories were merchants in various enterprises who contributed to the economic and political life of the province.

This memorial was given considerable weight in London since it was enjoined by one from prominent London merchants. The mayor and four aldermen, supported by four MPs, presented the Board of Trade with a "Memorial and Petition from the Merchants and Traders of the City of London trading to Canada, on behalf of themselves and others," signed by twenty-five firms involved in trade with Canada. Their message was that they had substantial proof from others in Quebec that the Quebec merchants' accusations against Murray were true. They called upon the Board to put Quebec on the
same footing as the other American colonies by granting the people British rights in order to "support the infant commerce to and from that part of the world."\textsuperscript{32}

In the meantime, Fowler Thomas, a London barrister, was engaged by Bayne and McKenzie to serve as the Quebec merchants' London agent. By the time Thomas Walker reached London, sympathy for him was widespread. For a time he was celebrated, at least long enough to gain the ear of the king, who reinstated him as a commissioner of the peace. Needless to say, Murray did not need this kind of blow to his ego, to his authority to govern, nor to his reputation, which was seriously being maligned by his foes in London. All these events commingled so that the merchants' petition against Murray for not instituting an assembly as had been anticipated and a multitude of other charges portrayed Murray as a demagogue who had to be replaced.

Unfortunately for Murray, Cramahé was unsuccessful in gaining access to the relevant officials to plead the governor's case in time to counter some of the charges against him. Eventually the government acted on the many issues raised by Cramahé. Generally, they were supportive of Murray's actions. A ruling that Roman Catholics were not subject to the same incapacities, disabilities, and penalties that Catholics in Britain were subject to was issued on June 10, 1765, by Attorney General F. Norton and Solicitor General William De Grey. A few months later on September 2, 1765, another report, this time by the Board of Trade, examined the many complaints against Murray's

\textsuperscript{32}Shortt and Doughty, \textit{Documents}, 235-236.
administration, especially the September 17, 1764 ordinance establishing courts of justice. The Board recommended disallowance of this ordinance since it was deemed inadequate in several respects. Ironically, one of the primary concerns was that the ordinance discriminated against Canadians. The Board said:

The principal error by which the framers of this Ordinance seem to have been misled, is, that the native Canadians are under such personal incapacity, and their laws and customs so entirely done away, as that they cannot be admitted either as suitors or advocates to participate in common with the rest of His Majesty’s subjects of the advantages of that system of justice in respect to matters of property, for the administration which the Superior Court seems to have been instituted, for though they are admitted to serve indiscriminately as jurors in this Court, yet it is evident from the express mention of the peculiar privileges they are to enjoy in the inferior Court, that it is intended neither that their customs and usages in questions of property should be allowed of in the Superior Court, nor themselves be admitted to practice there as proctors, advocates or attorneys.33

The recommendation to remedy these "injustices" was to establish Canadians on the same footing as the old subjects, the English, with regard to serving as jurors, advocates, and proctors in all courts. Another recommendation to assure greater fairness for both Canadians and old subjects stipulated that juries for cases involving only British citizens would be all British; in cases involving only Canadians, all Canadians; and if a case were between a British and a Canadian, the jury would be evenly split.

The Board also condemned the Grand Jury of Montreal for its presentment of October 17, 1764. The members of the Jury were charged with "publicly arraigning in

33Ibid., 241.
an irregular presentment, the justice and policy of acts of government passed under His Majesty's authority, and submitted to his decision." The Board further chastised the Grand Jury for assuming powers belonging only to a legislature. Such acts, they concluded, were "indecent, unprecedented and unconstitutional." This report was issued on September 2, 1765, when Lord Dartmouth was president of the Board of Trade. As was previously discussed, the Board's actions were directed against the improper procedure of the Grand Jury. What it did not address were the reasons for the jurors' actions, i.e., anger at Murray's refusal to call an assembly as was anticipated when the Proclamation went into effect.

The presentments of both the Quebec and London merchants, and the many private letters and hearings, all registering various complaints against Murray could not, however, be ignored by the new Rockingham ministry that took office on July 12, 1765. Clearly, Quebec was in a state of turmoil, and the general belief in London was that Murray had become part of the problem. On top of all the previous complaints, Murray was involved in still another row - this time with a Major Brown. Murray called for a military inquiry against him. This feud was related to the personal one with Burton and was fueled by the fact that civilian and military distinctions were not clearcut. The two men constantly quibbled over who had the authority to act. Burton had responsibility for defense of the whole province as well as for posts in the reserve territory around the Great Lakes. Burton accused Murray of refusing him cooperation, thereby hampering

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34Ibid., 246.
his ability to perform essential military duties. Murray accused Burton of meddling in civil matters and of irritating merchants. It is difficult to judge the quarrel fairly, for as in the case of the merchants, the chief source of information is from Murray to superiors and friends.

One incident, however, is described in the 1765 legislative council minutes which throws some light on Murray’s quarrel with Lieutenant Colonel Gabriel Christie, deputy quartermaster general responsible for provisioning the upper country. The issue was over impress warrants and who had the authority to grant them. Murray claimed he did. As reported by Christie to Burton, Murray issued warrants the previous August but recalled them in October. Christie says that requests made by him in person in December resulted in "offputs and delays." The governor promised to leave the warrants when he returned to Quebec, but he didn’t. Christie says, "I saw him on the road and he assured me he would assist the service," but he neglected to do so. Christie’s letter to Murray of February 19 was not answered until March 8. Communication between Burton and Murray apparently was no more successful. Burton’s letter to Murray on February 20, 1765, indicated that Murray had not furnished Fraser with warrants, as had been promised, despite the necessity to get them so that materials could be ready to send to Lachine as soon as the rivers were open and before the roads thawed. When the warrants were finally secured, it was too late for the early supply. The people in the upper country were distressed for this was their only source of supplies needed by seed
time. In addition, as a result of the delay, they would have to pay summer, rather than winter, prices, which were much higher.35

Burt gives a different interpretation of the clash over impress warrants. He points out that Murray was trying to protect the habitants from the illegal, corrupt, and harsh manner in which Christie enlisted their labor. According to Burt, Murray gave authority to the Montreal justices of the peace, and he issued a warrant to Judge Fraser of the Court of Common Pleas. But Christie, with Burton’s support, would not accept civilian control over such an important army function. The conflict was finally settled by the home government in favor of civil authority, but it exacerbated the already hostile feelings between the civilians and the army, and between Burton and Murray.36 The variance in interpretation between what Burt conveys and the report in the legislative council minutes suggests not only the difficulty in trying to determine which party was at fault, but also of how impossible it was not to have resolved such jurisdictional problems, especially when the personalities involved were so hostile to one another.

The final clash between Burton and Murray that probably triggered the recall of both men is described in Murray’s letter to Halifax and a personal letter to his good friend Lord Adam Gordon. As has already been mentioned, Murray had persuaded Burton to send the 28th Regiment down to Quebec, believing this action might reduce

35PAC, CO42, Legislative Council minutes, 1765.

36Burt, Quebec, 116-117.
tension in Montreal over the Walker affair. But Brown, head of the regiment, was convinced that Murray was trying to harass the regiment. He was also convinced of his officers’ innocence. In Quebec, Brown determined that as senior officer he had the authority to take over the Quebec garrison. Murray believed that as commanding officer, he was the legitimate head, but he decided not to inflame the situation and retired to his home outside Quebec City. Only when he was twice refused entry to his own capital, did he challenge Brown’s right to command the garrison. Then he had his commission as military governor read out, and he pronounced his authority to parole the garrison until Gage ordered otherwise.

But the affront did not end there. While Brown was in Quebec, Burton arrived to inspect the troops. Murray hospitably offered him lodging. Burton not only declined, but callously ignored Murray’s goodwill gesture by excluding him from a huge entertainment hosted by him. Although Murray wrote to a friend, "I bore all this with the patience of a philosopher and the dignity of a veteran," he also behaved like a man insulted. On September 27, 1765, in a letter to the secretary of war, Murray called for an inquiry against Major Brown, "an inferior officer," who refused to acknowledge Murray’s military position. Murray accused Gage and Burton of approving Brown’s behavior. He requested the matter to be laid before a Board of General Officers.37

37PAC, Murray Papers, II.
To the new administration in Whitehall, Murray's request clearly indicated that disorder reigned in the province. The ministry decided, as had the Board of Trade previously, that it was not only impossible, but improper, for them to judge the many complaints lodged against Murray. On October 24, 1765, General H. S. Conway, who had succeeded the Earl of Halifax as secretary of state for the Southern Department, wrote to Murray to make preparations to return to England and give an account of the province. On April 1 of the following year, he was formally recalled. He departed from Canada on June 28, 1766, leaving Colonel P. Aemius Irving, president of the council, as acting governor until the arrival of Colonel Guy Carleton.

In London, Murray was received with unexpected cordiality. His accusers, satisfied that Murray was recalled, were no longer interested in pressing charges against him. The merchants, as Creighton has averred, were less interested in constitutional issues than in their own economic well-being. Once Murray was removed, evidence to support their many charges against him was not forthcoming, and Fowler Thomas was forced to drop his indictment. On the other hand, Murray exhaustively answered every complaint against him. He called for a full investigation and a public vindication. He was not given a full investigation, but in April 1767, two and a half years after the first presentments against him, the Privy Council dismissed the petition and complaints as "groundless, scandalous, and derogatory."38

38Burt, Quebec, 126.
Despite having been exonerated, Murray was never asked to return as governor to Quebec. His supporters believed that had he done so, he would have been able to reverse any negative views about his governorship. Many of the changes that he was instrumental in effecting would have made it easier to govern. In a long audience Murray had with the king, the king promised appointment of Canadian judges to the superior court and reinstatement of the military command to the civil governor. The need for a lieutenant governor to be headquartered in Montreal was also conceded. With these revisions, many of the jurisdictional squabbles between Murray and Burton might not have occurred. But the basic quarrel between Murray and the merchants would not have been any different. As long as Murray attempted to regulate their trade, neglected to call an assembly, and showed partiality to the Canadians, the antipathy between them would have been impossible to assuage. The same situation would have applied to the deep-seated animus between the officer class and the merchants no matter what Murray's relations were with the military.

The circumstances under which Murray was asked to govern would have been trying to anyone. His instructions to anglicize Quebec placed him in an untenable position. He could not bring himself to carry out policies that would, in his view, alienate the Canadians, who were the overwhelming majority in Quebec. Conversely, he could not neglect to carry out the policies outlined in his instructions which were designed to shape Quebec in the image of the other American colonies. So, he compromised. As a result, his detractors accused him of only half-heartedly carrying out
such policies. His efforts to promote emigration from the American colonies could not compete with the aggressive efforts of the American land promoters who were, despite its illegality, encouraging settlements beyond the Proclamation line. Nor could Quebec offer more attractive land than Quebec's Acadian neighbor, Nova Scotia. In 1758-59, Nova Scotia's Governor Lawrence was pressured by the Board of Trade to call an assembly for the purpose of actively promoting emigration from New England to Nova Scotia. Two Proclamations by the governor published in the Boston Gazette, the first on October 12, 1758, and the second several months later, were successful in encouraging a significant exodus from New England to Nova Scotia. From 1759 until 1768, 8,000 migrants from New England had been lured by the attractive land grants offered them in Nova Scotia. In a colony of only 13,000 people, they became a dominant force. Whether a parallel emigration of settlers from New York, New Jersey, and Pennsylvania, who would not have considered moving to Nova Scotia, might have been enticed to move to Quebec is worth contemplating. We know that many farmers from New York emigrated to Upper Canada after the Revolutionary War as a result of attractive land opportunities not available to them in New York. Had Murray called an assembly or advertised his intention to do so, similar enticements in the 1760s might have produced the influx envisioned by Halifax and Hillsborough in 1763.

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Still Murray’s supporters argue that his strong belief that his primary task was to gain the loyalty of the Canadian people even at the expense of the few English settlers was the right policy. His supporters defend him as a decent, honorable, generous man. He was described earlier as being courageous, high principled, and dutiful. He was also described as insufferable, egotistical, intolerant, and, from this writer’s perspective, even paranoid. There is only one known biography of Murray and it is by a descendant. It is understandably biased in Murray’s favor, but it also admits that he was difficult, had an explosive temper, and was much too blunt. His personal letters to and from his relatives and friends reveal a personality that was suspicious and ego-centric. Before assigning attributes to Murray, such as his love for the Canadians, it might be fruitful to evaluate what kind of person he was from some of his personal correspondence.

Letters from his brother Gideon are the most revealing. On May 21, 1763, Gideon writes a long letter on a variety of matters which includes Gideon’s response to Murray’s accusations that he mishandled Murray’s affairs. Gideon says,

Now, as I love you, I must scold you for your odd conduct and expressions about your good fond wife—you injure her much by your suspicions; and are, I fear, too hasty and rough with her in your late letters. If she saw your last letters to me and Jo Cranston of February 24th, I am persuaded they would either distract her or kill her.  

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41 PAC, Murray, MG23, II, 1, Series 2.
Again on September 19, 1763, Gideon responds to his brother’s charges that he had neglected his affairs. Gideon says that "your wife and the Cranstons, and all our common friends will vouch for me that no one could take more pains and better care to serve you—I neither spared my purse nor person, left no stone unturned and followed the prudentest method and wisest advice." The next day, Gideon writes,

By Cranston’s letter, the last paragraph you say what shameful blunders you are guilty of in business, and yet you are always sure, to lay the blame on those concerned for you. I speak freely and feelingly, and you must be told it, and I hope you will mend. I hope at least it will cost you a blush, but have you not treated me, your very drudge, in the same absurd manner, in your latest letter? wherein you most cruelly accuse me with neglecting your affairs; not settling your accounts with old Cranston and allowing your money to lie idle in the banker’s hands:—and charging us out a large sum not then received? Now all this is owing to your own mistakes, and warm, quick Imagination.42

On March 20, 1764, Gideon wrote that Mansfield was responsible for his appointment as governor. For a third time he asked advice concerning his son’s military career. A year later on March 18, 1765, Gideon wrote that he has had no letters from Murray since August 1763. He said that his [Murray’s] wife was ill and that he feared she would not live long, "her health and heart, much broken."43

The insight into Murray’s behavior from Gideon’s letters might suggest that Murray had little time to attend to his family’s needs. On the other hand, his letters to friends

42Ibid.
43Ibid.
in England indicate that he spared little ink in seeking support and approval for himself. His ego-centric views and suspicious nature are reflected in these letters. His charges against Gage and Burton have previously been recorded in a letter to Halifax in 1763. In it he charged Gage and Burton with envy because he was appointed governor of Quebec. On October 3, 1765, he wrote to his good friend, Lord Adam Gordon, about falsehoods told in Great Britain against him. In the letter to Gordon, he wrote that it was Halifax who was behind Gage's and Burton's intrigues:

Until I am assured of the contrary by yourself, I shall always think that Burton and Gage were encouraged by Lord Halifax to foment and keep up the factions of the English traders here against me. The General's (Burton) actions are too barefaced to leave a doubt that witness his approbation of Major Brown's conduct in all the petty business you know, his parade here in reviewing the garrison, the entertainment he gave to the principal malcontent traders, and his refusing to accept of my house in town to lodge in preferring to it Major Brown's quarters are manifest proof to me of my suspicions being well founded and you believe it possible. Yet I bore all this with the patience of a philosopher and the dignity of a veteran.\footnote{Ibid., 249.}

In further consideration of Murray's character, it is worth examining the charges brought against him of misusing public funds for his own gain. These accusations could never be substantiated and Murray was publicly exonerated. But there are some lingering doubts about some of his affairs. On January 26, 1764, while he was still governor elect, he wrote Sir James Cockburn that "the business of the seigniorie shall certainly be accomplished, I have three or four in my eye. Give yourself no trouble about the money, ways and means shall be fallen upon to make that perfectly easy, and
agreeable." Of his own seignorie in a letter to his brother, George, June 9, 1763, he boasted that he had the most "beautiful farm in the world" which consisted of "800 better acres than any in East Lothian [Scotland] and cost me only £720." While governor, he bought several other seigneuries in the province. Although he condemned speculating in paper money held by the Canadians, he, himself, wrote his agent that he had sent 4,000 French livres to be invested for his personal account. How he obtained the French money is never explained. On numerous occasions, Murray offered those whose favor he wished to gain gifts of the best furs. While these actions by no means suggest corruption and are, admittedly, conjectural, it does suggest that when Murray took advantage of the situation, it was acceptable; when the merchants tried, they were unscrupulous rascals impoverishing the poor Canadians.

Murray should be credited for a spirit of tolerance and appreciation for the French-Canadian habitant that served Britain well in the early years of transition from French to British rule. He perceived his responsibility as governor of Quebec to extinguish prejudice against the Canadians and to cultivate connections which might be useful in case of another war. Gradually, he believed, at least initially, with a policy of tolerance, they could be assimilated. But he was unwilling to show equal tolerance for the merchant. Quite the reverse. In one statement he claims that it was a maxim of his "to shun addresses from the traders," and to consult the men of property in the colony,

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45 PAC, Murray Papers, MG23, II, 1 (1) 2.

46 Ibid.
i.e., the seigneurs. This favoritism of the seigneurs provoked dissension not only among English merchants, but among Canadians as well. In one instance, only seigneurs who represented the noblesse were invited to a meeting on March 6, 1766, in Montreal by the governor and council; Canadian and English seigneurs from the bourgeoisie were excluded. When the latter arrived at the court house, where the meeting was to take place, they were informed by Adam Mabane, a member of the council and judge of the Court of Common Pleas in Quebec, that they were not welcome and that the assembly was by a "particular order of the governor and council, that no person was to be admitted, but those contained in a certain list." Mabane was asked if he would read a paper to the seigneurs attending, but he refused saying that his orders from the governor and council were that "no paper whatever should be read, but what they had before them." The citizens were ordered out and a few were even thrust out. A protest was lodged by those turned away expressing the concern that the exclusion of so many old and new subjects would cause dissension between them and the noblesse "infusing in their minds a spirit of discontent contrary to his most Gracious Majesty's kind Intention." This protest was signed by John Welles, R. Stenhouse, Matthew Lessey, Samuel Holmes, John Stenhouse, George Young, Joseph Howard, Lawrence Ermatinger, Matthew Wade, James Price, Thomas Barron, Jonas Desaulles, Richard Dobie, notarized by Edward William Gray, and witnessed by Benjamin Frobisher, John Thomason, William Haywood, and John Blake. James Price, William Haywood, and John Blake were all
Americans who sided with the rebels in the invasion of Quebec and left the province with the defeated army.\textsuperscript{47}

If the merchants accused Murray of causing defection between the English and French, Murray, in turn, charged that the English merchants were hostile to the Canadians. Creighton deals with this issue and makes an interesting observation. He says that the feud was not between races, "though it has been easily misunderstood as such." It was a feud between classes, between an old orthodoxy of privilege and status and a new orthodoxy of middle class liberalism. Creighton refers to the intermarriages between the French and English in Montreal, but he qualifies it by saying it was between those of the same class. The same situation prevailed when the prestigious Beaver Club opened its door—the French were not barred from admittance. This argument was advanced to prove that there was no stigma attached by the English merchants against the French merchants and that the two peoples lived together harmoniously.\textsuperscript{48} The lack of prejudice is also evident in the number of business partnerships between the Canadians and the English. There are many studies on the issue of whether the Canadians were discriminated against commercially by the British authorities.\textsuperscript{49} The fact that the British took over the fur trade from the Canadians requires another explanation, however, other

\textsuperscript{47} Archives de Quebec, Montreal, \textit{Le Bulletin des Recherches Historiques}, XXXVIII, 2 (Levis, Février 1932), 70-74.

\textsuperscript{48} See Creighton, \textit{Empire}, Chapter III.

than those that have been advanced which include charges of discrimination. When the fur trade became more competitive and monopolistic, the less competitive English merchants suffered the same fate as the Canadians. The difference between those who survived and those who didn’t was access to capital. If there were discrimination because American and British merchants had more ties with London, it was discrimination of a different sort.

Another aspect of the class struggle between the aristocracy and the merchant class was political in nature. In this instance the proximity of the American colonies contributed to the clash between Murray and the merchants who had emigrated from the American colonies to Quebec imbued with ideas of republicanism. For over a hundred years British policy of benign neglect suited the independent American colonists who had grown and prospered while developing their own political institutions. Attempts to rein in their independence by the ministries’ taxing policies, beginning with the Stamp Act, met with indignant protests. Enactment of the Stamp Act, which caused such convulsions in the colonies, is considered not to have overly dismayed the merchants in Montreal. The literature is sketchy on this issue, and although Murray denied that there was any protest worthy of note in Quebec, there is sufficient evidence to indicate that this may have been a whitewash by him in order to present his administration in a more favorable light. A digression to examine the impact of the Stamp Act in Quebec might help determine whether or not there was greater opposition to it than Murray contended and whether that opposition was influenced by the American colonists.
An article in 1932 by British historian, W. B. Kerr, on the Stamp Act, is revealing for several reasons. Kerr refuted the claim by Victor Coffin in his 1896 study of the Quebec Act that the American-born or trained segment of the English in Quebec had vigorously protested the Act but they were only a small minority and could not influence the majority of merchants who acquiesced. Kerr claimed that there was no protest, even among the minority, and that the reason Coffin erred was that he did not have access to the *Quebec Gazette*. Kerr cited several articles in the *Gazette* to make his case. Ironically, it was the *Gazette*, the first newspaper in Quebec started in 1764 by two men from Philadelphia, Thomas Gilmore and William Brown, that protested the Act by discontinuing publication until the Act was repealed. Upon resumption, the editors explained to their readers:

> It is with the most sensible pleasure we find ourselves emerged from an involuntary inactivity and once more at liberty to congratulate our former customers and the public in general on their being freed from the impositions of the grievous Stamp; an act more dreadful than the icy chains of our inhospitable winter. . . .

The letter that appeared in the *Gazette* on July 21, 1766, that triggered the controversy was one written by a committee of London merchants to their fellow merchants in which they castigated the rebellious actions of opponents of the Stamp Act. They admonished the Quebec merchants to be grateful for the "magnanimity of His Majesty’s government in overlooking lawlessness and repealing the Act." Affronted by the patronizing tone of the letter and its inaccuracy in assuming that the Quebec

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50 *Quebec Gazette*, March 29, 1766.
merchants were guilty of spirited remonstrances, on July 28, speaking for thirty-eight other merchants, Joseph Cawthorne responded. Cawthorne charged that the only reason there was not greater opposition was that those who were opposed were intimidated by the fact of living under a military government. This charge drew an angry response in the *Gazette* from an anonymous person, also claiming to speak for the merchants, though he was not one of them. He denounced Cawthorne as "a stranger, one of the oddest compounds of ignorance and pedantism. . ." for mistakenly believing, first, that the people lived under a military regime, and second, that the people were wanting only in power, and not will, in not opposing the Stamp Act. From this exchange of letters, Kerr says, "We may now consider whether Cawthorne or the anonymous writer of this vigorous statement of conservative opinion better represents Quebec sentiment." He argues that if the merchants disapproved of the Act, they would not have been hesitant to express their views. For evidence, he cites both the 1764 presentment of the Grand Jury in which they made extraordinary claims to function *pro tempore* as an assembly and the welcoming address of the inhabitants to Lieutenant Governor Guy Carleton in September 1766 in which they refer with pride to their obedience to the Stamp Act. In the latter case, according to Kerr, those who objected to this inclusion were unable to secure modification and thus he concludes that "they were a small minority. . . and no more was heard of the Stamp Act in Quebec." More importantly, he says, "In the Stamp
Act affair these 'contemptible sutlers and traders' detached Quebec from the thirteen colonies and directed that province on a separate path.\textsuperscript{51}

The article by Kerr is interesting for several reasons. With respect to the Stamp Act protests, it dismisses the fact that Cawthorne spoke for thirty-eight merchants and they were not all American-born or American-led; second, it dismisses the fact that although seventy merchants proudly claimed in their letter to Carleton that they submitted to the Stamp Act, a second letter of welcome was signed by forty-five merchants. These figures are not insignificant and suggest that there was an underlying discontent with British policy that would resurface in 1774. One other comment with respect to Kerr's article is that it perpetuates the view without giving any evidence that the merchants were "contemptible" and that the merchant community was stratified between those who were British-born and American-born. This study will attempt to show that such an analysis was misleading, if not inaccurate.

What more do we know about the Stamp Act in Quebec? There are references to merchants meeting in coffee houses in Montreal to protest the Act. There are two statements by Murray, one on February 14, 1766, while the Act was still in effect, that "His Majesty's subjects in this province have not followed the example of the neighboring colonies, but have cheerfully submitted to the authority of the British

\textsuperscript{51}\textsuperscript{51} W.B. Kerr, "The Stamp Act in Quebec," \textit{English Historical Review}, 47 (1932), 648-51.
In a second statement made on August 20, 1766, after leaving the province, Murray says of the Canadians that "though stimulated to dispute it by some of the licentious traders from New York they cheerfully obeyed the Stamp Act, in hopes that their good behavior would recommend them to the favor and protection of their sovereign." In Murray's personal correspondence, a letter from a friend in New York, a Colonel Maitland, dated January 13, 1766, refers to an incident in New York in which Murray was apparently hanged in effigy because of an address he made on the subject. According to Coffin, no statement was found of any revenue from the tax. Coffin attributes this to the fact that there probably was résistance passive, a term French Canadian historian Garneau applied to the Canadians.

If there wasn't anything more than a résistance passive or resistance by only a small minority who could not persuade the majority, what was the reason for it? There are several explanations which have not thus far been considered. In 1765, Quebec was a small colony with a much smaller commercial population. There was only one post road between Montreal and Quebec, with scattered communities remote from one another. For this reason, according to Benjamin Franklin, who was called to testify on the Stamp Act before the House of Commons in February 1766, it would have been

52 Coffin, "The Province of Quebec, 1760-76; Bulletin of the University of Wisconsin, 1, 1897, 317.
53 Ibid.
difficult to dispense the stamps by post, hence the résistance passive would not have been difficult.

There was another feature of the Stamp Act that might have reduced concern, at least among the French-speaking population or those using French in their business. A little known double duty clause in the Stamp Act was imposed on all instruments not written in English. The purpose of this clause was to advance assimilation of persons of foreign extraction into the English-speaking community and to prevent their interference in the conduct of law and business. Because it was believed precipitous to require them to do so, Canada and Grenada were exempted for five years from this duty.

Another significant difference between the American colonies and Quebec and hence the difference in their response to the Act was the fact that the tax was imposed to help defray the cost of the last war. In the same interview before the House of Commons, Franklin testified that the colonists were already paying heavily in taxes for the costs of the Seven Years' War. Although Parliament had reimbursed America, Franklin stated it was only forty per cent of the actual cost.54 This situation could not be compared to that of Quebec, so that it was quite understandable why the colonists would be more outraged by the tax than the Canadians.

54Bigelow, Franklin, III, 404.
Before finally leaving the subject, it might be well to explore another aspect that will be considered at greater length later. Creighton believed that the merchants were first and foremost concerned about their economic interests. Constitutional issues were secondary. If the merchants were acquiescent, it was because of the nature of their commerce. The duty on stamps was not viewed as significantly detrimental to them. This was true of some merchants in the American colonies who would not have joined in the protest, but for the organized threats and actions by the Sons of Liberty. Such threats were compelling enough for them to accede. There was no parallel situation in the sparsely settled province to that in the colonies of the organized Sons of Liberty. One might conclude that there probably was more resistance than has been recorded, but nothing on the scale of the rebellion in the American colonies. Nonetheless, it is worth noting that though the merchants did not overly react against the Stamp Act, they were quick learners in the art of such protest when one year later a tax on imports and exports was imposed. Creighton was right that they would act when their interests were affected. Since they believed Murray to be detrimental to their interests, they concentrated on seeking his removal.

How should one assess Murray’s tenure as governor of Quebec? Despite the many positive acts undertaken by him, Murray was incapable of dealing with the problems he faced. The transition of going from a military to a civilian government would have been a challenge to the ablest of administrators, but he was not one of them. His own personal failings exacerbated the tensions in the province, which particularly in Montreal
had already erupted into violence between the mercantile community and the military. Murray’s own feuds with his fellow officers--Burton, Christie, and Brown--and with the English merchants became hopelessly entangled with the disputes between the army and the civilians. These quarrels were obstructive of his ability to govern, which was finally the reason that he was called home. Murray’s exoneration does not, in this view, exempt him from the fact that he precipitated the quarrel with the merchants by not showing them any of the consideration that he showed the Canadians. In their struggle to gain British rights as promised in the Proclamation, the merchants have been maligned and Murray has been applauded for championing the Canadians and protecting them against the rapacious merchants.

Murray was a tolerant and generous leader of a conquered people. For that he deserves credit. But the long-term result has been a bicultural and bilingual country, with a playing field that has not been a level one. Although the blame cannot be put on Murray, the second-class status of French Canadians in Canada until recent years had its roots in his efforts, and those of his predecessor, Carleton, to maintain the habitant in a subservient position to the seigneurs and clergy.

Murray readily admitted that the charge brought against him by the merchants that they were treated with a "rage and rudeness of language" was true. In contrast, he showed every consideration to the noblesse. For example, when he exempted the noblesse from having to billet soldiers, unless absolutely necessary, he explained that this
was a right that people of family in all countries would expect. In fairness to Murray, he was expressing the views of his class, which in eighteenth-century England were acceptable. But he did not recognize that in postwar Quebec the kind of society that entrenched this class system could not be a productive one. The tragedy for the merchants and the habitant was that Murray's successor, Guy Carleton, shared Murray's views.

The merchants' efforts to recall Murray may have won them the battle, but as will be seen, eight years later they lost the war. In the meantime, Murray resumed his military career which culminated in still another controversy when he was governor of Minorca. His Lieutenant Governor, William Draper, charged Murray with misconduct ranging from embezzlement to cruelty. Murray insisted on a "court martial" to determine his innocence. Once again he was exonerated. A career that was punctuated with so many dissensions requires close scrutiny. Murray's motives were probably honorable overall, but his character flaws superimposed on the prejudices of his class, detract from the goodwill and effectiveness of his tenure as governor of Quebec. His views of the merchants of Quebec as "licentious fanaticks" have to be tempered with these shortcomings.
CHAPTER FOUR

CARLETON VS. MERCHANTS

The Quebec merchants' expectations for a good relationship with the acting governor were high when Lieutenant Governor Guy Carleton arrived in Quebec on September 22, 1766. The new governor had every intention of succeeding where his predecessor had failed. Before leaving London, Carleton was apprised of the merchants' views from his good friend, Fowler Walker, the merchants' agent in London. Without informing himself of Murray's position, Carleton concluded that Murray was at fault in the conflict with the merchants and that he would join in common cause with the merchants for the good of the province. To his pleasure, Carleton received a reassuring welcome from a majority of the merchants. They pointedly reminded him that, unlike their cousins to the south, they had proudly accepted the Stamp Act and, what was more pertinent since the Act by that time had been repealed, they "loyally acknowledged the authority of Parliament to legislate for Canada." But as a reminder to the governor that not all the merchants were as submissive, another message signed by forty-six merchants, a third of them Canadian, deliberately refrained from any mention of the rights of Parliament.1

1Creighton, Empire, 58-59.
Unfortunately, Carleton's intention to avoid the divisiveness that had characterized Murray's tenure as governor was short-lived. In fact, Carleton had not stepped foot on Quebec soil more than two weeks before his actions were called to account by some of the council members. The issue stemmed from a request by the merchant George Allsopp to reverse previous decisions by the council under both Murray and acting governor Paul Aemilius Irving. Believing that Allsopp was an important merchant who was discriminated against by Murray, Carleton saw this as his opportunity to win the allegiance of the anti-Murray faction. Also believing that the issue was of some immediacy, Carleton called together five members of the council: Chief Justice Hey, Council Secretary Cramahé, James Goldfrap, Thomas Mills, and Irving. These five council members reversed the actions taken by the previous councils and granted Allsopp the right under the terms of the 1765 ordinance of "free trade" to continue to carry on his business. The action itself did not provoke the controversy. Rather, it concerned the manner in which Carleton called the council meeting and then defended his actions. Such behavior revealed disquieting views about the new governor.

While Carleton has been generally considered a better governor than Murray, he nonetheless suffered some of the same shortcomings of his predecessor. This fact is not surprising for, like Murray, he came from the same aristocracy, was trained in the military, and shared all the same prejudices of his class. Their aristocratic-military background colored both men's judgment about the role of the noblesse in Quebec society and resulted in their belief that security was the paramount responsibility of a governor.
As military men they had little tolerance for dissent or any form of republicanism. Fears of "mobocracy" were more pronounced in Carleton's case, however, for ever since the Stamp Act of 1765, the American colonists had become increasingly rebellious and threatening to British authority. The experience of living so close to them only heightened Carleton's distaste for dissent. The result was an administration that verged on despotism, benign and well-intentioned to be sure, but one that stifled political growth in Quebec.

Some historians would object to this assessment of Carleton's first tenure as governor (there were two). But historians have been as divided about Carleton and his role in Canadian history as they have been about Murray's. Early biographers, Arthur Granville Bradley and William C. H. Wood, lauded Carleton as an heroic figure: the "father of British Canada" and "the great justifier of British rule beyond the seas." A. L. Burt, writing in the 1930s, says though Carleton was considered one of the greatest proconsuls in British history, he believed the governor's "judgment and his character were not always as sound as had been assumed."² Burt's protégé, Hilda Neatby, is more charitable overall. She describes Carleton as benevolent, humane, competent, a man of wide interest and large views." But she also describes him as ambitious, proud, sensitive. . . markedly resentful of any affront to his office or person," and that despite all his ability, his weakness was "that he saw in himself more of the insight of genius

²A. L. Burt, The Old Province, 87.
than he really possessed." Creighton is one of Carleton’s harshest critics, labeling him "a political Tory and a social conservative, with a complacent belief in his own importance and an ingrained relish for authority." Some French Canadian historians, such as F. -X Garneau, believed Carleton the "father of the Quebec Act," which they termed their Magna Carta; more recently French Canadian nationalists charge Carleton with contributing to their second-class status in the predominantly English culture.

Whether the judgment of Carleton is negative or positive, the role he played was of paramount significance, for the Quebec Act was a turning point in the future of Canada. If Carleton was not the "father" of the Quebec Act, he was of critical importance in the government’s decision to reverse its policy of assimilation. Historians have generally discredited the view that the Quebec Act was an act of revenge against the American colonists for their rebelliousness. But the fact remains that Carleton’s antipathy toward the republicanism of the Americans and his cries of alarm that Quebec must be fortified in the event of an attack by them, or by them in concert with the French, had to have had an influence on the decisions made in Whitehall and Westminster. Carleton’s positions in support of the seigneurs and clergy and for reviving

3Hilda Neatby, Quebec, 87.

4Dictionary of Canadian Biography, 153.


6For the various interpretations of the Quebec Act, see Neatby, The Quebec Act, 68-136.
the whole body of French civil law to its pre-conquest status set a course for Canada that, despite the attractive aspects of cultural diversity, have plagued Canadian national life for more than two hundred years. An examination of the man and of the policies he espoused leads inevitably to the conclusion that his misjudgment of Quebec society was a costly one, not only for Quebec, but for the British empire as well.

Carleton’s contemporaries depicted him as cold, severe, sour, and morose. But he was also considered intrepid and incorruptible. Lord North expressed his confidence in Carleton, describing him: "so much of a soldier, and so little a politician... a resolute, honest man... a faithful and dutiful subject."7 He might have been describing Murray. The parallels between Murray and Carleton are numerous. Both served in Quebec in the Seven Years’ War. Neither had been civil administrators before being appointed to their positions in Quebec. Yet both were rewarded with the administration of an important province. The reason for such recognition stems from similar circumstances: each had friends in high echelons of government. In fact, George III was especially partial to Carleton. During Carleton’s first tenure as governor of Quebec, from 1766 to 1778, he enjoyed the trust and confidence of all the secretaries of state responsible for North American affairs: Henry Conway, the Duke of Richmond, Shelburne, Hillsborough, and Dartmouth.

7Dictionary of Canadian Biography, V, 152.
With such support in Britain, Carleton was able to wield greater influence than Murray. He had other advantages as well. Carleton arrived in Quebec straight from London so that he was familiar with the views of the ministry and could be expected to work in unison with it. Murray, who had been in Quebec since 1759, had to glean whatever he could about the ministry’s views from a distance of 3,000 miles and a time lag of about three months. Carleton was also spared potential jurisdictional conflicts with the military for after his recall, Murray convinced the king and cabinet that the governor should have command of all the troops in the province. To assist him in administration, able men were chosen as attorney general and as chief justice, Francis Maseres and William Hey, respectively. As civil secretary, Cramahe, Murray’s right hand man, brought invaluable experience to the neophyte ruler. But all these advantages were secondary to the goodwill of the merchants. The merchants, having successfully removed Murray, were optimistic that the new governor would help promote the goals they long sought.

Initially, the merchants were encouraged by Carleton’s attention to their interests. He agreed to review and to recommend the removal of restrictions on the fur trade and the fisheries. He suspended introducing English bankruptcy laws because some of the merchants objected to them. He distanced himself from Murray’s closest advisers and rewarded merchants whom Murray discriminated against with appointments or grants. But in just a year, Carleton came to the same conclusion as Murray that the policy of anglicization could not work in a culture so predominantly French. This view was based
on the same consideration as Murray's—the security of the country. It was not surprising since both were military men. If the large French-Canadian population were to remain loyal to Britain in case of another conflict with France, the government would have to inspire them by protecting their interests. Carleton's letter to Shelburne, November 25, 1767, a little more than a year after his arrival in Quebec, reflected his negative views about the "old" subjects and the unlikelihood that they would ever be more than a very small minority in an overwhelmingly large French-Canadian population. He described the few Englishmen who were presently living in the Province as:

Having been left here by accident, and are either disbanded officers, soldiers, or followers of the Army, who, not knowing how to dispose of themselves elsewhere, settled where they were left at the reduction; or else they are adventurers in trade, or such as could not remain at home, who set out to mend their fortunes, at the opening of this new channel of commerce, but experience has taught almost all of them that this trade requires a strict frugality, they are strangers to, or to which they will not submit; so that some, from more advantageous views elsewhere, others from necessity, have already left this province, and I greatly fear many more, for the same reasons, will follow their example in a few years.

On the other hand he predicted:

While this severe climate, and the poverty of the country discourages all but the natives, its healthfulness is such, that these multiply daily, so that, barring catastrophe shocking to think of, this country must, to the end of time, be peopled by the Canadian race, who already have taken such firm root, and got to so great a height, that any new stock transplanted will be totally hid, and imperceptible amongst them, except in the towns of Quebec and Montreal.8

8Shortt and Doughty, Documents, 284.
What is interesting about this letter is that it could have been written by Murray in 1762. It is surprising because by 1767 though many immigrants failed in their businesses and were leaving the country, most of the merchants and traders had become responsible citizens. In fact, the fur trade, which was still the dominant industry, increased in volume between 1765 and 1769. Also the purge of merchants that Carleton speaks of had already occurred in 1765-66 before he arrived in Quebec. This purge was not due to "lack of frugality," but rather in large measure to external forces such as Pontiac's war, the decline of the English economy which resulted in cutting back on necessary capital for expansion, overproduction of agricultural goods, and an inability to compete with Albany in export markets. But the point is that the less viable merchants were the ones to leave; those remaining were generally astute, substantial businessmen. Though relations between Carleton and the merchants were never as contentious as those between the merchants and Murray, the views Carleton expressed in his letter to Shelburne reflect his disenchantment with them.

At the same time that Carleton became dissatisfied with the merchants, he grew increasingly partial to the seigneurs. This partiality was reflected in his determined effort to provide patronage for them in order to ensure their loyalty to the British. Perhaps due to class prejudice against the mercantile class, Carleton seems to have ignored the role of the Canadian bourgeoisie in the post-conquest era. The latter enjoyed more wealth, were better educated, and more cultured than the seigneurs, who were in desperate

9Ouellet, Economic, 74.
financial straits, nonproductive, and held in low esteem by the habitants. The seigneur Charles-Antoine Godefroy de Tonnancour of Trois Rivières, is a typical example. He dissipated his paternal inheritance by selling off land, but the proceeds were never enough to maintain his luxurious way of life. Despite his indebtedness and idleness, Carleton appointed him to various commissions and in 1797 to be head of the grand juries for the Court of King's Bench.\(^{10}\) According to Hilda Neatby, the governor was totally unaware that Canadian merchants were contemptuously amused by Carleton’s continued insistence on gaining patronage for the seigneurs.\(^{11}\) He was also unaware that their influence with the habitant was negligible. Numbers alone should have revealed this fact, for of 104 seigneurs mentioned by Carleton in his returns, only thirty-six lived among the habitants in the small towns and villages in the province.\(^{12}\)

The misjudgment of Quebec society by Murray did not have as serious consequences for the future as in Carleton’s tenure as governor. Carleton was the chief source of information on the province, and because his views were held in high regard by the ministry in London, his recommendations were given serious consideration. He confirmed Murray’s views. Both stressed the importance of maintaining the loyalty of the Canadian population should any attempt be made by the French to recapture Quebec or should the American colonists decide to separate from Great Britain. Carleton waged

\(^{10}\)Dictionary of Canadian Biography, IV, 303-04.

\(^{11}\)Neatby, Quebec, 104.

\(^{12}\)Ibid.
an unrelenting campaign to convince the ministry in London to reverse the policies of the Proclamation and of the ordinance of September 22, 1764, which established the British system of law. While the government realized the need for a serious review of its policies toward Quebec, it was preoccupied with the threatening actions of the American colonists to its authority. Carleton responded to the danger of this threat to Quebec by attempting to quash any incipient rebellion on the part of the merchants. But until the home government had a chance to deal with Quebec, the policy of assimilation was still the official policy. Despite this, Carleton did whatever he could to ignore implementing it.

His brazen disregard of his instructions, insubordination that he would not tolerate in others, changed the course of events in that province. His goal for the future of Quebec was to return to the past. He was determined to advance policies that would protect the French religion and laws in order to win the confidence of the Canadians. He was equally determined to discourage all petitions protesting government actions or inactions. Where Murray's antipathy toward the democratic tendencies of the mercantile class was never overtly expressed, Carleton made very clear that actions by the "mob" were not to be tolerated. The society he envisaged for Quebec was a hierarchical one with a governor and council, composed of a minority of seigneurs, in firm control at the top, and at the bottom the vast majority of habitants controlled by the seigneurs and clergy. This scheme was based on the mistaken premise that the habitant was submissive and that the pre-conquest society was feudal. From 1766 when he arrived in Quebec
until 1770 when he left to advise the British authorities on revision of its Quebec policy, Carleton was devoted toward winning the loyalty of the Canadians. Any behavior that he perceived as threatening his goal and his authority had to be repressed. This was the underlying principle behind all his actions as he took over the administration of the colony.

Carleton’s rule from the start was autocratic. His first act in calling a council meeting, referred to earlier, was a harbinger of the kind of behavior that could be expected from the new governor. Untangling what really occurred is difficult since Carleton obfuscated the truth in his reports to Shelburne, and historians have disagreed in their interpretations of the incident. Burt has the most definitive account, Neatby the most balanced. While Neatby admits that Carleton’s actions were heavy-handed, even dishonest and unconstitutional, she condones his behavior as essential in order not to fall victim to the fractiousness which marred Murray’s governorship.\(^{13}\) Lawson gives an entirely different version of the incident and dismisses it as having been blown out of all proportion by Murray’s men who turned what was at worst a "piece of poor judgment into a constitutional issue."\(^{14}\) Lawson says that Murray’s old friends, who had a vendetta against the new acting governor, imagined a slight when they were omitted from the council meeting. Lawson claims that they were "unavailable or unable to attend." This version is difficult to understand unless Lawson read only the Shelburne-Carleton

\(^{13}\)Ibid., 93.

\(^{14}\)Lawson, The Imperial Challenge, 89.
correspondence, which is Carleton's cover-up of the situation. The incident is important for it not only tells us how Carleton intended to govern, but it reveals his propensity to distort the truth which becomes important when judging his testimony before Parliament with respect to the Quebec Act. From a review of all sources, this is what seems to have happened.

Just two weeks after his arrival in Quebec, on October 9, 1766, Carleton privately called together five councillors, two considered Murray’s men, Irving and Cramahe. The purpose of the meeting was to reconsider a decision that had been previously made which required George Allsopp and Joseph Howard to cease their trading activities at the king’s post near Chicoutimi. The five-member council reversed that decision. When the other members of the council, all considered "Murray's" men, learned of this meeting, they were alarmed, particularly since there were rumors that they were to be dropped from the council permanently. They appointed Irving to be their spokesman to voice their concerns to Carleton. Carleton was conciliatory. He assured Irving that the exclusion of the councillors had not been intentional, and to placate them, he invited them all to dinner the next evening. Just to be sure Carleton would not again bypass them, the four men presented Carleton with a somewhat disrespectful statement, protesting against "the method lately adopted of calling together only a part of the council."\textsuperscript{15} The councillors proceeded to admonish the governor on the conditions of their appointments to the council and informed him that in the likelihood that the council was to be restricted, as

\textsuperscript{15}Shortt and Doughty, \textit{Documents}, 277-278.
they understood it, the decision would be based on seniority. Carleton accepted this remonstrance: he was cordial to the councillors and promised a reply. That night at dinner, however, he obviously decided that he should assert his authority over the councillors. Deceitfully, he accused Irving of having lied to them. He said their exclusion from the council meeting was not an accident, but deliberate. He wanted them to know that he would call to council "as few or as many members as he thought convenient."  

16 When Carleton submitted the council minutes and the remonstrance to Shelburne, he included two covering letters. One supposedly was sent to the councillors. In it he repeated that it was not an accident that they were excluded from the council meeting, that he would not be dictated to, and that on all matters which did not require the consent of the council, he would call together such councillors "... as I think shall best be qualified to give me information" and others, though not councillors who are "men of good sense, truth, candor, and impartial justice." 17 This covering letter was never sent to the Quebec council members since it was fabricated only for Shelburne's eyes. But because the meeting in which the five councillors reversed the decision with respect to Allsopp and Howard was illegal, in a letter to Shelburne, Carleton misleadingly informed him that there had been two meetings. One, he said, was a regular one in which the decision was made; and the other was a meeting "for private information" which did not

16 Burt, Old Province, 133.
17 Shortt and Doughty, Documents, 277.
require a council. In the same letter Carleton vilified each of the council members and suggested that this pro-Murray faction was intent on causing trouble. With resigned tolerance he said he would "... give them time to cool and reflect, till matter occurs that may require a council." Thus, Carleton put the onus on the councillors for any disruptiveness in his administration and provided an excuse for not calling council meetings for a while. Such deviousness was not a good harbinger for those who might oppose the governor.

