A History of Canada

1763-1812

By

C. P. Lucas

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HISTORY OF CANADA

1763-1812

BY

SIR C. P. LUCAS, K.C.M.G., C.B.

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PREFACE

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C. P. LUCAS.

December, 1908.

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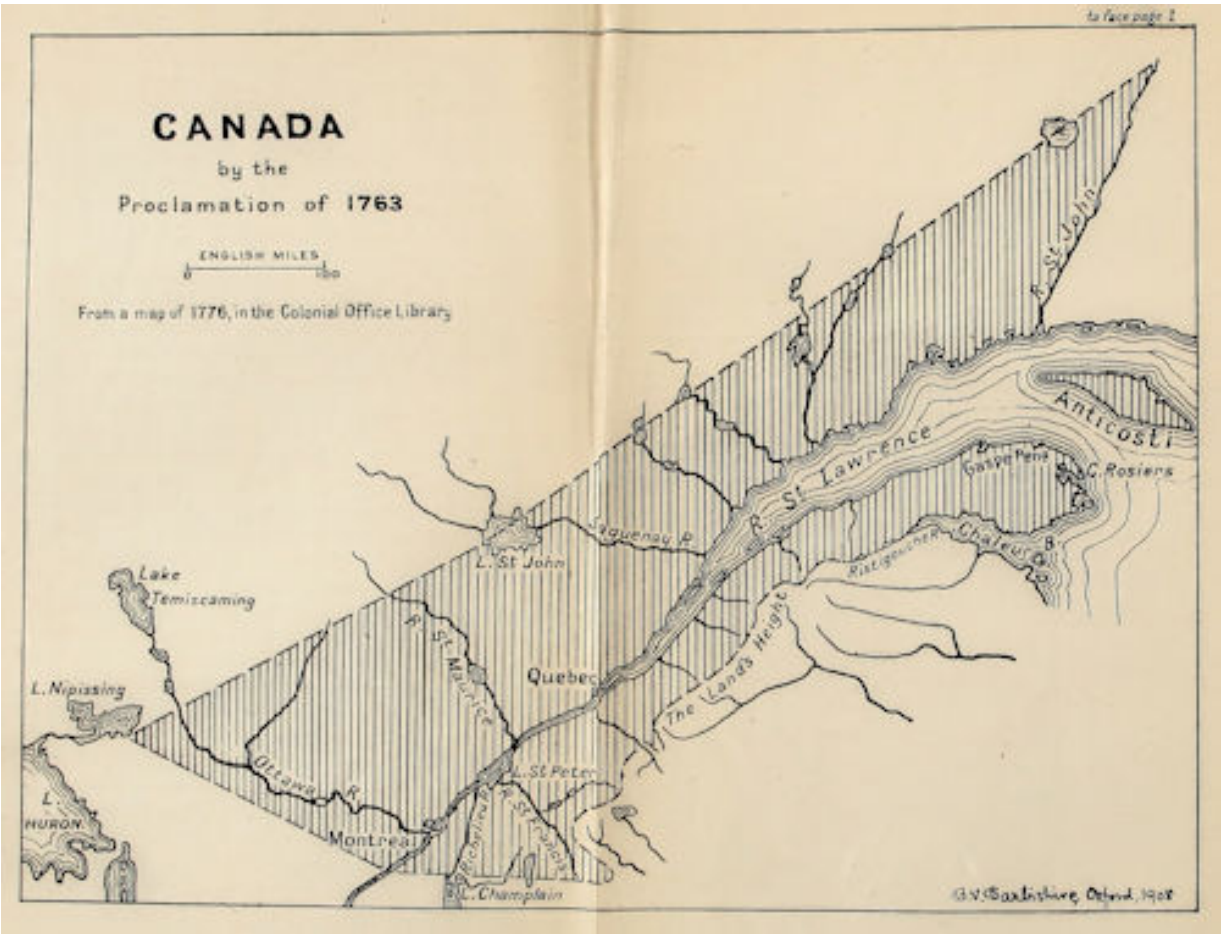

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CANADA
by the
Proclamation of **1763**
From a map of 1776, in the Colonial Office Library

B. V. Barbishire, Oxford, 1908

HISTORY OF CANADA, 1763-1812

CHAPTER I

THE PROCLAMATION OF 1763, AND PONTIAC'S WAR

The Peace of Paris.

On the 10th of February, 1763, the Peace of Paris was signed between Great Britain, France, and Spain. Under its provisions all North America, east of the Mississippi, which had been owned or claimed by France, was, with the exception of the city of New Orleans, transferred to Great Britain, the navigation of the Mississippi being thrown open to the subjects of both Powers. The English also received Florida from Spain, in return for Havana given back to its old owners. Under a treaty secretly concluded in November, 1762, when the preliminaries of the general treaty were signed, Spain took over from France New Orleans and Louisiana west of the Mississippi, the actual transfer being completed in 1769. Thus France lost all hold on the North American continent, while retaining various West Indian islands, and fishing rights on part of the Newfoundland coast, which were supplemented by possession of the two adjacent islets of St. Pierre and Miquelon.

The Proclamation of 1763.

In the autumn of the year 1763, on the 7th of October, King George III issued a proclamation constituting 'within the countries and islands, ceded and confirmed to us by the said treaty, four distinct and separate governments, styled and called by the names of Quebec, East Florida, West Florida, and Grenada'. Of these four governments, the first alone requires special notice. The government of Grenada was in the West Indies, and the governments of East and West Florida, excluding a debatable strip of territory which was annexed to the State of Georgia, were co-extensive with the new province which had been acquired from Spain.

Boundaries of the government of Quebec.

The limits assigned by the proclamation to the government of Quebec were as follows: north of the St.

Lawrence, the new province was ‘bounded on the Labrador coast by the river St. John, and from thence by a line drawn from the head of that river, through the Lake St. John, to the south end of the Lake Nipissim’. The river St. John flows into the St. Lawrence over against the western end of the island of Anticosti; Lake St. John is the lake out of which the Saguenay takes its course; Lake Nipissim or Nipissing is connected by French river with Georgian Bay and Lake Huron. The line in question, therefore, was drawn due south-west from Lake St. John parallel to the St. Lawrence.[1] From the southern end of Lake Nipissim the line, according to the terms of the proclamation, crossed the St. Lawrence and Lake Champlain in 45 degrees of north latitude. In other words, it was drawn due south-east, to the west of and parallel to the Ottawa river, until it struck the St. Lawrence, where the 45th parallel of north latitude meets that river at the foot of the Long Sault Rapids. It then followed the 45th parallel eastward across the outlet of Lake Champlain, and subsequently, diverging to the north-east, was carried ‘along the highlands which divide the rivers that empty themselves into the said river St. Lawrence from those which fall into the sea’. Further east it skirted ‘the north coast of the Baye des Chaleurs and the coast of the Gulf of St. Lawrence to Cape Rosieres’, which last named cape is at the extreme end of the Gaspé peninsula. The line then again crossed the St. Lawrence by the western end of the island of Anticosti, and joined the river St. John.

Thus, south of the St. Lawrence, the boundary of the province of Quebec was, roughly speaking, much the same as it is at the present day. Its westernmost limit was also not far different, the Ottawa river being in the main the existing boundary between the provinces of Ontario and Quebec. On the north and north-east, on the other hand, the government of Quebec in 1763 covered a smaller area than is now the case. ‘To the end that the open and free fishery of our subjects may be extended to and carried on upon the coast of Labrador and the adjacent islands,’ ran the terms of the proclamation, ‘we have thought fit, with the advice of our said Privy Council, to put all that coast from the river St. John’s to Hudson’s Straits, together with the islands of Anticosti and Madelaine, and all other smaller islands lying upon the said coast, under the care and inspection of our Governor of Newfoundland.’ To the government of Nova Scotia were annexed the conquered islands of St. Jean or St. John’s, now Prince Edward

Island, and Isle Royale or Cape Breton, ‘with the lesser islands adjacent thereto.’

Encouragement of military and naval settlers.

It was greatly desired to encourage British settlement in North America, and special regard was had in this respect to the soldiers and sailors who in North American lands and waters had deserved so well of their country. Accordingly the proclamation contained a special provision for grants of land, within the old and the new colonies alike, to retired officers of the army who had served in North America during the late war; to private soldiers who had been disbanded in and were actually living in North America; and to retired officers of the navy who had served in North America ‘at the times of the reduction of Louisbourg and Quebec’. It was thought also by the Lords of Trade that confidence and encouragement would be given to intending settlers, if at the outset they were publicly notified of the form of government under which they would live. Hence the proclamation provided, as regards the new colonies, ‘that so soon as the state and circumstances of the said colonies will admit thereof,’ the governors ‘shall, with the advice and consent of the members of our Council, summon and call General Assemblies within the said governments respectively, in such manner and form as is used and directed in those colonies and provinces in America which are under our immediate government’. The governors, councils, and representatives of the people, when duly constituted, were empowered to make laws for the public peace, welfare, and good government of the colonies, provided that such laws should be ‘as near as may be agreeable to the laws of England, and under such regulations and restrictions as are used in other colonies.’ Pending the constitution of the legislatures, the inhabitants and settlers were to enjoy the benefit of the laws of England, and the governors were empowered, with the advice of their councils, to establish courts of justice, to hear and decide civil and criminal cases alike, in accordance as far as possible with the laws of England, a right of appeal being given in civil cases to the Privy Council in England. It was not stated in the proclamation, but it was embodied in the governors’ instructions, that until General Assemblies could be constituted, the governors, with the advice of their councils, were to make rules and regulations for peace, order, and good government, all matters being reserved ‘that shall any ways tend to affect the life, limb, or liberty of the subject, or to the imposing any duties or taxes’.

Provision for a legislature and for the administration of justice.

In June, 1762, James Murray, then military governor of the district of Quebec, and subsequently the first civil governor of the province, wrote that it was impossible to ascertain exactly what part of North America the French styled Canada. In the previous March General Gage, then military governor of Montreal, had written that he could not discover ‘that the limits betwixt Louisiana and Canada were distinctly described, so as to be publicly known’, but that from the trade which Canadians had carried on under the authority of their governors, he judged ‘not only the lakes, which are indisputable, but the whole course of the Mississippi from its heads to its junction with the Illinois, to have been comprehended by the French in the government of Canada’. In June, 1763, the Lords of Trade, when in obedience to the Royal commands they were considering the terms and the scope of the coming proclamation, reported that ‘Canada, as possessed and claimed by the French, consisted of an immense tract of country including as well the whole lands to the westward indefinitely which was the subject of their Indian trade, as all that country from the southern bank of the river St. Lawrence, where they carried on their encroachments’.

The Western territories.

After the Peace of Paris had been signed, the King, through Lord Egremont, who had succeeded Chatham as Secretary of State for the southern department, referred the whole subject of his new colonial possessions to the Lords of Trade. In doing so he called special attention to the necessity of keeping peace among the North American Indians—a subject which was shortly to be illustrated by Pontiac’s war—and to this end he laid stress upon the desirability of protecting their persons, their property, and their privileges, and ‘most cautiously guarding against any invasion or occupation of their hunting lands, the possession of which is to be acquired by fair purchase only’. The Lords of Trade recommended adoption of ‘the general proposition of leaving a large tract of country round the Great Lakes as an Indian country, open to trade, but not to grants and settlements; the limits of such territory will be sufficiently ascertained by the bounds to be given to the governors of Canada and Florida on the north and south, and the Mississippi on the west; and by the strict directions to be given to Your Majesty’s several governors of your ancient colonies for preventing their making any new grants of lands beyond certain fixed limits to be laid down in the instructions for that purpose’. Egremont answered that the King demurred to leaving so large a tract of land without a civil

jurisdiction and open, as being derelict, to possible foreign intrusion; and that, in His opinion, the commission of the Governor of Canada should include ‘all the lakes, viz. Ontario, Erie, Huron, Michigan, and Superior’, and ‘all the country as far north and west as the limits of the Hudson’s Bay Company and the Mississippi’. At the same time He cordially concurred in not permitting grants of lands or settlements in these regions, which should be ‘for the present left unsettled, for the Indian tribes to hunt in, but open to a free trade for all the colonies’. The Lords of Trade were not convinced. They deprecated annexing this western territory to any colony, and particularly to Canada, on three grounds: The first was that annexation to Canada might imply that the British title to these lands was the result of the late treaty and of the cession of Canada, whereas it rested on antecedent rights, and it was important not to let the Indians form a wrong impression on this head by being brought under the government of the old French province. The second ground was that, if the Indian territory was annexed to one particular province and subjected to its laws, that province would have an undue advantage over the other provinces or colonies in respect to the Indian trade, which it was the intention of the Crown to leave open as far as possible to all British subjects. The third objection to annexing the territory to Canada was that the laws of the province could not be enforced except by means of garrisons established at different posts throughout the area, which would necessitate either that the Governor of Canada should always be commander-in-chief of the forces in North America, or that there should be constant friction between the civil governor and the military commanders. This reasoning prevailed, and the lands which it was contemplated to reserve for the use of the Indians were not annexed to any particular colony or assigned to any one colonial government.

Provisions for the protection of the Indians.

With this great area, covering the present province of Ontario and the north central states of the American Republic, the Royal proclamation dealt as follows: ‘Whereas it is just and reasonable, and essential to our interest, and the security of our colonies, that the several nations or tribes of Indians, with whom we are connected, and who live under our protection, should not be molested or disturbed in the possession of such parts of our dominions and territories as, not having been ceded to or purchased by us, are reserved to them, or any of them, as their hunting grounds ... we do further declare it to be our Royal will and pleasure, for the present as aforesaid, to reserve under

our sovereignty, protection, and dominion, for the use of the said Indians, all the lands and territories not included within the limits of our said three new governments, or within the limits of the territory granted to the Hudson's Bay Company, as also all the lands and territories lying to the westward of the sources of the rivers which fall into the sea from the west and north-west as aforesaid; and we do hereby strictly forbid, on pain of our displeasure, all our loving subjects from making any purchases or settlements whatever, or taking possession of any of the lands above reserved, without our especial leave and licence for that purpose first obtained.'

Thus North America, outside the recognized limits of the old or new colonies, was for the time being constituted a great native reserve; and even within the limits of the colonies it was provided 'that no private person do presume to make any purchase from the said Indians of any lands reserved to the said Indians within those parts of our colonies where we have thought proper to allow settlement: but that, if at any time any of the said Indians should be inclined to dispose of the said lands, the same shall be purchased only for us, in our name, at some public meeting or assembly of the said Indians, to be held for that purpose by the governor or commander-in-chief of our colony respectively within which they shall lie'. Trade with the Indians was to be free and open to all British subjects, but the traders were to take out licences, and, while no fees were to be charged for such licences, the traders were to give security that they would observe any regulations laid down for the benefit of the trade.[2]

Difficulties of the situation.

It is impossible to study the correspondence which preceded the Proclamation of 1763, without recognizing that those who framed it were anxious to frame a just and liberal policy, but its terms bear witness to the almost insuperable difficulties which attend the acquisition of a great borderland of colonization, difficulties which in a few years' time were largely responsible for the American War of Independence. How to administer a new domain with equity and sound judgement; how to give to new subjects, acquired by conquest, the privileges enjoyed by the old colonies; how to reconcile the claims of the old colonies, whose inland borders had never been demarcated, with the undoubted rights of native races; how to promote trade and settlement without depriving the Indians of their heritage;—such were the problems

which the British Government was called upon to face and if possible to solve. The proclamation was in a few years' time followed up by the Quebec Act of 1774, in connexion with which more will be said as to these thorny questions. In the meantime, even before the proclamation had been issued, the English had on their hands what was perhaps the most dangerous and widespread native rising which ever threatened their race in the New World.

French policy in North America.

The great French scheme for a North American dominion depended upon securing control of the waterways and control of the natives. Even before the dawn of the eighteenth century, Count Frontenac among governors, La Salle among pioneers, saw clearly the importance of gaining the West and the ways to the West; and they realized that, in order to attain that object, the narrows on the inland waters, and the portages from one lake or river to another, must be commanded; that the Indians who were hostile to France must be subdued, and that the larger number of red men, who liked French ways and French leadership, must be given permanent evidence of the value of French protection and the strength of French statesmanship.

The French posts in the West.

Along the line of lakes and rivers in course of years French forts were placed. Fort Frontenac, first founded in 1673 by the great French governor whose name it bore, guarded, on the site of the present city of Kingston, the outlet of the St. Lawrence from Lake Ontario. Fort Niagara, begun by La Salle in the winter of 1678-9, on the eastern bank of the Niagara river, near its entrance into Lake Ontario, covered the portage from that lake to Lake Erie. Fort Detroit, dating from the first years of the eighteenth century, stood by the river which carries the waters of Lake Huron and Lake St. Clair into Lake Erie. Its founder was La Mothe Cadillac. The post at Michillimackinac was at the entrance of Lake Michigan. From Lake Erie to the Ohio were two lines of forts. The main line began with Presque Isle on the southern shore of the lake, and ended with Fort Duquesne, afterwards renamed Pittsburg, the intermediate posts being Fort Le Bœuf at the head of French Creek, and Venango where that stream joins the Alleghany. Further west, past the intermediate fort of Sandusky, which stood on the southern shore of Lake Erie, there was a second series of outposts, of which we hear little in the course of the Seven Years' War. The Maumee river flows into the south-western end of Lake

Erie, and on it, at a point where there was a portage to the Wabash river, was constructed Fort Miami, on or near the site of the later American Fort Wayne. On the Wabash, which joins the Ohio not very far above the confluence of the latter river with the Mississippi, were two French posts, Fort Ouatanon and, lower down its course, Fort Vincennes. On the central Mississippi the chief nucleus of French trade and influence was Fort Chartres. It stood on the eastern bank of the river, eighty to ninety miles above the confluence of the Ohio, and but a few miles north of the point where the Kaskaskia river flows into the Mississippi. On the Kaskaskia, among the Illinois Indians, there was a French outpost, and settlement fringed the eastern side of the Mississippi northwards to Fort Chartres. Above that fort there was a road running north on the same side to Cahokia, a little below and on the opposite side to the confluence of the Missouri; and in 1763 a French settler crossed the Mississippi, and opened a store on the site of the present city of St. Louis. The posts on the Mississippi were, both for trading and for political purposes, connected with Louisiana rather than with Canada; and, though the Peace of Paris had ceded to Great Britain the soil on which they stood, the French had not been disturbed by any assertion of British sovereignty prior to the war which is associated with the name of the Indian chief Pontiac.

The rising of Pontiac.

The rising which Pontiac headed came too late for the Indians to be permanently successful. In any case it could have had, eventually, but one ending, the overthrow of the red men: but, while it lasted, it seriously delayed the consolidation of English authority over the West. After most wars of conquest there supervene minor wars or rebellions, waves of the receding tide when high-water is past, disturbances due to local mismanagement and local discontent; but the Indian war, which began in 1763, had special characteristics. In the first place, the rising was entirely a native revolt. No doubt it was fomented by malcontent French traders and settlers, disseminating tales of English iniquities and raising hopes of a French revival; but very few Frenchmen were to be found in the fighting line; the warriors were red men, not white. In the second place it was a rising of the Western Indians, of the tribes who had not known in any measure the strength of the English, and who had known, more as friends than as subjects, the guidance and the spirit of the French. Of the Six Nations, the Senecas alone, the westernmost members of the Iroquois Confederacy, joined in the struggle, and the centre

Its special characteristics.

of disturbance was further west. In the third place the rising was more carefully planned, the conception was more statesmanlike, the action was more organized, than has usually been the case among savage races. There was unity of plan and harmony in action, which betokened leadership of no ordinary kind. The leader was the Ottawa chief Pontiac.

Indian suspicions of the English.

‘When the Indian nations saw the French power, as it were, annihilated in North America, they began to imagine that they ought to have made greater and earlier efforts in their favour. The Indians had not been for a long time so jealous of them as they were of us. The French seemed more intent on trade than settlement. Finding themselves infinitely weaker than the English, they supplied, as well as they could, the place of strength by policy, and paid a much more flattering and systematic attention to the Indians than we had ever done. Our superiority in this war rendered our regard to this people still less, which had always been too little.’[3] The Indians were frightened too, says the same writer, by the English possession of the chains of forts: ‘they beheld in every little garrison the germ of a future colony.’ Ripe for revolt, and never yet subdued, as their countrymen further east had been, they found a strong man of their own race to lead them, and tried conclusions with the dominant white race in North America.

Rogers’ mission to Detroit.

In the autumn of 1760, after the capitulation of Montreal, General Amherst sent Major Robert Rogers, the New Hampshire Ranger, to receive the submission of the French forts on the further lakes. On the 13th of September Rogers embarked at Montreal with two hundred of his men: he made his way up the St. Lawrence, and coasted the northern shore of Lake Ontario, noting, as he went, that Toronto, where the French had held Fort Rouillé, was ‘a most convenient place for a factory, and that from thence we may very easily settle the north side of Lake Erie’.[4] He crossed the upper end of Lake Ontario to Fort Niagara, already in British possession; and, having taken up supplies, carried his whale boats round the falls and launched them on Lake Erie. Along the southern side of that lake he went forward to Presque Isle, where Bouquet was in command of the English garrison; and, leaving his men, he went himself down by Fort le Bœuf, the French Creek river, and Venango to Fort Pitt, or Pittsburg, as Fort Duquesne had been renamed by John Forbes in honour of Chatham. His instructions were to carry dispatches to General

Monckton at Pittsburg, and to take orders from him for a further advance. Returning to Presque Isle at the end of October, he went westward along Lake Erie, making for Detroit. No English force had yet been in evidence so far to the West. On the 7th of November he encamped on the southern shore of Lake Erie, at a point near the site of the present city of Cleveland, and there he was met by a party of Ottawa Indians 'just arrived from Detroit'.[5]

His meeting with Pontiac.

They came, as Rogers tells us in another book,[6] on an embassy from Pontiac, and were immediately followed by that chief himself. Pontiac's personality seems to have impressed the white backwoodsman, though he had seen and known all sorts and conditions of North American Indians. 'I had several conferences with him,' he writes, 'in which he discovered great strength of judgement and a thirst after knowledge.' Pontiac took up the position of being 'King and Lord of the country', and challenged Rogers and his men as intruders into his land; but he intimated that he would be prepared to live peaceably with the English, as a subordinate not a conquered potentate; and the result of the meeting was that the Rangers were supplied with fresh provisions and were escorted in safety on their way, instead of being obstructed and attacked, as had been contemplated, at the entrance of the Detroit river. On the 12th of November Rogers set out again; on the 19th he sent on an officer in advance with a letter to Belêtre, the French commander at Detroit, informing him of the capitulation of Montreal and calling upon him to deliver up the fort. On the 29th of November the English force landed half a mile below the fort, and on the same day the French garrison laid down their arms. Seven hundred Indians were present; and, when they saw the French colours hauled down and the English flag take their place, unstable as water and ever siding at the moment with the stronger party, they shouted that 'they would always for the future fight for a nation thus favoured by Him that made the world'.[7]

Surrender of Detroit to the English.

Detroit.

There were at the time, Rogers tells us,[8] about 2,500 French Canadians settled in the neighbourhood of Detroit. The dwelling-houses, near 300 in number, extended on both sides of the river for about eight miles. The land was good for grazing and for agriculture, and there was a 'very large and lucrative' trade with the Indians.

Having sent the French garrison down to Philadelphia, and established an English garrison in its place, Rogers sent a small party to take over Fort Miami on the Maumee river, and set out himself with another detachment for Michillimackinac. But it was now the middle of December; floating ice made navigation of Lake Huron dangerous; after a vain attempt to reach Michillimackinac he returned to Detroit on the 21st of December; and, marching overland to the Ohio and to Philadelphia, he finally reached New York on the 14th of February, 1761. In the autumn of that year a detachment of Royal Americans took possession of Michillimackinac.

Return of Rogers.

Michillimackinac occupied by the English.

Throughout 1761 and 1762 the discontent of the Indians increased; they saw the English officers and soldiers in their midst in strength and pride; they listened to the tales of the French voyageurs; they remembered French friendship and address, and contrasted it with the grasping rudeness of the English trader or colonist; a native prophet rose up to call the red men back to savagery, as the one road to salvation; and influenced at once by superstition and by the present fear of losing their lands, the tribes of the West made ready to fight.

Indian discontent.

For months the call to war had secretly been passing from tribe to tribe, and from village to village; and on the 27th of April, 1763, Pontiac held a council of Indians at the little river Ecorces some miles to the south of Detroit, at which it was determined to attack the fort. Fort Detroit stood on the western side of the Detroit river, which runs from Lake St. Clair to Lake Erie, at about five miles distance from the former lake and a little over twenty miles from Lake Erie. The river is at its narrowest point more than half a mile wide, and, as already stated, Canadian settlement fringed both banks. The fort, which stood a little back from the bank of the river, consisted of a square enclosure surrounded by a wooden palisade, with bastions and block-houses also of wood, and within the palisade was a small town with barracks, council house, and church. The garrison consisted of about 120 soldiers belonging to the 39th Regiment; and, in addition to the ordinary Canadian residents within the town, there were some 40 fur-traders present at the time, most of whom were French. The commander was a determined man, Major Gladwin, who, under Braddock on the Monongahela river, had seen the worst of Indian fighting. Before April ended Gladwin reported

The fort at Detroit.

Major Gladwin.

to Amherst that there was danger of an Indian outbreak; and, when the crisis came, warned either by Indians or by Canadians, he was prepared for it. For some, at any rate, of the Canadians at Detroit, though they had no love for the English, and though Pontiac was moving in the name of the French king, were men of substance and had something to lose. They were therefore not inclined to side with the red men against the white, or to lend themselves to extermination of the English garrison.

Pontiac's attempt to surprise the garrison.

On the 1st of May Pontiac and forty of his men came into the fort on an outwardly friendly visit, and took stock of the ways of attack and the means of defence. Then a few days passed in preparing for the blow. A party of 60 warriors were once more to gain admittance, hiding under their blankets guns whose barrels had been filed down for the purpose of concealment: they were to hold a council with the English officers, and at a given signal to shoot them down. The 7th of May was the day fixed for the deed, but Gladwin was forewarned and forearmed. The Indian chiefs were admitted to the fort, and attended the council; but they found the garrison under arms, and their plot discovered. Both sides dissembled, and the Indians were allowed to leave, disconcerted, but saved for further mischief. On the 9th of May they again applied to be admitted to the fort, but this time were refused, and open warfare began. Two or three English, who were outside the palisade at the time, were murdered, and on the 10th, for six hours, the savages attacked the fort with no success.

The fort openly attacked.

Siege of Detroit.

There was little danger that Detroit would be taken by assault, but there was danger of the garrison being starved out. Gladwin, therefore, tried negotiation with Pontiac, and using French Canadians as intermediaries, sent two English officers with them to the Indian camp. The two Englishmen, one of them Captain Campbell, an old officer of high character and repute, were kept as captives, and Campbell was subsequently murdered. The surrender of the fort was then demanded by Pontiac, a demand which was at once refused; and against the wishes of his officers Gladwin determined to hold the post at all costs. Supplies were brought in by night by friendly Canadians, and all immediate danger of starvation passed away.

Amherst, the commander-in-chief, far away at New York, had not yet learnt of the peril of Detroit or of the nature and extent of the Indian rising,

but in the ordinary course in the month of May supplies were being sent up for the western garrisons. The convoy intended for Detroit left Niagara on the 13th of that month, in charge of Lieutenant Cuyler with 96 men. Coasting along the northern shore of Lake Erie, Cuyler, towards the end of the month, reached a point near the outlet of the Detroit river, and there drew up his boats on the shore. Before an encampment could be formed the Indians broke in upon the English, who fled panic-stricken to the boats; only two boats escaped, and between 50 and 60 men out of the total number of 96 were killed or taken. The survivors, Cuyler himself among them, made their way across the lake to Fort Sandusky, only to find that it had been burnt to the ground, thence to Presque Isle, which was shortly to share the fate of Sandusky, and eventually to Niagara. The prisoners were carried off by their Indian captors, up the Detroit river; two escaped to the fort to tell the tale of disaster, but the majority were butchered with all the nameless tortures which North American savages could devise.

British convoy cut off.

While Detroit was being besieged, at other points in the West one disaster followed another. Isolated from each other, weakly garrisoned, commanded, in some instances, by officers of insufficient experience or wanting in determination, the forts fell fast. On the 16th of May Sandusky was blotted out; on the 25th Fort St. Joseph, at the south-eastern end of Lake Michigan, was taken; and on the 27th Fort Miami, on the Maumee river. Fort Ouatanon on the Wabash was taken on the 1st of June; and on the 4th of that month the Ojibwa Indians overpowered the garrison of Michillimackinac, second in importance to Detroit. Captain Etherington, the commander at Michillimackinac, knew nothing of what was passing elsewhere, though he had been warned of coming danger, and he lost the fort through an Indian stratagem. The English were invited outside the palisades to see an Indian game of ball; and, while the onlookers were off their guard, and the gates of the fort stood open, the players turned into warriors; some of the garrison and of the English traders were murdered, and the rest were made prisoners. The massacre, however, was not wholesale. Native jealousy gave protectors to the English survivors in a tribe of Ottawas who dwelt near: a French Jesuit priest used every effort to save their lives; and eventually the survivors, among whom was Etherington, were, with the garrison of a

Destruction of the Western outposts by the Indians.

They take Michillimackinac.

neighbouring and subordinate post at Green Bay, sent down in safety to Montreal by the route of the Ottawa river.

Next came the turn of the forts which connected Lake Erie with the Ohio. On the 15th of June Presque Isle was attacked; on the 17th it surrendered. It was a strong fort, and in the opinion of Bouquet—a competent judge—its commander, Ensign Christie, showed little stubbornness in defence. Fort le Bœuf fell on the 18th, Venango about the same date, and communication between the lakes and Fort Pitt was thus cut off. Fort Pitt itself was threatened by the Indians, and towards the end of July openly attacked, while on Forbes' and Bouquet's old route from that fort to Bedford in Pennsylvania, Fort Ligonier was also at an earlier date assailed, though fortunately without success.

Fort Pitt isolated.

Amherst now realized the gravity of the crisis, and his first care was the relief of Detroit. A force of 280 men, commanded by Captain Dalyell, one of his aides de camp, and including Robert Rogers with 20 Rangers, was sent up from Niagara, ascended on the 29th of July the Detroit river by night, and reached the fort in safety. Long experience in North American warfare had taught the lesson which Wolfe always preached, that the English should, whenever and wherever it was possible, take the offensive. Accordingly Dalyell urged Gladwin, against the latter's better judgement, to allow him to attack Pontiac at once; and before daybreak, on the morning of the 31st, he led out about 250 men for the purpose. Less than two miles north-east of the fort, a little stream, then known as Parents Creek and after the fight as Bloody Run, ran into the main river; and beyond it was Pontiac's encampment, which Dalyell proposed to surprise. Unfortunately the Indians were fully informed of the intended movement, and there ensued one more of the many disasters which marked the onward path of the white men in North America. The night was dark: the English advance took them among enclosures and farm buildings, which gave the Indians cover. As the leading soldiers were crossing the creek they were attacked by invisible foes; and, when compelled to retreat, the force was beset on all sides and ran the risk of being cut off from the fort. Dalyell[9] was shot dead; and, before the fort was reached, the English had lost one-fourth of their whole number in killed and wounded. The survivors owed their safety to the steadiness of the officers, to the fact that Rogers and his men seized and

Dalyell sent to the relief of Detroit.

The fight at Parents Creek.

Death of Dalyell.

held a farmhouse to cover the retreat, and to the co-operation of two armed boats, which moved up and down the river parallel to the advance and retreat, bringing off the dead and wounded, and pouring a fire from the flank among the Indians.

Pontiac had achieved a notable success, but Detroit remained safe, and meanwhile in another quarter the tide set against the Indian cause.

Fort Pitt.

After General Forbes, in the late autumn of 1758, had taken Fort Duquesne, a new English fort, Fort Pitt, was in the following year built by General Stanwix upon the site of the French stronghold. The place was, as it had always been, the key of the Ohio valley, and on the maintenance of the fort depended at once the safety of the borderlands of Virginia and Pennsylvania, and the possibility of extending trade among the Indian tribes of the Ohio. In July, 1763, Fort Pitt was in a critical position. The posts which connected it with Lake Erie had been destroyed: the road which Forbes had cut through Pennsylvania on his memorable march was obstructed by Indians; and the outlying post along it, Fort Ligonier, about fifty-five miles east of Fort Pitt, was, like Fort Pitt itself, in a state of siege. The Indians were, as in the dark days after Braddock's disaster, harrying the outlying homesteads and settlements, and once more the colonies were exhibiting to the full their incapacity for self-defence, or rather, the indifference of the residents in the towns to the safety of their fellows who lived in the backwoods.

The route to Fort Pitt.

Forbes' road to Fort Pitt ran for nearly 100 miles from Bedford or Raestown, as it had earlier been called, in a direction rather north of west, across the Alleghany Mountains and the Laurel Hills. The intermediate post, Fort Ligonier, stood at a place which had been known in Forbes' time as Loyalhannon, rather nearer to Bedford than to Fort Pitt. Bedford itself was about thirty miles north of Fort Cumberland on Wills Creek, which Braddock had selected for the starting-point of his more southerly march. It marked the limit of settlement, and 100 miles separated it from the town of Carlisle, which lay due east, in the direction of the long-settled parts of Pennsylvania.

Insecurity of the frontier.

There was no security in the year 1763 for the dwellers between Bedford and Carlisle: 'Every tree is become an Indian for the terrified inhabitants,' wrote Bouquet to Amherst from Carlisle

on the 29th of June.[10] Pennsylvania raised 700 men to protect the farmers while gathering their harvest, but no representations of Amherst would induce the cross-grained Legislature to place them under his command, to allow them to be used for offensive purposes, or even for garrison duty. The very few regular troops in the country were therefore required to hold the forts, as well as to carry out any expedition which the commander-in-chief might think necessary. A letter from one of Amherst's officers, Colonel Robertson, written to Bouquet on the 19th of April, 1763, relates how all the arguments addressed to the Quaker-ridden government had been in vain, concluding with the words 'I never saw any man so determined in the right as these people are in their absurdly wrong resolve';[11] and in his answer Bouquet speaks bitterly of being 'utterly abandoned by the very people I am ordered to protect'.[11]

Difficulties with the Pennsylvanian legislature.

Henry Bouquet had reason to be bitter. He had rendered invaluable service to Pennsylvania and Virginia, when under Forbes he had driven the French from the Ohio valley. The colonies concerned had been backward then, they were now more wrong-headed than ever, and this at a time when the English army in America was sadly attenuated in numbers. All depended upon one or two men, principally upon Bouquet himself. Born in Canton Berne, he was one of the Swiss officers who were given commissions in the Royal American Regiment, the ancestors of the King's Royal Rifles, another being Captain Ecuyer, who was at this time commander at Fort Pitt. Bouquet was now in his forty-fourth year, a resolute, high-minded man, a tried soldier, and second to none in knowledge of American border fighting. In the spring of 1763 he was at Philadelphia, when Amherst, still holding supreme command in North America, ordered him to march to the relief of Fort Pitt, while Dalyell was sent along the lakes to bring succour to Detroit. At the end of June Bouquet was at Carlisle, collecting troops, transport, and provisions for his expedition; on the 3rd of July he heard the bad news of the loss of the forts at Presque Isle, Le Bœuf, and Venango; on the 25th of July he reached Bedford.

Henry Bouquet.

He had a difficult and dangerous task before him. The rough road through the forest and over the mountains had been broken up by bad weather in the previous winter, and the temporary

He marches to the relief of Fort Pitt.

bridges had been swept away. His fighting men did not exceed 500, Highlanders of the 42nd and 77th Regiments, and Royal Americans. The force was far too small for the enterprise, and the commander wrote of the disadvantage which he suffered from want of men used to the woods, noting that the Highlanders invariably lost themselves when employed as scouts, and that he was therefore compelled to try and secure 30 woodsmen for scouting purposes.[12]

On the 2nd of August he reached Fort Ligonier, and there, as on the former expedition, he left his heavy transport, moving forward on the 4th with his little army on a march of over fifty miles to Fort Pitt. On that day he advanced twelve miles. On the 5th of August he intended to reach a stream known as Bushy Creek or Bushy Run, nineteen The fight at Edgehill. miles distant. Seventeen miles had been passed by midday in the hot summer weather, when at one o'clock, at a place which in his dispatch he called Edgehill, the advanced guard was attacked by Indians. The attack increased in severity, the flanks of the force and the convoy in the rear were threatened, the troops were drawn back to protect the convoy, and circling round it they held the enemy at bay till nightfall, when they were forced to encamp where they stood, having lost 60 men in killed and wounded, and, worst of all, being in total want of water. Bravely Bouquet wrote to Amherst that night, but the terms of the dispatch told his anxiety for the morrow. At daybreak the Indians fell again upon the wearied, thirsty ring of troops: for some hours the fight went on, and a repetition of Braddock's overthrow seemed inevitable. At length Bouquet tried a stratagem. Drawing back the two front companies of the circle, he pretended to cover their retreat with a scanty line, and lured the Indians on in mass, impatient of victorious butchery. Just as they were breaking the circle, the men who had been brought back and had unperceived crept round in the woods, gave a point blank fire at close quarters into the yelling crowd, and followed it with the bayonet. Falling back, the Indians came under similar fire and a similar charge from two other companies who waited them in ambush, and leaving the ground strewn with corpses the red men broke and fled. Litters were then made for the wounded: such provisions as could not be carried were destroyed; and at length the sorely tried English reached the stream of Bushy Run. Even there the enemy attempted to molest them, but were easily dispersed by the light infantry.

The victory had been won, but hardly won. The casualties in the two days' fighting numbered 115. That the whole force was not exterminated was due to the extraordinary steadiness of the troops, notably the Highlanders, and to the resolute self-possession of their leader. 'Never found my head so clear as that day,' wrote Bouquet to a friend some weeks later, 'and such ready and cheerful compliance to all the necessary orders.'[13] On the 10th of August the expedition reached Fort Pitt without further fighting, and relieved the garrison, whose defence of the post had merited the efforts made for their rescue.

Victory of the English and relief of Fort Pitt.