After this initial confrontation with "Murray’s men," in order to increase his authority, Carleton resolved to dismiss two of the most influential members of the council: Irving and Adam Mabane. His opportunity to do so arose over another government attempt to bring the culprits in the Thomas Walker case to trial. This time Walker accused six of Montreal’s most reputable citizens with the crime. They were arrested, and because Walker claimed his life would be in jeopardy if the men were granted bail, bail was refused. An outraged citizenry under the leadership of Irving and Mabane signed a petition to Carleton requesting that he grant bail or at least improve the manner of the prisoners’ confinement. While appearing to support their request, Carleton seized the opportunity to dismiss Mabane and Irving. The two councillors were informed of their dismissal in a note on November 28, but it was not announced until the December 1 council meeting, the first since the October 9 special session. In his letters

\[18\text{Ibid., } 279.\]

\[19\text{See Chapter 3 for an account of the incident.}\]
to Shelburne and the Board of Trade, Carleton explained that the petition was "the first open attempt to disturb the peace and interrupt the free course of justice since my arrival in the province." Because of the two councillors' role in instigating the petition, Carleton informed the Board that he dismissed them "to make some example, thereby to deter all from such disorders; and particularly to convince the Canadians, such practices are not agreeable to our laws and customs."²⁰

For the second time in just over two months Carleton's actions were contrary to administrative procedures and unconstitutional. Dismissal of a public official had to be at a meeting of the council with the reasons for the dismissal stated. Despite these illegalities, unhappily for his opposition, Carleton had the approbation of the authorities in Whitehall. For some time the Board had been receiving mixed messages from Quebec. Mabane complained of the new governor's stiffness and affectation of wisdom by a constant reserve and silence. Maseres, who would later become one of Carleton's harshest critics, wrote to Rockingham on November 20, 1766, "I take the liberty of informing your lordship that your appointment of General Carleton to the command of this province has been of infinite advantage to it, in allaying the animosities that had hitherto subsisted here, and introducing a spirit of tranquillity and harmony amongst the inhabitants."²¹

²⁰Dictionary of Canadian Biography, V, 142.

²¹Lawson, Imperial Challenge, 90.
Secretary of state Shelburne was aware of the power play going on in the province and determined to allow Carleton to establish his authority without the government's intercession. The secretary applauded Carleton's actions. On June 20, 1767, he informed Carleton that he showed his letter to the king and that he had the pleasure of "confirming to you, his majesty's gracious approbation of your conduct. The rectitude of those principles by which you have governed yourself and your firm though dispassionate manner of proceedings, if persevered in, cannot fail of giving due weight to your administration, of allaying any remains of faction which may not yet have subsided, and of putting an end to those impediments which too often arise from private views and personal jealousies."2

The dismissal of Irving and Mabane subdued the council, but not the merchants. As has been seen when their economic interests were affected, they could become assertive. The merchants closely followed the Stamp Act agitations in the colonies reported in the Quebec Gazette and presumably discussed them with the New York traders doing business in Montreal. But because the tax did not seriously affect them, there were no major protests. However, when a tax on exports and imports was imposed a year later, a protest reminiscent of the colonists' cry of "no taxation without representation" was launched. The merchants refused to pay any duties, especially since they were enacted not with the sanction of Parliament but by a ministry strapped by the need of more revenue sources. Some merchants were arrested, some gave bail, and a

22Shortt and Doughty, Documents, 295.
few remained in jail, at least for a few hours. These acts of protest occurred before Carleton's arrival on September 29. The first trial came on November 8, a little more than a month after his arrival. Attorney General Maseres was the prosecuting lawyer in the case and Chief Justice Hey, the presiding judge. The jurors, most of them merchants, and obviously sympathetic to the accused, ignored the request to return a special verdict only on the fact of the promise to pay and not on the legality of the duties. Instead they declared the accused not guilty.

In the interim in London the merchants had brought a suit against Murray for illegally collecting duties during the military regime. During the course of the trial, it became known that Murray inadvertently charged a higher rate for rum than was allowed under the French regime. (He did this, he said, to encourage British imports.) This knowledge compromised the case, so the government offered to refund the difference to the merchants with interest. The plaintiffs gladly accepted and dropped the suit. Unfortunately, their action encouraged the treasury to issue fresh orders to collect the duties. Once again the merchants protested. Finally, the government realized that for the small amount of money involved, it was not worth jeopardizing the goodwill of the merchants. All further attempts to collect the duties were abandoned. As will be seen later, the merchants' victory was a Pyrrhic one, for Carleton issued an ordinance in 1770 just before leaving the province for England that disbanded jury trials in civil cases. His motive for doing so stemmed from these cases in which Carleton believed the jury's verdict of not guilty obstructed the government's right to raise revenues. Since the
merchants involved in this protest were considered among the most respectable inhabitants of Quebec, most accounts of it state that "there was little doubt that the resistance was inspired by the spirit of rebellion in the other colonies."23

From the time Carleton assumed the responsibility for governing Quebec in the fall of 1766 until 1770, the merchants' protests were limited. Several reasons might explain why. Burt suggested that the merchants' hostility toward Murray was their rallying cry, and when he was recalled, their unity was dissipated.24 But the merchants were also encouraged by Carleton's expressed sympathy toward them in the first year of his tenure as acting governor. They believed he would act in their interest, as in many instances he did. On one of the critical issues that concerned them, the regulation of the fur trade, Carleton supported their attempts to abolish the restrictions imposed on the traders by the Department of Indian Affairs. Other reasons might explain the merchants' inaction. The first winter several merchants prepared a draft petition calling for an assembly which they presented to Carleton. He discouraged them from proceeding to gather signatures by stating that he had "many objections to great numbers signing a request of any kind," for such petitions "seldom conveyed the sincere desire of the subscribers" and "it had an appearance of an intention to take away the freedom of granting or refusing the request."25 He assured them that he did not object to assemblies in general and would

23Coffin, American, 314.
24Burt, Old Province, 136.
25Shortt and Doughty, Documents, 295.
entertain any satisfactory plan they might propose. When they returned with their ideas, Carleton pressed them on the issue of Roman Catholics. Their response that Catholics could be electors but not representatives proved unacceptable to Carleton. Perhaps not willing to alienate the governor, who still seemed to be cooperating with them, the protesters backed down. Several further attempts at petitioning for an assembly under the leadership of John McCord failed to gain wide support. In a letter to Shelburne reporting these efforts, Carleton said of McCord, "He wants neither sense nor honesty, and formerly kept a small ale house in the poor suburbs of a little town in the north of Ireland, appearing zealous for the Presbyterian faith, and having made a little money, has gained some credit among people of his sort." Carleton made very clear that McCord was not from the "better sort of Canadians." Perhaps Carleton's Irish aristocratic background is the explanation for his disparagement of an "Ulster-Scot" from a merchant family. Carleton, no doubt, believed what he said even though it was a very distorted portrait of McCord. The fact that the McCord family was well-established and educated; that John came from the port city of Newtry near Belfast, where he was engaged in his wife's family's linen export company; and that from the time he arrived in Quebec, he was a substantial merchant is not given any consideration by Carleton.

Most of the merchants believed that Carleton was supportive of them, and they still hoped that an assembly would be called. Their hopes were not without foundation. The

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26Shortt and Doughty, Documents, 295.

27See more on McCord, Chapter I, page 34.
records show that in May 1767 in instructions to Carleton, Shelburne advised calling an assembly. On March 6, 1768, Hillsborough, who had replaced Shelburne in the secretaryship, instructed Carleton to summon an assembly "as soon as the more pressing affairs of government will allow." In July 1769 the Board of Trade decided it was "necessary in the present state of Quebec, that a complete legislature should be established." By this time any policy that would not restore to the Canadians their own laws was antithetical to Carleton. His response to the several requests from the home government for his assessment of the situation are instructive, for they reveal his bias against representative government and his prejudice for an authoritarian form of governing.

In June 1767 Shelburne informed Carleton that the administration of government of Quebec was under the most serious and deliberate consideration. This attention to Quebec affairs was forced on the Chatham administration by the opposition, led by Lord Richmond in the House of Lords, in May and June of 1767. Charging the Chathamites with inattention to Quebec’s problems, Richmond mounted a campaign to embarrass the government. Despite preoccupation with other concerns, notably actions of Massachusetts in pardoning the Stamp Act rioters and of New York in refusing to comply with the American Mutiny Act, the House of Lords passed a resolution on June 2 stating that "the Province of Quebec, for a considerable time past has wanted, and does now stand in need of further regulations and provisions, relating to its civil government and
religious establishment.\textsuperscript{28} This action was the only instance until the Quebec bill where Parliament concerned itself with the Canadian issue.

Shelburne, however, had not been negligent in trying to find a remedy for the province's problems. For the previous nine months, he had assigned one of his confidants, Lauchlin MacCleane, the task of recommending solutions. After a thorough review, MacCleane concluded that the only practical resolution was to revise the legal and religious administrative acts and to prescribe new test oaths for Catholics, enabling them to hold public office. Unfortunately, this watershed proposal to tolerate Catholicism would have meant political suicide for the Chatham ministry if it proposed such a solution at the time. Lawson says that Shelburne was anticipating what is known today as an "omnibus" bill on Quebec dealing with religion, justice, and representation. He wrote Carleton on June 20 requesting him to inform the ministry on "how far it is practicable and expedient to blend the English with the French laws\textsuperscript{29} in order to establish a fair system for both the old and new subjects.

In another directive dealing with the same subject a few months later, the Privy Council ordered the Board to require the governor and council assisted by the chief justice and the attorney general, to report on the judicial system of the province. These officials were to be assisted by an outside representative chosen by Shelburne.

\textsuperscript{28}Lawson, \textit{Imperial Challenge}, 90.

\textsuperscript{29}Shortt and Doughty, \textit{Documents}, I, 281.
Accordingly, Maurice Morgann, a former private secretary of Shelburne's, was dispatched to Quebec with Shelburne's instructions to Carleton to give him every consideration.

On December 24, 1767, a little more than a year after assuming the acting governorship of Quebec, Carleton replied to Shelburne's June 20 letter, stating emphatically that he believed Murray's ordinance of September 17, 1764, had gone too far. Carleton was careful to preface his remarks with a reminder that Quebec was not a "migration of Britons, who brought with them the laws of England, but a populous and long established colony." Their system of laws, Carleton reported, established a "subordination, from the first to the lowest, which preserved the internal harmony, they enjoyed" and which "in one hour, we overturned." Carleton stated that confusion reigned and would grow as long as English law was enforced, for Canadians would not regulate their affairs by this law, and therefore most of their transactions were legally invalid. He accused the English jurists of making justice tardy and expensive, where formerly it had been speedy and cheap. "The courts... have introduced all the chicanery of Westminster Hall into this impoverished province, where few fortunes can bear the expense and delay of a law suit."  

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30 Ibid., 288-289.

31 Ibid., 290.
Carleton recommended declaring null and void the ordinance of 1764 and instituting in its place the old laws except where experience proved English law superior. An amalgam of the old and new law would produce a Canadian code. Carleton proposed other changes, but he recognized that such major overhaul was outside the purview of the provincial government. In order to prevent the problems getting worse, Carleton framed two ordinances to submit to the Board of Trade that dealt with property and expedition of court cases. The first proposed ordinance continued the French laws for tenure, inheritance, and alienation of lands; the second established monthly sessions of the superior court, ten to be held in Quebec and two in Montreal, each to continue until the cases were decided. The first ordinance Carleton submitted to Shelburne, but the second he did not since it was vociferously opposed by both the Canadians and English. The Canadians believed that the ordinance threatened their "own" court, the Court of Common Pleas, where they used their own language and their own laws. The English members of the grand jury opposed the ordinance for fear that speeding up the process would result in actions for debt that would be detrimental to business, especially since the province was experiencing a lack of commercial credit.

On January 20, 1768, Carleton further discussed his views. As for representative government, he had very strong opinions which he conveyed to the home government. He argued that the "better sort of Canadians," i.e. the seigneurs, "fear nothing more than popular assemblies which, they conceive, tend only to render the people refractory and
insolent." He said that they were aware of the king’s displeasure with the misconduct of the assemblies in the American colonies and would be unhappy if "a like misfortune befell them." Carleton was leery of introducing the balanced form of British government--monarchy, aristocracy, and democracy--to the new world. He expressed the view that "the British form of government, transplanted into this continent, never will produce the same fruits as at home, chiefly because it is impossible for the dignity of the throne or peerage to be represented in the American forests." Carleton articulated the position later used by the Federalists in framing the American constitution. Carleton feared that in a situation "where all men appear nearly upon a level," democracy would soon supplant the monarchy and the aristocracy and promote strong republican ideas. This condition was to be avoided in Quebec. The autocratic Carleton’s solution for Quebec was to recognize the feudal system which, he erroneously thought, prevailed before the conquest. This, he believed, would secure "a proper subordination from this province to Great Britain" forever.

The views of Carleton and Shelburne differed over the issue of an assembly, but otherwise Shelburne was moving toward the inclusion of French civil law and the participation of Canadians in public office. These views represented a shift in the attitude of the government toward a moderate policy of anglicization. But that shift halted temporarily in 1768 with Shelburne’s resignation and the resumption to office of

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\(32\) Ibid., 295-296.

\(33\) Ibid., 296.
Hillsborough. Hillsborough immediately wrote Carleton reminding him of his role in the formulation of the Proclamation of 1763. He assured Carleton that "it never entered into our idea to overturn the laws and customs of Canada with regard to property."\textsuperscript{34} Blame, according to Hillsborough, must be heaped on the "weak, ignorant, and interested men [who] were sent over to carry the Proclamation into execution, who expounded it in the most absurd manner; oppressive and cruel to the last degree to the subjects, and entirely contrary to the Royal Proclamation."\textsuperscript{35} It is very difficult to know about whom Hillsborough was speaking. Certainly Murray could not be charged with being oppressive and cruel in instituting the ordinance of September 17, 1764. Despite Hillsborough's disavowal, the language of the Proclamation clearly required Murray to institute English law. Instead he compromised by establishing the Court of Common Pleas—a concession to the Canadians. Murray had been unjustly accused of not conceding more to the Canadians. Now Hillsborough had an opportunity to right the wrong of the Proclamation in regard to property law. But instead on August 12, 1768, in very detailed instructions to Carleton, now officially appointed governor of the province, Hillsborough repeated almost verbatim the instructions sent to Murray. He impressed on the governor the importance of calling an assembly as soon as possible. But he ignored, as he had previously, what the composition of that assembly would be. Whatever advances had been made in that direction by his predecessor would appear to have been dismissed by Hillsborough.

\textsuperscript{34}Ibid., 297.

\textsuperscript{35}Ibid.
The issue, however, would not go away. Pressures on the government by an organization called the Canada Committee, composed of London merchants, were stepped up. The government had ongoing consultations with this organization during negotiations with France over the Canada bills. Its members met regularly at the same London taverns and coffee houses, especially the New York and Will's near Lincoln's Inn. In a letter from the Canada Committee at the New York Coffee House on April 13, 1768, the merchants called for establishment of an assembly as the best means to revive the languishing trade of the colony. This was followed by another letter on September 20, 1768, from the same address, but signed this time by "Sundry Merchants trading to and deeply interested in the Province of Quebec." Using the precedent of Grenada, the merchants proposed that a limited number of Roman Catholics could be admitted to both council and assembly. Here was a breakthrough on the problem of religious toleration made by an important segment of the public. If only Shelburne and not Hillsborough had still been secretary, perhaps the question of policy for Quebec would have been resolved sooner. Nonetheless, the proposal of the Canada Committee brought the issue of religion and what to do about it to the attention of the Privy Council.

On September 28, 1768, the council requested the Board of Trade to prepare a report for its own information on what to do about the legislature, ecclesiastical affairs, and revenue problems of Canada. Since the Board of Trade at this juncture had become little more than an adjunct of the office of the secretary of state for the American

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36 Lawson, Imperial Challenge, 106.
department, the views expressed can probably be assumed to be those of Hillsborough. At last Hillsborough moved beyond his early position. The merchants’ actions in support of an assembly was the fillip he needed. He still maintained the position that administration of the province should include a governor, a council, and an assembly. But he recognized the need to include Canadians in that assembly. He recommended an elected assembly which would be composed of equal numbers of Canadian seigneurs from county districts and British merchants from the towns. The test oath would be waived in the former case, since they presumably would be Roman Catholics. The laws would follow the 1766 plan, never implemented, which would be an amalgam of French civil law with English criminal law.\textsuperscript{37} The Board also tackled the sensitive issue of ecclesiastical reforms for the province, even though Carleton cautioned against dealing with so "delicate and tender" a subject as religion until the legal reforms had been determined. Those Carleton considered "the ground work of the whole."\textsuperscript{38}

The Board’s report was a comprehensive one stating that it took into consideration all the information available to it from reports and individuals knowledgeable in Quebec affairs. "Wants and defects" from the various governmental directives were enumerated. With great anticipation Hillsborough submitted this report to the Privy Council on July 10, 1769. But no action was taken on it at that time since the members were in recess. When the council still did not act on it by November, on the grounds that they

\textsuperscript{37}Shortt and Doughty, \textit{Documents}, 377-393.

\textsuperscript{38}Ibid.
were awaiting the return of Maurice Morgann, Hillsborough realized that his report was not going to receive any serious consideration. He wrote Carleton, who had been waiting permission to return to London in order to explain his positions more clearly, and granted him that permission. In a secret and confidential dispatch, he also sent Carleton a copy of his report for comment. Ignoring any reference to the inclusion of an assembly composed of Canadians, Hillsborough wrote that he believed Carleton would respond favorably to the report. He instructed Carleton to be "careful not only that no part of it is communicated to any other person, but that in conversing upon the subject of any difficulties or doubts that may arise, you do avoid the appearance of their being other than the result of your own reflections; and I am particularly to desire that you will bring back the copy of the report with you, without suffering it to fall into any other hands whatever."39 Hillsborough's concerns reflected the new policy of secrecy with reference to the future government of Quebec that had just been adopted. From this date to the Quebec Act in 1774, few reports dealing with Quebec are to be found in State papers. This fact might explain the charges of those who believed the government acted hastily and deviously in 1774.

The delays in governmental action on Quebec have been given many interpretations. The Board of Trade had urged the council to weigh all circumstances but not delay in taking immediate action for it was "high time some steps were taken towards a necessary reform, in a case of so great importance, as to affect not only the

39 Ibid., 377, n. 1.
security of this colony, but with it, that of all His Majesty’s other dominions in America.  

Apart from fearing a negative public response, the Privy Council was simply overwhelmed by the complexity of the issue. When the council finally had the reports it commissioned from the Board of Trade and from the provincial officials, it found that there was no unanimity of opinion about what to do. Hillsborough’s report represented a modified version of the policy of anglicization. Carleton’s report was not supported by his attorney general or chief justice since they disagreed over which law should be paramount. As a result three reports were submitted: Carleton wanted the law to be French; Hey, English; and Maseres, a code based on English law.

Carleton strongly believed that there was only one way to give satisfaction to the Canadians and that was to revive the whole body of French civil law that was in use before the conquest. Maseres and Hey disagreed that the whole body of law had to be revived. They believed instead that the civil laws needed revision only where it related to tenure, alienation, dower, inheritance of landed property, and the distribution of the effects of persons who die intestate. Maseres and Hey daily experienced the complexities of French law and believed that returning to it was not as simple as Carleton believed. French legal records and French legal opinion were inextricably part of the law, resulting in continuing the Canadians’ ties with France. Also the laws would be difficult for the English population. The mingling of both laws had been in use ever since the conquest and, they believed, it would be difficult to return to the former system.

\[40\textit{Ibid.}, 391.\]
Maseres disagreed with Carleton that the Canadians were not happy with English law. The two exceptions, which Maseres said could be remedied by Proclamation or ordinance, were the high cost and delay of legal procedures. Maseres argued that British law was understood by the Canadians to apply ever since the capitulation and that they did not have a problem adjusting to it. The Treaty of Paris promised them only that they would have the free exercise of their religion "as far as the laws of England will permit." If revisions had to be made at a later date, that would be the time to announce such changes. But for now, Maseres concluded, any drastic change would not be to anyone’s interest. In summary, he argued that French law was complex and would be difficult for English subjects to administer since they were not versed in such law; return to French laws would continue the Canadians in their desire to return to their former government; and it would discourage Englishmen from settling there. But all three men agreed that the main grievance of the Canadians was the uncertainty of the laws, the delay and expense of legal proceedings, and imprisonment for debt. They also agreed on habeas corpus, trial by jury for cases of tort, restoration of French law for property and inheritance, and continuance of English criminal law.

The reports were submitted to the Privy Council by Morgann in December 1769. But even with the reports before them, as well as Maseres, Morgann, and Carleton ready to answer any questions, the Privy Council still dragged its feet. Reluctance to deal with Quebec was politically understandable. Ever since a report by Maseres in 1766, which stated that only Parliament could revise the Proclamation of 1764, the ministry was
reluctant to propose a bill for Parliament's consideration. With its leader, Chatham, incapacitated and his chief minister Shelburne, resigned, the ministry knew it could not withstand public debate on so many sensitive issues, particularly those dealing with Catholicism and representative government for "another" American colony. It would not be until 1772 when Hillsborough was replaced by Lord Dartmouth that serious consideration of revising the existing laws produced the Quebec bill. In the interim Hey and Maseres remained supportive of the merchants and Carleton adamantly opposed to them.

Carleton's last act before leaving the province in 1770 for London triggered anew the conflict between the merchants and the administration. He issued an ordinance that he believed would address the immediate problems of the inadequacies of the legal system. Prompted by complaints by Canadians of hardships suffered at the hands of justices of the peace, Carleton called for an inquiry by Maseres and Hey. The complaints appeared to have foundation. As a result, the September 1764 ordinance which granted civil jurisdiction to the magistrates was repealed. That authority was transferred to the judges of the Court of Common Pleas, leaving the magistrates responsible only for criminal and police jurisdiction. Seigneurs and militia captains could be appointed justices of the peace. To expedite matters, part of the French system was adopted. The court was divided into two separate ones, both to sit continuously in the towns of Montreal and Quebec. All civil cases were to be settled by Canadian justices of the peace and the Canadian Court of Common Pleas. The purpose of the ordinance
was to cut costs, to give small debtors protection against being imprisoned or having to sell property at unreasonable prices for owing trifling sums, as well as to grant speedier justice.

The ordinance appeared to be a salutary move. But there was another perspective. Only a small number of justices of the peace were considered a problem, but all were being made to suffer the consequence. The merchants objected to the ordinance as a "dangerous infringement of the liberty of the subject" since it allowed traders to be called to account at any time by their creditors and it permitted delay in the sale of lands for small debts.\(^4\) The merchants renewed their old complaint that the administration was ignorant of business needs and legislated to the detriment of the commercial community. This charge had some legitimacy, for both Murray and Carleton were not conversant with their needs. But the business interests of the merchants had to be balanced with many other competing interests. Carleton was not unsuccessful in doing so. Perhaps what rankled most was his manner. This was seen earlier in Carleton's treatment of the councillors.

When the merchants agitated against the ordinance, Carleton rebuked them for "their attempts to follow the conduct of a province which had incurred the displeasure of government at home and whose manner of demanding redress had proved the means of preventing it." He told the merchants' delegation that he was ashamed of the way in

which "many of the king’s old subjects had behaved, sending about hand bills to invite
the people to assemble in order to consult upon grievances, importuning, nay insulting,
several of the Canadians because they would not join them." Carleton said he would
welcome suggestions for improvement of the law if properly presented, but he warned
"if in tumultuous meetings, or by dint of numbers only, laws were to be made or
abrogated, the lowest dregs of the people, and the most ignorant among them, would,
of course, become the law-givers of the country."

With such over-dramatization on both sides, the conflict between governor and
merchants was revisited. The governor abhorred anything that approached representative
government. In 1770 the merchants broke their long silence in petitioning for an
assembly. Interestingly, they pointed out that for want of an assembly, a great number
of the new subjects "have hitherto proved rather a burthen than any benefit to themselves
or advantage to the community; their extreme poverty and misery increasing with their
numbers." In contrast, they boasted that they, the British subjects, "set examples and
give every encouragement in their power to promote industry, are the principal importers
of British manufactures, carry on three fourths of the trade of this country, annually
return a considerable revenue into your majesty’s exchequer in Great Britain." But they
warned, "the commercial interests have been declining and unless a general assembly is
ordered to make and enforce laws to encourage agriculture, regulate the trade, discourage

\[42\] Ibid.

\[43\] Neatby, Quebec, 99.
such importations from the other colonies as impoverish the province, their own ruin as well as that of the province in general" will occur. They stated "that there is now a sufficient number of Your Majesty's Protestant subjects residing in and possessed of real property in this Province, and who are otherwise qualified to be members of a general assembly." The petition was signed by thirty-one leading merchants from Montreal.

Unlike previous petitions, this one had little effect. After four soporific years in which the merchants' political agitations were minimal, their influence seemed on the wane. In part, this may have been because the British government had other concerns that were paramount: India, France, and especially the American colonies. The Montreal merchants were pressing for representative government at a time when most MPs wished they never heard of allowing colonials any form of self-rule since Parliament's supremacy was being challenged by the Americans. Merchants who might have joined together in common cause were alienated by nonimportation agreements in the colonies. There was another reason for the petition's failure. Carleton had anticipated the merchants' petitions and encouraged the new subjects, i.e., the seigneurs, to counter with a petition of their own. They submissively pleaded to be "judged and governed according to the laws, customs and regulations under which they were born, which serve as the basis and foundation of their possessions, and are the rule of their families." They confessed "how painful and at the same time how humiliating it has been to them to be excluded from the offices which they might fill. . . for the service of your majesty, and

^4^4 Shortt and Doughty, Documents, 417-418.
the comfort of your Canadian people." This petition defused whatever impact the merchants’ call for an assembly had on the government. There would be one more petition by the Quebec and Montreal merchants in 1773 and another counter-petition by the Canadians, but by then the tide had changed. The unlikelihood that British policy would totally ignore every report submitted to it calling for an assembly could not be fathomed in 1770. But that is what happened. What part Carleton played in that change was previewed in his first administration of Quebec.

How does one assess Carleton’s tenure as acting governor and then governor from 1766 to 1770? What were his accomplishments and his mistakes? The first observation is the similarities between Carleton and Murray. Like Murray, Carleton had little tolerance for any kind of dissent, as has been seen in his dealings with the council. Those individuals who disagreed with him paid a price. For example, when Maseres differed with him about the solutions for Quebec, Carleton defamed his character. In a letter to Hillsborough, Carleton claimed that Maseres was prejudiced against Canadians because of their Catholicism. He charged him with being indiscreet and hoped that he might find a position "where the fervour of his zeal can be of no essential disadvantage to the king’s service." Even though Carleton was on better terms with the merchants and the society less divisive than it was under Murray, Carleton reached the same conclusion as his predecessor—that the policy of assimilation could not work. Instead

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45Ibid., 421.

46Neatby, Quebec, 107.
Carleton pressed for a policy that would protect Canadian language, laws, and religion. At the root of this decision was the concern that he had for the security of Quebec. The province needed to be militarily prepared against an invasion by France or by the colonists. The latter, he warned, was a distinct possibility. But in addition to military preparedness, he believed it was absolutely essential to gain the support of the vast majority of the population, the new subjects.

In his assessment of Canadians, however, Carleton was led astray by his own biases. His aristocratic-military background and his penchant for autocratic rule led him into believing the answer to Quebec’s problems was to garner the favor of the seigneurs and the clergy, who he believed were the leaders of the habitants. Neatby says of Carleton’s avid support of the seigneurs: "Misled by an illusion of aristocracy and by the tastes of the professional soldier, Carleton did not observe that, in Quebec and Montreal, Canadian society could boast merchants and notaries abler and better informed than most of the seigneurs."47 Burt came to a similar conclusion: "What Carleton never grasped was the fundamental fact that frontier conditions had created in New France a freer and more democratic social structure than that of Old France, with which he was tolerably familiar."48 Burt expresses the opinion that Carleton’s delusions about Quebec society were a tragedy. He says, "Lured by the mirage of a well-ordered Old-World feudalism which he imagined had existed in Canada and, if restored, would be an ideal solution for

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47 Ibid., 99.

48 Burt, Old Province, 154.
the Canadian problem, he strove to create what had never existed and could never exist on the shores of the St. Lawrence. This attempt was to give a painful twist to Canadian history." Coffin, in 1897, had come to a similar conclusion, but he was alone in suggesting that there was an American influence that helped shape Carleton's views which in turn shaped the policy that produced the Quebec Act. How valid was Coffin's position?

Carleton made no secret of his disdain for the colonists. In speaking of them, he always referred to them as "colonials." In his first year as acting governor, when he admonished those who signed a petition protesting the jailing of six respectable members of the Montreal community in the Walker case, and just before his departure for London, when he took to task the merchants who protested his ordinance concerning the justices of the peace and the courts, he exhorted the dissidents not to be "led by the English into the seditious practices of the other provinces." For four years Carleton tolerated the coverage of political and constitutional debates in the Quebec Gazette, Quebec's only newspaper. But in 1770 he successfully pressured the Gazette from reporting on controversial issues, especially anything concerned with American affairs.

On every occasion the autocratic governor expressed his strongly held belief that an assembly could not work in Quebec. Republicanism would threaten the British system of mixed government: monarchy, aristocracy, and democracy. The American colonies

49 Ibid.
were more than a threat politically to Quebec, however. The economic rivalry between New England and Quebec during this period was to Quebec’s disadvantage. Until 1768 and a new western policy, regulations in the fur trade were believed to favor the Albany traders. Militarily, as head of His Majesty’s forces in Quebec, Carleton was continually warning of the possibility of a potential military threat from the colonists and argued that the various posts in New York should be strengthened to cut off the northern colonies from the rest. By every measure possible, Carleton exhibited such disdain for Americans that in the words of Hilda Neatby, "Carleton was determined that Canadians should remain French, because he believed that the only possible alternative was the hateful and dangerous one of their becoming American."50

Political upheaval in England and America played into Carleton’s hands. He capitalized on the growing resentment of British policymakers and merchants toward the American colonists. The more liberal members of the government became a vocal, but small minority, and they were unrepresented in the government of Lord North. In this environment an undaunted Carleton pressed his case, repeating what he had been saying while resident in Quebec. His voice might not have been heard in the beginning of the decade by the architects of the Proclamation, but from 1768 to 1774, attitudes toward the American colonists were changing. The contrast in the influences brought to bear in the formulation of western policy in 1768 and in the debates on the Quebec Act in 1774 reveals the extent of the British government’s distress with the American colonies. For

50Neatby, Quebec, 108.
the first time in the triangular relationship, Canada would reap the benefits of the rift between the colonists and Great Britain.
CHAPTER FIVE

CHANGING POLITICAL ATTITUDES

By the time Carleton returned to London in 1770 to advance his views on policy for Quebec—that its future lay in returning to the past—a receptivity to so radical a change in policy had already been underway. A number of reasons other than the persuasiveness of Carleton help explain this departure from the previously held position that Quebec should be anglicized and delimited. Of paramount concern was the fear of another war either with France, in which the Americans might join with the American colonists themselves, or with the Indians. In such an event, the need to retain the loyalty of the French-Canadian population in Quebec would be critical. For this reason, Carleton's arguments were given serious consideration by a new ministry that was increasingly anti-American.

Ever since the Stamp Act rebellion and cries of "sovereignty" by the American colonies, the number of American supporters in the ministry and Parliament had been diminishing. Even the London merchants were losing sympathy with the revolutionists whose nonimportation policies threatened their livelihoods. Also threatening was the illegal advancement of settlers into Indian territory. The latter situation had been a major concern of every administration ever since the Proclamation of 1763. But every administration until North's equivocated on what policy to follow, although none until
his advocated returning the western territories to Quebec. That decision, set forth in the Quebec Act of 1774, shocked the American colonists and is believed to have been one of the causes of the War for Independence. The view that the Quebec Act was one of the series of Intolerable Acts designed to punish the colonies for their rebelliousness has been adequately discredited by recent scholarship. But it is the contention here that though Parliament's primary concern in the Quebec Act was to establish a viable government for Quebec, the confrontation with the American colonists over sovereignty played a decisive role in the terms of the Act. Two of those terms, the form of government and the return of the western territories to Quebec, support this thesis. By exploring the development of western policy and the role of the American agents in London over the issues of sovereignty from 1766 until 1774, it will be difficult not to conclude that there was linkage between the actions of Parliament and the North ministry with respect to the colonies and Quebec. Epitomizing the decline of American influence in the pre-Revolutionary years is the saga of the colonists' premier spokesman, Benjamin Franklin, whose reputation tumbled from respected envoy to discredited revolutionary and unprincipled land speculator. Franklin's dual role in various land speculations and in instigating rebellion in the colonies is seen here as contributing to the anti-republican frenzy in the ministry and Parliament in 1774 which produced the Intolerable Acts and the Quebec Act.

In a previous chapter on the Proclamation of 1763, the policy decisions with respect to the western territories were discussed. Three key issues were supposed to
have been resolved by the Act: the western boundary, regulation of the fur trade, and a settlement policy. The shortcomings of the policy were reflected in the lack of establishing any means of enforcement. As a result, the boundary which had never been considered a permanent one, but one to meet the exigencies of the time, was ignored; the regulations too were ignored by disgruntled merchants, traders, and even London supply houses; and the settlement policy was up for grabs with land speculators all vying for British approval of their own particular schemes, while at the same time settlers were illegally pressing westward. By 1766, pressure for Britain to redefine its western policy was considered essential if another Indian uprising were to be avoided. The key figure in 1766 to determine how this could be accomplished was once again Lord Shelburne, who was largely responsible for the policy in the first place.¹

Shelburne resumed the position of secretary of the southern department in charge of American affairs in July 1766 with the return of Pitt, now Lord Chatham, to head up the new ministry. The anti-American Grenville administration, followed by the pro-American Rockingham ministry, was now to be followed by an eclectic "broad bottom" ministry, with disparate groups represented. Thus the Minister of the Exchequer, Charles Townshend, and the Minister of the Southern Department, Shelburne, held opposing views on how to treat the colonists. Townshend proposed further taxes in order to defray the expenses involved in protecting the colonists in the western territories. Shelburne recognized the danger in such a policy, especially coming

¹See Chapter 2 for Shelburne's policy-making role in the Proclamation of 1763.
after the violent Stamp Act protests. The repeal of that Act, due as much to the influence of the agents in London as to the boycott of British imports, had provided a respite from the divisive wrangling about Parliament vs. colonial rights.\textsuperscript{2} Shelburne intended to avoid any policies that would provoke a return to such hostile feelings. In his inimitable style, he set about garnering as much information as possible from all the key figures concerned with western affairs: Lord Barrington, secretary of war; General Gage, commander-in-chief of the North American army; General Amherst, former commander-in-chief of the North American army; Sir William Johnson, superintendent of Indian Affairs for the northern district; George Croghan, deputy Indian agent for the northern district; Benjamin Frobisher, prominent Canadian fur merchant; as well as his usual conferees on American matters, Benjamin Franklin and William Jackson, agents at the time for Pennsylvania. Shelburne considered Franklin, Jackson, and Amherst the most knowledgeable men on American affairs. Unfortunately, none of these men was conversant with the problems of the interior. What is more, Amherst had never been sympathetic to the Indians, and Jackson and Franklin were not disinterested advisers, for

\textsuperscript{2}In \textit{Agents and Merchants} and \textit{Whitehall and the Wilderness}, Sosin makes the case that the colonists' belief that the nonimportation policy brought about the repeal of the Stamp Act was a serious misconception. He contends that the government acquiesced because the colonial agents and the English merchants were able to diffuse what appeared to the home government as an arrogant overreaching of the role of a colony. When the colonist again used nonimportation to repeal the Townshend duties in 1768-69 and the Intolerable Acts in 1774-75, they succeeded in antagonizing or alienating both government officials and many of the English merchants. The latter realized in 1774 that nonimportation was not as great a threat since trade with South America was replacing that of the colonists.
each had participation in various land schemes.\textsuperscript{3} The major issues that he sought their advice on were: how and where to determine a permanent boundary; whether to allow deregulation of the fur and Indian trade; whether the imperial government should continue its governance of the territory through its Indian superintendent; and overriding all these considerations was the critical one of how to pay the costs of any proposed plan.

The boundary issue had posed immediate problems when the Chatham ministry assumed office. It is important here to recall that the division proposed by Shelburne in 1763 was to survey all the land and establish the boundary taking into account areas where settlement had already occurred. This proposal was eschewed by Hillsborough in 1763 for the simpler one of establishing the line along the Appalachian divide, first, because Shelburne’s proposal would take too long to implement, and second, because it might provoke misunderstandings among the Indians, leading to further violence. Those settlers already established west of the line were admonished to remove themselves immediately. Not surprisingly, they ignored the law, and with no one to enforce it, in fact, further settlement continued, much to the dismay of the government which was always fearful of a recurrence of Indian brutalities.

On the issue of imperial vs. colonial governance of the western lands, in 1763 the Lords of Trade under Shelburne resisted Egremont’s efforts to give to the governor of

\textsuperscript{3}See Bernhard Knollenberg, "General Amherst and Germ Warfare," \textit{Mississippi Valley Historical Review}, XL1 (1954-55), for a discussion about a scheme purportedly to annihilate the Indians by infecting them with the smallpox germ.
Quebec the responsibility of civil government for the territory. But they also resisted any effort to leave control in the hands of the colonists, since it was believed that their unevenhanded policies dealing with settlement and the Indians provoked Pontiac's rebellion. Instead the imperial government was represented by two superintendents of Indian affairs, one for the northern district and one for the southern district. The only one we are concerned with here is the northern district. The commander-in-chief of North America was charged with the responsibility for maintaining order. But enforcement and the means of financing the costs of supporting troops along the border were problems that had not been resolved. Shelburne was aware that the Grenville administration's attempts to finance the costs of maintaining control by taxing the colonists was counterproductive. But the Pitt administration was faced with a dire financial situation. The opposition had cut down the British land tax, reducing revenues, and demands for economy were being called for. Charles Townshend, chancellor of exchequer, wanted to impose duties on imports into the American colonies, which Shelburne opposed on the grounds that such duties would only aggravate hostilities in the colonies.

Of all the issues that had to be resolved, the most contentious one between Canadian and American traders was deregulation of the Indian trade. The regulations, which were established by Johnson to conform to the Proclamation, prohibited traders from carrying on their business except at designated posts. In addition, although the fur trade was open to all, licenses were required, the traders had to post bonds sometimes
twice that of the supplies they were taking to trade, they had to list their inventories at the various posts and receive a pass from the commissary before trading at other posts. Most of the traders, whether from Quebec or the American colonies, did not seriously object to the regulations, but they disagreed about the regulation restricting trade to specified posts. Initially the traders from New York and Pennsylvania were partial to such restrictions. The Albany monopoly in the fur trade, which was inherited from the Dutch and continued until the 1720s, had allowed the fur trade to flourish with minimal risk to the merchants and traders by transacting all business in Albany. The Iroquois favored this arrangement since they were the middlemen. This system began to break down between 1720 and 1750. Robert Livingston was one of the early traders who pressured the government to allow traders to go among the Indians. Oswego replaced Albany as the new trading post among New Yorkers. But this was before the English inherited the French posts and before the fur trade moved farther west as a result of depletions and Indian wars.

While the traders in the old colonies were accustomed to the Indians bringing their furs to the posts, the Canadian traders, the coureurs de bois, had for a century been free to winter among the Indians. When Johnson restricted the trade to specified posts in 1765, the Quebec merchants, English and French, violently opposed the restriction as being not only detrimental to the trade, but to the Indians as well. They orchestrated a steady stream of protests and memorials against the regulations. In 1765 Murray supported the merchants, writing of their concern to Gage. To lend their support, the
London merchants trading to Canada wrote the Board of Trade on April 18, 1765. This message was followed by a similar one to the Board from the Quebec merchants on September 6, 1765. On March 30, 1766, their memorial to James Murray requesting permission to winter among the Indians was sent by John Welles, Johnson’s deputy in Montreal, to Johnson. This memorial was signed by a majority, almost two to one, of Canadians. The English included fur traders Richard Dobie, John Thompson, James Finlay, Joseph Torry, James Morrison, Samuel Holmes, Isaac Todd, Michael Wade, Robert and John Stenhouse, Jonas DeSaulles, Lawrence Ermatinger, John Porteous, John Livingston, John Jen(n)ison, Matthew Lessey, Benjamin Frobisher, and John Welles. Torry and Livingston were American. Benjamin Frobisher wrote separately to Shelburne, defending the reputation of Quebec merchants from the need for such regulations. He admitted that there were some bad men who might need regulation, but he stated that most of the traders were men of property settled in Montreal, and it was in their own interests to behave in "a becoming manner."4

The Quebec merchants next wrote Johnson on April 5, 1766, enclosing the same memorial they had sent Murray. Murray, who was not generally sympathetic to the traders, assured them that they could not only depend upon his readiness to redress their grievances but, he told them, "I shall have particular satisfaction in exerting myself to promote your interest."5 Murray was apparently responding to the fact that the traders

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4PAC, Shelburne, Mss, 50, 1754-1766, 162.

5The Papers of Sir William Johnson, V, 149.
addressed their petition directly to him and did not go over his head to London. This example of cooperativeness suggests that there could have been a better relationship between the two antagonists. But it was too late for Murray. In London the Board of Trade had already notified the governor that he was being recalled to answer the many charges brought against him by the merchants.

Murray's replacement, Guy Carleton, was supportive of the merchants' argument that the regulation restricting the trade to designated posts had to be rescinded. In March 1767 Carleton wrote the Board of Trade that if the French and Spanish were not to usurp the peltry trade, the Canadians had to be allowed to roam at will, for restricting them to certain posts had proved detrimental not only to the merchants but to Great Britain as well. A quarrel between Johnson and Carleton resulted over this issue. In a letter to Carleton in January 1767, Johnson claimed that the "French" (meaning Canadians) had ignored the regulations and by roaming at will were the agents of the French in stirring up the Indians against the English. Carleton objected to Johnson's charges, saying that ever since his arrival, he had observed the Canadians with "an attention, bordering upon suspicion," but had not discovered in them either actions or sentiments which did not belong to good subjects. Carleton accused "the other provinces, who are neither acquainted with these countries (the upper country), nor so advantageously situated for this trade" with being the "secret cause of their being so severely fettered." He argued that each province should take advantage of its own special situation and that there should

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*ibid.*, 481.
not be rivalry between provinces. The rivalry, he preached, should be between British subjects and those of France and Spain, but, according to Gage, he practiced otherwise.\footnote{Ibid., 521-522.} Gage appeared to have little tolerance for the Montreal merchants. He referred to them as "Walker's people" and said that they "would leave nothing untried to gain their point."\footnote{Ibid., 244.} According to George Croghan, deputy superintendent of Indian affairs, Gage could not conceive Carleton's design in giving preference of trade to his own government. He believed Carleton would find himself deceived by the French. Gage also thought Carleton meddled too much in the Indian department.\footnote{Ibid., 676-677.}

Shelburne responded to all these conflicting reports in his excruciatingly cautious manner. A year after taking office he explained to Johnson that the issue of the regulations was "of so great importance as to require the utmost deliberation."\footnote{Ibid., 566.} However, on June 12, 1767, Shelburne, persuaded by Carleton to make an exception to the rules until "a final arrangement can be taken in favor of the traders from Canada," ordered Johnson to allow the traders to range freely north of the Ottawa River and the Great Lakes.\footnote{Ibid., 566.} This decision resulted in jealousies among the traders who were not given the same liberty. Isaac Todd, a Montreal merchant acting as agent to Phyn and
Ellice in Schenectady, and William Edgar, an important trader from Schenectady, were among the most vociferous of the merchants in their complaints. They argued that if they were given the same privileges, they could undersell the French. A memorial to Johnson on November 22 from them and other New York traders at Detroit expressed these concerns, adding that traders were going out without permission. While Shelburne took seriously the threat to the fur interests, he was more concerned with the threat of another Indian uprising.

Shelburne expressed the belief that the principal source of abuses in the Indian trade was from fraudulent purchases and grants from the natives. By the fall of 1767, he had come to the conclusion that the resolution for these problems was to support three new colonies in the western territories. The attractions of interior colonies, in Shelburne’s view, were that they would reduce military expenditures, would add revenues in the form of traditional quitrents and other land taxes, would provide civil government for areas now without any, and they would resolve boundary conflicts among the old colonies. These were the arguments put forward by the many land speculators and their agents in London who had made Shelburne the target for their various schemes. Proposals by the Ohio Company, the Mississippi Company, the Illinois Company, for a settlement around Detroit, and another for a settlement at the confluence of the Mississippi and Ohio Rivers, similar to the Mississippi Company’s, were all submitted to Shelburne.
The proposal most favored by him was that of the Illinois Company. George Croghan, deputy superintendent of Indian Affairs, was the mastermind behind the petition which was for a settlement at Fort Pitt. Croghan had enlisted the support of William Franklin, Benjamin Franklin, Samuel Wharton, Croghan's brother-in-law, William Trent, William Johnson, and the influential Philadelphia firm of Baynton, Wharton, and Morgan. The latter firm thought Shelburne's secretary, whom they considered a "fortune hunter," should be brought in on the deal. Lauchlin MacCleane was formerly from Philadelphia, where he was a druggist. He was also a friend of Franklin's. The plan almost backfired when the offended MacCleane reported this attempt at a bribe to Shelburne. Nonetheless, he saw the merits of the petition and passed it on to Shelburne.

Franklin was enlisted to pressure the government to approve the Illinois Company's petition. He dined privately with Shelburne and Conway at which time they discussed how to reduce American expenses. Franklin used the opportunity to stress the fact that the Illinois Company grant would not cost the government very much money and would be a source of revenue. He also recommended that Johnson, acquainted as no other person with Indian affairs, would be the ideal choice for governor of the new colony. What Shelburne and Conway did not know was that Franklin, his son, Governor Franklin of New Jersey, and Johnson were silent partners in the company. This subterfuge was

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12While he held the office of secretary to Shelburne, MacCleane did not accept shares in any of these land ventures. Later he did, becoming a shareholder in the Grand Ohio Co.
Croghan's idea, for he believed the views of these men would carry greater weight if they appeared "disinterested." The strategy worked.