Bouquet's battles at Edgehill were small in the number of troops employed, and were fought far away in the American backwoods. They attracted little notice in England—to judge from Horace Walpole's contemptuous reference to 'half a dozen battles in miniature with the Indians in America';[14] but none the less they were of vital importance. Attacking with every advantage on their side, with superiority of numbers, in summer heat, among their own woods, the Indians had been signally defeated, and among the dead were some of their best fighting chiefs. In Bouquet's words, 'the most warlike of the savage tribes have lost their boasted claim of being invincible in the woods;'[15] and he continued to urge the necessity of reinforcements in order to follow up the blow and carry the warfare into the enemy's country. But the colonies did not answer, the war dragged on, and at the beginning of October Bouquet had the mortification of hearing of a British reverse at Niagara.

Importance of Bouquet's victory.

The date was the 14th of September, and the Indians concerned were the Senecas, who alone among the Six Nations took part in Pontiac's rising. A small escort convoying empty wagons from the landing above the falls to the fort below was attacked and cut off; and two companies sent to their rescue from the lower landing were ambushed at the same spot, the 'Devil's Hole', where the path ran by the precipice below the falls. Over 80 men were killed, including all the officers, and 20 men alone remained unhurt. Nor was this the end of disasters on the lakes. In November a strong force from Niagara, destined for Detroit, started along Lake Erie in a fleet of boats; a storm came on: the fleet was wrecked: many lives were lost: and the shattered remnant gave up the expedition and returned to Niagara. Detroit, however, was now safe. When October came, various causes induced the Indians to desist from the

British reverse at Niagara.

siege. The approach of winter warned them to scatter in search of food: the news of Bouquet's victory had due effect, and so had information of the coming expedition from Niagara, which had not yet miscarried. Most of all, Pontiac learnt by letter from the French commander at Fort Chartres that no help could be expected from France. Accordingly, in the middle of October, Pontiac's allies made a truce with Gladwin, which enabled the latter to replenish his slender stock of supplies; at the end of the month Pontiac himself made overtures of peace: and the month of November found the long-beleaguered fort comparatively free of foes. In that same month Amherst returned to England, being succeeded as commander-in-chief by General Gage, who had been Governor of Montreal.

Ending of the siege of Detroit.

Amherst succeeded by Gage.

Before Amherst left he had planned a campaign for the coming year. Colonel Bradstreet was to take a strong force along the line of the lakes, and harry the recalcitrant Indians to the south and west of that route, as far as they could be reached, while Bouquet was to advance from Fort Pitt into the centre of the Ohio valley, and bring to terms the Delawares and kindred tribes, who had infested the borders of the southern colonies.

Plan of campaign for 1764.

Colonel John Bradstreet had gained high repute by his well-conceived and well-executed capture of Fort Frontenac in the year 1758— which earned warm commendation from Wolfe. He was regarded as among the best of the colonial officers, and as well fitted to carry war actively and aggressively into the enemy's country. In this he conspicuously failed: he proved himself to be a vain and headstrong man, and was found wanting when left to act far from head quarters upon his own responsibility. In June, 1764, he started from Albany, and made his way by the old route of the Mohawk river and Oswego to Fort Niagara, encamping at Niagara in July. His force seems to have eventually numbered nearly 2,000 men, one half of whom consisted of levies from New York and New England, in addition to 300 Canadians. The latter were included in the expedition in order to disabuse the minds of the Indians of any idea that they were being supported by the French population of North America.

Bradstreet.

Before the troops left Niagara, a great conference of Indians was held there by Sir William Johnson, who arrived early in July. From all parts they came, except Pontiac's own following and

Indian conference at Niagara.

the Delawares and Shawanoes of the Ohio valley. Even the Senecas were induced by threats to make an appearance, delivered up a handful of prisoners, bound themselves over to keep peace with the English in future, and ceded in perpetuity to the Crown a strip of land four miles wide on both sides of the Niagara river. About a month passed in councils and speeches; on the 6th of August Johnson went back to Oswego, and on the 8th Bradstreet went on his way.

Bradstreet's abortive expedition.

His instructions were explicit, to advance into the Indian territory, and, co-operating with Bouquet's movements, to reduce the tribes to submission by presence in force. Those instructions he did not carry out. Near Presque Isle, on the 12th of August, he was met by Indians who purported to be delegates from the Delawares and Shawanoes: and, accepting their assurances, he engaged not to attack them for twenty-five days when, on his return from Detroit, they were to meet him at Sandusky, hand over prisoners, and conclude a final peace. He went on to Sandusky a few days later, where messengers of the Wyandots met him with similar protestations, and were bidden to follow him to Detroit, and there make a treaty. He then embarked for Detroit, leaving the hostile tribes unmolested and his work unaccomplished. From Sandusky he had sent an officer, Captain Morris, with orders to ascend the Maumee river to Fort Miami, no longer garrisoned, and thence to pass on to the Illinois country. Morris started on his mission, came across Pontiac on the Maumee, found war not peace, and, barely escaping with his life, reached Detroit on the 17th of September, when Bradstreet had already come and gone.

Towards the end of August Bradstreet reached Detroit. He held a council of Indians, at which the Sandusky Wyandots were present, and, having proclaimed in some sort British supremacy, thought he had put an end to the war. The substantive effect of his expedition was that he released Gladwin and his men, placing a new garrison in the fort, and sent a detachment to re-occupy the posts at Michillimackinac, Green Bay, and Sault St. Marie. He then retraced his steps to Sandusky. Here the Delawares, with whom he had made a provisional treaty at Presque Isle, were to meet him and complete their submission; and here he realized that Indian diplomacy had been cleverer than his own. Only a few emissaries came to the meeting-place with excuses for further delay, and meanwhile he received a message from General Gage strongly disapproving his action and ordering an immediate

advance against the tribes, whom he had represented as brought to submission. He made no advance, loitered a while where he was, and finally came back to Niagara at the beginning of November after a disastrous storm on Lake Erie, a discredited commander, with a disappointed following.

If Bradstreet had any excuse for failure, it was that he did not know the temper of the Western Indians, and had not before his eyes perpetual evidence of their ferocity and their guile. Bouquet knew them well, and great was his indignation at the other commander's ignorance or folly. After the relief of Fort Pitt in the preceding autumn he had gone back to Philadelphia, and throughout the spring and summer of 1764 was busy with preparations for a new campaign. On the 18th of September he was back at Fort Pitt, ready for a westward advance, with a strong force suitable for the work which lay before him. He had with him 500 regulars, mostly the seasoned men who had fought at Edgehill. Pennsylvania, roused at last to the necessity of vigorous action, had sent 1,000 men to join the expedition; and, though of these last a considerable number deserted on the route to Fort Pitt, 700 remained and were supplemented by over 200 Virginians. In the first days of October the advance from Fort Pitt began, the troops crossed the Ohio, followed its banks in a north-westerly direction to the Beaver Creek, crossed that river, and, marching westward through the forests, reached in the middle of the month the valley of the Muskingum river, near a deserted Indian village known as Tuscarawa or Tuscaroras. Bouquet was now within striking distance of the Delawares and the other Indian tribes who had so long terrorized the borderlands of the southern colonies. Near Tuscarawa Indian deputies met him, and were ordered—as a preliminary to peace—to deliver up within twelve days all the prisoners in their hands.

Bouquet's operations.

The spot fixed for the purpose was the junction of the two main branches of the Muskingum, forty miles distant to the south-west, forty miles nearer the centre of the Indians' homes. To that place the troops marched on, strong in their own efficiency and in the personality of their leader, although news had come that Bradstreet, who was to threaten the Indians from Sandusky, was retreating homewards to Niagara. At the Forks of the Muskingum an encampment was made, and there at length, at the beginning of November, the red men brought back

Submission of the Western Indians.

their captives. The work was fully done: north to Sandusky, and to the Shawano villages far to the west, Bouquet's messengers were sent; the Indians saw the white men in their midst ready to strike hard, and they accepted the inevitable. The tribes which could not at the time make full restoration gave hostages of their chiefs, and hostages too were taken for the future consummation of peace, the exact terms of which were left to be decided and were shortly after arranged by Sir William Johnson. With these pledges of obedience, and with the restored captives, Bouquet retraced his steps, and reached Fort Pitt again on the 28th of November.

Bouquet's success.

He had achieved a great victory, bloodless but complete; and at length the colonies realized what he had done. A vote of thanks to him was passed by the Pennsylvanian Assembly in no grudging terms. The Virginians, too, thanked him, but with rare meanness tried to burden him with the pay of the Virginian volunteers, who had served in the late expedition. This charge Pennsylvania took upon itself, more liberal than the sister colony; and the Imperial Government showed itself not unmindful of services rendered, for, foreigner as he was, Bouquet was promoted to be a brigadier-general in the British army. He was appointed to command the troops in Florida, and died at Pensacola in September, 1765, leaving behind him the memory of a most competent soldier, and a loyal, honourable man.

His death.

The Illinois country and the Mississippi.

Beyond the scene of Bouquet's operations—further still to the west—lay the Illinois country and the settlements on the eastern bank of the Mississippi. Ceded to Great Britain by the Treaty of 1763, they were still without visible sign of British sovereignty; and, when the year 1764 closed, Pontiac's name and influence was all powerful among the Indians of these regions, while the French flag still flew at Fort Chartres. By the treaty, the navigation of the Mississippi was left open to both French and English; and in the spring of 1764 an English officer from Florida had been dispatched to ascend the river from New Orleans, and take over the ceded forts. The officer in question—Major Loftus—started towards the end of February, and, after making his way for some distance up-stream, was attacked by Indians and forced to retrace his steps. Whether or not the attack was instigated by the French, it is certain that Loftus received little help or encouragement from the French commander at New Orleans, and it is equally certain that trading jealousy threw every obstacle

in the way of the English advance into the Mississippi valley. It was not until the autumn of 1765 that 100 Highlanders of the 42nd Regiment made their way safely down the Ohio, and finally took Fort Chartres into British keeping.

British occupation of Fort Chartres.

The way had been opened earlier in the year by Croghan, one of Sir William Johnson's officers, who in the summer months went westward down the Ohio to remind the tribes of the pledges given to Bouquet, and to quicken their fulfilment. He reached the confluence of the Wabash river, and a few miles lower down was attacked by a band of savages, who afterwards veered round to peace and conducted him, half guest, half prisoner, to Vincennes and Ouatanon, the posts on the Wabash. Near Ouatanon he met Pontiac, was followed by him to Detroit, where it was arranged that a final meeting to conclude a final peace should be held at Oswego in the coming year. The meeting took place in July, 1766, under the unrivalled guidance of Sir William Johnson, and with it came the end of the Indian war.

Croghan's mission.

The one hope for the confederate Indians had been help from the French. Slowly and reluctantly they had been driven to the conclusion that such help would not be forthcoming, and that for France the sun had set in the far west of North America. Pontiac himself gave in his submission to the English; he took their King for his father, and, when he was killed in an Indian brawl on the Mississippi in 1769, the red men's vision of independence or of sovereignty in their native backwoods faded away. The two leading white races in North America, French and English, had fought it out; there followed the Indian rising against the victors; and soon was to come the almost equally inevitable struggle between the British colonists, set free from dread of Frenchman or of Indian, and the dominating motherland of their race.

End of the Indian war and death of Pontiac.

FOOTNOTES:

[1] The *Annual Register* for 1763, p. 19, identified the St. John river with the Saguenay, and the mistake was long perpetuated.

[2] All the quotations made in the preceding pages are taken from the *Documents relating to the Constitutional History of Canada 1759-1791*, selected and edited

by Messrs. Shortt and Doughty, 1907.

[3] *Annual Register* for 1763, p. 22.

[4] *Journals of Major Robert Rogers*, London, 1765, p. 207.

[5] *Journals of Major Robert Rogers*, London, 1765, p. 214.

[6] *A Concise Account of North America*, by Major Robert Rogers, London, 1765, pp. 240-4.

[7] *Rogers' Journals*, p. 229.

[8] *A Concise Account of North America*, p. 168.

[9] Dalyell seems to have been a good officer. Bouquet on hearing of his death about two months' later wrote, 'The death of my good old friend Dalyell affects me sensibly. It is a public loss. There are few men like him.' Bouquet to Rev. M. Peters, Fort Pitt, September 30, 1763. See Mr. Brymner's *Report on Canadian Archives*, 1889, Note D, p. 70.

[10] Brymner's Report on *Canadian Archives*, 1889, note D, p. 59.

[11] Ibid., Note D, pp. 60, 62.

[12] Bouquet to Amherst, July 26, 1763: *Canadian Archives*, as above, pp. 61-2.

[13] Bouquet to Rev. Mr. Peters, September 30, 1763: *Canadian Archives*, as above, p. 70.

[14] 'There have been half a dozen battles in miniature with the Indians in America. It looked so odd to see a list of killed and wounded just treading on the heels of the Peace.' Letter of October 17 and 18, 1763, to Sir Horace Mann.

[15] Bouquet to Hamilton, Governor of Pennsylvania, Fort Pitt, August 11, 1763: *Canadian Archives*, as above, p. 66.

CHAPTER II

CAUSES OF THE AMERICAN WAR OF INDEPENDENCE AND THE QUEBEC ACT

It was said of the Spartans that warring was their salvation and ruling was their ruin. The saying holds true of various peoples and races in history. A militant race has often proved to be deficient in the qualities which ensure stable, just, and permanent government; and in such cases, when peace supervenes on war, an era of decline and fall begins for those whom fighting has made great. But even when a conquering race has capacity for government, there come times in its career when Aristotle's dictum in part holds good. It applied, to some extent, to the English in North America. As long as they were faced by the French on the western continent, common danger and common effort held the mother country and the colonies together. Security against a foreign foe brought difficulties which ended in civil war, and the Peace of 1763 was the beginning of dissolution.

In the present chapter, which covers the history of Canada from the Peace of Paris to the outbreak of the War of Independence, it is proposed, from the point of view of colonization, to examine the ultimate rather than the immediate causes which led to England losing her old North American colonies, while she retained her new possession of Canada.

Prophecies that the British conquest of Canada would be followed by the loss of the North American colonies. Peter Kalm.

It had been abundantly prophesied that the outcome of British conquest of Canada would be colonial independence in British North America. In the years 1748-50 the Swedish naturalist, Peter Kalm, travelled through the British North American colonies and Canada, and left on record his impressions of the feeling towards the mother country which existed at the time in the British provinces. Noting the great increase in these colonies of riches and population, and the growing coolness towards Great Britain, produced at

once by commercial restrictions and by the presence among the English colonists of German, Dutch, and French settlers, he arrived at the conclusion that the proximity of a rival and hostile power in Canada was the main factor in keeping the British colonies under the British Crown. 'The English Government,' he wrote, 'has therefore sufficient reason to consider the French in North America as the best means of keeping the colonies in their due submission.'[16]

Others wrote or spoke to the same effect. Montcalm was credited with having prophesied the future before he shared the fall of Canada,[17] and another prophet was the French minister Choiseul, when negotiating the Peace of Paris. To keen, though not always unprejudiced, observers the signs of the times betokened coming conflicts between Great Britain and her colonies; and to us now looking back on history, wise after the event, it is evident that the end of foreign war in North America meant the beginning of troubles within what was then the circle of the British Empire.

Incorrect view of the conflict between Great Britain and her colonies in North America.

Until recent years most Englishmen were taught to believe that the victory of the American colonists and the defeat of the mother country was a striking instance of the power of right over might, of liberty over oppression; that the severance of the American colonies was a net gain to them, and a net loss to England; that Englishmen did right to stand in a white sheet when reflecting on these times and events, as being citizens of a country which grievously sinned and was as grievously punished. All this was pure assumption. The war was one in which there were rights and wrongs on both sides, but, whereas America had in George Washington a leader of the noblest and most effective type, England was for the moment in want both of statesmen and of generals, and had her hands tied by foreign complications. We can recognize that Providence shaped the ends, without going beyond the limits of human common sense. Had Pitt been what he was in the years preceding the Peace of Paris, had Wolfe and the eldest of the brothers Howe not been cut off in early manhood, the war might have been averted, or its issue might have been other than it was. One of Wolfe's best subordinates, Carleton, survived, and Carleton saved Canada; there was no human reason why men of the same stamp, had they been found, should not have kept for England her heritage.

Great Britain failed for want of leaders.

The main reason why she lost her North American colonies was not the badness of her cause, but rather want of the right men when the crisis came.

The result of the War of Independence was not wholly a loss to Great Britain nor wholly a gain to the United States.

Equally fallacious with the view that England failed because wrong-doing never prospers, is, or was, the view that the independence of the United States was wholly a loss to England and wholly a gain to the colonists. What would have happened if the revolting provinces had not made good their revolt must be matter of speculation, but it is difficult to believe that, if the United States had remained under the British flag, Australia would ever have become a British colony. There is a limit to every political system and every empire, and, with the whole of North America east of the Mississippi for her own, it is not likely that England would have taken in hand the exploiting of a new continent. At any rate it is significant that, within four years of the date of the treaty which recognized the independence of the United States, the first English colonists were sent to Australia. The success or failure of a nation or a race in the field of colonization must not be measured by the number of square miles of the earth's surface which the home government owns or claims at any given time. To judge aright, we must revert to the older and truer view of colonizing as a planting process, replenishing the earth and subduing it. If the result of the severance of the United States from their mother country was to sow the English seed in other lands, then it may be argued that the defeat of England by her own children was not wholly a loss to the mother country.

Nor was it wholly a gain to the United States. Such at least must be the view of Englishmen who believe in the worth of their country, in its traditions, in the character of the nation, in its political, social, moral, and religious tendencies. The necessary result of the separation was to alienate the American colonists from what was English; to breed generations in the belief that what England did must be wrong, that the enemies of England must be right; to strengthen in English-speaking communities the elements which were opposed to the land and to the race from which they had sprung. With English errors and weaknesses there passed away, in course of years and in some measure, English sources of strength; the sober thinking, the slow broadening out, the perpetually leavening sense of responsibility. Had the American provinces remained under the British flag it is difficult to see why they should not have been in the essence as free and independent

as they now are; it is at least conceivable that their commercial and industrial prosperity would have been as great; assuredly, for good or for evil, they would have been more English.

Shortcomings of the English in foreign and colonial policy.

The faults and shortcomings of the English, which throughout English history have shown themselves mainly in foreign and colonial matters, seem all to have combined and culminated in the interval of twenty years between the Peace of 1763, which gave Canada to Great Britain, and the Peace of 1783, which took from her the United States; and in addition there were special causes at work in England, which at this more than at any other time militated against national success.

The party System.

The shortcomings in question are, in part, the result of counterbalancing merits, fair-mindedness, and freedom of thought, speech, and action. Love of liberty among the English has begotten an almost superstitious reverence for Parliamentary institutions. Parliamentary institutions have practically meant the House of Commons; and the House of Commons has for many generations past implied the party system. In regard to foreign and colonial policy the party system has worked the very serious evil that Great Britain has in the past rarely spoken or acted as one nation. The party in power at times of national crisis is constantly obliged to reckon on opposition rather than support, from the large section of Englishmen whose leaders are not in office; and ministers have to frame not so much the most effective measures, as those which can under the circumstances be carried with least friction and delay. The result has been weakness and compromise in action; among the friends of England, suspicion and want of confidence; among her foes, waiting on the event which prolongs the strife. The English have so often gone forward and then back, they have so often said one thing and done another, that their own officers, their friends and allies, their native subjects, and their open enemies, cannot be sure what will be the next move. If the Opposition in Parliament and outside, by speech and writing, attacks the Government, the natural inference to be drawn is that a turn of the electoral tide will reverse the policy.

Apart too from this more or less necessary result of party government, the element of cross-grained men and women, who, when their own country is at issue with another, invariably think that their country must be wrong

and its opponent must be right, has always been rather stronger, or, at any rate, rather more tolerated in the United Kingdom than among continental nations. This is due not merely to the habit of free criticism, but also to a kind of conceit familiar enough in private as in public life. Englishmen, living apart from the continent of Europe, are, as a whole, more wrapped up in themselves than are other nations; and in this self-satisfied whole there is a proportion of superior persons who sit in judgement on the rest, and who, having in reality a double dose of the national Pharisaism, think it their duty to belittle their countrymen.

Fault-finders of this kind, or political opponents of the Government for the time being, are apt, as a rule, to make light of any minority in the hostile or rival country, who may be friendly to England: they tend to misrepresent them as being untrue to their own land and people, as wanting to domineer over the majority, as seeking their own interests: and, if they have suffered losses for England's sake, the tale of the losses is minimized. But it is not only the opponents of the Government who take this line; too often in past history it has been to a large extent the line of the Government itself. The perpetual seeking after compromise, and trying to see two sides after the choice of action has been made, has lost many friends to our country and nation, and made none: while the retracing of steps, unmindful of claims which have arisen, of property which has been acquired, and of responsibilities which have been incurred has, as the record of the past abundantly shows, brought bitterness of spirit to the friends of England, and bred distrust of the English and their works.

Want of preparation for war.

The element of uncertainty in British policy and action towards foreign nations or towards British colonies has been in part due to ignorance: and to ignorance and want of preparation have been due most of the disasters in war which have befallen Great Britain. Here again something must be attributed to the fact of the island home. The rulers of continental peoples have been driven by the necessities of their case to learn the conditions of their rivals, by secret service and intelligence agents to ascertain all that is to be known, and at the same time to keep their own arms up to date, and their own powder dry. They have prepared for war. England has prepared for peace. Her policy has paid in the long run, but it would not have been a possible policy for other nations; and at certain times in English history it has wrought terrible mischief. England does not

always muddle through, as the English fondly hope she does; notably, she did not muddle through when the United States proclaimed their independence.

In these years, 1763-83, there was the party system in England with all its mischievous bitterness; there was a weak Executive at home, and a still weaker Executive in the colonies; there was ignorance of the real conditions in America, unwise handling of the colonial Loyalists, threatening talk coupled with vacillation in action, laws made which gave offence, and, when they had given offence, not quite repealed. All the normal English weaknesses flourished and abounded at this period, and were supplemented by certain sources of danger which were the outcome of the particular time.

Special evils at work in England in the years 1763-83.

It was a special time, a time of reaction. England had lately gone through a great struggle, made a great effort, incurred great expense, and won great success. She was for the moment vegetating, not inclined or ready for a second crisis. Second-rate politicians were handling matters, and the influence of the new King was all in favour of their being and remaining second-rate; for George the Third intended, by meddling in party politics, and by Parliamentary intrigues, to rule Parliament. Thus the Crown became a partisan in home politics, and in colonial politics was placed in declared opposition to the colonies, instead of remaining the great bond between the colonies and the mother country.

A time of reaction.

Partisan attitude of the Crown.

Sympathy in England with the colonists and their cause.

The result was, that throughout the years of the American quarrel, and in a growing degree, the colonies found powerful support in this country, because they were, after all, not foreigners but Englishmen—Englishmen who compared favourably with Englishmen at home and whom patriotic Englishmen at home could admire and uphold; because they were apparently the weaker side, attracting the sympathy which in England the weaker side always attracts; and because, through the attitude of the King, their cause was associated with the cause of political liberty at home. Add to this that the one great English statesman of world-wide reputation, Chatham, had warmly espoused the colonial side, and it may well be seen that, unless some able general, as Wellington in later days, by military success, saved his country from the results of political blunders, the position was hopeless.

But for the special purpose of determining what place the episode of the severance of the British North American colonies holds in the history of colonization we must look still further afield. The constitutional question as to whether the colonies were subject to the Parliament of the mother country or to the Crown alone may, from this particular point of view, be omitted, for the story of the troubled years abundantly shows that theories would have slept, if certain practical difficulties had not called them into waking existence, and if lawyers had not been so much to the front, holding briefs on either side. Nor is it necessary to dwell upon the specific and immediate causes of the strife, except so far as they were ultimate causes also. Among such immediate causes, some of which have been already noted, were the personal character of the English king for the time being, the corruption and jobbery of public life in England, the weakness of the Executive in the colonies, the enforcing of commercial restrictions already placed by the mother country on the colonies, the kind of new taxes which the Home Government imposed, the method of imposing them, and the object with which they were devised; the outrageous laws of 1774 for penalizing Massachusetts, the Quebec Act, and the employment of German mercenaries against the colonists, which gave justification to the colonists for calling in aid from France. All these and other causes might have been powerless to affect the issue, if England had possessed statesmen and generals, and if the growing plant of disunion had not been deeply rooted in the past.

Ultimate causes of the severance of the North American colonies.

When France lost Canada and Louisiana, two European nations, other than the Portuguese in Brazil, practically shared the mainland of America. They were Spain and Great Britain. Spain won her American empire not far short of a hundred years before Great Britain had any strong footing on the American continent; she kept it for some thirty or forty years after the United States had achieved their independence. The Spanish-American empire was therefore much longer-lived than the first colonial dominion of Great Britain in North America, and the natural inference is, either that the Spaniards treated their colonies or dependencies better than the English treated theirs, or that the English colonies were in a better position than the Spanish dependencies to assert their independence, or that both causes operated simultaneously.

Comparison of Spanish and British colonization in America.

Spain held her American possessions for a longer time than Great Britain held the North American colonies.

It is difficult to compare Spain and Great Britain as regards their respective colonial policies in America, for their possessions differed in kind. Spain owned dependencies rather than colonies, Great Britain owned colonies rather than dependencies. Spanish America was the result of conquest: English America, not including Canada, was the result of settlement. But, so far as a comparison can be instituted, it will probably not be seriously contended that the British colonies suffered more grievously at the hands of the mother country than did the colonial possessions of Spain. The main charge brought against England was that she neglected her colonies and left them to themselves. Whether the charge was true or not—as to which there is more to be said—neglect is not oppression; and within limits the kindest and wisest policy towards colonies, which are colonies in the true sense, is to leave them alone. 'The wise neglect of Walpole and Newcastle,' writes Mr. Lecky, 'was eminently conducive to colonial interests.'[18]

Absence of system in British colonial policy in North America.

The real, ultimate reasons why England held her North American colonies, which now form the United States of America, for a shorter time than Spain retained her Central and South American possessions were two: first, that the English colonies were in a better position than the Spanish dependencies to assert their independence; secondly, that—largely because she owned dependencies rather than colonies—Spain was more systematic than England in her dealings with her colonial possessions. These two reasons are in truth one and the same, looked at from different sides. The English colonies were able to assert their independence, because they had on the whole always been more or less independent. They had always been more or less independent, because the mother country had never adopted any definite system of colonial administration. The Spanish system was not good—quite the contrary; but it was a system, and those who lived under it were accustomed to restrictions and to rules imposed by the home government. Similarly in Canada, under French rule, there was a system, kindlier and better than that of Spain, but one which had the gravest defects, which stunted growth and precluded freedom: yet there it was, clear and definite; the colonists of New France had grown up under it; they knew where they were in relation to the mother country; it had never occurred to them to try and make headway against the King of France and his regulations. Widely different was the case of the English colonies in North America. All these

settlements started under some form of grant or charter, derived ultimately from the Crown: the Crown from time to time interfered and made a show of its supremacy; but there was no system of any sort or kind, and communities grew up, which in practice had never been governed from home but governed themselves. Most of all, the New England colonies embodied to the full the spirit of colonial independence. Their founders, men of the strongest English type, went out to live in their own way, to be free from restrictions which trammelled them at home, to found small English-speaking commonwealths which should be self-governing and self-supporting, ordered from within, not from without.

When the English colonies were planted in North America there was the most complete absence of system at home.

The English have never been systematic or continuous in their policy throughout their history; but the period of English history when North America was colonized was the one of all others when system and continuity were most conspicuously absent. It was a time of violent political changes at home, of strife between king and people. A line of kings was brought in from Scotland, they were overturned, they were restored, and they were finally driven out again. This was the condition of the Crown to which the newly-planted colonies owed allegiance, and which was supposed to exercise supreme authority over the colonies. Under the Crown were Proprietors and Companies, whose charters, being derived from a perpetually disputed source, were a series of dissolving views; and under the Proprietors and Companies were a number of strong English citizens who, caring little for the theoretical basis of their position, cared very much for practical independence, and ordered their ways accordingly, becoming steadily and stubbornly more independent through perpetual friction and perpetual absence of systematic control. Thus it was that the North American colonies drank in, as their mother's milk, the traditions and the habits of independence. They carried with them English citizenship, but the privileges of such citizenship rather than the responsibilities; and, in so far as the mother country was inclined to ignore the privileges, the colonies were glad to disclaim the responsibilities.

Absence of collective responsibility in the British North American colonies.

They were separate and distinct, not only from the mother country, but also from each other, and they could not in consequence from first to last be held collectively responsible. In the wars with Canada, New England and New York, though

alike exposed to French invasion, and from time to time co-operating to repel the invaders or to organize counter-raids, yet acted throughout as entirely separate entities, in no way inclined to bear each other's burdens as common citizens of a common country. The southern colonies, until the French, shortly before the beginning of the Seven Years' War, came down into the valley of the Ohio, took no part whatever in the fight between Great Britain and France for North America. The New Englanders, most patriotic of the colonists, beyond all others went their own ways in war and peace; uninvited and unauthorized from home they formed a confederation among themselves: early in their history they tried to make a treaty with Canada on the basis that, whatever might be the relations between France and England in Europe, there should be peace between French and English in North America: they took Port Royal: they attacked Quebec: they captured Louisbourg: and the anonymous French eye-witness of the first siege and capture of Louisbourg commented as follows on the difference between the colonial land forces and the men of the small Imperial squadron which Warren brought to the colonists' aid: 'In fact one could never have told that these troops belonged to the same nation and obeyed the same prince. Only the English are capable of such oddities, which nevertheless form a part of that precious liberty of which they show themselves so jealous.'[19]

The colonies had never been taxed for revenue purposes.

Most of all it should be remembered that, though subject to the Navigation laws imposed by the mother country and to that extent restricted in their commercial dealings, no English colony in North America, before the days of the Stamp Act, had ever been taxed by Crown or Parliament for revenue purposes. In the year 1758 Montcalm was supposed to have written on this subject in the following terms: 'As to the English colonies, one essential point should be known, it is that they are never taxed. They keep that to themselves, an enormous fault this in the policy of the mother country. She should have taxed them from the foundation. I have certain advice that all the colonies would take fire at being taxed now.'[20] This judgement was probably sound. It might have been well if from the first, when charters were issued and colonial communities were formed, some small tax had been levied for Imperial purposes upon the British colonies, if some contribution of only nominal amount had been exacted as a condition of retaining British citizenship. There would then have been a precedent, such as Englishmen

always try to find, and there would have been in existence a reminder that all members of a family should contribute to the household expenses.[21]

The political separation of the North American colonies was the natural result of their geographical separation.

We are accustomed to think and to read of the separation of the American colonies from the mother country as wholly an abnormal incident, the result of bad handiwork, not the outcome of natural forces. This view is incorrect. History ultimately depends on geography. When two members of the same race, nation, or family pass their lives at a long distance from each other, in different lands, in different climates, under different conditions, the natural and inevitable result is that they diverge from each other. The centrifugal tendency may be counteracted by tact and clever statesmanship, and still more by sense of common danger; but it is a natural tendency. Men cannot live at a distance from each other without becoming to some extent estranged. The Greeks, with their instinctive love of logic and of symmetry, and with their fundamental conception of a city as the political unit, looked on colonization as separation, and called a colony a departure from home. The colonists carried with them reverence for the mother state, but not dependence upon it; and, if there was any political bond, it was embodied in the words that those who went out went out on terms of equality with, not of subordination to, those who remained behind. The English, in fact, though not in principle, planted colonies on the model of the Greek settlements; their theories and their practice collided; and, being a practical race, their theories eventually went by the board.

Conflicting tendencies. Distance and sentiment.

When an over-sea colony is founded, the new settlement is in effect most distant from the old country; that is to say, means of communication between the one point and the other are least frequent and least developed. The tendency to separation—as far as geography is concerned—is therefore strongest at the outset. On the other hand, in the foundation of a colony, unless the foundation is due to political disruption at home, the sentiment towards the mother country is warmer and closer than in after years, for the founders remember where they were born and where they grew to manhood. As generations go on, the tie of sentiment becomes necessarily weaker, but, with better communication, distance becomes less; there is therefore a competition between the opposing tendencies. Many of the Greek colonies were the result of στάσις or division in the mother cities. The

στάσις and

unsuccessful party went out and made a separate home. In a very modified form the same cause was at work in the founding of the Puritan colonies of North America. Notably, the emigrants on the *Mayflower* were already exiles from England, political refugees, who had found a temporary home in the Netherlands. These founders of the Plymouth settlement were by no means the chief colonizers of North America, or even of New England, but their story—the story of the 'Pilgrim fathers'—became a nucleus of Puritan tradition; and from it after generations deduced that New England was the home of English citizens whom England had cast out. Thus one group, at any rate, of North American colonies traced their origin to separation. Then came the element of distance. 'The European colonies in America,' wrote Adam Smith, with some exaggeration, 'are more remote than the most distant provinces of the greatest empires which had ever been known before.'[22] The Atlantic Ocean lay between them and the motherland, and cycles went by before that distance was perceptibly modified. In our own time, steam and telegraphy have been perpetually counteracting the effects of distance. It was not so in the seventeenth or eighteenth centuries. Navigation was improved, but was still the humble handmaid of wind and tide; and on the very eve of the American War of Independence the remoteness of the North American colonies, and the prevailing ignorance in England about the North American colonies were, though no doubt much exaggerated, a commonplace among the speakers and writers of the time.

colonization.

We start then with colonies planted from a land which had no thought of systematic control over colonies or dependencies, whose government was at the time of colonization in a chaotic state, whose colonists went out in part, at any rate, intent on practical separation, and who all settled themselves or were settled in a remote region at a time when distance did not grow less.

The next point to notice is that it has always been held that, as between a mother country and its colonies, if they are colonies in the true sense and not merely tributary states, it is rather for the mother country to give and her colonies to take, than vice versa. This is a view which has been held at all times and among all races, but especially among members of the English race. Other nations and races have, it is true, felt as strongly as, or more strongly than, the English the duty of protecting their outlying possessions: they have in some cases lavished

General view of the duty of a mother country towards its colonies.

more money directly upon them at the expense of the taxpayers at home; but, on the other hand, they have almost invariably regarded their colonies as dependencies pure and simple, constrained to take the course of the dominant partner in preference to their own. The English alone in history have bred communities protected by, but in practice not subject to, the mother country. They have given, without exacting toll in return.

Adam Smith on the subject.

No writer has laid greater stress on this view of the relations between the mother country and the colonies than Adam Smith, who published the *Wealth of Nations* just as the American colonies were breaking away from Great Britain. 'The English colonists,' he wrote, 'have never yet contributed anything towards the defence of the mother country, or towards the support of its civil government. They themselves, on the contrary, have hitherto been defended almost entirely at the expense of the mother country;' and again, 'Under the present system of management, Great Britain derives nothing but loss from the dominion which she has assumed over her colonies.' 'Great Britain is, perhaps, since the world began, the only state which, as it has extended its empire, has only increased its expense without once augmenting its resources.'[23] His opinion would have been modified could he have foreseen the help given to the mother country in our own day by the self-governing colonies of Canada, Australia, and New Zealand in a war far removed from their shores; but even in our own day the old view, against which he contended, largely holds the field, that more is due from the mother country to the colonies than from the colonies to the mother country, that what the mother country spends on the Empire is payment of a debt, while what the colonies spend on the Empire is a free gift.

The mother country, being usually greater than the colony, is expected to give rather than to receive.

This view of the relations between a mother country and its colonies takes its ultimate source largely from the fact that the mother country is nearly always[24] greater and stronger than any one colony or group of colonies; and in the English mind the instinct of fair play invariably makes in favour of the party to a contract which is or appears to be the weaker party. It is in the light of the fact that the American colonies were numerically the weaker party in their contention with the mother country, and with the misleading deduction that any demand made upon them was therefore unjust, that the story of the War of Independence has over and over again been wrongly

told. In one of the more recent books on the subject, Sir George Trevelyan's *American Revolution*, it is stated that all the colonies asked of the King was to be let alone.[25] That is all that any man or any community asks, when called upon to pay a bill; and the question at issue between the mother country and the colonies in the eighteenth century was the eternal question, which vexes every community and every federation of communities, who ought to pay. The bill was one for defence purposes; but, when it was presented, the colonists' answer was in effect, first, that it was the duty of the mother country to defend the colonies; secondly, that that duty had been neglected; and thirdly, that, assuming that it had been performed, it was for the colonies and not for the mother country to determine what proportion of the expense, if any, should be defrayed by the colonies.

Contentions of the colonists.

The first of these three contentions may not have been fully avowed, but deep down in the minds of men there lay the conviction that the mother country ought to pay for defending the colonies, and there it has remained, more or less, ever since. It is true that the grant of self-government in its fullest sense to the present great provinces of the British Empire has been coupled with the withdrawal of the regular forces from all but a few points of selected Imperial vantage, and to that extent the colonies have taken up, and well taken up, the duty of self-defence; but the burden of the fleet, the great defensive force of the Empire as a whole, is still borne in the main, and was till recently entirely borne, by the mother country. When colonies or foreign possessions are in a condition of complete political dependence upon the mother country, it may fairly be argued that the latter, in insisting upon dependence, should, as the price of supremacy, undertake to some extent the duty of defence. And yet a survey of the British Empire at the present day shows that no self-governing province of the Empire is so highly organized or so fully charged for the purposes of defence as is the great dependency of India.

(1) It was the duty of the mother country to bear the expense of defending the colonies.

This view still prevails.

The first and most elementary duty of an independent community, the one condition without which it cannot be independent, is providing for its own defence. The American colonies claimed in reality political independence, at any rate as far as internal matters were concerned; but they did not admit, except to a limited extent,

Independence implies self-defence.

that it was their duty to provide against foreign invasion. That duty, in their eyes, devolved upon the mother country because it was the mother country; because it was held that the mother country derived more advantage from the colonies than—apart from defence—the colonies derived from her; and because the mother country dictated the foreign policy of the Empire; in common parlance, it called the tune and therefore, it was argued, should pay the piper.

The Navigation Acts an inadequate return for the charge imposed on the mother country for defending the colonies.

The Navigation laws, the commercial restrictions imposed by Great Britain on her colonies, were assumed to represent the price which the colonies paid in return for the protection which the mother country gave or professed to give to the colonies; and these same laws and restrictions, viewed in the light of later times, have been held to be the burden of oppression which was greater than the colonies could bear. Adam Smith, the writer who most forcibly exposed the unsoundness of the old mercantile system, also demonstrated most conclusively that that system was universal in the eighteenth century; that it was less oppressively applied by England than by other countries which owned colonies; that under it, if the colonies were restricted in trade, they were also in receipt of bounties; and lastly, that the undoubted disadvantages which were the result of the system were shared by the mother country with the colonies, though they weighed more heavily upon the colonies than on the mother country, and were to the colonies 'impertinent badges of slavery'. The conclusion to be drawn is that, assuming Great Britain to have adequately discharged the duty of protecting the colonies, she was not adequately paid for doing so by the results of the mercantile system.