Shelburne called on the Board of Trade to discuss his proposals before a joint meeting of the London merchants under the leadership of Barlow Trescothick, agent for New Hampshire, and the colonial agents most directly concerned in the Indian trade--Franklin, Jackson, Edward Montague, and Fowler Walker, the latter still acting as agent for the Quebec merchants. The group unanimously endorsed Shelburne's proposals. On October 5, 1767, Shelburne presented his recommendations to the Board of Trade. They were: to return management of the Indian trade to the colonies; to create three new colonies west of the boundary line, one at the mouth of the Ohio, the others at Detroit and Illinois; and to establish these new colonies as the western boundaries of the eastern colonies. The new colonies would bring in revenues by means of quitrents and land taxes. Shelburne reasoned that "such a new method of granting lands might be devised... as might give infinite satisfaction to America, contribute to the ascertaining of property, preventing future suits at law, and in great measure prevent the Indian disturbances, and besides all, incidentally produce a certain revenue, without its being the object."13 In making his proposals, Shelburne stated that the present method of managing Indian affairs was too costly, that implementing the 1764 proposals would further increase costs, and that the colonials, who were more familiar with the Indians,

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were better able to manage them than a ministry that was not familiar with the nature of the Indians.

In December 1767 the Board approved all Shelburne’s proposals and recommended them to the ministry, but before the Privy Council could act on the issue of the boundary and Shelburne’s recommendation for creating three new colonies, Pitt’s ministry fell and Grafton stepped in to form a new government. In forming a new ministry, Grafton united with the Bedfordites in spite of their known hostility to the American colonies. A reshuffling of the colonial office occurred resulting in Hillsborough’s assuming responsibility of a new office of American affairs. Shelburne, who had remained as secretary of the southern department, was forced out, and his successor, as in 1763, was Hillsborough. It was believed that the choice of Hillsborough was made because he was not opposed to violent measures toward the American colonies as were the Bedfordites. Still Grafton, who was partial to Shelburne, must have had doubts about Hillsborough’s commitment to carry out Shelburne’s policies for it was rumored that Benjamin Franklin would be appointed undersecretary to assist in establishing the new department. Franklin apparently did not take this rumor seriously. He was not especially keen about the new American secretary and expressed concern about his views toward America, but he did not think Hillsborough "in general an enemy to America."

14Ibid., 179.

What did worry Franklin was that he believed Hillsborough was opposed to western expansion.

Shelburne's proposals for changes in western policy were still before the Board of Trade, as was the Illinois petition, when Hillsborough took over the secretaryship from Shelburne in late January 1768. Not until March 7, 1768, however, did the Board act on these matters. The Lords agreed to return control of the Indian trade to the colonies and except for a few designated posts, British troops were to be removed from the western territory to the old colonies. The underlying motive here was the growing fear in the ministry of the confrontation with the colonies over Parliament's right to tax them. Presence of the army might intimidate the colonists against uprisings as had occurred during the Stamp Act crisis. Once again the colonies would be expected to regulate the Indian trade and to pay for their own protection by replacing British troops with provincial troops. Thus the costs to the British government for colonial protection were transferred to the colonies. However, the British government did not trust the colonies to deal with Indian affairs such as land purchases and treaty-making. These functions would still be the responsibility of the superintendents of Indian affairs. Shelburne's well-thought-out plan was further dissembled by the Board's rejection of the proposal to create three new colonies. The Board explained that "the proposition of forming inland colonies in America is... entirely new; it adopts principles in respect to American settlement different from what has hitherto been the policy of this Kingdom; and leads
to a system which if pursued through all its consequences, is in the present state of this country of the greatest importance."  

Consistent with this opinion, the Board also rejected the Illinois Company's petition for land west of the Appalachians, stating that "it has been the policy of this Kingdom to confine her settlements as much as possible to the sea coast." Franklin was dejected. He had invested time and money in the scheme and was now in serious financial straits. But others involved in the venture were not as easily thwarted. Without Franklin's knowledge William Trent and John Hughes, an associate of Franklin's from Pennsylvania, had anticipated the Board's rejection and bought out the claims of many of the traders, transferring them to the company's shareholders. This action was highly suspect, since the traders probably acted on the false rumors of threatened Indian uprisings which were circulated by the Illinois partners--Franklin, Johnson and Croghan--in an attempt to persuade Shelburne to approve the Illinois grant.

This was the situation when, unexpectedly, Hillsborough reversed himself with respect to the boundary. In April, a month after his rejection of the Illinois Company's petition, the secretary instructed Sir William Johnson to negotiate a treaty with the Six Nations to ratify the 1765 boundary but not to enlarge it. Johnson ignored the latter

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16 Alvord, "British Western Policy," 180.


18 Ibid.
instructions, but he acted immediately on the former. He alerted his fellow speculators, William Trent, Samuel Wharton, and George Croghan, of the meeting. These men had regrouped and formed a new trading company called the Indiana Company, which was engaged in negotiating for land around Pittsburgh. In a secret meeting with Johnson and the chiefs of the six tribes prior to the treaty negotiations, the chiefs confirmed the grant made to Croghan nineteen years before. More important, they also stipulated that cession to the Crown of the larger tract of land negotiated in the Fort Stanwix Treaty was conditional on Britain's acceptance of the Indiana Company grant. After these favorable actions prior to the Treaty of Stanwix in November 1768, Samuel Wharton wrote Franklin apprising him of their success and claimed that this action was an "act of justice" and the grant to the Indiana Company "a condition of sale." Wharton declared that if the Crown did not ratify the treaty, it would be interpreted by the Six Nations as having "doubts as to their rights of 'fixing the terms and conditions of their sale and will necessarily induce them to conclude that they have been treated like children.'"

Hillsborough was irate when he learned that Johnson had disobeyed his instructions not to enlarge the territory under consideration. He feared that Johnson's acceptance of the land between the Ohio and the Tennessee rivers from the Iroquois might cause disputes with the Cherokees, who also claimed that the land was theirs. Hillsborough rebuked Johnson for his disobedience and for allowing private interests to become part of the king's treaty. There is disagreement about Johnson's personal involvement in

these land deals. Alvord says we "may never know" whether Johnson had any ulterior financial motive in the negotiations of the treaty; that he, Johnson, "asserted again and again that his intention was to serve the best interests of the empire by securing as large a grant as possible, and he was always very angry at every charge of dishonesty which was made against him."20 Sosin says that "Dartmouth had no way of knowing that Johnson was something less than ingenuous in this matter. The superintendent was materially involved with the land speculators and had received some stock in the Ohio Company for his cooperation.21 Examination of the Johnson Papers supports the view that he was involved. However, Alvord is right that it is very difficult to believe from Johnson's indignant responses to such charges that his behavior could be anything but uprighteous and ethical. Hillsborough instructed Johnson to persuade the Indians to take back their gift. Before this could happen, however, the Board of Trade presented its report to the council, which to Hillsborough's chagrin approved the boundary as negotiated by Johnson. But the council did not consent to the Indiana Company's petition. Hillsborough wrote Croghan that "His Majesty does not think fit at present to confirm the grants of land made to the Indiana Company" and that the land in question was to be returned to the Indians.22 To ward off such action, Wharton and William Trent were dispatched to London by the Indiana Company partners to promote their interests. At this juncture, the key members of the company, in addition to Wharton and

20 Alvord, Mississippi Valley, II, 73.


22 Currey, Road to Revolution, 241-42.
Trent, included Franklin’s son William, George Croghan, John Baynton, George Morgan, and Robert Callendar. Once in London, Wharton and Franklin plotted a strategy to overcome Hillsborough’s objections. Their efforts included trying to cultivate important members of Parliament and pressuring Johnson to write Hillsborough that the Indians were outraged because the grants had not been ratified. The latter attempt proved fruitless. Johnson, who had already been reprimanded, would not do anything further to jeopardize his position as superintendent. But the stakes for Wharton and Franklin were high. Both had expended large amounts of money and time in their speculative ventures and both were in dire financial straits. Recognizing that the Indiana Company was viewed with a jaundiced eye, the two men decided to abort the company for a new one that would include many influential people.

Land speculation was rampant in England at this time, so that the two men had no difficulty enlisting many friends and acquaintances in their new venture. The most important ones were: Thomas Pownall, the ex-colonial governor of Massachusetts who was a member of Parliament; John Sargent, director of the Bank of England and also a member of Parliament; and Richard and Thomas Walpole. Thomas was the nephew of the former prime minister, and in deference to his enormous influence, the new company was named after him. He brought in many notables as members. The result was that:

The company now was represented by several levels of British society: lords and commoners, bankers, lawyers, men familiar with the colonies and with England, jurists, financiers, relatives of the famous and respected. The post office, the Privy Council, and the Treasury were represented. Intimates of the King and the Prime Minister were members. Rockinghamites,
Grenvillites, Townshendites, and other factions covered the political spectrum."\textsuperscript{23}

The American faction included Franklin and his son William, James Galloway, Thomas and Charles Wharton, Johnson, and Croghan.

The Walpole Company’s next step was to petition for a two and a half million acre grant within the Fort Stanwix grant for which the Company would pay £10,460, the cost to the government for the treaty lands. Much to the surprise of the petitioners, Hillsborough recommended that instead of the acreage asked for, the group enlarge their petition to as much as twenty million acres. This action was not the consequence of a mind-change on Hillsborough’s part, rather it was a devious means to squelch the project. Even if the Treasury would approve such a large grant, the secretary believed the cost would be too great for the speculators and they would have to back down. But Hillsborough was unaware how far the company’s influence had gone. The petition for the twenty million acres was approved by the Treasury in eight days at the same cost of the original petition. In the interim the company had reorganized once again, increasing its membership, and changing its name to the Grand Ohio Company.

Victory seemed close at hand. But only fleetingly. The Treasury, concerned that its approval would be subject to criticism, reneged on the initial grant and said it only approved quitrents and the purchase price. The Privy Council would have to approve

\textsuperscript{23}\textit{Ibid.}, 251.
the grant. That was in April 1770. In June the council referred the approval to the Board of Trade, where Hillsborough tried his utmost to delay action. Knowing that there were other petitions for the same land before the Lords of Trade, Franklin and Wharton decided to negotiate with the Ohio Company of Virginia to buy them out or bring them on board. To make such an arrangement more agreeable, the company stockholders also passed a resolution respecting any proven prior rights in the area. Many opponents still remained; but gradually they either gave up or were won over. (George Washington was one of the latter and became a shareholder in the company.)

Not satisfied, Hillsborough asked the council to determine whether Virginia had a prior claim. Consequently, the always versatile Franklin took another tack. This time he decided to explore the legal issues of land ownership and prior rights. After examining such precedents as the Camden-Yorke decision, Franklin determined that the Indians had an "inherent and undoubted power to grant the lands" and that land ownership derived from native title was subject "only to the king's right of sovereignty over the settlements and... inhabitants."24 Although Franklin won the support of some of the most able lawyers in England for this position, he found that approval of the grant still eluded him. Not until February 25, 1771, did the Board of Trade receive approval from Virginia that there would be no objection to the Grand Ohio's claim as long as prior rights were preserved and protected.

24See Currey, Road to Revolution, for a discussion of this decision, 259-262.
Ever since 1766, the major American partners had been involved in one land scheme or another. The unending barriers thrown up by the ministry began to take their toll. The company's reputation, and particularly Franklin's, did not remain unscathed. Arthur Lee, a member of the Mississippi Company that also claimed a right to the Fort Stanwix grant, wrote of the Grand Ohio Company, "take my word for it, there are not a set of greater knaves under the sun. As their scheme originated in a most villainous fraud, it has been carried on in expense [and] corruption." Lee's dislike of Franklin increased the longer he knew him. The interminable delays also took their toll among the partners. Wharton and Franklin were not on speaking terms. Wharton, Croghan, and Trent were on the verge of financial ruin. Franklin's financial situation was always insecure. Now his political opponents were becoming more vocal in their threats to replace him as postmaster. This was the situation at the time that Hillsborough finally issued the Board's report on the company's grant. It was unfavorable.

Hillsborough's argument was the same mercantilist one that framed the decision about whether Canada or Guadeloupe should be retained at the peace treaty in 1763; that the main purpose of colonizing was to improve the commerce, navigation, and manufactures of Great Britain. He stated that by extending the western boundaries, the peltry trade would suffer, the trade and commerce of the new regions would not be beneficial to Great Britain, and the colonies would become more insubordinate and independent. Hillsborough based his views on the advice of General Gage, who no

25Ibid., 257.
longer supported western expansion since he believed it threatened peace with the Indians. On June 5, 1772, the Privy Council held a hearing on the unfavorable report. In an unprecedented act, a company spokesman was invited to attend to comment on the report. Samuel Wharton, tutored by Franklin who put aside his personal animosity toward his partner, was chosen to give the company's defense. He reputedly gave a brilliant account, even if not always factual, resulting in the ministry's reversal of the Board's report. The ministry believed that the land in question was not beyond the reach of the government, that the Grand Ohio Company had the first claim to it, and that the push of settlers into the area was already taking place. Left unsaid was that if the ministry had not approved the petition, it would have risked the ire of many leading political and mercantile leaders who were personally involved.

The council's actions were a direct affront to Hillsborough. He had threatened to resign if the grant were approved. On August 1, 1772, he did so, causing considerable excitement in England. Here was a Philadelphia merchant who had impressively defended his petition against the criticisms of the colonial secretary and won. "No one from America, ever had so much interest, and was so attended to by the great lords as Mr. Wharton." reported the Reverend William Hanna in a letter to Johnson.26 How does one account for the council's actions in support of western expansion at a time when there was a growing anti-American sentiment in the ministry and Parliament? Was it

26 Alvord, Mississippi Valley, II, 139.
pure self-interest on the part of so many who stood to gain financially from this enterprise?

Many reasons have been advanced about Hillsborough’s resignation over the Grand Ohio Company affair. One explanation was that it was a political attempt by the Bedfordites to replace North with Lord Gowen. By humiliating one of North’s chief ministers, Hillsborough, they hoped North would support him and bring on a cabinet crisis. But North did not take the bait. Instead he sacrificed Hillsborough, who had always been unpopular with the ministers. Perhaps Hillsborough was tired of all the machinations against him. He had acknowledged in a letter to Gage that the seriousness of disposing of the west was accompanied with such objections from all sides as "leave my judgment in a state of perplexity." He was slighted in 1769 when the ministry ignored his proposal with respect to government for Quebec. He was humiliated earlier that year when the cabinet did not back him on his reprimand of Johnson and his rejection of the boundary established by the Fort Stanwix Treaty. He must also have felt disappointment when his close friend, Lord North, did not support him. North had regarded Hillsborough "'as his best and firmest friend' in the ministry without whom he would have to yield to the Bedfordites." Franklin opined that Hillsborough had such a high opinion of himself he believed the ministry would disapprove the petition rather

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27Ibid., 181.

than lose him.29 Conversely, there were those who believed that Hillsborough was so hostile to Franklin that he would rather resign than approve any project in which Franklin was a participant. Franklin himself seems to have boasted that he was involved in a plot to get rid of Hillsborough. A serious rift had already occurred between the two men that might lend some credence to Franklin's claim.

The issue that brought about the open breach between Hillsborough and Franklin concerned the appointment of colonial agents. Hillsborough refused to recognize agents who had been appointed only by a lower house and not approved by the governor and council. Franklin and Edmund Burke, a member of the opposition in Parliament and agent for New York, vehemently argued that if the lower house's appointment could be negated by the governor and council, the agent was no longer a representative of the people, but a government functionary. This argument had been going on for several years. Franklin accused Hillsborough of regarding the agents with "an evil eye, as obstructors of ministerial measures" and would be "pleased to get rid of them." Franklin further antagonized the anxious minister by stating that when the colonies "come to be considered in the light of distinct states. . . possibly their ministers may be treated with more respect, and considered more as public ministers."30

The collision course on which both men had embarked finally occurred in early 1771, when Franklin received his commission as agent for the Massachusetts General Court and decided it was necessary to pay his respects to Hillsborough in that capacity. Determined to be civil, Franklin no sooner finished presenting himself as the newly appointed agent when Hillsborough interrupted and said, "You are not agent. . . . You are not appointed. . . . I have a letter from Governor Hutchinson; he would not give his assent to the bill."\(^{31}\) Franklin responded that there was no bill and challenged Hillsborough to produce the letter. He couldn't, but before the meeting ended, both men had unleashed much of the pent-up resentment they had been harboring for each other for several years. Perhaps each expressed more than he wished. Unfortunately, for Franklin and for the American cause, this open breach tended to close many doors to Franklin and his influence as an agent and the premier spokesman for the colonies was diminished.

In the short term, however, Hillsborough's resignation and the favorable action of the council on the Grand Ohio project reduced tensions. Lord Dartmouth was a good choice to replace Hillsborough. He had previous experience with the colonies as president of the Board of Trade, had voted to repeal the Stamp Act, and was knowledgeable about Indian affairs. In addition, he was a land speculator who shared Shelburne's views with respect to western settlements, believing that such movements were inevitable. Hopes were high that the new American secretary would expedite the

\(^{31}\)Currey, *Road to Revolution*, 273.
final stages necessary to establish the new colony, now named "Vandalia" by him in honor of the Queen, who was a descendant of the Vandals. Dartmouth also had hopes of appointing his kinsman, Francis Legge, to the governorship of the proposed colony. Despite Dartmouth’s willingness to proceed with the final steps, the project was stalled for over a year. Interestingly, despite the fears that the lower houses of the colonies were exerting too much power, the proposed charter for Vandalia was no different than the other royal colonies. With the reform of government established, the end seemed in sight, but the Cassandra warning of Franklin that there’s many a slip between the cup and the lip proved prophetic.

The only remaining business was for the law officers to draw up the final papers. The Attorney General and Solicitor General, Edward Thurlow and Alexander Wedderburn, respectively, were politically ambitious men. For reasons that were not apparent in 1773, the two men seemed reluctant to proceed with the necessary legal forms. Some speculated that this was because, like Hillsborough and other members of the Board, they favored the Virginia claims. This opinion is supported by their statement to the Grand Ohio petitioners "that all settlers, and even those, who are now removing to settle, and all who should settle, until we obtained the royal grant, should not pay us for the lands they had settled on, but should be quieted in their respective possessions."32 Wharton was appalled by the remark for he believed it would only

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32 Alvord, *Mississippi Valley*, II, 162.
encourage emigrants from Virginia who "do not stand in need of any such powerful encouragement, to seize the king's vacant land upon the Ohio."33

Dartmouth was still intent on seeing that the Vandalia project was approved. He devised a strategy to circumvent the obstructionist behavior of Thurlow and Wedderburn, but the support for the new colony was weakening. The Bedfordites now opposed the project, giving credence to the argument that the council’s approval of Wharton’s petition was an attempt to displace North with Gowen. Gage, who had been summoned to London to give his views on colonial affairs, counselled Dartmouth not to approve the project. Originally, Gage had been in favor of an expansionist policy. In fact, in 1766 he entertained the idea of purchasing land from the Indians on the Ohio River and had solicited Johnson’s advice on how to go about it. Johnson suggested various possibilities including participating in the Illinois Company, since he said he was empowered to add to the number of shareholders. Gage apparently declined this offer.34 As the person most responsible for keeping peace in the western territories, Gage had come to believe that expansion would have to stop to avoid another Indian war. He was also concerned about the possibilities of trying to keep the peace in the old colonies. Having to quell various "commotions," he no longer had patience with the Bostonians whom he called a "turbulent seditious people."35 His solution was to force the colonists into

33Ibid., 163.

34Johnson Papers, V, 187-88.

35Johnson, V, 211 n 35.
submissions. Troops were already deployed from Halifax and Ireland to Boston. Such sentiments were growing more popular with every affront to British sovereignty. This was the mood as a shipload of tea arrived in London which had been refused in Philadelphia. At the same time news of the Boston Tea Party also reached London. After several years of reduced tension between the American colonies and England, the country was seized with anti-American frenzy.

Unfortunately for Franklin, as agent for Massachusetts, he had requested a hearing before the Privy Council which was scheduled for January 29, 1774, two days after the news arrived of the tea being dumped in Boston harbor. The purpose of the hearing was to present to the council a petition by the General Court of Massachusetts for the removal of Governor Thomas Hutchinson and Lieutenant Governor Andrew Oliver. This action was taken after remarks made by Hutchinson and Oliver in private correspondence lamenting the seditious behavior of the colonies were made public. Franklin was the source of the published letter, despite his counsel to friends not to publish them. The comments aroused the already hostile feelings of the colonists against Hutchinson, his son-in-law Oliver, and also against the home government. The history of these prerevolutionary years in American history is not the focus of this study, but the growing hostility of the home government toward the colonies resulted in changing attitudes of its policymakers toward the American colonists and their representatives in London.

36 For a contemporary account of the episode, see Israelé Maudit, ed., Franklin before the Privy Council (London: J. Wilkie, 1774 reprinted Philadelphia: John M. Butler, 1860); for a more recent account, see Currey, Road to Revolution, 318-32.
These attitudes would become important in the formulation of policies affecting both the American colonies and Quebec. Much of the growing hostility centered in London on the figure of Franklin, who became synonymous in the eyes of many with the insubordination of Massachusetts.

As we have seen, for the previous decade Franklin had been the voice of the American colonists in London. He was called on by key ministers of the day to express his opinions on policy toward the colonies. His reputation seemed unassailable. This was true of other colonial agents as well. They were recognized as a formidable lobby on the London scene. They were effective in pressuring for repeal of the Stamp Act in 1766 and with the exception of tea, of the Townshend duties in 1770. To protect colonial interests, the agents met regularly to plan joint strategy. Most of them were appointed because of their influence with key members of the mercantile community and the government. But by 1770, their influence began to wane due, in part, to attrition. Massachusetts agent, Richard Jackson, who was intimate with most of the highest officeholders, became solicitor to the Board of Trade. Barlow Trescothick, agent for New Hampshire who had been spokesman for the London merchants trading to North America and head of the Canada Committee, suffered from palsy. Dennys DeBerdt and Robert Charles, New York agents, both died in 1770. Connecticut and Rhode Island failed to replace temporary agents William Samuel Johnson and Henry Marchant. Delaware and Maryland failed to agree on agents after the Stamp Act crisis. The House of Burgesses in Virginia failed to agree on one after 1770. The numbers were further reduced since
Franklin represented four colonies: Pennsylvania, New Jersey, Massachusetts, and Georgia.

The agents' influence waned for another important reason. The persistent confrontations with the colonies over the rights of Parliament aroused hostile feelings even on the part of those stalwarts who otherwise defended the colonists--such as Pitt and Shelburne. As the leading spokesman of the diminished agency in London, Franklin's identification with the revolutionary movement in Massachusetts brought the entire institution into disrepute. As was discussed previously, Franklin rankled the ministry for the prominent role he took in support of the revolutionaries. His conflict with Hillsborough over the issue of agents' appointments was one issue. Another was his view respecting America's independence, expressed in a private letter, but inadvertently shown to Governor Hutchinson in Massachusetts, who circulated it to the ministry in London. Franklin's views caused an uproar among those members already distressed over the issue of sovereignty. In his letter to Samuel Cooper in Massachusetts, Franklin stated, "Since the Restoration, Parliament... has usurped an authority of making laws for them [the colonies] which before it had not." He said he regretted such terms as "the supreme authority of Parliament, subordinancy of our assemblies to the Parliament and the like" for they confirmed the right of one part of the king's dominions to be sovereign over their fellow subjects. "In truth," he stated, "they have no right, and their claim is founded in usurpation, the several states having equal rights and liberties, and being only
connected as England and Scotland were before the union by having one common sovereign, the king.”37

In 1771, Franklin expressed his concern with respect to Parliament’s insistence on keeping the tax on tea. He believed it was "bad policy" to heal differences by repealing part of the duties only, "as it is bad surgery to leave splinters in a wound which must prevent its healing, or in time occasion it to open afresh."38 Franklin’s revolutionary views hurt his reputation. Ever since 1772 and his falling out with Hillsborough, Franklin had stepped up his activities with the result that the Massachusetts petition was less a hearing to remove Hutchinson and Oliver than a hearing to censure him. This incident is well known, but is briefly repeated here to emphasize the extent of the disaffection of the British policymakers and the public toward the colonies and to establish a link between the government’s forthcoming actions on Quebec and the colonists.

It is interesting to note that the hearing drew the largest audience of dignitaries ever know for such an occasion, yet there were few, Shelburne being one, who came to support Franklin. Solicitor General Wedderburn represented Hutchinson and Oliver. His role in the hearings is important for it was he who, along with Thurlow, tried to stall the Vandalia project; who was advising the government on Quebec; and who would play a

37Bigelow, Franklin, Works, IV, 344-45.

38Bigelow, Franklin, Works, IV, 382.
prominent role in the House of Common’s debate on the Quebec Act. During the council hearing, Wedderburn blamed Franklin for the violence in Massachusetts, not Hutchinson or Oliver. Sarcastically, he accused Franklin with "being so possessed with the idea of a Great American Republic, that he may easily slide into the language of the minister of a foreign independent state." Franklin’s defense was no match for the aroused solicitor general. The committee voted that the Massachusetts petition was "founded upon resolutions, formed upon false and erroneous allegations, and that the same is groundless, vexatious, and scandalous, and calculated only for the seditious purposes of keeping up a spirit of clamor and discontent in the said province." A severe motion of censure was levelled against Franklin, and the next day he was dismissed from his post office department.

Just at the critical stage of relations between the colonies and Great Britain, Franklin was silenced. The Earl of Dartmouth now confessed whatever respect he may have had for Franklin on other accounts he could "not applaud his conduct on the occasion of Mr. Hutchinson’s letter." Ever since the Stamp Act rebellion, Parliament had been wrestling with the problem of sovereignty. Almost to a man, the members believed that the colonies should be subordinate to the mother country. The tea party and the disclosure of Franklin’s view pushed Parliament over the brink. Even Colonel

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39 Currey, Road, 330.

40 Maudit, Franklin - Before the Privy Council, 120.

41 Bargar, Dartmouth, 92.
Barré, who had always championed the American cause, told the House of Commons that he thought "Boston ought to be punished." The result was: The Boston Port bill, passed on March 31; the Administration of Justice Act, on May 20; and the Quartering Act on June 2. When the 1774 session concluded with enactment of the Quebec Act, the seeds for revolution had been planted.

At the outset of this chapter, it was suggested that there might be linkage between the confrontation with the American colonists over sovereignty and two of the terms of the Quebec Act: the form of government and the return of the western territories to Quebec. It is the contention here that these provisions were largely the result of the troublesome behavior of the colonists during the previous decade. Since most historians invariably treat the histories of Canada and the American colonies as self-contained units, these linkages are frequently overlooked. In this chapter, the dissensions between Franklin and Hillsborough have been discussed with respect to western policy, colonial agents, and sovereignty. As was discussed previously, Hillsborough was responsible for the final version of the Proclamation of 1763. He supported setting aside a reserve for the Indians, and the Appalachian divide was established as the boundary. After the Fort Stanwix Treaty in 1768, the new boundary negotiated with the Six Nations opened up lands west of the Appalachian divide. This additional land for settlement brought on many claims by land speculators. While the home government was involved in acting on these claims, the situation in the western territories was deteriorating. With

\[^{42}\text{Ibid.}, 107.\]
deregulation of the fur trade and the removal of the army except at a few points, the vast area was left without any civil jurisdiction.

Each colony was supposed to regulate its own traders, but it could do little to enforce such regulations beyond its own borders. Without uniformity in the regulations, the traders could move at will to the colony with the least restrictions or cost. In addition, commissaries were supposed to be appointed by the colonies responsible for the particular posts within their bounds, but the colonies failed to provide for them. The result was a chaotic situation in which the Indians threatened the peace and fierce competition among the traders threatened to destroy the fur industry. The response of Quebec officials to complaints of the Montreal merchants was to recommend annexing the territory to an existing colony, in this case, Quebec. The merchants' report, dated April 8, 1769, urged Governor Carleton to promote Quebec's superior case to the home government. Three facts were stressed: that the territory was best linked geographically to Quebec, that they had the greatest number of traders, and that they sold more British manufactures than New York, which sold largely rum.

In the meantime, however, the colonies of New York and Pennsylvania were attempting their own solution. On June 11, 1769, Carleton was invited to join them in proposing concurrent legislation. He did not respond. In 1771 an invitation was again sent to Quebec by the governor of New York for commissioners to be sent to a joint meeting in December in order to regulate the trade with the Indians. Although acting
Governor Cramahé initially agreed to send delegates from Quebec, he later changed his mind, since the Quebec council decided any such regulations would not be in its interests, given the nature of the competition between Quebec and the colonies. Cramahé had also received a letter from Hillsborough which informed him that the king disapproved of any Congress at that time, since he feared that any joint action taken by the colonists might result in their drive toward independence. Without Quebec's inclusion, the Congress was aborted. Unjustly, all the blame for failure to control the fur trade was placed on the American colonists. This failure to assume responsibility for the regulation of the trade contributed to the decision by the ministry to return the western territories to Quebec. The influence of the Scotch fur merchants in Parliament, of the London merchants trading to Canada, of the Quebec merchants represented by Carleton, who was then in London—all commingled to support this action at a time when the influence of the American interests was on the wane.

Another problem for which Hillsborough might have felt responsible surfaced in the failed attempt of the colonies and Quebec to adopt uniform regulations for the fur trade. The American colonists wanted to impose a tax on rum. Without an assembly, according to the terms of the Proclamation of 1763, the Quebec government did not have the authority to raise revenues so that even if it wanted to, it could not act in concert with New York and Pennsylvania. Hillsborough had always advocated an assembly for Quebec—in his instructions to Governor Murray in 1764, to Carleton in 1768, and in his proposal to the Privy Council in 1769. Yet in 1771-72, he abandoned this position and
supported Carleton's for ruling Quebec by a governor and council. Were the same forces shaping his views on the American colonies also shaping his views on the government of Quebec? Did the colonists' growing insistence on sovereignty, the unsavory attempts of the land speculators for get-rich schemes, and his showdown with Franklin have anything to do with his views on the form of government for Quebec?

Two other key figures with respect to the western territories and government for Quebec were Solicitor General Wedderburn and Attorney General Thurlow. Both had been charged with determining the constitutional issues involved in a government for Quebec. Their report reflected their partiality for Carleton's proposals that the ancient laws and customs be returned to Quebec. In 1771, Thurlow rejected the view that it was necessary to assimilate a "conquered country in the article of laws and government to the metropolitan state or to the older provinces which other accidents attached to the empire for the sake of creating a harmony and uniformity." His prejudice against the English who immigrated to Canada is reflected in his statement that there was no "necessity of gratifying the unprincipled and impracticable expectations of those few amongst Your Majesty's subjects who may accidentally resort thither, and expect to find all the different laws of all the different places from which they have come."43

Wedderburn gave as the fundamental principle which governed him the view that "more attention is due to the native Canadian than the British emigrant, not only because

43Burt, Old Province, 182-83.
that class is the most numerous but because it is not the interest of Britain that many of
her natives should settle here." 44 This view was consistent with the mercantilist ones
against expansion. Any new colonies, such as the proposed one of Vandalia, would
encourage emigration. This prejudice helps explain the delaying tactics of the solicitor
general with respect to Vandalia. Coupled with his reluctance to support an expansionist
policy was his disdain for Franklin. Stating that Franklin was "unworthy the favors of
the Crown," Wedderburn made clear even before the council's denunciation of Franklin
that the delays in the Vandalia project were due to Franklin's role in it. 45 How much
did Wedderburn's dislike for Franklin and his distaste for colonial rebelliousness affect
his decision to support reversing the policy of anglicization in Quebec and of returning
the western territories to it?

It was the purpose of this chapter to describe the changing attitude of the British
government toward the American colonies. The repeal of the Stamp Act in 1766 and
Shelburne's ascension to the office of southern secretary appeared to quell the distant
rumblings of revolutionary fervor. Shelburne was favorably disposed toward the
American colonists. As a free trader, he supported western expansion and meticulously
set about garnering all the information he could from those he most respected--Franklin,
Jackson, Johnson, Gage, and Amherst. A skillfully crafted policy was presented to the

44 Sir Henry Cavendish, Government of Canada: Debates of the House of Commons
in the Year 1774 (London, 1839), 57-58.

45 Currey, Road, 332.
Board of Trade on October 5, 1767, but only part of the policy was approved before Shelburne was forced from office. His successor, Hillsborough, rejected the proposal for the creation of three new colonies, largely out of fear that the expansion of the colonies westward would lead not just to another Indian war but to colonial independence as well. As an Irish landowner, he was also afraid of emigration from Ireland to America. Increasingly, the mood in Great Britain was growing ugly toward the rebellious colonists who were once again protesting British policy, this time the imposition of the Townshend duties. With a forceful lobby supporting the Americans, Parliament acceded to their demands and repealed the tax, with the exception of the tax on tea. When this gesture of goodwill and accommodation did not placate the radicals, hostility toward the Americans hardened. By 1770 the ascension of the North ministry to the power of influence of the Americans was diminishing. Johnson and Gage were both warning of possible Indian uprisings in the western territories. The army had been removed from the various posts according to the policy established under Shelburne, but replacements of commissaries, smiths, and interpreters by the colonists were not forthcoming. Nor had the colonists established regulations for the trade.

In the meantime, the Quebec merchants and traders, English and Canadian, had been agitating for freedom to winter among the Indians and to return the western lands to Quebec. Carleton supported their petition. Such action would resolve a multitude of problems, including the bickering among the colonies and land speculators over the land. Carleton, who was now in London to promote his ideas on repealing the policy of
anglicization for Quebec, touched a responsive chord when he spoke of his distaste for the "mobocracy" that he believed afflicted the American colonies. For all these reasons, as Carleton's influence grew, Franklin's steadily declined.

The duplicity of Franklin in instigating the colonists to join together in common cause against the mother country and his devious actions in trying to promote the approval of the Vandalia project were still fresh in the minds of the ministry as it began debate on the Quebec Act. Still, had Franklin's reputation not been defamed in the brouhaha over the Hutchinson and Oliver letters, he might have been a mediating influence in the actions taken by the ministry in that fateful session of Parliament. As far as the Vandalia project was concerned, an exchange of letters between Sir William Johnson and Sir William Franklin at the end of May 1774 expressed the general situation with respect to Britain's attitudes toward the American colonies. Franklin stated that: "The last letters from England mention that 'the Ohio affair stands still, the present rage against American making it improper to be moved; yet the partners continue to think well of it, supposing the government cannot go back, after solemn steps taken and agreement made.' For my part, as I see no prospect of that rage being lessened, for some years at least, I think the matter may, if it depends on that circumstance, be almost as well given up." On June 27 Johnson replied that he agreed. He said that "the spirit diffused on both sides of the Atlantic will require much time to allay, at the same time the disorders daily committed by the frontier inhabitants in that quarter, on the one hand inclines me
to wish there was a government and on the other points out the weak and inadequate state in which a government amongst such people would probably remain for many years."

A steady drum roll warning of the irreconcilable rift between the colonies and the mother country could be heard if Dartmouth were listening. He hoped for reconciliation, but he was getting advice from the wrong people—the officials in America who were telling them that the "right sort of people" were not in sympathy with the rebels. This misreading of the degree of outrage, even among the "better sort" against the series of repressive acts, misled Dartmouth into believing that the policy of submission would divide the colonists and bring about the desired results. British sovereignty would thus be acceded, independence would be thwarted. At the same time that the 1774 Parliament was pursuing the policy of punishing Massachusetts for its insolent behavior, it was also engaged in fashioning a government for Quebec that would ensure the loyalty of the Canadians in the event of invasion by the French or Spanish, or, as Carleton believed, by the Americans. Under such circumstances, could the one debate not be influenced by the other?

46Johnson Papers, VIII, 1158-1159, 1178.
CHAPTER SIX

THE QUEBEC ACT: LAST OF THE INTOLERABLE ACTS?

The declaration and the resolves of the First Continental Congress on October 14, 1774, included in the "grievous acts" passed in the 1774 session of Parliament, the Quebec Act. Nineteenth century Whig historians perpetuated the view that the Act was the last of the "Intolerable Acts" that triggered the American Revolution. Since then, the majority of British and Canadian historians have refuted the negative Whig interpretation and have generally lauded the Act as an exemplary model of British tolerance toward a conquered people and of conciliary government. The evidence is convincing that the paramount concern of the British policymakers was to fashion a government for Quebec that would meet Quebec's particular needs and serve British self-interest. The most recent scholarship in 1990 by Philip Lawson painstakingly establishes the fact that the Act was not one of the Intolerable Acts designed to punish the colonists. That conclusion is not denied. To extrapolate from that conclusion, however, that the Act was not influenced by the crisis in the American colonies is simply not creditable.

The focus here is not to re-examine the vast historiography of the Act, which is primarily concerned with how British policy affected the bi-cultural national lives of Canadians, but to discover, if possible, the linkage between the Act and the American
colonies. With few exceptions\(^1\) the interpretations of the Act suffered from lack of documentation and bias on the part of historians. Conversely, Lawson's study on Imperial policy, which will be the primary work considered here, is extensively researched but fails because of too narrow an interpretation. Lawson acknowledges that his focus is on the "contemporary British context for the Quebec legislation of 1774" and that he "resisted the temptation to weave all the arguments of the period about Canada's future into a parallel discussion on Ireland and America." He says that where the debate overlaps, its importance is acknowledged, but that his overriding intention is to portray the eighteenth-century debate about Quebec as it was then presented.\(^2\) The problem with this approach is that in his discussion of the Quebec Act, he, like those historians who claim there was no linkage between the two, dismisses relevant considerations. For example, Lawson examines all government records and papers at the time the Quebec Act was being drafted and concludes that the policymakers were concerned only with the needs of Quebec and the kind of government that would satisfy those needs. His proof is that there is no mention of the American colonies in any of the recorded discussions. Lawson appears to be on sound ground in drawing his conclusion from "facts," but by not considering a parallel discussion on America, he ignores the impact that events in the American colonies had on British policy toward Canada. What about the anti-American prejudices of the men who were responsible for the formulation and passage of the Act

\(^1\)The monographs of Victor Coffin, 1896; A.L. Burt, 1933; Hilda Neatby, 1766; Brian Donoughue, 1964; and Philip Lawson, 1990.

\(^2\)Lawson, Imperial, ix-x.
and the hostile political environment against the rebellious colonies in which the Act was
passed? What different conclusions could be drawn from considering not only the Act,
but the governor's instructions subsequent to the Act; or the despotic practices of the
conciliar government established by the Act; or the response of the Canadians to the Act;
and finally of the response of the Americans to the Act? Lawson restricts his argument
primarily to the Act itself and ignores these broader considerations. When they are taken
into account, the question Lawson and other historians should have asked is not whether
the Act was influenced by the quarrel over sovereignty with the American colonies, but
rather how could it not have been affected by that quarrel?

One of Lawson's most persuasive arguments that the Act was not one of the
Intolerable Acts was that the bill had been in the works for many years prior to 1774.
Brian Donoughue makes the same case which cannot be contested. The first attempt to
address the problems of anglicization of Quebec, called for in the Proclamation of 1763,
was in 1766. This proposal by Crown attorneys Yorke and DeGray, which was never
implemented due to the fall of the Rockingham ministry, dealt with the judiciary. It
combined French and English civil law and continued English criminal law. The
proposal would have replaced the September 1764 ordinance by Murray, which with
some exceptions, was to establish English law. Other proposals--Hillsborough's in 1769;
Carleton, Hey, and Maseres' in 1770; and Crown lawyers Wedderburn, Thurlow, and
Marriott in 1772 and 1773--were all, with the exception of Carleton's, variations of the
1766 proposal. Despite the best efforts of the various ministries from that time until
1774, no consensus emerged that would have made the task of resolving the issue easier. Although Dartmouth was determined to introduce a bill in the 1774 session of Parliament, he had not foreseen the impending crisis in the American colonies over the tea tax. While Parliament was preoccupied with the debates over the Intolerable Acts, the final version of the Quebec bill was being hammered out in committee. Was there any correlation between what was happening in committee and what was happening in Parliament?

Most historians agree with Lawson who disclaims any connection between the Quebec Act and the conflict with the American colonists. Hilda Neatby disagrees. She says, "By 1774, it is clear that the government, having procrastinated too long, was dominated by one idea. In view of the crisis in America some definite settlement must be made immediately for Quebec and the upper country." Donoughue concurs with Neatby. He says that it is "untrue to say there was no connection between the new Canadian policy and the government's concern with events in the old colonies." Donoughue says that the incipient colonial rebellion probably precipitated the timing of the Quebec bill and that it "became expedient as well as just to satisfy the French Canadians that British rule was benevolent, lest they were tempted to join the malcontents to the south." With respect to extending the boundaries south to the Ohio River,

3 See a summary of the discussion of secondary works in Neatby, Quebec Act, 68-136.
4 Neatby, Quebec Act, 140.
Donoughue says that the "ministers must have realized such action would frustrate American ambitions to settle in the interior." Carleton, a novice administrator but an experienced military man, had been alerting the various British ministries of the possibility of an American rebellion ever since his arrival in Quebec in 1766. Quebec was vulnerable, Carleton warned, unless the large Canadian population's loyalty could be counted on in any pending conflict.

Less astute statesmen than North understood Carleton's message. Time was running out. Quebec's problems had to be addressed. Dartmouth informed acting Governor Cramahe that a bill would be presented in the 1774 session of Parliament. The dates of the bill's four drafts in 1774—January, March, April, and May—would indicate that the ministry, after years of indecision, had determined they could no longer afford to wait. While the ministry was occupied with drafting the bill, Parliament was engaged in enacting the Intolerable Acts. The Boston Port bill was introduced in the Commons on March 14 and with the opposition favoring it, became law without a single vote cast against it. The Massachusetts Government bill, which repealed the assembly's authority to pay officials' salaries and to appoint members of the governor's council, was introduced on April 15. This bill met with some resistance, but North managed to discredit his opponents' objections with gross exaggeration of their views. The vote

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on May 2 was overwhelmingly--239 to 64--in the government's favor. This was the same day that Dartmouth introduced the Quebec bill in the House of Lords. A few days later, the Massachusetts Justice bill won easy approval by a vote of 127 to 24. The discrepancy between the votes on May 2 and May 4 indicates that most of the members retired to their country estates after the passage of the second Intolerable Act. This helps explain the small attendance during the debate on the Quebec bill which did not begin in the Commons until May 26 and contributes to the charges of secrecy and ulterior motives brought against North.

In addition to introducing such an important piece of legislation in the shank end of the session, North was criticized for the manner in which he steered the bill through the House of Commons. The small minority opposed to the bill was angry over the Prime Minister's refusal to make available the various reports prepared for the ministry. They insisted that they needed more information to make an intelligent decision. But North was determined not to give the opposition any opportunity to delay passage of the bill or to embarrass the government. North was well aware of the controversial nature of the bill, especially that of toleration for Roman Catholics. While the public was supportive of his actions toward the colonists, he knew he risked losing their approval if the bill were widely and publicly debated. And an election was coming up in the fall.

Lawson answers those who criticize the manner in which the bill was passed by explaining that the situation was not unique with the Quebec Act. Other important
legislation was passed at the end of sessions with scant attendance. He had experience in manipulating the Commons to support his ministry and besides it was the way the parliamentary process worked. How could he be criticized for being successful? Lawson responds. On the motion by the opposition, referred to above, for more information, Lawson states: "North can be forgiven for being 'bloody-minded' on this motion and circumspect in response to charges of introducing secrecy to the process of seeing the bill through the House." Lawson admits that "the Quebec Act would have sunk without a trace if all the contradictory reports were laid before the House." Was North so sure that on as critical an issue as this, he should muzzle not only the opposition but the members of his own party who disagreed with his stance?

Among the members of his own ministry, there was opposition to the bill. One of the most interesting examples to illustrate North's skill in maintaining a united front was the testimony of the Crown lawyer, Adjutant General Marriott, who was believed to oppose the bill. His testimony before the Commons was one of the most outrageous performances of chicanery perpetrated on a political body seriously trying to resolve a complex problem. A couple of his responses illustrate the complete restraint put upon dissenters by North. Asked what he thought was the best establishment of laws for Quebec, Marriott responded: "It is difficult to say, upon any subject in this world, what is best for any men or set of men on speculation: that which succeeds best in public and private life is best; and therefore I cannot tell what will be best for the Canadians."

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7Lawson, Imperial, 137-38.
Pressed again to state what sort of government he would give Quebec, he philosophized: "The giving laws to mankind is the perfection of all knowledge, human and divine. It is not the work of days, of months, of years, but of ages. For me to answer the question, what sort of government I would give to the province, I must be the vainest of men." If the opposition were trying to find a way to break down the ministry’s solid front, Marriott was not going to be the one to open the wedge.

In his attempt to speed the bill through the House, North refused to provide the opposition’s request for the various governmental reports on Quebec. The opposition argued that they had no information on which to make a sound judgment on so important a piece of legislation. Their request was certainly on the face of it reasonable. North, however, viewed the request as an attempt to delay and cause dissension within the government party since the opposition knew that there was no consensus among the ministers and law officers about policy for Quebec. Similarly, when the opposition expressed the desire to have General Murray, who was seen in the House, summoned to give testimony, North objected. Despite Murray’s credentials as a former governor of Quebec who could provide the Commons with the knowledge he gained through personal experience, North complained that "if every person is to be called who has happened to have resided in the province, we may go on for ever and ever. . . his [Murray’s] . . .

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attendance is not to give necessary information, but to create unnecessary delay." The motion to call Murray was defeated, 36 yeas to 90 noes. Nevertheless, Murray communicated his views to Governor Johnstone, former governor of Pensacola, who read Murray's statement. Essentially, Murray sided with Maseres who disputed Carleton's claims. Murray stated that he highly approved Mr. Maseres' evidence as to the matters of fact; that he gave the House the most accurate information. He added that he did not recollect one circumstance of difference between them except as to the number of inhabitants. However, the General said that he did not want it understood that he agreed with Maseres in all the conclusions to be drawn from those facts. Murray's pique with Carleton may have prejudiced his opinions, but for a fuller understanding of the issues, it would have been instructive to know what differences Murray had with Maseres and with Carleton.

In addition to the Whig opposition in Parliament, the merchants in London, representing themselves as well as the English merchants in Quebec, signed a petition protesting the clause in the bill which stated that all matters of controversy relative to property and civil rights would be decided "by the laws of Canada, and by the judges presiding in the courts of judicature of that province, without the interposition of a jury." The petitioners asked that the bill not be passed into law with the above-mentioned clause remaining in it; and that they may be heard by their counsel

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9 Ibid., 178.
10 Ibid., 75.
against the same. The petition was ordered to be referred to the committee on the bill and that the petitioners be heard, by themselves or counsel. Herbert Mackworth of Cardiff spoke for the "gentlemen whose property had been invested under the faith of the Proclamation and... under an assurance that that property was guarded by the laws of England."\textsuperscript{11} He asked why such an important bill should have been taken up at so late a date and why it originated in the House of Lords. He asked why there was so little evidence to support a policy to revoke the laws of England for laws of Canada, about which there was so little information. Mackworth summed up his argument by saying, "In short, Sir, I see nothing in this bill but the language of despotism."\textsuperscript{12} Nonetheless, after seven days and late nights of grueling debate, the bill passed the House by more than a two to one margin—56 yeas to 20 noes.