(2) Did Great Britain neglect the defence of the North American colonies?

But it was further contended that the duty of protecting her colonies was one which Great Britain neglected. While the colonies were poor and insignificant, the mother country, it was alleged, neglected them. When they became richer and more valuable she tried to oppress them. If the charge of neglect in the general sense was true, we may refer to Mr. Lecky's words already quoted, as showing that it may well be argued that the colonies profited by it.[26] Mr. Lecky writes of conditions in the eighteenth century, but Adam Smith used similar terms with reference to the earlier days of the colonies. Contrasting the Spanish colonies in America with those owned by other European

nations on that continent, he wrote: ‘The Spanish colonies’ (in consequence of their mineral wealth) ‘from the moment of their first establishment attracted very much the attention of their mother country; while those of the other European nations were for a long time in a great measure neglected. The former did not perhaps thrive the better in consequence of this attention, nor the latter the worse in consequence of their neglect.’[27] It may be answered, however, that the neglect here referred to was neglect of the colonies in their internal concerns, leaving them, as Adam Smith puts it, to pursue their interest in their own way. This was an undeniably beneficial form of neglect, wholly different from the neglect which leaves distant dependencies exposed to foreign invasion and native raids. Was then the British Government guilty of the latter form of neglect in the case of the American colonies?

The attitude of the mother country in the earlier history of the colonies.

There were many instances in the history of these colonies, while they were still under the British flag, of the Imperial Government promising assistance which was never sent, or only sent after months of delay: there were instances of gross incapacity on the part of leaders of expeditions sent out from home, notably in the case of Walker and Hill, who commanded the disgracefully abortive enterprise against Quebec in 1711. The state of Acadia, when nominally in British keeping after the Treaty of Utrecht, was a glaring illustration of English supineness and procrastination. There was, at any rate, one notable instance of the mother country depriving the colonies of a great result of their own brilliant enterprise, viz. when Louisbourg, taken by the New Englanders in 1745, was restored by Great Britain to France under the terms of the Treaty of Aix la Chapelle in 1748. Undoubtedly Great Britain on many occasions disappointed and disheartened the colonies, and especially the most patriotic of the colonies, the New England states. On the other hand, it is beyond question that the colonies were never seriously attacked by sea. They were threatened, sometimes badly threatened, as by d’Anville’s fleet in 1746; they were liable to the raids of daring partisan leaders, such as d’Iberville; but either good fortune or the British fleet, supplemented no doubt by a wholesome respect for the energy and activity of the New England sailors themselves, kept the coasts and seaports of the American colonies in comparative security through all the years of war. It must be noted too that, while the colonies suffered because Great Britain had interests elsewhere than in America; while, for instance, a fleet

designed for the benefit of the colonies in 1709 was sent off to Portugal, and the New Englanders' prize of Louisbourg was forfeited in order to secure Madras for the British Empire, the colonies at the same time shared in the results of victories won in other parts of the world than America. The Peace of Utrecht, with what it gave to the English in America, was entirely the outcome of Marlborough's victories on the continent of Europe. Nothing that was done in America contributed to it. The failures of England were under the colonies' eyes; her successes, the fruits of which they shared, were often achieved at the other side of the world.

But, taking the main events which contributed to the security and greatness of the American colonies, how far should they be credited to Great Britain and how far to the colonies themselves? In earlier days, nothing was more important to the future of the English in America than securing a continuous seaboard and linking the southern to the northern colonies. This object was obtained by taking New York from the Dutch, the result of action initiated in Europe, not in America. The final reduction of Port Royal was effected with the assistance of troops and ships from England. The Peace of Utrecht, which deprived the French of Acadia and their settlements in Newfoundland, was, as already stated, wholly the result of Marlborough's fighting in Europe. Though the New Englanders took Louisbourg, and England gave it back to France, the colonists' success was largely aided by Warren's squadron of Imperial ships. But, most of all, the final conquest of Canada was due far more to the action of the mother country than to that of the colonies.

The conquest of Canada was mainly due to the mother country.

The great, almost the only, foreign danger to the English colonies in North America was from the French in Canada and Louisiana, but it is not generally realized how enormously the English on the North American continent outnumbered the French. At the time of the conquest of Canada, the white population of the English colonies in North America was to that of the French colonies as thirteen to one. It is true that the English did not form one community, whereas the French were united; but it is also true, on the other hand, that the several English communities were more concentrated than the French, and that they held the base of the triangle, which base was the sea. A single one of the larger English colonies had a white population equal to or surpassing the whole French population in

North America. Under these circumstances it might fairly be asked why the English colonists required any help at all from the mother country to conquer Canada. The war was one in which they were vitally concerned. Its object was to give present security to their frontiers, to rid them once for all from the raids of French and Indians, which had for generations desolated their villages, farms, and homesteads, and to leave the West as a heritage to their children's children, instead of allowing the valleys of the Mississippi and the Ohio to remain a French preserve. No doubt it was to the interest of Great Britain, as an Imperial Power, that France should be attacked and, if possible, overthrown in the New World as in the Old. The conquest of Canada was part of Pitt's general scheme of policy, and English regiments were not sent to America for the sake of the American colonists alone.[28] But the allegation made in after years, that the campaigns in America were of great concern to the mother country and of little concern to the American colonies, was on the face of it untrue. To the English colonists in North America the French in Canada were the one great present danger, and the conquest of Canada was the one thing needful. Yet we find that, in 1758, the troops, nearly 12,000 in number, which achieved the second capture of Louisbourg were nearly all regulars; that in the force which Abercromby led against Ticonderoga about one-half of the total fighting men were soldiers of the line, and that even Forbes' little army, which took Fort Duquesne, contained 1,600 regulars out of a total of 6,000 men. In the following year, Wolfe's army, which took Quebec, was almost entirely composed of Imperial troops. Nor was this all. Although, in 1758, the colonies, or rather the New England colonies, readily answered to Pitt's call for a levy of 20,000 men, a considerable part of the expense which was thus incurred was recouped from the Imperial exchequer.[29] The conclusion of the whole matter is that to the mother country, rather than to the colonies themselves, was it due that the great danger which had menaced the latter for a century and a half was finally removed. England gave the best of her fighting men, and loaded her people at home with a debt of many millions, in order that her great competitor might be weakened, and that her children on the other side of the Atlantic might be for all time secure on land from foreign foes, while her fleets kept them safe from attack by sea; and, inasmuch as the French in America were numerically insignificant as compared with the English colonists, the only real justification for the colonists requiring aid from the mother country to overcome the difficulty was, that the English

colonies were by geography and interest divided from each other and consequently indifferent to each other's burdens and perils; while Canada, united in aim and organization, received also assistance, though niggardly assistance, from France.

The French were the main enemies to the English in North America. The native Indians were the only other human beings against whom the colonists had to defend themselves, and here clearly it was their concern alone. The New Englanders took the burden on themselves manfully, so far as related to their own borders, but they were not prepared to fight the battles of the Pennsylvanians and Virginians; and the Pennsylvanians and Virginians were slow to help themselves. The result was, as told in the last chapter, that the brunt of the war with Pontiac and his confederates fell largely on the mother country, her officers, and her troops, and this fact alone was sufficient justification for Grenville's contention, that a small Imperial force ought to be maintained in, and be in part paid by, the American colonies.

Aid given by the mother country against the Indians.

But then comes the last and the strongest argument of the colonies. The mother country dictated the policy; distant and without direct representation, though their agents were active in England, the colonies could only follow where the mother country led: the mother country, therefore, should pay the cost of defending the outlying provinces; or, if the latter contributed at all to the cost, it was for them and not for the mother country to determine the amount and the method of the contribution. The real answer to this argument was, as Adam Smith saw,[30] that the colonies should be represented in the Imperial Parliament. He allowed that such a proposal was beset by difficulties, but he did not consider, as Burke considered, that the difficulties were insurmountable. Yet the problem, infinitely easier in the days of steam and telegraphy, has not yet been solved, and the preliminary task of combining a group of self-governing colonies into a single confederation had, in the eighteenth century, only been talked of and never been seriously attempted in North America.

(3) Argument that because the mother country dictated the policy she ought to bear the expense.

Question of colonial representation in the Imperial Parliament.

In theory, English citizens, who had never been taxed directly for Imperial purposes, might fairly claim not to be taxed, unless and until they were taken into full partnership and given a voice in determining the policy

of the Empire. But the actual facts of the case made the demand of the mother country on the American colonies in itself eminently reasonable. It was true that England had dictated the policy; but it was also true that the policy had been directly in the interests of the colonies, and such as they warmly approved. They were asked for money, but only for their own protection, and to preclude the possibility of a further burden falling on the mother country, already overweighted with debt incurred on behalf of these particular provinces of the Empire. The demand was a small one; the money to be raised would clearly defray but a fraction of the cost of defending the North American colonies. To the amount no reasonable exception could be taken; and as to the method of raising it the colonies were, as a matter of fact, consulted, for Grenville, the author of the Stamp Act, gave a year's notice, before the Act was finally passed,[31] in order that the colonies might, in the meantime, if they could, agree upon some more palatable method of providing the sum required.

Moderation of the English demand on the colonies.

The merits of England, no less than her defects, tended to alienate the North American colonies. It is possible that, if she had made a larger and more sweeping demand, she would have been more successful. Her requisition was so moderate, that it seemed to be petty, and might well have aroused suspicion that there was more behind; that what was actually proposed was an insidious preliminary to some far-reaching scheme for oppressing the colonies and bringing them into subjection. It has been held, too, that, if the Stamp Act had been passed without delay, there would have been less opposition to it than when it had been brooded over for many months. In other words, the fairness of dealing, which gave full warning and full time for consideration of a carefully measured demand, was turned to account against the mother country. But after all what was in men's minds, when the American colonies began their contest for independence was, speaking broadly, the feeling, right or wrong, that a mother country ought to pay and colonies ought not. Men argued then, and they still argue, from the analogy of a family. The head of the family should provide, as long as the children remain part of the household.

England suffered for her merits as well as for her defects.

The analogy of family life in the case of a mother country and its colonies.

The analogy of family life suggests a further view of the relations between a mother country and its colonies, which accounts for the

possibilities of friction. A colonial empire consists of an old community linked to young ones. The conditions, the standards, the points of view, in politics, in morals, in social and industrial matters, are not identical in old and young communities. Young peoples, like young men, do not count the cost, and do not feel responsibility to the same extent as their elders. They are more restive, more ready to move forward, more prompt in action. Their horizon is limited, and therefore they see immediate objects clearly, and they do not appreciate compromise. The problems which face them are simple as compared with the complicated questions which face older communities, and they are impatient of the caution and hesitation which come with inherited experience in a much wider field of action. The future is theirs rather than the past, they have not yet accumulated much capital and draw bills on the coming time. Most of all, being on promotion, they are sensitive as to their standing, keenly alive to their interests, and resent any semblance of being slighted. It is impossible to generalize as to the comparative standards of morality in old and young communities, either in public or in private life, but, as a matter of fact, political life, in the middle of the eighteenth century, was much purer in the North American colonies than in England: whereas at the present day, in this respect, England compares favourably with the United States. The North American colonies were a group of young communities, whose citizens were, at any rate in New England and Pennsylvania, of a strong, sober, and very tenacious type: the late war had taught them to fight: its issue had given them a feeling of strength and security: there had been no extraordinary strain upon their resources: they had reached a stage in their history when they were most dangerous to offend and not unlikely to take offence unless very carefully handled, and careful handling on the part of the mother country, as all the world knows, was conspicuous by its absence.

The Native question.

One more point may be noted as having an important bearing upon the general question of the relations between a mother country and its colonies, one which in particular contributed to ill-feeling between England and the North American states. Colonization rarely takes place in an empty land. The colonists on arrival find native inhabitants, strong or weak, few or many, as the case may be. In North America there were strong fighting races of Indians, and the native question played an all-important part in the early history of European settlement in this part of the world. It is almost inevitable that white men on the spot,

who are in daily contact with natives, should, unless they hold a brief as missionaries or philanthropists, take a different view of native rights and claims from that which is held at a distance. It is true that in our own time, to take one instance only, the Maori question in New Zealand has been well handled by the colonial authorities, when thrown on their own resources, with the result that there are no more loyal members of the British Empire at the present day than the coloured citizens of New Zealand; but in the earlier days of colonization the general rule has been that native races fare better under Imperial than under colonial control, for the twofold reason that the distant authority is less influenced by colour prejudice, and that white men who go out from Europe to settle among native races are, in the ordinary course, of a rougher type than those who stay at home, and that they tend to become hardened by living among lower grades of humanity. The Quaker followers of Penn, in the state which bears his name, were conspicuous for just and kindly treatment of the Indians, but in the back-lands of Pennsylvania the traders and pioneers of settlement were to the full as grasping as their neighbours. The North American Puritan, like the South African Dutchman, looked on the coloured man much as the Jewish race regarded the native tribes of Canaan. The colonists came in and took the land of the heathen in possession. Indian atrocities, stimulated by French influence and French missionary training, were not calculated to soften the views of the English settlers. They saw their homes burned: their wives and children butchered: to them arguments as to the red men's rights were idle words.

The only authority which could and would hold the balance even between the races was the Imperial Government; and in the hands of that Government, represented for the purpose in the middle of the eighteenth century by a man of rare ability and unrivalled experience, Sir William Johnson, the superintendence of native affairs was placed. But this duty, and the attempt to carry it out justly and faithfully, involved friction with the more turbulent and the less scrupulous of the colonists. Colonization is a tide which is always coming in; and, unless restrictions are imposed upon the colonists by some superior authority, the native owners are gradually expropriated. 'Your people,' said the representatives of the Six Nations to Sir William Johnson in 1755, 'when they buy a small piece of land of us, by stealing they make it large;'[32] and Johnson amply corroborated this view.

In October, 1762, he wrote: ‘The Indians are greatly disgusted at the great thirst which we all seem to show for their lands.’[33]

Sir William Johnson.

A word must be said of Sir William Johnson, for he was one of the men who, in the long course of British colonial history, have rendered memorable service to their country by special aptitude for dealing with native races. In this quality the French in North America, as a rule, far excelled the English, and at the particular place and time, Johnson’s character and influence were an invaluable asset on the British side. An Irishman by birth, and nephew of Sir Peter Warren, he had come out to America in 1738 to manage his uncle’s estates on the confines of the Six Nation Indians, and some eleven years later he was made Superintendent of Indian Affairs for the Northern division. He lived on the Mohawk river, as much Indian as white man, his second wife being Molly Brant, sister of the subsequently celebrated Mohawk leader, and among the Iroquois his influence was unrivalled. In the wars with France he did notable work, especially at the battle of Lake George in 1755, and at the taking of Fort Niagara in 1759; and, when he died in July, 1774, on the eve of the War of Independence, his death left a gap which could not be filled, for no one among his contemporaries could so persuade and so control the fiercest native fighters in North America.

The Fort Stanwix line.

As has been seen, the Royal Proclamation of 1763 carefully safeguarded the Indians’ lands, and in 1765 a line was drawn from the Ohio valley to Wood Creek in the Oneida country, dividing the country which should in future be open to white settlers from that which the Six Nations were to hold for their own. This boundary was, through Johnson’s influence, confirmed by an agreement signed at Fort Stanwix on the 5th of November, 1768, in the presence of Johnson himself as well as of Benjamin Franklin’s son, who was at the time Governor of New Jersey. The signatories were representatives of the colonies of New Jersey, Pennsylvania, and Virginia on the one hand, and deputies of the Six Nations on the other; and the Indians were described as ‘true and absolute proprietors of the lands in question’. The line diverged from the Alleghany branch of the Ohio some miles above Pittsburg; it was carried in a north-easterly direction to the Susquehanna; from the Susquehanna it was taken east to the Delaware; and from the Delaware it was carried north along the course of the Unadilla river, ending near Fort Stanwix, now the town of

Rome, in Oneida county of the state of New York. Under the terms of the agreement all the land east of the line was, for a sum of £10,460 7*s.* 3*d.* sold to the King, except such part as was within the province of Pennsylvania. [34] It was a definite recognition of the Indians as being owners of land, and a definite pronouncement that what they sold should be sold to the Crown. Neither tenet was likely to commend itself to the border colonists. They would find it hard to believe that a savage's tenure of land was as valid as that of a white man, nor would they welcome the Imperial Government as landlord of the hinterland. The red man thought otherwise. The power from over the seas, which the colonists soon learnt to denounce as the enemy of liberty, was to them the protector of life and land: and, when the struggle was over, many of the Six Nation Indians were to be found in Canada, not in their old homes under the flag of the United States.

Attitude of the Canadians.

Nor were the Indians the only inhabitants of North America who did not see eye to eye with the colonists in their contest with the mother country. In October, 1774, the General Congress of the recalcitrant colonies issued a long manifesto to their 'friends and fellow subjects' in Canada, inviting them to 'unite with us in one social compact formed on the generous principles of equal liberty'. The manifesto appealed to the writings of 'the immortal Montesquieu', the 'countryman' of the French Canadians, and warned the latter not to become the instruments of the cruelty and despotism of English ministers, but to stand firm for their natural liberties, alleged to be threatened by the Quebec Act which had just been passed. But the high-sounding appeal missed its mark. It is true that at the beginning of the war, when Canada was left almost undefended, and when, in consequence, Montgomery and the Congress troops overran the country up to the walls of Quebec, a considerable number of the French Canadians, together with the British malcontents in Canada, openly or secretly made common cause with the invaders; but even then the large majority of the French Canadians remained neutral, and, if some joined the ranks of the invaders, others, including especially the higher ranks of the population, supported her cause. Here was a people lately conquered, under the rule of an alien race. A golden opportunity was given them, it seemed, to recover their freedom. Why did the French colonists not throw in their lot wholehearted with the English settlers in North America? Why did they prefer to remain under the British Crown?

The first reason was that they were not oppressed. On the contrary they had already enjoyed more liberty under the British Government than under the old French régime. There were complaints, no doubt, as will be seen, but the Canadians were free to make them; there was no stifling of discontent, no stamping out of inconvenient pleas for liberty. With British rule came in the printing press. The *Quebec Gazette* was first issued in June, 1764, and in it the ordinances were published in French as well as in English. Even under military administration a formerly submissive people learnt their privileges and their rights, and General Murray, whose recall was due to allegations that he had unduly favoured the French population at the expense of the Protestant Loyalists, wrote of the Canadians as a 'frugal, industrious, moral race of men who, from the just and mild treatment they met with from His Majesty's military officers, who ruled the country four years, until the establishment of civil government, had greatly got the better of the natural antipathy they had to their conquerors'.[35] Canada was not anxious to overturn a system under which Canadians were being trained to be free. If England oppressed, she oppressed Englishmen rather than Frenchmen or natives, and one element in the alleged oppression of her own people consisted in safeguarding the rights of other races.

The Canadians were not oppressed under English rule.

The second and the main reason why Canada did not combine with the United States was that, though Canadians did not love the English from England, they loved less their English neighbours in America. Charles the Second told his brother that the English would not kill himself to make James king. Similarly the Canadians, on reflection, were not prepared to turn out the British Government in order to substitute the domination of the English colonies. Generalities as to natural rights and equal liberties, borrowed from the writings of European philosophers, could not cover up the plain facts of the case. Canada, united to the English colonies, would have been submerged, and French Roman Catholics would have been permanently subject to English Protestants, far less tolerant than Englishmen at home. The colonists who had issued the high-sounding manifesto had done so with strong resentment at the extension of the limits of the province of Quebec, at the widening of the field in which the Canadian system and the religion of Canada should hold its own. They were speaking with two voices at one and the same time; calling on the Canadians not to submit to British

They preferred the English in and from England to the English colonists in America.

tyranny, and denouncing as tyranny a measure which favoured Canada. Many years back the Canadians and their friends had differentiated between the English from England, who came out to fight, and the English colonists in America. The eye-witness of the siege and capture of Louisbourg in 1745 favourably, and probably unfairly, contrasted Warren and his British sailors with Pepperell and the New England levies. To the men from a distance, better disciplined, less prejudiced, less imbued with provincial animosity, there was no such aversion as to the enemy who was ever under their eyes. At all times and in all parts of the world there has been the same tale to tell; if one race must be subordinated to another, it prefers that its rulers should not be those who for generations have been their immediate neighbours and their persistent rivals.

It was written in the book of fate that New France should sooner or later become incorporated in the British Empire; it was written too that, when that time came, the British provinces in North America would assert and win complete independence. It is impossible to estimate aright the loss except in the light of the gain which preceded it. Only consummate statesmanship or military genius could have averted the severance of the North American colonies, for the very qualities which had brought success alike to them and to the motherland, dogged persistence, sense of strength, all the instincts and the principles which have made the English great, were ranged on either side in the civil war between England and her children: and that war was the direct, almost the inevitable result of their recent joint effort and their united victory. Friction began: years went on: bitterness was intensified: the noisier and less scrupulous partisans silenced the voice of reason: in the mother country the Sovereign and his advisers made a good cause bad: the revolting colonies were ennobled by Washington. Success justified the action of the colonists. England was condemned because she failed. Yet the story, if read aright, teaches only this: that the defeat of England by her own children was due to the simple fact that partly by her action, partly by her inaction, the children in wayward and blundering fashion had grown to greatness.

Canada under military rule.

After the capitulation of Montreal, in September, 1760, Canada was, for the time being, under military rule. There were three military governors, General Murray at Quebec, Colonel Burton at Three Rivers, and General Gage at Montreal. All three were

subordinate to Amherst, the Commander-in-Chief in North America, whose head quarters were usually at New York. Amherst left for England in 1763, and was succeeded by General Gage, whose place was filled by the transfer of Burton from Three Rivers, while the military governorship of Three Rivers was entrusted to Colonel Haldimand, one of the Swiss officers who deserved so well of England in North America.

The French Canadians at the time of the British conquest of Canada.

While Canada was still under military rule, and before the Peace of Paris was signed, the British Government took steps to collect full information as to their newly-acquired possession, with a view to determining the lines on which it should be administered in future. At the end of 1761 Amherst was instructed to obtain the necessary reports, which were in the following year duly supplied by Murray, Burton, and Gage in respect of Quebec, Three Rivers, and Montreal respectively.[36]

Canada at this time contained little more than 70,000 white inhabitants. The population, Murray thought, had tended to decrease for twenty years past, owing to war, to the strictness of the marriage laws, and to the prohibition of marriages between Protestants and Roman Catholics; but he looked for a large increase from natural causes in the next twenty years, the men being strong and the women extremely prolific.

The Canadians, Murray wrote, were ‘mostly of a Norman race’ and, ‘in general, of a litigious disposition’. He classified them into the gentry, the clergy, the merchants, and the peasantry or habitants. The gentry or seigniors, descendants of military or civil officers, the creation largely of Louis XIV, Colbert, and Talon, he described as for the most part men of small means, unless they had held one or other of the distant posts, where they could make their fortunes. ‘They are extremely vain, and have an utter contempt for the trading part of the colony, though they made no scruple to engage in it, pretty deeply too, whenever a convenient opportunity served. They were great tyrants to their vassals, who seldom met with redress, let their grievances be ever so just. This class will not relish the British Government, from which they can neither expect the same employments or the same douceurs they enjoyed under the French.’ Of the clergy he wrote that the higher ranks were filled by Frenchmen, the rest being Canadian born, and in general Canadians of the lower class. Similarly the wholesale traders were mostly French, and the retail traders natives of Canada. The

peasantry he described as ‘a strong, healthy race, plain in their dress, virtuous in their morals, and temperate in their living’, extremely ignorant, and extremely tenacious of their religion. At the time of writing, Murray and his colleagues evidently anticipated more loyalty from the peasantry than from the higher classes of Canadians. Protected in their religion, given impartial justice, freed from class oppression and official corruption, they seemed likely to develop into happy and contented subjects of the British Crown. The sequel was, however, to show that more support would accrue to the new rulers of Canada from the classes which had something to lose than from the credulous habitants.

‘The French,’ so ran Murray’s report, ‘bent their whole attention in this part of the world to the fur-trade.’ They neglected agriculture and the fisheries. ‘The inhabitants are inclinable enough to be lazy, and not much skilled in husbandry, the great dependencies they have hitherto had on the gun and fishing-rod made them neglect tillage beyond the requisites of their own consumption and the few purchases they needed.’ Gage wrote that ‘the only immediate importance and advantage the French king derived from Canada was the preventing the extension of the British colonies, the consumption of the commodities and manufactures of France, and the trade of pelletry’. He noted how common it was ‘for the servants, whom the merchants hired to work their boats and assist in their trade, through a long habit of Indian manners and customs, at length to adopt their way of life, to intermarry with them, and turn savages’. Burton’s report was to the same effect: ‘The laziness of the people, and the alluring and momentary advantages they reaped from their traffic with the Indians in the upper countries, and the counterband trade they carried on with the English colonies, have hitherto prevented the progress of husbandry;’ and again, ‘The greatest part of the young men, allured by the debauched and rambling life which always attend the Indian trade in the upper countries, never thought of settling at home till they were almost worn out with diseases or premature old age.’

It was a country and a people of strong contrasts, wholly unlike their own colonies, that the English were called upon to rule. At head quarters and near it there was a cast-iron system in Church and State, trade monopoly, an administration at once despotic and corrupt. Behind there was a boundless wild, to which French restlessness, French adaptability for dealing with

native races, and the possibilities of illicit wealth called the young and enterprising, who were impatient of control, and who could not share the gains of corruption at Montreal and Quebec. In Canada there was no gradual and continuous widening of settlement, such as marked the English colonies in North America. In those colonies development was spontaneous but, in the main, civilized; not according to fixed rule, but not contrary to law, the law being home-made and not imposed from without.

In Canada extreme conservatism existed side by side with complete lawlessness. At one pole of society were a certain number of obedient human beings, planted out in rows; at the other were the wandering fur-traders, who knew no law and had no fixed dwelling-place. Excluding the officials from France, ill paid and intent on perquisites alone, and excluding French or Canadian merchants, the main constituents in the population of Canada were the seignior, the priest, the habitant, and the voyageur; of these four elements it would be hard to say which was farthest removed from citizenship, as it was understood in England and the English colonies. Yet all these elements were to be combined and moulded into a British community.

Beginning of civil government.

The beginning of civil administration in Canada under British rule was the Royal Proclamation of 7th October, 1763, which has been noticed in the preceding chapter. Before it was issued, an intimation was sent to Murray that he had been selected as the first civil governor of the new British province of Quebec. His commission as governor was dated 21st November, 1763; and the Royal Instructions, which accompanied the Commission, bore the date of 7th December, 1763; but it was not until August, 1764, that he took up his new position and military rule came to an end.[37]

General Murray.

James Murray was still under forty years of age. He proved himself a stanch, loyal, and capable soldier, resolute in critical times, as when he defended Quebec through the trying winter of 1759-60, and later, in 1781-2, held Minorca until his handful of troops, stricken with famine and disease, surrendered their arms, as they said, to God alone. His words and his actions alike testified that he was a humane and just man. Like other soldiers, before and since, having seen war face to face, he was more ready than civilians who had not risked their lives, but

breathed threatenings and slaughter from a safe distance, to treat the conquered with leniency.

Difficulties of the situation.

He had many difficulties to contend with. Military matters did not run smoothly. In September, 1763, there had been a dangerous mutiny among the troops at Quebec. It was caused by an ill-timed order sent out from home to the effect that the soldiers should pay for their rations; and serious consequences might have followed but for the prompt and firm attitude of the general and his officers. At Quebec, Murray combined civil and military powers; but after civil administration had been proclaimed, though his government included the whole of the province as constituted by the Royal proclamation, he was left without authority over the troops at Montreal, where Burton jealously retained an independent military command. The inevitable result was to fetter his action to a great extent, to give to the Canadians the impression of divided authority,[38] and to accentuate friction between soldiers and civilians, which culminated in an assault at Montreal in December, 1764, on a magistrate named Walker, who had made himself specially obnoxious to the officers of the garrison. Two years later the supposed perpetrators of the outrage were tried and acquitted, but the affair left ill feeling behind it, and Walker remained an active and pertinacious opponent of the British Government in Canada.

Ill feeling between soldiers and civilians.

Among the Canadian population there were various causes of unrest. The priesthood were anxious as to their position and privileges. The depreciation of the paper money, which had been issued under the French régime, gave trouble. The law was in a state of chaos; and, most of all, the first Governor of Canada had to withstand the pretensions of the handful of Protestants, in 1764 about 200 in number, in 1766 about 450, who wished to dominate the French Canadians, alien in religion and in race.

The Protestant minority.

Against the claims of this small but noisy and intriguing minority Murray resolutely set his face, but the difficulties which arose led to his being summoned home. He left Canada for England towards the end of June, 1766, and though he retained the post of Governor till April, 1768, he never returned to Quebec.

Murray leaves for England and is succeeded by Carleton.

His successor was Guy Carleton, who arrived in Canada in September, 1766, and carried on the administration as Lieutenant-Governor till 1768, when he became Governor-in-chief. Like Murray, he was a soldier of distinction, and had been a warm personal friend of Wolfe, who made him one of the executors of his will. He was born in 1724, at Strabane in the north of Ireland, the third son of General Sir Guy Carleton. He went into the Guards, was transferred to the 72nd Regiment, and served in Germany, at Louisbourg, and, as Quartermaster-General, with Wolfe at Quebec. He remained at Quebec with Murray during the eventful winter of 1759-60; and, after further active service at Belle Isle and Havana, he came back to Quebec in 1766, to do more than any one man in war and peace for the safety and well-being of Canada as a British possession.

The difficulties which Murray had been called upon to meet confronted him also, and, like Murray, he saw the necessity as well as the justice of resisting the extravagant claims of the minority, and conciliating to British rule the large body of the Canadian population. For nearly four years he remained at his post, forming his views as to the lines on which Canada should be remodelled. In August, 1770, he left for England on leave of absence, and in England he remained until the Quebec Act had been passed. The Act was passed in June, 1774, taking effect from the 1st of May in the following year; and in the middle of September, 1774, Carleton arrived again at Quebec. It is now proposed to review the conditions which led to the passing of the Act, and the policy which was embodied in it, omitting as far as possible minor incidents and dealing only with the main features, which illustrate the general course of British colonial history.

Conditions which led to the passing of the Quebec Act.

The acquisition of Canada presented to British statesmen a wholly new problem. The British Empire had hitherto widened mainly by means of settlement, for the seventeenth century, as far as Great Britain was concerned, was a time of settlement, not of conquest. Jamaica, it is true, had been taken from the Spaniards, and New York from the Dutch; but, great as was the importance of securing those two dependencies in the light of subsequent history, the conquest or cession of both the one and the other was rather an incident than the result of an era of war and conquest. Such an era came with the eighteenth century; and, when the Peace of Utrecht in 1713 secured Great Britain in

The Conquest of Canada presented a new problem in British colonial history.

undivided possession of Newfoundland, and confirmed to her the possession of the Acadian peninsula, and of the Rock of Gibraltar, a notable outpost of the future Empire, there was a beginning, though a small beginning, of territorial expansion as the result of war.

The Seven Years' War brought with it British conquest alike in East and West; but in India the British advance was in some sort a repetition on a wider scale of what other European nations had done in the same regions. It was the natural outcome of trade rivalry, and of white men coming among Eastern races. The conquest of Canada, on the other hand, differed in kind from all that had gone before in British history. The Imperial Government of Great Britain took over a great expanse of continent, and became, by force of arms, proprietor of a country which another colonizing race had acquired by settlement. The new problems were how to administer and to develop not a small island or peninsula but a very large continental area, and how to rule a rival white race which from the beginnings of colonization in North America had made that area, or part of it, its own. To these two most difficult problems was added a third, how to administer the new territory and to rule the French colonists, so as to work in harmony with the adjacent British colonies. Conquest and settlement, so to speak, overlapped. If Canada had not been a French colony, and had been inhabited by coloured men alone, or if Canada, as a French colony, had been in a different continent from the British North American colonies, the task of construction or re-construction would have been infinitely easier. It would have been easier, too, if the French Canadians had been the only inhabitants of Canada. But, as it was, one white race conquered another white race, which in its turn had secured mastery over a coloured race, and in the land of that coloured race had not merely conquered or traded, but settled and colonized; and the new conquerors were of the same kith and kin as settlers in the adjoining territories, whose traditions were all traditions not of ruling nor of conquering so much as of gradually acquiring by settlement at the expense of the coloured race.

Canada was: (1) a continental area; (2) colonized by another European race; (3) bordering on a sphere of British colonization; (4) the home of a coloured race.

What had British statesmen to guide them in dealing with the question, and what considerations led to the provisions which were embodied in their first measure, the Royal Proclamation of 7th October, 1763? It was evident, in the

Conditions which guided British policy in Canada as embodied in the Proclamation of 1763.

first place, that a line could, if it was thought advisable, be drawn between the settled parts of Canada and the Western territories, where the French had only maintained outposts and trading stations. The government of Quebec, therefore, which was the new colony, was, as has been seen, limited to the districts of Quebec, Three Rivers, and Montreal, and did not include the regions of the lakes, or the territories of the Hudson's Bay Company. In the second place, past experience had proved that English dealings with the Indians had been very much less successful than French management, the characteristic features of which were personal relations with a despotic governor and his authorized agents and representatives; and that the Indians enjoyed more protection and were likely to develop greater loyalty and contentment under a central authority—the Imperial Government—represented and advised by Sir William Johnson, than if left to bargain with and to resent encroachments by the various British colonies. Consequently the proclamation reserved the western hinterland 'under our sovereignty, protection, and dominion for the use of the said Indians', in addition to safeguarding the existing rights and lands of the natives within the borders of the colonies. In the third place it was obviously desirable to introduce into Canada a leaven of colonists of English race, and more especially of colonists who had been trained to arms and already knew the land and the people. Hence, just as in bygone days Colbert and Talon, when colonizing Canada on a definite system, planted time-expired soldiers along the St. Lawrence and the Richelieu rivers, so the Proclamation of 1763 empowered free land grants to be given in Canada, as well as in the other American possessions of Great Britain, to officers and soldiers who had served in the late war; and it also encouraged British settlers generally by providing that, as soon as circumstances allowed, a General Assembly was to be summoned 'in such manner and form as is used and directed in those colonies and provinces in America which are under our immediate government.'[39]

Geographical division between the settled districts and the hinterland.

The Indian question.

Necessity for attracting British colonists

But most of all it was necessary to mete out fair and liberal treatment to the new subjects, the French Canadians, and make them contented citizens of the British Empire. This object, Englishmen naturally argued, could best be attained, first, by securing 'the ancient inhabitants in all the titles, rights, and privileges granted to them by

and for conciliating the French Canadians.

Treaty'[40]; and secondly, by giving the Canadians as soon as possible the laws and institutions which British subjects valued and under which they had thrived, by assimilating Canada as far as possible in these respects to the neighbouring British colonies. Accordingly the Canadians were from the first to enjoy the benefit of the laws of England, and courts of justice were to be established with power to determine all causes criminal and civil 'as near as may be agreeable to the laws of England'. The question of religion was ignored in the proclamation; freedom of worship had already been guaranteed to the Roman Catholics by the 4th Article of the Peace of Paris,[41] and Murray's instructions were that he should 'in all things regarding the said inhabitants, conform with great exactness to the stipulations of the said treaty in this respect'. There the matter was left for the moment, though Murray's commission provided that the persons who should be elected as members of the future Assembly were to subscribe the declaration against Popery, enacted in Charles the Second's reign, which provision would have excluded Roman Catholics from sitting in the Assembly.

Desire to give British privileges to Canada.

There is no question that the proclamation itself was conceived in a wise and tolerant spirit. There was every intention to safeguard the best interests alike of the French Canadians and of the Indians; to give to the latter the protection of Imperial rule, to give to the former the benefits of British laws, and as far as possible the privileges of British citizenship. The proclamation, too, was not drawn on hard and fast lines. As soon as circumstances permitted, and not before, representative institutions were to be introduced, and the laws were not to be necessarily the laws of England, but 'as near as may be agreeable to' the laws of England.

Liberal intention of the Proclamation of 1763.

Murray's commission as governor empowered him, 'so soon as the situation and circumstances of our said province under your government will admit thereof, and when and as often as need shall require, to summon and call General Assemblies of the freeholders and planters within your government.' But by the terms of the commission a council was joined with the governor and Assembly as the authority for making laws and ordinances, and the Royal Instructions provided that, pending the calling of a General Assembly, the governor was to act on the advice of his council in making regulations, which would have the force of

Murray's Commission.

law, and which were, as a matter of fact, styled ordinances, certain important subjects, such as taxation, being excluded from their scope. Thus, until representative institutions could be given to Canada, legislative and executive authority was placed in the hands of the governor acting on the advice of a nominated council. But the council, again, was constituted on liberal lines, as its members were to be the Lieutenant-Governors of Montreal and Three Rivers, the Chief Justice of the province of Quebec, the Surveyor-General of Customs in America for the Northern district, and 'eight other persons to be chosen by you from amongst the most considerable of the inhabitants of, or persons of property in, our said province'. From the first, therefore, it was intended that the unofficial element in the council should outnumber the officials—evidence, if evidence were wanted, that it was desired to govern Canada in accordance with the wishes of the people.

The Council of government.

Immediately after civil government had taken the place of military rule, an ordinance was, in September, 1764, promulgated, constituting courts of justice, the law to be administered being in the main the law of England, and trial by jury being introduced without any religious qualification for jurymen. One provision in the ordinance, it may be noticed in passing, abolished the district of Three Rivers, which had hitherto been, like Montreal, in charge of a Lieutenant-Governor. Thus Canada was started on its course as a British colony, with the best intentions, the prospect of such self-government as other American colonies enjoyed, British law and justice, and above all a governor who was in sympathy with the people, and earnestly worked for their good; but difficulties arose almost immediately, and the causes of them are not far to seek.

Courts of justice established.

Causes of the difficulties which arose.