In the Lords, only Chatham, who had risen from his sick bed, pleaded against enactment of such an incendiary action sure to alienate the old colonies. He argued against rejecting those bulwarks of personal security—trial by jury and \textit{habeas corpus}—that every Englishman was ready to die for. He called ridiculous and false the idea that the French Canadians could not benefit from law and liberty simply because they were used to arbitrary power. Most of all, the Old Commoner expressed his real fear: "that the bill might finally lose the hearts of all his Majesty's American subjects."

\textsuperscript{11}\textit{Ibid.}, 74.
\textsuperscript{12}\textit{Ibid.}, 79.
Apparently only five other lords shared his fears. The bill passed the upper house by almost a four to one margin, 26 yeas and 7 noes.

Only the king's signature was required to make the bill law. A last attempt to stop that from happening was made by the mayor of London and a group of merchants. Their objections to the bill were valid ones. In all matters dealing with commercial law, the Quebec merchants were not protected, nor were the interests of partners of business firms domiciled in England, but trading to Quebec. The merchants had unsuccessfully pointed this out in their petitions to the ministry when they learned that the new bill would institute the law and custom of the Canadians. Calling upon the king at his home, they asked that he not sign the bill into law. Deviously, the king denied that the bill was even before him. He then rushed off to sign it and immediately prerogued Parliament. These actions—the refusal to provide the government reports on Quebec, the refusal to allow General Murray to appear, the muzzling of dissent within the government, the king's deceitful denial that the bill was ready for his signature, and the immediate preroguing of Parliament, coupled with introducing the bill so late in the session at the same time that the last of the coercive acts against Massachusetts was being enacted—excited the suspicious mind then and now.

Was there any connection between North's determination to reverse the policy of anglicization in Quebec and his equal, if not greater, determination to coerce the American colonies into submission? This question has not been given due consideration.
by those who assert that there was no linkage between the Intolerable Acts and the Quebec Act. One of Lawson's claims that there was no connection rests on the fact that the period in which the Act was being formulated was one when relations between the colonists and England were relatively calm. It is true that there was a lull between the Boston Massacre in 1770 and the Boston Tea Party in 1774 in which no crisis comparable to the Stamp Act riots or the protest against the Townshend bills had occurred. But there was an underlying disenchantment with the American colonists, described in the previous chapter with respect to the pressures dealing with the western territories, evidenced in the decline in influence of the American lobby in London. Events such as the burning of the Gaspee in Providence Harbor, confrontations between the home government and Massachusetts over control of the civil list in 1772 and 1773, the break between Hillsborough and Franklin in 1772 over colonial agents, and the continuing concern about sovereignty fueled the fires that erupted when news of the Boston Tea Party reached London. Thus while the hostile feelings between the colonies and the mother country may have abated for a short time, they did not go away. On North American issues, Lords North and Dartmouth were increasingly showing partiality to Quebec and not to the American colonies.

This was the environment in which the 1774 Parliament debated the Quebec bill. Anti-American attitudes of the policymakers in Westminster and Whitehall had been shaped by years of confrontation with the colonists over sovereignty. Were those attitudes so compartmentalized that decisions made for Quebec were totally isolated from
those made against the colonists? The role of prejudice in the men largely responsible for the formulation of the Quebec Act is a difficult but important issue in trying to understand the motives behind the Act. Lord North, Carleton, Hillsborough, Dartmouth, Wedderburn, and Gage were all instrumental in some aspect of formulating policy and defending it in the Commons. In previous chapters the attitudes of some of these men toward the American colonies have been discussed. It is worth broadening that discussion to attempt to understand possible biases of the men responsible for the Act.

Along with Carleton, Lord North was probably the most influential figure responsible for the Quebec Act. He dominated the Common's debate on the bill, rising to his feet seventy-two times—more than any other member. North was secure in his position in the Commons. Recognition in that assembly came during the Wilkes' debates in 1763. North could be considered a hard-liner on the North Breton affair, calling for Wilkes' expulsion from Parliament. His colleagues recalled that he spoke with "fire in his belly, displaying righteous indignation and spontaneous anger."\textsuperscript{13} North believed Wilkes' behavior was an attack on the constitution and an affront to law and order. He won the approbation of the king for his stance. In the Commons' debate on November 8, 1768, with respect to repeal of the Townshend duties, North stated, "He would not think of repealing the Townshend duties until he saw America prostrate at his

\textsuperscript{13}Thomas, \textit{Lord North}, 27.
feet!" On the issue of Parliament’s right to tax the colonies, he firmly believed "no line can ever be drawn. You must possess the whole of your authority, or no part of it."

In 1770 North, thirty-eight years old, succeeded to the position of prime minister after Grafton resigned. He now wore three hats: prime minister, chancellor of the exchequer, and leader of the House of Commons. North was the only lord with a living father and, as a consequence, was eligible to serve in the Commons. This fact gave him a great deal of clout. The political scene had significantly changed from the influence of a more liberal pro-American ministry to a more conservative one in which North could solidify his power. As was seen in the previous chapter, the year 1770 saw the decline of the American lobby in London. Also in decline was the influence of the city of London, split over extremists who championed Wilkes and by the death of its mayor, William Beckford. The city represented the commercial interests of the merchants trading with the old American colonies and Canada. The proposed legal changes in the Quebec bill would have significantly affected their investments. Other events such as Grenville’s death and a split between Chatham and Rockingham left the opposition in disarray. In contrast, North his own mini-crisis over the Vandalia affair, with two of his ministers, Gower and Rockford [who had shared in the land company] intriguing against Hillsborough. But North survived it and solidified his position. As was discussed previously, Hillsborough was so strongly opposed to the Vandalia project, he resigned

\[14\text{Ibid.}, 31.\]
when the ministry approved it. On his resignation, North was successful in persuading his stepbrother, Lord Dartmouth, to take Hillsborough’s place.

With a ministry united behind him and personally loyal to him, North was able to meet the challenges of the American colonies on his terms. News of the Boston Tea Party galvanized public and government support against the colonists. Had the American agents, especially Benjamin Franklin, been influential in representing the American position on the legislation designed to coerce Massachusetts into recognition of Parliament’s authority, perhaps the outcome may have been less harsh. As it was, Franklin had just suffered an abusive reprimand by Solicitor General Wedderburn, mentioned earlier, and had lost favor with all but a few of his influential friends.

North’s steadfast belief that Parliament was supreme left him little tolerance for the continual confrontations of the colonists over sovereignty. He believed the home government should have firm control over them. This meant that council members should be appointed by the governor, not an assembly; that an assembly should not have the power of the purse strings by which it could threaten the governor and judiciary. These safeguards to imperial authority were incorporated in the Massachusetts Government Act. The ministry believed that these measures would bring Massachusetts to submission. North knew the public supported him on American policy. After the May 2 vote on the Massachusetts Government bill, most of the members of Parliament retired to their country estates while the ministry completed the final version of the
Quebec bill. North seized the opportunity to push the Quebec bill through the sparsely attended session as quickly as possible while the advantage was his. His tactic was to limit the number of witnesses to be called before the Commons and to muzzle those of his own ministry who disagreed with his policy.

While North was undeniably the most influential person in steering the bill through Parliament, Carleton was the most influential in terms of the general policy. Considered the preeminent authority on Quebec, he was also the most influential witness before the Commons speaking in support of the bill. Although no one has claimed authorship of the Act, the basic policy unquestionably reflected Carleton's views. As Quebec's governor, he had been writing the various ministries ever since 1767 to express his opinion that anglicization could not work in the predominantly French-Canadian, Catholic population. His antipathy toward the republicanism of the American colonists was overtly expressed by him in his letters to the home government, to General Gage, and to petitioners who tried to assert their grievances by joint actions. He feared that the balanced form of British government of monarchy, aristocracy, and democracy could not survive in the American "forest." This autocrat warned the merchants not to follow the conduct of a province which had incurred the displeasure of government at home. He warned against tumultuous meetings in which actions against laws were taken, for then "the lowest dregs of the people, and the most ignorant among them, would. . . become the law-givers of the country."¹⁵ Carleton proposed repealing the terms of the

¹⁵Neatby, Quebec, 99.
Proclamation of 1763 and all the subsequent ordinances and Proclamations. In their place, he called on the government to revive the ancient customs and laws of the French before the conquest. In 1770 Carleton arrived in London to pressure for this policy-switch. He was consulted by Wedderburn and Thurlow, who were asked to prepare a bill for Parliament. In a "Memorandum of things necessary for establishing Laws and Government in the Province of Quebec," Carleton made specific recommendations that closely paralleled those incorporated in the actual bill introduced in the House of Lords on May 2. If there were any link between the government’s actions in Quebec and the old colonies, especially Massachusetts, it was due to Carleton. His prejudice against the republicanism of the American colonies and his concern that they would rebel against the mother country are critical factors of the indirect but very real influence of the American colonies on the Quebec Act.

Another influential person in the formulation of the policy for Quebec was Hillsborough, whom North had described as "his best friend in the ministry." North called on him to give his views during the drafting of the bill even though he was no longer a member of the ministry. Hillsborough did not disapprove the government’s proposal to govern Quebec with a governor and legislative council. This seems curious given his insistence over the years for an assembly, which was discussed in the previous chapter. His position on western expansion was also covered in Chapter 5, and in this instance, his views were consistent with those that he held ever since 1763, when as

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16PAC, Dartmouth Papers, VII, 2352.
president of the Board of Trade he set aside land for an Indian reserve. The former American secretary consistently opposed all attempts to settle the lands west of the established boundaries. Several reasons have been advanced for his fervent opposition to western settlement: he was an ardent mercantilist, who believed the colonies would no longer serve the interests of Great Britain; he feared the depopulation of Ireland, where he was active in politics and where the vast Downshire family estates were located; and finally, he genuinely feared another Indian war if American settlers continued to encroach on Indian lands. When he became the American secretary in 1768, he rejected Shelburne’s policy for creating interior colonies, he disapproved of the Indiana petition, he unsuccessfully tried to sabotage the Vandalia project, and he had no compunction against uprooting the French settlements that had already been established west of the boundary.

Hillsborough was frustrated with the American colonies for not promulgating new regulations for the Indian trade, but he did not accept Dartmouth’s solution for the territory, which was to return it to Quebec. Hillsborough objected not on the grounds that it would encourage Canadians to settle there, but because he was not in favor of any settlements in the territory. If the government were insistent on wanting to extend the boundaries of Quebec, he advocated that it should be done by the authority of the king rather than by an act of Parliament, for the latter action would, he believed, be a declaration that it was right and proper to settle. On May 1, 1774, Dartmouth responded to Hillsborough’s objections. He said that the Cabinet was unanimous in its decision to
extend the province to the Ohio and Mississippi because it provided for establishment of
civil government over numerous settlements of French subjects. Dartmouth assured
Hillsborough that this did not imply "an intention of further settling the lands. . . and if
it is not wished that British subjects should settle that country nothing can more
effectually tend to discourage such attempts, which in the present state of that country,
your lordship knows very well, it is impossible to prevent."17 If there are doubters of
linkage between the Quebec Act and the American policy, this statement should be kept
in mind.

Hillsborough's influence is more difficult to assess than Carleton's. He was not,
as Franklin asserted, "an enemy of the colonists." Nonetheless, because of his lack of
tact and poor judgment, he exacerbated the problems between the colonists and the home
government. In 1768 when the Massachusetts assembly sent a circular letter to the other
colonies to oppose the Townshend duties, he instructed Governor Bernard to insist upon
the rescission of the resolution. When they refused, he ordered Bernard to dissolve the
assembly and Gage to send a regiment to Boston. Despite a resolve "not to support or
oppose men but measures," he was incapable of reconciling himself to those whose views
were contrary to his. There is little question that he would support the government's
policy of coercion toward the colonists or that he would be opposed to extending the
western boundary of Quebec, but his position in support of reversing the policy of
anglicization in Quebec is not consistent with the policies he advocated prior to 1772.

17Neatby, Quebec Act, 37-38.
More baffling was his success in changing the property clause in the Quebec bill from that practiced in English law to the French usage of seigneurial tenure. Perhaps the former American secretary's experience with the American colonists over issues of sovereignty, his humiliation over the Vandalia affair, and the open rift between Franklin and him with respect to the government's policy on colonial agents lessened his enthusiasm for supporting English claims for Quebec.

If Hillsborough was not a friend of America, his successor was. Dartmouth was far less abrasive than Hillsborough and was determined to resolve the conflicts between the colonies and Great Britain amicably. Philosophically, he supported colonial expansion; in fact, he was a large landholder in East Florida. As late as 1773 he actively intervened to hasten the drafting of the Vandalia bill. But he must also have begun to have doubts about the ministry's western policy of approving settlement grants for the territory. Gage and Johnson had been reporting concerns about the unruliness in the territories, especially in the Illinois country. The 1768 policy of removing the troops from the various forts had left a vacuum into which settlers were establishing communities without any civil authority. Hillsborough planned to remedy the problem by removing the entire population of some of the French-Canadian villages to one of the settled colonies. Following Hillsborough's instructions, Gage issued a Proclamation to the inhabitants of Vincennes to resettle. But they refused. In a petition to the king they asserted that the right to their property was guaranteed them by the Treaty of 1763.
Proof of their titles to the land were called for, but before this was accomplished, Hillsborough resigned and Dartmouth replaced him.

Dartmouth was a reluctant public servant. He had finally, under pressure from his stepbrother and fears of being discredited by his stepfather, accepted the position as American secretary. His conciliatory nature was applauded when he took over the office from the contentious Hillsborough and tensions with the American colonies were reduced. Dartmouth did not approve his predecessor's Acadian approach to resolving the problems of the west. While he was moving forward with the Grand Ohio petition, renamed Vandalia, he was concerned about the need to take some action to provide civil administration to the entire region north of the Ohio River. According to Marjorie Reid, by 1773 the "general situation on the continent was beginning to overshadow the Illinois. Disaffection in the thirteen colonies was becoming serious, and the ministers no longer attempted to disguise their intention of using Canada as a bulwark of British authority."18 In December 1773 Dartmouth wrote Quebec's acting governor, Lieutenant Governor Cramahe, that he favored re-annexing the territory north of the Ohio to Quebec. In the same correspondence, Dartmouth complimented Cramahe for the way he handled putting off the British merchants' petition for an assembly. He assured Cramahe, who echoed Carleton's position in support of the seigneurs, that he would favor revoking the Proclamation, instituting French laws, protecting and maintaining the

18 Reid, "Quebec and Western Policy, 1763-1774," The Canadian Historical Review, VI, 1925, 15-32.
Catholic church, as well as returning territories in the east, which primarily dealt with the seal fisheries, and in the west, with the fur trade. In short, he was determined to accept completely the terms of the seigneurs, while ignoring the petitions of the merchants in Quebec and London, and to do so during that session of Parliament.

Because of the crisis in Massachusetts, the actions against that colony took priority over Quebec. After the Boston Tea Party and misinformation from colonial officials that the "best sort of people" would support retaliatory measures against the perpetrators, Dartmouth unwisely set in motion, with the approval of North and the king, the Intolerable Acts. At the same time the American secretary felt the urgency to deal with Quebec. While the coercive acts were being debated, he asked Wedderburn to prepare a bill for Quebec. The four drafts mentioned before were begun in March and not completed until May 2. The second draft, approved by Dartmouth, included replacing English criminal law with French law. Wedderburn, Hillsborough, and Hey all objected so that the final bill submitted to the Lords by Dartmouth on May 2 retained British criminal law.

Parliament's handiwork in that session worried Dartmouth. In terms of the Quebec Act, he feared that the rift between the commercial class and the government would widen. He attempted conciliatory measures. In his instructions to Governor Carleton, not only did he counsel Carleton to introduce wherever practical English civil law, but he seemed to be modifying substantially the intent of the Act to return the government
to the Canadians. He hoped the merchants would recognize the government's concern for their interests. The question his actions raise is how serious was the government's intention to reverse the policy of anglicization? After the conclusive victory of the ministry in the fall elections was it able to take a calmer look at the terms granted in the Act and then attempt to modify them? Weren't the terms in the instructions the very ones argued for by the opposition, but refused by the government during the Quebec Act debates? Doesn't it appear that the Act was just a short-term expedient to meet the crisis situation in Quebec, in the territories, and in the American colonies? Despite his best efforts, the protests of both the American colonists and the Quebec merchants to the ministry's policies devastated the placative Dartmouth. His only reason for not resigning was his loyalty to North.

One of the most mercurial figures to play a prominent role in the formulation and passage of the Quebec Act was Solicitor General Alexander Wedderburn. A promising, ambitious Scotsman, Wedderburn was educated at the University of Edinburgh, where he became familiar with such leading figures as David Hume, Adam Smith, and Dr. Robertson. A stellar beginning at the Scottish bar ended when he was called on to apologize for intemperate behavior. Rather than apologize he tempestuously tore off his gown, vowing never again to return to the bar in Scotland. In London as an intimate friend of the Earl of Bute, Wedderburn began his long career in British politics. He entered as a Tory; became a Whig, warmly embracing the cause of Wilkes; but in 1771,
he broke with the Whigs and joined North's government as solicitor general.\textsuperscript{19} Wedderburn's position with respect to the conflict between the colonists and Britain was well known prior to 1774. He opposed repeal of the Stamp Act and was a strong supporter of the Declaratory Act. His proposal to insert a clause in the latter bill to make it illegal to dispute Parliament's right in book or pamphlets provoked charges by member of Parliament, Rose Fuller, that such a clause was worthy of Henry VIII or Charles II.\textsuperscript{20} Wedderburn also supported a motion asking the king to prerogue Parliament until he had positive assurances from the American governors "that the people are returned to a due sense of their duty and obedience to the laws."\textsuperscript{21} The Solicitor General's scathing attack on Franklin at the January 28 Privy Council meeting reflected his attitude with respect to the protests of the American colonists as well as his invective against Franklin. Reports of the event in the British press said that Wedderburn "loaded him [Franklin] with all the licensed scurrility of the bar, and decked his harangue with the choicest flowers of Billingsgate."\textsuperscript{22} As mentioned previously, after months of delay in drafting the bill for the Vandalia project, Wedderburn finally refused to go forward with it, declaring in reference to Franklin's involvement that he refused to reward those unworthy the favors of the crown. During the Quebec Act debates Wedderburn stated

\textsuperscript{19}Dictionary of Canadian Biography, V, 132-134.


\textsuperscript{21}\textit{Ibid.}, 274.

that the English in the province had no right to expect British law and protection. He favored returning the western territory to Quebec and of reinstituting with some exceptions French law and customs enjoyed prior to the conquest. One of Wedderburn's concerns was, like Hillsborough's, the depopulation of England and Ireland. He did not favor emigration of British citizens into the western territories. He recognized that granting the western land to Quebec would repel most British Protestants from wanting to settle in a French-speaking, Catholic community.\textsuperscript{23}

Lastly, the role of General Gage in influencing the ministry in its policies toward Quebec and the older colonies was a unique one since he had been governor of Montreal during the military occupation and commander-in-chief of North America until 1773. Every secretary of state sought his advice, and in 1773 Dartmouth called him home to present his views on western policy. Gage had initially been supportive of the land schemes in the western territories. As stated previously, he considered purchasing land on the Ohio, but the threat of Indian uprisings in the vast territory that had no civil government convinced him that an Indian reserve had to be maintained beyond which no settlement could occur. As for the threat from the American colonies, the correspondence between Carleton and Gage indicates that Gage agreed with Carleton that militarily Quebec could not be defended. Its citadel needed to be fortified, as well as forts in the territories. In event of war with the colonists, the north could be cut off from the south. It is reasonable to assume that Gage agreed with Carleton that in the

event of insurrection in the colonies, Quebec would become the battlefield. Gage's appointment to the Massachusetts governorship, vacated by Hutchinson, was consistent with North's get-tough policy and reflects the view that this was a strategic move. Gage had little tolerance for the kind of protests that had disrupted good relations between that colony and the mother country.

These men—North, Carleton, Hillsborough, Dartmouth, Wedderburn, and Gage—were the most influential men in the formulation of policy for Quebec. They were all competent, knowledgeable, intelligent, and experienced statesmen or military leaders. How then does one account for the misjudgment of such men with respect to the effects of the Quebec Act on the American colonies and on Quebec? Were they misled as a result of their own shortcomings and prejudices? The role of the colonies and Great Britain was changing, but with few exceptions—Shelburne, Pitt, and Burke—these men did not foresee the change. They were trapped in their traditional roles, reflecting class biases of eighteenth-century England. The British elite were representative of only a small number of families. Patronage and nepotism were not frowned upon, nor were expressions such as "the better sort of people" or "the rabble." Fear that the rabble threatened the relationship between the governed and those governing was of paramount concern to those responsible for the formulation of policy. Dartmouth accepted the assessment of officials in the American colonies who assured him that the "better sort of people" supported his get-tough policy toward Massachusetts. In Canada, the better sort, according to Carleton and Cramahé, were the seigneurs who had the support of the
habitants. And so largely due to class bias, North and Dartmouth erred in their assessments of the situation in Quebec as well as in the American colonies.

Similar problems arise even today. In assessing the crisis in North American in 1774, historians have the advantage of hindsight. Yet there are differences of opinion that seem inexplicable except for the fact that each of us filters the same information through different lenses. This is the rationale for attempting still another assessment of the Quebec Act. By examining some selective passages of the Act during the debates in the House of Commons and comparing the differences with Lawson’s interpretation, which is diametrically the opposite from this writer’s, some interesting insights might be gleaned. Here is a sample of that testimony.

**Question:** Are Canadian inhabitants desirous of having assemblies in the province?

**Carleton:** Certainly not.

**Question:** Have they not thought with horror of an assembly in the country, if it should be composed of the old British inhabitants now resident there?

**Carleton:** No doubt it would give them great offence.

**Question:** Would they not greatly prefer a government by the governor and legislative council to such an assembly?

**Carleton:** No doubt they would.

**Question:** Was it necessary to have any land to be qualified to serve on a jury in the country?
Carleton: I believe there is very little nicety in that matter; there is too great a scarcity of Protestants. I beg leave to add, in the list of jurors I mentioned, there were a great number of disbanded soldiers that kept tippling houses.

Question: Is that the only idea of the assembly, that you even knew suggested to the Canadians, and to which they returned their answer?

Carleton: I put the questions to several of Canadians. They told me assemblies had drawn upon the other colonies so much distress, had occasioned such riots and confusion, that they wished never to have one of any kind whatever.

Question: Did not the Canadians likewise think, that assemblies which draw upon them expenses as well as distress?

Carleton: By distress I meant the displeasure of this country. No. They never stated that.

Question: Have you never heard, that they imagined they should be obliged to pay the expense of government as soon as they had assemblies, but that until they had them they were not to pay the expense?

Carleton: No, that was not the idea of the Canadians; they dislike it as not being conformable to their ancient customs.

Question: Was the dissatisfaction expressed by the Canadians at large, or by the corps of noblesse?

Carleton: They were pretty unanimous in most points; as unanimous as so large a body could be expected to be.

Question: What number of these noblesse is there in this country?

Carleton: My memory will not suffer me to tell.

Question: Nearly?

Carleton: I suppose a hundred and fifty; I speak at random.
Question: What is the occupation of them; do any of them trade?

Carleton: I believe very few; they are not fond of trade.

Question: Do you know from the Canadians themselves, what sort of administration prevailed under the French government, whether pure or corrupt?

Carleton: Very pure in general; I never had complaints of the administration of justice under the French government.

Question: In general, have not the British subjects in Canada and the old subjects intercourse with one another?

Carleton: They have very little society.

Question: Do the Canadians in general communicate their sentiments to the British subjects at all, or to the officers, etc.?

Carleton: They are very decent people, and communicate their sentiments only to those whom the king has appointed to receive them.

The questions and answers continued along the same vein. Often Carleton’s responses were contradictory to those of other witnesses. This was particularly the case with Frances Maseres, Quebec’s attorney general from 1766 to 1769. Asked similar questions, here are Maseres’ responses.

Question: Do you think the people have a strong attachment to our laws and customs?

Maseres: I believe that the great body of the Canadians, with the exception, perhaps of an hundredth part of the whole, would be very well satisfied with the establishment of those laws.

Question: What do you understand to be the sentiments of the Canadians with regard to the form of government they would wish to live under?
Maseres: They have no predilection at present in favour of a legislative council, or in favour of an assembly: I speak of the generality of the people. There are a few person who have thought more upon the subject than the rest: I believe they would incline to an assembly.

Question: What sort of an assembly do you suppose they would like: an assembly of which they might have a part, or one which consists of his Majesty's own subjects?

Maseres: I have heard some of them say they would rather have an assembly consisting equally of Protestants and Catholics, or at least of such Catholics as would take the oath of abjuration of the pope's power, but not the declaration against transubstantiation,—than be governed by the legislative council. I am inclined to believe that they keep in view an assembly, notwithstanding the ill conduct of certain assemblies in North America.

In addition to the testimony by Attorney General Maseres, Chief Justice Hey was also called on for his views. He supported Maseres more than he did Carleton. On similar issues, he expressed these views:

Question: Have you found the Canadian inhabitants dissatisfied with the introduction of the English law, and exclusion of their own laws and customs? Do they generally approve of the trial by jury in criminal cases?

Hey: I think they do.

Question: Are not the laws of Canada respecting lands, dower, and gift by will, allowed by the court and juries at Canada, respecting the Canadian subjects only, to be just as they were when they were in the possession of the French?

Hey: I believe the Court of King's Bench did admit the Canadian laws and customs indiscriminately, in general. The ordinance directed them to do it.

Question: Then you believe the Canadians would be content to have the laws continued to them upon this subject.
Hey: I believe they would. They have made objections to juries. The higher part of the Canadians object to the institution itself, as humiliating and degrading. They have no idea of submitting their conduct to a set of men, their inferiors; and the lower order look upon it (as in truth it is) a burden to them.

Question: I apprehend the customs of Canada are as much considered by the juries of Canada, as the particular customs are here by the judge and jury?

Hey: I believe, in the Court of King’s Bench, they are. I have thought myself obliged, in my capacity of chief justice, in every case of appeal, to determine by the same rule; because it seemed to me a gross absurdity, that I should sit to determine the merits of a case, governed by one kind of law, which they had determined under the provisions of another.

Question: Have the profits of the possessions of the Canadians been increased since the conquest?

Hey: They certainly grow more corn, are more populous, and likewise cultivate their land better. If this land had been now sold, no doubt it would have sold for more. The body of the people are not all dissatisfied with the conquest. To be sure the higher part are.

Question: Do you conceive that, at present, the Canadians are much attached to France, and would wish to be under that government again?

Hey: I do not apprehend that the body of them would. No doubt the noblesse and the military have been great sufferers, from the loss of their employments and commissions; and it is natural enough to suppose that they would incline to their old employments, under their own government.

Hey was asked if he thought it impracticable, or difficult, to draw a line of admission of Canadian laws, as would give satisfaction both to the new and old subjects. Hey said that he believed it was possible and stated that this was the basis of his disagreement with Carleton, who supported the seigneurs’ demands for all French law. Hey specified which laws he thought should remain French and which English and how
the administration of the laws could be established to remedy some of the complaints with respect to cost and the delay in resolving cases. These proposals, Hey believed, would have been acceptable to the Canadians at the time. Now he thought they wanted more. He would not say why he believed that to be true other than the fact that once the possibility was introduced of their retaining all their own laws and customs, they naturally aspired to it.

These excerpts from the testimony of Carleton, Maseres, and Hey reveal the differences in their opinions with respect to what the Canadians would accept and what they wouldn't. The two legal experts, Hey and Maseres, both concluded after an investigation in 1770, that Carleton asked them to make, that the Canadians were not unhappy with English law, as far as it went. They both believed remedies in the areas where the Canadians were dissatisfied could be easily met by ordinance. As was discussed previously, two such ordinances were proposed before Carleton left Quebec in 1770 to address some of the complaints: one to establish more frequent court sessions (which was not adopted); the second, to transfer power to hear civil cases from the justices of the peace to the Court of Common Pleas.

In their testimony, Maseres and Hey made clear the distinction between the noblesse, whom Hey referred to as "the higher part," and the habitants, "the lower part." Carleton did not make such distinctions unless pressed. He said that the Canadians had not been happy with their current situation. When asked if the dissatisfaction expressed
was by the Canadians at large or the noblesse, Carleton responded they were "pretty unanimous in most points, as unanimous as so large a body could be expected to be." He stated emphatically that the Canadian inhabitants would "certainly not" want an assembly; that such an assembly would give them "great offence"; that they would "no doubt" prefer a government by the governor and legislative council to an assembly; that when he put the question about assemblies "to several of Canadians" they stated that they never wanted one since they saw the distress, riots, and confusion they caused in the other colonies. Despite Carleton's protestations that the Canadians would not want an assembly, an interesting document in the Baby collection—Francois Baby was an important Canadian merchant and fur trader—suggests that at least some Canadians considered joining the English merchants in their petition for an assembly in 1773. Eight Canadians first agreed and then withdrew to the regret of some of them. The draft document is without names signed only "Les vrais patriotes Canadiens." It stated that Canadians were promised the benefit of English law by the Proclamation, including an assembly. They expressed alarm at their laws and customs being entrusted, as proposed, to the arbitrary authority of a governor and council.24

An important distinction should be made with respect to the opinions of the Canadians versus the seigneurs. Hey alluded to it in his testimony when he said that the Canadians would have been happy with the situation as it was, especially in 1770 when

24PAC, Baby Collection, Political Papers, XL, Letter to Quebec Gazette, July 21, 1773, in Neatby, Quebec, 132.
he and Maseres made their investigation. "Now"-in 1774-Hey admitted they wanted more. He said that "once the possibility was introduced of their retaining all their own laws and customs, they naturally aspired to it." Who introduced the possibilities? We know that the seigneurs were never happy with their loss of status and means of livelihood after the conquest and we know that Carleton identified with the noblesse. Was Carleton the instigator of this change? He was the architect of the Canadians' petition to the king in 1770 calculated to counter the petition for an assembly by the merchants. When Carleton left to present his case in London, acting governor Cramahe carried on the same policies. He discouraged the merchants from petitioning for an assembly but encouraged the Canadians to petition for a return to their pre-conquest status. Was this a decision from the top down? Would it have made a difference to the ministry if it had been aware that Carleton was the instigator for the retention of Canadians laws and customs?

In other areas, Carleton's testimony could be considered misleading, if not inaccurate. He claimed that there was little intercourse between the British and Canadians. In the biographies of the merchants in Appendix II, the degree to which the British and Canadian merchants intermarried, joined in business partnerships, and socialized is overwhelming evidence that the commercial class, whether British or Canadian, did not discriminate against one another. Creighton supports this view, saying that there were no race distinctions, but rather class distinctions. On the issue of "trial by jury," when Carleton was asked if it was necessary to be a landholder to qualify as
a juror, he said that there were too few Protestants to adhere to that requirement and that
on the list of jurors mentioned were a "great number of disbanded soldiers that kept
tippling houses." To speak of "disbanded soldiers" in 1774, to refer to "tippling
houses," and to ignore the fact that by 1774 the members of the mercantile class were
the backbone of the province, as qualified as any body politic to serve on juries, makes
this response by Carleton disingenuous. The statement was obviously designed to cast
a negative eye on retaining "juries" in civil cases.

In contrast to this negative assessment of Carleton's testimony, Lawson claims, "He
performed brilliantly, defending his record and the general tenor of the Quebec
legislation with enviable poise." Of the bill's detractors, he says, "the interrogators on
the opposition benches displayed a singular lack of ability. Their ignorance of the issues
at stake in Quebec and of its society and institutions was manifest, but more evident was
a phenomenal prejudice and bigotry about British institutions." Lawson adds, "Many
opposition speakers greeted with incredulity Carleton's assertions that the Canadians did
not desire an elected assembly or trial by jury in civil cases." These remarks require
further examination, for they are important to an understanding of why historians have
generally disclaimed the opposition's support for British institutions for Quebec.

The bigotry Lawson is concerned with here is the insistence by the opposition that
British institutions, such as assemblies, habeas corpus, and trial by jury, were superior

25Lawson, The Imperial Challenge, 136.
to French ones. These rights were assumed to be the privilege of every Englishman no matter where he lived. But Quebec posed a different problem, and so in 1773 an assembly was dismissed since it would result in a small minority of Englishmen legislating for the majority French-Canadian population. Instead a legislative council was considered more appropriate. But why? From what pool would the legislative council be drawn: the 108 to 130 seigneurs? Who would the seigneurs represent? Were the seven seigneurs appointed by Carleton a better representation than an assembly elected by qualified Canadians or better still inclusive of qualified Canadians as proposed in 1768 and 1769 by Shelburne, the Canada Committee of London, and Hillsborough? How could the ministry be so aware of the tyranny that would result if a representative assembly was composed only of Englishmen and not foresee the tyranny that would result by the inordinate power given the governor who had authority to dismiss any member of the council he so pleased? Given Carleton's previous behavior, this meant that unless councillors supported him, they could be--and were--dismissed.

The complaint that the opposition was not knowledgeable seems ironic given the refusal of North, condoned by Lawson, to provide government reports on Quebec for informational purposes. The charge that the opposition was surprised when they learned--from Carleton--that the Canadians were not in favor of an assembly has already been discussed. As far as trial by jury, the fact was that there was no unanimity of opinion on the issue. On religious toleration, Lawson is right that the opposition expressed it prejudices and bigotry. Edmund Burke, however, was an exception, for he
called for religious tolerance not only in Quebec, but in England and Ireland as well. It is ironic that the ministers who were willing to approve tolerance for the Catholic religion three thousand miles from home were not ready to admit such tolerance in England and Ireland for another fifty years.

Most historians argue that the policies for the American colonies and Quebec were totally discrete. The contention here, also dealt with in Chapter 5, is that two terms of the Quebec Act were affected by the events in the colonies—the form of government and the extension of the western boundaries. By 1774 British policymakers had had their surfeit of representative government at home with the Wilkes affair and in America with letters of correspondence, nonimportation agreements, and other rebellious acts. In attempting to meet the challenge to its authority by the colonists, the home government determined that the root of the problem was in the structure of government. Colonial assemblies were too powerful; the king's representatives, too weak. One way to remedy this defect was to take away the power of the assemblies. The Intolerable Acts were designed to curb that power and to coerce the colonies into submission. The ministry was united behind this effort as the only viable one left to it.

All the key figures involved in enacting the Intolerable Acts were also involved in determining what form of government to provide for Quebec. Despite years of wrestling with the problem, no agreement was reached until about 1773 that an assembly would not be appropriate. Carleton especially fostered that view. The autocratic ruler
disdained republicanism as a threat to law and order. His preference was for a feudal arrangement where everyone knew his place from top to bottom. Since he was considered the key authority on Quebec, it is not surprising that even if conditions were more favorable, inclusion of an assembly for Quebec would have been resisted. A governor and legislative council, appointed by the king, were more controllable and suitable for an imperial government. To consider whether there was any link between the colonies and Quebec on this issue, two questions come to mind: whether the Montreal merchants' petitions for an assembly were associated with the problems with assemblies in the colonies and whether Britain would have departed from its long tradition of governor, council, and assembly if the colonists were not challenging its authority in America and if the English merchants, imbued with the idea of republicanism, were not challenging Carleton's authority in Quebec.

Another term of the Act which was influenced by events in the colonies was the re-annexation of the territory north of the Ohio River to Quebec. During the formulation of the Proclamation in 1763, the decision to establish the territory under the control of the governor of Quebec, which the king desired, was rejected. The reasons were that granting such power to the governor of Quebec would give him too great military power over the colonies, which would cause dissensions; and it would give the Canadians too great an advantage in the fur trade to which the colonies would also object. Apparently, these concerns were no longer considered valid. Why? One argument was that the colonies had not assumed responsibility for establishing uniform regulations for traders
despite the efforts of Hillsborough to bring this about. This argument is only partially valid. As has already been discussed, when New York and Pennsylvania invited Carleton to attend a congress to resolve the issue, Carleton did not respond. Later, when Carleton’s successor, Cramahe was invited, he planned to attend until he learned that Hillsborough and the king opposed such congresses for fear that the colonists might seek the opportunity to unite against England. Without Quebec, the regulations would not have been effective. Another explanation, however, is that the king’s decision to annex the territory to Quebec was adamantly opposed by Shelburne and Halifax. Now Halifax was dead and Shelburne was out of government. The view that Quebec would have greater military power over the American colonies and that the Canadians would have a monopoly in the fur trade must have seemed an attractive one. As discussed in Chapter 5, the Canadian fur trade was more profitable to the British than that of New York and it was also more important to Quebec’s economy than to New York’s. In addition to these concerns was the one expressed repeatedly during the debates and in correspondence: that is, the depopulation of England and Ireland. If the adjoining province were French Canadian and Catholic under French civil law, the colonists would be deterred from settling there. Dartmouth articulated what others were saying, providing sufficient evidence to indicate that one of the major reasons for the government’s actions in extending the borders to the west was to repel English settlement.
All the foregoing discussion revolves around the formulation and enactment of the Quebec Act. But at the outset, it was suggested that any assessment of the Act would not be complete unless the governor’s instructions, the response of the American colonists and that of the inhabitants of Quebec were included. The latter two considerations will be discussed in the following chapter. Many historians, including Lawson, deal only with the Quebec Act, and as a result, laud the Act and its expression of tolerance for the Canadians. The instructions which followed cast a very different light on that "tolerance." Dartmouth had been concerned about the British merchants' protests to the Act. In his instructions to Carleton in December 1773, he asked Carleton to persuade the merchants of the justice and propriety of the form of government established and of the attention that was shown "to their interests not only in the adoption of the English laws as far as it was consistent with what was due to the just claims and moderate wishes of the Canadians, but in the opening to the British merchant, by an extension of the province, so many new channels of important commerce."26

On the question of religion, Dartmouth cautioned Carleton that he was to exercise very rigid control over the power of the Roman Catholic clergy and to remember that "it is a toleration of the free exercise of the religion of the Church of Rome only to which they are entitled, but not to the powers and privileges of it, as an established Church. . . ."27 At the same time, Dartmouth counseled Carleton that he was to give

26Shortt and Doughty, Documents, II, 585.

27Ibid., 602.
every aid to the Church of England, even suggesting that he give cautious encouragement
to such Canadian priests as might wish to break away from the discipline of their church.

In deference to the English merchants, Dartmouth also instructed Carleton to
inform the council that they should consider whether the laws of England "may not be,
if not altogether, at least in part the rule for the decision in all cases of personal actions
grounded upon debts, promises, contracts, and agreements, whether of a mercantile or
other nature; and also of wrongs proper to be compensated in damages."28 How does
one account for these concessions to the English merchants coming even before the
effective date of the Quebec Act? Was the ministry's actions with respect to the
implementation of French law and religion only an expedient measure to win the
Canadians' loyalties in case of possible confrontation with the American colonists? We
will never know the answer to these questions for the simple fact that Carleton, whose
character was discussed in Chapter 4, hid the instructions from the councillors. The
merchants were never informed of Dartmouth's intent to protect their interests. As a
result, the merchants continued their opposition, and in December, a record number of
them--185--petitioned the government for repeal of the Act. Some of them looked south
for redress of their grievances.

The question asked in the beginning of the chapter was not whether the Quebec Act
was influenced by the quarrel over sovereignty with the American colonies, but rather

28Ibid., 599.
how could it not have been affected by that quarrel? Several considerations have been explored in this chapter to establish the connections between the Quebec Act and events in the American colonies: the environment in which the Act was passed; the prejudices and biases of the men most responsible for formulation and passage of the Act; the specific issues that framed the terms of the Act; the subsequent retraction of the government’s avowal to institute French laws and customs as expressed in the governor’s instructions; and the repercussions that resulted from its passage. The immediate environment in which the Quebec bill was being drafted coincided with the government’s efforts to coerce the colonies into recognition of Parliament’s sovereignty. The recalcitrant colony of Massachusetts was the target of the Boston Port Act, the Regulatory Act, and the Imperial Administration of Justice Act, but the confrontation was not confined to Massachusetts. Ever since the Stamp Act of 1765, the colonies and Great Britain had been testing each other, with some movement of conciliation on the part of Britain over the years. But in 1773 the burning of the Gaspee, the formation of Committees of Correspondence, the publication of the Hutchinson letters, and the Boston Tea Party pushed the government and the public to the brink. The vituperative attack on Franklin early in 1774 revealed what little reservoir of goodwill there was for the colonists. The voices of moderation had been quelled and the ministry resolved that the issue was now an either-or situation: either the colonists accede to British sovereignty or sever ties.
The men most responsible for the get-tough policy toward the colonists had dealt with the continual assaults on the government's colonial policies, threatening the ministry and the ministers' position in it. As with most political and military leaders in eighteenth-century England, they were products of the aristocracy and reflected the narrowness of their class in a changing time that called for innovative ideas and policies. North, Hillsborough, Dartmouth, Wedderburn, Carleton, and Gage had little sympathy or experience with the rising demands of the mercantile class. They based their judgments on a credo that formed the basis of the Canadian constitution almost a hundred years later: peace, order, and good government. Cabals, petitions, riots were reflective of a "mobocracy" that they feared. Their policies were designed to give support to the "better sort of people." They believed whole-heartedly that the imperial role required colonial subordination to the mother country. With the exception of Dartmouth, who was pacifist by nature, these leaders were willing to reduce the colonists by armed conflict if necessary.

Carleton and Gage had predicted the eventuality of such a conflict, and it was for that reason that they tried to alert the ministry to prepare an appropriate defense. For Carleton this meant not just a literal fortification in Quebec. He foresaw the need to win the loyalty of the Canadian people. The way, he mistakenly believed to do this, was to win the allegiance of the seigneurs and clergy. His advocacy on their behalf began in 1767 with calls to reverse the policy of anglicization; by 1773 he encouraged the Canadians in the belief that it might be possible for them to retain all their laws,
including criminal law. During the drafting of the bill, Wedderburn, Hillsborough, and Hey were responsible for a moderation of Carleton's position. There is no question, however, that Carleton was the prime mover in influencing the government to reverse the 1763 policy. As a military man, his fears of an invasion "too shocking to think of" by the rebellious colonies alone or in concert with France or Spain directly connect the events in the lower colonies and Quebec policy.

These issues--Carleton's influence in convincing the government to reverse its policy of anglicization; the decision of the home government to establish a conciliatory form of government that was answerable to the home government; the re-annexation of the western territory to Quebec--are all considered to have been decisions made only with what was appropriate for Quebec. Would these decisions have been the same if the colonists were not challenging the home government? The answer to the question seems to be that the government would not have reversed itself so completely in just ten years if the colonies had not provoked them into such action. That the action was precipitous is suspected when considering the governor's instructions. Those instructions countermanded the decisions made in the Act, and even though the Act legally carried more weight, the motives of the policymakers take on a different cast. Any analysis of the Act has to include the instructions and the response of the people affected. Whether the Act triggered the Revolution is not an issue here, but it did provoke calling a Continental Congress in which the Quebec Act was cited as one of the Intolerable Acts designed to enslave the old colonies.
When the 1774 Parliament was prerogued on June 22, few of its members were aware that their actions would soon bring to a close the First British Empire. The attempt of Parliament to assert its rights over the American colonists by enactment of punitive measures against Massachusetts, coupled with establishing a government in Quebec antithetical to the republican principles considered rights of all Englishmen, only strengthened the resolve of the colonists to resist the tyranny being perpetrated on them. Looking northward, they assumed that their Canadian neighbors suffering the dire effects of the Quebec Act would be as affronted as they and would willingly join them in common cause against the mother country.
PART TWO
CHAPTER SEVEN

FROM PERSUASION TO INVASION

When Carleton returned triumphantly to Quebec in September 1774 with his new bridge and with authority to restore to the beleaguered province a more orderly, structured society, he was ecstatic. His mission to repeal the dreaded anglicization policy of the Proclamation and institute in its place the generous terms of the Quebec Act had been highly successful. His warm reception by the Quebec people, he believed was testimony to the fact that they were pleased with the reversal in policy. He wrote home that "all ranks of people amongst them view with each other in testifying their gratitude and respect, and the desire they have by every mark of duty and submission to prove themselves not undeserving of the treatment they have met with."\(^1\) Furthermore, he assured North, a Canadian regiment would "complete their happiness, which in time of need, might be augmented to two, three, or more battalions."\(^2\) Such statements led British historian Vincent T. Harlow to conclude that Carleton had "an unwarranted expectation of French-Canadian gratitude and support, an expectation with which he deceived himself and the ministry."\(^3\) In any case, his optimism was short-lived for he

\(^1\)Shortt and Doughty, Documents, II, 583.

\(^2\)Ibid., 584.

\(^3\)Neatby, Quebec Act, 129.
had not taken into consideration the effect that the Quebec Act would have had on the American colonists, or on the disgruntled merchants, and habitants in Quebec.

The news of the Act reached the American colonists just prior to the meeting of the First Continental Congress, called for the purpose of determining a collective response to the coercive acts, which now in their view included the Quebec Act. On September 9, 1774, the Congress adopted the Suffolk Resolves, which declared that "the late act of Parliament for establishing the Roman Catholic religion and the French laws in that extensive country now called Canada, is dangerous in an extreme degree, to the Protestant religion, and to the civil rights and liberties of all America." From that point on, in quick succession, Congress passed addressed and resolutions claiming that the Quebec Act "abolished the equitable systems of English laws and erected a tyranny there to the great danger from so total a dissimilarity of religion, law, and government of the neighboring British colonies." In addition, the Nonimportation Association protested against the westward extension of Quebec, the discouragement of British immigration in that area, and the establishment there of an arbitrary government.

A different and disingenuous message was sent by Congress to the people of Quebec, one which Carleton later employed to warn the habitants that the Americans were not their friends. But in the aftermath of the Quebec Act, the distraught merchants

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and habitants were receptive to the widely circulated message of the Continental Congress, which invited the Canadians to join them in their struggle against the arbitrariness of the British government. This message promised the Canadians the respect, toleration, and free exercise of their religion, while the Quebec Act, they charged, denied them their rights as British citizens: "Your judges and your legislative council, as it is called, are dependent on your governor... and he is dependent on the servant of the crown in Great Britain." Canadians were called on to reflect "which will be most for your interest and happiness, to have all the rest of North America your unalterable friends, or your inveterate enemies." Three hundred copies of this letter were printed and sent by the radical Boston merchant, Thomas Cushing, to his good friend, Thomas Walker, in Montreal. Both men probably knew one another when Walker lived in Boston just prior to his emigration to Montreal in 1763. Although the Quebec Gazette was forbidden to print the message, it was carried in every American newspaper and was easily available in Quebec. A French translation was distributed to the habitants and was well-received.