It was the honest desire of the British Government to give liberty to Canada, to treat it, not as a conquered country, but as a British colony. Liberty, as the English understand it, has connoted three things, representative institutions, British law and justice, including especially trial by jury and the Habeas Corpus Act, and freedom of conscience. But in past times to Protestants freedom of conscience meant practical exclusion from the political sphere of those, like Roman Catholics, whose creed was in principle an exclusive creed; and therefore, in a Roman Catholic country under Protestant supremacy, like Ireland or Canada in the

The religious question.

eighteenth century, representative institutions from the strong Protestant point of view meant institutions which did not represent the bulk of the population. In this matter, as in others, in the case of Canada, English statesmen and English governors, though not at once prepared to dispense with religious tests, were more liberally inclined towards the 'new subjects', the French Canadians, than were the English colonists in America; and the soldier Murray had far more breadth of mind than the local lawyers and politicians who prated of liberties which they had no intention of granting to others.

Murray's letter to Lord Shelburne.

His opinion of the Protestant minority in Canada.

Shortly after his return to England, in 1766, Murray expressed his views as to the small Protestant minority in Canada in plain outspoken terms. In a letter addressed to Lord Shelburne on the 20th of August in that year, he wrote, 'most of them were followers of the army, of mean education, or soldiers disbanded at the reduction of the troops. All have their fortunes to make, and I fear few of them are solicitous about the means when the end can be obtained. I report them to be in general the most immoral collection of men I ever knew, of course little calculated to make the new subjects enamoured with our laws, religion, and customs, far less adapted to enforce these laws and to govern.' As the Canadian peasantry, he continued, 'have been taught to respect their superiors and not get intoxicated with the abuse of liberty, they are shocked at the insults which their noblesse and the King's officers have received from the English traders and lawyers, since the civil government took place.... Magistrates were to be made and juries to be composed from four hundred and fifty contemptible sutlers and traders ... the Canadian noblesse were hated because their birth and behaviour entitled them to respect, and the peasants were abhorred because they were saved from the oppression they were threatened with.' Equally severe was his judgement on 'the improper choice and the number of the civil officers sent out from England', ignorant of the law and language, rapacious, and lowering the dignity of government. In short his letter[42] was a wholesale condemnation of the representatives of the party which claimed to represent British civic life in a newly-acquired possession.

These men had bitterly attacked Murray, and no doubt Murray was bitter in turn; but his strictures were largely justified. He had lived for some years

among the Canadians; he had commanded the King's troops; himself a man of high principle and good breeding, he resented the mischief wrought by a low class of domineering interlopers who, in the name of freedom, meant to oppress, and painted as tyranny the policy which prevented oppression. A continuance of military rule, which the Canadians understood, would have been infinitely preferable to representative institutions in which the overwhelming majority of the population would have had no share.

Carleton's view was much the same as Murray's. His sympathies too were with Canada and the Canadians, and yet the forces and the instincts on the other side are at least intelligible. It was natural that, when war was over, in the train of the conquering army there should drift into the conquered country a certain number of adventurers, eager for official and professional gain, exploiting the land and the people, indifferent to higher objects, for they had not known them. They were an inevitable evil, such as must be reckoned with in similar circumstances at all times and in all places. It was natural too that Protestantism, when ascendant, should be aggressive; and Protestantism in Canada was borrowed from the New England States; it was the Puritanism of past days, hardened by memories of the evil wrought by Roman Catholic teaching among the natives of North America, the fruits of which had been, times without number, a series of savage crusades against the border villages of the British colonies. But the British Government, with all its kindly intentions, was at fault too; and the fault was the same evil which was poisoning political life at home. Unfit men were being sent out from home, and the subordinate instruments for carrying out a new policy, and making a new régime congenial to those who were to live under it, were not well chosen. Men were wanted at first rather than institutions. The soldier governors were good, but the same could not be said of the civilians and lawyers.

Character of American Protestantism.

Unfit men sent out from England.

Once more, too, it must be noticed that the actual merits of British statesmanship and policy militated against its success. It was so keenly desired to give the new subjects all the privileges enjoyed by the old, that too little account was taken of the training, the wishes, and the present needs of the new subjects. The Canadians were politically children. They had never known even the semblance of representative institutions. They had from all time been born and bred under

Pouring new wine into old bottles.

authority—under the King, under the Church, under the seigniors. They had learnt unquestioning obedience, and could not at once be re-cast in a democratic mould. The printing press, the Assembly for law-making and debate, the standing quarrels with governors, the withholding of supplies, the aggressive freedom in every form which characterized the English communities in North America, all were alien to the French Canadian. The wine might be good, but it was new, and pouring it into old bottles could only have one result, the loss of the wine and the bursting of the bottles. So also with British law and justice: that too was new and largely unintelligible; the language puzzled and confused, and the lawyers who came in found the confusion profitable. Premature attempts or proposals to assimilate only served to emphasize differences, and for the moment good intentions paved the way to something like anarchy.

Presentment of the Grand Jury in October, 1764.

In September, 1764, the ordinance constituting courts of justice was promulgated, and in the following month the Grand Jury at Quebec made a presentment, enumerating a number of alleged grievances, concerned not merely with the administration of justice, but also with various matters which lay wholly outside their sphere. 'We represent,' so the framers of the presentment wrote, 'that as the Grand Jury must be considered at present as the only body representative of the colony, they, as British subjects, have a right to be consulted, before any ordinance that may affect the body that they represent be passed into a law.' It was an impertinent document, a kind of manifesto against the Government; and, taken by itself alone, gave ample evidence of the class and the temper of the men who were determined to make trouble in Canada. It was signed by some French jurors as well as English, but a supplement to it, signed by the English, or, at any rate, by the Protestant members alone, protested against Roman Catholics being admitted as jurors, and it soon appeared that the French jurors had signed the main document in ignorance of its contents.[43] 'Little, very little,' wrote Murray, 'will content the new subjects, but nothing will satisfy the licentious fanatics 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.'[44]

The Grand Jury's presentment was followed by a petition for the recall of Murray, drawn up in the next year and signed by twenty-one persons, which accused him of military prejudice against civil liberties, and of discouraging the Protestants and their religion. It asked for a new governor of a less military type, and for a House of Representatives composed of Protestants alone, though Roman Catholics might be allowed to vote for Protestant members. Never did a small minority make more extravagant claims, or attack with greater want of scruple those who were trying to hold the balance even.

Petition for recall of Murray.

Carleton succeeded Murray, and soon after his arrival showed that he was as little disposed, as Murray had been, to submit to dictation. A side issue had arisen as to the appointment and precedence of members of the council, and, in answer to a protest addressed to him by some of the councillors, he laid down that 'I will ask the advice and opinion of such persons, though not of the council, as I shall find men of good sense, truth, candour, and impartial justice; persons who prefer their duty to the King, and the tranquillity of his subjects to unjustifiable attachments, party zeal, and to all selfish mercenary views.... I must also remind you that His Majesty's service requires tranquillity and peace in his province of Quebec, and that it is the indispensable duty of every good subject, and of every honest man, to promote so desirable an end.'[45] Still intrigue went on: religious bitterness did not abate, as men spoke and wrote on either side: legal confusion became worse confounded, and reports were made on what was and what ought to be the state of the law, by the English law officers of the Crown, by a delegate sent out from England, and by Masères, the Attorney-General in Canada. One crying evil, however, arising from the proceedings for the recovery of debts, which were enriching magistrates and bailiffs and reducing Canadian families to beggary, was remedied by Carleton in an ordinance dated 1st February, 1770, which among other provisions deprived the justices of the peace of jurisdiction in cases affecting private property.[46] It was a righteous ordinance, and those who had profited by the old system raised an outcry against it, but in vain. Eventually the Quebec Act was passed in 1774, the provisions of which must now be considered.

The ordinance of 1770.

The Quebec Act.

'The principal objects of the Quebec Bill,' we read in the *Annual Register* for 1774,[47] 'were to ascertain the limits of

Its objects.

that province, which were extended far beyond what had been settled as such by the King's Proclamation of 1763. To form a legislative council for all the affairs of that province, except taxation, which council should be appointed by the Crown, the office to be held during pleasure; and His Majesty's Roman Catholic subjects were entitled to a place in it. To establish the French laws, and a trial without jury, in civil cases: and the English laws, with a trial by jury, in criminal; to secure to the Roman Catholic clergy, except the Regulars, the legal enjoyment of their estates, and of their tythes from all who were of their own religion. These were the chief objects of the Act.'

Extension of the boundaries of the province of Quebec.

It has been seen that, under the Proclamation of 1763, the province of Quebec included the settled part of Canada, as far as the point where the 45th parallel of latitude intersected the St. Lawrence, midway between Montreal and Lake Ontario. Outside the province were the Labrador coast from the river St. John to Hudson Straits, which, with the island of Anticosti and other small islands in the estuary of the St. Lawrence, was placed 'under the care and inspection' of the Governor of Newfoundland; the government of Nova Scotia, including at the time Cape Breton Island, the territory now forming the province of New Brunswick, and the island of St. John, afterwards Prince Edward Island; the territories of the Hudson's Bay Company; and the great undefined region of the lakes and the Ohio as far as the Mississippi. The Quebec Act restored to Canada or, as it was still styled, the province of Quebec, the Labrador coast and Anticosti, and included in it, within the lines which the Act prescribed, the Western territories for which England and France had fought so hard.

The Labrador coast added to the province of Quebec.

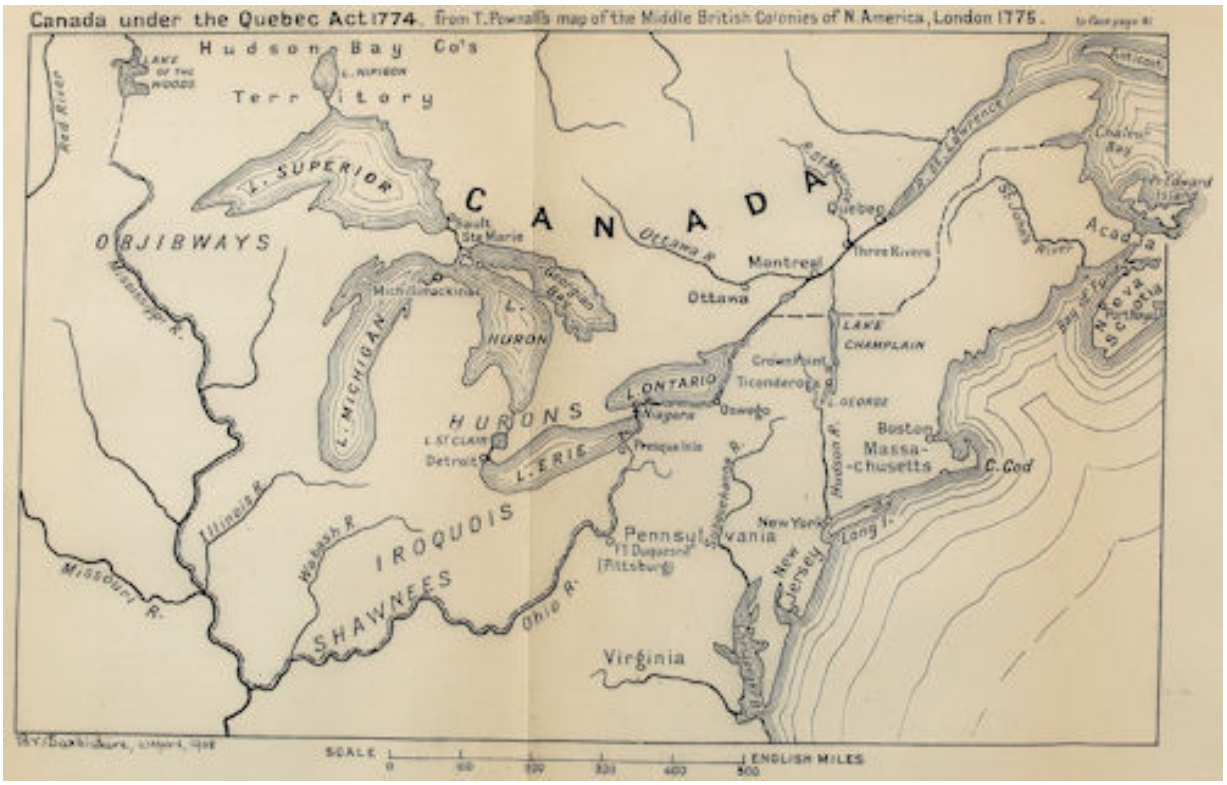
The reason for re-annexing the Labrador coast to Canada was that since 1763, when it had been placed under the Governor of Newfoundland, there had been constant disputes and difficulties as to the fishing rights on that coast. It was the old story, so well known in the case of Newfoundland itself, of a perpetual struggle between those who lived on or near the spot, and the fishermen who came over the Atlantic from English ports, and who wanted the fisheries and the landing-places reserved for their periodical visits. The Governor of Newfoundland in the years 1764-8 was an energetic man, Sir Hugh Palliser, who built a fort in Labrador, and set himself to enforce the

fishing rules which prevailed in Newfoundland. But the Labrador fisheries, it was contended, were of a more sedentary nature than those of the Newfoundland Banks, sealing was as prominent an occupation as cod-fishing;[48] the regulations which kept Newfoundland for the Dorset and Devon fishing fleets could not fairly be applied to the mainland, and the coast of Labrador should be placed under regular civil government, and not be left in the charge of the sea captains who held authority in Newfoundland.

It was really a case, on a very small scale, of England against America; and the interesting point to notice is that the opponents of the Newfoundland régime included alike French Canadians and New Englanders. The few settlers on the Labrador coast, and the fishermen and sealers who came either from Canada or from the New England states, were all concerned to prevent Labrador from being kept, like Newfoundland, as a preserve for Englishmen, and a nursery for English sailors; and it illustrates the confusion of thought which existed among the opponents of the Quebec Act that, in the debate on the Act, we find Chatham, the champion of the rights of the American colonists, denouncing the provision which gave back Labrador to Quebec, on the ground that it would become a nursery for French instead of English sailors, forgetful that the system which he wished to perpetuate, had been persistently obstructed by the men of Massachusetts, forgetful too that true statesmanship conceived of the French Canadians, on sea or land, as future loyal citizens of the British Crown.

Inclusion of the western hinterland in the province of Quebec.

But the extension of the boundaries of the province of Quebec on the Atlantic side was after all a small matter, though the most was made of it for party purposes. Nor could exception be taken to the enlargement of the province to the north and north-west, until it reached the territories which had been granted to, or were claimed by, the Hudson’s Bay Company. Far more important and more debatable was the inclusion of the western and south-western regions, which had been left outside the government of Quebec by the Proclamation of 1763.



Canada under the Quebec Act 1774. from T. Pownall's map of the Middle British Colonies of N. America, London **1775**. *to face page 81*

B. V. Barbishire, Oxford, 1908

It will be remembered[49] that these territories had not been included in the province of Quebec for three reasons: that their incorporation with the conquered province might have been held to be an admission that the British title to them only dated from the conquest of Canada, that their annexation to any particular province would have given to that province a preponderating advantage in regard to trade with the Indians, and that the extension to them of the laws and administration of the province of Quebec would have necessitated the establishment of a number of military garrisons throughout the territories. The first of these three objections was, in fact, taken in the debates on the Quebec Bill. 'The first object of the Bill,' said Mr. Dunning in the House of Commons on the 26th of May, 1774, 'is to make out that to be[50] Canada, which it was the struggle of this country to say, was not Canada.' The second objection was clearly potent in the minds of the partisans of the old British colonies, who opposed the Bill. It would seem that when the Proclamation of 1763 was issued, the British Government had contemplated passing an Act of Parliament, constituting a

separate administration for the Western territories, but the plan, whatever it was, never came to the birth;[51] and, as the King had foreseen, 'great inconvenience' had arisen 'from so large a tract of land being left, without being subject to the civil jurisdiction of some governor'.[52] This inconvenience the Quebec Act tried to rectify by bringing these western lands under the government of Canada.

The line now laid down, on the motion of Burke in the House of Commons, was carried from the point where the 45th parallel of latitude intersected the St. Lawrence to Lake Ontario, up Lake Ontario and the Niagara river into Lake Erie, and along the southern or eastern shore of Lake Erie, until it met the alleged frontier of the state of Pennsylvania, or, if that frontier was found not to touch the lake, up to the point nearest to the north-western angle of Pennsylvania. From that angle it skirted the western boundary of Pennsylvania down to the Ohio, which river it followed to the Mississippi.

Claims of Pennsylvania.

In the debate in the House of Commons a petition was presented from the Penns, claiming that part of the province of Pennsylvania was situated to the north-west of the Ohio, and Lord North offered no opposition to the petition, on the ground that the Bill was not intended to affect existing rights. On a map of 1776, after the passing of the Act, Pennsylvania was shown as jutting out at an acute angle into Lake Erie, and the boundary line, identical with the western frontier of the state, started from the lake near Presque Isle, and struck the Ohio at Logs Town, west of Fort Duquesne and slightly east of Beaver Creek, leaving to Pennsylvania the whole course of the Alleghany, and Fort Duquesne or Pittsburg. It will be noted that, further east, the line, being drawn along the St. Lawrence and the lakes, excluded from Canada the whole country of the Six Nations, which had been demarcated as Indian Territory by the Agreement of 1768.[53] The net result was to leave the boundary line south of the St. Lawrence, where it had been drawn in 1763, as far as the intersection of the 45th parallel with the river, and thence to follow the waterways up to the point in the southern shore of Lake Erie where the old French route to the Ohio left the lake. From the Atlantic up to this point the present international line between Canada and the United States is not far different at the present day, though more favourable to the United States, especially where, since the Ashburton Treaty of 1842, the state of Maine

runs northward into the provinces of Quebec and New Brunswick. But, by carrying the boundary from Lake Erie to the Ohio and down the Ohio to the Mississippi, all the Illinois country and all the western lands, for which English and French had contended, were confirmed to Canada.

Reasons for the extension of the province.

There were good reasons for taking this step. Eleven years had passed since the territories in question had been left as an Indian reserve. Events move quickly in a border land, and encroachments grow apace. The time had come for some defined system, some recognized law and government. As far as there were permanent settlers in these regions, they were, it would seem, although the contrary was averred in the House of Commons, French rather than English; and it would be more palatable for colonists of French origin to be incorporated with Canada than to be absorbed by the purely English colonies. The native population would unquestionably be better cared for under the government of Quebec than under the legislatures of Pennsylvania and Virginia. The waterways still, as in old times, made communication easier from Canada than from the southern colonies; and to those colonies, on the brink of war against the mother country, the mother country could hardly be expected to entrust the keeping of the West.

Arguments urged against it.

On the other hand there was bitter and intelligible opposition to the annexation to Canada of ‘immense territories, now desert, but which are the best parts of that continent and which run on the back of all your ancient colonies’.[54] The decision which was now taken meant cutting off the existing English colonies from the West; and, in view of the other provisions of the Act, the incorporation of the new territories with Canada placed them under an administration in which there was at the time no element of self-government and which gave formal recognition to the Roman Catholic Church. It was, in short, or seemed to be, an admission that the old claim of Canada to the regions of the Ohio, against which, while Canada was still a French possession, the British Government and the British colonies had alike contended, was after all a valid claim; and it was, or seemed to be, a pronouncement that in years to come the future of the Western lands was to be shaped on Canadian principles and Canadian traditions, rather than on those which had moulded and inspired the ever-growing colonies of the British race.

It has been argued that true statesmanship would, in accordance with the plan which had been at one time contemplated, have constituted the territories beyond the 45th parallel a separate province under the Crown, separate alike from Canada on the one hand, and from Pennsylvania and Virginia on the other. This might possibly have been a preferable course; but, as subsequent experience showed in the case of Upper Canada, an inland colony, whose only outlet is through other provinces, is always in a difficult position; and the multiplication of communities in North America had already borne a crop of difficulties. Moreover, the particular circumstances of the time accounted for the decision which was taken, as they accounted also for the strong antagonism which that decision called forth. In the same session in which the Quebec Act was passed, the British Parliament had already enacted three punitive laws against the recalcitrant colony of Massachusetts; one closing the harbour of Boston; another altering the legislature, and giving to the governor the power of appointing and removing the judges, magistrates, and sheriffs; and a third empowering the trial of persons accused of capital offences in the discharge of their public duties to be held outside the limits of the province. If it was thought necessary thus to limit the liberties of one of the English colonies by Imperial legislation, it would have been hopelessly illogical to enlarge the borders of others among the sister communities; and if the only possible alternative was to keep the Western territories directly under the Crown, it was simpler, and involved less friction and debate, to attach them by a single clause in a Bill to the existing province of Quebec, than to treat them as a separate unit and to provide them with an administration and a legislature by a separate law. Furthermore, their annexation to Canada outwardly, at any rate, strengthened at a critical time the one province in America where the Crown still held undivided sway.

Sections in the Act which dealt with the religious question.

The fifth, sixth, and seventh sections of the Act dealt with religion. They provided for the free exercise of the Roman Catholic faith by the members of that Church, subject to the King's supremacy as established by the Act passed in the reign of Queen Elizabeth; but they substituted a simple oath of allegiance for the oath required by Queen Elizabeth's statute, and they confirmed to the Roman Catholic clergy 'their accustomed dues and rights'. Protestants were expressly exempted from these payments; but the Act provided that, from such dues as they would otherwise have paid, provision might be made for

the encouragement of the Protestant religion and the maintenance of a Protestant clergy. In other words, freedom of religion was guaranteed, the establishment of the Roman Catholic Church was recognized by law, and the principle of concurrent endowment was introduced.

Other provisions of the Act.

The eighth section of the Act restored Canadian law and custom in civil matters, and confirmed existing rights to property, with the exception of the property of the religious orders. The eleventh section continued the law of England in criminal matters. The twelfth, laying down that it was at present inexpedient to call an Assembly, provided for a nominated Legislative Council, consisting of not more than twenty-three and not less than seventeen members, no religious test being imposed. The next section withheld from the council the power of taxation, such additional taxes as were deemed necessary being imposed by a separate Act of the Imperial Parliament.[55]

The Act embodied a compromise.

Such were the principal provisions of the Quebec Act. It embodied a fair and reasonable compromise. In part the Government retraced their steps; they restored Canadian civil law, they postponed indefinitely a representative legislature, but they gave what could under the circumstances be suitably and prudently given, religious toleration, trial by jury in criminal matters, and a council to which the Crown could call representatives of all creeds and interests. The Bill was attacked in the House of Lords, and in the House of Commons; and, even after it had become law, in 1775, Lord Camden in the House of Lords, and Sir George Savile in the House of Commons, presented petitions from the British inhabitants of the province of Quebec against the Act and moved for its repeal. The corporation of London petitioned against it. The American colonists made it the text of the manifesto to the people of Canada, which has already been noticed.[56] In the debates in Parliament various points were taken. Fox argued that, as the Bill gave tithes to the Roman Catholic clergy, it was a money Bill, and should not have originated, as it did originate in the House of Lords. Others criticized the absence of any provision for the rights of Habeas Corpus,[57] and the abolition of trial by jury in civil cases; but the main attack was on the lines that the law gave formal recognition to the Roman Catholic Church, that it withheld popular representation, and that it extended these two unsound principles to new territories whose lot should rather have been

Opposition to it.

cast with the English colonies. Reference was made to the case of the colony of Grenada, in which limited representation in the popular Assembly had been given to Roman Catholics; but the opponents of the Quebec Act had not the courage to declare for a popular Assembly for Canada, without any religious test, for it would have meant an almost exclusively Roman Catholic legislature. They were at one and the same time fighting for the Protestant minority and contending for popular representation, but Protestant claims and popular representation in Canada were hopelessly at variance. This made the case of the opposition weak, and this was the justification of the Act. Lord Chatham denounced it as a most cruel, oppressive, and odious measure. Burke tried to appeal to popular prejudice against the Canadian seigniors. He attacked them, and he pressed the claims of the Protestant minority on the ground of their commercial importance, descending to such clap-trap as that in his opinion, in the case in point, one Englishman was worth fifty Frenchmen. The tone of the opposition was unworthy of the men, but minds had been so embittered and judgements so clouded by years of wrangle and debate on the American question, that the Act for the better government of Canada was viewed by the opponents of the ministry and the partisans of the colonies mainly as a case of French against English, and Papists against Protestants. None the less, the Act was a just and generous measure, and, when Carleton returned to Canada in September, 1774, his reception by the leading French Canadians showed that they appreciated it. Because, when war came, the Canadians as a whole stood aloof in a quarrel which was no concern of theirs, and some of them joined the revolting colonies, it was argued in the English Parliament that the Act had not conciliated them, and therefore stood condemned; but history has proved that this view was not true. No one measure or series of measures can at once obliterate differences of race, language, and creed; but, passed as it was at a time of failures, recrimination, and bitterness, the Quebec Act stood and will to all times stand to the credit of English good sense, in dealing with the actual facts of a difficult position, and the feelings and prejudices of an alien people.

Inconsistency of the opponents.

FOOTNOTES:

[16] *Travels into North America*, by Peter Kalm, Eng. Transl.; 1770, vol. i, pp. 264-5.

[17] Montcalm's letters, however, to which reference is here made, are held to have been forged by a Jesuit or ex-Jesuit named Roubaud. See Mr. Brymner's *Report on Canadian Archives* for the year 1885, p. xiii, &c., and Note E, p. cxxxviii. See also Parkman's *Montcalm and Wolfe*, 1884 ed., vol. ii, pp. 325-6, Note.

[18] *History of England in the Eighteenth Century*, 1882 ed., vol. iii, chap. xii, p. 272.

[19] From the anonymous *Lettre d'un habitant de Louisbourg*, edited and translated by Professor Wrong, Toronto, 1897, p. 58.

[20] As to the authenticity of Montcalm's letters, see above, note to p. 31.

[21] Sir G. Cornewall Lewis, in the *Essay on the Government of Dependencies*, chap. vi, writes that the North American colonies 'had not been required at any time since their foundation to contribute anything to the expenses of the Supreme Government, and there is scarcely any habit which it is so difficult for a government to overcome in a people as a habit of not paying'.

[22] *Wealth of Nations*: chapter on the 'Causes of the Prosperity of New Colonies'.

[23] *Wealth of Nations*: chapters on the 'Causes of the Prosperity of New Colonies', and on the 'Advantages which Europe has derived from the Discovery of America and from that of a Passage to the East Indies by the Cape of Good Hope'.

[24] The Greek colonies will be remembered to the contrary. Some of them speedily outgrew the mother cities in wealth and population, but then they were wholly independent.

[25] *The American Revolution*, 1899 ed., Part I, chap. ii, p. 101.

[26] See above, p. 38.

[27] Chapter on 'Causes of the Prosperity of New Colonies'.

[28] The above, however, was not Adam Smith's view. In the chapter 'Of the Advantages which Europe has derived from the Discovery of America, &c. &c.' he writes, 'The late war was altogether a colony quarrel, and the whole expense of it, in whatever part of the world it may have been laid out, whether in Germany or the East Indies, ought justly to be stated to the account of the colonies.'

[29] It is very difficult to state the case quite fairly as between the mother country and the colonies. In the first place a broad distinction must be drawn between the New England colonies and the more southern colonies. The New Englanders, who had the French on their borders, made far more sacrifices in men and money than the southern colonies, some of which, owing to remoteness, took no part in the war. The efforts of Massachusetts, and the military expenditure incurred by that colony, are set out by Mr. Parkman in his *Montcalm and Wolfe*, 1884 ed., vol. ii, chap. xx, pp. 83-6. In the next place, the regular regiments, though the whole expense of them was borne by the mother

country, were to a considerable extent recruited in the colonies. The Royal Americans, e.g. were entirely composed of colonists. At the second siege of Louisbourg the English force consisted, according to Parkman, of 11,600 men, of whom only 500 were provincial troops, and according to Kingsford of 12,260, of whom five companies only were Rangers. The expedition against Ticonderoga, excluding bateau men and non-combatants, included, according to Kingsford, 6,405 regulars and 5,960 provincials. Parkman gives 6,367 regulars and 9,034 provincials; this was before the actual advance began, and probably included bateau men, &c. Forbes' army contained 1,630 regulars out of a total of 5,980 (Kingsford). Wolfe's force at Quebec, in 1759, numbered 8,535 combatants, out of whom the provincial troops only amounted to about 700 (Kingsford. See also Parkman's *Montcalm and Wolfe*, Appendix H). Amherst, in the same year, in the campaign on Lakes George and Champlain, commanded 6,537 Imperial troops and 4,839 provincials. [The respective numbers in the different forces are well summed up in the fifth volume of Kingsford's *History of Canada*, pp. 273-4.]

[30] It is interesting to notice that as early as 1652 a proposal emanated from Barbados that colonial representatives from that island should sit in the Imperial Parliament.

[31] Grenville carried a resolution in the House of Commons in favour of the Stamp Act in 1764. The Act received the Royal Assent in March, 1765, and came into operation on November 1, 1765.

[32] O'Callaghan's *Documentary History of New York*, vol. ii (1849), MSS. of Sir William Johnson; this was at a public meeting of the Six Nations with Sir William Johnson, July 3, 1755.

[33] Sir W. Johnson to the Rev. Mr. Wheelock, October 16, 1762. *Documentary History of New York*, vol. iv. Paper relating principally to the conversion and civilization of the Six Nations of Indians.

[34] See O'Callaghan's *Documentary History of New York*, 1849, vol. i, Paper No. 20, pp. 587-91.

[35] General Murray to Lord Shelburne, London, August 20, 1766. See Kingsford's *History of Canada*, vol. v, p. 188.

[36] See *Documents Relating to the Constitutional History of Canada*, 1759-91 (Shortt and Doughty), pp. 37-72.

[37] The delay was probably due to the provisions of the fourth clause of the Treaty of Paris, by which eighteen months were to be allowed to the subjects of the French king in Canada, who wished to leave the country, to do so. The treaty was signed on February 10, 1763, and was ratified by England on February 21, 1763; the eighteen months were to run from the date of ratification, but civil government in Canada began on August 10, 1764, i.e. eighteen months from the date of the treaty itself.

[38] 'The Canadians are to a man soldiers, and will naturally conceive that he who commands the troops should govern them.' Murray to Halifax, October 15, 1764. Shortt and Doughty, p. 153.

[39] The words, 'under our immediate government,' did not connote what would now be called Crown colonies as opposed to self-governing colonies, but

colonies which held under the Crown and not under proprietors.

[40] The Lords of Trade to Lord Egremont, June 8, 1763. Shortt and Doughty, p. 104.

[41] Part of the 4th Article of the Peace of Paris in 1763 ran as follows: 'His Britannic Majesty, on his side, agrees to grant the liberty of the Catholic religion to the inhabitants of Canada; he will in consequence give the most precise and most effectual orders, that his new Roman Catholic subjects may profess the worship of their religion according to the rites of the Romish Church, as far as the laws of Great Britain permit.'

[42] The letter is printed in full in the fifth volume of Kingsford's *History of Canada*, pp. 188-90.

[43] For these documents see Shortt and Doughty, pp. 153, &c.

[44] October 29, 1764. See Shortt and Doughty, p. 167.

[45] October, 1766: Shortt and Doughty, pp. 194-5.

[46] For this ordinance see Shortt and Doughty, p. 280. Carleton's dispatch of March 28, 1770, which enclosed the ordinance, explained the reasons for passing it, and submitted in evidence of the abuses which had sprung up a letter from an ex-captain of Canadian militia, will be found printed in Mr. Brymner's *Report on Canadian Archives* for 1890 (published in 1891), Note A.

[47] p. 75

[48] A French Canadian petition to the King, drawn up about the end of 1773, referred in the following terms to the Labrador question: 'We desire also that His Majesty would be graciously pleased to re-annex to this province the coast of Labrador, which formerly belonged to it, and has been taken from it since the peace. The fishery for seals, which is the only fishery carried on upon this coast, is carried on only in the middle of winter, and sometimes does not last above a fortnight. The nature of this fishery, which none of His Majesty's subjects but the inhabitants of this province understand; the short time of its continuance; and the extreme severity of the weather, which makes it impossible for ships to continue at that time upon the coasts; are circumstances which all conspire to exclude any fishermen from old England from having any share in the conduct of it.' (Shortt and Doughty, pp. 358-9.)

[49] See above, p. 6, and Shortt and Doughty, p. 111.

[50] See *Canadian Constitutional Development*, Egerton and Grant, p. 28.

[51] See Shortt and Doughty, p. 381. Paper as to Proposed extension of Provincial Limits: 'The King's servants were induced to confine the government of Quebec within the above limits, from an apprehension that there were no settlements of Canadian subjects, or lawful possessions beyond those limits, and from a hope of being able to carry into execution a plan that was then under consideration for putting the whole of the interior country to the westward of our colonies under one general control and regulation by Act of Parliament.... The plan for the regulation of the interior country proved abortive, and in consequence thereof an immense tract of very valuable land, within which there are many possessions and actual colonies existing under the faith of the Treaty of Paris, has become the theatre of disorder and confusion....'

[52] See above, p. 5, and Shortt and Doughty, p. 108.

[53] See above, p. 59.

[54] *Annual Register* for 1774, p. 77.

[55] The Quebec Act was 14 Geo. III, cap. 83, and its full title was 'An act for making more effectual provision for the government of the Province of Quebec in North America'. The Quebec Revenue Act was 14 Geo. III, cap. 88, and its full title was 'An act to establish a fund towards further defraying the charges of the Administration of Justice and support of the Civil Government within the Province of Quebec in America'. Much was heard of this latter Act in the constitutional wrangles of later years in Lower Canada.

[56] See above, p. 60.

[57] The opponents of the Quebec Act maintained that it took away the right of Habeas Corpus. Thus petitions from English residents in Quebec, dated November 12, 1774, complained, in respect to the Quebec Act, 'That in matters of a Criminal Nature the Habeas Corpus Act is dissolved:' and again, 'That to their inexpressible grief they find, by an Act of Parliament entitled an act for making more effectual provision for the government of the province of Quebec in North America, they are deprived of the Habeas Corpus Act and trial by juries:' and again, 'an Act of Parliament which deprives His Majesty's ancient subjects of all their rights and franchises, destroys the Habeas Corpus Act and the inestimable privilege of trial by juries' (Shortt and Doughty, pp. 414-18). The Government on the other hand contended that before the Quebec Act, the Statute of Habeas Corpus was not in force in Canada, although, both before and after the Act, the Common Law right existed. Thus Wedderburn, the Solicitor-General, before the Quebec Act was drafted but while the subject matter was being considered by the Government, reported, 'It is recommended by the Governor, the Chief Justice, and the Attorney-General, in their report, to extend the provisions of the Habeas Corpus Act to Canada. The inhabitants will, of course, be entitled to the benefit of the writ of Habeas Corpus at Common Law, but it may be proper to be better assured of their fidelity and attachment, before the provisions of the statute are extended to that country' (Ib. 300); and in November, 1783, Governor Haldimand reported that he was going to propose an ordinance for introducing the Habeas Corpus Act, 'which will remove one of the ill-grounded objections to the Quebec Act, for though that law had never been introduced into the province, people were taught to believe that the Quebec Act had deprived the inhabitants of the benefit of it' (Ib. 499). The point at issue, and it is not free from doubt, was whether the introduction *en bloc* of the English criminal law into Canada, brought with it *ipso facto* the introduction of the Habeas Corpus statute. Haldimand passed his ordinance in 1784 under the title of an 'Act for securing the liberty of the subject and for the prevention of imprisonments out of this province'. The preamble stated that 'The Legislature could not follow a better example than that which the Common Law of England hath set in the provision made for a writ of Habeas Corpus which is the right of every British subject in that kingdom'.

CHAPTER III

THE WAR OF AMERICAN INDEPENDENCE

Ticonderoga and Crown Point.

The War of American Independence began with the skirmish at Lexington on the 19th of April, 1775. The battle of Bunker's Hill was fought on the following 16th of June. Between these two dates a forward move was made towards Canada by the American colonists, and the forts of Ticonderoga and Crown Point on Lake Champlain were surprised and taken.

Carleton urges the upkeep of strong forts in North America.

Years before, shortly after taking over the administration of Canada, Carleton had called attention to the dilapidated condition of these forts. In a letter, dated the 15th of February, 1767,[58] he wrote to General Gage, then Commander-in-Chief in North America—'the forts of Crown Point, Ticonderoga, and Fort George are in a very declining condition, of which, I believe, your Excellency is well informed. Should you approve of keeping up these posts, it will be best to repair them as soon as possible.' The letter went on to suggest that, in addition to repairing the forts in question, there should be 'a proper place of arms near the town of New York and a citadel in or near the town of Quebec', the object being to secure communication with the mother country and to link the two provinces together. Written in view of 'the state of affairs on this continent', the letter was statesmanlike and farseeing in a high degree. The writer argued that 'the natural and political situation of the provinces of Quebec and New York is such as must for ever give them great influence and weight in the American system'. He pleaded, therefore, for strong forts at Quebec and New York, and strong posts on the line between New York and Canada. Thus, in the event of war breaking out, the King's magazines would be kept secure, the northern colonies would be separated from the southern, and delay in transport and difficulty of

Carleton's policy: (1) adequate defences and

communication, so dangerous, especially in the early stages of a war, would be averted. In the years which preceded the War of American Independence, Carleton had constantly in view the twofold contingency of war with France and war with the British colonies in America; and there were two cardinal points in his policy, which he never ceased to impress upon the Home Government, on the one hand the necessity for adequate military forces, and adequate forts in America, on the other the necessity for taking such steps as would attach the Canadians to the British Crown.

garrisons: (2) attachment of the Canadians to the British Crown especially by giving them employment under the government.

In November, 1767,[59] he wrote to Shelburne, 'The town of Quebec is the only post in this province that has the least claim to be called a fortified place; for the flimsy wall about Montreal, was it not falling to ruins, could only turn musketry.' He went on to show how the French officers who still remained in Canada, and the Canadian seigniors who had served France, had lost their employment through the conquest of Canada, and, not having been taken into the English King's service, had no motive to be 'active in the defence of a people that has deprived them of their honours, privileges, profits, and laws'; and again he urged the importance of building a citadel, for which he enclosed a plan, within the town of Quebec. 'A work of this nature,' he wrote, 'is not only necessary as matters now stand, but supposing the Canadians could be interested to take a part in the defence of the King's Government, a change not impossible to bring about, yet time must bring forth events that will render it essentially necessary for the British interests on this continent to secure this port of communication with the mother country.'

In January, 1868,[60] he wrote again to Shelburne, and referring to his previous letter and to the scheme for constructing a citadel at Quebec, he said—'Was this already constructed, and I could suppose it impossible for any foreign enemy to shake the King's dominion over the province, still I shall think the interests of Great Britain but half advanced, unless the Canadians are inspired with a cordial attachment and zeal for the King's Government.' Once more he urged that the Canadians had no motive of self-interest to attach them to British rule. The laws and customs which affected their property had been overturned. Justice was slow and expensive. The different offices claimed 'as their right, fees calculated for much wealthier provinces'; and the leading Canadians were excluded from

all places of trust and profit. Give the people back their old laws and customs in civil matters, let them feel thereby secure in their property, take a few Canadians into the service of the Crown, enlist in the King's forces 'a few companies of Canadian foot, judiciously officered', 'hold up hopes to the gentlemen, that their children, without being bred up in France, or in the French service, might support their families in the service of the King their master,' and, at any rate, some proportion of the French Canadians would be found loyally attached to the British Government.

Another letter, written to Lord Hillsborough in November, 1768,[61] was in similar terms. It referred to rumours of French intrigues and of a contemplated rising on the part of the Canadian gentry. Carleton discredited the rumours, but added, 'Notwithstanding this, and their decent and respectful obedience to the King's Government hitherto, I have not the least doubt of their secret attachment to France, and think this will continue, as long as they are excluded from all employments under the British Government.' He reflected 'that France naturally has the affections of all the people: that, to make no mention of fees of office and of the vexations of the law, we have done nothing to gain one man in the province, by making it his private interest to remain the King's subject'. He went on to point out that 'the King's dominion here is maintained but by a few troops, necessarily dispersed, without a place of security for their magazines, for their arms, or for themselves, amidst a numerous military people, the gentlemen all officers of experience, poor, without hopes that they or their descendants will be admitted into the service of their present Sovereign', and he argued that, were a war with France to coincide with a rising of the British colonies in North America, the danger to the British power would be great. 'Canada, probably, will then become the principal scene, where the fate of America may be determined.' On the other hand he urged—'How greatly Canada might for ever support the British interests on this continent, for it is not united in any common principle, interest, or wish with the other provinces, in opposition to the supreme seat of government, was the King's dominion over it only strengthened by a citadel, which a few national troops might secure, and the natives attached by making it their interest to remain his subjects.'

Carleton's sympathy with the French Canadians.

In the second of these letters[62] from which quotations have been made, Carleton said that he would endeavour to

represent the true situation of the province to the ministers at home, who were already engaged in considering 'the improvement of the civil constitution of Quebec', lest the King's servants, with all their ability, should be at a disadvantage in forming their conclusions 'for want of having truly represented to them objects at so great a distance, and in themselves so different from what is to be found in any other of his dominions'. But it was not merely a case of the man on the spot advising the men at a distance; the value of Carleton's advice was largely due to the fact of his being a soldier. To this fact must be attributed, in great measure, the strong sympathy which the soldier-governors felt with the French Canadians, and on Carleton's part more especially with the French Canadian gentry. As Murray had pointed out,[63] the Canadians were a people of soldiers; they were accustomed to personal rule and attachment rather than to the rule of the law. To high minded English officers, themselves brought up in the King's service, trained to discipline, to well ordered grades of obedience, the old Canadian system with its feudal customs was congenial and attractive, and they resented attempts to substitute for it the beginnings of undisciplined democracy. Hence Carleton laid stress on taking Canadian gentlemen into the government service, and on enlisting companies of Canadian soldiers, in other words, on making the Canadians feel that they were, as they had been in past times, the King's men. Hence, too, we find him in a letter to Shelburne of April, 1768,[64] recommending full recognition and continuance of the old feudal tenures of Canada, including 'a formal requisition of all those immediately holding of the King, to pay faith and homage to him at his castle of St. Lewis'. If left to himself, he would have liked to repeal entirely the Ordinance of September, 1764, which introduced English laws into Canada, 'and for the present leave the Canadian laws almost entire;'[65] and, though he assented to the compromise embodied in the Quebec Act, whereby the criminal law was to be that of England, while in civil matters Canadian law and custom were in the main to prevail, we find him in June, 1775,[66] after war had begun, writing to Dartmouth, 'For my part, since my return to this province I have seen good cause to repent my ever having recommended the Habeas Corpus Act and English criminal laws.'

The French Canadians were a people of soldiers accustomed to personal rule.

It was due to Carleton that the Ordinance of 1770, to which reference has already been made,[67] was passed, taking away from the justices of the peace jurisdiction in matters of private property which had been exercised to the detriment of the French Canadians. It was due to him that in 1771 a new Royal Instruction was issued, authorizing the governor to revert to the old French system of grants of Crown lands 'in Fief or Seigneurie';[68] and his influence was all in favour of the clauses in the Quebec Act which were favourable to the 'new subjects', the French Canadians, who, at the time when the War of American Independence began, seem to have numbered under 100,000.[69]

Carleton returns from England in September, 1774, and sends two regiments to Boston.

As has been told, Carleton came back from England to Quebec in the middle of September, 1774, finding the French Canadians in great good humour at the passing of the Quebec Act. Twenty hours after his arrival an express letter reached him from General Gage, still Commander-in-Chief in North America, who was then at Boston.[70] In it Gage asked his colleague to send at once to Boston, if they could be spared, the 10th and 52nd Regiments, which formed a large part of the scanty garrison of Canada. The transports which brought the letter were to take back the troops. September, 1774, was a critical month in the North American provinces. The first continental Congress met at Philadelphia; and at Suffolk, near Boston, on the 9th September, a public meeting passed resolutions,[71] boldly advocating resistance to the recent Acts of Parliament.

Proposals to raise Canadian and Indian forces.

Accordingly, in addition to his request for the two regiments, Gage wrote—'As I must look forward to the worst, from the apparent disposition of the people here, I am to ask your opinion, whether a body of Canadians and Indians might be collected and confided in, for the service in this country, should matters come to extremities.' Carleton promptly replied: 'Pilots are sent down the river, the 10th and 52nd shall be ready to embark at a moment's notice;' and the regiments were sent to Boston, as in later years Lord Lawrence, at the time of the Indian Mutiny, denuded the Punjaub of soldiers, in order to strengthen the force which was besieging Delhi. Carleton's letter continued: 'The Canadians have testified to me the strongest marks of joy and gratitude, and fidelity to the King, and to his Government, for the late arrangements made at home in their favour: a Canadian regiment would

complete their happiness, which in time of need might be augmented to two, three, or more battalions ... the savages of this province, I hear, are in very good humour, a Canadian battalion would be a great motive and go far to influence them, but you know what sort of people they are.' Here was the opportunity which Carleton desired, of taking the Canadians into the King's service. Following on the Quebec Act, he looked to such a measure as likely to rivet Canadian loyalty to the British Crown, and evidently took himself, and inspired the Home Government with, too hopeful a view of the amount of support to be expected from the Canadians, looking to and sympathizing with the seigniors rather than the lower classes of the people of Canada. It will be noted that both Gage and he contemplated employing Indians, in the event of war between the mother country and the North American colonies. Indians had been used on either side in the wars with the French, but it seems strange that there is no hint or suggestion in these letters of the danger and impolicy of employing them against the British colonists.[72]

Carleton strongly favours raising a Canadian regiment.

In November, 1774, writing to Dartmouth,[73] Carleton still spoke of the gratitude and loyalty of the French Canadians, but there was a warning note in his letter. While the respectable members of the English community at Quebec supported the Government, there was much disloyalty among the British residents at Montreal. The resolutions of the Philadelphia Congress, and their address to the people of Canada, had reached that place. Walker was much in evidence, embittered by the outrage which he had suffered some years before,[74] and, with others, was organizing meetings and petitions both at Montreal and at Quebec. These proceedings, Carleton wrote, were causing uneasiness to the Canadians, and he concluded that 'Government cannot 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 than the Americans'.

The year 1774 ended in anxiety and suspense, and the year 1775 opened, memorable and disastrous to Great Britain. On Christmas Day, 1774, Gage had written again to Carleton on the subject of Canadian and Indian levies, and on the 4th of February, 1775, Carleton answered the letter.[75] Political matters relating to the Indians, he said, he had always considered to be the special charge of the late Sir William

Canadian feeling at the beginning of 1775.

Johnson, and outside the sphere of his own authority, but his intelligence was to the effect that the Indians would be ready for service if called upon.[76] Of the Canadians Carleton wrote that they had in general been made very happy by the passing of the Quebec Act, but he reminded Gage that that Act did not come into force until the 1st of May following, that the new commissions and instructions expected in connexion with it had not yet arrived, and that the whole machinery for carrying out the new system of government had still to be created. 'Had the present settlement taken place,' he added, 'when first recommended, it would not have aroused the jealousy of the other colonies, and had the appearance of more disinterested favour to the Canadians.' He pointed out that the gentry, 'well disposed and heartily desirous as they are, to serve the Crown, and to serve it with zeal, when formed into regular corps, do not relish commanding a bare militia.' They had not been used to act as militia officers under the French Government, and they were further deterred from taking such employment by recollection of the sudden disbandment of a Canadian regiment, which had been raised in 1764, and subsequently broken up, 'without gratuity or recompense to officers, who engaged in our service almost immediately after the cession of the country, or taking any notice of them since, though they all expected half pay.'[77] The habitants, again, had since the introduction of civil government into Canada, and in consequence of the little authority which had been exercised, 'in a manner emancipated themselves.' Time and good management would be necessary 'to recall them to their ancient habits of obedience and discipline', and meanwhile they would be slow to allow themselves to be suddenly and without preparation embodied into a militia. Carleton accordingly deprecated attempting to raise a militia force in Canada and recommended enlisting one or two regular battalions of Canadian soldiers. 'Such a measure might be of singular use, in finding employment for, and consequently firmly attaching the gentry to our interests, in restoring them to a significance they have lost, and through their means obtaining a further influence upon the lower class of people, a material service to the state, besides that of effectually securing many nations of savages.'

Carleton strongly urges employing the Canadian gentry in the regular army.

From the above correspondence we can form some impression of the state of political feeling in Canada, when

Summary of the political conditions of Canada at the beginning of the War

the great revolt of the American colonies began. We have the picture of a conquered people, accustomed to a military system, to personal rule, and to feudal laws and customs. This people had been brought by the fortune of war under the same flag as covered very democratic communities, which communities were their immediate neighbours and had been their traditional rivals. The few years which had passed since the conquest of Canada had, with the exception of the Indian rising under Pontiac, been years of uncomfortable peace and administrative weakness. The government of the country, which was the mother country of the old colonies and the ruler of the new possession, was anxious to curtail expenses as much as possible, in view of the great expenditure which had been caused by the Seven Years' War; to maintain and, if possible, to emphasize its precarious authority over the democratic communities of the Atlantic seaboard; and, on the other hand, in a sense to relax its authority over Canada, by modifying in the direction of English institutions the despotism which had prevailed under the old French régime. The net result was that on the American continent the Executive, having insufficient force behind it and in the old colonies no popular goodwill, was increasingly weak, and the people were more and more unsettled. The democratic communities became more democratic, and from those communities individuals brought themselves and their ideas into the sphere of French conservatism, adding to the uncertainty and confusion which attempts to introduce English laws and customs had already produced in Canada. The Canadian gentry under British rule found their occupation gone, their importance minimized, and no outlet for their military instincts and aspirations. The peasantry found old rules relaxed and unaccustomed freedom. Strength was nowhere in evidence in Canada. The forts were falling into ruin; the English soldiers were few; there was the King's Government without the backing of the King's men; the old subjects were a small number of men, of whom a large proportion were noisy, disloyal, adventurers; the new subjects were not held in submission, but not admitted to confidence. On the other hand, the French Canadians had recent and undeniable evidence of the goodwill of the British Government in the passing of the Quebec Act. Their governors, Murray and Carleton, had transparently shown their sympathies with the French Canadian race, its traditions, and even its prejudices. Amid many inconveniences, and with some solid grounds for discontent, the Canadians had none the less tasted

British freedom since the cession of Canada; and they had not yet imbibed it to such an extent as to overcome their traditional animosity to, and their inveterate suspicion of, the militant Protestants of the old colonies who were rising against the King.

It is unnecessary for the purposes of this book to give a full account of the War of American Independence, except so far as Canada was immediately concerned. Here the Americans appeared in the character of invaders, and the issue really depended upon the attitude of the French Canadians. Would they rise against their recent conquerors and join hands with the rebellious colonists, or would their confidence in Carleton, coupled with their long standing antipathy to the British settlers in America, keep them in allegiance to the British Crown? For the moment all went well for the Americans.

The Green Mountain rising.

It was characteristic of the state of unrest which prevailed at this time in America that, while the colonies as a whole were quarrelling with the mother country, one portion of a colony was declaring its independence of the state to which it was supposed to belong. On the eastern side of Lake Champlain were a number of settlers who had come in under grants issued by the Governor of New Hampshire, but over whom the government and legislature of New York claimed jurisdiction, the New York claim having moreover been upheld by the Imperial Government. These settlers were known at the time as the 'Green Mountain Boys', and they were the nucleus of the present state of Vermont. In April, 1775, they held a meeting to declare their independence of New York, their leaders being Ethan Allen, who had been proclaimed an outlaw by the Governor of New York in the previous year,

Ethan Allen.

and Seth Warner. They had already apparently in their minds the possibility of taking possession of the forts on Lake Champlain. There were few men at Ticonderoga and Crown Point, only about fifty at the former and half a dozen or so at the latter, belonging to the 26th Regiment, enough and no more than sufficient to guard the guns and the stores. The garrison apprehended no attack and had made no preparations for defence.

Capture of Ticonderoga and Crown Point.

The news of Lexington suggested to the Green Mountain Boys to commend themselves to Congress by at once securing these two forts. If they had any instructions in planning their expedition, those instructions

seem to have come from Connecticut; and though, before a start was made, Benedict Arnold was sent up by Congress to take the matter in hand, the insurgents refused his leadership; and, while he accompanied the expedition, it was Allen who mainly carried out the enterprise. Under Allen's command, on the night of the 9th of May, a band of armed men, variously estimated at from under 100 to over 200 in number, marched to the shore of the Lake Champlain, where it narrows to little more than a river immediately opposite Ticonderoga; and, crossing over in two parties, early on the morning of the 10th were admitted to the fort on pretence of bringing a message to the commandant, overpowered the guard, and surprised the rest of the little garrison in their beds. Two days later Crown Point was secured by Seth Warner; and shortly afterwards, under the command of Arnold, part of the expedition made their way in a captured schooner to the northern end of the lake, took prisoners a dozen men who represented the garrison at the fort of St. John's, seized a vessel belonging to the Government which was lying off the fort, and retreated up the lake on the approach of a detachment from Montreal.[78]

Thus the old fighting route by the way of Lakes George and Champlain, the scene of numberless raids and counter-raids, where Robert Rogers, William Johnson, Montcalm, Abercromby, Amherst, and many others had played their parts, passed into the hands of the revolutionary party, and only the forts of St. John's and Chambly, beyond the outlet of Lake Champlain, barred the way to Montreal. The British power in Canada seemed gone to nothingness, and at the beginning of June, in reporting to Dartmouth what had taken place, Carleton wrote: 'We are equally unprepared for attack or defence; not six hundred rank and file fit for duty upon the whole extent of this great river,[79] not an armed vessel, no place of strength; the ancient provincial force enervated and broke to pieces; all subordination overset, and the minds of the people poisoned by the same hypocrisy and lies practised with so much success in the other provinces.'[80]

The gentry and clergy, he reported, had shown zeal and loyalty in the King's service, but they had lost much of their influence over the people, and the Indians had been as backward as the peasantry in rallying to the defence of Canada. The crisis had come, and Carleton's warnings of past years had been amply justified. Absence of military preparations, and neglect to take measures to attach the Canadians to the British Crown had

resulted in a situation full of danger, a province open to invasion, a government without material for defence, and a confused and half-hearted people. Even Carleton's forecast had not been wholly accurate. He seems to have over-rated the good effects of passing the Quebec Act, and not to have fully realized the strength of class feeling in Canada, or the extent to which the peasantry, under the influence of the disloyal British minority and of emissaries from the revolting colonies, had emancipated themselves from the control of the seigniors and the gentry. It was even suggested that the lower orders in the province, instead of being grateful for the Quebec Act, regarded it with suspicion and dislike, as intended to restore a feudal authority which they had repudiated, and such no doubt would have been the doctrine taught by the British malcontents inside and outside the province. 'What will be your lordship's astonishment,' wrote Hey, the Chief Justice of Canada, to the Lord Chancellor, towards the end of the following August,[81] '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. English officers to command them in time of war, and English laws to govern them in time of peace, is the general wish. The former they know to be impossible (at least at present), and by the latter, if I understand them right, they mean no laws and no government whatsoever. In the meantime, it may be truly said that General Carleton has taken an ill measure of the influence of the seigniors and clergy over the lower order of people.' If Carleton had misjudged the feelings of the Canadians, the Chief Justice frankly admitted that he himself had been fully as much deceived.

Miscalculations as to Canadian feeling.

The mischief was that the Government in England had imbibed the confident anticipations of Canadian loyalty which had been formed by the men on the spot immediately after the passing of the Quebec Act; and, instead of sending reinforcements to Canada, they expected Carleton to reinforce Gage's army in New England. On the 1st of July, Dartmouth wrote to Carleton, instructing him to raise a body of 3,000 Canadians to co-operate with Gage; on the 24th of July, having had further news from America, he doubled the number and authorized a levy of 6,000 Canadians; and no hope was given of sending British troops to Canada until the following spring. At the beginning of the American war the greatest danger to the British Empire consisted in the

Mistakes of the Home Government.

utter weakness of the position in Canada. It was some excuse, no doubt, for the ministers at home that the Governor of Canada had latterly over-estimated the loyalty of the Canadians; and it may well have been too that the dispatch of troops to the St. Lawrence was delayed in order not to alarm the American colonies, before they openly revolted, and while there was still some faint hope of peace, by a measure which might have been interpreted as a threat of war. But those who were responsible for the safe keeping of British interests in America stand condemned in the light of the repeated warnings which Carleton had given in previous years. As a skilled soldier, he had pointed out, and history confirmed, the vital importance of Canada in the event of war in America, its commanding position for military purposes in relation to the other[82] provinces. He had urged the necessity of military strength in Canada, of strength which was both actual and apparent; of forts strong enough to be defended and of British soldiers numerous enough to defend them; moreover, of forts strong enough and British soldiers numerous enough to at once compel and attract the attachment of a military people. As a statesman, he had recommended more than a Quebec Act, years before the Quebec Act was passed. Political and financial exigencies outside Canada may have made it impossible to take his guidance, but had it been followed, the whole course of history might have been changed.

Carleton moves troops to St. John's.

On hearing of the capture of the forts on Lake Champlain, Carleton took what measures he could. He moved all his available troops, including some Canadian volunteers,[83] to St. John's, and strengthened its defences. He went up himself from Quebec to Montreal, where he arrived on the 26th of May. On the 9th of June he called out the Canadian militia under the old French law, with little effect beyond causing irritation and discontent, which American emissaries and sympathizers turned to account; and on the 2nd of August he went back to Quebec, to summon the first Legislative Council which was constituted under the Quebec Act, that Act having now come into operation. Meanwhile, after the battle of Bunker's Hill, the American Congress had resolved on invading Canada in force; General Philip Schuyler was placed in charge of the expedition, but, his health giving way, the command devolved upon Richard Montgomery, who had served under Amherst throughout the campaign which ended with the

The Americans under Richard Montgomery invade Canada.

conquest of Canada, and had subsequently settled in the state of New York and married an American lady.

At the beginning of September, the American troops moved northward down Lake Champlain, and took up a position at the Isle aux Noix, twelve miles from the fort at St. John's, preparatory to besieging that fort. 'The rebels are returned into this province in great numbers, well provided with everything, and seemingly resolved to make themselves masters of this province. Hardly a Canadian will take arms to oppose them, and I doubt all we have to trust to is about 500 men and two small forts at St. John's. Everything seems to be desperate,' so wrote Chief Justice Hey from Quebec to the Lord Chancellor on the 11th of September.[84] On the 17th he added, 'The rebels have succeeded in making peace with the savages who have all left the camp at St. John's, many of the Canadians in that neighbourhood are in arms against the King's troops, and not one hundred except in the towns of Montreal and Quebec are with us. St. John's and Montreal must soon fall into their hands, and I doubt Quebec will follow too soon.'

There was skirmishing between scouts and outposts, and on the night of the 24th of September, a party of about 150 Americans under Ethan Allen crossed over into the island of Montreal and penetrated to the suburbs of the town. Their daring attempt, however, miscarried: they were driven out: Allen was taken prisoner and sent in irons to England: and his failure gave for the moment some encouragement to the Loyalists' cause.

Carleton applies to Gage for reinforcements.

On hearing of Schuyler's and Montgomery's advance Carleton at once hurried back from Quebec to Montreal. There were two possibilities of saving the town, and with it, perhaps, the whole of Canada. One was by obtaining reinforcements from the British army at Boston, the other by contriving, even without reinforcements, to hold the forts at St. John's and Chambly until winter drove the invaders back whence they had come. Early in September Carleton applied to Boston for two regiments, the same number that in the previous autumn he had sent to Boston at Gage's request; his message came to hand on the 10th of October, just as Gage was leaving for England, and Howe, who took over the command of the troops, at once prepared to send the men. But there was a blight on English sailors as on English soldiers in America in these days. Admiral Graves, who commanded the ships, refused to risk the dangers of the passage from Boston to Quebec at the season of

the year, and Carleton in his sore straits was left unaided. All, therefore, turned on the defence of the forts.

Admiral Graves refuses to move.

St. John's fort was manned by between 600 and 700 men, 120 of whom were Canadian volunteers, the rest being regulars. Chambly was held by some 80 men of the line. A few men were stationed at Montreal, but Quebec was almost emptied of its garrison. Major Preston,[85] of the 26th Regiment, commanded at St. John's, and Chambly was in charge of Major Stopford. On the 18th of September Montgomery laid siege to the former fort, cutting off communication between the defenders and the outside world; but, notwithstanding, news reached Preston of Allen's unsuccessful attempt on Montreal, and he held out bravely, helped by the fact that Montgomery had hardly any artillery, and could only rely on starving out the garrison, while his own men were suffering from exposure, privations, and want of ammunition. But in the middle of October the outlook was changed, for, after less than two days' siege, the fort at Chambly, said to have been well provisioned, and with ample means of defence, was on the 17th of that month surrendered,[86] providing Montgomery with supplies, guns, and ammunition to be used against the main fort. Preston's condition was now desperate. An attempt made by Carleton to cross from Montreal to his relief on the 30th of October was beaten back, and on the 2nd of November, St. John's surrendered, after having held out for forty-five days.

The siege of St. John's and Chambly.

The two forts taken.

The fall of St. John's made the defence of Montreal impossible. Carleton dismissed such of the militia as were in arms to their homes, and with the few Imperial troops in the town, rather over 100 in number, and any arms and supplies that he could carry away, embarked on the afternoon of the 11th of November to make the best of his way to Quebec. On the 13th, Montgomery and his men entered Montreal. Already advanced parties of the Americans were heading down the river banks. Colonel Maclean, who had come up from Quebec as far as the Richelieu river with a small body of Canadians and Scotchmen, to co-operate with Carleton for the relief of St. John's, had fallen back, Benedict Arnold was threatening Quebec itself, and it became a question whether Carleton would ever reach the city to take charge of its defence. His vessels and boats sailed down the river to a point some miles above Sorel at the confluence of the Richelieu river. There one

Carleton leaves Montreal,

which is occupied by the Americans.

of them grounded; the wind veered round and blew up-stream; for three days the little flotilla remained stationary; the enemy overtook them on the land, raised batteries in front to bar their progress, and summoned them to surrender. On the night of the 16th Carleton went on board a whale boat; silently, with muffled oars, and at one point propelled only by the rowers' hands, she dropped down-stream, undetected by the watchers on the banks. On the 17th Carleton reached Three Rivers, with the American troops close behind him, and lower down he met an armed British ship, which carried him in safety to Quebec. He entered the city on the 19th. On the same day the vessels in which he had started from Montreal surrendered with all on board, and, being brought back to Montreal, were used to carry Montgomery and his men down to Quebec.

Carleton narrowly escapes capture and reaches Quebec.

Quebec was already threatened by a small force under Benedict Arnold. In the year 1761, while General Murray was in military command of the city and district, an engineer officer, acting under his instructions, had marked out a trail along the route from the Atlantic coast, at the mouth of the Kennebec river, to the confluence of the Chaudière with the St. Lawrence over against Quebec. In 1775, when the American colonists determined to invade Canada, Washington decided to send an expedition by this route to co-operate with the main advance by Lake Champlain and the St. Lawrence. The enterprise required a daring, resourceful leader, and the command was given to Arnold. In the middle of September, Arnold embarked with 1,100 men at Newbury port at the mouth of the Merrimac, and sailed for the Kennebec. In the latter days of September he began his march: some 200 batteaux were taken up the Kennebec, carrying arms, ammunition, and supplies; the troops were partly on board the boats, partly kept pace with them on the banks. The expedition followed the course of the Kennebec and its tributary, the Dead River, crossed the height of land, reached the headwaters of the Chaudière in Lake Megantic, and descended the Chaudière to the St. Lawrence. It was a march of much danger and privation, no easy task for a skilled backwoodsman to accomplish, and full of difficulty when it was a case of transporting a small army. All through October and into November the men toiled in the wilderness, boats were lost, provisions were scarce, the sick and ailing were left behind, the rearguard turned back, but eventually Arnold brought two-thirds of his men through, and, with the

Arnold's march from the mouth of the Kennebec to Quebec.

goodwill and assistance of the Canadians on the southern bank of the St. Lawrence, emerged at Point Levis on the 8th of November, having achieved a memorable exploit in the military history of America. On the 14th he crossed the river by night, landed where Wolfe had landed before his last memorable fight, and, after summoning the city to surrender without effect, retreated to Pointe aux Trembles, nearly twenty miles up the river, to await Montgomery's arrival. Meanwhile, Carleton passed by and entered Quebec.

Montgomery arrives before Quebec.

On the 5th of December, Montgomery came upon the scene, having landed his guns at Cap Rouge, about nine miles above the city.[87] A threatening letter which he sent to Carleton on the day after his arrival summoning the British general to surrender, received no answer, and he took up his position and planted batteries within reach of the walls on the western side—the side of Wolfe's attack, while Arnold occupied the suburb of St. Roch, on the north of the city, with the river St. Charles behind him. So far the American advance had been little more than a procession. Montreal had received Montgomery without fighting. Three Rivers had given in its adhesion to the revolutionary cause, without requiring the general's presence, as he passed down the river. Nearly all the British regulars were prisoners; and, with the help of the disloyal element in the population, Montgomery had good reason to expect that Quebec would forthwith pass into his hands and the Imperial Government be deprived of its last foothold in Canada. He was soon undeceived, however, and found the task beyond his strength.

The siege of Quebec.

Number of the garrison.

His whole force, when united to Arnold's and including some Canadians, seems not to have exceeded 2,000 men; his artillery was inadequate, and winter was coming on. On the other hand, Carleton's garrison was a nondescript force of some 1,600 to 1,800 men. Nearly one-third of the number were Canadians. About 400 were seamen and marines from the ships in the harbour, including the *Lizard* ship of war, which, with one convoy ship containing stores and arms, represented all the aid that had come from England. There were less than 300 regulars, including about 200 of a newly-raised corps under Colonel Maclean's command, Scotch veterans who were known as the Royal Highland Emigrants; and there were about 300 militia of British birth. But the city was well provisioned; the disloyal citizens had been ejected; Carleton himself had been through the famous

winter siege of 1759-60; and the preparations which had been made during his recent absence at Montreal, showed that he had capable officers serving under him. The upper classes of Canada had from the first sided with the British Government, and now that Quebec, the hearth and home of Canada, was in deadly peril, some spirit of Canadian citizenship was stirred in its defence.

PLAN OF QUEBEC IN 1775-6

Reduced from Plan in Colonial Office Library

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Montgomery plans a night attack.

Montgomery's army was too small in numbers, without the support of powerful artillery which he did not possess, to justify a direct assault upon the town walls, and a prolonged siege in the depth of winter meant severe strain on the American resources with no sure

hope of ultimate success. Moreover, many of the men had enlisted only for a specified term, which expired at the end of the year. Before the year closed, therefore, the general determined to attempt a night surprise, and laid his plans not to attack the city from the plateau, but to storm the barricades which guarded the lower town by the water's edge, and thence to rush the heights above.

The attack of December 31, 1775.

Before dawn on the morning of Sunday the 31st of December,[88] 1775, between the hours of two and seven, in darkness and driving snow, the attempt was made. From Montgomery's batteries on the Heights of Abraham the guns opened fire on the town. At Arnold's camp at St. Roch, troops placed themselves in evidence under arms; and, while this semblance of attack was made, the two leaders led two separate columns from opposite directions, intended to converge in the centre of the lower town, so that the combined parties might force the steep ascent from the port to the city on the cliff.

Repulse of Montgomery and his death.

About two in the morning Montgomery led his men, according to one account, 900 in number, down to the river side at Wolfe's landing-place; and signalling with rockets to Arnold to begin his march, started about four o'clock along a rough pathway which skirted the river under Cape Diamond and led to the lower town. Unnoticed, it would seem, by an outpost on Cape Diamond, and by an advance picket, he came at the head of his force within thirty yards of a barricade, which had been constructed where the houses began at Prés de Ville. Up to this point the defenders had given no sign, but now every gun, large and small, blazed forth: the general fell dead with 12 of his following, and the whole column beat a hasty retreat.

Repulse of Arnold's column.

Meanwhile, on the other side, in the angle between the St. Charles and the St. Lawrence, Arnold led forward 700 men, passing below Palace Gate, and fired at from the walls where the garrison were all on the alert, for Carleton had for some days past been warned of a coming attack. The Americans crossed a small projecting point, known as the Sault au Matelot, and reached one end of the narrow street which bore the same name. Here there was a barricade, a second barricade having been erected at the other end of the street. The first barrier was forced, but not until Arnold himself had been disabled by a wound; and led by the Virginian, Daniel Morgan, who was second in command, and who, later in

the war, won the fight at Cowpens, the assailants pressed boldly on to take the second barricade and effect a junction with Montgomery. But Montgomery was no more; the garrison grew constantly stronger at the threatened point; the way of retreat was blocked; and caught in a trap, under fire from the houses, the attacking party surrendered to the number of 431, in addition to 30 killed, including those who fell with Montgomery. The day had hardly broken when all was over, the result being an unqualified success for the English, a crushing defeat for the American forces. Quebec was saved, and with Quebec, as events proved, the whole of Canada.

Continuance of the siege.

The English, according to a letter from Carleton to General Howe, written on the 12th of January, only lost 7 killed and 11 wounded on this memorable night; but, notwithstanding, in view of the small numbers of the garrison, the governor did not follow up his success by any general attack on the American lines; he contented himself with bringing in five mortars and a cannon from Arnold's position, and settled down with his force to wait for spring. The Americans, from time to time reinforced by way of Montreal, continued the blockade, but it was somewhat ineffective, as firewood and even provisions were at intervals brought into the town. On the 25th of March a party of Canadians, who attempted to relieve Quebec by surprising an American battery at Point Levis, on the other side of the St. Lawrence, were themselves surprised and suffered a reverse; on the 4th of April the battery in question opened on the town with little effect: on the 3rd of May a fire ship was directed against the port and proved abortive. On the 6th of May English ships once more came up the river with reinforcements, and the siege was at an end. The Congress troops retreated in hot haste, as Levis's men had fled when Murray was relieved: artillery, ammunition, stores, were left behind; and the retreat continued beyond Three Rivers, as far as Sorel, at the mouth of the Richelieu.

Quebec relieved on May 6, 1776.

Carleton's Report.

'After this town had been closely invested by the rebels for five months and had defeated all their attempts, the *Surprise* frigate, *Isis* and sloop *Martin* came into the Basin the 6th instant.... Thus ended our siege and blockade, during which the mixed garrison of soldiers, sailors, British and Canadian militia, with the artificers from Halifax and Newfoundland, showed great zeal and patience under very severe duty and uncommon vigilance.' So wrote Carleton to Lord George

Germain on the 14th of May, 1776, having conducted a singularly successful defence of an all important point. Murray's defence of Quebec had been marked by a severe reverse, great sickness, privation, and loss. Nothing of the kind happened under Carleton. He had, it is true, a far smaller army against him than besieged Murray, and he had the inestimable advantage of personal experience of the former siege, but on the other hand the force which he commanded was infinitely weaker, numerically and in training, than Murray's. He made no mistakes, incurred no risks, his one aim was to save Quebec, and he saved it.

Importance of holding Quebec.

The more the history of these times is studied, the greater importance will be attached to Carleton's successful defence of Quebec, and his defeat of the American forces beneath its walls; the more clearly too it will be seen that the net result of the American war was due at least as much to the agency of individual men as to any combination of moral or material forces. Whoever held Quebec held Canada; and, if Great Britain had lost Quebec in the winter of 1775-6, she would in all probability have lost Canada for all time. Wolfe's victory before Quebec, and the surrender of the city which followed, determined that Canada should become a British possession. Carleton's defeat of Montgomery and Arnold in the suburbs of Quebec, and the holding of the city which followed, determined that Canada should remain a British possession. It was not merely a question of the geographical position of Quebec, great as was its importance from a strategical point of view. It was a question of the effect of its retention or its loss upon the minds of men. The Canadians were wavering: the tide was flowing against the English: one rock alone was not submerged: the waves beat against it and subsided. Thenceforward Canada was never in serious danger. The Americans were not liked in Canada. They carried many of the Canadians with them in the first impulse, but, when once they were checked and driven back, the Canadians were given time to think, and they inclined to the cause personified by the man who had stemmed the tide of invasion and held Quebec.

Carleton as a general,

When the news of what had taken place reached England at the beginning of June, Horace Walpole wrote to his friend Sir Horace Mann. 'The provincials have again attempted to storm Quebec and been repulsed with great loss by the conduct and bravery of Carleton, who, Mr. Conway has all along said, would prove himself a very able

general.'[89] Two months later he wrote again to the same friend: 'You have seen by the public newspapers that General Carleton has driven the provincials out of all Canada. It is well he fights better than he writes. General Conway has constantly said that he would do great service.'[90] Of Carleton's merits as a soldier there can be no question. No one ever gauged a military situation better. No one ever displayed more firmness and courage at a time of crisis, made more of small resources, or showed more self-restraint. But he was more than a good military leader; he was also a statesman of high order, and, had he been given a free hand and supreme control of the British forces and policy in America, he might well have kept the American colonies as he kept Quebec. For Carleton was an understanding man. No Englishman in America, or who dealt with America, was of the same calibre. He knew the land: he knew the people: he had the qualities which were conspicuously wanting in other English leaders of the time, firmness, foresight, breadth of view, sound judgement as to what was possible and what was not; above all, he had a character above and beyond intrigue. Had he not been ousted by malign influence, but been given wider powers and a more extensive command, the British cause in North America might have had the one thing needful, a personality to stand in not unworthy comparison with that of Washington.

and as a statesman.

Carleton's character.

Carleton was a little over fifty years old at the time of the siege of Quebec. The two American generals who confronted him were younger men. Montgomery was just under forty years of age when he was killed; Arnold at the time was not thirty-five. It would have been well for Arnold's reputation had he shared Montgomery's fate. A New Englander by birth, a native of Connecticut, he seems to have been a restless, adventurous man, with no strong sense of principle. His name is clouded by his grievous treachery at West Point, but his military capacity was as great as his personal courage, and of all the American leaders in the earlier stages of the war, he was the man who dealt the hardest blows at the British cause in Canada. From the capture of the forts on Lake Champlain till the fights before Burgoyne's surrender at Saratoga, at almost every point on the frontier he was in evidence, leading attack, covering retreat, invaluable as a leader in border war.

Benedict Arnold.

Richard Montgomery.

Of Montgomery, Horace Walpole wrote that he 'was not so fortunate as Wolfe to die a conqueror, though very near being so'.[91] He was so far fortunate in his death, that his name has passed into American history as that of a martyr to the cause of liberty. He was known to Burke, Fox, and the leaders of the Opposition in England; and he seems to have been an attractive man in private life as well as a capable soldier. We read in the *Annual Register* for 1776 that 'The excellency of his qualities and disposition had procured him an uncommon share of private affection, as his abilities had of public esteem; and there was probably no man engaged on the same side, and few on either, whose loss would have been so much regretted both in England and America'.[92] In America addresses and monuments commemorated his name, Tryon county of New York was renamed Montgomery county in honour to his memory, and in 1818 his remains were exhumed and taken to New York for public burial. In England leading politicians bore tribute to his merits, and as late as the year 1791, in the House of Commons, Fox called to Burke's remembrance how the two friends had 'sympathized almost in tears for the fall of a Montgomery.'[93] He died fighting for what proved to be the winning cause, and men spoke well of him. But there is another side to the picture which should not be overlooked. Montgomery was not, like Arnold, born and bred on New England soil. He was 'a gentleman of good family in the kingdom of Ireland',[94] and educated at Trinity College, Dublin. He had worn the King's uniform from 1756 to 1772; he had served as a subaltern at the capture of Louisbourg, under Amherst again on Lake Champlain, and with Haviland's division in the final British advance on Montreal, by the line by which in 1775 he led the American troops into Canada. After the British conquest of Canada he had seen active service in the West Indies. His connexion with the North American colonies consisted in having bought an estate in New York, having married a lady of the well-known Livingston family in that state, and having made his home there after retirement from the army. That retirement took place in 1772. In 1775 he was a brigadier-general in the American army, not concerned to defend house and home against unprovoked attack, but to lead an army of invasion into a neighbouring British province, endeavouring to wrest from Great Britain what he himself had fought to give her, and identifying oppression with one whose worth he must well have known, with a fellow British soldier of Carleton's high character and name. Montgomery was an Irishman. In his

case, as in that of Arnold, the wife's influence probably counted for much; and the time was one when what were called generous instincts were at a premium and principles were at a discount. But the terms[95] in which he summoned Carleton to surrender suggest unfavourable contrast between his own words and actions on the one hand, and on the other the stern old-fashioned views of loyalty and military honour which Carleton held, and which forbade him to pay to Montgomery in his lifetime the respect which was ensured by a soldier's death.