On October 21, 1774, the Massachusetts Provincial Congress voted "to take into consideration the propriety of appointing an agent or agents, to repair to the government of Canada, in order to consult with the inhabitants thereof, and settle a friendly correspondence and agreement with them." Anticipation that such an action would

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5Ibid., 90.

6Ibid.
produce positive results was not just wishful thinking. In September residents of Quebec, concerned about the closing of the port of Boston, sent one thousand bushels of wheat to Boston; Jonas Clark Minot, a merchant formerly a native of Massachusetts, transmitted them with the cordial letter to the Boston Committee of Donations. In Montreal, a considerable sum was collected for the same sufferers and forwarded in a bill of exchange. These expressions of sympathy were not left unacknowledged. The Boston Committee replied to the Quebec donors: "Whilst we stand compact like a band of brothers no proud invaders will be able to subdue us." All winter exchanges between the Massachusetts colonists and the French and English in Quebec continued.

In the meantime, the merchants from Montreal and Quebec were concerting with one another at coffee houses, taverns, and in "town meetings" to discuss letters received from the Congress. The joint committee resolved to write letters of thanks to all those who supported their interests during the Quebec Act debate, including the mayor of London, some merchants, and the former Attorney General Maseres. Petitions were also sent to the king, the Commons, and the Lords. Carleton reported these activities in a letter to Dartmouth on November 11 in which he named Walker, Todd, Price, and Blake as the instigators from Montreal and John Paterson, Zachary Macaulay, John Lees, Sr., John Aitkin, Randle Meredith, John Welles, and Peter Fargues as the leaders from Quebec. Carleton assured Dartmouth, however, that "several discreet" people did not

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\(^7\)Ibid., 99.
participate in these meetings when they found out the nature of them."⁸ He told Dartmouth that he regretted the examples the merchants set for the Canadians and did not think government could guard too much, or too soon, against the consequences of an "infection, imported daily, warmly recommended, and spread abroad by the colonists here, and indeed by some from Europe, not less violent that the Americans."⁹

In November and December 1774 petitions to repeal or amend the Quebec Act were sent to Maseres to present to the appropriate authorities. The merchants' main complaint was the denial of trial by juries in civil cases and of habeas corpus in criminal cases. The latter condition, they stated, subjected them to arbitrary fines and imprisonment at the will of the governor and council. Subsequently, these concerns proved not to be idle ones, for in fact Carleton imprisoned suspected "traitors" sometimes for several years without a trial. In a separate petition to the House of Lords, the merchants complained of the dire effect of French laws on trade. They warned that the credit of the country was already deeply wounded. In the petition to the Commons, they reminded the House of the extent of their commercial ventures which had been undertaken with the assurances that they were protected by British law as set forth in the Proclamation of 1763. The inference made by Carleton in his letter to Dartmouth that the "discreet" merchants did not participate in these petitions was fallacious for the petitions were signed by 185 merchants, among them the most reputable and important

⁸Short and Doughty, Documents, II, 587.
⁹Ibid., 587-588.
ones in the province. Many of them had signed previous petitions, but many more were signing for the first time, indicating a new level of discontent in the colony.\textsuperscript{10} The American colonists hoped to capitalize on this discontent.

Throughout the winter, correspondence between the Quebec merchants and the American colonists continued. Earlier John Brown, a Boston lawyer, had offered to journey to Montreal to enlist as much support as he could. Finally in February, the Massachusetts Congress accepted his offer. Brown was the right envoy to send. He was handsome, articulate, stoic—he made the arduous trek from Boston to Montreal over melting rivers and lakes—and was imbued with the revolutionary spirit. His task was to energize the merchants to commit themselves to the American cause and to send delegates to the Second Continental Congress to be held in May. Walker was Brown’s sponsor. But Brown did not succeed in his mission. Only James Price journeyed to Philadelphia as an independent agent. While the merchants were distraught, so drastic a step was fraught with too many uncertainties. In a letter to Congress, they asked if they could join them without agreeing to the policy of nonimportation. They were willing to help do what they could short of agreeing to actions that would ruin them commercially. They explained that if they agreed to nonimportation, the French would immediately monopolize the Indian trade and they would be ruined. Although they

\textsuperscript{10}See Shortt and Doughty, \textit{Documents}, II 590-591 for lists as well as Appendix I of this study.
believed they had been shabbily treated by the home government and Carleton, they were still hopeful that the Quebec Act would be repealed or amended.

Their reluctance to actively join the colonists was not surprising for there were few parallels between Quebec and the American colonies. Quebec was still a sparsely settled province with almost total dependence on Great Britain for capital and markets. Quebec had less than two decades of British rule with no representative government; the American colonies had in some cases the experience of home rule for more than a century. The past decade in America had produced an organized network of political activities opposed to British policy. The Sons of Liberty had laid the groundwork for the ground swell of public opinion that they now tapped for their own political purposes. The fact that Quebec had only one newspaper in which public opinion was molded, compared to a flourishing chain of them throughout the colonies, epitomized the difference in political development between the thirteen lower colonies and Quebec. In Quebec collective action against government policy was limited to the commercial class that had little political power. Unlike their counterparts in the plantation colonies who were also dependent on Great Britain, the Quebec merchant risked being considered a traitor for joining in nonintercourse agreements. Conversely, the American merchants who were opposed to such agreements were boycotted and considered traitors if they did not join. Even the colony of Georgia was boycotted for not sending a delegate to the First Congress. Like Quebec, Georgia was sparsely settled and dependent upon Parliament for subsidies to cover administrative costs and to protect its western borders.
from Indians. The radicals in the province could not persuade the people to take a position against Great Britain until they were subjected to a boycott by the other colonies. The result was that Georgia had no choice but to join the other twelve colonies.

This phase of the protest in the colonies changed dramatically in April. Before the Second Continental Congress convened and just ten days after the Quebec Act went into effect on May 1, 1775, the hostilities of Concord and Lexington had already occurred, accelerating the movement favored by the more radical elements toward independence. Whether the American merchants liked it or not, they were caught in that swift-moving tide. Although Brown had been unsuccessful in enlisting the Montreal merchants to send delegates to Congress, he had a chance to note the preparedness of the forts en route. His report to Congress was that the forts could easily be taken and that the Canadians might not raise serious objections. Congress listened but did not sanction an attack. This detail did not disturb such impetuous men as Ethan Allen, Benedict Arnold, and the Green Mountain Boys, who without approval successfully captured Fort Ticonderoga and Crown Point. Their success repressed whatever caution they may have exercised and they next wantonly violated Canadian borders. Arnold went on to St. John and captured a British sloop and its cargo. On his return, he encountered Allen and advised him not to continue. But Allen was not someone you told what to do. Vainglory drove him on. He sent a letter to Montreal addressed to the "merchants that are friendly to the cause of liberty" and asked them to forward "provisions, ammunition and spirituous liquors" for the use of the army, for which they would be paid £500. En route to St. John, Allen
was again forewarned, this time by a Montreal merchant and American supporter, Thomas Bindon. Bindon informed Allen that a British regiment was also on its way to St. John. Allen recognized the superior force he would be encountering and retreated to await another opportunity.

On June 25, 1775, after much deliberation, Congress finally sanctioned a full scale invasion of Canada. There was great optimism that their efforts would be victorious and that Montreal might be the target after securing St. John and Chambly. In part, this strategy was a defensive one for, as Carleton so frequently advised the British authorities, if the British occupied the Richelieu - Lake Champlain route to the Hudson, they could cut off New England from the rest of the colonies. Such danger would continue to exist unless the Americans could wrest Quebec away from the British. Encouraged by reports that there were many American sympathizers in Canada, Congress gave its endorsement to Major General Philip Schuyler, a New York patroon, that if the general found it "practicable and that it will not be disagreeable to the Canadians, he do immediately take possession of St. John, Montreal, and any other parts of the country.""11 In a correlative move, Benedict Arnold was given approval to launch an invasion in the east, moving up the rivers Kennebunk, Carrabassett, Chaudière to the St. Lawrence at Quebec City. There Schuyler's army would meet him and Canada would be secured to the colonists.

Or at least that is what they thought as Schuyler and Arnold embarked on their separate paths ultimately to rendezvous in Quebec.

News of these actions deterred whatever plans Carleton had for implementing the Quebec Act, which was supposed to go into effect on May 1. When Carleton heard that rebels had taken over Fort Ticonderoga and Crown Point and were threatening St. John and Montreal, he left Cramahe in charge in Quebec and hastened to Montreal. He also declared martial law, with the intention of enlisting the habitants to defend the province against the Americans. Despite his boast during the Quebec bill debate that the Canadians, being granted their laws, customs, and religions would loyally support the government in any conflict, when the test came, he found he was mistaken. He had accepted the disaffection of the British "element," who continued to rebel against the repeal of the Proclamation, but he was rankled by the factiousness and discontent of the habitants. He wrote Dartmouth, "all subordination overset and the minds of the people poisoned by the same hypocrisy and lies practiced with so much success in the other provinces, and which their emissaries and friends here have spread abroad with so much art and diligence."12

This admission must have come as a jolt to the ministry, for until then Carleton had continued expressing his optimism that the habitants would rally to the support of the king. Privately, however, he had expressed a different and more honest opinion. As

12Shortt and Doughty, Documents, II, 665.
early as February in a secret communication to Gage, he said he worried about the inhabitants. He claimed:

Ever since the civil authority has been introduced into the province, the government of it has hung so loose, and retained so little power, they have in a manner emancipated themselves, and it will require time, and discreet management likewise, to recall them to their ancient habits of obedience and discipline; considering all the new ideas they have been acquiring for these ten years past, can it be thought they will be pleased at being suddenly, and without preparation embodied into a militia and marched from their families, lands, and habitants to remote provinces and all the horrors of war.13

This, Carleton confessed, would "give an appearance of truth to the language of our sons of sedition, at this very moment busily employed instilling into their minds, that the Act was passed merely to serve the present purposes of government, and in the full intention of ruling over them with all the despotism of their ancient masters."14 How contradictory these views were to Carleton’s testimony just nine months previously during the Quebec Act debates that the habitant wanted only a return to his old way of life! Also, how damaging to the ministry that was depending on the habitant to help in the defense of Quebec!

The ministry had accepted Carleton’s assessment of Quebec society and acted on the assumption that with passage of the Quebec Act, the peasantry’s loyalty had been secured. After news had reached London of the battles of Concord and Lexington, North

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13Ibid., 661.
14Ibid.
declared that "if the refractory colonies cannot be reduced to obedience by the present force," though it would be necessary "to arm the Roman Catholics of Canada and to employ them in the service."\textsuperscript{15} That necessity came sooner than expected. On July 1, Dartmouth instructed Carleton that "the king relies on the loyalty and fidelity of his Canadian subjects for their assistance to suppress rebellion"\textsuperscript{16} and immediately upon receipt of his letter, he should raise 3,000 recruits. When news from Boston worsened, Dartmouth wrote Carleton again--increasing the total number to 6,000.\textsuperscript{17} The ministry had not yet received news that the rebels had taken Fort Ticonderoga and Crown Point and were threatening St. John.

Carleton's misreading of Quebec society could have proved disastrous for Great Britain. The extent of sympathy for the revolutionists is hard to gauge. Initially, while the American invasion was succeeding, the willingness to aid the invaders, or at least not to resist them, seemed to be significant. A report on August 4, 1775, from General Schuyler, the American commander charged with invading Canada through Lake Champlain, reveals the magnitude of Carleton's misjudgment. Schuyler reported that Carleton apparently had only 450 men at his command and that "he had used his utmost influence with the Canadians to join and augment his army so that he might retake Crown Point and Ticonderoga, which they positively refused to do, and declared they never

\textsuperscript{15}\textit{Ibid.}

\textsuperscript{16}Shortt and Doughty, \textit{Documents}, II, 666, ft. 1.

\textsuperscript{17}\textit{Ibid.}
would fight against their brethren the colonists." All the parishes in the Richelieu Valley declared for the rebels. Carleton’s efforts to declare amnesty to all who engaged in assisting the Americans fell on deaf ears. The Canadians, Schuyler reported, had apparently considered the treatment they received from the soldiers in so cruel a light that they intimated a desire that the colonial troops should take possession of Canada.

Schuyler’s assessment of the Canadians’ disaffection was corroborated by Chief Justice Hey. Hey, who disagreed with Carleton’s assessment of the Canadians’ dissatisfaction with English law during the Quebec Act debates, was the first officeholder to acknowledge that the policies adopted in the Quebec Act were misguided or based on erroneous assumptions. In a letter to the Lord Chancellor on August 28, 1775, Hey reported, "Hardly a Canadian will take arms to oppose them [the Rebels] and I doubt all we have to trust to is about 500 men and two small forts at St. Johns." (In a letter to Dartmouth on June 7, 1775, Carleton estimated that all he could count on were 600 men.) Hey summarized what had happened. "What will be your Lordships astonishment," he asks, "when I tell you that an act passed for the express purpose of gratifying the Canadians and which was supposed to comprehend all that they either wished or wanted is become the first object of their discontent and dislike." And whose fault was this? Hey says, "It may be truly said that General Carleton had taken on an ill measure of the influence of the seigneurs and clergy over the lower order of people

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18 Historical Manuscript Commission, Dartmouth Mss. (London, His Majesty’s St. Office, 1887), 1, 383.
whose principle of conduct founded in fear and the sharpness of authority over them now
no longer exercised, is unrestrained, and breaks out in every shape of contempt or
detestation of those whom they used to behold with terror and who gave them I believe
too many occasions to express it." Hey says of the seigneurs that they "are too much
elated with the advantages they supposed they should derive from the restoration of their
old privileges and customs, and indulged themselves in a way of thinking and talking that
gave very just offence, as well to their own people as to the English merchants."19

Similar reports about the habitants' refusal to take up arms against the colonists
came from Cramahe. In a letter to Dartmouth on September 21, 1775, he wrote, "No
means have been left untried to bring the Canadian peasantry to a sense of their duty,
and engage them to take up arms in defense of the province, but all to no purpose."20
He said that the gentry, clergy, and "most" of the bourgeoisie showed their fidelity to
the king, but "some" of the king's old subjects had joined the rebels. He added that he
wished that others who had the same inclinations would do the same. There is no doubt
that the habitants and some of the English were assisting the rebels and that without their
supplying the provincials with shelter, information, and provisions, the colonists' early
successes would not have been possible.

19Shortt and Doughty, Documents, II, 670-672.

20Ibid., 667.
Determining the extent of the habitants' resistance to take up arms against the colonists in the first stage of the invasion has been fairly well-established. But trying to determine the extent of the merchants' loyalty has not been well documented. Canadian military historian, George F.G. Stanley, says that the British merchants "provided no shining examples of loyalty to the Crown." Some, Stanley says, were willing to fight "should the need really arise and Montreal be invested."21 According to an observer who wrote a friend in London, in mid-July when Carleton attempted to get the British militia to assemble in order to appoint officers, no more than seventy responded. The blame for this poor showing was generally believed to result from the cabals, meetings, and correspondence between the English merchants and the American colonists that had been taking place at least since 1773. The fall of Crown Point, Fort Ticonderoga, St. John, Chambly, Montreal, and Trois Rivières in successive order gave the American colonists the advantage of momentum. It was during this initial stage of the invasion that the British days in Canada seemed numbered and consequently, support given the revolutionaries was at its height.

One of the most prominent merchants involved in trying to promote the American cause in the strategically important Richelieu Valley was James Livingston of Chambly. Livingston's prominent New York relatives were ardent supporters of the revolutionists. His father and mother had lived in Montreal where their three sons were born, but in 1774, they decided to move to Albany. The sons remained in Quebec. James, a grain

merchant in Chambly, was responsible for convincing Schuyler that the Canadians at St. John would support the rebels. Previously, Moses Hazen, who had been employed by Carleton to raise a regiment in the Richelieu district where he lived, took upon himself to warn Schuyler not to attack that fort, since, he said, the people would not support him. Hazen's motive apparently was one of self-interest, for he feared his home, in the path of the invaders, would likely be destroyed should Schuyler attack. Hazen's action resulted in his being suspected of playing the role of a double agent. At any rate, Schuyler acted on Livingston's assessment and took St. John. Livingston was actively engaged in enlisting the support of the habitants to give flour and to join the militia. He employed all the lofty phrases of the revolutionists in his efforts—he assured the Canadians that the Americans were animated only by "spiritual good"; he called on them to demonstrate their "fraternal friendship" by forming a militia; and to join him at Pointe Olivier "with our arms to protect our flanks, which are menaced by people seeking our slavery."²²

After St. John was secured to the revolutionists, they turned toward Montreal. By this time Livingston was under command of General Montgomery, who had replaced Schuyler. The goal was to capture Montreal. According to Carleton, who was in Montreal when word was received that St. John had fallen, "fear seized the good subjects in the town at the rebels in open arms without and at those traitors within."²³

²²Ibid., 42.

²³Ibid.
believed that as soon as the provincials landed outside the gates, the subjects would capitulate on the most reasonable terms they could get. General Montgomery, who had married a Livingston and had been happily enjoying the life of a country gentleman in New York prior to his enlistment in the American army, could have taken Montreal by force, but he wanted to establish good relations with the people. He sent three agents to meet with the townspeople to discuss terms of capitulation. One of them was Price, the Montreal merchant who was now Montgomery's adviser and banker. The Montreal committee was composed of John Porteous, Pierre Panet, John Blake, Pierre Meziere, James Finlay, St. George Dupré, James McGill, Louis Carignan, Richard Huntley, Francois Malhior, Edward W. Gray, and Pierre Guy. Only John Blake was American. Montgomery considered the terms of the townspeople as "haughty," especially since Montreal had no defense. Carleton had already abandoned the town to return to Quebec. Three of the terms of capitulation are significant for American historian Coffin based his view that the merchants were pro-British on them. The merchants asked: not to be required to billet soldiers in their homes, not to take up arms against the mother country; to be allowed to carry on trade as freely as before the invasion, and to be granted passports for that purpose.

Montgomery's response to these terms was that "the Continental Army have a generous disdain for every act of oppression and violence; they come for the express purpose of giving liberty and security." He said he would "maintain in a peaceable enjoyment of their property, of every kind, the individuals and religious communities of..."
Montreal." Thus, religious freedom was promised; and the inhabitants were to be compelled neither to take up arms against Great Britain nor to contribute to the cost of the present war. No decision had been made at that juncture to reverse the order prohibiting the merchants from carrying on trade. Montgomery conveyed these sentiments as those of the Continental Congress.

By this time Carleton was via the St. Lawrence on his way back to Quebec. Livingston, anticipating such a move, had taken up a post at Chambly, the next fort outside Montreal. When Carleton appeared next to the fort, Livingston bluffeded, for he had few men and little ammunition, that unless Carleton and his men surrendered, he would blast them out of the water. The men surrendered, but Carleton narrowly escaped. Montgomery turned Montreal over to the command of General Wooster, a critical mistake as it turned out, and followed the same route as Carleton. After Chambly, Trois Rivières, half way between Montreal and Quebec City, was the next sizable town to capitulate without a battle. But the fortress of Quebec would not be as easy to conquer, as Arnold was already finding out. After his famous, or foolish, journey through the most inhospitable country that is now Maine and eastern Quebec, Arnold arrived at the first settlement of Sertigan. From all accounts, the people of Sertigan were totally supportive of the Americans, supplying all their wants even if at an exorbitant price. Arnold sent ahead to find out from this informer within the walls of the fortress, John Dyer Mercier, ex-coroner of Quebec, information on the number

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24 Smith, Struggle, 480.
of troops in Montreal and Quebec and the sentiments of the Canadians. Arnold soon learned that Mercier had been discovered and arrested, and that the Americans’ arrival was anticipated by Cramahe. Another sympathizer was the superintendent of Caldwell’s Mill, John Halstead, a merchant from New Jersey. The mill was owned at the time by former governor of Quebec, James Murray. Halstead supplied Arnold not only with flour and wheat but the good news that except for one hundred "torys" the militia was ready to lay down their arms. The ardent loyalist and member of the Quebec council, Francois Baby, confirmed that fact that only half of the people could be counted on. Cramahe, too, was reportedly about to surrender. His mood was one of anger, especially with merchants--John McCord, Zachary Macaulay, and the Bondfields--for those "damn town meetings," which he complained had turned the province into its present state. He wrote General Howe that "there is too much reason to apprehend the affair will soon be over."25 The rebels were now at the gates.

Fortuitously for the British, Carleton was also at the gate. Colonel Allan Maclean, an officer of experience and determination, and his corps of Emigrants, nearly all of them veterans from previous wars, took over the defense of the city, the "malcontents" were given forty-eight hours to leave, and a new surge of optimism took over. Carleton’s strategy was to wait out the rebels. Even with Montgomery’s reinforcements, Quebec proved too resistant to a surprise attack and the failed attempt on December 31 turned out to be a decisive and costly one. Montgomery had been one of 30 men killed,

25Stanley, Canada, 84-85.
42 wounded, and 389 captured—a total of 461 casualties. In contrast, the British suffered
the death of only one officer, four or five of the rank and file were wounded, two of
whom subsequently died. Hazen and Edward Antill, an American merchant living in
Quebec, had participated in the battle for Quebec. Afterwards, both men were
dispatched to Philadelphia to notify Congress of Montgomery’s death and to urge relief
for the northern army. Distressed by the rapidly deteriorating situation in Quebec, the
Congress agreed to send more men, money, and three emissaries to Montreal to enlist
support for their cause. In addition, Congress, impressed by Hazen and Antill, decided
to raise a Second Canadian Regiment, putting Hazen in command and Antill, second in
command. Hazen was reluctant to accept the command for fear he would lose his
property in Canada as well as his half pay from Britain. He acquiesced when he was
offered compensation for any loss of pay and he was assured the rebels would not lose.

When they returned to Canada, Hazen and Antill successfully recruited the
"Congregantises," the name given the supporters of Congress. But by April 1, Hazen
ran out of money and had to stop recruiting. He had already enlisted 250 men and had
taken command of Montreal from Wooster. When Arnold called for reinforcements from
Montreal, Hazen protested. He said that it would be impossible until his men had been
paid. He reported that half of those who did go deserted on the way. A turning point
on the Canadians’ attitude had occurred. In letters to Schuyler on April 1 and 6, Hazen
cited many reasons for this change: the excess of the American soldiers and civilians;

26Ibid., 103-104.
the faltering of Quebec; the worthless paper money used to buy supplies and to pay the recruits; the impressment of the habitants' goods and services when they refused to sell unless paid. To the habitant, it was déjà vu. With the spring thaw on the St. Lawrence, British ships with supplies, money, and reinforcements arrived in Quebec. From most accounts, the retreat from Quebec was disorderly and cemented the resistance of the habitants against continuing to side with the Americans.

In addition to hastening reinforcements in Quebec, Congress sent commissioners to try to maintain the affections of the people. But it was too late. Not even Benjamin Franklin (now seventy years old and unfit for such an arduous journey), Charles Carroll, or Samuel Chase, the latter two from Maryland, could persuade the Montrealers to support the cause. The experience was a humiliating and disagreeable experience for the men. Since they had no hard money, despite the fact that Carroll was one of the wealthiest men in the old colonies, they could not buy necessary services, like transportation from the border to Montreal. Only James Price came to their aid, loaning them £20,000.27 Many of the soldiers, American and Canadian, deserted. In June, of 477 men under Hazen, only 175 remained. Those who really believed in the cause, habitant and merchant, continued their support of the revolution, moving south where the battles were taking place. James Livingston and his brothers, Alexander and Richard, continued to fight with the American troops throughout the war. James commanded the First Canadian Regiment. Antill was captured by the British at Staten Island in 1777,

27 Creighton, Empire, 66.
imprisoned until 1780. On November 14, 1780, Livingston wrote that Lieutenant Colonel Antill with family just arrived in a "flagg" from New York. A few days later, Antill applied for relief since he was unable to provide for his wife and children. In 1785 he returned to St. John, Quebec. Of the English merchants who aided the Americans, he was the only one to return to Canada. In 1777 (after a fight with Benedict Arnold), Moses Hazen was court martialed, but exonerated. He was appointed quartermaster general of Lafayette’s force, which unsuccessfully tried to get endorsement to invade Canada again. In 1781, he was made a brigadier general. After the war he lived in New York and was, despite broken health, tireless in his efforts to gain government compensation for himself and Canadians who had served under him. Grants of 1,000 acres from New York State were given to the leaders of the First (Livingston’s) and Second (Hazen’s) Canadian Regiments. These men were Americans living in Canada at the start of the Revolution who had abandoned their businesses or professions to aid the revolutionists. Antill obtained 500 acres, James Livingston, William Torry, and Charlotte Hazen, 1,000 acres each. Thomas Walker left Montreal with Benjamin Franklin. He lived in Boston, where little is known about him. He apparently was in England in 1785, for there is record of his meeting Pierre du Calvet there. There is also a letter from him to General Henry Knox of July 21, 1785, that calls on Knox to "take

28 Massachusetts Historical Society, Hancock Collection, 39.

29 See Allan Everest, Moses Hazen and the Canadian Refugees in the American Revolution (Syracuse, New York: Syracuse University Press, 1976) and Stanley, Canada, 149-150, for accounts of the English merchants who aided the Americans in the aftermath of the war.
the trouble to receive for me from the Board of Treasury, the remainder of the money granted me, by a resolution of the honorable Congress, dated the 15th April last." Walker died in 1788 in Boston. In 1801, Mrs. Walker obtained 2,000 acres in Ohio because her husband "lost property in the amount of £2,500 sterling besides abandoning a lucrative business." James Price must have remained in the service for a letter from him to Joshua Huntington on March 5, 1779, from New Haven is in respect to provisions. Price was later compensated with the grant of 500 acres by the State of New York and 500 acres by the federal government in Ohio for his sacrifice during the war.

Migration had not been all north to south, however. By 1774-75 several New York merchants concerned that the nonimportation policy would severely affect their livelihoods, decided to move to Montreal. One of the most influential merchant houses in this category was the firm of Phyn and Ellice of Schenectady, Montreal, and London. An account of the history of the firm provides invaluable insight into the many problems already discussed in this study and is worth recounting. The founder of the firm was an enterprising trader named John Duncan, whose initial venture at Niagara had to be aborted after the Proclamation of 1763, since his land grant was not sustained. He regrouped, however, and for the next several years other partners joined the firm: his

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31 Massachusetts Historical Society, Huntington Mss.

son Richard, James Phyn, James Sterling, John Porteous, and Alexander Ellice. On Duncan’s retirement in 1767, the firm became Phyn and Ellice, and served as a middleman, directly exchanging goods for furs with the Indians in the interior. The need for increased capital and dependable commercial carters for the goods sent up the Mohawk River and around Niagara was critical to the success of the venture. In 1767 due to delinquent debtors, creditors drew drafts on Hyman Levy, the company’s agent in New York. To cover these drafts, the firm pledged Levy packs of furs estimated at £3,000, but unfortunately, no market could be found for the furs. To try and meet their obligations, the partners sought loans from friends and relatives in Scotland. They bought sterling drafts on London, those of Peter Hasenclever. When Hasenclever went bankrupt, the firm was forced to place bills for collection in the hands of a New York lawyer, James Duane.

Fortunately, 1768 was a very good year. British policy to return control of the trade to the colonies, which were derelict in passing appropriate legislation, meant that the Indians could be exploited and that not as much capital was needed. Competition became fierce but Phyn and Ellice had long experience and keen business acumen. They supplied goods and liquor to posts, they had the contract of Superintendent of Indian Affairs William Johnson, and government officials at the post bought their supplies. Robert Ellice joined the firm and James Phyn married the daughter of Johnson’s good friend, Dr. John Constable. In 1769 competition with Montreal traders was increasing since the shorter route from Montreal to the northwest was more efficient. To compete,
Phyn and Ellice built their own vessel to carry goods on the Great Lakes. To cut costs further, the firm decided to eliminate Levy and buy and sell directly with London. But they still faced another major problem: the colonies’ nonimportation agreement that went into effect in New York on August 27, 1768. This meant that they could no longer import supplies from England. The result was that the firm lost almost all its customers to Montreal merchants in the upper countries, and they realized they would continue to do so until the Townshend Revenue Acts were repealed.

To circumvent the nonimportation laws, in 1770 the firm decided to import through Quebec. Phyn went there to superintend transporting the firm’s goods through Canada. But the competition from Montreal was still increasing. As a result, in 1771 the firm shifted part of its operation to London. There Phyn oversaw buying British manufactured products, shipping them to merchants in the colonies, and in return finding a market for various raw products consigned in payment. This plan took advantage of the partners’ know-how in trading methods and commercial accounting. In addition, it lessened the growing interprovincial rivalry with Quebec. Ability, enterprise, and capital were all that were needed. The partners had all but the latter. To raise capital, in 1773 Alexander Ellice converted part of the firm’s assets into cash by not importing goods. In the upper country where there was no civil government, contracts were made with very carefully chosen representatives whom they could trust. When they again began importing, since they could not compete with Montreal in selling dry goods, they
concentrated on selling tobacco, spirits, and rum. They also diversified, entering the grain trade and producing flour in a sawmill which they built on the Mohawk River.

British policy had posed problems for the firm ever since the founder's, John Duncan's, land grant had been rescinded by the Proclamation in 1763. The trade depression of 1760 was aggravated in 1764 by Grenville's trade policies. The nonimportation policy protesting the Stamp Act in 1765 and the Townshend duties in 1767 disrupted channels of trade. By 1770, with western policy in operation since 1768, the fur trade suffered from growing intercolonial rivalry and rivalry with Montreal. Now that the fur trade had moved farther west, the shorter route to the northwest gave Montreal the advantage. But nothing was more alarming and devastating to New York merchants than the colonists' response to the Quebec Act of nonimportation and nonexportation and the Quebec Revenue Act, which levied duties on spirits and rum. Nonimportation was harmful, but nonexportation was fatal for perishable furs.

Phyn and Ellice bobbed with the tide and remained afloat. Phyn moved to London and the Montreal merchant, Isaac Todd, was engaged to represent the firm in Quebec. British policy, they understood, went where returns were best and Montreal was now more important than New York. Montreal offered another advantage due to the imperfections of the capital market which the firm astutely exploited. For example, because of the high rate of exchange in New York, a policy was devised of drawing sterling bills on Phyn in London to be sold at a higher rate in New York. Proceeds were
sent to Quebec to be remitted at a lower rate in London to meet bills as they came due. All these efforts to subvert the law made the Ellices suspect. Alexander moved to Montreal in 1776, but James and Robert remained in Schenectady, where they were closely watched by the Schenectady Committee of Safety. The Committee accused them of not being "friends of American Freedom." Finally in 1778, Robert joined his brother in Montreal. James was allowed to take the oath of allegiance to the State of New York. The co-partnership was at an end, but Robert Ellice and Company of Montreal continued supplying the major fur traders until 1790, when the company was taken over by Forsythe, Richardson and Company. John Richardson, the Ellices' nephew, who joined the firm in 1773, was the only survivor of the firm that had begun in 1760, when Richard Duncan had first started as a trader at Niagara.

The company's history reflects the sophistication of the fur merchants and the problems they faced in trying to overcome enormous obstacles just to survive. The tenuous credit structure was as responsible for failure as Indians and the wilderness conditions. In 1768 James Phyn wrote William Johnson apologizing for asking him for payment of supplies already delivered to him. He said he would not do so except that "I have the greatest distress for cash to buy bread for the boatmen." In addition to credit problems, government regulations and policies were a continual threat to business

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33Minutes of the Albany Committee of Correspondence. Schenectady Committee, 1775-1779 (Albany: The University of the State of New York, 1925).

34Johnson Papers, VI, James Phyn to William Johnson, November 17, 1768, 462.
survival. In 1774, Simon McTavish wrote to William Edgar, "What are we to do for rum as we will not be allowed to bring any up from Schenectady? But in case it [the Quebec Act] should not be repealed at all, we must inevitably break off our connection with this province and have our supply from Canada." The Quebec Act was not repealed and McTavish’s fear that the merchants would have to cut off their connections with New York became a reality. Other New York merchants affected were Robert and Alexander Henry, Daniel Campbell, Felix Graham, William and David Edgar, and McTavish’s partner, James Bannerman. The Henrys and McTavish and Bannerman moved to Montreal and became important merchants. Although there is no mention of the Edgars in Quebec, after the Revolution William Edgar’s wife, living in Albany, sought the governor’s permission to travel to Quebec to claim property.

While these merchants moved north for economic reasons, other disaffected colonists chose to leave the colonies for political purposes. Many of New York’s leading citizens chose to aid the British. This was especially true of the coterie that had developed around Sir William Johnson. Johnson died in the summer of 1774, but his son joined the 1st Battalion of The King’s Royal Regiment of New York, becoming its commandant. He lost nearly 200,000 acres of valuable land in New York as a result of Britain’s defeat. Other officers who served under him such as the McDonnells and Malcolm McMartin, held land in fee simple under Johnson. Many fathers and sons

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served together as officers under Johnson: John Munro and his son, Hugh; Captain Alexander (Archibald) McDonnell and his son, Hugh; Captain Samuel Anderson and his sons, Joseph and Ebenezer; Ensign John Valentine and his son, James; Captain John McDonnell and his son Miles. Other officers were connected with Quebec through relatives, such as John Holland, son of the surveyor general of Quebec and William Claus, son of the deputy agent for Indian Affairs in Montreal. The first civilian loyalists arrived in Quebec between 1774 and 1776. They included William Coffin, a merchant who moved from Boston. His son served under Johnson. From 1776 on this influx of loyalists continued, but the year 1775-1776 was a watershed year.

Could Quebec have become the fourteenth colony? Since it didn’t, was this the rooting of a political culture that was distinct from that of the United States? The first question depends on knowing more about the support of the merchants. Much more research needs to be done in this area, for there are sufficient indications that at least during the brief period of a year from spring 1775 to the following spring, there was more support among the merchants than has generally been believed. Even Carleton admitted that after those who supported the Americans were asked to leave Quebec, there were many who remained who he believed were supportive of the revolutionists. Carleton rationalized that the merchants who supported the provincials were of American origins. But that does not explain references such as Carleton’s when he tried to raise

troops that he received no help from "the damn'd rascals of merchants." The seigneurs, clergy, officeholders, and some members of the Canadian and British bourgeoisie were all that Carleton could count on in the early part of the invasion. The question to be determined is how many is "some" as it relates to the British merchants.

No estimates are available for the merchant population of Quebec in 1775-1776. Coffin, however, estimated the British male adult population at "hardly 600." Assuming a total English population at 2,000, this figure seems a valid one. Of the 600, he says, it would be a liberal allowance to grant the town of Quebec half that number. The official return for the defending force in Quebec on November 16, 1775, was recorded as being "200 British militia," and on May 1, 1776, "277 British militia." This, Coffin says, is decisive evidence that the British subjects were heartily loyal to English rule.

Coffin does not have figures for Montreal, but he makes a case based on the petition of the townspeople, mentioned previously, presented to Montgomery before the surrender of Montreal. The terms of the petition included not being required to billet soldiers in their homes nor to take up arms against the mother country. These terms suggest, according to Coffin and Creighton who makes the same argument, that the townspeople were not supportive of the Americans. Coffin also refers to a letter written by Carleton on October 25, 1775, "that on the attack on Montreal by the rebels a few of the inhabitants, 'mostly colonists,' had refused to take part in the defense." This

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37Justin Smith, *Struggle*, 347.
extrapolated Coffin, means that most of the English element had taken part. But on November 4, after the capitulation of St. John, Carleton wrote Dartmouth of the ill disposition of the Canadian population and "those traitors within, who by their art and insinuation are still more dangerous to the public safety." To whom is he referring? The forty jubilant Montrealers, all pro-American, who on November 3 presented Montgomery with an address of welcome?

Do any of Coffin's statistics or arguments represent decisive evidence? If the 200 registered in the militia in Quebec in November 1775 actually helped defend the town in December when the rebels were at the gates, then out of the presumed 300 male Protestants, his assessment seems valid. But how many who signed up in November actually fought in December? According to the Quebec merchant who aided Arnold on his arrival in Quebec, John Halstead, except for one hundred "torys," the militia was ready to lay down their arms. Canadian council member and ardent Loyalist Francois Baby added that the British could count on only half of the people in Quebec. In his account of the Quebec campaign, historian Stanley says that "Cramahe knew too, as Ainslie knew, that even though they [the male adult population of Quebec] had signed the declaration of their willingness to fight, some members of the English-speaking community were not really to be trusted." These comments raise questions about the

38 Coffin, *Quebec*, 486, ft. 2

39 Stanley, *Canada*, 64.

40 Ibid., 83
accuracy of Coffin’s assessment that two hundred male adults fought on the side of the British. Is the larger number, 266, seven months later supportive of Coffin’s assertion? Wouldn’t more men have been willing to sign up for the militia after the disastrous defeat of the invaders on December 31 and when the arrival of British reinforcements on the St. Lawrence was only a few days away? One would expect the population of Quebec to be more pro-British than Montreal for it would be composed of a greater number of professional people and recipients of government patronage. What about Montreal? As the entrepot for traders from the colonies and as a gateway to the west, the town was more dynamic, more readily influenced by the American colonist, and less conservative. It would be assumed that the male adult population, especially because of its commercial base, would be less nationalistic. Since Coffin was dealing only with the total adult male population and not the total merchant population, his figures help only to delimit the number. Any attempt to extrapolate from these figures or arguments what kind of support the merchants gave to the Americans cannot be considered anything more than conjecture.

By culling whatever information could be gleaned from primary and secondary sources identification of 200 merchants was made. These merchants are listed in Appendix II, which is divided into two sections. The first section includes 100 merchants, who are used for the purposes of this study. These merchants were considered the more influential ones in Quebec. The second section of 100 merchants is not complete and more research needs to be done. These merchants are included to
give some indication of the breadth of the merchant community. This list is still not inclusive. The justification for using only 100 merchants, or roughly one third the estimated merchant population, for the survey is that if data on a merchant were not available after using all the sources described in Appendix II, especially the *Quebec Gazette* and the *Dictionary of Canadian Biography*, then that merchant could not be considered of particular influence in the province.

The loyalties of the 100 merchants during the invasion in 1775-76 can be divided into four groups: those who actively supported the rebels; those who were loyal to the British; those for whom there is no mention; and other. Of the 100 English-speaking merchants: thirty-one supported the Americans; sixteen the British; fifty were not involved; and three came under the category, "other."

Of the 31 who supported the Americans, about half actively fought with the American forces. They were: Edward Antill (New Jersey); John and Acklan Bondfield (England); David Salisbury Franks (England and New York); Freeman (America); John Halstead (America); Udney Hay (Scotland); William Haywood (America); Moses Hazen (Haverhill, Massachusetts); Holton (America); James Livingston and his two brothers, Richard and Alexander (born in Montreal of American parents); Richard McCarty (Connecticut); James Price (America); and John Welles (England). Those who provided supplies, money, and services were: James Bell (probably England); John Blake (America or Ireland); J.D. Mercier (America); Jonas Clark Minot (America); Lucius Ley
Solomons (England); Ezekiel Solomons (England); John White Swift (America); and possibly Charles Hay and Joseph Howard. Many of these merchants were political agitators, especially Thomas Walker (England and Boston) and John McCord (Ulster). Several names appear on Carleton’s list of traitors, but little more is known about them: Blakely (America); James Jeffry (America); Hector McNeil (Scotland); and Joseph Torry and his two brothers (America).

Sixteen English-speaking merchants can be verified as supporting the British. They included: Thomas Ainslie (Scotland); George Allsopp (England); John Coffin (Boston); Robert Cruickshank (Scotland and Boston); Lawrence Ermatinger (Switzerland); Simon Fraser (probably Scotland); James Stanley Goddard (England); William Grant (Scotland); Edward William Gray (England); Samuel Jacobs (England and America); John Lees, Sr. (Scotland); Robert Lester (Ireland); William Lindsay (Scotland); James McGill (Scotland); Alexander Paterson (Scotland); and Thomas Scott (probably England). Stanley lists other merchants who were officers of the British militia at Quebec "as of April 1778." Since there is no record of their involvement in 1775-76, they were not included as supporters of the British during the invasion. They were: Hugh Finlay, James and Alexander Johnson, Charles Grant, Edward Harrison, and George Gregory.41

The third category (50) refers to those merchants for whom no record of support for either side was found. This group included the fur traders who can be established

41Ibid.
as being in the northwest in 1775-76. They were: Alexander Henry (America), Peter Pond (America), Peter Pangman (America), Joseph and Thomas Frobisher (England), Charles Paterson, James Finlay, William Holmes (Ireland), Jean Etienne Wadden, George McBeath, Forrest Oakes, and William Kay. Earlier the merchants who were in the militia in 1778 were listed. There were other merchants, who though listed as being in the militia or militia officers, had no record of participation in 1775-76 or 1778. These merchants included: James Tod (Scotland), John Purss (Scotland), John Painter (England), Ralph Gray (Scotland), and Richard Dobie (Scotland). The explanation for this may be that they joined the militia at a later date, especially when war again threatened the continent prior to the War of 1812. There were other prominent merchants for whom no reference is made during this period. They were: Benjamin Frobisher (Scotland); John Gregory (Scotland); Thomas Dunn (England); George Davison (England); and, Thomas Aylwin (England). Of the three in the "other" category, one, Aaron Hart, served both sides; John Livingston returned to New York before the invasion; and Benjamin Price died in 1768.

There are two important findings of the investigation of what role the merchants played during the invasion in 1775-76. One is that many more merchants gave aid to the Americans in the brief period in 1775, when they occupied western Quebec and were attempting to capture Quebec City in the east, than has generally been conceded.

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Although the majority were of American origin, they also included Englishmen and Scots. By a ratio of almost two to one (31 to 16), the merchants identified supported the Americans rather than the British. There were probably others, but one of the problems in ferreting out those who supported the Americans is that Carleton carried out policies of severe punishment to those who were found guilty. A witch hunt was actually undertaken for American sympathizers, which resulted in some cases of imprisonment on the grounds of "guilt by association." In the end Carleton listed only twenty-nine as traitors. This list, Creighton says, is probably incomplete and therefore invites serious question.

Carleton and Haldimand after him were paranoid about the loyalty of the populace. Although not English, the imprisonment of Pierre du Calvet (France) illustrates how difficult it was to know where loyalties transgressed to traitorous activities. du Calvet, an important member of the bourgeoisie from France, was a reformer whose ideas comprised the ordinance of February 1, 1770, in which Carleton stripped the justices of their power in civil suits. This did not please du Calvet, however, for Carleton's blanket condemnation of all justices was unjust to those whose conduct had been prudent, namely, himself. He bristled at the practice of billeting soldiers, was vehemently opposed to the Quebec Act, especially the denial of habeas corpus and trial by jury, and argued for a legislative assembly. Perhaps his querulous nature made him suspect, for in October 1775, he was accused of collaborating with the enemy, was found guilty, and spent the next five years trying to clear himself. The evidence, mostly from witnesses
who said that he incited them to join the rebels, was considered inconsequential. Nonetheless, he was jailed, and on the point of being dismissed, he wrote a scathing note to Governor Haldimand, who had replaced Carleton. As a consequence, he languished in jail for another two and half years without a right to trial—a reminder that opponents’ fear of the Quebec Act’s denial of habeas corpus was not unjustified.

The second important finding of the survey is that most of the prominent fur merchants appeared to carry on "business as usual" during the years of the invasion. Even though his brothers were in the northwest at this time, we know that Benjamin Frobisher was in Montreal, for he led a delegation of merchants, referred to earlier, to petition the Continental Congress to lift the ban that had been imposed on trade. The merchants’ concern for their economic interests supports Creighton’s thesis that the first British Canadians were "merchants before they were Britons, Protestants, or political theorists." Creighton emphasized in referring to the conditions that the merchants presented to Montgomery for surrender of Montreal that these were hardly radical expressions of support for the rebels. But he does not go on to say that this meant that they were in support of Britain. Creighton points out that except for Thomas Walker, none of the merchants who supported the Americans was an important fur trader. In other words, says Creighton, the men whose business activities were least attuned to the distinctive commercial system of the north were the ones who went over to the enemy. He claimed that the bulk of the merchants watched the Americans and their few

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sympathizers press southward without regret or perturbation. This statement is questionable if one examines who the merchants were and how many of them came from the colonies and still had business and personal relations there.

From this initial attempt to identify the extent of the merchants' sympathies for the American cause, there is sufficient evidence to warrant a thorough re-examination of the merchants' records. Only then can the assumptions about their role in the American invasion be confirmed. That there was more support from the spring of 1775 to the spring of 1776 than has generally been believed suggests the tantalizing possibility that the outcome could have been different, at least in the short term. Rather than conclude that the British were successful in routing the invaders, it seems more accurate to say that the Americans were unsuccessful in galvanizing the sympathies that were there due to their own mistakes and lack of commitment in the early days of the invasion. The merchants who supported the British or who remained neutral were the beneficiaries of the outcome. The American fur interests had already been on the decline. Those New York merchants concerned about the impending crisis between the American colonists and England had already moved their headquarters to Montreal. Many other merchants benefited from war contracts and were able to diversify their activities. Politically, those merchants who had been pressuring for reform of the political system and repeal of the Quebec Act continued to do so. With the influx of loyalists after the American Revolution, they were ultimately successful in being granted an assembly in the Constitution Act of 1791.
One of the most important consequences of the failed invasion was that this event was a critical benchmark in the political culture of Canada as distinct from what became the United States. In response to the rebellion in the American colonies, the system of conciliar government was introduced in Canada, which fit the British concept of a mercantile nation. Canada was to be the kind of colony the Americans rejected: dependent and admissible of the sovereignty of the British Parliament. When Canada was granted self-determination, its constitution in 1867 was modeled after that of the mother country, not as in the American case, contrary to it. The political culture was more conservative, more hierarchical, less democratic than that of the United States. Those merchants who supported the American cause were passionate about a government that promised "life, liberty, and the pursuit of happiness." In contrast, those merchants who remained in Canada were more comfortable with government that promised "peace, order, and good government."
CONCLUSION

The primary purpose of this study was to determine the extent and nature of the American influence in Quebec in its seminal period of English rule from 1760 to 1776. The conclusion reached is that the role of the colonists was an important one not only in the development of Quebec, which at the time was "Canada," but also in the history of Canadian-American relations. Three major influences were selected as the basis for the study. The first concerned the American immigrant merchants and the part they played in the colony’s internal life. Since no distinctions were made between the American-originated and other English-speaking merchants, the first task was to identify that population; and the second was to place the American component in the context of the community as a whole. The major issue addressed was the struggle of the English merchants to gain British rights. A second consideration was the role of the colonies, and of their spokesmen in London, on British policy as it affected Quebec. Four policy decisions were examined in order to determine the extent of the American influence: The Treaty of Paris in 1763, the Royal Proclamation in 1763, Western policy in 1768, and the Quebec Act in 1774. The most important policy decision concerned the Quebec Act. Despite the exhaustive research that has been done on the Act, another from an American perspective to determine whether there was linkage between the Act and what was occurring in the American colonies became unavoidable. The last major determinant of the American influence was how extensive merchant support for the American rebels was
in the invasion of 1775-76. Heretofore, the English mercantile community had always been considered either neutral or pro-British. The focus on the invasion was to confirm or refute that conclusion. Concentration in these three areas—the role of the American merchants on the internal life of Quebec, consideration of the American colonies on British policy decision as they affected Quebec, and the role of the English-speaking merchants during the invasion—provide the basis for the conclusions reached. In some cases because of the broad scope of this survey, the conclusions are tentative and require further investigation. But the evidence thus far strongly suggests that in many instances a new interpretation of some orthodox views is in order.

One of the first revisions that seems not only overdue but "just" concerns the merchants in general. They do not deserve the pejorative appellation of "malcontents," which even to the present day is the term used to describe them. The explanation may be that most histories deal primarily with the merchants’ political acts and not with their economic and social contributions. Perhaps when the only source on the merchants came from the official records, this description, along with "licentious fanaticks" which has been echoed down the years, might have been understandable. Recent social and economic historians support the conclusions reached from this study: that the merchants were on the whole respectable, civic-minded citizens who were responsible for building the infrastructure of the colony and of developing its economic resources. If there were those who exploited their fellowman, they were no different from other groups in the society in which they lived.
While the economic and social importance of the merchants might be conceded today, the merchants' political role still does not have many adherents. The explanation may have to do with the interpretation of the political struggle of the English merchants for British rights. The merchants' petitions for introduction of an assembly and for other British liberties continue to be seen as an attempt of a small oligarchy wanting to govern in its own interest, denying the vast French-Canadian population the right to its own language, laws, and religion. Exception is taken to this viewpoint for several reasons: first, the merchants were petitioning for rights that they formerly enjoyed, that were promised them when they moved to Quebec, that were essential to their economic prosperity, and that were provided them constitutionally in the Proclamation of 1763. Could they be expected to relinquish such rights, when they believed doing so would jeopardize their chances of having any input in the decisions that affected them? How could they combat the enormous control that the governors arbitrarily exercised over their daily lives? They were dependent on the authorities for their licenses to trade, to be granted liquor licenses, to leave the province, and to buy firearms. Under civilian rule they continued to have curfews and were obliged to obey other regulations that were infringements on their personal liberties. Their most serious complaint, however, was denial of an assembly. Only with an assembly could they curb the power of the governing elite, who, they believed, were prejudiced against them and who did not understand their economic needs.
Second, the charges that the merchants discriminated against the French Canadians and wished to banish them, as Murray charged, and that the English had very little intercourse with them, as Carleton claimed, are not valid. The record is impressive that the merchant hired Canadians, intermarried, socialized with them, and took them on as business partners. If a case can be made, it is that the discrimination was, as Creighton concluded, class-driven and not race-driven. That was true of eighteenth-century English society in general. It was certainly true of the clash between the merchants and the army and the merchants and the governing elite.

Third, the charge that the merchants’ petitions for an assembly would result in a small oligarchy that would deprive the Canadians of their language, laws, and religion has to be examined in the context of the dissensions between them and the governing elite. Both sides took extreme positions. Murray and Carleton both showed disdain for the commercial class and partiality toward the Canadians, especially the noblesse. The bourgeoisie and the aristocracy, which included the army and the governing officials, had little experience with each other or inclination to understand one another. In postwar Quebec these misunderstandings were exacerbated by the fragile economy, the uncertainties over the future, and the particular foibles of Murray and Carleton, but especially Murray. The result was frequent disorders and clashes between the two groups. Had Murray, as any good leader should have, attempted conciliatory measures, the merchants’ demands might have been more tempered. We don’t know how they would have behaved in a less hostile environment, but their good relationship with the
Canadian mercantile class and their proposal in 1765 to grant Canadians the right to vote for an assembly suggest that had the government played the role of honest broker, a better resolution to the problems of the Canadians and the English would have occurred. The merchants' cooperative behavior in the first years of Carleton's tenure as acting governor provides some basis for suggesting this possibility. Given the provocation on the part of the governing elite, the merchants do not deserve being cast in the role of malcontents.

The part played by the American merchants in these years was a decisive one. The estimate that they represented only thirteen per cent of the Protestant population living in Montreal and its environs in 1765 is a misleading one. From the survey of merchants who were in Quebec, listed in Appendix II, the actual percent is forty-four. This latter figure includes, however, immigrants who though not American-born had lived in the American colonies before moving to Quebec. The assumption made to include the latter group was that they were influenced, whether positively or negatively, by that experience. Apart from the per cent, this group wielded power disproportionate to its numbers. Some of the most important fur traders were from the American colonies: Alexander Henry, Peter Pangman, Peter Pond, and Simon McTavish. The merchants were generally from middle class families. They brought to Canada their energy, know-how, and, in some cases, much needed capital. They also brought with them their experience with, and in some cases their fervor for, democratic government. In this they were not alone for the English mercantile community all shared to varying degrees the
beliefs that as British subjects they had a right to representative government, *habeas corpus*, and trial by jury. Some of the foremost political agitators for British rights came from the American colonies: Thomas Walker, James Price, James Livingston, Edward Antill, William Haywood, Peter Faneuil among others. The extent of the American involvement is reflected in Appendix I, which indicates the number of petitions and protests signed by the merchants calling for their rights.

The second consideration was the impact of American influence on British policy as it affected Quebec. The triangular relationship with Great Britain, particularly with respect to the treaty history, is generally perceived by Canadians as detrimental to their interests. An examination of that history does not support this view, nor can it be supported by studying the major policy issues in the period under consideration. While American interests were paramount over those of Canada in the Treaty of Paris, the Royal Proclamation in 1763, and Western policy in 1768, that was not the case in enactment of the Quebec Act in 1774. This change coincided with the decline of American influence in the ministry beginning in 1770. The Rockingham, Chatham, and Grafton ministries of the Sixties, generally favorable to the American colonists, were superseded by the North ministry, which was less favorable. In Westminster, similar disenchantment with the colonies was discernible. The challenge to its authority by the rebellious colonies had alienated even those who were American supporters. The effect of these changes began to surface about 1772 with respect to Britain's western policy that affected both the colonies and Quebec. By utilizing both Canadian and American sources,
a better understanding of the policy decisions emerges. The long wrangling over land
claims in the Ohio country and the neglect of the colonies to establish uniform
regulations for the fur trade or to replace imperial officers at the various forts resulted
in continued illegal migration of settlers into the Indian reserve, which threatened Indian
unrest, and fierce competition in the fur trade, which threatened the viability of the trade
itself. When Carleton and Cramahé, as well as influential Scottish merchants,
recommended returning the territory to Canada, the appeal was irresistible. The
advantages to Great Britain of a more regulated fur trade in the northwest, in which
Canada had geographic advantages, and the greater profit to Britain, since the fur traders
in Canada sold more British manufactured goods than their counterparts in the colonies,
resolved many problems.

These parallel threads—the dialogue with Canadian authorities over North American
issues involving Quebec and the American colonies—became intertwined in the Quebec
Act of 1774. The conclusion that there was linkage between the Act and events in the
American colonies is at variance with the majority thinking and the latest treatment on
the subject by Philip Lawson. Several arguments are advanced for linkage: First, two of
the terms of the Act—the form of conciliatory government and the return of the western
territories to Quebec—were, in large measure, a response to the problems confronting the
North ministry in the rebellious acts of the colonies over sovereignty and, as just
mentioned, the need to resolve the threat of Indian uprisings in the territories and to
protect the fur trade from further decline. Second, it seems implausible that key
policymakers’ prejudices against the American colonists could be so compartmentalized that they would not affect their decisions with respect to Quebec. These men were not so shortsighted that they were unaware of the repercussions the Quebec Act would have on the American colonies. Third, even though Dartmouth had determined to enact legislation for Quebec in the 1774 Parliamentary session, the rush to have it drafted and presented at the shank end of the session was due to the confrontation with the American colonies and fears of an invasion of Quebec by them. Fourth, that Dartmouth’s instructions to Carleton so modified the intent of the Act as to seriously question the commitment of the government to reverse the policy of anglicization. The Act has to be considered one of expediency to gain the favor of the Canadians in the event of a showdown with the colonists.

Since the Quebec Act is viewed by some historians as having triggered the American Revolution and since the struggle of the merchants for an assembly was denied them in the Act, a review of the pros and cons of the Act became essential. The conclusion that the decision to reverse the policy of anglicization was based on mistaken premises might affront Canadian nationalists. The basis for this conclusion should not be construed to support a policy that would deny the French-Canadian population the right to their own history. But there can be no question in this author’s view that the views of the Canadians had been misrepresented by Carleton and that he was responsible for enactment of legislation that did not reflect the needs of the French-Canadian habitants but served only the narrow interests of the clergy and seigneurs. The argument is also
made that the form of government, with the unbridled power given the governor to
dismiss councilors and to deny *habeas corpus* in criminal cases was more despotic than
it would have been had a system as proposed in 1769, which would have included
Canadians, been tried. Since the Act was vehemently protested by the American colonists
who viewed the Act as one of the Intolerable Acts, it became inextricably linked with
Quebec in the effort of the colonists to enlist the support of the Canadians in their
rebellion against Great Britain.

Interestingly, the invasion in 1774-75 by the American colonists is not given much
attention in Canadian historiography. Little is known about the role of the merchants in
that critical year when the Americans invaded Quebec. Donald Creighton’s analysis that
the merchants were first merchants before they were Britons, Protestants, or political
theorists is supported by the results of the survey of this study. The great majority of
merchants do not appear to have joined the British in repelling the Americans. Many fur
traders were in the northwest in this critical year, but many others were in Montreal.
There are no indications that they participated in the invasion. Whenever there was any
evidence of even passive support for the British, that support was acknowledged. The
surprising result of the survey is that there were more merchants who supported the
Americans than supported the British. Of those studied, fifteen supported the British,
thirty-one the Americans, one both, two were not applicable. The great majority, fifty
or fifty percent appear not to have been involved. More research needs to be done in
this area. But the result of the 100 merchants studied here suggests that prior assumptions about the support of the merchants need revision.

Investigation of these three American influences revealed other instances in which there was a different opinion from the more orthodox views. The first such case involved the level of protest in Quebec against the Stamp Act. The general view is that there were only minimal protests. If this were true, several reasons were advanced of why this might be so. They were that: a little known clause in the Act exempted for five years those firms that conducted their businesses in French; the conditions of Quebec with its sparsely populated area and lack of roads made collection of the tax difficult; and the lack of revenue from the tax, which led Canadian historian Francois-Xavier Garneau to suggest that there was a "résistance passive."! Has the protest been minimized? How does one account for the fact that the Quebec Gazette closed its doors until the Act was repealed? Does one ignore the fact that the welcoming address on Carleton’s arrival, signed by seventy people, was opposed by forty-five because it stated that the merchants proudly obeyed the Stamp Act and acknowledged the supremacy of Parliament to legislate for Canada? The only contemporary record that we have that the Canadians did not listen to the "licentious traders from New York, but cheerfully obeyed" the Act is from Murray. His credibility on such matters has been considered unreliable. If the Stamp Act did not galvanize the mercantile community into strident protests, however, the duties on imports the following year did. Their cries of "no taxation without

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1Coffin, Province, 316.
representation" suggest again that they acted when their interests were affected and that they were quick learners of the tactics used by their southern cousins.

Another area in which more research needs to be done concerns regulation of the fur trade. Creighton suggests that the New York traders were responsible for these regulations because they redounded to their benefit, giving them an advantage in the fur trade over the Canadians, which they otherwise would not have had. From the letters contained in Volume V of William Johnson's papers, this claim is not justified. The New York traders wrote Johnson opposing these regulations, but Johnson and Gage, who were in solid agreement with one another, were determined to continue to control the fur trade for fear that if the regulations were lifted, the traders would exploit the Indians, leading to Indian uprisings. The significance of this issue is that more seems to be made of the rivalry between the New York and Canadian traders than might appear justified. Much more research needs to be done on this issue, especially as it relates to a better understanding of the Canadian-American relations.

Before concluding, an overview of this period seems appropriate. The tensions that existed between the British merchants and Murray and Carleton were not unique to Quebec. They were symptomatic of the changing times, and the situation in the American colonies was not dissimilar. The public official, whether sitting in Whitehall or in the governor's chair in North American, was engaged in a holding action against the stream of history that was threatening to diminish his power. The role of Great Britain and its
colonies was changing, but those policymakers who wished to retain the traditional role of the colonies to the mother country had not the vision to anticipate a different relationship. These men did not have the background to understand that the North American experience had gone beyond the point of tolerating a pullback from the independence that its developing society produced. The clash can be viewed as between the aristocracy and the rising middle class, which was also a clash between the two groups over who would have power. A few of Britain's politicians understood this, but they were in the minority. The mercantile community had influence, but it was still too fractious to compete with the entrenched status of the aristocracy. The acts of North, Hillsborough, Dartmouth, Murray, and Carleton represented obstacles to the republicanism of the new breed of Englishmen in America. The struggles that ensued resulted in the end of the First British Empire and the beginning of a new epoch in which democratic forces would continue to uproot the entrenched power of an aristocracy that would eventually become anachronistic. The history of the struggle of the merchants for their rights in Quebec and the struggle of the American revolutionists for similar rights should be placed in this context.

At the outset of this undertaking, reference was made to the concerns that Canadians have about living next to the United States. Margaret Atwood says that watching their neighbors has become a national pastime. They worry that what happens
to the south of them will ultimately affect them. They also fret that the Americans do not recognize the differences between them. The results of this study indicate that they are justified in being concerned that what happens to their neighbors has an impact on them. This study suggests that this was true from the very beginning of British rule. The triangular relations should have their origins not in the Treaty of Paris in 1783, but in the Treaty of Paris in 1763. Between then and the failed invasion of 1776, the American influence was important in shaping the political, economic, and social conditions in Quebec. But a decision was made in 1776 that the American struggle for independence from the mother country was not in their interests. Many loyalists prior to the end of the Revolutionary War agreed so that as American invaders retreated to the south the beginnings of a political culture distinct from that of the United States took shape. With the influx of the loyalists after the war, those differences were there to be strengthened and shaped into the kind of society that Canada is today. It was in the critical years of British rule, however, from 1760-1776, that the influence of the American colonies was a significant one - it should not be dismissed as it has been until now.
APPENDICES
APPENDIX I

RECORD OF KEY PETITIONS SIGNED BY MERCHANTS, 1764-1775

Key:
1 Presentments of the Grand Jury, October 16, 1764.
2 Petition of Quebec Traders to the King, April 1765, calling for Murray's recall.
3 Petition to the King for an assembly, probably 1770.
4 Petition to the King for an assembly, Quebec on December 31, 1773, and Montreal, January 10, 1774.
5 Petitions for Repeal of the Quebec Act, November 12, 1774, to the King, the House of Lords and the House of Commons.

Bold face type represents known American originated merchants.

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APPENDIX II

MERCHANTS LIVING IN QUEBEC, 1760-1776

The following list of merchants who lived in Quebec from 1760 to 1776 has been compiled from entries of merchants in the Dictionary of Canadian Biography, Volumes IV and V; records in the Public Archives of Canada of landholdings, exit bonds, applications for trading licenses, liquor licenses, and the selling of firearms; from an index of the Quebec Gazette, also located in the Archives; and from the petitions of the merchants described in Appendix I. Sources used to identify American connections were: the Massachusetts Historical Society index, the Colonial Albany Social History Project index, and the thirteen volume collection of Sir William Johnson’s Papers. These sources were in addition to the other primary and secondary sources listed in the Bibliography.

The intent in producing this index is to determine: the origins of the merchants prior to their arrival in Quebec, the scope of their business activities and their inter-relationship with other Quebec merchants, their political activities, the role they played during the American invasion of 1775-76, and other contributions that were made to the development of Quebec. The biographies do not pretend to be complete. The sixteen years under consideration were years in which conditions in Quebec were particularly inhospitable to economic development. As a result, the enterprises of the mercantile community did not come into fruition until a later period. Nonetheless, the character of the men who were trying to establish themselves in this inchoate period of English rule in Quebec could be ascertained from their early efforts.

The results of this investigation form the basis upon which to judge the extent of the American influence in the commercial, political and social development of Quebec. Specifically, the attempt was made to discover what per cent of merchants had American origins—either American-born or had lived in the colonies—and what per cent supported the Americans in the invasion. This list is divided into two parts: those merchants whose identifications were complete enough for the purposes of this survey; and those merchants for whom only fragmentary information has been found. The latter is included in order to provide a better awareness of the extent of the merchant community.

In all, two hundred merchants were identified, of whom one hundred were used for this survey. Of those one hundred, sixteen are known to have supported the British, thirty-one the Americans, fifty no mention and another three, including one who served both sides, one who moved to New York, and one who died. In order to estimate the
number of merchants who were of American origin, whether American-born or not, a bolder print is used. The assumption in including those merchants who lived in the colonies, but were not American-born, is that experience shaped their attitudes, whether positively or negatively. Of the one hundred, forty-four were of American origin, or forty-four per cent.
MERCHANTS INCLUDED IN THE SURVEY

1. **AINSLIE, THOMAS**

   Scotland. Boston. Businessman, officeholder, militia officer. From 1749 until 1760, he lived in Boston, where he entered the mercantile trade. Married Elizabeth Martin of Hampton, New Hampshire. Emigrated to Quebec in 1760-62 due to friendship with Governor Murray. He was appointed administrator of king's posts on the lower St. Lawrence, where he enjoyed temporary monopoly on fur trade. He was also appointed Collector of Revenue for the province. As collector, he retained fees for the collection of provincial duties continued from the French regime until 1768, when local merchants refused to pay.

   **Political Activities:** He signed petitions for an assembly in 1773.

   **Other:** A lawsuit was brought against him by Joseph Howard on February 13, 1786.

   **Invasion:** British. He was a captain in the British militia during the siege of Quebec. His diary, "Canada Preserved" gives the fullest and most accurate account from the British perspective of the siege. He was pessimistic about the colony’s ability to resist the invaders. In November he wrote Sylvester Gardiner at Boston, "God forgive those who have so cruelly abandoned us." He denounced the demagoguery of British "Grumbletonians" and of American "banditti." The only exceptions to his general condemnation of ungrateful Canadians were the "nobles and clergy," both royalists, and the militia within the city, whose courage during Montgomery’s attack impressed him.

2. **ALLSOPP, GEORGE**

   England. Businessman, officeholder, politician, and seigneur. He served in British quartermaster general’s department during the 1758 expedition against Louisbourg and as secretary to Lieutenant-Colonel Guy Carleton at Quebec. In 1761 he arrived in Quebec as junior partner for the mercantile supply firm of Jenkins, Trye and Company.

   **Commercial Activities:** With SAMUEL JACOBS and JOHN WELLES, Allsopp formed a company to exploit a potash works in Lower Town Quebec. With brother-in-law JOHN BONDFIELD, he purchased seigneuries of Auteuil and
Jacques-Cartier thirty miles upstream from Quebec, including a gristmill. Bondfield relinquished his share, Allsopp began making flour and became indebted to Jacobs for grain purchases. By 1788 he was producing 22 per cent of the colony's annual wheat production. Through many vicissitudes, such as fire destroying his mills twice, he managed to continue in the flour business.

**Political Activities:** An ardent promoter for British rights, he opposed the Quebec Act and protested elimination of jury trials and *habeas corpus*, the unauthorized Privy Council introduced by Carleton and continued by Haldimand, the absence of a clearly defined legal code to regulate commercial transactions and suits, and the inadequacies of the court system established under the Quebec Act. He was suspended from the legislative council for his "seditious spirit." He lobbied hard for an assembly, English commercial law, and the Constitution Act of 1791, which divided Quebec into Upper and Lower Canada.

**Other:** Although he was a member of the Quebec Fire and Agriculture societies, his business responsibilities demanded his full attention. He emerged as a major industrialist, but he also contributed to the political issues about which he cared deeply.

**Invasion:** British, though suspected of being an American sympathizer. He served as commissary general for the Quebec garrison. In 1777 he was publicly assaulted as a "rebel" due more to his association with rebel supporters and his disputatious nature. He was stripped of his official posts as a result.

3. **ANTILL, EDWARD**

New Jersey. From a "good family." He practiced law in Canada from 1764 until he left Quebec after Carleton ordered all sympathizers out of the town in November 1774. In the lower Canada land records, he is listed as owning several properties.

**Political Activities:** He signed petitions for an assembly in 1773.

**Invasion:** American. He joined Montgomery as chief engineer of the army and was with him when he died. With Moses Hazen, he left for the Continental army to report Montgomery's death and plead for help. He was appointed second in command under Hazen to recruit Canadians for a Second Canadian regiment. After the failed invasion, he fought and was captured in New York. He was freed in an exchange in 1780 and lived in New York until 1785. With his family he returned to St. John in 1785.
4. **ARNOLDI, PETER**  
Germany. St. John's. Silversmith. Merchant. He was on Murray’s list of Protestants in the Montreal district in 1765. He was listed as a farmer and former sergeant.

**Commercial Activities:** He was one of several silversmiths who engaged in the Indian silver trade. Others were JOHN OAKES, MICHAEL ARNOLDI (Brother), JOHANN PETER, MICHEL ROY, DOMINIQUE ROUSSEAU, and DELEZENNE. He petitioned for a liquor license in Montreal on March 27, 1773, and was sponsored by ALEXANDER HAY.

**Political Activities:** He signed petitions to the king for an assembly, December 1773, and for repeal of the Quebec Act, December 1774.

**Invasion:** Not known.

5. **ASKIN (ERSKINE), JOHN**  
Northern Ireland. Albany. Fur trader, merchant, officeholder and militia officer. After the conquest he entered the western fur trade.

**Commercial Activities:** In 1760, he was partners with ROBERT ROGERS. They went bankrupt due to Indian uprisings in 1763. Askin moved to Michilimackinac, where he ran a trading store, farmed, and was named commissary for the garrison. More importantly, he enjoyed a close relationship with Arendt Schuyler DePeyster, commandant at Michilimackinac in the 1770s. Commandants regulated the trade with Indians, allocated shipping space, and frequently tacitly approved illegal purchases of land from Indians. He had close ties to ISAAC TODD and JAMES McGILL. In 1790s, an ambitious land scheme in northern Ohio with ALEXANDER HENRY failed.

**Invasion:** Not known.

6. **AYLWIN, THOMAS**  
England. Quebec. Merchant, justice of peace, member of Grand Jury, 1764. Aylwin was one of the first merchants established in Quebec after Wolfe’s victory, but in 1769 he left Quebec for Boston for six years. While there, he married Lucy Cushing. He returned to Quebec in 1774 due to the impending crisis.

**Commercial Activities:** Aylwin and Co. was a supplier to other merchants, sold wheat, and was a wholesaler of biscuits.
Political Activities: He was an advocate of commercial rights. He signed the Grand Jury presentment in 1764, claiming that the Grand Jury rather than the governor's council was the representative body in the province and should have a say in legislative and oversight matters. He signed the Cawthorne letter in 1766 regarding the repeal of the Stamp Act.

Other: He was involved in community affairs and in the fraternity of Masons. Despite having lived a comfortable life, he died in debt. Lawsuits were brought against him on September 7, 1781, by M. Fraser and on August 20, 1820, by M.C. Perrault.

Invasion: Not known.

7. BANNERMAN, JAMES

   Commercial Activities: He was a partner of SIMON McTAVISH and moved to Montreal with him in 1774 as a result of the nonimportation and nonexportation agreements in the colonies that were ruinous to their business.

   Invasion: He was in the northwest carrying on the fur trade in 1775-76.

8. BAYNE, DANIEL
   England. Quebec. Merchant. He arrived soon after the conquest with large quantities of British merchandise to sell. The venture failed.

   Commercial Activities: He was partners with WILLIAM BRYMER. He bought a tract of land near the Strait of Belle Isle to carry on a seal fishery, which was protested by Governor Pallister of Newfoundland since the Proclamation of 1763 granted that land to his province. The long quarrel ended with the Board of Trade ruling that the grant was legal and that the right of private property was not violated.

   Political Activities: Bayne signed the presentment of the Grand Jury, October 16, 1764, and the petition of Quebec traders to the king, April 1765. He represented Quebec merchants in London in 1764 to protest Murray's refusal to consider British rights. Bayne and Brymer petitioned the Board of Trade to return Labrador to Quebec, which was granted in the Quebec Act.

   Invasion: Not known.
9.  **BELL, JAMES**
Merchant, carpenter, landowner. He came to Canada during the Seven Years' War; married into Gabriel Christie's family. He arrived in Chambly with wife and son Alex in 1765. Traded wheat, meat, spirits, building materials, carriages, and horses. He never let language or religion stand in his way. He mastered French and occasionally allowed people to call him Jacques. His son and daughter were baptized in the Roman Catholic Church. He used French-speaking notaries and hired Canadians for his construction work.

**Political Activities:** He probably signed the petition for repeal of the Quebec Act, 1774, although the record indicates a "John" Bell signed it.

**Other:** A lawsuit was brought against him on April 8, 1782, by J. McDonald and Company.

**Invasion:** Mostly American. He offered help to the American forces on their arrival in the Richelieu Valley. His knowledge of the territory, skill as a carpenter, and resources as a merchant made him valuable to the colonials. He aided Major John Brown, Richard Montgomery, David Wooster, and Benedict Arnold. He oversaw the repair of Fort Chambly, built numerous bateaux and carriages. He helped raise troops and advanced £6,056.34 of personal funds for the American cause. Moses Hazen guaranteed £826 of this amount. After the war Bell sued Hazen for this amount and won his suit, which attached part of his property in Clinton County, New York. This included 1,000 acres in Refugee Tract and Hazen's farm on Point au Roche, including the stock and farm equipment. After the American retreat, Bell provided the same services to the British. His biography in the Dictionary of Canadian Biography claims that Bell was forced to deal with the Americans. That seems highly unlikely given the extent of his assistance.

10. **BINDON, JOSEPH**
England. Montreal. Merchant. In *Jews in Canada* his name is spelled "Bindona." He applied for an exit bond, which was secured by EDWARD HARRISON, November 16, 1768. When the American commissioners granted the merchants leave to trade in the upper country, Bindon was one of the first to set out.

**Political Activities:** He signed the petition for an assembly in December 1773, and for repeal of the Quebec Act in 1774.

**Invasion:** American. Before Congress sanctioned capturing the forts of Fort Ticonderoga, Crown Point, and St. John, Bindon incurred the wrath of the
British when he intercepted Ethan Allen at St. John to warn him that a British regiment was on its way. He was discovered, but managed to convince the officers that he was guilty only of indiscretion. He was on Carleton’s list of twenty-nine traitors. In the *Quebec Gazette* on July 31, 1777, there is a notice of a sale by sheriff of property at his suit belonging to Pierre Henault, July 31, 1777. Otherwise, nothing is known of him.

11. **BLAKE, JOHN**
America or Ireland (Carleton lists Blake as coming from America in his list of traitors; Murray lists him as coming from Ireland in his lists of Protestants in Montreal in 1765). Merchant. Montreal. There are no records to indicate Blake’s business affiliations, but land records indicate that he had substantial holdings. In the *Quebec Gazette* from 1768 to 1771, he is listed as being involved in the sale of property belonging to Monsieur Louis deBerchers, Thomas Farrell, and Pierre Meziere. In 1772, along with other Montreal merchants, he consented to a resolution to fix light gold coin at a certain value. In 1775 he was a trustee, along with RICHARD DOBIE, and EDWARD HARRISON of the estate of GEORGE SINGLETON, insolvent.

**Political Activities:** Blake was an activist for British rights. He signed as a witness a notarized protest of several merchants against a closed meeting of seigneurs representing only the "noblesse" called by the governor and council, March 1766. He also signed petitions for an assembly in November and December 1773, and for repeal of the Quebec Act, December 1774.

**Other:** Notice of a letter remaining in the post office appeared in the *Quebec Gazette* on August 5, 1790, and again on July 22, 1802. There is also a reference to John Blake being a passenger on board the brig Abigail from Halifax on May 25, 1797. On May 3, 1810, there was a notice of sale of the property of JOHN BLAKE and GEORGE WHEELER at suit of THOMAS DUNN. Whether these refer to the same John Blake is not clear.

**Invasion:** American. He was one of the representatives of the townspeople of Montreal who prepared articles of capitulation to present to Montgomery in November 1775.

12. **BLEAKLEY, JOSIAH**
Montreal. Fur trader. Militia. Bleakley married Margaret McCord, John McCord’s daughter. (There is a discrepancy between the account in the McCord family history and the biography of John McCord in DCB, V, and the Bleakley biography in the DCB, VI. The latter states that Margaret was Thomas McCord’s daughter.)
Commercial Activities: In 1778 with JAMES FINLAY, Sr., he took out a license for two bateaux to take to Detroit. In 1783, with FINLAY and JOHN GREGORY, he took eight bateaux to Michilimackinac. He purchased a house there despite the fact that the territory was ceded to the Americans by the 1783 Treaty of Paris. In 1806 he formed the Michilimackinac Co., but American custom officials seized their bateaux since they were forbidden to trade there. The War of 1812 interrupted this trade and Bleakley retired.

Political Activities: He signed the petition for repeal of the Quebec Act in 1774. He was on a select committee in 1789-90 pressuring for an assembly.

Invasion: Not known. He was a lieutenant in the 1st battalion of Montreal’s militia in 1803.

13. BONDFIELD, ACLAM RICKABY

Partners: JOSEPH CHARTIER. Little is known about his business activities. He advertised in the Quebec Gazette property for sale at public vendue at General Wolfe’s Tavern October 11, 1764, and settlement of accounts, August 1765.

Political Activities: He signed a petition for repeal of the Quebec Act in 1774.

Invasion: American. He supported rebels. He was on Carleton’s list of twenty-nine traitors. He left Quebec and was appointed assistant commissary of provisions by Congress. He may have returned to England after the war. Notice of sale of his property by order of the Court of Common Pleas at request of his wife, September 11, 1777.

14. BONDFIELD, JOHN
England. Quebec. Brother of Aclam. Merchant. Sold dry goods. Sold property in Chambly region to RALPH GRAY. He was one of the subscribers to agree to regulate light gold coin, which had been imported into the Province in great quantities, at a fixed rate so that it would not injure trade, June 12, 1772.

Political Activities: He signed petition for repeal of the Quebec Act in 1774.

Invasion: American. He was listed as one of twenty-nine traitors by Carleton who left Canada in 1775. He set off for Philadelphia to procure
contracts from the Continental Congress. He was appointed a commissary of provisions by Congress.

Notices in Quebec Gazette indicate that he died sometime before 1777. RICHARD HARRIS was named as trustee to his estate, September 18, 1777. An auction of his widow’s household furniture appeared on July 30, 1778, and property for sale at Upper Town Quebec on December 23, 1779. On July 27, 1780, there was a deceased notice to persons having demands upon his estate.

15. BOSTWICK, HENRY
England. Montreal. Fur trader. He was the first Englishman to secure a fur trade pass from General Gage after the conquest. During Pontiac’s rebellion, he was captured and returned to Montreal for ransom.

Commercial Activities: He was a partner of FORREST OAKES and JOSEPH HOWARD. In April 1769 he took out a license for two canoes to Michilimackinac.

Invasion: Not known.

16. BRYMER, WILLIAM

Commercial Activities: He was a partner of DANIEL BAYNE in the seal fishery in Labrador.

Political Activities: He represented the English merchants in London in 1764 in their protest against Murray’s refusal to institute an assembly and other British rights as called for in the Proclamation of 1763. He appealed with Bayne to the Board of Trade for land rights contested in Labrador by Governor Pallister of Newfoundland. Ultimately the Board supported their claim. Labrador was returned to Quebec in the Quebec Act of 1774.

Invasion: Not known.

17. CHINN, EDWARD
Commercial Activities: GEORGE ALLSOPP and CHINN established unlicensed trading posts in competition with those of the king's post, which Murray ordered them to remove. When Carleton replaced Murray as governor, he rescinded that order. In 1771, Chinn entered the northwest fur trade, but he was a small trader. In 1775 he signed a license for one canoe, five men, and a cargo valued at £125.

Political Activities: He signed petitions for an assembly in November and December 1773, and for repeal of the Quebec Act in December 1774.

Other: In 1765 Chinn took out an ad in the Quebec Gazette protesting accusations against him for taking unreasonable fees in return for granting licenses for "fuzees."

Invasion: Not known.

18. COFFIN, JOHN
Boston, Massachusetts. Merchant. Quebec. Emigrated in 1775 on ship "Neptune" with his eleven children because of the impending war. He built his own distillery.

Invasion: British. As a volunteer in the militia, he was paid tribute by Maclean: "To your resolution and watchfulness... in keeping the guard at the Pres-de-ville under arms, waiting for the attack which you expected, the great coolness with which you allowed the rebels to approach; the spirit which your example kept up among the men, and the critical instant in which you directed Captain [Adam] Barnsfare's fire against Montgomery and his troops, to those circumstances alone do I ascribe the repulsing the rebels from that important post, where, with their leader, they lost all heart."

19. CORRY, THOMAS
Montreal. Fur trader.

Commercial Activities: Although little is known about him, Corry was a major figure in the fur trade, especially in the northwest, where he successfully wintered in 1772-73. He was involved in the cooperative movement beginning in the 1770s to pool resources with other traders. He was supported by GEORGE McBEATH, ISAAC TODD, and JOHN ASKIN.

Other: He recommended STEPHEN MARIN, a trader at L'Assumption for a liquor license, March 4, 1774. Lawsuits were brought against him in 1784-85 by F. Migneron and R. Robinet.
Invasion: Not known.

20. CRUICKSHANK, ROBERT
Scotland. Silversmith, merchant, officeholder, militia officer, banker. It is possible that he first went to Boston in 1768 to work with a relative who was also a silversmith. He arrived in Montreal in 1773.

Commercial Activities: Cruickshank was one of the major silversmiths in this period. He took on many apprentices and partners, in particular MICHAEL ARNOLDI, so that his works could not be distinguished from those of his associates. While he was a professional silversmith, he was also a businessman. His store carried clocks, jewelry, trinkets, hardware and contained many imports from England. Cruickshank also served as a banker, issuing promissory notes and lending money at interest.

Political Activities: He signed petitions for an assembly, December 1773, and for repeal of the Quebec Act, 1774. He favored restoration of habeas corpus and trial by jury in civil suits.

Other: Cruickshank was a prominent member of Montreal society, contributing to many civic projects. He was a member of the Agriculture Society, a founder of Christ Church, and served as a justice of the peace. Lawsuits were brought against him in July 1788, and February 1801, by J. Martin and C. Sorel, respectively. He left a considerable estate. His major contribution, however, was as a silversmith, introducing a new treatment and new aesthetics to the production and marketing of silver that was competitive with contemporary English and American work.

Invasion: Not known. However, he served in the militia from 1788-1797 and 1800-1809.

21. DAVID, LAZARUS
England. Montreal. Merchant. He came to America with Amherst. Lazarus was part of the small, interconnected Jewish community. He was, along with Simon Levy (also referred to as Levy Simon), the first Jewish landowner in Montreal. He had established extensive trade and large land holdings in Montreal by the time of his death in 1776. The following year his family contributed property on Rue Notre Dame for construction of the first synagogue to be built in the colony. His widow raised five children, one of whom was David, born in Montreal in 1764. David was a fur trader, businessman, and militia officer. His many civic and business activities helped revitalize and diversify Montreal's economy during the economic downturn in the late 1780s.
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Political Activities: He petitioned for repeal of the Quebec Act in 1774.

Invasion: Not known.

22. DAVISON, GEORGE
England. Immigrated to Trois Rivières in 1773. Entrepreneur, officeholder, agriculturist, son of Alexander (see above).

Commercial Activities: With partners, ALEXANDER (brother), FRANCOIS BABY, DAVID MONRO, and MATTHEW BELL, they obtained a lease for Saint-Maurice Ironworks previously held by THOMAS DUNN and partners. They enjoyed a monopoly on the fur trade and fisheries on the north shore of lower St. Lawrence. He amassed a sizable fortune, largely through government patronage and by deals in which his brother, Alexander, took the initiative and the risk.

Political Activities: He opposed jury trial "in all small communities," since, he believed there must be a degree of connection or dependence through interest, alliance, or friendship, which argued against the impartiality of the jurists. He signed a petition for repeal of Quebec Act, December 1774.

Invasion: Not known.

23. DOBIE, RICHARD
Scotland. Montreal. Fur trader, businessman, militia officer. He is believed to have been a merchant in Scotland before emigrating to Quebec shortly after the conquest.

Commercial Activities: At various times he was in partnerships with LAWRENCE ERMATINGER, BENJAMIN FROBISHER, ETIENNE-CHARLES CAMPION and WILLIAM GRANT, WILLIAM MAITLAND, ALEXANDER AULDJO, and ALEXANDER MILMINE. Dobie's business activities were diversified: he was an outfitter and financial backer; gave surety for fur traders; exported wheat, potash, and wood from his own sawmill; and was an importer of British goods.

Political Activities: His political activities reflected his commercial interests. After the conquest, he called for the reorganization of trade. He supported efforts to introduce an assembly, opposed Murray's favoritism of the "noblesse" and protested the closed meeting of seigneurs called by Murray and the council in March 1766. He objected to Carleton's policies, but he believed that though "his head is weak and soft, I consider his heart and intentions are good."
Other: He was a member of the Masonic Lodge, Presbyterian Church, and had a luxurious standard of living.

Invasion: Not known. However, he was active in the militia with the rank of captain from 1788 until 1797.

24. DUNN, THOMAS

England. Quebec. Businessman, seigneur, officeholder. Dunn was an enterprising member of the rising bourgeoisie who had arrived in Quebec soon after the capitulation to take advantage of opportunities afforded in newly-conquered territory.

Commercial Activities: In 1763, JOHN GRAY and DUNN, and soon thereafter WILLIAM GRANT, obtained a trading lease from Governor Murray to the king’s posts. This guaranteed them a monopoly of the fur trade and fisheries on the lower St. Lawrence. In addition, Dunn purchased a seigneury at Tadoussac, which extended his commercial empire to the entire lower north shore of the St. Lawrence, a residential property in Quebec. He was granted a lot in Lower Town, Quebec, to build a wharf for commercial purposes and with some associates rented the seigneury of Saint-Etienne. An opportunist, in 1777 Dunn took advantage of Grant’s marriage to the dowage of Longueuil to gain a trading lease for the posts of Mingan and Anticosti, which provided sufficient income from cod, salmon, porpoise oil, and the hides of seals for the two men to take on another partner, PETER STUART. The trio continued to buy almost all the seigneuries of Mingan and Anticosti. Dunn could now afford to suffer the loss of the king’s post, which occurred in 1786. He benefited from other commercial enterprises: he was one of the partners who held a lease in the Saint-Maurice Ironworks. When this venture seemed dubious, he and the other English partners sold out to CHRISTOPHER PELLISIER, who, as part of the agreement, made good on his promise to deliver 360 tons of pig-iron to Dunn. Dunn disposed of the pig-iron by selling it as ballast. Although he continued to be active in business, particularly in land acquisitions, from the 1790s Dunn’s career was centered primarily in the judicial, administrative, and political arenas.

Political Activities: He kept a neutral position politically, maintaining good relations with both the French- and English-speaking communities. As a result, he was awarded civic offices from justice of peace, member of the Quebec council, attorney for the king in succession matters, receiver general, judge of the Court of Common Pleas, and a seat on various other courts. Dunn was a member of the legislative and executive councils of lower Canada when the Constitution of 1791 went into effect. He continued to serve in that capacity until 1808.
Other: Until his death in 1818, Dunn had participated fully in the economic, political, and social life of Quebec. His biographers in the DCB, Pierre Tousignant and Jean-Pierre Wallot, dispute Creighton's and Ouellet's dismissal of Dunn as an "undistinguished" member of the bourgeoisie. They conclude that he was a happy and fulfilled man.

Invasion: Not known.

25. ELLICE, ALEXANDER
Scotland. Schenectady. Montreal. Merchant, shipowner, landowner, seigneur. Alexander was the son of a prosperous miller, attended Marischol College (University of Aberdeen), and studied at the Scottish bar. He emigrated to Montreal in 1774 as a result of the impending conflict with the American colonies.

Commercial Activities: Alexander and his four brothers arrived in Schenectady in 1765. Alexander formed a partnership with local merchants JAMES PHYN and JOHN DUNCAN. They expanded their business from the fur trade to include grain and general merchandising. On Duncan's retirement in 1768, Alexander's brother ROBERT joined the firm which then was known as Phyn, Ellice and Company. The firm prospered and expanded with business ties in Detroit, Albany, New York, Montreal, London and Bristol, but in 1769 an embargo placed by American merchants on British imports prevented the company from delivering its goods to the interior. To circumvent the embargo in 1770, the firm imported goods through Quebec. In 1771-72, the partners evolved a scheme to beat their Montreal competitors by obtaining from the British government a virtual monopoly to supply Indian agents in the northwest. In 1774, as a result of the conflict between the American colonists and Great Britain and the nonimportation policy, the firm once again imported through Quebec and engaged ISAAC TODD, a Montreal-based merchant, as its agent. But the ruse was detected and the Ellice brothers were severely reprimanded by the Committee of Correspondence at Schenectady. The firm anticipated further troubles and prepared for such a contingency by converting their assets to cash and bills of exchange, and removing them to London, where James Phyn established an office. Alexander moved to Montreal, forming a new company, Alexander Ellice and Company, that furnished supplies to several of the major Montreal traders, JAMES McGILL, SIMON McTAVISH and GEORGE McBEATH. In late 1775, the remaining assets in New York were transferred to another brother, James, who remained in Schenectady and protected the firm's assets. ROBERT remained in New York until 1778, when he joined his brother in Montreal. In 1779, the Montreal concern became Robert Ellice and Company, managed jointly by Robert Ellice and JOHN FORSYTHE.
The firm continued under different partnerships eventually becoming the competitor, referred to as the XY Company, of the North West Company.

Invasion: Not known. Robert Ellice and Company, and Phyn and Ellice, the Schenectady branch, furnished military supplies and acted as messengers and paymasters for their respective sides. After the war, Phyn and Ellice moved into a triangular trade. In 1803 Alexander died, leaving an estate in excess of £450,000, including 350,000 acres of land in New York and Canada.

26. ERMATINGER, LAWRENCE
Switzerland. Montreal. Merchant. He arrived in Montreal soon after the conquest.

Commercial Activities: Ermatinger was a partner in the London firm of Trye and Ermatinger. He furnished goods to FORREST OAKES, his brother-in-law, and to other partners, including CHARLES BOYER, for their fur trade. He also acted as agent for the transport of goods and passengers to England. When his partner, Trye, died, Ermatinger returned to London to settle the affairs of the firm, but he was forced to declare bankruptcy. However, with aid from his friends and creditors, he was able to return to Montreal in 1770. Fire destroyed his home and business twice, but adversity did not keep him from continuing in the fur trade. He and Oakes held a share in the North West Company. He also acted as agent for several London merchants, keeping them informed of Montreal market conditions, and serving as a middleman, but he amassed large debts and in 1783 was forced to sell all his property.

Political Activities: He sought to influence political and economic events in Canada, petitioning for an assembly in 1770, 1773, and for the repeal of the Quebec Act in 1774. He also protested the closed meeting held at the Court House in Montreal on March 3, 1766, called by Murray and the council, and restricted only to seigneurs representing the "noblesse."

Other: Ermatinger was an important merchant and member of the Montreal community. He was a charter member of the Masonic organization in Montreal.

Invasion: British. During the occupation of Montreal, the American general, Wooster, ordered the arrest of Ermatinger and nine other prominent tories. The townspeople protested and he was freed, but Ermatinger left town to ensure his safety.
27. **FANEUIL, PETER**  
New England. Quebec. Merchants. Member of Grand Jury, 1764. Probably from the prominent Boston family, but is not an immediate relation of Peter Faneuil of Boston.

**Commercial Activities:** He was in business with JAMES JEFFRY, probably as a supplier. The only record of his business activities was when he applied for a permit, and gave bond, to put gunpowder on board a schooner bound for Michilimackinac, where it was to be stored in the king's magazine. He is listed as giving security of £2,000 for an exit bond for Jeffry. The partnership was dissolved in 1767.

**Political Activities:** Faneuil signed the presentment of the Grand Jury in 1764 and the merchants' petition for Murray's recall in April 1765. In 1766 he was one of the merchants that Cawthorne spoke for in a letter addressed to the London merchants who had admonished the merchants against any violent response to the Stamp Act. Cawthorne's response expressed resentment of the "patronizing" tone of that letter. Indicating a more moderate view with respect to the Stamp Act, Faneuil signed the welcoming letter to Carleton of their good behavior and their recognition of Parliament's sovereignty over them.

**Other:** Not much else is known about him. He took an advertisement in the *Quebec Gazette* to assert that PHILLIP PAYNE, merchant, was a man of honesty and integrity, August 18, 1766.

**Invasion:** Not known. He may have left the province before 1774.

28. **FINLAY, HUGH**  
Scotland. Quebec. Merchant, justice of the peace, deputy postmaster, council member, seigneur, landowner. He was fluent in French. Finlay was from a prominent family in Glasgow and London. He arrived in Quebec in 1763.

**Commercial Activities:** With the advantage of some capital, he became a partner with STEPHEN MOORE, who had established himself in the retail business in 1761. The company sold a wide range of goods, reflected in such advertisements as "bindings, buckles, buttons and boots" in the *Quebec Gazette*. The partnership did not last, however, for they went deeply in debt and by 1765 had to turn their business over to their creditors.

**Political Activities:** Finlay was a champion of British rights. He was opposed to billeting of soldiers in private homes. In 1775 he was appointed to the
legislative council, but he opposed the arbitrary powers exercised by Carleton and was dismissed. He continued to fight for an assembly for Quebec.

Other: As postmaster general, he instituted biweekly posts between Quebec and Montreal via Trois Rivières and south to Albany. He succeeded Benjamin Franklin in 1774 as deputy postmaster general of North America.