Montgomery had charged Carleton with inhumanity. Carleton was a soldier who did not play with war and rebellion, but he was also a humane man, and the charge, if it needed any contradiction, is belied by a proclamation which he issued on the 10th of May, four days after the relief of Quebec. In it search was directed to be made for sick and wounded Americans, reported to be 'dispersed in the adjacent woods and parishes, and in great danger of perishing for want of proper assistance'. They were to be given relief and brought in to the General Hospital at Quebec, a promise being added that, as soon as their health was restored, they should be at liberty to return to their homes.[96]

Quebec was relieved on the 6th of May. Some ships were sent up the river, but Carleton waited for the reinforcements which were fast coming in from England before making a decided move, and it was not until the beginning of June that Three Rivers was re-occupied by the Royal troops. Meanwhile, the American head quarters at Montreal had been alarmed by a diversion from another quarter. The invading forces had broken into Canada at two points only. Montgomery's advance had been direct to Montreal: Arnold had marched straight on Quebec. The British outposts above Montreal and in the west had been left undisturbed. One of them, very small in numbers, was stationed at Ogdensburg, then known as Oswegatchie, a few years previously the scene of the Abbé Piquet's mission of La Présentation. The commander was Captain Forster of the 8th Regiment of the line, the same regiment which in the later war of 1812 played so conspicuous a part in the defence of Canada. Towards the end of the second week in May, Forster, with about 50 regulars and volunteers and some 200 Indians,[97] started down the St. Lawrence, his objective being the Cedars, a place on the northern bank of the St. Lawrence below Lake St. Francis in that river, and a few miles above Lake

The affair of the Cedars.

St. Louis and the island of Montreal. Here an American force was stationed, numbering nearly 400 men. On the 18th and 19th of May Forster attacked the post, which surrendered on the second day; and on the 20th another small party of Americans, rather under 100 in number, which was advancing from Vaudreuil, seven miles to the north of the Cedars, surrendered to a mixed body of Canadians and Indians. By these two successes Forster secured between 400 and 500 prisoners, and crossing over to the island of Montreal, he advanced against Lachine, where a considerable force of Americans was encamped. These men were under the command of Arnold who, on recovering from the wound which he had received at Quebec, had been placed in charge of the Congress troops at Montreal. Forster found the position and the numbers defending it too strong to attack, although he had been reinforced by a large party of Canadians. Accordingly, he retired to the mainland. Arnold then attempted to cross and make a counter attack, but was in turn obliged to recross to the island. There then followed negotiations for the release of the prisoners, who were handed over to Arnold on condition that British prisoners should be subsequently released in exchange, and at the end of the month Forster returned to Oswegatchie.

His exploit had been a notable one. With a very insignificant following he had defeated superior numbers and had threatened Montreal. History repeated itself; and, as in the days of New France, the Canadians and Indians showed themselves formidable in sudden raids, supplementing the regular plan of campaign. The affair of the Cedars proved that, as long as Quebec and the mouth of the St. Lawrence were in British keeping, the American army of occupation would be troubled on the western side by home-bred combatants, stiffened by British outposts which could only be dislodged as the result of a general conquest of Canada. Canada was in fact far from conquered, and in a very short time the country was cleared of its foes.

Dispute with Congress as to the exchange of prisoners.

But Forster's enterprise obtained notoriety for another and a different reason. The Congress of the revolting states refused to ratify the agreement to which Arnold had consented. The American prisoners, with the exception of a few hostages, were sent back, but the promised exchanges were not made, and the reason given for not fulfilling the engagement was that some of Forster's prisoners

had been murdered and others maltreated and plundered. Congress therefore resolved not to give back the requisite number of British prisoners, until the authors and abettors of the alleged crimes had been handed over and compensation made for the plunder. The allegations seem in the main not to have been substantiated, as is shown by a letter from one of the American hostages themselves.[98] That the Indians looted some of the prisoners' property was undeniable, but Forster appears to have used every effort to secure the safety and good treatment of those who were in his hands, and the charges of murder were not made good. Carleton wrote strongly on the subject,[99] attributing the action of the American Congress to a desire to embitter their people against the English and to prolong the war; but at this distance of time it is unnecessary to revive the controversy. What is worth noting is the feeling aroused when coloured men are enlisted, or even alleged to be enlisted, on either side in white men's quarrels, the exaggerated reports which are spread abroad, and the credence which is given to them. The record of Indian warfare in North America was a terrible one, and it is no matter for surprise if, when Indians were found fighting on the British side, the barbarities of the past were reported to have been reproduced at a later date.

American delegates sent to Montreal.

Before Quebec had been relieved, the weakness of the American hold on Canada, and the condition of the army of occupation, had given anxiety to Congress, who sent special commissioners to Montreal. The commissioners were three in number. One was Benjamin Franklin, and another was Carroll, a Roman Catholic, who was accompanied by his brother, a Jesuit priest. The object was to ascertain the actual position of matters military and political, and to conciliate Canadian feeling. What was ascertained was depressing enough, and the efforts at conciliation came to nothing. While the commissioners were at Montreal, they received news of the relief of Quebec, and events soon swept away recommendations. The American army fell back from Quebec to the Richelieu; and, as the troops came in from England, including some German regiments under Baron Riedesel, Carleton sent them up the St. Lawrence by land and water, Burgoyne being in command. In the first days of June Three Rivers was garrisoned; and within a week, on the 8th of June, an American general, Thompson, who made an attempt to regain the position, crossing over by night from the

Retreat of the American army.

southern shore, was cut off and taken prisoner with over 200 of his men. This completed the discomfiture of the Americans: small-pox and other diseases were rife in their ranks: their posts on the line of the Richelieu were hastily abandoned; Arnold barely had time to evacuate Montreal; and, before the last week of June began, Montreal, Chambly, and St. John's were all again in British possession, and the invasion of Canada was at an end.

Montreal re-occupied by the English, and preparations made for an advance up Lake Champlain.

The Americans, however, still retained their hold on Lake Champlain. It was impossible to dislodge them without organizing transport by water as well as by land, and building armed vessels to overpower the ships with which they commanded the lake. For when they overran Canada as far as Quebec, they secured all the sailing craft and bateaux on the Upper St. Lawrence. 'The task was indeed arduous,' says a contemporary writer, 'a fleet of above thirty fighting vessels, of different kinds and sizes, all furnished with cannon, was to be little less than recreated.'[100] Three months, therefore, were taken up in boat-building, the material being in large measure sent out from England, in making roads, constructing entrenchments, drilling the troops, and collecting supplies. The troops, over 10,000 in number, were stationed at La Prairie on the St. Lawrence, immediately opposite Montreal, at Chambly, St. John's, and the Isle aux Noix, with detachments lower down the Richelieu river than Chambly in order to keep all the communications open; and in September, when the preparations were nearly completed, advanced parties were moved forward to the opening of Lake Champlain.

Fighting on Lake Champlain.

In October the newly-constructed gunboats ascended the Richelieu river from St. John's, and entered the lake. On the 11th they came into touch with the American vessels, which were then stationed, under Arnold's command, between Valcour Island and the western shore of the lake. The place was about five miles south of Plattsburg, about twenty-five miles south of what is now the boundary line of Canada, and a little less than fifty miles to the north of Crown Point. The strait between the island and the mainland is about a mile wide, and across it was the American line of battle. The English had the superiority in numbers and, as the result of the first day's fighting, being carried to the south of the enemy's ships, were at the close of the day drawn up in line to intercept their retreat. At night, however, Arnold, bold and skilful as ever,

found a passage through and sailed off to the south, hotly pursued by Carleton's squadron. On the 13th fighting began again, and ended with the capture or destruction of twelve American vessels, out of a total of fifteen, over 100 prisoners being taken including the second in command to Arnold. Crown Point was set on fire and abandoned by the Americans, and on the 14th Carleton wrote from his ship off that place reporting his success. In his dispatch he expressed doubts whether anything further could be done at that late season of the year, and he subsequently came to the conclusion that an attack on Ticonderoga, which was held by a strong force under Gates, must be postponed till the following spring. Nor did he think it prudent to occupy Crown Point, which was in a dismantled and ruined condition, through the winter, and by the middle of November, he had withdrawn all his forces to the Isle aux Noix and St. John's, whence he had started.

Destruction of the American flotilla.

Crown Point abandoned by the Americans.

Close of the campaign.

It was a good summer's work. Quebec had been relieved, the whole of Canada had been recovered, and on the main line of invasion, Lake Champlain, the English had obtained the upper hand by the destruction of Arnold's vessels. This last part of the campaign stands out in bright contrast to the abortive Plattsburg expedition in the later war of 1812. If there had been any delay, it was largely due to the fact that Carleton had not received from England all the boats and materials for boat-building for which he had requisitioned; and, to judge from Horace Walpole, intelligent observers in England were not disappointed with the outcome of the autumn fighting. 'You will see the particulars of the naval victory in the *Gazette*,' he wrote to Sir Horace Mann on the 26th of November, 1776, 'It is not much valued here, as it is thought Carleton must return to Quebec for the winter.' Nevertheless, the British Government, as represented by Lord George Germain, professed to be dissatisfied that more had not been achieved, and that, having reached Crown Point, the general had not made a further advance against Ticonderoga, or at least held his ground where he was through the winter. Germain, who in January, 1776, had succeeded Dartmouth in charge of colonial matters, had begun by finding fault with Carleton, complaining that the latter had left the Home Government in the dark as to his plan of operations after the relief of Quebec, and as to the position in Canada. The result was, Germain wrote, that it was impossible at the time to send Carleton any further instructions.

Carleton censured by Germain.

[101] It would have been well if the impossibility had continued. He found new ground for criticism in Carleton's temporary retreat from Lake Champlain, but the criticism was wholly without justification. Carleton was a cautious leader; he had shown caution in the defence of Quebec, where events had justified his attitude; but the whole record of the 1776 campaign had proved him to be at the same time a man of energy, firmness, and resource, unwearied in organizing, prompt in action. Wolfe, it might be said, would at all hazards have attacked Ticonderoga, but it must be remembered that Wolfe in America, where he always preached and practised forward aggressive movement, was fighting Frenchmen and Indians, not soldiers of the same race as his own. If we compare Amherst, on the other hand, with Carleton, we find that Amherst in 1759, having taken Ticonderoga and Crown Point by the beginning of August, made no further move till the middle of October, and then, after an abortive start down Lake Champlain, gave up active operations for the winter. There is no valid reason to suppose that Carleton's judgement was otherwise than sound. At any rate, to quote his own words to Germain in a letter written on the 20th of May, 1777, 'Any officer entrusted with the supreme command ought, upon the spot, to see what was most expedient to be done, better than a great general at 3,000 miles distance.'[102]

The English generals in America.

Less capable than Carleton were the other British officers in America, and far less satisfactory were the results of their efforts. In the early days of 1775, before fighting actually began, Amherst, the former Commander-in-Chief in North America, was invited by the King to resume his command, but declined the invitation, and General Gage was accordingly retained in that position. To support him, three generals were sent out from England, Howe, Burgoyne, and Clinton. They arrived towards the end of May, 1775, after the fight at Lexington had taken place, and before the battle of Bunker's Hill. Early in 1776 Lord Cornwallis also appeared upon the scene. After the battle of Bunker's Hill, Gage was recalled to England, and Howe was placed in command of the troops on the Atlantic seaboard, while Carleton was given independent command in Canada. Gage left in October, 1775, and Howe, his successor, remained in America till May, 1778, having sent in his resignation a few months previously. Clinton succeeded Howe, and held the command until the surrender of Cornwallis at Yorktown in October, 1781, turned out the

ministry and practically finished the war. Then, when it was too late, Carleton was named as commander-in-chief, and arrived at New York in May, 1782, by which time the fighting was practically over.

These men, who commanded the armies of England in America during a disastrous war, were by no means hopelessly incompetent. Howe had been one of the best of Wolfe's officers. He had led the advanced party which stormed the Heights of Abraham on the memorable morning of the 13th of September, 1759. In the revolutionary war, though found wanting in some of the qualities which make a great general, he none the less showed firmness, courage, and skill in various actions from Bunker's Hill onwards, and he achieved several notable successes. Clinton proved himself to be at least an average commander. Burgoyne, in a subordinate position, was apparently a good soldier; and the subsequent career of Lord Cornwallis showed that he was a man of capacity. Comparing them with the predecessors of Wolfe and Amherst in the late French war, with Loudoun, Webb, and Abercromby, and bearing in mind that they had a far more difficult task, they stand in no unfavourable light. But they were not leaders of men themselves, and there was no man in power in England, such as Chatham had been, who was a leader of men, strong enough to break down political intrigue and court influence, to find the best men and send them out, superseding the second best, encouraging and supporting his soldiers and sailors, but not worrying them with ill-timed and ignorant interference.

Howe.

Clinton.

Burgoyne.

Cornwallis.

On the sea England was even less fortunate in the men who served her than on land, whereas, as events proved, the possibility of success in the war depended entirely on keeping command of the sea. In the time of the Seven Years' War, the English admirals were at their best. Hawke, in his brilliant fight at Quiberon, did hardly better service than the less known Admiral Saunders, who co-operated heart and soul with Wolfe at Quebec. Widely different was the naval record of the War of American Independence. The French navy, it is true, was stronger than in former years, but the naval commanders on the English side were also less adequate. The competent men were superseded by, or had to serve under, senior and less competent officers. Sir George Collier, who showed energy and ability, was succeeded by an inferior man, Marriot Arbuthnot; and, at

The English admirals.

the most critical point of the campaign, when the French admiral, de Grasse, combined with Washington to procure the surrender of Cornwallis, Sir Samuel Hood, one of the best, had to take his orders from Admiral Graves, one of the least competent of British naval officers. Even Rodney, who had not yet won the great victory in the West Indies, by which he is best remembered, seems to have been remiss in regard to North America; and, if Hood be excepted, Lord Howe alone among the famous seamen of England, during a short period of the war, showed something of the skill and energy which, at other times, and in other than American waters, characterized the leaders of the British navy.

Military science was not conspicuous in the American War of Independence.

Apart altogether from its causes and its results, and dealing only with the actual operations, the War of American Independence was a most unsatisfactory, and for the English, a most inglorious war. It might well have resulted in a far more crushing defeat for England, and yet have left a much better impression on English minds. Though the war lasted for fully seven years, on neither side, with one exception, were very great military reputations made. The American Civil War of later days was marked by notable military achievements, and extraordinarily stubborn fighting. It was a terrible but a heart-whole struggle, fought hard to the bitter end under men, among winners and losers alike, whose names will live to all time in military history. In the American War of Independence, on the other hand, though good soldiers were engaged on either side and some, such as the American general, Nathaniel Greene, deservedly attained high reputation, yet the only name which lives for the world at large because of the war itself, is that of Washington; and it lives not so much because of brilliant feats of generalship, as because he led a murmuring people through the wilderness with statesmanship, rare nobility of character, and unconquerable patience. ‘Few of the great pages of history,’ writes Mr. Lecky, ‘are less marked by the stamp of heroism than the American Revolution.’[103] The Americans muddled through, because the English made more mistakes, and because, though the American people were divided among themselves, their leaders, at any rate, knew their own minds, and were not half-hearted like the majority of leading men at the time in the United Kingdom.

For neither the English nation nor the English Government were wholehearted in the war. It was of the nature of a civil war, with little to

appeal to on the English side. It is true that it was for a time popular in England, that the intervention of France prolonged its popularity, and that the outrageous extravagances of Fox and other extreme Whigs also tended to provoke honest patriotism in favour of the Government and their policy; but it was not truly a nation's war, guided by the nation's chosen leaders. Not only was there strong opposition to it in England, for reasons which have already been given, strong especially in the personality of men like Chatham and Burke who opposed it, but the ministry themselves showed that their heart was not in their work. Twice in the middle of the struggle they tried to make peace. In 1776, the brothers Howe at New York, Whigs themselves, were commissioned to open negotiations with the colonists: but their powers in granting concessions were far too limited to satisfy opponents, who had already, on the 4th of July in that year, declared for independence. Again in 1778, under an Act of Parliament, specially passed for the purpose, commissioners were appointed to negotiate for peace. They were five in number, two being, as before, the brothers Howe,[104] and the other three being delegates specially sent out from home. This time ample powers were given to make concessions, but the situation was wholly changed. Burgoyne had surrendered in the preceding autumn, the French had joined hands with the colonists, and Philadelphia was being evacuated by the British troops. Had the commissioners been sent out after some striking success on the side of England, offering generous terms from a strong and resolute nation, they might have gained a hearing, and the proffered concessions might have been accepted. Under the circumstances the mission was interpreted as a sign of weakness, and the messages which were brought were treated with contempt.

Wavering attitude of the English Government

As it was with the Government, so it was also with the military men. Amherst would not serve because of his old friendly relations with the Americans. General Howe, for similar reasons, was at first loth to serve, and his delays and shortcomings in prosecuting the war may perhaps be in part attributed to the same cause. Howe, Burgoyne, and Clinton all came out in 1775 from the House of Commons, politicians as well as soldiers.[105] Burgoyne was brought home towards the end of 1775. He went out again to Canada in the spring of 1776, again went home in the autumn of that year, and again went out in 1777 for his last disastrous

and of the generals.

campaign. Cornwallis went to England twice in the course of the war. It was probably a mere coincidence, but the fact remains that the two commanders who suffered the greatest disasters, were the two who went back and fore between England and America, and presumably came most under the influence of the mischievous ministry at home. It is true that Wolfe had gone home in 1758 after the taking of Louisburg, discontented with the tardiness of Amherst's movements, and that he went out again in 1759 to his crowning victory and death; but Wolfe went home to Chatham, Burgoyne and Cornwallis to Lord George Germain.

Want of continuity in the military operations on the English side.

Take again the spasmodic operations of the war. Boston, held when war broke out, and for the retention of which Bunker's Hill was fought, was subsequently abandoned. Philadelphia was occupied and again evacuated. The southern colonies were over-run but not held. At point after point the Loyalists were first encouraged and then left to their fate. Everything was attempted in turn but nothing done, or what was done was again undone. The vacillation and infirmity of purpose, which has so often marred the public action of England, was never more manifest than in the actual campaigns of the War of American Independence. The great difficulty to contend with was the large area covered by the revolting colonies; and the one hope of subduing them lay in blockading the coasts and concentrating instead of dispersing the British land forces. Lord Howe and Lord Amherst are credited with the view that the only chance of success for England lay in a purely naval war; and it is said to have been on Amherst's advice that Philadelphia was abandoned and the troops concentrated at New York. The true policy was, as Captain Mahan has pointed out,[106] and as Carleton had seen before the war came,[107] to cut the colonies in two by holding the line of the Hudson and Lake Champlain; and the object of sending Burgoyne down from Canada by way of Lake Champlain in 1777 was that he might join hands with the British forces on the Atlantic coast, as they moved up the Hudson from New York. But, while Burgoyne was marching south, Howe carried off the bulk of the troops from New York to attack Philadelphia; and there followed, as a direct consequence, the ruin of Burgoyne's force and its surrender at Saratoga. No positive instructions had reached Howe as to co-operating with Burgoyne, and the well-known story goes[108] that this oversight was due to Lord George Germain, who had fathered the

enterprise, going out of town at the moment when the dispatches should have been signed and sent. At any rate, it is clear that, even when the British Government had formed a right conception of the course to be followed, they failed to take ordinary precautions for ensuring that it was carried into effect. In Canada alone did the English rise to the occasion. Here, and here only, was a man among them in the early stages of the war who moved on a higher plane altogether than his contemporaries in action, a statesman-general of dignity, foresight and prudence. Here alone too the English were repelling invasion, and keeping for the nation what the nation had won. In this wrong-headed struggle the one and only ray of brightness for England shone out from Canada.

Operations on the Atlantic seaboard.

After the battle of Bunker's Hill, in June, 1775, the British army of occupation at Boston spent the year in a state of siege. Gage was recalled to England in October, the command of the troops being handed over to Howe. Burgoyne too went home, returning to Canada in the following spring. The autumn and the winter went by, Carleton being beleaguered in Quebec, and Howe cooped up in Boston, while British ships bombarded one or two of the small seaport towns on the American coast, causing misery and exasperation, without effecting any useful result. Early in 1776, Clinton and Cornwallis were sent to carry war into the southern states, and towards the end of June made an unsuccessful attack on Charleston Harbour.

Howe evacuates Boston and occupies New York.

In March Howe evacuated Boston, and brought off his troops to Halifax. In June he set sail for New York, which was held by Washington; established himself on Staten Island, where he was joined by his brother, the admiral, with strong reinforcements; and, having now ample troops under his command, he took action in the middle of August. Crossing over to Long Island, he inflicted a heavy blow on Washington's army on the 27th of August, but did not follow up his success, with the result that Washington two days later carried over his troops to New York. In the middle of September New York was evacuated by the Americans and occupied by the English, and through October and November, Washington was driven back with loss, until by the beginning of the second week in December, he had retreated over the Delaware to Philadelphia, and the whole of the country between that river and the Hudson, which forms the State of New Jersey, was in British hands.

The American cause was further depressed by the temporary loss of General Charles Lee, who had been surprised and taken prisoner. He was one of the few American leaders who was a practised soldier, having been before the war a half-pay officer of the British army; at the time of his capture he stood second only to Washington.

Howe's delays.

Howe had been almost uniformly successful, but at each step he had been slow to follow up his successes. In all wars in which trained soldiers are pitted against untrained men, it must be of the utmost importance to give as little breathing space as possible to the latter, for delay gives time for learning discipline, regaining confidence, and realizing that defeat may be repaired. Easy to check and to keep on the run in the initial stages of such a war, the untried levies gradually harden into seasoned soldiers, taking repulses not as irreparable disasters, but as incidents in a campaign. For those who set out to subdue a stubborn race it is a fatal mistake to give their enemies time to learn the trade of war. Especially is it a mistake when, as in the case of the Americans, the causes of the war and the ultimate objects are at the outset not yet clearly defined, when there are misgivings and hesitations as to the rights and wrongs, the necessities of the case, the most desirable issue: most of all when one side represents a loose confederation of jealous states, and not one single-minded nation. Howe seems to have lost sight of these considerations, and not to have wished to press matters too far. While engaged in taking New York, he was also busy with his brother in trying vainly to negotiate terms of peace; and subsequently, while mastering New Jersey, instead of completing his success by sending ships and troops round to the Delaware to attack Washington in Philadelphia, he dispatched Clinton to the north to occupy Newport in Rhode Island, a point of vantage for the naval warfare, but held at the cost of dispersing instead of concentrating the British forces.

Washington's victory at Trenton.

Yet, as the year 1776 drew towards its close, all seemed going well for the English in America. Carleton from Canada, Howe from New York, had uninterrupted progress to report. With Christmas night there came another tale. In fancied security after the late campaign, Howe's troops in New Jersey were quartered at different points, the commander-in-chief remaining at New York, and Cornwallis, who had commanded in New Jersey, being on the point of leaving for England. The village of Trenton on the Delaware, through which passed the road from

New York to Philadelphia, was held by a strong detachment of Hessians under General Rahl, whose whole force, including a few British cavalry, numbered about 1,400 men. No entrenchments had been constructed, few precautions had been taken against attack, and Christmas time and Christmas weather made for want of vigilance. Crossing the Delaware with 2,500 men, Washington broke in upon the position in the early morning of December 26th, amid snow and rain, and the surprise was complete: General Rahl was mortally wounded; between 900 and 1,000 of his men were killed, wounded, or taken prisoners; and not many more than 400 made good their escape. Returning with his prisoners to Philadelphia, Washington again re-crossed the Delaware, and during the rest of the winter and the first six months of the year 1777 continually harassed the English in New Jersey, avoiding a general engagement, which Howe vainly endeavoured to bring on. At length, towards the end of July, Howe evacuated the territory, and, leaving Clinton with over 8,000 men at New York, shipped the rest of his army for Chesapeake Bay, resolved to attack the enemy from the opposite direction and to take Philadelphia. Washington gave him battle on the Brandywine river early in September and was defeated. On the 26th of September Howe entered Philadelphia: and on the 4th of October at Germantown, five miles distant from the city, he successfully repelled a sudden attack by which Washington attempted to repeat the success of Trenton. At Brandywine, Washington lost some 1,300 men, at Germantown over 1,000; but, while Germantown was being fought, Burgoyne's army on the upper reaches of the Hudson was nearing its final disaster.

Howe retreats from the Jerseys, and occupies Philadelphia.

The War of American Independence, to quote the words of the *Annual Register* for 1777,[109] was 'a war of posts, surprises, and skirmishes, instead of a war of battles'. The disaster to the Hessians at Trenton was what would have been called in the late South African war a regrettable incident, but it had far-reaching consequences. The German troops employed by the British Government were not unnaturally regarded by the American colonists with special dislike and apprehension. They were foreigners and professional soldiers, alien in sympathies and in speech, partisans in a quarrel with which they had no concern, fighting for profit not for principle. The citizen general, at the darkest time of the national cause, came back to Philadelphia, bringing a number of them prisoners, and broke at once the spell of ill success. There

Far-reaching consequences of the fight at Trenton.

followed, as a direct consequence, the abandonment of the Jerseys by the English, the rising again of colonial feeling throughout the region, and corresponding depression of the Loyalists. But almost more important was the effect on the side of Canada; for the Trenton episode led to the supersession of Carleton and to his eventual resignation.

The Secretary of State for the American Department.

In the year 1768 the office of Secretary of State for the American Department was created in England, to deal especially with colonial matters. The Council of Trade and Plantations, which in one form or another had hitherto taken charge of the colonies, was not superseded, but to the new Secretary of State it fell to handle questions of war and peace with the American colonies. The appointment was not long lived, being abolished, together with the Council of Trade and Plantations, by Burke's Act in 1782. The first Secretary of State for the American Department was Lord Hillsborough; the second, appointed in 1772, was Lord Dartmouth, in character and sympathy, a pleasing exception to the type of politicians who at the time had power in Great Britain; the third, appointed at the beginning of 1776, was Lord George Germain who, when he took office, was about sixty years of age.

Lord George Germain.

No name in English political history during the last 150 years is less loved than that of Lord George Sackville, or, as he was known in later years, Lord George Germain. He was born in 1716, a younger son of the first Duke of Dorset. Lady Betty Germain, who died in 1769, left him the Drayton estate[110] in Northamptonshire, and he took her name. Ten years before, he had been cashiered for disobedience to an order to charge at the battle of Minden in 1759, laying himself open by his conduct in that battle to what was no doubt an unfounded charge of cowardice. He took to political life, and has been commonly regarded as in a special manner the evil genius of the British ministry during the war with America. Yet he was not a man without parts. In his early life he had some reputation as a soldier, being highly spoken of by Wolfe. After he was dismissed from the army, he pertinaciously demanded a court-martial, though warned that more serious results even than dismissal might follow from re-opening the case. The inquiry was held, and the dismissal confirmed; but, helped no doubt by his family connexions, he held up his head in public life, and became, in Horace Walpole's opinion, one of the five best speakers in the House of Commons.[111] Walpole, and probably

others also, disbelieved the charge of cowardice;[112] and certainly in politics, whatever may have been the case on the battlefield, Germain cannot be denied the merits of courage and tenacity, though he may well have been embittered by his past, and hardened into fighting narrowly for his own hand. He became a follower of Lord North, and under him was appointed a Lord Commissioner of Trade and Plantations and Secretary of State for the American Department. He was an unbending opponent of the colonists and their claims. 'I don't want you to come and breathe fire and sword against the Bostonians like that second Duke of Alva, the inflexible Lord George Germain,' wrote Horace Walpole in January, 1775,[113] before Germain had taken office. To use Germain's own words, he would be satisfied with nothing less from the Americans than 'unlimited submission'.[114]

Germain seems to have been deeply imbued with the great political vice of the time, that of dealing with national questions from a personal and partisan point of view. It was a vice inculcated by George the Third. The King was a narrow man: his school bred narrow men: and one of the narrowest was Lord George Germain. Such men are fearful of power passing from their hands, and are consequently prone to be constantly interfering with their officers. Hence it was that the evil of ministers trying to order the operations of generals, and of men in one continent purporting to regulate movements in another, was more pronounced at this time than at almost any other period in English history. Moreover, Lord George Germain having been a soldier, though a discredited one, no doubt thought that he could control armies; and, mixing military knowledge with political intrigue, he communed with the generals who came home, and formulated plans with slight regard to the views of the responsible men in America. The result was disastrous, in spite of the fact that he seems to have formed a true conception of the campaign, viz., that the one army in Canada and the other at New York should co-operate and cut in two the revolting colonies. The immediate outcome of his arrogant meddling was the loss of Carleton's services.

His correspondence with Carleton.

On the 22nd of August, 1776, while Carleton was busy making preparations to drive the Americans back up Lake Champlain, Germain wrote to him, commending what had been done, expressing a hope that the frontiers of Canada would soon be cleared of the

rebel forces, and giving instructions that, when this task had been accomplished, Carleton should return to Quebec, to attend to civil duties and the restoration of law and order, while detaching Burgoyne with any troops that could be spared to co-operate with Howe's army acting from New York. Written when it was, the letter could hardly have been received in any case before the year's campaign was drawing to its close, and before events had already determined what could or could not be done. It might have been received, wrote Carleton in a dignified and reasoned reply, at the beginning of November,[115] and coming to hand then could only have caused embarrassment. As a matter of fact, the ship which carried Germain's letter, was driven back three times, and Carleton only received a duplicate in May, 1777, under cover of a second letter from Germain which was dated the 26th of March in that year. This second letter attributed the disaster to the Hessians at Trenton, which had happened in the meantime, in part to the fact that by retreating from before Ticonderoga in the preceding autumn Carleton had relaxed the pressure on the American army in front of him, which had thereby been enabled to reinforce Washington; and it announced that two expeditions were in the coming campaign to be sent from Canada, one under Colonel St. Leger, the other under Burgoyne, while Carleton himself was to remain behind in Canada and devote his energies to the defence of the province, and to furnishing supplies and equipment for the two expeditions in question. It will be remembered that Burgoyne had in the meantime returned to England, reaching Portsmouth about the 9th of December, 1776, and had brought with him Carleton's plans for the operations of 1777, which were therefore well known to Germain when he wrote in March.

Carleton censured and superseded in command of the army on the side of Canada.

It is difficult to imagine how a responsible minister could have been at once so ignorant and so unfair as Germain showed himself to be in this communication. To suppose that the movement or want of movement on Lake Champlain could have had any real connexion with the cutting off of a detachment on the Delaware river, which was within easy reach of the rest of Howe's forces, overpowering in numbers as compared with Washington's, was at best wilful blindness to facts. To supersede Carleton in the supreme command of the troops on the Canadian side was an act of unwisdom and injustice. It is true that, already in the previous August, while Carleton was still on the full tide of success, it had been determined to

confine his authority to Canada, and apparently, in order that his commission might not clash with that of Howe, to place under a subordinate officer the troops which were intended to effect a junction with Howe's army. But in any case it is not easy to resist the conclusion that Germain had some personal grudge against the governor.[116] From a letter written by the King to Lord North in February, 1777, it would seem that, had Germain been given his way, Carleton would have been recalled, and, writing to Germain on the 22nd of May, Carleton did not hesitate to refer to the reports which were set abroad when Germain took office, to the effect that he intended to remove Carleton from his appointment, and in the meantime to undermine his authority. In his answer, dated the 25th of July, 1777, Germain gave the lie to these allegations, assuring Carleton that 'whatever reports you may have heard of my having any personal dislike to you are without the least foundation. I have at no time received any disobligation from you'; he stated categorically that the action which had been taken for giving Burgoyne an independent command was by 'the King's particular directions', and he added that the hope that Carleton would in his advance in the previous autumn penetrate as far as Albany was based upon the opinions of officers who had served in the country, and was confirmed by intelligence since received to the effect that the Americans had intended to abandon Ticonderoga, if Carleton had attacked it.[117] But, whatever may have been the facts as to the personal relations of Carleton and Germain, it seems clear that the small-minded minister in England was bent on ridding himself of the best man who served England in America.[118]

Personal relations of Germain and Carleton.

As Germain superseded Carleton in his military command, so he set aside his advice, and over-rode his appointments in civil matters. Reference has already been made to the evil effects produced by appointing unfit men to legal and judicial offices in Canada. The climax was reached when Germain in August, 1776, appointed to the Chief Justiceship of Canada a man named Livius, whose case attained considerable notoriety in the annals of the time. Peter Livius seems to have been a foreigner by extraction. Before the war broke out, he had been a judge in New Hampshire; and, his appointment having been abolished, he came back to England with a grievance against the governor and council, with whom he had been on bad terms while still holding his judgeship. A

The case of Chief Justice Livius.

provision in the Quebec Act had annulled all the commissions given to the judges and other officers in Canada under the Royal Proclamation of 1763, which that Act superseded: and the English ministry seems to have taken advantage of this provision to displace men who had done their work well, and whose services Carleton desired to retain, substituting for them unfit nominees from England.

One of the men thus substituted was Livius, for whom they saw an opportunity of providing in Canada. Lord Dartmouth wrote to Carleton in May, 1775, notifying the appointment of Livius as a judge of Common Pleas for the district of Montreal; and in August of the following year he was promoted by Germain to be Chief Justice of Canada. Livius succeeded Chief Justice Hey, who had held the office since 1766, and had in August, 1775, requested to be allowed to retire after 'ten years honest, however imperfect, endeavours to serve the Crown in an unpleasant and something critical situation'.[119] Hey was a man of high standing and character, and had been much consulted by the Government in passing the Quebec Act. Livius was a man of a wholly different class. Carleton's unflattering description of him in a letter written on the 25th of June, 1778,[120] was that he was 'greedy of power and more greedy of gain, imperious and impetuous in his temper, but learned in the ways and eloquence of the New England provinces, valuing himself in his knowledge how to manage governors, well schooled, it seems, in business of this sort'. ''Tis unfortunate,' he wrote in another and earlier letter, referring apparently to Livius, 'that your Lordship should find it necessary for the King's service to send over a person to administer justice to this people, when he understands neither their laws, manners, customs, nor their language.'[121]

Carleton's description of Livius.

Livius' appointment as Chief Justice apparently did not take effect till 1777, and he lost no time in making difficulties. Though paid better than his predecessor, he protested as to his emoluments and position; he claimed the powers which had been enjoyed by the Intendant under the old French régime, and both in his judicial capacity and as a member of the council, constituted himself an active opponent of the government. As Chief Justice, he espoused the cause of a Canadian who had been arrested and sent to prison for disloyalty by the Lieutenant-Governor Cramahé, and in the council, in April, 1778, he brought forward motions directed against what he held to be illegal and

He dismisses him from office.

irregular proceedings on the part of the governor. The result of his attitude was that on the 1st of May, 1778, Carleton, before he left Canada, summarily, and without giving any reason, dismissed him from office.

Livius appeals to the King.

Both Livius and Carleton went back to England, and in September Livius appealed to the King. His appeal was referred to the Lords Commissioners of Trade and Plantations, whose report on the case was in turn referred to the Lords of the Committee of Council for Plantation Affairs, and with their recommendation was brought before the King in Privy Council, Livius having in the course of the inquiry stated his case fully both in person and in writing, while Carleton declined to appear, and contented himself with referring to his dispatches and to the minutes of council. On technical grounds Livius had a strong case. Appointed by the King, he had been dismissed by the governor without any reason being assigned in the letter of dismissal. His conduct in a judicial capacity had not been specifically impugned, and the two motions directed against Carleton, which he had brought forward in the Legislative Council immediately prior to his dismissal, had, at any rate, some show of reason. The first was to the effect that the governor should communicate to the council the Royal Instructions which had been given him with respect to legislation, and which by those instructions he was to communicate so far as it was convenient for the King's service. The second referred to a committee of five members of the council, which Carleton had constituted in August, 1776, a kind of Privy Council for the transaction of executive, as opposed to legislative business, in which Livius was not included. Livius contended, and his contention was upheld, that the instruction under which the governor had appointed this board or committee, did not contemplate the formation of a standing committee of particular members of council, but only authorized the transaction of executive business by any five councillors, if more were not available at the time.

Merits of the case.

The appeal upheld and Livius restored to office. His subsequent career.

The result of the inquiry was that the Chief Justice was restored to his office, but he never returned to Canada. In July, 1779, a mandamus for his re-appointment as Chief Justice was sent to Governor Haldimand, Carleton's successor, and in the same month he was ordered to go back at once to Quebec. But he remained on in England on one pretext or another. In March, 1780, he was still in

London asking for further extension of leave, to see his brother who was coming home from India. Two years later, in April, 1782, he had not gone, though he alleged that he had attempted to cross the Atlantic and had been driven back by stress of weather; and he pleaded with rare audacity that it was advisable that he should still prolong his absence from Canada, as otherwise it would be his duty to oppose the high-handed proceedings, as he deemed them to be, of General Haldimand. So matters went on until Carleton, now Lord Dorchester, returned to govern Canada in the autumn of 1786, when a new Chief Justice was at once appointed, and Livius finally disappeared from history.[122]

Moral of the case.

It has been worth while to give at some length the details of this somewhat squalid incident, because it is a good illustration of the difficulties which may arise from one of the most valued and valuable of English principles, the independence of the judicature. In the distant possessions of Great Britain, even more than at home, a great safeguard and a strong source of confidence is and always has been that the judges are in no way dependent on the Executive; and yet the case of Livius is by no means the only case in which serious mischief to the public service has resulted from this very cause. There can be no doubt that on technical grounds the Privy Council were right in upholding Livius' appeal. What weighed with them most of all was that Livius had not been dismissed for judicial misconduct; and short of such misconduct, flagrant and proved beyond all shadow of doubt, it would still be held that a judge should not be removed from office by the King himself, much less by the governor. Carleton, like other men cast in a large mould, did not sufficiently safeguard his action. A mischief-making adventurer was placed in high office for which he was clearly unfit. At a time of national crisis he used his powers of making mischief, and feeling secure in the independence of his judicial position, sought to undermine the authority of the Government. Unwilling to leave the difficulty for his successor to solve, the outgoing governor, fearless of responsibility, summarily dismissed the man, and contemptuously refused to justify the grounds of dismissal. He acted in the best interests of the public service, but, in doing so, he placed himself in the wrong, and the restoration of Livius to his office must be held to be justified, while his original appointment admits of no excuse.

Carleton resigns.

In June, 1777, Carleton sent in his resignation, but a year passed before he was able to leave Canada, and a bitter year it was for the English cause in America. Germain's letter to him of the 26th of March, to which reference has already been made, gave a minute account of the plans for the year's campaign. Carleton was to remain behind in Canada with 3,770 men. He was to place under command of General Burgoyne 7,173 men, in addition to Canadians and Indians, and after providing him with whatever artillery, stores, and provisions he might require, and rendering him every assistance in his power, 'to give him orders to pass Lake Champlain and from thence, by the most vigorous exertion of the force under his command, to proceed with all expedition to Albany, and put himself under the command of Sir William Howe.' In an earlier part of the same letter the phrase is used that Burgoyne was 'to force his way to Albany', leaving no doubt of the writer's intention that at all hazards Burgoyne was to effect a junction with Howe. Carleton was further to place under Lieutenant-Colonel St. Leger 675 men, also to be supplemented by Canadians and Indians, to give him all the necessaries for his expedition, and to instruct him to advance to the Mohawk river, and down that river to Albany, where he was to place himself under Sir William Howe. St. Leger's force was to be supplementary to Burgoyne's: as phrased elsewhere in the same letter, he was 'to make a diversion on the Mohawk river'.

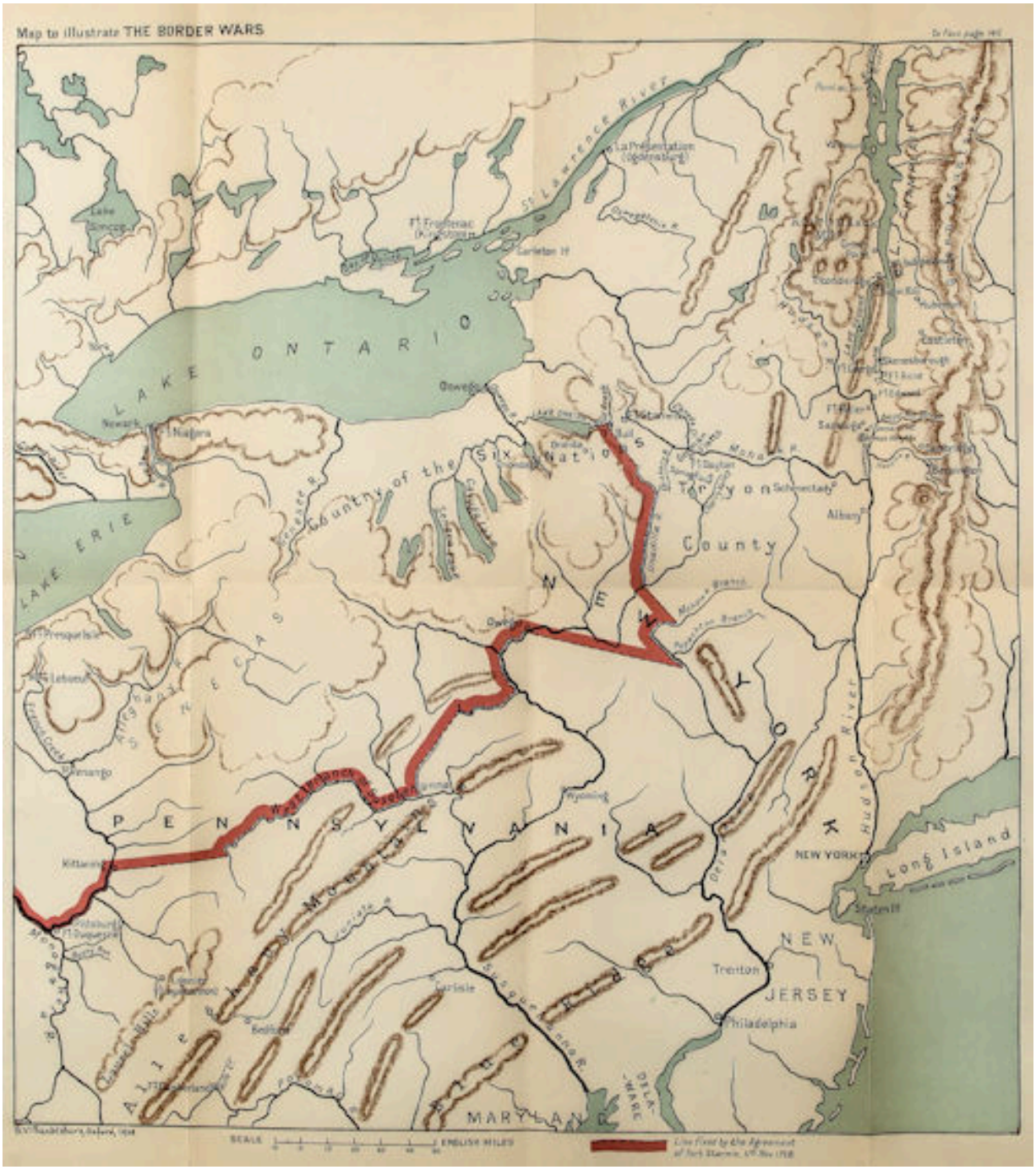
Germain's plan of campaign for 1777.

It is noteworthy how this remarkable letter purported to settle all the details. The exact number of men for each service are counted, the particular regiments and companies of regiments are told off, no discretion is left to Carleton or to Burgoyne as to whom they should send forward to Lake Champlain or the Mohawk, and whom they should keep in Canada. No mention is made of the reinforcements which Carleton had written were necessary. Nothing is allowed apparently for sick or ineffectives. All is on paper, concocted by the man at a distance who persisted in knowing better than the far more capable man on the spot. But the most damning passage in the letter is as follows, 'I shall write to Sir William from hence by the first packet, but you will nevertheless endeavour to give him the earliest intelligence of this measure, and also direct Lieutenant-General Burgoyne and Lieutenant-Colonel St. Leger to neglect no opportunity of doing the same, that they may receive instructions from Sir William Howe.'

Minuteness of the instructions.

Germain fails to communicate with Sir W. Howe.

Sir William Howe's Narrative of his operations, given to a Committee of the House of Commons in April, 1779, states explicitly that the promised letter was never sent to him by Germain; that it was not until the 5th of June that he received from Carleton a copy of the letter which has been quoted above, unaccompanied by any instructions; and that, before Burgoyne left England, Germain had received Howe's plans for the Philadelphia expedition, and had written approving them. Such was Lord George Germain's conduct of the war in America.


Map to illustrate THE BORDER WARS
LAKE ONTARIO
LAKE ERIE
St. Lawrence River
Lake Champlain
Oswego
Albany
Trenton
Philadelphia
Long Island
NEW YORK
NEW JERSEY
PENNSYLVANIA
MARYLAND
Hudson River
Susquehanna River
Delaware River
Mohawk River
Allegheny Mountains
Blue Ridge Mountains
Kittanning
Carlisle
Bedford
Fort Stanwix
Fort Schuyler
Fort Oswego
Fort Frontenac
Fort Niagara
Fort Pitt
Fort Ligonier
Fort Bedford
Fort Augusta
Fort Allen
Fort Dayton
Fort Herkimer
Fort Plain
Fort Paris
Fort Hunter
Fort Johnstown
Fort Stanwix
Fort Schuyler
Fort Oswego
Fort Frontenac
Fort Niagara
Fort Pitt
Fort Ligonier
Fort Bedford
Fort Augusta
Fort Allen
Fort Dayton
Fort Herkimer
Fort Plain
Fort Paris
Fort Hunter
Fort Johnstown
Lake Champlain
Lake Ontario
Lake Erie
Mohawk River
Susquehanna River
Delaware River
Hudson River
Allegheny Mountains
Blue Ridge Mountains
Kittanning
Carlisle
Bedford

bitterly as Carleton resented his own treatment by Germain, he gave Burgoyne the utmost assistance for the coming campaign. ‘Had that officer been acting for himself or for his brother, he could not have shown more indefatigable zeal than he did to comply with and expedite my requisitions and desires.’ Such was Burgoyne’s testimony to Carleton, in his Narrative of the ‘state of the Expedition from Canada’ as given to the House of Commons.[123]

St. Leger’s expedition to the Mohawk river.

Before following the fortunes of Burgoyne and his army, it will be well to give an account of how St. Leger fared in the ‘diversion on the Mohawk river’. As in the days of the French and English wars, the twofold British advance from Canada followed the course of the waterways. While the main army moved up Lake Champlain to strike the Hudson at Fort Edward and thence move down to Albany, St. Leger’s smaller force was dispatched up the St. Lawrence to Oswego on Lake Ontario, in order by lake and stream to reach and overpower Fort Stanwix on the upper waters of the Mohawk river, and then to follow down that river to the Hudson, and reach the meeting-point with Burgoyne’s troops at Albany. At Albany both Burgoyne and St. Leger were to place themselves under Sir William Howe’s command. Oswego, the starting-point of St. Leger’s expedition, owing to its geographical position always played a prominent part in the border wars of Canada and the North American colonies. From this point Count Frontenac started when, in 1696, he led his men to Onondaga, burnt the villages of the Iroquois, and laid waste their cornfields. The first fort at Oswego was built in 1727 by Governor Burnet of New York, who reported that he had built it with the consent of the Six Nations. It was built on the western bank of the mouth of the Onondaga or Oswego river, which here runs into Lake Ontario, and it was still the main fort in 1756, when Oswego was taken by Montcalm, although a subsidiary fort had also lately been built upon the opposite—the eastern side of the river. The effect produced both in England and in America by the French general’s brilliant feat of arms marked the importance which was attached to the position. The place was re-occupied by Prideaux and Haldimand with Sir William Johnson in 1759; and subsequently a new fort was constructed on the high ground which forms a promontory on the eastern side of the estuary. This fort, which after the War of Independence passed into American hands, was stormed and taken by Gordon Drummond in the war of 1812.

Oswego.

The Oswego river, or one branch of it, runs out of Lake Oneida: and into that lake, at the eastern end, runs the stream which was known as Wood Creek. From the Wood Creek there was a portage to the Mohawk river, and at the end of the portage stood Fort Stanwix, held by an American garrison, and barring St. Leger's way to the Mohawk valley and the Hudson. All this was the country of the Six Nation Indians, Six Nations instead of Five since the early part of the eighteenth century, when the Tuscaroras, driven up from the south by the white men, had been admitted to the Iroquois Confederacy. The people of the Long House, as the Iroquois called themselves, had always been, in the main, allies of the English as against the French. From the time when the state of New York became a British possession, these Indians, who had had friendly trading relations with the Dutch, transferred their friendship to the English, and the chain of the covenant, though often strained, was never completely broken. When the War of American Independence began, and the English were divided, the Six Nations, though confused by the issue and by the competing appeals of the two parties, adhered as a whole to the Royalist cause. The majority of the Oneidas, and possibly the Tuscaroras, inclined to the American side, the Oneidas having come under the strong personal influence of a New England missionary, Samuel Kirkland, but the other members of the league were for the King. After the battle of Oriskany, where, among others, the powerful clan of Senecas suffered heavily, the enmity between these Indians and the colonists became more pronounced, and took the form of a blood feud, accompanied by all the horrors of militant savagery.

The Six Nations.

Allies of the English.

There were various reasons why the Iroquois should espouse the side of England against America. They looked to the Great King beyond the sea as their father and protector. The English colonists on their borders had shown little respect for their lands: and in 1774, in one of the inevitable conflicts between white men and red on the Virginian frontier, which was known as Cresap's war, some of the Six Nation warriors had been involved, and the family of a friendly Cayuga chief had been murdered by the whites, bringing bitterness into the hearts of the western members of the Iroquois Confederacy. But, most of all, the Mohawks shaped the policy of the league, and they in turn were guided by the Johnson family, and by their famous fighting chief Thayandenegea, more commonly known by his English name of Joseph Brant.

The Mohawks had always been the leaders among the Six Nation Indians, though, by the time when war broke out between England and America, they were comparatively few in number, worn down by constant fighting, and by other causes.[124] Of all the Iroquois, they had been most consistently loyal to the English, and the most determined foes of the French. Their homes were at the eastern end of the Long House, in the valley of the Mohawk river, and they had therefore always been in close touch with the settlements at Albany, Schenectady, and along the course of the river to which they gave their name. They had mingled much and intermarried with their white neighbours; and for thirty-five years they had had living among them the Englishman, or rather the Irishman, who above all others won the confidence of the North American Indians, Sir William Johnson. They adopted him and he adopted them, taking to wife in his later years, a Mohawk girl, Mary or Molly Brant. If Johnson in large measure lived down to the Indians, he also endeavoured to make the Indians live up to the white men's level. He encouraged missionary effort, and promoted education, sending, among others, Joseph Brant, brother of Molly Brant, to a school for Indian boys at Lebanon in the state of Connecticut. Johnson represented the authority of the King, and he used his authority and his influence for the protection of the Indians against the inroads of the white men into their lands. The Mohawks, from their position, were more exposed than the other members of the confederacy to white land-jobbers, whose aggressiveness increased after Johnson's death in 1774. Accordingly, while their traditional sympathies had always been with the English, when the civil war came, they had no hesitation in attaching themselves to the King's cause. It was the cause of their protector; it was the cause of the Johnson family; it was the cause to which both interest and sentiment bade them to adhere. When Sir William Johnson died, he left as his political representative, his nephew and son-in-law, Colonel Guy Johnson: the heir of his estates was his own son, Sir John Johnson. Both the one and the other were pronounced Loyalists: they drew the Mohawks after them; and when, in the summer of 1775, after hearing of the fight at Bunker's Hill, Guy Johnson left the Mohawk Valley for Oswego and crossed over to Canada, the majority of the Mohawks left their homes and followed him. In Canada, it was said, they received assurances from Carleton, which were confirmed by Haldimand, that they should not be allowed to suffer for their loyalty to the King.[125]

The Mohawks.

Sir William Johnson.

The leader of these Mohawk friends of England was Joseph Brant, who was born, the son of a full-blooded Mohawk, in 1742. He was therefore a man of between thirty and forty years of age at the time of the American Revolution. In the period intervening between the British conquest of Canada and the battle of Waterloo, North America produced three very remarkable men of pure Indian descent. Pontiac was one, Joseph Brant was the second, the third was Tecumseh, who fought and fell in the war of 1812. Of these three, Joseph Brant alone sprang from the famous Iroquois stock. Pontiac was to a greater extent than the others a leader of the red men against the whites. So far as he had sympathies with white men, they were with the French as against the English. Brant, in the main, and Tecumseh played their parts when French rule had ceased to exist in North America; they were fast allies of the English as against the Americans or, to put it more accurately, of the English controlled from home as against the English installed in their own right in America. But all these three Indian chiefs had, in one form or another, the same main motive for action, to prevent what the red man had being taken from him by the white man. Of the three, Brant was by far the most civilized. He was an educated man and a Christian. He was, as has been seen, sent to school in Connecticut, he was a friend of the missionaries, he visited England twice, went to Court, had interviews and correspondence with Secretaries of State, made acquaintance with Boswell, was painted by Romney, and was presented by Fox with a silver snuff-box. He was poles asunder from the ordinary native inhabitant of the North American backwoods. He had known war from early boyhood, had borne arms under Sir William Johnson against the French, and had apparently fought against Pontiac. At the outbreak of the revolution he followed Guy Johnson to Canada, and seems to have taken part in opposing the American advance on Montreal. He paid his first visit to England towards the end of 1775, returned to New York in July 1776, and before the year closed made his way back up country to the lands belonging to or within striking distance of the Six Nations. Throughout the coming years of the war his name was great and terrible in the borderland, the main scene of his warfare being what was then known as the Tryon county of New York, the districts east of the Fort Stanwix treaty line, which were watered by the Mohawk river and its tributaries, and by the streams which flow south and south-west to form the Susquehanna. Once portrayed as the embodiment of ruthless

Joseph Brant.

ferocity, Brant was afterwards given a place in history as a hero. He was present at the Cherry Valley massacre, but in his fighting he seems to have been beyond question more humane than most Indian warriors, and at least as humane as some white men in these border wars, while his courage, his skill in bush-fighting, and his rapidity of movement were never surpassed. He was not a devil, and not an angel. Like other men, both coloured and white, he no doubt acted from mixed motives. His friendship for the English, and his patriotism for the native races, may well have been coupled with personal ambition. But he fought heart-whole and with no little chivalry for the cause which he espoused; and in war, as in peace, he was above and beyond the normal level of the North American Indian. After the war was over, he settled with his people in Canada, where he died in 1807, and the town of Brantford preserves his name.

St. Leger's force too small for the task.

St. Leger's expedition had been suggested to Germain by Burgoyne, while the latter was in England: indeed, some enterprise of the kind had been contemplated by Carleton. In view alike of past history and of the general plan of the summer's campaign, it had much to recommend it; but the opposition which the English were likely to encounter, and actually did encounter, was under-rated, and the force was too small for the task imposed upon it. The total number has usually been given at 1,700 men, including Indians; but this seems to have been an over-estimate, at any rate when the fighting came. The white troops probably did not in any case exceed 650 in number. There were only 200 British regulars, half of whom were a detachment of the 8th, now the King's (Liverpool Regiment), the same regiment which had furnished a company for the attack on the Cedars. There were a few German troops, who had just arrived in Canada, and some of whom did not reach Oswego until the expedition was over. The Germans, being wholly ignorant of the country, were quite unsuited for bush-fighting and bateau-work. There was a corps of New York Loyalists under the command of Sir John Johnson, and known as Johnson's Royal Greens. Colonel John Butler led a company of the Rangers, and a small body of Canadians also took part in the expedition. The Indian contingent numbered over 800 men. Brant joined at Oswego at the head of 300 Indian warriors, mostly Mohawks, and the Senecas were much in evidence. The Indians, as a whole, were under the command of Colonel Daniel Claus, Johnson's brother-in-law, who for many years was one of the officers charged by the British Government with the superintendence of

Indian affairs. Thus St. Leger had with him most of the men whose names are best known on the British side in the annals of the border warfare in these troubled times. Guns were taken with the force, though of too small calibre to overpower a well-built fort; and, when the advance began towards the end of July, no precautions were neglected, a detachment was sent on a day's march or so in front of the main column, and the latter was led and flanked on either side by Indians.

Fort Stanwix had at the time been renamed Fort Schuyler by the Americans, presumably in honour of General Schuyler, who commanded the American forces in the Northern Department. The older and better known name was subsequently restored. The fort stood on the Mohawk river, not actually on the bank of the river, but about 300 yards distant, guarding the end of the portage from Wood Creek. The length of the portage where the two rivers were nearest to each other, was rather over a mile.[126] The old blockhouse, Fort Williams, which had been the predecessor of the existing fort, and the ruins of which were standing at the time of St. Leger's expedition, was destroyed by the English general, Daniel Webb, in 1756, as he retreated in hot haste on hearing of the capture of Oswego by Montcalm. Two years later General Stanwix built a new fort, which bore his own name. The town of Rome now covers the site on which Fort Stanwix stood. The fort was square in form. It had evidently been carefully designed by a trained soldier and strongly constructed, but during the years of peace, in this case as in those of the other border forts, the defences had fallen more or less into decay, and had not been fully repaired or rebuilt when the siege began. None the less, they proved to be too strong to be overpowered by St. Leger's light guns. The garrison consisted of 750 men, 200 of whom came in, bringing stores and provisions, on the very day on which the forerunners of St. Leger's force appeared on the scene. The commander of the garrison was Colonel Gansevoort, the second in command was Colonel Willett, both thoroughly competent men.

Fort Stanwix.

St. Leger's advanced guard, consisting of a detachment of 30 men of the 8th Regiment, under Lieutenant Bird, with 200 Indians under Brant, arrived before the fort on the 2nd of August. They had been sent on, as is told in St. Leger's dispatch, 'to seize fast hold of the lower landing-place, and thereby cut off the enemy's communication with

The siege of Fort Stanwix begins.

the lower country.'[127] It had been hoped that they would be in time to intercept the reinforcements which were due at the fort, but they arrived too late for this purpose. They took up their position at the point named, below and due south of the fort, on the bank of the Mohawk river, athwart the road to Albany. On the following day, the 3rd of August, St. Leger came up himself, sent a proclamation into the fort, and began to invest it, fixing his main encampment about half a mile to the north-east of the fort, and higher up the river, which here runs in a curving course, so that a straight line drawn from the main British camp to the post at the lower landing-place would cross and recross the river, forming the base of a semi-circle. The Americans had blocked up Wood Creek with fallen timber, and St. Leger reported that it took nine days and the work of 110 men to clear away the obstructions, while two days were spent in making several miles of track through the woods in order in the meantime to bring up stores and guns. The siege, therefore, began long before the necessary preparations had been made, and long before the besieging force had been concentrated and duly entrenched. On the evening of the 5th of August there were not 250 of the white troops in camp, and at this juncture St. Leger was threatened by a strong body of Americans who had gathered for the relief of the fort.

The fight at Oriskany.

When news came to the New York settlements of the British advance, the militia of Tryon county were called out by their commander, General Nicholas Herkimer. The rendezvous was Fort Dayton, at the German Flatts, lower down the Mohawk valley than Fort Stanwix. The German Flatts were so named after settlers from the Palatinate, who had come out early in the eighteenth century, and from this stock Herkimer was himself descended. On the 4th of August he moved forward, the number of his force being usually given at from 800 to 1,000 men. St. Leger reported that they were 800 strong, and assuming that the total was between 700 and 800, the relief force and the garrison together equalled, if they did not outnumber, the whole of St. Leger's army, the majority of which moreover consisted, as has been seen, of Indians. On the 5th Herkimer encamped near a place called Oriskany, about eight[128] miles short of Fort Stanwix, where a stream called the Oriskany Creek flowed into the Mohawk river. From this point he sent on messengers to the fort to secure the co-operation of the garrison. Meanwhile intelligence had reached St. Leger, sent it was said by Molly Brant, of the coming relief force, and at

five o'clock on the evening of the 5th he dispatched 80 white troops, being all that he could spare, with 400 Indians, to intercept the advancing Americans before they came into touch with the fort, and ambush them among the woods. Sir John[129] Johnson was placed in command of the detachment, and with him were Butler and Joseph Brant. It was work for which Brant was eminently suited, and he seems to have been the leading spirit in planning the ambuscade. Very early on the morning of the 6th of August, urged on by his impatient followers, and against his own better judgement, Herkimer, without waiting for reinforcements or for a sign from the beleaguered fort, continued his advance. He reached a point between two and three miles beyond Oriskany, and within six miles of the fort, where the path descended into a semi-circular ravine, with swampy ground at the bottom and high wooded ground at the sides. Here the Americans were caught in a trap, which would have been more complete had not the Indians begun fighting before the plan of ambush had been fully developed. The American rearguard, which had not yet entered the ravine, broke and fled: the main body were surrounded, Johnson barring their way in front, Brant falling on their rear, while others of the Indians and Butler's rangers fought on the flanks. There followed a confused fight among the trees, gradually becoming a hand to hand struggle, with a brief interlude caused by a heavy storm of rain. Herkimer was mortally wounded, many, if not most, of the other leading American officers were killed; while, on the British side, the Indians suffered heavy losses. In the end the remnant of the American force seem to have beaten off or tired out their assailants, and made good their retreat, but according to St. Leger's report only 200 of them escaped. Butler estimated the total American casualties in killed, wounded, and prisoners, at 500, and, according to American accounts, the total was about 400. The white casualties on the British side were very small, but the casualties among the Indians seem to have numbered from 60 to 100.

While the engagement was going on, a sortie was made from the fort, and it was probably news of this movement, coupled with the Indian losses, which put an end to the fight at Oriskany. Bird, the commander of the post at the lower landing-place, had been misled by a rumour that Johnson was hard pressed, and led out his men to support him, leaving the post undefended. Meanwhile, Willett at the head of 250 men marched out of the fort, apparently in ignorance of the ambuscade and designing to join hands

with Herkimer's force. Willett found the post practically deserted, mastered it, and carried off its contents, eluding an attempt which St. Leger made to cut him off on his return to the fort.[130] This ended the day's work. Herkimer's force had been blotted out, but it must have become increasingly evident that St. Leger's men and resources were hopelessly inadequate for the task which had been set him, to force his way to Albany.

St. Leger fails to take Fort Stanwix and retreats to Oswego.

After the battle of Oriskany, St. Leger summoned the fort to surrender, but without effect. He continued the siege, but made little or no impression upon the defences. On the night of the 10th of August Willett made his way out of the fort, reached Fort Dayton, and went on to Albany where he met Benedict Arnold who had been charged with the duty of relieving Fort Stanwix. Arnold gathered troops for the purpose and in the meantime, with his usual cleverness, contrived to send on rumours which caused alarm in the British camp. A thousand men were reported to be coming, then 2,000, then 3,000, and Arnold's own name may well have been a potent source of apprehension. The Indians, already depressed by their losses at Oriskany, and by the prolonging of the siege, became more and more out of hand, deserting, marauding, and spreading exaggerated tales; and at length, on the 22nd or 23rd of August, St. Leger beat a hasty retreat by night, leaving behind him most of his stores and guns, and returned to Oswego, whence he went back to Montreal and on to Lake Champlain in the wake of Burgoyne's army. Joseph Brant took a less circuitous route. When St. Leger retreated from Fort Stanwix, Brant made one of his marvellous flying marches down the Mohawk Valley: and, after passing for over a hundred miles through the heart of the enemy's country, which was also his own, in two or three days' time joined Burgoyne's force on the banks of the Hudson river.

Misconduct of the Indians.

Bad effects of employing them in the war.

When he returned to Oswego, St. Leger, on the 27th of August, wrote a dispatch to Burgoyne, giving details of his expedition, but not punctuating his failure. The failure was due to insufficiency of numbers and artillery in the first place, and in the second, beyond question, to the misconduct of his Indian allies. The employment of Indians in this war with British colonists may have been inevitable, but it was certainly politically inexpedient, notwithstanding the fact that the colonists themselves were ready to avail themselves of similar aid. Indians had been engaged on the English side in the wars with the French, but sparingly and under strict supervision. Carleton, as long as he directed operations in the War of Independence, had been equally careful in using these savage tools.[131] In St. Leger's expedition the disadvantages of enlisting Indian fighting men came fully to light. They became, St. Leger wrote to Burgoyne, 'more formidable than the enemy we had to expect.' Disappointed of looting the

enemy, they plundered their friends and endangered, if they did not in some cases take, their lives. Unstable as friends, ferocious as foes, they were not fit helpmates for Englishmen in fighting Englishmen, even their value as scouts was diminished by their incurable habit of believing and exaggerating any report. As in the war with the French in Canada, the English gained ground by the scrupulous care which they took to prevent outrages on the part of the savages who accompanied their armies, so in the later war with their own countrymen, they distinctly lost ground through calling out the coloured men of America against colonists of British birth.

Burgoyne's address to the Indians.

Burgoyne's instructions from Lord George Germain included the employment of Indians under due precautions; and he formally addressed his Indian followers in his camp at the river Bouquet, on the western side of Lake Champlain, on the 21st of June, 1777. 'The collective voices and hands of the Indian tribes over this vast continent,' were, he told them, with a few exceptions, 'on the side of justice, of law, and the King.' He bade them 'go forth in might of your valour and your cause: strike at the common enemies of Great Britain and America'. On the other hand, he sternly forbade bloodshed except in battle, and enjoined that 'aged men, women, children, and prisoners must be held sacred from the knife or hatchet, even in the time of actual conflict'. Compensation would be given for the prisoners taken, but the Indians would be called to account for scalps. His listeners replied, through an old chief of the Iroquois—'We have been tried and tempted by the Bostonians, but we have loved our father, and our hatchets have been sharpened upon our affections.' They promised with one voice obedience to the general's commands.

Burgoyne.

At this date, in the year 1777, Burgoyne was fifty-five years of age, having been born in 1722, two years before Carleton was born. He was clearly a man of ability, and unusually versatile. He was also, as times went, an honourable man. In his relations to Carleton, at any rate, he seems to have been open to no reproach. But he tried too many things to be first-rate in anything; he was not adequate to a great crisis and to heavy responsibility: and because he was not of the first class, and also because he had much dramatic instinct, he seems to have had more eye for present effect than for the root of matters. He was educated at Westminster School, and, when he died in 1792, he was buried in the

northern cloister of Westminster Abbey. He was a soldier, a politician, a dramatist, and a man of society. He entered the army in 1740, again two years before Carleton's military service began. He became so involved in debt that he had to sell his commission. He rejoined the army in 1756, and in 1762 he distinguished himself in Portugal, where the English supported the Portuguese against Spain and France. A few years later, however, in 1769, Junius referred to him as 'not very conspicuous in his profession'.[132] He went into the House of Commons in 1761 as member for Midhurst. In 1768, through the influence of his father-in-law, Lord Derby, he became member for Preston, and, in connexion with his election, was attacked by Junius for corruption and also for his gambling propensities. As a politician he was, before he went to America, more or less of a free-lance. He spoke on foreign and Indian questions, and in 1773 made a speech in the House of Commons, attacking Clive. After the catastrophe at Saratoga, and his return to England, he threw in his lot with the Whigs, having been befriended by Fox and his followers; he became Commander-in-Chief in Ireland under Rockingham; and in 1787 he managed the impeachment of Warren Hastings. Before the American war broke out, he produced in 1774 a play called *The Maid of the Oaks*, of which Horace Walpole wrote: 'There is a new puppet show at Drury Lane as fine as scenes can make it, called *The Maid of the Oaks*, and as dull as the author could not help making it.'[133] At a later date, however, Walpole had to confess that 'General Burgoyne has written the best modern comedy'.[134] This was *The Heiress*, which was brought out in the beginning of 1786, and achieved a great success. Walpole had no love for Burgoyne, at any rate at the time when the latter served in America. 'You ask the history of Burgoyne the pompous,' he wrote in October, 1777,[135] the month in which the surrender at Saratoga took place; and after describing him as 'a fortunate gamester', he continued, 'I have heard him speak in Parliament, just as he writes: for all his speeches were written and laboured, and yet neither in them nor in his conversation did he ever impress me with an idea of his having parts.' Burgoyne's affectation and mannerism may have been due to the fact that he was essentially a man of society, as society was then. He had eloped in early life with Lord Derby's daughter, and, like Charles Fox, was a confirmed gambler. The world of London was his world, and the standard by which he measured things was not the standard of all time. When he went out in 1777 to command the expedition from Canada, he was on the flowing tide of

fortune, and the tone of his proclamations gave Walpole cause for sarcastic comment. ‘Have you read General Burgoyne’s rhodomontade, in which he almost promises to cross America in a hop, step, and a jump?’[136] ‘Burgoyne has sent over a manifesto that if he was to over-run ten provinces would appear too pompous.’[136] ‘I heard to-day at Richmond that Julius Caesar Burgonius’s Commentaries are to be published in an Extraordinary Gazette of three-and-twenty pages in folio to-morrow—a counterpart to the *Iliad* in a nutshell.’[136] All these three passages were written in August, 1777, while Burgoyne’s expedition was proceeding. The writer of them did not like Burgoyne, and did not like the war in which Burgoyne was engaged; but, though Burgoyne lent himself to criticism and lacked the qualities which the time and place demanded, his story is by no means the story either of a bad soldier or of a bad man; it is rather the story of a second-rate man set with inadequate means to solve a problem of first-rate importance.

Burgoyne’s advance against Ticonderoga.

Having completed his preparations, Burgoyne reached Crown Point on the 26th of June, preparatory to attacking Ticonderoga. The full control of the operations had passed into his own hands, for, by Germain’s instructions, Carleton’s authority was limited by the boundary line of Canada, and that line was drawn far north of Crown Point and Ticonderoga, cutting the outlet of Lake Champlain near the point of land named Point au Fer. The total force amounted to rather over 7,000 men, nearly half of whom were Germans under the command of Baron Riedesel. The advance was made on both sides of the lake, the Germans being on the eastern shore, the British on the western—the side on which were Crown Point and Ticonderoga. The Americans, too, held positions on both sides of the lake, for, over against the peninsula on which Ticonderoga stood, there jutted out another point of land, described in Burgoyne’s dispatch as ‘high and circular’, but in reality rather oblong in form, rising well above the level of the lake and skirted in part on the land side by a rivulet. It was called Mount Independence, and was strongly held and fortified. The lake, here narrowed to a river, is about a quarter of a mile across, and between Ticonderoga and Mount Independence a bridge had been constructed, consisting of sunken timber piers connected by floating timber, the whole being guarded in front by a heavy boom of wood strengthened by iron rivets and chains.

The American position at Ticonderoga.

MAP TO ILLUSTRATE BURGOYNE'S CAMPAIGN

Reduced from the Map published in 'A State of the Expedition from Canada as laid before the House of Commons by Lieutenant-General Burgoyne, London, 1780'

London, published as the Act directs Feb. 1st 1780, by WM. FADEN, Charing Cross

To face p. 161

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The Indian name Ticonderoga signified the confluence of three waters. At this point the long narrow southern arm of Lake Champlain, coming in from the south-east, meets the stream which carries out the waters of Lake George into the third water, the main lake Champlain. The outlet of Lake George describes a complete semi-circle, and runs into Lake Champlain due west and east. The direct route therefore from Lake Champlain to Lake George runs well to the west of and inside the peninsula of Ticonderoga, cutting the semi-circular stream without touching the peninsula. In this consisted the weakness of the American position: unless the works were extended further afield than they had men to hold them, part of the attacking force could pass them by and invest Ticonderoga on the southern as well as on the northern side, blocking retreat by the line of Lake George. So it happened when Burgoyne's army came on the scene.

Burgoyne's operations against Ticonderoga.

After three days' stay at Crown Point to bring up all his forces, the general on the 30th of June moved forward his leading corps on either side of the lake, and on the next day the whole army followed. On the 2nd of July the Americans were reported to have abandoned the post which guarded the bridge over the river from Lake George, to the west of Ticonderoga, where saw-mills stood and which was the starting-point of the 'carrying place' from Lake Champlain to Lake George. They abandoned it, in order to concentrate their strength against the English advance on the north-west. Burgoyne immediately moved forward his troops and, driving the enemy back, on the night of the 2nd occupied the high ground on the west which commanded the communications with Lake George, and thereby cut off the possibility of retreat in that direction. On the 3rd and 4th the attacking forces drew nearer to the two beleaguered forts, in spite of cannonade; and on the night of the 4th, a party of light infantry occupied a height called Sugar Hill, which stood on the southern bank of the outlet from Lake George, in the angle between that stream and

the southern arm of Lake Champlain, overlooking and commanding both Ticonderoga and Mount Independence at an estimated distance of about 1,400 and 1,500 yards respectively. On the 5th guns were being brought up to the hill, but, when the morning of the 6th came, it was found that the American general, St. Clair, had carried his troops across by the bridge from Ticonderoga, and, having evacuated both that post and Mount Independence, was retreating by land and water.

The Americans evacuate their position,

By land and water Burgoyne's men followed on the same day, the bridge and boom being broken for the gunboats to pass through. At Skenesborough, where the navigation of Lake Champlain ends, the enemy's vessels were taken or destroyed by the British squadron, and the detachment of Americans who held the fort set fire to it and retreated to Fort Anne. Meanwhile, diverging to the east in the direction of Castleton on the road to Connecticut, General Fraser, commanding the van of the troops who pursued by land, followed hard throughout the 6th upon the American rearguard; Riedesel came up behind him with supports; but, by agreement between the two commanders, Fraser, when night fell, bivouacked three miles in front of his colleague. Early on the 7th he attacked the Americans, who outnumbered his own troops, near a place named Huberton, and was on the point of being beaten back when the arrival of Riedesel converted a repulse into a victory. The colonists were broken, their leader, Colonel Francis, and some 200 of his men were killed, about the same number were taken prisoners, and a large number of wounded were supposed to have lost their lives in the woods. Having completed the rout, on the 8th and 9th Riedesel and Fraser came into touch with the main army at Skenesborough.

and are followed up by the English.

Fight near Fort Anne.

At Skenesborough there was a portage from Lake Champlain to Wood Creek,[137] a stream which flows into the lake from the south. While boats were being dragged across from the lake to the river with a view to further advance, the 9th Regiment was sent on by land to Fort Anne, twelve miles distant in a due southerly direction. By the evening of the 7th the English drew near to the fort, and on the following day they were attacked and hard pressed by a stronger body of Americans. They took up a position on a hill, and held their ground resolutely, until the whoop of Indians told that reinforcements were coming up: the Americans then gave way, and, setting fire to Fort Anne, fell back to

Fort Edward. The English in their turn returned to Skenesborough, in the neighbourhood of which, on the 9th and 10th of July, the whole army, excluding the troops required to garrison Ticonderoga, was concentrated, the line extending eastward from the head of Lake Champlain towards Castleton.

Result of the operations.

'General Burgoyne has taken Ticonderoga, and given a new complexion to the aspect of affairs, which was very wan indeed,' wrote Horace Walpole, when the news reached England.[138] So far the operations had been triumphantly successful. Hardly an attempt had been made by the Americans to hold their ground at Ticonderoga and Mount Independence, although months had been spent in strengthening the positions, and the number of the defenders was variously estimated at from 3,000 to 5,000 men. Great quantities of stores, of boats, of guns had fallen into British hands: the enemy's loss on the retreat had been heavy, and the rapidity with which the retreat had been followed up had caused widespread alarm. For the moment there seemed nothing to check the tide of British victory, but time, place, and insufficiency of numbers gradually told against Burgoyne's enterprise. He, too, had suffered some losses, though small when compared with those of the Americans; and his army, already inadequate in numbers for the expedition, was further weakened by the necessity of garrisoning Ticonderoga with some 900 men. He applied to Carleton to supply the requisite number of soldiers for the garrison from the troops who, in accordance with the instructions from home, were retained for the defence of Canada, but Carleton felt himself bound to refuse the request. It was Germain who had given the orders, and yet the same man, writing from England in the following September, on receipt of Burgoyne's account of the capture of Ticonderoga, stated that he presumed that the post would be garrisoned from Canada.[139]

The two routes to the Hudson.

Burgoyne's objective was the Hudson river and Albany. Fort Edward stood on the left or eastern bank of the Hudson, a little below the point where that river curves to the south, to flow direct to the Atlantic. It was twenty-six miles distant from Skenesborough, and due south of that place. The first twelve miles of the route from Skenesborough lay along Wood Creek, until Fort Anne was reached, and from Fort Anne to Fort Edward was an interval of fourteen miles. Three miles short of Fort Edward the road joined the road to Fort Edward from

Fort George, previously known as Fort William Henry, at the head of Lake George, which was at much the same distance from Fort Edward as Fort Anne, viz., fourteen to sixteen miles. The more obvious route of advance towards the Hudson from Ticonderoga, and the one originally contemplated, was along Lake George, and Burgoyne was criticized for not taking that line—without good reason, because the American retreat had already determined the choice of routes. Having immediately followed the enemy up as far as Skenesborough, Burgoyne, as he justly pointed out, would have been unwise to make a retrograde movement in order to adopt the alternative line of advance by Lake George. Moreover, while the troops were moving forward from Skenesborough viâ Wood Creek and Fort Anne, supplies were being forwarded along Lake George in order to meet him when he reached Fort Edward. But there was a further reason, which in Burgoyne's mind made for the more easterly of the two routes. His own scheme for the campaign had inclined to carrying war to the east into Connecticut and the New England states, in preference to a direct advance to the Hudson and Albany; and, though his instructions prevented his carrying out the plan which he preferred, he might yet, as he advanced, threaten New England, and at the same time gather supplies from a more promising country than would be found in the Adirondack region on the west of Lake George. Thus in a private letter to Germain, which accompanied his dispatch from Skenesborough, detailing the success of his recent operations, he wrote: 'I a little lament that my orders do not give me the latitude I ventured to propose in my original project for the campaign, to make a real effort instead of a feint upon New England. As things have turned out, were I at liberty to march in force immediately by my left, instead of by my right, I should have little doubt of subduing before winter the provinces where the rebellion originated.' It must be remembered that at this time British troops were in occupation of Rhode Island, and that Sir William Howe had originally planned a campaign in New England in 1777, only giving up the scheme when he found that sufficient reinforcements from Europe would not be forthcoming.