Invasion: No record, although he was listed in the British militia in 1778.

29. FINLAY, JAMES

Commercial Activities: Finlay was an important fur trader. He was a guarantor of a number of French traders and despite enormous difficulties, he is believed to have wintered in the northwest as early as 1768-69, the first time traders were permitted to winter among the Indians.

Political Activities: He signed petitions calling for assemblies, 1773, 1774, and for repeal of the Quebec Act, 1774.

Invasion: Not known.

30. FRANKS, DAVID SALISBURY
England. Montreal. Son of Abraham Franks. He is credited for building the Vauxhall in Montreal, where many a gay evening was passed by the townspeople. Franks was active in Jewish affairs.

Political Activities: In Montreal in May 1775, he was arrested for "seditious utterances." The incident involved a protest over the Quebec Act which had just gone into effect. Some unknown person determined to express disapproval of the Act by throwing potatoes on the bust of George III in the Place d'Armes and inscribing "Behold the Pope of Canada and the English Sot." This provoked counter protests and a much heated debate. One speaker, Monsieur de Bellestre, called for hanging the perpetrator upon which Franks, standing next to him said, "In England men are not hanged for such small offences." A fight ensued and Franks was taken off by a party of soldiers with fixed bayonets. Bail that was set at £10,000 was disallowed. Nonetheless, Franks remained in detention for a week.

Invasion: American. He joined the colonists when Montgomery occupied Montreal. In 1776 he was appointed paymaster of the garrison at Montreal. After the retreat of the Americans, he joined a Massachusetts regiment, but
apparently was in Montreal in 1777, when Carleton made up his list of traitors. Franks returned to the United States, serving as adjutant and secretary to General Arnold. His experience in Canada, and knowledge of the French people and language qualified him for diplomatic posts in France in 1780 and 1784.

31. FRASER, SIMON
Scotland. Quebec. Fur trader, explorer.

Commercial Activities: Fraser was an important fur trader who was involved with the western trade. In 1791 with Lesieur, Fraser entered into an agreement with the North West Company to trade at Rivière des Trembles and Portage de l’Ile for five years with a guarantee of £200 profit. In 1799 over twenty new partners were added to the North West Company, including Fraser, but in 1804, when the XY Company and the North West Company joined forces, Fraser relinquished his share. In the same year, some of the old timers, including FRASER and THOMPSON, were exploring and establishing posts beyond the Rockies. Fraser River is named after him. From 1804 until the outbreak of the War of 1812, the company attained its last and greatest period of success.

Political Activities: Fraser signed petitions for a general assembly in 1770, 1773, and for repeal of the Quebec Act in 1774.

Invasion: Not known. It is difficult to distinguish between Simon Fraser, a regular officer of the 24th regiment of foot and the merchant Simon Fraser. According to Stanley in Canada Invaded, it was the home of the merchant Fraser outside the city walls of Quebec at Pres de Ville, where Montgomery and many of his men lost their lives. Unaware that the house was fortified by the defenders, Montgomery charged right into their path with disastrous results. Lieutenant Colonel Fraser fought with Carleton and later, promoted to brigadier-general, commanded one of Burgoyne’s brigades in 1776. He was killed during the British counterinvasion of New York in 1777.

32. FREEMAN, __________
American.

Invasion: He was on Carleton’s list of twenty-nine traitors. Commissary of Provisions, Trois Rivières.
33. FROBISHER, BENJAMIN
England. Merchant. Montreal. He arrived in 1763 with brother Joseph. Second brother, Thomas, came in 1769. The three brothers' lives were linked in the fur trade.

Commercial Activities: He was a partner with brothers JOSEPH and THOMAS, JAMES McGILL, ISAAC TODD, JOHN WELLES, RICHARD DOBIE, CHARLES PATERSON, THOMAS CORRY, MAURICE-REGIS BLONDEAU, and SIMON McTAVISH.

Political Activities: He signed petitions for assembly, 1773, and repeal of the Quebec Act, 1774.

Other: He created wealth for Quebec: in 1785-86 alone, he hired 585 men and invested £46,000 in the fur trade. Due to his foresight in recognizing the importance of the northwest, and due to his financial and organizational talents, the North West Company, which started out as a family venture, he became the premier contributor to Quebec's economy. He died with many debts, due in part to the downturn in the economy after the American Revolution. He was still an esteemed member of the Montreal community.

Invasion: Not known. On behalf of his fellow merchants and traders, when Montreal was occupied by the Americans, he petitioned the Continental Congress to allow the continuation of free trade.

34. FROBISHER, JOSEPH

Commercial Activities: See above entry. Joseph acted as a trader between Grand Portage, other posts and Montreal until the death of Benjamin and Thomas, in 1787 and 1788, respectively, when he enlisted the support of SIMON McTAVISH. Reorganized as McTavish, Frobisher and Company, the firm became the premier financial institution in Canada.

Political Activities: Frobisher supported parliamentary institutions for Quebec. He was elected to the Assembly from Montreal East, was a justice of the peace, and an administrator of a pension fund for aged voyageurs.

Other: He invested in the infrastructure of Montreal: the Batiscan Iron Work Company and the Company of Proprietors of Montreal Water Works. He accumulated vast land holdings, and tapped forest resources from his seigneury.
in Champlain. He was a member of the Beaver Club and was active in religious affairs.

Invasion: Not known.

35. FROBISHER, THOMAS
England. Montreal. He arrived in Montreal in 1769 to join his brothers, Benjamin and Joseph. Thomas spent most of his time traveling from Grand Portage to distant trading posts in the west. He died in 1788.

Invasion: Not known.

36. GODDARD, JAMES STANLEY
__________________. Montreal. Merchant and trader.

Commercial Activities: Goddard was an agent responsible for distributing Indian presents for the London firm of FORTIER and ORILLET. He was one of the first traders in the west in the early sixties.

Political Activities: He signed petitions for Murray's recall in April 1765 and for an assembly in 1773. He was also signatory to an agreement among merchants to regulate light gold coin, which had flooded the province in 1770, at a fixed rate.

Invasion: British. Although there is no mention of Goddard's participation in the invasion, it was well known in Montreal, when it was under siege, that he supported the government.

37. GRANT, CHARLES

Commercial Activities: He was involved in the fishing and sealing industry in the Lower St. Lawrence with his uncle, WILLIAM GRANT.

Political Activities: From 1770 on, he was an activist in petitioning for an assembly. In November 1773 he served on the committee of English inhabitants, meeting in Prenties Tavern, to plan a strategy including Canadian merchants and merchants from Montreal. He signed the petition for repeal of the Quebec Act on December 31, 1774.
Invasion: Not known. He served as captain in the British militia at Quebec as of April 1778.

38. GRANT, WILLIAM
Scotland. Quebec. Merchant, seigneur, officeholder, politician. Grant was the one of the laird of Blairfindy, had a liberal education and was fluent in French. In 1759 at the age of 15, William was sent to Quebec as an agent for the London firm of his uncle, a navy supplier. His two brothers, Alexander and Robert, accompanied him.

Commercial Activities: In 1763, he entered into partnerships with two other agents of his uncle's firm, PETER STUART and JOHN GRAY. They aggressively pursued various speculative opportunities, such as supplying merchandise and lending capital to French and Canadian merchants. In September 1761, he engaged in the fur trade with JAMES STANLEY GODDARD and FORREST OAKES in order to conduct trade at Michilimackinac. In 1765, he acquired exclusive trading rights there and at what is today Green Bay, Wisconsin. He became a co-lessee of THOMAS DUNN and JOHN GRAY to conduct the fur trade at the king's posts on the lower St. Lawrence River. This led to further acquisitions in the same region, which enabled him to participate in the lucrative seal and salmon fisheries. Grant's primary business activity was in the acquisition of landed property and by 1766 he was considered one of the leading British merchants in Quebec. For the rest of his life, he continued to expand and diversify his holdings from the eastern boundary of Quebec in the Gulf of St. Lawrence, where he engaged in the seal and salmon fisheries, to the Richelieu Valley in the west, where he entered the wheat and flour trade with SAMUEL JACOBS.

Political Activities: His petition for appointment to the governing council of Quebec was blocked by Murray who described him as a "conceited boy." He supported demands for repeal of the Quebec Act, for representative government and for the introduction of English commercial law. In 1773 he was elected by the Quebec merchants to a committee to spearhead constitutional reform. In 1777 he was appointed to the legislative council and to replace deputy receiver general Thomas Dunn. He was dismissed from the council by Haldimand, but continued to press for introduction of habeas corpus, an elective assembly, and English commercial law. Expert in both French and English law, he stayed involved in the controversies that raged between those who wished to retain the Quebec Act as it was and those who called for reform.

Other: He was in the forefront of instituting new social institutions such as the Quebec Benevolent Society, the Quebec Library, the Agriculture Society, and the
Constitutional Club. He was a member of the first parliament, generally voting with the English party.

Invasion: British. He joined the British militia to defend Quebec. He was violently anti-American and suffered a major property loss during the winter of 1775-76, including buildings at Quebec and Saint-Roche, several fishing posts, and a vessel destined for Boston with relief supplies for the British.

39. GRAY, EDWARD WILLIAM

Commercial Activities: Engaged in general trade until 1764, when he began serving in various governmental posts. In 1767 he opened a vendu and commission business, importing goods from London merchants, advertising their arrival in the local press, and then auctioning them. He also sold on commission. Despite the many demands of his official positions, he continued in various commercial ventures. In 1792 he took on his nephew by marriage, FREDERICK WILLIAM ERMATINGER, as a partner in the firm of GRAY and ERMATINGER.

Political Activities: He signed petitions for an assembly in 1773. He sought bankruptcy laws to enable creditors to recover their money.

Other: He contributed to the Agricultural Society, Free Masons, the branch of the Quebec Library, and raised funds to aid England in the prosecution of war in Europe.

Invasion: British. He was one of ten prominent citizens in Montreal whom General Wooster attempted, unsuccessfully at first, to jail because of their British loyalties. Finally, they were arrested and imprisoned at Fort Chambly. After the invasion, Carleton appointed Gray to a three-man commission to investigate the district of Montreal to determine the extent of Canadian collaboration with the enemy.

40. GRAY, RALPH
Scotland. Quebec, tailor, merchant, politician, seigneur. He started as a regimental tailor under Amherst, wounded in 1759, discharged, and established himself as a tailor, selling luxury items in his shop. He became a wealthy landowner and respected member of Quebec society, retiring in 1778.
Commercial Activities: His only partnership was in 1774 with DUNCAN MUNRO, but it was dissolved one year later.

Political Activities: He signed Cawthorne's letter regarding the Stamp Act repeal, July 1766. He did not become involved until 1808, when he sought election to the House of Assembly. R. Gray signed a petition for assembly 1773.

Invasion: Not known.

41. GREGORY, JOHN
England. Fur trader and merchant. Gregory was probably related to Mark and Thomas Gregory whose firm entered the fur trade shortly after the conquest. He did not come to Quebec until 1773.

Commercial Activities: By the end of the 1770s he was displacing his partner, JAMES FINLAY as the dominant partner. Efforts concentrated primarily on Detroit. When Finlay retired in 1783 or 1784, Gregory formed a new partnership with NORMAND MacLEOD and due to connections at Michilimackinac, they traded at that post. PETER PANGMAN and PETER POND persuaded them to join forces and move into the northwest trade. Pond joined the North West Company; but Pangman and his partner, JOHN ROSS, and one of his Montreal clerks, ALEXANDER MACKENZIE, became Gregory and MacLeod's wintering partners. They could not, however, compete with the North West Company; and after John Ross had been killed, the partners, at McTavish's suggestion, joined the larger company. Gregory bought MacLeod out and continued to assume greater responsibilities in the NWC. When McTavish died, he left £100 to his good friend Gregory. Gregory died in 1808.

Political Activities: He signed a petition for an assembly in 1773.

Other: As a member of a grand jury, he voiced concern about the inadequacy of Montreal's jail and court house. He belonged to the Scotch Presbyterian Church, was a member of the Beaver Club, and was, according to the Montreal Herald, "one of our most respectable citizens."

Invasion: Not known.

42. HALSTEAD, JOHN
New Jersey. Quebec. Merchant.

Commercial Activities: In 1767, Halstead formed a partnership with JACOB JORDAN and COLIN DRUMMOND to purchase wheat and bake biscuits.
After two years Jordan quit, but Halstead and Drummond continued in the grain trade. (Drummond was the brother of one of the principals in the London firm and its Quebec agent.) In 1768 he applied for an exit bond, guaranteed by Matias Halstead of Quebec, for £200. At the time of the 1775 invasion of Quebec, Halstead was the superintendent of Caldwell’s Mill, outside Quebec.

**Political Activities:** Halstead signed several petitions for an assembly in 1773.

**Invasion:** American. Either before or when Carleton ordered rebel sympathizers to leave Quebec, Halstead retreated to the Island of Orleans just below the town. He took the first opportunity to join Arnold, furnishing him wheat and flour from the mill. He reported to Arnold that all the militia except a hundred ‘Tories’ were ready to lay down their arms. Carleton listed Halstead as one of twenty-nine traitors and claimed that he became a commissary of provisions in the America army.

43. **HANNA, JAMES**
Dublin, Ireland. Clockmaker, silversmith, merchant. He emigrated in 1763 to Quebec. He was the brother of John McCord’s wife.

**Political Activities:** He signed petitions for an assembly in 1773 and for repeal of the Quebec Act in 1774.

**Other:** The popularity of grandfather clocks among the middle class is attributable to him. He was active in Quebec Fire Society, the Quebec Benevolent Society, and supported the establishment of the University of Quebec. He lived a comfortable life and left a modest estate.

**Invasion:** Not known.

44. **HARRISON, EDWARD**
Quebec. Merchant. He was interested in the potential of the Richelieu area of the St. Lawrence Valley. Not much is known about him. On April 6, 1769, he took out a bond on behalf of JAMES MORRISON for the Indian trade. He was a client of attorney Thomas Scott, and he sold JAMES TOD his fief at Grosse-Isle. He is recorded as giving bond to JOSEPH BENTON, November 16, 1768. In 1773 he was listed as a trustee along with RICHARD DOBIE and JOHN BLAKE of the estate of GEORGE SINGLETON, insolvent.

**Political Activities:** He petitioned for Murray’s recall in April 1765 and an assembly in 1770.
Invasion: Not known.

45. HART, AARON
Probably England via New York. Trois Rivière. Businessman. He is believed to have been a sutler who followed the troops. He is located in New York in 1760 and in Trois Rivières in 1761, where he was purveyor to the troops.

Commercial Activities: Hart and ELEAZAR LEVY are recorded as having supplied SAMUEL JACOBS with merchandise in 1761 from Trois Rivières. In 1763, a post office was opened in his home and in 1764, like so many merchants, he entered the fur trade. He engaged the best voyageurs in the region. His successes led to land acquisitions and the building of a family dynasty. His brother, MOSES, joined him in Trois Rivières and when Aaron was out of the country, he managed his affairs. Ties were also established to Albany through his brother, Henry, and to London through another brother, Lemon. In London he married Dorothy Judah, connecting him to a large interrelated circle of Jews in New York and with her brothers, SAMUEL, JUDAH and URIAH JUDAH in Montreal. Hart was a sly moneylender. He granted loans liberally, not pressuring for repayment, but letting the debt escalate. He would then ask for security, suggesting a mortgage. On the death of the borrower, Hart would present his claim with interest to the unsuspecting heirs. In 1792, Hart began incorporating his children into his business. On his death, they inherited four Helds and seven seigneuries. The total in cens et rentes and the lods et ventes amounted at that time to £86,293.05, a considerable sum.

Political Activities: Hart joined the English merchants in petitioning for an assembly in 1770 and 1773.

Invasion: He served both sides. Though he denied that he voluntarily cooperated with the American invaders, he gave substantial support to them.

46. HAY, CHARLES
Scotland, Quebec. Cooper, merchant. He appears to have arrived in Quebec sometime about 1770.

Commercial Activities: According to the historian, A. L. Burt, Hay was a substantial merchant, with a flourishing trade in rum, wine, and wooden staves.

Political Activities: He petitioned for an assembly in 1773.
Invasion: Probably American. Charles and his brother, Udney, left Quebec during the American siege in 1775. Charles returned but was suspected of continuing his sympathies for the Americans. In 1780, due to fear of a second invasion, Clareton's successor, Governor Haldimand, intercepted letters implicating Hay, Pierre du Calvet, and Fleury Mespleth. General Allan Maclean supported the suspicions of the authorities and said that Charles was an out-and-out rebel who had close contact with the enemy. As a result, Hay was confined in prison without a trial. He was released in 1783 after his wife's petition to Shelburne.

47. HAY, UDNEY
Scotland. Quebec. Probably in partnership with his brother, Charles. See above.

Political Activities: He petitioned for repeal of the Quebec Act in 1774.

Invasion: American. Udney left Quebec before the siege in 1775, but unlike his brother, he did not return. Instead, he joined the American army as colonel and served as quartermaster general at Albany, New York.

48. HAYWOOD, WILLIAM
American. Montreal. Merchant. Freeholder. He was on Murray's list of Protestants in Montreal, 1765.

Commercial Activities: Haywood and JAMES PRICE formed a business partnership probably serving the Montreal community. The only reference to them in the Montreal Gazette was in reference to the sale of property of PIERRE MARTEL in 1774 and of FRANCIS NOBLE KNIFE, in 1769. There is record of a lawsuit brought against them on May 5, 1777, by R. Morland.

Political Activities: Haywood was politically active in petitioning for British rights. He signed a notarized protest against a closed meeting called by Murray, restricted to seigneurs who represented the "noblesse" and held at the court house in Montreal on March 3, 1766. Haywood also joined other merchants in self-regulating themselves to establish a fixed rate for light gold coin that had flooded the province in June 1777. He petitioned for repeal of the Quebec Act in 1774.

Invasion: American. Haywood was described by Carleton as a great zealot, originally a "barber," in his list of twenty-nine traitors.
49. HAZEN, MOSES
American, born in Haverhill, Massachusetts. Army officer, officeholder, landowner, seigneur, and merchant. In 1763, he retired on half pay. In 1765 he was appointed member of the Grand Jury by Murray.

Commercial Activities: In 1764, with GABRIEL CHRISTIE, he purchased seigneuries in the upper Richelieu Valley. In 1765 he went into the timber business with JOHN HENNIKER and SAMUEL McKAY, supplying masts to the British navy. In 1775 he was in financial difficulties because of law suits by and against him.

Invasion: American. Carleton dispatched him to Boston to inform Gage of Benedict Arnold's capture of St. John. He was suspected and jailed by both Americans and British for aiding enemy. He tried unsuccessfully out of concern for his property in the Richelieu Valley to discourage an American invasion. When it occurred, he was persuaded to join with the Americans. From then on, he and EDWARD ANTILL were key figures in recruiting a Canadian regiment. After the war, Hazen lived in New York City and tirelessly fought to have the men under him who could not return to Quebec compensated for their service. Eventually, he was successful.

50. HENRY, ALEXANDER

Commercial Activities: Henry's exploits as a fur trader in the early sixties are tales of adventure and misadventure. The second Englishman to secure a fur-trade pass from General Gage in 1761, Henry arrived in Michilimackinac while Indian hostilities toward the English were still life-threatening. Having survived the tomahawk and scalping-knife twice, Henry's experience with the Indians and the French were to stand him in good stead. For the better part of twenty years, his fur trading activities took him from Michilimackinac to the northwest, operating out of Albany and Montreal but never settling in the latter town until about 1781. Henry's first two trading partners were Canadians, ETIENNE-CHARLES CAMPION and JEAN-BAPTISTE CADOT. In 1774-75, Henry, Cadot and other pedlars encroached upon the territory of the Hudson Bay Company in the country around Lake Superior. Henry then proceeded to the Saskatchewan country, exploring and mapping the region. The quantity and quality of the furs he brought out from this trip excited the imagination of others and the fur rush to the northwest was on. In 1776, Henry left for England in an attempt to persuade the HBC to recruit Canadian canoeists to work for the company. He was unsuccessful. On his return in 1777, in partnership with
JEAN-BAPTISTE BLONDEAU, then JOHN CHINN, he traded at Sault Ste. Marie. Once again, he returned to England where he produced a detailed plan for an expedition to find an overland route to the Pacific. After settling in Montreal, where he married and raised a family, Henry still returned to the fur trade on occasion, but he was involved in other ventures as well. His fertile mind anticipated the possibilities of trading furs to China; he proposed such a scheme to two of his New York friends, William Edgar and John Jacob Astor. He and Astor helped the North West Company to develop this trade.

Political Activities: He regularly signed memorials and petitions. In 1770 and 1773 he signed petitions calling for an assembly.

Other: Civic responsibilities included serving as justice of the peace in Montreal and captain of the militia. He was one of the nineteen traders who founded the Beaver Club. His main contributions, however, revolved around his adventures in the west. His journal, "Travels and Adventures in Canada and the Indian Territories between the Years 1760 and 1776," has become an adventure classic and is one of the best descriptions of Indian life of that period. Despite financial reverses, due in part to the American Revolution and Indian wars, Henry maintained a secure place in Montreal's society. He was described as a middle-sized man, easy yet dignified and "esteemed by all who knew him."

Invasion: Not known, although he was in Montreal in 1775 and sailed for England in 1776, where he spent several years during the Revolution. After American independence in 1783, he seriously considered moving to Schenectady in order to continue to trade at Detroit and Michilimackinac, which were then American. His association with American John Jacob Astor, helped Americans to open the far west and enter the China trade.

51. HOLMES, WILLIAM
Ireland. Montreal. Fur trader. Holmes was listed as a "malster" in Murray's list of Protestants in Montreal in 1765, but that is the only reference to his being a malster. He came to Montreal sometime after 1763, and by 1774, was actively involved in the fur trade.

Commercial Activities: CHARLES PATERSON, FRANCOIS JEROME dit LATOUR and HOLMES wintered at Fort des Prairies in the Saskatchewan in 1774-75. He joined ALEXANDER HENRY in 1776 on an expedition to visit the Assiniboins on the Saskatchewan. By 1778 he had formed his own company with ROBERT GRANT and was trading at Fort des Prairies and at Sturgeon River Fort, also on the Saskatchewan. Because of vigorous competition from the Hudson Bay Company and individual partnerships, profits were being squeezed. This resulted in informal pooling of resources and profits, which led in 1779 to
the formation of the North West Company. Holmes and Grant became joint partners in the new company, but rivalry with the Hudson Bay was still intense and Holmes bowed to unscrupulous methods of competing. An unrelated killing of a trader named JOHN COLE by the Indians excited the French-Canadians engaged in his expedition, who believed the English were to blame. Holmes and the other English traders, only twenty seven of them to three hundred French Canadians, had to arm themselves against their own men. Despite the travails of harsh country, savage Indians, and fierce competition from the HBC, Holmes remained an active and ruthless trader in the pays d'en haut until his retirement in 1790. In 1791 he sold his share in the North West Company to JOHN GREGORY.

Invasion: Not known.

52. HOLTON
   Invasion: American. Conductor of Artillery. He was on Carleton’s list of twenty-nine traitors.

53. HOWARD, JOSEPH
   England. Montreal. Merchant, fur trader, officeholder. In 1760 Howard was one of the first British merchants in Montreal to enter the western fur trade. He married into a large Canadian fur trading family.

   Commercial Activities: In 1761, Howard formed a partnership with JOHN or EDWARD CHINN (or both) and HENRY BOSTWICK to trade at Michilimackinac. Before the Indian uprising in 1763, he and other Montreal merchants petitioned Thomas Gage, acting commander in chief, to seek redress in the forthcoming peace treaty with France for the debts the Indians owed the traders. The traders continued to suffer losses from defaulting correspondents, resulting in the dissolution of the partnership in 1767. In 1768 Howard was insolvent, owing the British firm of BROOK WATSON, £4,506. By that time, Howard’s partnership with GEORGE ALLSOPP and EDWARD CHINN in the eastern fur trade, which was carried on at unlicensed posts in competition with the king’s posts, was also in trouble. Efforts to rescind an order to remove these posts was finally defeated in 1768. Howard’s ventures to continue in the western fur trade met with an equally dismal fate. Probably due to his political activities, his licenses to trade were rejected for three years, bringing him to the brink of bankruptcy. His pleas that should that happen, other worthy London merchants would suffer as well, resulted in his finally being granted a pass in 1781. He continued in the western fur trade until 1793, when he eventually did go bankrupt. He retired to a quiet life as a rural merchant in Berthier-en-Haut, outside Montreal.
Political Activities: Howard ran afoul of the British military in 1764 when he and Thomas Walker refused to call on Ralph Burton as was customary on New Year’s Day. As a result, he was dismissed by Burton from his post as king’s auctioneer. Later he fell out with Walker, who charged him with being one of his assailants in the infamous Walker’s Ear case. Howard protested along with others of a closed meeting held at the Court House in Montreal on March 3, 1766. The meeting, called by the governor and council, was restricted only to the seigneurs of the “noblesse.” Howard is mentioned as also protesting, along with Edward Chinn and London merchant, Anthony Merry, Murray’s trade restrictions at the government-controlled king’s post. The resulting controversy exposed the inconsistencies of official policy which vacillated between monopoly and free trade.

Invasion: Not known, but in 1779 Howard was accused of aiding the escape of THOMAS BENTLEY, a Kaskaskia merchant arrested for corresponding with the Americans. Howard was put on bond.

54. JACOBS, SAMUEL
Jacobs was a German Jew who had lived in Britain, the West Indies, and continental British America before arriving in Quebec as purveyor of troops. In 1760 his schooner, laden with dried fish for Portugal, was commandeered for military transport.

Commercial Activities: In 1761 he formed a distillery company with BENJAMIN PRICE and JOHN HAYS and in the same year established a store at Crown Point to take advantage of the St. Lawrence-Richelieu waterway; with JAMES STEWARD and GEORGE ALLSOPP he went into potash production; finally, he settled in St. Denis and became a prosperous wheat merchant.

Invasion: Although he did not take sides during the invasion, he was hostile to the Americans for their seizing two of his vessels during the occupation in 1775. After the invasion he was appointed assistant commissary-general for victualling the troops stationed in the area.

55. JEFFRY, JAMES

Commercial Activities: He and PETER FANEUIL were partners until 1767. It is assumed that they were suppliers for the posts. See PETER FANEUIL.
Political Activities: He signed the petition for Murray’s recall in 1765. He was also one of the merchants that Cawthorne spoke for in his letter to the London merchants with respect to the Stamp Act.

Invasion: American. He was on Carleton’s list of 29 traitors, who apparently left Quebec in 1775. Notice of an unclaimed letter for him at the post office was dated 1777.

56. JOHNSTON, JAMES
Scotch. Quebec. Merchant. He arrived soon after the conquest and rented a house on Rue des Pauvres with an option to buy if Canada was ceded to Great Britain after the war. In 1764, he was named foreman of the Grand Jury that signed the petition for Murray’s recall.

Commercial Activities: He formed a partnership with JOHN PURSS in 1762, traded furs and seals. In 1767 he was one of six English-speaking partners (two were French) who were awarded a contract by Carleton to the St. Maurice Ironworks. He sold shares to CHRISTOPHER PELESSIER. He has good relations with GEORGE ALLSOPP, JACOB JORDON, and ADAM LYMBOURNER. In 1770 he ran a distillery with HENRY TAYLOR. Brother John Johnston represented the firm in London; another relative, DAVID GEDDES, served as agent in the West Indies. He was partner in a venture to buy a bridge spanning the St. Charles. He had many business ties in New York and the West Indies.

Political Activities: Despite scathing attacks on him by Murray, Carleton recommended him twice for a seat on the council. In 1784, however, he attacked the judicial system in effect since the Quebec Act for being unfavorable to trade.

Invasion: Not known.

57. JORDAN, JACOB

Commercial Activities: The firm held a large contract to victual troops in American and in 1767 they acquired a contract to supply cash for army pay and expenses in the colonies. Jordan’s part in this enterprise gave him a supply of cash unusual for most merchants at this time. He built up a personal empire. With JOHN LIVINGSTON he acquired land in what is today New Brunswick and
also on the Winooski River. In 1767 he entered the grain trade with DRUMMOND and JOHN HALSTEAD to purchase wheat and baked biscuits. He was a creditor of JEAN ORILLAT and by 1770 was the Montreal agent for the Saint-Maurice Ironworks. During the invasion in 1775 he had a contract to provide firewood for the Montreal garrison and one to supply horses and wagons for Burgoyne’s expedition. On July 5, 1776, he was appointed a deputy paymaster general and deputy commissary general. He and JOHN DRUMMOND were also agents for HARLEY and DRUMMOND, who succeeded Fludyer and Drummond to remit currency for army pay and expenses. In 1779, along with DRUMMOND and other merchants, he cornered the market in wheat, doubling its price to the consumer. The two partners used government money to purchase the wheat, for which they lost their roles as agents for Harley and Drummond. However, they were still retained by the government with large scale wheat purchases. Jordan continued to diversify. He entered the fur trade with veterans of the trade, but eventually all his ventures ran into trouble. The French Revolution ruined the fur trade and with it, Jordan as well.

Invasion: Although no mention is made of his involvement in the invasion, he obviously backed the British and was their agent in supplying the troops.

58. KAY, JOHN
Montreal. Fur trader. Kay was in partnership with his brother William. See below.

Political Activities: He signed the petition for an assembly in 1773 and for repeal of the Quebec Act in 1774.

Invasion: Not known.

59. KAY, WILLIAM
Montreal. Fur trader.

Commercial Activities: He was in partnership with his brother, John. In 1776, he secured a license, with John as guarantor, to take seven canoes, 41 men, 1,376 gallons of beverages, 88 rifles, 2,400 pounds of gunpowder, 30 cwt ball and shot, valued at £2,600. In 1778, licenses for two canoes each were granted W. and J. Kay and D. RANKIN. Guarantors were GEORGE PHYN and JAMES McGILL. They appear to have been part of the "nine parties agreement" in 1779, the precursor of the North West Company. The last record of the Kays' involvement in the fur trade was in 1780 when the license returns show they had two canoes. They were considered among the most prominent fur traders. The DCB lists
them as having investments of £17,000, a considerable sum in those days. It states that their financial means was greater even than GEORGE McBEATH.

Political Activities: He signed the petition for repeal of the Quebec Act in 1774.

Invasion: Not known.

60. LEES, JOHN, JR. (Until 1780 he added "Junior" to his signature.) Scotland. Quebec. Militia officer, merchant, landowner, politician, judge, and officeholder. He arrived in Quebec with his parents shortly after the conquest. He was established in business in Lower Town with his father until 1777 when his father returned to Scotland.

Commercial Activities: In 1773 he entered into partnership with ALEXANDER DAVISON. The firm specialized in the import trade and in supplying British troops in North America. They acted as agent for AARON HART in England and as creditors for small merchants, occasioning more than one bankruptcy. They engaged in land speculation, and in 1786 along with Davison's brother, GEORGE, obtained the lucrative leases of the king's posts. Unable to get an extension on it, they sold it in 1793 to GEORGE DAVISON, DAVID MONRO, and MATHEW BELL. The partnership with Davison was dissolved in 1791.

Political Activities: Several times Lees went to England to complain about the laws governing the administration of justice. In January 1774 he signed a petition calling for an assembly for repeal of the Quebec Act.

Invasion: British. He enlisted in the militia under WILLIAM GRANT, becoming a captain. His property was severely damaged during the siege of Quebec.

61. LESTER, ROBERT Ireland. Quebec. Businessman, militia officer, politician, landowner. Lester did not arrive in Quebec until 1770.

Commercial Activities: The firm of Robert Lester and Company was an importer of cloth and spirits, and an exporter of wheat in the wholesale market. His only partner was his nephew, ROBERT MORROGH, who joined the firm in 1787. In addition to his business as a merchant, he also acted as a business attorney and an estate trustee. These positions gave him an opportunity to deal with some of the most influential merchants and firms in Quebec, especially THOMAS DUNN, ISAAC TODD, Todd and McGill, and Robert Ellice and Company. He made numerous small loans to ordinary people, but in the economic downturn after the
Revolutionary War, he was forced to seize the property of those who could not repay the loan. He was in similar straits and had to be bailed out by a loan from THOMAS DUNN. In the recovery of the 1790s the firm diversified and expanded. Lester and Morrogh were among the leading exporters of wheat and flour in the province, owning their own fleet of ships. They also entered the timber and staves trade, rented land from the Ursulines, were partners in the Montreal Distillery Company until it was dissolved, expanded, and undertook major construction projects on their properties. In the 1800s, Lester continued to acquire land, some in the eastern townships, but his most important undertaking was provisioning the army, along with Todd. Until his death in 1807, Lester was commercially active, but like so many other merchants, he was overextended and in 1807 it was bankrupt. Lester died heavily in debt.

Political Activities: Along with WILLIAM GRANT, he sought to revise a clause on qualifications for members of a proposed elective house of assembly in order to admit Roman Catholics. He signed petitions requesting an assembly in 1784, 1788. In 1789-90 he served on a committee to protest delay of constitutional and judicial reform. He opposed the collection by government of *lods et ventes* on past property sales. He fought for the introduction of English law for the regulation of business. In 1791 he was elected to the Assembly from Lower Town.

Other: He was a trusted and active supporter of the Catholic Church, was a member of the Agriculture Society, petitioned for a non-sectarian university in Quebec, and served as treasurer of the Quebec library.

Invasion: British. He served as a captain of militia during the siege of Quebec.

62. LINDSAY, WILLIAM
Scotland. Merchant. As a youth he was sent to London to become clerk for merchant, ROBERT HUNTER. He was joint owner of the firm of LAWRIE, LINDSAY and THOMPSON. In 1773 he emigrated to Quebec.

Commercial Activities: In 1778 along with ADAM LYMBURNER, he was Quebec agent of London underwriters. In 1792 he was commissioned merchant and auctioneer in partnership with ALEXANDER HENRY in Montreal.

Invasion: British. Enlisted in the militia in 1775-76, rising to rank of lieutenant. He kept a journal.

63. LIVINGSTON, ALEXANDER
Canadian. Son of John, brother of James and Richard. See James below.
Invasion: American. He was among the twenty-nine traitors listed by Carleton. He served as captain under his brother, JAMES, in the First Canadian Regiment. He retired in January 1781.

64. LIVINGSTON, JAMES
Probably born in Montreal of American parents. Merchant, settled at Chambly. Related to the New York Livingstons through his father, John, who was grand-nephew of magnate Robert Livingston, "first lord of the manor." His mother was Catryna, daughter of General Abraham Ten Boeck and Elizabeth van Rensselaer, both from well known New York families. He was also related to Richard Montgomery’s wife, Janet Livingston, daughter of Robert Livingston. James’ parents lived in Montreal, where he was born, but they returned to New York when the Revolution began.

Invasion: James and his brothers, RICHARD and ALEXANDER, actively supported the provincials in the 1775-76 invasion. James provided information to General Schuyler that the Canadians were ready and willing to join forces with the Americans should they invade St. John and Chambly. In October 1775 James was commissioned a colonel and sanctioned to recruit Canadians for the First Canadian regiment. He was involved in victories of Chambly, St. John, and Montreal, and was with Montgomery at Quebec. After the failed invasion of Quebec, he continued to fight with the First Canadian regiment. After the war he settled in Saratoga County, New York, where he served as representative in the state assembly. He died in New York in 1832.

65. LIVINGSTON, JOHN
New York. Merchant. On Murray’s list of Protestants, 1765. He was distantly related to the well known Livingston family in New York. Three sons born in Montreal, James, Richard, and Alexander—served with rebels in the Revolutionary War, and were listed by Carleton as traitors. John and his wife returned to New York at the beginning of the Revolutionary War.

Invasion: Not applicable.

66. LIVINGSTON, RICHARD
Canadian. Son of John and brother of Alexander and James. See James.

Invasion: American. He served as lieutenant colonel in the first Canadian regiment during the invasion of Quebec and later in the American colonies. He was captured at Fort Montgomery in October 1777.
67. MACAULAY, ZACHARY

Political Activities: He actively petitioned for an assembly. In November 1773 he and THOMAS WALKER went to London to present a petition to Lord Dartmouth and to solicit the support of the business community. He was on the committee of English inhabitants, meeting in Prenties Tavern, to plan a strategy to include Canadian merchants and merchants from Montreal to join in their petition. In Quebec Macaulay tried to galvanize the merchant community to repeal the Quebec Act. Carleton accused him of the disaffection of the Canadians reputedly saying "it was your damn'd committees that had thrown the province into its present state, and prevented the Canadians from taking arms." Macaulay was one of the merchants who left Quebec before the invasion and is listed by Carleton as one of the 29 traitors.

Invasion: American.

68. MacLEOD, NORMAND
Scotland. New York. Army officer, Indian department official, fur trader. In 1760s he was stationed at Fort Niagara, then retired on half pay to New York City. Sir William Johnson, a fellow Mason, was his patron. In 1766 he was appointed commissary for Indian Affairs at Fort Ontario (Oswego, New York), entertained Pontiac when he came to the post for a meeting with Johnson. In 1767 he was commissary at Fort Niagara until the British retrenchment in 1770, when he retired to a farm in the Mohawk Valley of New York. In 1773 he was again appointed commandant at Fort Ontario.

Commercial Activities: In 1774 MacLeod entered the fur trade in Detroit in partnership with GREGORY Mcgregor and WILLIAM FORSYTHE. He formed a new partnership in 1779 with JOHN McNAMARA, a Michilimackinac merchant. In the 1780s he formed the Montreal firm of GREGORY, MacLEOD and Company that opposed the North West Company until 1787, when it was finally absorbed by it.

Invasion: Not known. However, in 1778 he was captain in Detroit's militia and took part in Henry Hamilton's expedition against Vincennes (Indiana), whose inhabitants declared for the rebels.
69. **McBEATH, GEORGE**  
Scotland. Montreal. Fur trader. He was one of the first British traders to be issued a license in 1765 by Murray after the two-year ban, resulting from Pontiac’s War.

**Commercial Activities:** McBeath was one of the important fur traders from 1765 to at least 1786. When the fur trade shifted farther west to the Saskatchewan and the Athabaska country, the traders began to form co-partnerships, leading eventually to such monopolistic ventures as the North West Company. In 1771-72, with the BLONDEAU brothers, ISAAC TODD and JOHN ASKIN, McBeath was part of an organization that supported THOMAS CORRY’S activities in the far west. In 1777, McBeath, with ALEXANDER ELLICE guarantor, was issued a license to take five canoes, 32 men, 790 gallons of beverages, 40 rifles, 1,200 pounds of gunpowder, 12 cwt. of shot and ball, valued at £2,000 to Grand Portage. Innis states that he probably was issued a license in 1776 as well. In 1778, several traders, including McBeath, were believed to have pooled their stock to send PETER POND to the Athabasca country. In 1778, McBeath and WRIGHT, were granted a license guaranteed by GEORGE PHYN and JAMES McGill for six canoes. Because licenses were granted too late in the season, many of the traders again pooled their stock. McBeath and Company is listed as having two of sixteen shares in an arrangement referred to as "the nine parties agreement," a forerunner of the North West Company, which continued until 1783. In the recession that occurred in the aftermath of the Revolutionary War, trade was disrupted and became more competitive. The murder of John Ross in a skirmish with Pond’s men in the winter of 1786-87 precipitated a new joint venture and McBeath held one of twelve shares. Little else is known about McBeath.

**Invasion:** Not known. Innis says he probably had a license to trade in the northwest in 1776.

70. **McCARTY, RICHARD**  
Connecticut. Military officer, lawyer, and fur trader. He was a freeholder and notary at Chambly in 1765 and commissioned a barrister and attorney-at-law in 1768. Two years later he was issued a trading license to go to Michilimackinac with goods worth £100.

**Commercial Activities:** He acted on his own, assuming bond for himself, though there is some suggestion that he may have been acting in conjunction with his uncle by marriage, Francois Baby.

**Invasion:** American. Initially, McCarty provided valuable information for the British at Michilimackinac, informing them about Indian and rebel
activities in the Illinois country. But then he apparently switched sides, joining the Illinois-Virginia forces. He captained a small group of mainly French-speaking volunteers in a rebel attack on Fort Sackville (Vincennes, Indiana). McCarty was appointed captain in the regular forces of Virginia, until he objected to Virginians' treatment of civilians. He was arrested, but released. He was killed shortly thereafter on a mission to deliver a petition from the civilians of Kaskaskia to the Virginia legislature, complaining of their mistreatment by Virginia officials. He explained to his wife that his switch in allegiance was to establish a fortune for their children and a pension for herself in the event of his death.

71. McCORD, JOHN
Ulster-Scot. Import-export merchant. He was originally from a literate merchant Scottish family. His second wife, Margaret Hanna, was also from a prominent merchant family in Newry, Ireland, that ran a linen export firm. John read in the Belfast Courier that the French Canadians welcomed their English conquerors and decided to take advantage of the post-conquest opportunities. He arrived in Quebec in 1765 with his wife and two sons, John Jr. and Thomas.

Commercial Activities: He was engaged in supplying officers, soldiers, and civilians in Quebec with a variety of goods. He was in partnership with eldest son, JOHN Jr. He was engaged in trade with JAMES G. HANNA, a watchmaker from Dublin and relative by marriage. He and FELIX O'HARA received a grant of land from Carleton at Baie de Gaspée, which was held in the family until the twentieth century. In March 1771 in partnership with GEORGE KING and his son, THOMAS, he secured a liquor license in Montreal. By 1789 he had insufficient cash reserves and was £7,000 in debt, mostly to English suppliers. He held £6,400 in assets and £4,800 debts were due him, but they were not readily liquidifiable. To avoid bankruptcy and forced sale of his property, he took a course common to wealthy bankrupts and transferred his assets to a person acceptable to his creditors. In this case, it was his son JOHN Jr.

Political Activities: He petitioned Carleton to remove restrictions on the fur trade in the western territories and led the fight for an assembly. He was on the Quebec committee that petitioned the king in 1770 and 1773 for an assembly and in 1774 for repeal of the Quebec Act. He was known for his liberal political views.

Other: McCord was a prominent member of the Quebec bourgeoisie. He was upwardly mobile, a fact that distressed Carleton, who referred to him as a "malster."
Invasion: He supported Americans. He was one of the merchants who left Quebec rather than fight the rebels in 1775. His property was burned as a result, but he returned to Quebec. A letter in the records of the Continental Congress suggests that his American sympathies continued until the 1780s. In 1784 he was considered by the Congress "useful to examine the claims made on Congress in Canada as a result of losses caused by the American Revolution, and thus presumably considered trustworthy by and sympathetic to the rebel cause." Fyson, Rich Man, Unpublished report, McCord History Museum and Pamela Pamela, et al., McGill Family History, Unpublished, McCord History Museum.

72. McCORD, JOHN, JR.
Northern Ireland. Quebec. Merchant. He arrived in Quebec with his father shortly after the conquest.

Commercial Activities: John followed in his father's footsteps in the import-export business, supplying officers, soldiers, and inhabitants with a variety of goods. He was more cautious and successful than his father. When the family fortune was transferred to him by his father, he staved off bankruptcy by securing agreements with John Sr.'s creditors to pay off half the debts and to allow payment of the remainder in installments over four years. Five close family friends, including his brothers-in-law Malcolm and Alexander Fraser, gave security for payment of the first three-quarters of the debt. He then arranged to sell their house, store, and hanger to Malcolm. In turn, Malcolm agreed to allow John Jr. the use of the property for six years at £50 per year or to restrict the sale if John Jr. repaid £700 with £50 applied to interest. This arrangement secured the income base of the family wealth, which was used to discharge debts contracted by the father. By 1795 the estate was free of major encumbrances.

Political Activities: He signed the petition for repeal of the Quebec Act in 1774 and, like his father, was known for his liberal political ideas.

Other: John Jr. never married. On his death he left an estate of £13,000, as well as £6,000 in cash found in his home. He left £500 to Thomas, £1,250 to Mary McCord, Thomas' daughter who cared for him, and the rest to his sister Margaret McCord, wife of Joseiah Bleakley.

Invasion: Not known.

73. McCORD, THOMAS
Northern Ireland. Quebec and Montreal. Businessman, militia officer, justice of the peace, agricultural improver, politician, officeholder. He arrived in
Quebec with his father, John McCord, shortly after the conquest. A second marriage in 1789 was to Sarah Solomons, daughter of merchant Levy Solomons.

**Commercial Activities:** He was represented by his father in import-export trade in Montreal. In 1774 he formed a partnership with GEORGE KING in the Montreal Distillery Company, backed by JACOB JORDAN. In 1787 he had close ties to fur merchants, ISAAC TODD, JAMES McGILL, LEVY SOLOMONS, as well as FORSYTHE and RICHARDSON, the largest retail/wholesale grocer in Montreal. His partnership with KING dissolved in 1793. He went into the wood trade with JOHN KAY. At this time he turned from his mercantile enterprises to investing and speculating in land. In 1792 he assumed a 99-year lease from the Hotel Dieux and acquired adjacent lands. He intended to develop the area and improve the farm. He went into the wood trade with JOHN KAY, introduced raspberry, gooseberry, and current roots from England and experimented with numerous vegetables, spice, and flower seeds. By this time he was a respected citizen of standing in the Montreal community, but he was overextended financially, declared bankruptcy, left his nephew to manage his properties, and left for Ireland for nine years. He fared no better in Ireland, again going bankrupt. On his return to Quebec, he was made a police magistrate, but was dismissed in 1823 for alleged abuses.

**Political Activities:** He signed petitions for an assembly in 1773 and for repeal of the Quebec Act in 1774. He was on a select committee pressuring for an assembly in 1788 to 1790 and was a member of the Assembly from Montreal West in 1809-1810.

**Other:** He was involved in the civic activities of his community. On his death, the editor of Montreal Gazette wrote of his private virtues and charity to the poor, and commenting on his public conduct, declared that "no honest or judicious man has ever ventured to accuse or even suggest him of malversation or neglect of duty." The income he received from his official posts, from his properties, and from the management of his brother’s property allowed him to build a fine home and live a luxurious life.

**Invasion:** Not known.

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74. **McGILL, JAMES**
Scotland. Merchant, officeholder, politician, landowner, militia officer, and philanthropist. McGill was from a family that had risen from tradesmen to traders. He was educated at the University of Glasgow. McGill arrived in Montreal in 1766 en route to the upper country as deputy for WILLIAM GRANT.
Commercial Activities: In 1767 he began trading on his own account. In 1769 and 1770 he began a long association with ISAAC TODD and his brother JOHN. JOHN ASKIN of Michilimackinac was his forwarder. In 1775 he entered the northwest trade with TODD, BENJAMIN, and JOSEPH FROBISHER, and MAURICE-REGIS BLONDEAU. In 1779, McGill dropped out of the North West Company and he and Todd concentrated on the Ohio country. This area was threatened after the Treaty of Paris, but McGill protested British withdrawal from the area. He owned large tracts of land in Detroit due to debt owed him by Askin. In 1794 when Detroit was transferred to the United States, McGill was compensated by land across the river. This began his fruitful entry into land speculation as well as into new ventures. His business career paralleled the economic ups and downs of the province, but his wealth was significant.

Political Activities: He signed petitions in 1770 and 1774 calling for an assembly; however, he did not sign the memorial against the Quebec Act. From 1766 when he was made a justice of the peace, he remained involved with the administration of Montreal until 1833.

Other: He married into a well-established French-Canadian family and was involved with civic urban renewal and beautification. He was considered one of the richest men in Montreal. Today he is remembered most for the university that bears his name.

Invasion: British. He helped negotiate Montreal's surrender in 1775. He was opposed to the rebellion and his home became a loyalist rendezvous.

75. McNEIL, HECTOR
Scotland.

Invasion: American. He was one of twenty-nine traitors listed by Carleton, who noted that he "has long been settled and married twice in America."

76. McTAVISH, SIMON
Scotland. Albany. Montreal. Fur trader, dealer in furs, militia officer, landowner, officeholder, seigneur, and businessman. He arrived in America a poor boy and served an apprenticeship in Albany in 1763. In 1771 he sought a grant of land, 2,000 acres, in Albany County for his father.

Commercial Activities: In 1772 McTavish joined WILLIAM EDGAR, an important local merchant, in fur trade at Detroit, later Niagara. By 1774, because of a concern over the colonists' nonimportation policies, he moved to Montreal with his partner, JAMES BANNERMAN. In 1776 with a new
partner, GEORGE McBEATH, he outfitted five canoes with a crew of thirty-two and £2,000 of goods to go to Sault Ste. Marie. He left McBeath to carry on the trade while he went to London and Scotland. Now a rich relative, he paid the secondary schooling of nephews, DUNCAN and WILLIAM GILLIURAY, who later were connected with Phyn, Ellice and Company and Bannerman. He carried on a successful fur trade during the Revolution. By 1779 McTavish joined the FROBISHER BROTHERS' coalition including CHARLES PATERSON, JAMES McGILL, ISAAC TODD, and ROBERT GRANT. After McGill pulled out of the North West Company, McTavish had four of sixteen shares. Other partners at various times included ROBERT GRANT, McBEATH, NICHOLAS MONTOUR, PETER POND, PATRICK SMALL, and WILLIAM HOLMES. In 1787, after Benjamin's death, Joseph Frobisher solicited McTavish to form McTAVISH, FROBISHER and COMPANY. From then until the North West Company joined the Hudson Bay Company, McTavish was the initiator of successful ventures with John Jacob Astor and of trade with China.

Other: Unlike James McGill, McTavish had little time for civic or political affairs.

Invasion: He was in the northwest during the invasion.

77. MERCIER, J. D.
America. Quebec. Coroner. Mercier is on Carleton's list of twenty-nine traitors.

Commercial Activities: Little is known about Mercier's business activities. He seems to have been important enough to have participated with other merchants in self-regulating the price of light gold coin which flooded the province in 1766. A lawsuit was brought against him by J.H. Lacroix on November 20, 1789.

Political Activities: He signed petitions for a general assembly in 1773.

Invasion: American. He was a pro-American collaborator living within Quebec. Once outside Quebec, Arnold wrote him seeking vital information about the number of troops in Quebec and what the general might expect from the Canadians and merchants in the city. The Indian guide who was to deliver this letter instead turned it over to the British authorities. Arnold's surprise attack was thus thwarted and Mercier was arrested and detained aboard a sloop of war in the harbor. His arrest was protested by some of the English merchants, who were themselves suspected of disloyalty to Britain.
78. MINOT, JONAS CLARK  

Commercial Activities: Settlement of accounts of (GALVIN) GAY and MINOT were advertised in the Quebec Gazette, June 27, 1765. On May 21, 1767, an ad appeared announcing the sale of merchandise of J. C. Minot and Guillaume; on May 26, 1768, an advertisement for a granary or storehouse at Cape Diamond appeared; and on December 22, 1768, the sale of raisins was announced.

Political Activities: Minot dispatched the present of wheat sent by Quebec merchants to Boston in the fall of 1774 as a gesture of sympathy to them for the closing of the port, the result of the Boston Port Bill, one of the Intolerable Acts. Creighton claims that he was not of sufficient political importance in Quebec to be included in either of the two committees that organized to call for an assembly. Creighton is mistaken. Minot signed two petitions for an assembly in 1773. He also was one of the merchants represented by Cawthorne in 1766, when Cawthorne wrote a letter in the Quebec Gazette decrying the patronizing tone of a letter from London merchants with respect to the Stamp Act.

Other: He was a freemason, advertised to apply to him for tickets for the Feast of St. John, December 22, 1766. He signed the sale of property belonging to PIERRE HOULDS, JR. By writ of execution, Minot’s suit was advertised in the Gazette, April 23, 1767. He signed with others an address to Lieutenant Colonel VALENTINE JONES, 52nd regiment, at his departure, October 13, 1774.

Invasion: American. He was on Carleton’s list of twenty-nine traitors. In the fall of 1774, residents of the city of Quebec who sympathized with Boston when Britain closed its port, sent one thousand bushels of wheat to that city. Minot was the merchant who transmitted the wheat with a cordial letter to the Boston Committee of Donations.

79. OAKES, FORREST  

Commercial Activities: He was a partner of MACKENZIE and OAKES in 1761. He ventured to Michilimackinac, but was sued for debt in Montreal by Joseph Lamoureaux, dit Saint-Germain, a guide hired in 1761. He was represented by LAWRENCE ERMATINGER, his brother-in-law, who became a partner of his
from 1763 to 1766. From 1771 to 1773 Oakes was associated with CHARLES BOYER, and in 1774 they went into partnership with PETER PANGMAN. When that partnership ended, Oakes became one of the first partners who formed the North West Company. He died in 1783.

Invasion: Not known. He was in the west country carrying on the fur trade during the Revolution.

80. PAINTER, JOHN

Commercial Activities: Painter sold merchandise both wholesale and retail, probably as an agent for a British firm. In 1776, he left the province for seven years. On his return he resumed his business and prospered.

Political Activities: There is no record of his involvement before 1783, when he supported trial by jury in commercial suits. He was appointed to a grand jury in 1785, and after the Constitution Act of 1791, he supported ADAM LYMBURNER for a seat in the assembly.

Other: He was active in civic affairs. He served as a member of Trinity House of Quebec to improve navigation on the St. Lawrence. He set up a relief fund for pilots who were victims of accidents, had the first lighthouse built in 1809 and buoys installed. In 1809 he was one of seven delegates to set up an association, the precursor of the Committee of Trade, that would represent the interests of Quebec businessmen in dealing with political authorities. He was a member of the Fire Society, justice of peace in 1796, and lieutenant in the Quebec militia.

Invasion: Not known. He left the province during the American Revolution, 1776-1783.

81. PANGMAN, PETER
Elizabeth, New Jersey. Fur trader. Little is known about his early life.

Commercial Activities: In 1767, Pangman was trading in Michilimackinac. In 1771, he formed a partnership with JOSEPH FULTON, FORREST OAKES, and CHARLES BOYER. Pangman tried unsuccessfully to ship furs through Hudson Bay, a route that was considerably cheaper than shipping through Michilimackinac and Montreal. By 1777 Pangman had moved farther west to the North Saskatchewan River at the mouth of the Sturgeon River, where Peter Pond had spent the winter. When Pangman's earlier partnership ended in 1778, in order to reduce competition in the trade that
was devastating everyone, Pangman joined a traders' alliance, which included WILLIAM HOLMES, BOOTY GRAVES, ROBERT GRANT, and CHARLES McCormick. The Crees, maltreated by JOHN COLE, murdered Cole and one of Pangman's men and evicted the traders from their camp. In 1779, Pangman and JOHN ROSS became partners and in 1780, they held one of sixteen shares in the new North West Company. When the North West Company reorganized in 1783-84, Pangman and Ross were not included. To compete with the NWC, Pangman, Ross and ALEXANDER MACKENZIE joined GREGORY, MacLEOD and Co. When Ross was killed by one of Pond's men in 1786, the result of the fierce competition between the two companies, the two firms merged. Each of the partners, Pangman, Gregory, MacLeod, and Mackenzie held a share in the new company, increasing to two shares three years later. In 1790, Pangman traveled up the North Saskatchewan farther west than any white trader had been to that time. Pangman left the west in 1793 for the last time.

Other: Pangman retired in 1793, married, and purchased a seigneury near Montreal from JACOB JORDAN. He supported the building of the Scotch Presbyterian Church in Montreal.

Invasion: Not known. He was probably in the Saskatchewan country at the time.

82. PATERSON, ALEXANDER
Scotland. Montreal. Merchant. He was on Murray's list of Protestants living in Montreal, 1765.

Political Activities: He signed petitions for an assembly in 1773 and was accused of being a leader of the "cabal" for the repeal of the Quebec Act.

Invasion: British. Paterson was the only merchant to lose his life in defending the Market Gate at Montreal from an attack by Ethan Allen.

83. PATERSON, CHARLES
Montreal. Fur trader.

Commercial Activities: In 1774 with James McGill, Paterson secured a license for five canoes, thirty-four men, and a cargo valued at £2,000 to go to the northwest. In September 1775 he met PETER POND, JOSEPH and THOMAS FROBISHER, ALEXANDER HENRY at Lake Winnipeg and wintered at Fort des Prairies along with HENRY, JAMES FINLAY, WILLIAM HOLMES, and CADOTTE.
Political Activities: He signed the petition to the king for an assembly in January 1774.

Invasion: Not involved. He was in the northwest.

84. POND, PETER
Milford, Connecticut. Army officer, fur trader, explorer, map maker, and writer. He fought in the Seven Years’ War, in 1750 received an officer’s commission, and joined Amherst’s forces for the taking of Montreal. After the conquest, Pond left for the West Indies, but when he returned he found that his father had left for Detroit to engage in the fur trade and his mother had died. He stayed in Milford to care for the family. Pond was not deterred from following in his father’s footsteps though he died in debt.

Commercial Activity: Pond traded in the west for six years, from 1765 to 1771. In 1771 he formed a partnership with FELIX GRAHAM, a New York merchant trading to Michilimackinac. Buying supplies from ISAAC TODD and JAMES McGILL, he ventured west beyond Lake Michigan to Green Bay, Wisconsin. He continued his trading to Prairie du Chien. He did so well, he decided to buy his partner out. He then formed another partnership with THOMAS WILLIAMS, that lasted until 1777. As the fur trade moved farther west, Grand Portage, then Fort Williams, replaced Michilimackinac as the trading center. GEORGE McBEATH became his next partner, taking over the trade between Montreal and Grand Portage, while Pond continued moving on. He wintered in the Saskatchewan area in 1776-77 and 1777-78. The Frobisher brothers and McTavish and Company, with whom McBeath was associated, had pooled their spare goods and put Pond in charge, instructing him to go into the Athabaska country. He wintered there in 1778-79. This joint venture was perhaps the forerunner of the North West Company. The success of this venture in terms of the furs obtained brought others into the trade. In 1780-81 Pond wintered at Michilimackinac, where he entered into a new partnership with McBEATH and BOOTY GRAVES. The next winter he spent with JEAN-ETIENNE WADDEN at Lac la Ronge (Saskatchewan) competing side by side. Each represented their respective houses; Pond the larger Frobisher organization, and Wadden, smaller houses such as FORREST OAKES and JOHN ROSS. The rivalry ended in Wadden’s death, and though Pond was charged, no record exists of any court case. In 1784 Pond was in Montreal; he had become a member of the Beaver Club. First he refused joining the North West Company, but later changed his mind. In 1786-87 Pond returned to the Athabaska country, where Ross had gone to compete with him. In a scuffle Ross was shot by one of Pond’s men. This resulted in the merger of the competing houses and the end of Pond’s fur trading career. Though he was not in the area where the murder
had been committed, because of the earlier death of Wadden, Pond was forced to retire.

Other: Pond produced maps of the regions he explored and recorded invaluable information on which Alexander Mackenzie capitalized. As the first white man to explore the Athabaska country, Pond led the way to the discovery that linked the Mackenzie watershed with the rivers flowing into Hudson Bay. This turned out to be a more lasting contribution than his exploits in the fur trade, although his achievements in it led to what was described as the North West Company's "new Eldorado." In 1790 Pond left Canada for the United States, hoping to gain recognition for his discoveries in his native land. He was not to succeed. He died, like his father, impoverished.

Invasion: Not known.

85. PORTEOUS, JOHN
    Scotland. Montreal. Merchant. He was on Murray's list of Protestants living in Montreal, 1765.

Commercial Activities: Along with his brother, WILLIAM, and THOMAS PORTEOUS, he was a grain merchant and exporter.

Political Activities: He signed petitions for an assembly in 1770, 1773 and for repeal of the Quebec Act in 1774.

Invasion: Not known.

86. PRICE, BENJAMIN
    England. Quebec. Merchant, justice of the peace, member of Quebec council, master of the court of Chancery. In 1761 he sent out from Plymouth, England, a ship laden primarily with his own goods, to Quebec. He followed a year later with more goods.

Commercial Activities: From what records there are, he seems to have operated independently. He engaged a "confidential clerk" to represent his business interests in Montreal.

Other: He was a reliable and prominent citizen. Murray appointed him to the council, as a justice of the peace, and a master of the court of Chancery. After the disastrous 1765 fire in Montreal, Adam Mabane and he were appointed commissioners to help the needy and make a report to Murray. The report called
for more help and for stronger civil administration to cope with incompetence and some corruption on the part of junior officers. Price solicited funds for the victims of the fire in England as well. King George is said to have contributed. He must have been a landowner in the area around Lake Champlain, for Daniel Robertson and he seized 200 trees cut by Samuel McKay, claiming that they were cut on their land. Little more is known about Price. He must have died in 1768.

Invasion: Not applicable.

87. PRICE, JAMES

Commercial Activities: Little is known about Price's business. He was listed as having been a merchant before immigrating to Montreal. He had substantial landholdings and seems to have enjoyed some affluence. He and WILLIAM HAYWOOD, both Americans, were partners. On his list of twenty-nine traitors, Carleton listed Haywood and him as "Great Zealots, originally Barbers." A lawsuit was brought against them on May 5, 1777, by R. Morland.

Political Activities: He signed petitions for an assembly, 1773, and for repeal of the Quebec Act in 1775. In 1766 he signed a notarized protest against a meeting called by the governor and council of only seigneurs who were members of the "noblesse." Price and others were barred from the meeting, which they declared caused dissension in the community between them and the "noblesse." He signed the letter of welcome to Carleton on September 29, 1766. Price was a rebel sympathizer who actively tried to gain support of the merchant community in Montreal. He went as an unofficial delegate to the Second Continental Congress.

Invasion: American. During the invasion, Price served as Montgomery's adviser and banker. When Montgomery arrived in Montreal, he dispatched Price to deal with the terms of a capitulation agreement. In 1776 he loaned the Americans £20,000. Price fled Montreal when the Americans retreated from Quebec. Price sought compensation in New York for losses suffered as a result of his aid to the American cause and in 1801 was granted 1,000 acres, 500 in New York and another 500 in Ohio.
88. **PURSS, JOHN**  

**Commercial Activities:** In 1762 Purss went into partnership with James Johnston, buying and selling furs, seal oil, and products of the Saint Maurice Ironworks. In 1765 JEAN-BAPTISTE BOUCHETTE joined the firm to exploit a fishery and trading post probably in the Gulf of St. Lawrence. In addition, they now held a share in the Ironworks. When Carleton decided the government could no longer afford to maintain the King’s Wharf, which was indispensable to the merchants, in 1770 Purss and Johnston secured a 30-year lease for five shillings annually. The firm also ventured into the distillery business with Johnston’s brother-in-law, HENRY TAYLOR during the 1780s. Taylor had discovered a method making beer from spruce, a product they widely exported. The partners also held shares in the Dorchester Bridge, and until Johnston’s death in 1800, they held rental properties which provided them with additional revenues. After Johnston’s death, Purss proceeded to divest himself of his properties in Quebec, but he acquired 200 acres in Granby Township and another 200 acres in Milton Township.

**Political Activities:** Purss was active in political affairs. As Johnston’s partner, it was not surprising that he signed the petition for Murray’s recall in 1765 and the welcoming address to Governor Carleton in 1766. In 1772 he subscribed to an agreement with other merchants to voluntarily regulate the price of light gold coin. Not until 1784, however, did he petition for repeal of the Quebec Act. In 1791 he supported demands for the elimination of the seigneurial right of lodes et ventes.

**Other:** He took an active part in Quebec’s public life, supporting the establishment of the Quebec Fire Society, which offered its members fire insurance, and organized popular subscriptions to help victims.

**Invasion:** Not known.

89. **ROSS, JOHN**  
_______________ Quebec. Fur trader.

**Commercial Activities:** Ross was a key figure in the exploitation of the northwest. The first mention of him is in 1780, when Ross and Co. was listed as holding one share in a joint agreement with other companies and persons. This was the beginning of cooperative arrangements necessitated by the large capital needed for trade in the hostile northwest country. In 1780, license returns list Ross and PETER PANGMAN as having four canoes in the Athabasca country. In 1785 Ross and Pangman convinced JOHN GREGORY and
NORMAND MacLEOD to join forces with them to form an opposition company to the North West Company. Rivalry was so intense between the two companies that Ross was killed, probably by one of Pond's men. His death brought about a merger of the two companies, making the North West Company the most important company in Quebec.

Political Activities: Ross signed petitions for an assembly in 1773 and for repeal of the Quebec Act in 1774.

Invasion: Not known.

90. SCHINDLER, JOSEPH
Switzerland. Quebec and Montreal. He was an engineer of mathematical instruments, silversmith, merchant. Schindler arrived in Quebec in 1763. He occurred debts which the seigneur of Beauport, Antoine Juchereau Duchesnay, discharged. He married Genevieve Maranda at Quebec.

Commercial Activities: In November 1766, he switched from being a mathematician to a silversmith, not an unrelated field since the training and instruments needed for making mathematical instruments are similar to those required by silversmiths. He took on several Canadian apprentices. He made trade silver, jewelry and trinkets for the Indian trade, although he also produced some church silver. In March 1775 he became agent for a merchant-voyageur named Monforton of Montreal and took four apprentices to Michilimackinac. In 1776 he was charged with producing substandard silver hollowware, but a jury acquitted him. In 1777 he continued to carry on business with fur traders at Detroit. Although he remained active as a silversmith until his death in 1792, he also engaged in other trade. In 1784 he and CHRISTY CRAMER acknowledged their debt to Isaac Todd and James McGill for diverse goods, wares and merchandise.

Invasion: Not known.

91. SCOTT, THOMAS
Probably England. Quebec. Merchant, officeholder, militia officer, and landowner. He arrived in Quebec about August 1762. A disagreement with a Scottish sergeant led to the soldier's armed assault on Scott. The incident probably reflected the strained relations between the military and the small community of merchants in Quebec. It also could have reflected the antagonism between Scots and English. Scott complained to Governor Murray, himself a Scot, only to be castigated for his "damned English arrogance."
Commercial Activities: Little is known about his business activities.

Other: Scott served as attorney, controller of customs, and in 1800 he superseded Ainslie as collector of customs. He sided with Governor Carleton over the dispute with Ainslie over the collector's jurisdiction and fee schedules. He enjoyed good standing in the community, was named curator of Carleton's nephew's estate, was a justice of the peace, commissioner of a committee to report on Jesuit estates, and a founding subscriber of the Quebec branch of the Agriculture Society. He lived on the Rue des Pauvres which, contrary to its name, had become the street of the wealthy. He was granted large tracts of land on Rivière Saint Charles from JOHN DRUMMOND, which included the elegant "villa" called Sans Soucie.

Invasion: England. Despite his feud with Ainslie, Scott served as a lieutenant in Ainslie's company during the siege of Quebec in 1775-76.

92. SOLOMONS, EZEKIEL

England. New York. Montreal. Merchant and fur trader. Ezekiel and his cousin LUCIUS LEVY were in New York as early as 1755. During the Seven Years' War, cousins CHAPMAN ABRAHAM, BENJAMEN LYON, and GERSHOM LEVY supplied the British army. The partners had financial support in England and were connected with an active fur trader in the Hudson Valley, Hyman Levy. Such strong backing gave them an advantage over other traders at the time. In 1760 Ezekiel and Levy moved from Albany to Montreal.

Commercial Activities: In 1761 Ezekiel was one of the first traders at Michilimackinac, arriving there even before the British troops. While he was in Michilimackinac, Levy was at Fort Niagara. During Pontiac's rebellion in 1763, four of the partners were captured and much of their supplies taken, but they were able to escape. Although they were able to make arrangements with some of their creditors to satisfy their debts, others would not. Since English bankruptcy laws did not apply in Quebec, they were prevented from going into bankruptcy, thereby losing £18,000. The brothers dissolved their partnership, but both continued in their fur trade and prospered.

Political Activities: He signed the welcome address to Carleton in September 1766.

Other: Ezekiel was a subscriber to the relief fund for sufferers in a fire on Sault au Matellot St. Quebec, November 28, 1793. He was a member of the Quebec Fire Society June 25, 1795, and founder of the first Jewish place of worship in Montreal.
Invasion: American.

93. SOLOMONS, LUCIUS LEVY

Commercial Activities: In addition to his activities as a fur trader (also see above), after the American Revolution, Levy traded other commodities such as barley, starch, hair powder, and snuff.

Political Activities: He signed a petition in 1773 requesting a legislative assembly for Quebec.

Other: He and his cousin, Ezekiel, were founders of the first Jewish place of worship in Montreal.

Invasion: American. He cooperated with Americans during occupation of Montreal, providing supplies to troops and establishing three hospitals. He remained after Americans were driven out, but was in great disfavor. The British turned him out of his house and threatened those who helped him. In 1784 he unsuccessfully petitioned Congress to reimburse him for his losses.

Solomons died in 1792. Property belonging to his vacant estate was advertised to be sold at public auction. There were prior claims on property purchased from him by SAMUEL BIRNIE and a notice of creditors of a dividend to be paid out from his estate.

94. SWIFT, JOHN WHITE
America. Quebec. Presumably a merchant, but no records have been found about his personal or commercial life.

Political Activities: Swift petitioned for an assembly in 1773 and for repeal of the Quebec Act in 1774.

Invasion: American. Carleton named Swift as one of the twenty-nine traitors in Quebec during the invasion.

95. TOD, JAMES
Probably Scotland. Quebec. Merchant, politician, militia officer and seigneur. He is recorded as being in Quebec as early as 1767, but he did not settle there until 1774, left for England in 1776, and returned in 1777.
Commercial Activities: His early import business in Quebec was small and not too successful. In 1781 he began to diversify and with SIMON FRASER Sr., exported furs. In 1785 he became involved in the St. Lawrence fisheries along with WILLIAM GRANT, PETER STUART, and MATHEW and ADAM LYMURNER. He continued to import and to sell assorted commodities including West Indian and European spirits, sugar, coffee, tobacco, Irish butter, soap, and vinegar. Tod suffered losses as a result of bankruptcies common at the time, but he was not in debt himself until 1788. From 1783 until 1789 he spent winters in London representing his own interests as well as serving as a trustee for other merchants with creditors and suppliers.

Political Activities: He did not become involved in political debates, but in London he tried to present the merchants’ concerns about trade regulations and joined with a mercantile lobby to secure the appointment of Guy Carleton to return as governor. In 1792 he was elected to the Assembly. He voted with the British minority, with the exception that he supported translation into French of matters introduced in English.

Other: He subscribed to the Agriculture Society and was a director of the Quebec Fire Society. He served in the Quebec Battalion of British Militia rising to the rank of captain in 1804.

Invasion: Not known.

96. TODD, ISAAC

Commercial Activities: Todd was considered a father figure in the fur trade community. He was established in business in Montreal in 1765. In 1767 he entered the fur trade, but suffered severe loss when his hired traders were killed by Indians. In 1769 he was associated with JAMES McGILL and the FROBISHER brothers, and suffered losses again when canoes were plundered by Indians at Rainy Lake (Ontario). A partnership with RICHARD McNEALL ended in 1772, when he and GEORGE McBEATH acted as suppliers for THOMAS CORRY and JOHN ASKIN at Michilimackinac. In 1773, Todd was in Michilimackinac with JAMES McGILL and PETER POND. He provided valuable information to Phyn and Ellice, for whom he served as agent in 1774.

Political Activities: Todd signed the petition to repeal the Quebec Act in 1774 and was opposed to the Quebec Revenue Act of the same year. However, he dropped out of the Montreal Committee that was being pressured to join with the American rebels in April 1775.
Other: Todd was active in Montreal's public life. He served on its grand jury, was a member of the Scotch Presbyterian Church and of the Beaver Club.

Invasion: Not known. He was in the North West Company during the invasion.

97. TORRY, JOSEPH
New England. Montreal. Merchant. Torry was on Murray's list of Protestants living in Montreal in 1765. He was described as a merchant prior to immigrating to Montreal.

Commercial Activities: There are no records to indicate what his business was; but he is listed in the land court records as owning property.

Political Activities: Torry signed petitions for an assembly in 1773 and repeal of the Quebec Act in 1774.

Invasion: American. Torry and his two brothers, JOHN and WILLIAM, were on Carleton's list of twenty-nine traitors.

98. WADDEN, JEAN ETIENNE

Commercial Activities: Etienne was granted a license in 1773 to take two canoes, sixteen men, and a cargo valued at £750. In 1774 he signed a license for Joseph LeClair to take two canoes and thirteen men to go to Grand Portage and to winter in the north. In 1775 he secured a license for two canoes and fifteen men; in 1777, for three canoes. Wadden was believed to be one of the traders in 1778 to pool their stock to send PETER POND to the Athabasca country. In 1778 his license to take out three canoes was guaranteed by R. DOBIE and J. MCKINDLAY. Wadden and Co. with one share, participated in the "nine party agreement" in 1779, renewed in 1780 and discontinued in 1782. The agreement was an effort to counter the rivalry that was killing the trade and to spread the risks. Wadden wintered in the Churchill River area in 1779-80. In 1782 he was killed. News of his death was believed to be the cause of the dissolution of the amalgamation. In addition to his activities as a fur trader, Wadden is listed as applying for a license to sell spirits in Montreal in 1771 and 1772. JOHN DALGLISH and JAMES WOOD gave him a character reference.

Political Activities: Wadden signed petitions for an assembly in 1773 and for repeal of the Quebec Act in 1774.
**Invasion:** Not known. Like other fur traders, Wadden was in the northwest during the invasion.

**99. WALKER, THOMAS**  

**Commercial Activities:** Walker's political life overshadowed his commercial enterprises. Prior to arriving in Montreal, he must have been a prominent member of the mercantile community in Boston for he is listed as a member of the Society for Encouraging Trade and Commerce within the Province of the Massachusetts Bay. In Montreal, he engaged in the fur trade. He owned land in L'Assumption, adjacent to Montreal, and produced wheat.

**Political Activities:** Walker was an aggressive proponent for British rights. He was opposed to billeting of soldiers in private homes, corvees and other army regulations over the civilian population. Appointed by Murray, he served on the first Grand Jury in Montreal in 1764 and signed the presentment calling for larger powers of the Grand Jury in the absence of an assembly. An incident called "Walker's Ear," described in Chapter 3, galvanized the merchant community into recalling for Murray's recall. Their campaign succeeded; Walker was reinstated as a justice and Murray was recalled. In 1773 Walker and ZACHARY MACAULAY travelled to London to gain support for the merchants' petition for an assembly. In 1774 Walker was one of the leaders opposing the Quebec Act.

**Invasion:** American. Walker became one of the chief agitators to try to enlist the merchants in the American rebellion. For these activities, he was captured and imprisoned by Carleton before Montreal surrendered to the rebels. Released, he continued his pro-American activities until the failed invasion in 1776. He returned to Boston. After the war he tried to recoup some of the money that he had loaned and to be compensated for the property he lost on behalf of the Americans. In 1785 he is known to have visited PIERRE DU CALVET in London. He is believed to have died in Boston in 1788. His widow was granted 2,000 acres in Ohio in a tract of land appropriated for refugees by Congress in 1801.

**100. WELLES, JOHN**  
__________. Quebec. Merchant. There is some confusion in the records between John Welles in Quebec and possibly another John Wells in Montreal. They do not appear to be the same person.
Commercial Activities: In 1766 Welles formed a partnership with GEORGE ALLSOPP and SAMUEL JACOBS, JACOBS, WELLES & Co., to exploit the potash works in Lower Town, Quebec, at the former king’s forges, which they leased from the Crown. Welles corresponded with Sir William Johnson to seek advice on how to produce potash. Although a simple process, according to Johnson whose endeavors were highly successful, Welles was a victim of an unscrupulous person, and the enterprise failed in 1772. In 1766 Welles signed an agreement with other Quebec merchants to self-regulate the price of light gold coin that flooded the province.

Political Activities: Wells signed petitions for an assembly in 1773 and for repeal of the Quebec Act in 1774.

Invasion: American. Welles fled with the Americans who were vacating Quebec. Carleton says in his list of twenty-nine traitors that Welles was a "sort of secy. to Wooster." Stanley confirms the fact that Welles left Quebec, but he spells the name with an "e."
MERCHANTS FOR WHOM THERE IS INSUFFICIENT DATA

1. AITKIN, JOHN
Aitkin applied for a license to sell spirits. His references were JOHN ROSS, SIMON FRASER, Jr., and JAMES SINCLAIR. He was a reference for GEORGE MUNRO, who applied for a license to "retail spirits out of doors." He signed petitions for an assembly in 1770 and for repeal of the Quebec Act in 1774. He was also one of thirty-eight merchants that Joseph Cawthorne spoke for in his letter to the London merchants, published in the *Quebec Gazette*, July 28, 1776, in which Cawthorne defends those who rebelled against the Stamp Act.

2. APTHORP, ROBERT
The only mention of him is that he took out a bond for leaving the province on February 10, 1765, secured by Hugh Finlay.

3. BARRON, THOMAS
Barron signed the protest of Montreal merchants against a closed meeting of seigneurs representing only the "noblesse" called by Governor Murray and the council, March 1766.

4. BAYARD, N.
Quebec. Merchant. Bayard joined other merchants to self-regulate the price of light gold coin that was imported into the province, June 12, 1772. He signed petitions for an assembly in 1770, 1773 and for repeal of the Quebec Act in 1774.

5. BLACKWOOD, JOHN
Merchant, seigneur. Little is known about him. He married Charles Grant’s widow in 1793, thus getting hold of Grant’s assets. He made remonstrances to Carleton about the administration of justice and complained about improper preferences given to Alexander Grant to trade on Lake Ontario and Erie.

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6. BLAKE, JAMES
He was a subscriber for THOMAS PETERS, Montreal, to sell liquor, March 3, 1773. He petitioned for an assembly, 1773, and for repeal of the Quebec Act in 1774.

7. BOONE, HENRY
Merchant. The only reference to Henry Boone, other than his signing petitions for an assembly in November and December 1773, is that he recommended DESCHARAHT and MARCHAND for a liquor license.

8. BORREL, JOSEPH
Merchant. Montreal. He recommended JEAN ETIENNE WADDEN for a liquor license, March 21, 1772. He signed the petition for repeal of the Quebec Act, December 1774.

9. BOSTWICK, WILLIAM

10. BRAYSHAW, THOMAS
England. Merchant. He was on Murray's list of Protestants, 1765.

11. BROWN, NICHOLAS

12. BURCH, THOMAS
England. Merchant. He was on Murray's list of Protestants, 1765.

13. CAMPBELL, ALEXANDER
Scotland. Merchant. He was on Murray's list of Protestants, 1765.

14. CHINN, JOHN
15. **CLUINIE, DAVID**  
Scotland. Montreal. Merchant. He was on the list of Protestants in Montreal, 1765. Little is known about him. He applied for an exit bond, which was secured by JOHN MELVIN and ZACHARY MACAULAY.

16. **COMTE, BENJAMIN**  
Merchant. Partner with PIERRE CARDINAL. In 1763 gave JEAN ORILLAT 60,000 *livres* to invest in fur trade at LaBaye (Green Bay, Wisconsin). He signed the petition of Quebec traders to the King calling for Murray’s recall, April 1765. Little else is known about him.

17. **CROSIER, JOHN**  
Ireland. Merchant. He was on the list of Protestants in Montreal, 1765.

18. **DANSER, JOHN**  
Justice of the peace who signed the Grand Jury presentment in 1764. He signed petitions calling for an assembly and Murray’s recall in 1765. In July 1766 he was one of 38 merchants who were represented by Joseph Cawthorne in responding to a letter by London merchants. The merchants had chastised the rebellious acts of the merchants against the Stamp Act. Cawthorne defended such actions.

19. **DAVIDSON, ARTHUR**  
He signed a petition calling for an assembly in December 1773.

20. **DAVISON, ALEXANDER**  
Prosperous farmer. He is the father of George and Alexander, Jr.

21. **DAVISON, ALEXANDER, JR.**  
He signed petitions calling for an assembly, November and December 1773.

22. **DESAULLES, JONAS**  
Switzerland. Merchant. Chambly. He was on the list of Murray’s Protestants in Montreal, 1765. He protested the closed meeting in Montreal of seigneurs of the "noblesse" called by Murray and the council in March 1766.
23. DESOULAVY, DANIEL
Switzerland. Merchant. Chambly. He was on the list of Murray’s Protestants, 1765.

24. DOIG, JAMES
Montreal. He petitioned for an assembly, and for repeal of the Quebec Act in 1774.

25. DUNCAN, SAMUEL
Little is known about him, but he was a member of the Grand Jury in 1764 and signed the presentment against Murray for various acts not in accordance with the Proclamation of 1763. He also signed the protest against Murray’s calling a closed meeting of seigneurs representing the "noblesse" in Montreal in March 1766. He is listed as giving security (£1,000) for JOHN BELLAR, November 11, 1765.

26. DUNN, HENRY
Innkeeper. Quebec. He petitioned to sell liquor, Quebec, 1774. He was the partner of JOHN McCORD and signed the petition calling for repeal of the Quebec Act, 1774. Otherwise, little is known about him.

27. ENGELKE, JOHN H.
Germany. Merchant. He was on Murray’s list of Protestants, 1765.

28. FORSYTHE, JOHN
Partner with ELLICE, also with JAMES JOHNSON and GREGORY McGREGOR, 1774.

29. FRASER, ALEXANDER
He petitioned for an assembly in 1770 and 1773.

30. FRASER, HUGH
Alehouse, April 7, 1772. Sponsors: JAMES SINCLAIR, JAMES MUNRO, JOHN FRASER, DUNCAN MUNRO, and CHARLES HAY.
31. FRASER, SIMON, JR.
He signed petitions for a general assembly in 1770 and 1773.

32. FULTON, GEORGE
Justice of the peace. He signed presentment of the Grand Jury in 1764 and the petition for Murray’s recall in April 1765.

33. GEDDES, DAVID
Agent for JAMES JOHNSTON in West Indies 1772. He signed the petition for repeal of the Quebec Act, 1774.

34. GORDON, JAMES
Mentioned in reference to JAMES GLENIE in a joint proposal with Glenie for land. He signed petition calling for an assembly in 1773.

35. GRANT, ALEXANDER.
Scotland. He is the brother of Robert and William.

36. GRANT, JOHN
Scotland. Merchant. Montreal. He was on Murray’s list of Protestants, 1765.

37. GRANT, JOHN
Scotland. Merchant. Sorrel. He was on Murray’s list of Protestants, 1765. In 1763 it is believed that he had a store at St. Ours and competed for the grain market with Samuel Jacobs and others.

38. GRANT, ROBERT
Scotland. Merchant. He was the brother of William and Alexander.

39. GRAY, JOHN
Grey was an agent for the London firm of Alexander, Robert and William Grant, suppliers for the Navy at Quebec. In 1762, with partners THOMAS DUNN and others, he obtained a trading lease from Governor Murray to the king’s post.
40. GRAY, ROBERT ISAAC DAY
   He signed a petition calling for an assembly in 1773.

41. GREGORY, GEORGE
   Gave exit bond for Mary Hutchinson.

42. HACY, JOHN

43. HART, MOSES
   He is the brother of Aaron. ISAAC LEVY and HIRAM MEYERS sponsored his exit bond of £200 on October 13, 1768.

44. HAY, ALEXANDER
   Montreal. On March 27, 1773, he recommended PETER ARNOLDI for a liquor license in Montreal. He signed petitions for assembly, 1773, and repeal of the Quebec Act in 1774.

45. HAYS, JOHN
   He formed a distillery company with BENJAMIN PRICE and SAMUEL JACOBS.

46. HOLMES, SAMUEL
   Ireland. Merchant. Montreal. He was on the list of Protestants, 1765. Holmes was one of the protesters against a closed meeting held on March 3, 1766 at the Court House in Montreal. The meeting was called by the governor and council, and included only seigneurs of the "noblesse." He signed a petition for repeal of the Quebec Act in 1774.

47. HUNTLEY, RICHARD
   Montreal. He signed petitions for an assembly, 1773.

48. ISCENHENT, TOBIAS
   Germany. Sutler. Merchant. Montreal. He was on Murray's list of Protestants, 1765.
49. JENKINS, GEORGE
   He petitioned for an assembly, 1773 and repeal of the Quebec Act in 1774.

50. KENNEDY, JOHN
   Ireland. Merchant. Vaudrieul. He was on Murray’s list of Protestants, 1765.

51. KING, GEORGE
   Merchant. Montreal. He purchased share in Montreal Distillery Company. JOHN BONDFIELD recommended him for a liquor license in 1773. He petitioned for an assembly in 1770 and 1773 and for repeal of the Quebec Act in 1774.

52. KING, GEORGE
   Merchant. Quebec. He and GEORGE CHAPIN rented a house from JAMES HANNA.

53. KNAGGS, GEORGE

54. KNIFE, FRANCIS NOBLE
   England. Merchant. Montreal. He was on Murray’s list of Protestants, 1765. He was a member of Grand Jury in 1764.

55. LAING, WILLIAM
   He petitioned for an assembly, 1773, and for repeal of the Quebec Act in 1774.

56. LE QUEEN, JOHN
   Guernsey. Merchant. Montreal. He was on Murray’s list of Protestants in Montreal, 1765.

57. LESSEY, MATTHEW
   Lessey was one of the protesters against a closed meeting called for March 3, 1766, in Montreal by the governor and council of seigneurs representing only the "noblesse."
58. LEVY, ISAAC
He gave security of £200 for an exit bond for Moses Hart on October 13, 1768.

59. LILLY, JOHN
Scotland. Clerk. Montreal. He was on list of Protestants, 1765. He petitioned for an assembly, 1773, and for repeal of the Quebec Act in 1774.

60. LYMBURNER, ADAM
1778 - With WILLIAM LINDSAY was Quebec agent for London Underwriters. He petitioned for an assembly, 1773.

61. LYMBURNER, JOHN
Member of Grand Jury, 1764, who signed presentment October 1764.

62. LYND, DAVID
Attorney for the firm of Brooks Watson and Company. One of nine partners including Gray, who obtained letter patent for a toll bridge over the St. Charles River. He signed a petition for assembly, 1773.

63. MACKENZIE, ALEXANDER
Quebec merchant. Fur trader.

64. MARTIN, ALEXANDER
He petitioned for assembly in 1770 and 1773.

65. MATHER, SAMUEL

66. MCCARTY, WILLIAM
New England. Clerk. Montreal. He was on the list of Protestants, 1765. He petitioned for an assembly, 1773.

67. McCracken, William
Ireland. Merchant. Montreal. He was on the list of Protestants, 1765.
68. McFARLING, PETER
Scotland. Taylor. Montreal. Freeholder. He was on the list of Protestants, 1765. He recommended Thomas Peter for a liquor license on March 11, 1773. He petitioned for an assembly, 1773 and repeal of the Quebec Act in 1774.

69. McGREGOR, GREGORY
Fur merchant. McLeod established himself as a trader at Detroit in partnership with McGregor.

70. McKay, Samuel
In a deal with MOSES HAZEN, he cut trees on Benjamin Price and Daniel Robertson's properties. Two-hundred logs seized by Price and Robertson.

71. McKILLIP, DANIEL
Ireland. Innholder. La Prairie. Freeholder. He was on Murray's list of Protestants, 1765. He petitioned for an assembly, 1773.

72. McLEAN, NEIL
Scotland. Merchant. Point Claire. He was on Murray's list of Protestants, 1765. One of original "habitants." He did not sign petitions.

73. McNEALL, RICHARD
Merchant. Montreal.
Partner, ISAAC TODD, terminated in . Recommended ALEXANDER HENRY for a liquor license, June 16, 1774.

74. McRANDALL, GILBERT
_______________. Quebec. Merchant. Member of 1764 Grand Jury.
He applied for a license to sell "spirits" and was recommended by JAMES SINCLAIR, JAMES HANNA, and JOHN ROSS.
McRandall was one of the members of the Grand Jury that signed the presentment calling for greater powers for the Jury.
75. **MEASAM, GEORGE**
Montreal. Merchant. He signed the petition for Murray’s recall in 1765, for an assembly in 1773, and for repeal of the Quebec Act in 1774. He also joined with other merchants to self-regulate the price of light gold coin that had flooded the province in June 1772.

76. **MELVIN, J.**
He petitioned for an assembly, 1773 and repeal of the Quebec Act in 1774.

77. **MEREDITH, RANDLE**
He petitioned for an assembly, 1773 and repeal of the Quebec Act in 1774.

78. **MEYERS, HYAM**
Merchant who lived in Montreal from 1760 to 1774. In 1778 when in London in behalf of the Montreal congregate, he hired Jacob Cohen to serve as minister.

79. **MOORE, STEPHEN**
Moore was established as a merchant in the retail business in Quebec soon after the conquest. In 1763 Hugh Finlay became a partner. They sold a wide range of goods, but by 1765, deeply in debt and unable to collect from those who owed them money, they had to turn the business over to their creditors.

80. **MORRISON, EDWARD**
Ireland. Merchant. Vaudrieul. He was on Murray’s list of Protestants, 1765.

81. **MORRISON, JAMES**
Ireland. Merchant. Montreal. He was on Murray’s list of Protestants, 1765. Bond secured by Edward Harrison in his behalf, April 6, 1769. Recommended Samuel Holmes and John Gorbrand Beck for liquor license, April 12, 1773. He signed a petition for assembly, 1773 and for repeal of the Quebec Act in 1774.

82. **MUNRO, DUNCAN**
Merchant. He is listed as a partner of RALPH GRAY. Little else is known about him except that he recommended ARMAND PRIMONT for a liquor license, August 27, 1773. He signed petitions for assembly, 1773.
83. **MURRAY, WILLIAM**  
Ireland. Sergeant, innholder. On list of Protestants, 1765. He signed petitions for assembly, 1773 and repeal of the Quebec Act in 1774.

84. **NEAGLE, JOHN**  
Petitioned for a liquor license, Montreal, June 6, 1774. He petitioned for an assembly, 1773 for repeal of the Quebec Act in 1774.

85. **NIELSON, THOMAS**  
England. Merchant. Chambly. He was on Murray's list of Protestants, 1765.

86. **PATERSON, WILLIAM**  

87. **RITCHIE, HUGH**  
Mentioned along with his tailoring partner, Ferguson as owing Ralph Gray.

88. **ROBERTSON, JAMES**  

89. **STENHOUSE, JOHN**  
Scotland. Merchant. Freeholder. He was on Murray’s list of Protestants in 1765. Listed as one of the protesters in March 1766 against a closed meeting called by the governor and council of only seigneurs of the "noblesse."

90. **STEWARD, JAMES**  
Partners: He was in the potash business with SAMUEL JACOBS and GEORGE ALLSOPP.

91. **TAYLOR, HENRY**  
Nephew of James Johnston. He signed the petition for an assembly in 1770.
92. **THOMPSON, JOHN**
He was a witness to a notarized protest against a closed meeting held in Montreal on March 3, 1766. The meeting was called by Murray and the council, and was restricted to only seigneurs of the "noblesse."

93. **VANDER HAYDEN, JACOB**
New York. Montreal. Merchant. He was on Murray’s list of Protestants living in Montreal in 1765. He signed petitions for an assembly in 1773 and for repeal of the Quebec Act in 1774. He probably was related to Richard Vander Heyden, an Albany trader who bought trade goods in London for Montreal merchants. He recommended JOHN GORBRAND BECK in his application on May 21, 1772, to sell spirits as an honest man of sober life and good behavior.

94. **WADE, MATHER**
Ireland. Merchant. Montreal. He was on Murray’s list of Protestants, 1765. Wade was one of the protesters against a closed meeting held at the Court House in Montreal on March 3, 1766. The meeting was called by Murray and the council and was restricted only to seigneurs representing the "noblesse."

95. **WALKER, THOMAS, JR.**

96. **WHITE, JAMES DYER**
He was a competitor to WILLIAM DAVIDSON, along with WILLIAM HAZEN, in the timber industry.

He was reputed to be one of the monopolists of the St. John’s fur trade prior to the American Revolution and accused of viewing the "appearance of Jadis as an act of effrontery." Presumably was in the Fort Howard area when Tomach, the Malachite chief, stopped the threatened assault on the British deputy Indian agent.

97. **WILLIAMS, JENKINS**
He was a testifying witness in defense of Captain Blais and his son as being the "only persons in the parish who were plundered by both Bostonians and rebel Canadians," thereby allowing father and son to retain positions in militia. He was a member of a commission appointed by governor, along with Gabriel-Elzear Tashereau and Francois Baby, to investigate the extent and nature of American collaboration in the Quebec region.
98. **WILLOCKS, ROBERT**  
Mentioned in connection with Joseph Willcocks (Wilcox) as being the second son of Robert. Joseph was born in Ireland in 1773, didn’t leave until 1799—doubtful that Robert was relevant.

99. **WIOR, WILLIAM**  

100. **WOOLSEY, ROBERT**  
Woolsey signed petitions for an assembly in 1773 and for repeal of the Quebec Act in 1774.

101. **YOUNG, GEORGE EDMUND**  
Scotland. Merchant. Montreal. He was on Murray’s list of Protestants, 1765. Young was one of the protesters of a closed meeting held at the Court House in Montreal on March 3, 1766. The meeting was called by the governor and council and was only for seigneurs of the "noblesse."

In partnership with CLAUDE JEAN-BAPTISTE CHARBOILLEZ, but probably not until 1781.
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