Burgoyne's line of advance.

His object was to threaten the New England States.

It was with the object of keeping the New England States in fear of invasion, or, as he himself phrased it, 'of giving jealousy to Connecticut, and keeping in check the whole country called the Hampshire Grants,'[140]

that Burgoyne, while encamped at Skenesborough, detached Riedesel to occupy Castleton about fourteen miles to the east. Castleton was an important point, because through it ran a road which connected Skenesborough by land with the shore of Lake Champlain opposite Ticonderoga and Crown Point. Riedesel was absent for about twelve days, and in the meantime preparations were pressed forward for a further advance of the main army, the road to Fort Anne and the parallel waterway of Wood Creek being cleared of obstructions. Simultaneous preparations were made at Ticonderoga for forwarding supplies by Lake George. On the 23rd of July the advanced guard moved forward to Fort Anne: on the 25th the whole army had reached that point; on the 29th, the van arrived at Fort Edward, which the Americans had already evacuated, and on the 30th Burgoyne arrived at the same place. A large convoy of provisions sent by Lake George reached the head of that lake by the 29th, Fort George like Fort Edward having been abandoned by the enemy, who had carried off their stores. Thus the end of July found Burgoyne on the Hudson, well on his way to Albany; the main difficulties of the expedition seemed to be past; but as a matter of fact the most trying time was yet to come. His communications were insecure, for he could not spare men to guard them. His transport was inadequate, and so were his supplies. Delay in bringing up stores meant time to the Americans to recover their spirits and gather in his front: he had no tidings from Howe, and no sure knowledge of St. Leger's progress. He only knew that at all hazards he was expected to make his way to Albany.

Riedesel sent to Castleton.

The army arrives at Fort Edward on the Hudson river.

While he halted at Fort Edward, two untoward incidents took place. The first was a brutal murder by Indians of a young white woman named Jane McCrae, who had remained behind at or near Fort Edward, when the Congress troops fell back before Burgoyne's advance. The story went that she was engaged and about to be married to an officer in Burgoyne's army. Falling into the hands of the Indians, she was murdered with purposeless, savage fury, and the tale of the outrage, embellished with horrors, was spread far and wide through the land. Colonists hitherto inclined to the loyal cause, felt that their homes and womenkind would not be safe, if they awaited the coming of the English and their savage allies: the opponents of England found additional justification for the stand which they had taken up; the sympathizers with the American cause in England were given a new text for denouncing the

The beginning of misfortunes. Murder of Jane McCrae by the Indians.

war; and Burgoyne lost Indian support by taking steps to prevent a recurrence of such enormities.

The second misfortune which happened—a most grave misfortune—was an unsuccessful expedition in the direction of Bennington. Bennington is in the state of Vermont, to the south-east of Fort Edward, lying about twenty-four miles due east of the stretch of the Hudson river, between Saratoga on the north and the confluence of the Mohawk on the south, which was known as Stillwater. It is in the forks of the two streams which combine to form the Hoosick river, a tributary of the Hudson, flowing into the main river from the east. Burgoyne's information was to the effect, quoting his own words, that it was 'the great deposit of corn, flour, and store cattle', intended for the use of the Congress troops, which he designed to secure for his own army in view of the difficulty and delay experienced in bringing up supplies from Canada. The German general, Riedesel, seems to have originally suggested such an expedition, from knowledge gained while he was stationed at Castleton. He was anxious to obtain horses to mount his men and to carry the baggage; there was evidence of a considerable Loyalist element in the population, and little reason to apprehend strong opposition from the colonial militia. Above all Burgoyne had constantly in his mind the object of threatening the New England states: and, having by this time received intelligence that St. Leger was before Fort Stanwix, he wished to make a diversion to the east, in order to prevent reinforcements being sent up the Mohawk river to the relief of that post. The instructions which he issued for the expedition show that he contemplated that the detached force, if things went well, would penetrate far beyond Bennington, up to the Connecticut river, and possibly not rejoin the main army until the latter had reached Albany.

The expedition to Bennington.

Objects aimed at by the expedition.

About 500 men, according to his dispatch, were detailed for the enterprise, but the number appears to have been larger.[141] It was a mixed body. There was a strong contingent of Germans, chiefly dismounted dragoons, ill suited for a cross-country march, and there were also picked marksmen from the British regiments, Canadians, provincials, and about 100 Indians. Out of compliment to Riedesel, the command was given to Colonel Baum, one of his officers, and in selecting German troops for the

Strength and composition of the force.

Colonel Baum in

expedition, Burgoyne marked his appreciation of the good service which those regiments had rendered in following up the retreat of the Americans from Ticonderoga. The starting-point was the Batten Kill stream, running into the Hudson on its eastern side, ten miles lower down than Fort Edward. From this point to Bennington, by the route which Baum was finally instructed to take, was a distance of under thirty miles. The advance guard of Burgoyne's army had already been moved down the Hudson to the Batten Kill, and, on the 14th of August, after Baum had started, they were thrown across the main river a little higher up under the command of General Fraser, and moved forward on the western bank as far as Saratoga, with the object of a further advance to Stillwater in the event of Baum's expedition proving successful. The temporary bridge of rafts, however, by which they had crossed, being carried away, the troops were recalled and passed back in boats to the eastern side.

command.

Baum started from the Batten Kill early on the morning of the 13th of August, reached a place called Cambridge in the afternoon of that day, and on the following day arrived at Sancoick Mill near the confluence of the two branches of the Hoosick river, about four miles short of Bennington. There he found that the enemy in front of him were more numerous than had been anticipated, and he sent back to Burgoyne for reinforcements. Colonel Breyman, another German officer, was dispatched to his support with nearly 700 men: he started early on the morning of the 15th, but, owing to the difficulties of the route, and want of horses and forage, he made slow way, and was far short of Baum when evening came. On the 16th a number of men, as from the country side, came to where Baum was encamped: they were taken to be friends and Loyalists, and made their way within his lines. On a sudden, while beginning to move forward,[142] he found himself attacked on all sides: the component parts of his little force were separated from each other, and only the German soldiers held together, fighting bravely, as long as they had powder left, and then vainly endeavouring to cut their way out with their swords. The end was inevitable. The Indians dispersed in the woods: some of the British contingent with their commander, Captain Frazer, escaped, and so did a good many of the Canadians and provincials: but Baum was mortally wounded, and nearly all of his Brunswickers were killed or captured. On the afternoon of the same day, ignorant of

Reinforcements sent under Colonel Breyman.

Baum's force surprised and cut up.

Baum mortally wounded.

what had happened, Breyman's force was coming up and was in turn suddenly attacked. Again the men fought hard until their ammunition gave out, and eventually the main body made good their retreat, though they suffered heavy losses and had to leave their guns behind. John Stark was the leader of the Americans in these hard fought engagements.

Breyman attacked and forced to retreat with heavy loss.

The immediate result of the fighting was the loss to the English of over 500 men and four guns,[143] and the total failure of the expedition. The ultimate effect was much more serious. Burgoyne's small army was still further reduced: his hope of securing supplies and horses from the surrounding country was entirely gone; his expectation of Loyalist support, upon which the English had counted, was shown to be groundless; the chance of facilitating the main operations by a successful diversion was lost; the enemy were put in good heart; and such fickle allies as the Indians were further alienated. The enterprise was subsequently made the subject of much hostile criticism, and blame was variously assigned. Burgoyne considered that the failure was due to the fact that Baum had not taken up a position in the open in accordance with instructions, to the chance co-operation of bodies of the enemy who happened to be near, and to undue slowness on Breyman's part. The truth seems to have been that the expedition was not badly conceived, but imperfect knowledge of the country and faulty intelligence as to the enemy's strength and movements in this, as in many similar cases, procured disaster.[144]

Consequences of the disaster.

Burgoyne's anxiety as to the future was expressed in a private letter which he wrote to Germain on the 20th of August, accompanying the public dispatch of the same date in which he reported the failure of the Bennington expedition. He wrote that, in spite of St. Leger's victory, Fort Stanwix was holding out obstinately, that no operation had been taken in his favour, and that the American forces under Gates in his front had been strengthened and now outnumbered his own. Only one letter had reached him from Sir William Howe. That letter was written from New York on the 17th of July, and in it Howe stated that he had heard of Burgoyne's victory at Ticonderoga, adding 'My intention is for Pennsylvania, where I expect to meet Washington, but if he goes to the northward contrary to my expectations and you can keep him at bay, be

Burgoyne's views on the situation.

assured I shall soon be after him to relieve you'. As has been already stated, no instructions from Germain had reached Howe on the subject of Burgoyne and his army, though he had received from Carleton a copy of Germain's dispatch of March 26th, 1777, in which the programme of the expedition from Canada had been detailed. Situated as Burgoyne was, knowing that further advance would entail cutting of his communications with Ticonderoga, it is no wonder that in his letter to Germain he wrote that, had he latitude in his orders, he would have thought it his duty to remain where he was encamped opposite Saratoga, or further back at Fort Edward where his communications would be secure, until events in other quarters facilitated a forward movement. But his instructions were 'to force a junction with Sir William Howe', or at any rate to make his way to Albany; and, as he sadly wrote, when the catastrophe was over and he was a prisoner, 'The expedition I commanded was evidently meant at first to be hazarded. Circumstances might require it should be devoted.' A very strong man in his position would have taken the responsibility of temporary retreat, but, good soldier as he was, he was not a commanding character. He knew the power which Germain possessed of making and unmaking men, he had before his eyes the harsh treatment of Carleton, because Carleton had exercised wise discretion in falling back from Crown Point in the preceding autumn. His instructions freed him from responsibility if he went forward, the blame would be his alone if he fell back. The evil influence of Germain blighted loyal commanders and soldiers in America. George the Third's system was working itself out, and the British Empire was being sacrificed to the 'King's Friends'.

The first necessity was to bring up supplies from Lake George for the further advance, enough to last for twenty-five to thirty days, inasmuch as crossing the Hudson and moving south meant the loss of communication with Canada. This Burgoyne anticipated, and his apprehensions proved true. Shortly after he crossed the Hudson and began his southward march, a force of colonists, assembling at Skenesborough, on the 18th of September attacked the British garrisons at Ticonderoga and Mount Independence. They were repulsed after four or five days' fighting, but not until they had taken outposts at the saw-mills, Mount Hope, and Sugar Hill, captured three companies of British soldiers, and taken or destroyed a large amount of stores and a number of boats. Retreating up Lake George, they attacked a

Burgoyne's communications attacked by the colonists.

detachment on an island in the lake named Diamond Island and, though they were again beaten off, their operations served the purpose of making Burgoyne's communications utterly insecure.[145]

From the 16th of August to the 13th of September, the British army remained on the eastern bank of the Hudson over against Saratoga. The reinforcements which joined them apparently amounted to only 300 men. News seems to have reached the army, before they moved onward, that St. Leger was retreating from Fort Stanwix, so that hope of co-operation in the direction of the Mohawk river was at an end; on the other hand there was a possibility that St. Leger's men, brought down the St. Lawrence and up Lake Champlain and Lake George, might be able to join the main force. It is not clear what was the exact number of men who crossed the Hudson under Burgoyne's command. According to the evidence given at the subsequent Parliamentary inquiry, the regulars, British and German, were rather short of 5,000 men, but, if the Canadians and provincials were included, the total fighting force must have reached 6,000. From Fort Edward to Albany is a distance of over forty miles and to the confluence of the Mohawk river about thirty-four; but Burgoyne was already encamped ten miles south of Fort Edward and the Americans, who had previously fallen back to what was known as the Half Moon at the mouth of the Mohawk river, after the British defeat at Sancoick Mills and the relief of Fort Stanwix, moved up the Hudson a little way above Stillwater, and took up a strong position on high ground called Bemus' Heights, where they were within ten miles' distance of the point where Burgoyne crossed the river.

The Americans under Gates take up a position at Bemus' Heights.

General Philip Schuyler had been in command of the Congress troops on the side of Canada. He was a man of the highest character, and apparently a perfectly competent soldier, whose Fabian tactics were beginning to achieve success when he was superseded. After the abandonment of Ticonderoga and the rout which followed, the tide of public opinion set against him—without any adequate reason. The New Englanders were jealous of a general from New York state; and, under a resolution of Congress, Schuyler was in the middle of August replaced by Horatio Gates, a godson of Horace Walpole, who, like Richard Montgomery, had been born in the United Kingdom and had served in the British army, having been badly wounded in Braddock's disastrous expedition. Gates, who in the previous year had

commanded the garrison at Ticonderoga, was a self-seeking, intriguing man. His subsequent disloyalty to Washington, and his defeat at Camden, clouded what reputation he gained through receiving Burgoyne's surrender. When he took over the command of the troops opposing Burgoyne, his task was comparatively easy. He had good men with him, among others Arnold, who had returned from the march to relieve Fort Stanwix and between whom and Gates there was no love lost, he had also Daniel Morgan and Lincoln; while the army under their command had received an accession to its numbers in consequence of Howe having moved off from New York to Philadelphia. The Americans now largely outnumbered Burgoyne's force, and behind them, lower down the Hudson, the Highlands were held against a possible movement on the part of Clinton, who commanded the troops left behind at New York when Howe sailed for Chesapeake Bay.

Burgoyne crosses the Hudson and advances South.

About six miles below Fort Edward, between that fort and the Batten Kill stream, at a place named Fort Miller, there were rapids in the Hudson, where a portage was necessary for the boats descending the river; below it navigation was unimpeded, and the stores and baggage of the army could be carried by water. A bridge of boats was thrown over the river about half a mile above the Batten Kill, and by this bridge the whole army crossed the Hudson on the 13th and 14th of September from the eastern to the western shore. Burgoyne was subsequently criticized for crossing, but the criticism had no sound foundation. If he was to reach Albany at all, he must cross the river at some point or other, and the further he went down stream the more difficult the crossing was likely to be. Moreover the high road ran along the western bank, while on the opposite shore swamp and mountain would have made it impossible at certain points to march close to the river bank, and the army would therefore have been separated from the boats. On the western side of the Hudson the country, through which the troops advanced, was wooded and broken, the road and bridges over the intervening creeks had been cut up by the enemy, and progress was slow; but by the 17th less than four miles intervened between the two armies. On the 18th there was skirmishing, while the British force were repairing bridges and cutting a way through the bush: and on the 19th a general action took place.

Action of September 19.

The British army advanced in three divisions. On the right under General Fraser were the 24th Regiment, the light

infantry and the grenadiers, accompanied by Indian and Canadian scouts and supported by some German troops under Colonel Breyman. The centre column, entirely composed of British regiments, was under Burgoyne's immediate command. The left wing was in charge of Riedesel, and included the main body of the German soldiers with most of the artillery. The left marched along the high road on the lowland following the course of the river, and one British regiment, the 47th, on the bank of the river, guarded the boats which carried the stores. There was a deep ravine between the armies, and Fraser's division made a wide circuit to the right in order to keep on the high ground. The movement was successfully carried out, and Fraser established himself in a strong position while the centre column moved forward, crossed the ravine, formed on the other side, and bearing to the right became engaged with the enemy. The centre of the battle was a clearing in the woods, where there was a homestead known as Freeman's farm; from this farm the Americans had molested Burgoyne's advance, and being dislodged by artillery fell back into the cover behind. Their intention had been to turn the British right, but, finding that Fraser was too strongly posted, they counter-marched and placed their full force in front of the centre column. Here the battle was fought, and for four hours, from three o'clock in the afternoon till seven, the brunt of the fighting fell upon three British regiments, the 20th, the 21st and the 62nd, a fourth regiment, the 9th, being held in reserve. Some help came from Fraser's men, but the safety of the army depended upon his holding his ground on the right, so that he could not bring up his whole division in support of the centre. Constantly reinforced and covered by the woods, the Americans, led by Arnold, who commanded the left wing of their army, pressed hard upon the fighting regiments, until, late in the day, Riedesel, having pushed forward his troops along the line of the river, wheeled them sharp to the right and struck in on the flank. This decided the battle, and, as darkness fell, the forces of the Congress drew off, leaving Burgoyne's army in possession of the field.

Result of the fight—Burgoyne's losses.

The fight was won, but, as Burgoyne wrote in his subsequent dispatch, 'it was soon found that no fruits, honour excepted, were attained by the preceding victory.' He had lost about 500 men, the 62nd Regiment having especially suffered, and though the losses of the Americans had possibly been heavier, reinforcements were available for them and their position grew stronger and stronger. On the day

after the battle the English moved forward slightly until they were almost within cannon shot of their enemies, at a distance of about half a mile, and in turn threw up entrenchments. On the 21st Burgoyne received a message from Clinton, dated the 12th, to the effect that in about ten days' time he intended to move up the Hudson and attack the American forts in the Highlands. Burgoyne sent back word, urging the necessity of some such operation in his favour in order to divert part of the American force which was barring his way, and he stated that he would hold his ground if possible, till the 12th of October. The days went on: provisions began to run short: on the 3rd of October it was found necessary to reduce the soldiers' rations: and, some movement having become inevitable, Burgoyne determined on the 7th to make a reconnaissance on the enemy's left—the side furthest removed from the Hudson, in order definitely to ascertain whether there was a possibility of either forcing a passage or at any rate so far dislodging the enemy as to enable the British army to retreat unmolested. At the same time it was hoped that under cover of the reconnaissance, forage, badly needed, might be collected for the horses.

Message from Clinton.

Scarcity of provisions.

Further movement necessary.

Only about 1,500 regular soldiers were available for the movement, with ten pieces of artillery: and, small as the number was, hardly enough men were left behind to guard the lines. The detachment advanced, and was formed within about three-quarters of a mile of the enemy's left, waiting for some of the marksmen with Canadians and Indians to make a detour through the woods still further to the right and take the enemy in the rear. On a sudden the Americans in superior numbers made a determined attack on the left wing of the little force, where were the grenadiers and a German regiment. At the same time the flank of the right wing was in imminent danger of being turned: and, while the troops on this side were being drawn back and reformed in order to secure the retreat, the Americans redoubled the attack on the grenadiers and the Germans. The German regiment gave way, the grenadiers were overpowered, and complete disaster was averted only by the stanch fighting of the gunners and by bringing up supports from the right under General Fraser who, in carrying out the movement, was mortally wounded. Hard pressed and heavily defeated, leaving six guns behind them, the force regained their lines, but the Americans, who fought with conspicuous boldness and resolution, followed on, broke

Action of October 7.

The English heavily defeated and their corps partly taken.

through the entrenchments, and eventually stormed the post in the rear of the right which was held by Colonel Breyman and the scanty German reserve. The position was taken, but night came on, Arnold who had led the fight was wounded, and the Congress troops drew off, content with the success which they had already gained. Under cover of the same night Burgoyne fell back, and took up a new position on high ground in the rear of his former camp.[146]

Up to this point in the campaign General Burgoyne may have made mistakes, but at any rate he had not shown himself to be either irresolute or incompetent. He had been sent to achieve the impossible: he had loyally attempted to carry out his instructions, even when opposed to his own views; and, bearing in mind the small number of his troops and the difficulty of securing provisions and supplies, it is not easy to find ground for criticism either in his delays or in his fighting. But now his duty was clear, to retreat at once on Fort Edward and save the remnant of the expedition. Every hour was of importance, for every hour numbers greater than his own, emboldened by success, were gathering round him and threatening his retreat. The position in which he was placed after the battle of the 7th of October was no doubt one of great difficulty, but at any rate there was only one practical course to be taken, and a firm resolute man, intent only on the public good, would have taken it at once. Burgoyne acted otherwise, his movements were leisurely and almost invited the final catastrophe. Reading the account of what took place, and his own defence, it is difficult to resist the conclusion that the personal element was strong in him, that there was a theatrical strain in his character, and that he was concerned with public opinion and effect, instead of simply gripping the nettle in manful fashion, neglecting no chance, and fighting out hard to the last.[147]

Burgoyne's fatal delay.

All day on the 8th the army remained in their new position offering battle, and burying General Fraser with the honour due to a brave and much loved man, while parties of the enemy crossed the Hudson, and fired on the British camp from the opposite side. A day was lost, the Americans were beginning to turn the right or inland flank, and on the night of the 8th the retreat began, the wounded being left behind in hospital. The weather was bad, the baggage encumbered the army, it was necessary to guard the boats on the river, yet the distance to be traversed to

Beginning of the retreat.

Fort Edward was less than twenty miles and a hurried retreat would have saved the army. When the morning of the 9th came, however, Burgoyne called a halt for his wearied men, and through the greater part of that day no further movement was made. Late in the afternoon the march was resumed, when darkness came, the troops passed through Saratoga and crossed the Fish Kill stream, and on the morning of the 10th the artillery was brought over. Meanwhile the Americans had pressed forward up the eastern bank of the Hudson, and, when the British troops neared Saratoga, they found a party of the enemy already in front of them on the western side, who were beginning to throw up entrenchments, but withdrew as the British came up, leaving the road still open for retreat. On the 10th some troops were sent forward by Burgoyne to hold the ford opposite Fort Edward and to cover the work of repairing the bridges, but were recalled when the main American force attacked the rear of the British army on the line of the Fish Kill. The boats could now no longer be adequately defended against the American guns, the provisions were taken out of them, and they drifted into the enemy's hands. Through the next three days, the 11th, the 12th and the 13th, Burgoyne remained inactive. Councils of war were held, and it was contemplated to make a night march and try to cross the river near Fort Edward, but the procrastination and indecision of the general put off the movement until it was too late. 'The army', wrote Burgoyne in his subsequent dispatch, 'took the best position possible and fortified, waiting till the 13th at night, in the anxious hope of succours from our friends or, the next desirable expectation, an attack from our enemy'. On the 14th negotiations were begun with General Gates, they continued for three days, terms were signed late on the 16th, and on the 17th the English surrendered to the American general and his army, kindly and generous in the hour of victory as they had been strong and stubborn in fighting.

Loss of the boats.

Burgoyne's irresolution.

Negotiations with Gates.

The final surrender.

The delay in the conclusion of the matter was due at first to the wording of the terms which Gates dictated, and subsequently to intelligence which reached both armies of Clinton's movements up the Hudson. On the 4th of October Clinton started up the river from New York with some ships of war, carrying 3,000 men, and on the 6th stormed two American forts which barred the passage of the river about fifty miles from the sea; some of the ships went higher up stream but did

Clinton's movements.

not come within many miles of Albany; and, brilliant as the operation was, it could not in any case have affected the main issue and only served, with the help of rumour and report, to make Gates anxious to conclude the negotiations of surrender and Burgoyne for a few hours reluctant to sign the terms. At length the inevitable was accepted and the remains of the English army, under 5,000 in number, of whom about 3,500 were fighting men, were taken as prisoners of war to Albany and Boston.[148]

Causes of the disaster.

The ultimate cause of the disaster was Lord George Germain. Here is Carleton's judgement upon the matter, contained in a letter to Burgoyne dated the following 12th of November, 'This unfortunate event, it is to be hoped, will in future prevent ministers from pretending to direct operations of war, in a country at 3,000 miles distance, of which they have so little knowledge as not to be able to distinguish between good, bad, or interested advices, or to give positive orders in matters which from their nature are ever upon the change.' The more immediate cause was the character of Burgoyne. His condemnation is written in his own dispatch.

Carleton on Lord George Germain.

Character of Burgoyne.

'The bulk of the enemy's army was hourly joined by new corps of militia and volunteers, and their numbers together amounted to upwards of 16,000 men. After the execution of the treaty General Gates drew together the force that had surrounded my position, and I had the consolation to have as many witnesses as I had men under my command, of its amounting to the numbers mentioned above.'

Why had the 16,000 men gathered round him? Because he had given them time to do so, because in the hour of need his thought was rather of saving his own reputation than of saving the force under his command. Would Wolfe, weakly and suffering, have waited helplessly for something to turn up, looking for co-operation from Amherst in the far distance, as Burgoyne looked for it from Clinton? Would he have found consolation in allowing the enemy's numbers to grow and counting up how far superior they were to his own? Would he have been at pains to make the story plausible and dramatic, so that he might hold up his head thereafter in London circles and retain the favour of those who were in high places? It was not English to court surrender, and to cast about for excuse for surrender. Had Chatham been in Germain's place, no such foolhardy expedition would have been ordered cut and dried from England. Had

Wolfe been in Burgoyne's, if success was possible he would have achieved it, if it was impossible he would have redeemed failure or died. Military skill, daring, manhood, self-reliance, leadership of soldiers and of men, were the qualities which less than twenty years before had shone out in dark days round Quebec; the same qualities seemed dead or numbed, when Burgoyne bade his men lay down their arms by the banks of the Hudson river.

The story of this ill-fated expedition has been told at some length because it is part and parcel of the history of Canada. The scene of the later years of the War of Independence was the Atlantic seaboard; and Canada, except on her western borders, though threatened, was unmolested. The surrender of Burgoyne's army by no means finished the fighting, the English were still to win barren successes before the final catastrophe at Yorktown; but after Saratoga the war entered upon a wholly new stage. The surrender in itself was serious enough. No colonists had in modern history achieved so great a triumph, no such disaster had ever clouded British arms in the story of her colonization. The Preface of the *Annual Register* for 1777 refers to the 'awful aspect of the times', awful indeed to a country whose best men had no faith in her cause. But the great practical result which followed on the reverse of Saratoga, the result which eventually decided the war, was that the French now joined hands with the Americans, and the latter thereby secured the help of a fleet, strong enough, when the Spaniards at a later date also entered the ranks of England's enemies, to compete with the British navy on the western seas.

Consequences of the disaster.

The French intervene in the war.

While, however, the intervention of France greatly increased the difficulties with which Great Britain had to contend at this critical time of her history, for the moment it made the war more popular in England, inasmuch as Englishmen were now called upon to fight against their old rivals and not merely against their kinsfolk. In another respect too it was of distinct advantage to the British Empire, in that it brought to Canada immunity from invasion. The American colonists welcomed French aid in securing their independence, but they had no mind to restore Canada to France, and they looked with suspicion on any proposal or utterance which might seem to point in that direction. Though the French in their treaty with the United

The French alliance with the Americans tended to protect Canada from invasion.

States disclaimed any intention of national aggrandizement in America,[149] Admiral D'Estaing, in October, 1778, a few months after his arrival in American waters, issued a proclamation to the Canadians, appealing to their French nationality; and Lafayette proposed a scheme for an invasion of Canada which Congress accepted but Washington set aside. There was sufficient uneasiness in American minds with regard to French designs to restrict French co-operation in the main to the Atlantic side; and, though the Canadians were excited by their countrymen's appeal, they did not rise in arms themselves, nor did the Americans attempt to repeat the movement by which Montgomery had over-run the country up to the walls of Quebec.

It would not indeed have been easy for them to do so, for Carleton and his successor Haldimand, though badly in need of reinforcements, were yet better prepared and had more men at their command than when the war first broke out. Immediately after Burgoyne's capitulation Ticonderoga and Crown Point were abandoned, and the troops were withdrawn to the northern end of Lake Champlain. A year later Haldimand directed the whole country round the lake to be cleared of settlement and cultivation, as a safeguard against American invasion. At various points, where such invasion might take place, he established posts, on an island at the opening of Lake Ontario, which was named Carleton Island; at the Isle aux Noix at the head of the Richelieu river, and at Sorel at its mouth: on the river St. Francis which joins the St. Lawrence below Sorel, flowing from the direction of Vermont: and on the Chaudière river over against Quebec, lest Arnold's inroad by the line of that river should be repeated.

Precautions taken in Canada against invasion.

Nor was this all. As in Count Frontenac's time, and with much the same ruthlessness as in those earlier days, Canada was defended by counter attacks upon the border settlements of the revolting colonies, Loyalists and Indians dealing the blows and bearing the penalties. In May and June of 1778, Brant harried the New York frontier and burnt the town of Springfield; in July, in order, it was said, to counteract American designs against Niagara, Colonel John Butler, with a force of Rangers and Indians, carried war far into the enemy's country and uprooted the settlements at Wyoming, on the eastern branch of the Susquehanna river within the borders of Pennsylvania. Fact and fiction have combined to keep alive the memories of the massacre at Wyoming; and, together with the

Border War.

even more terrible tragedy of Cherry Valley which followed, it stands to the discredit of England in the story of these most barbarous border wars.[150] In September the Mohawk leader burnt to the ground the houses and barns at the German Flatts, though the settlers had been warned in time to take refuge in Fort Dayton. In November Brant joined forces with Walter Butler, son of the raider of Wyoming; and together they carried death and desolation into the Cherry Valley settlement in Tryon county. In the following year the Americans took a terrible revenge for these doings, and a strong force under General John Sullivan turned the country of the Six Nation Indians into a wilderness. 'General Sullivan,' wrote Washington to Lafayette, 'has completed the entire destruction of the country of the Six Nations, driven all the inhabitants, men, women, and children out of it'.

George Rogers Clark in the West.

Further west, in 1778 and 1779, the Illinois region and the settlements on the middle Mississippi fell into American hands, never to be regained, the leader of the backwoodsmen in this quarter being George Rogers Clark, a young Virginian, one of the pioneers of settlement in Kentucky, a most able leader and a hard determined man. In July, 1778, Clark surprised and took the fort and settlement of Kaskaskia standing on the river of that name a little above its junction with the Mississippi, and immediately afterwards he received the submission of the post at Vincennes on the Wabash river. A few months later, in December, 1778, Vincennes was re-occupied by Hamilton, Lieutenant-Governor of Detroit, with a handful of men. Before the following February ended, Hamilton was in turn attacked and overpowered by Clark who carried out a daring winter march; and, being forced to surrender at discretion, the English commander was, according to English accounts, treated through long months of imprisonment with unmerited harshness. The truth was that, as the war went on, bitterness increased, and when, as in the West and on the border the combatants were backwoodsmen, Rangers and Indians, the fighting became a series of ruthless reprisals.

Later raids from Canada.

Later again, in 1780 and 1781, parties sent out from Canada retraced the routes taken by Burgoyne and St. Leger, harried the country at the southern end of Lakes George and Champlain, and laid waste the settlements in the Mohawk valley. In one, commanded by Major Carleton, brother of the late governor of Canada, Fort Anne and Fort George were taken with their garrisons; in another, on the

line of the Mohawk, Major Ross, advancing from Oswego, inflicted heavy loss on the Americans. In all these expeditions on either side there was the same object, to prevent invasion by counter invasion, to destroy stores, and to terrorize the adherents of the enemy; but none of them, except the exploits of Clark, contributed materially to the issue of the war.

Fighting on the Penobscot.

On or near the Atlantic coast-line of Canada, in 1779, fighting took place which might well have had lasting results. An expedition was sent in that year from Halifax to the Penobscot river, commanded by Maclean, who had done good service under Carleton at the time of the American invasion. In June he established himself at Castine at the mouth of the Penobscot; and, inasmuch as the place was then within the borders of Massachusetts, he was towards the end of July attacked by a small squadron and a force of militia sent from and paid for by that state. For between two or three weeks the Americans besieged the British post until, towards the end of the second week in August, British ships under Sir George Collier appeared on the scene, and all the American vessels were taken or destroyed. Maclean's expedition was repeated with equal success by Sir John Sherbrooke in the war of 1812, but neither enterprise produced the permanent result of making the Penobscot river, as it should have been, the boundary between Canada and the United States.

Carleton succeeded by Haldimand.

It has been seen that in June, 1777, Carleton sent in his resignation of the governorship of Canada. Burgoyne wrote privately to Germain at the end of July, before he started on his expedition, to decline the appointment in case it should be offered to him; and in August, 1777, General Haldimand, who was then at home in Switzerland, was nominated as Carleton's successor. He was ordered to go out as soon as possible in a ship which, as Germain wrote to Carleton on the 19th of October, was to bring the latter home, but did not leave England till the end of April or beginning of May following, arriving at Quebec at the end of June, 1778. Carleton then immediately returned to England, and was received with honour by the King to the disgust of Lord George Germain.

Haldimand's government.

General Haldimand, Sir Frederick Haldimand as he afterwards was, governed Canada till the end of 1784, and he governed it, in thankless times, strongly and well. In the year 1778 he was sixty years of age, having been born in 1718. Like his great friend Henry Bouquet, he was a Swiss. His birthplace was Yverdon at the south-

western end of the lake of Neuchâtel, and there he died in 1791, the year in which the Canada Act was passed. There is a tablet to his memory in Henry VII's Chapel in Westminster Abbey. His career was that of a soldier of fortune. With Bouquet, he served the Stadtholder of the Netherlands in a regiment of Swiss Guards; and in 1754[151] the two officers entered the British service as lieutenant-colonels of the newly-raised regiment of Royal Americans. He fought under Abercromby at Ticonderoga, and afterwards served under Amherst; and in 1759, while rebuilding the fort at Oswego, he beat off a force of Canadians and Indians commanded by St. Luc de la Corne, who in later days was a member of his Legislative Council at Quebec. After the capitulation of Montreal, being a French-speaking officer, he was selected by Amherst to take possession of the city. He subsequently acted as governor of Three Rivers, and when to his great grief Bouquet died at Pensacola in 1765, Haldimand, in 1767, succeeded his friend in the command in Florida. In 1773 he went to New York to act for General Gage while the latter was on leave in England. In 1775 he was brought back to England, and in 1778 he went out to govern Canada.

Haldimand was a man of the Carleton type; and, before he left London to take up his appointment, he wrote to Germain to the effect that he should be given full discretion in military matters, and, as civil governor, have the nomination to all appointments. Like Carleton, he was attacked by the partisans of Congress in Canada as a military despot, the enemy of civil liberties, the best known case against him being that of Du Calvet,[152] a French Protestant, who was in 1780 arrested and imprisoned for encouraging and abetting treason, and who subsequently published his case against the governor in London. That Du Calvet was a traitor there seems to have been no doubt, but his charges against the governor coloured the view which was commonly taken in after years of Haldimand's administration. None the less, whatever may have been the technical merits of this and other individual cases, it is beyond question that, at a time when England was badly served both at home and abroad, in the most critical years, and in Canada where the position was most difficult, she was conspicuously well served by Carleton and Haldimand. Haldimand governed a community, in which the minority, as in Carleton's time, was largely disaffected, and the loyalty of the majority was undermined by French appeals. From day to day the danger of attack at this point or at that was imminent, while there was

constant risk that the supplies which came over the sea would be intercepted by French ships or American privateers. In England Haldimand's master was still the same self-willed, half-informed minister Germain. In Canada there were few that he could trust. Yet solitary in public as in private life—for he had no wife or child—he held the reins of government with a firm and an honest hand, a good servant of England though of foreign birth. If Canada at the present day be compared with the province of Quebec which the Peace of 1763 gave into British keeping, the three main elements in the evolution of the great Dominion will be found to have been British immigration, canals, and railways. Railways, opening the North-West and linking the two oceans, date from long after Haldimand's time; but he was governor when the first steps were taken to improve the waterways of Canada, and he watched over the incoming of the United Empire Loyalists.

The Vermont negotiations.

Not the least of Haldimand's difficulties was that he had to negotiate peace and wage war at the same time, for, while directing or controlling border raids at other points on the Canadian frontier, he had on his hands, from 1779 onwards, troublesome and in the end abortive negotiations with the settlers in the present state of Vermont. Of the character of these settlers he seems to have had but a poor opinion, their lawless antecedents no doubt not being to his mind. Ethan Allen and the Green Mountain Boys had not been animated by American patriotism alone when at the beginning of the war they took Ticonderoga. They had in their minds to put themselves in evidence and to vindicate their claim to be free of New York. While the war went on, and after it ended, their determination to be an independent state was as strong as ever; and their negotiations with Canada were an intimation to Congress that the price of their continued adhesion to the continental cause must be recognition of their local independence. The policy had the immediate merit of giving them a respite from Canadian raids, and it left open a choice of future issues. The Vermont men knew the value or the weakness of their geographical position as regards Canada. It was patent then as it was in the later war of 1812. In a private letter to Lord North, dated the 24th of October, 1783,[153] Haldimand wrote, 'Since the provisional treaty has been made public, several persons of influence in the state of Vermont have been here at different times, they all agree in describing these people as very averse to Congress and its measures.... They made no scruple of telling me that

Vermont must either be annexed to Canada or become mistress of it, as it is the only channel by which the produce of their country can be conveyed to a market, but they assured me that they rather wished the former.' The Vermont settlers were, in short, like many states and many individuals before and since, on the fence; but in the end they were neither annexed to Canada nor did they become mistress of her, for in 1791 Vermont became a state of the American Union, and Canada worked out her own salvation.

Haldimand's dispatches might have been written by Carleton. There is the same point of view, almost the same turn of expression. On the 25th of October, 1780, in a long dispatch to Lord George Germain, giving an account of the general conditions of men and things in Canada, he wrote, 'As it is my duty, it has been my business to inform myself of the state of the country, and I coincide with the majority of the Legislative Council in considering the Canadians as the people of the country, and think that in making laws and regulations for the administration of these laws, regard is to be paid to the sentiments and manner of thinking of 60,000 rather than of 2,000—three-fourths of whom are traders and cannot with propriety be considered as residents of the province. In this point of view the Quebec Act was both just and politic, though unfortunately for the British Empire it was enacted ten years too late. It requires but little penetration to discover that, had the system of government solicited by the old subjects been adopted in Canada, this colony would in 1775 have become one of the United States of America.'[154] Three years later, when the war was over, in his letter to Lord North referred to above, he wrote 'This province can only be preserved by bringing back the Canadians to a regular subordination, and by rendering them useful as a well-disciplined militia. In order to effectuate this, the authority of government must be strengthened and not diminished'. [155]

Like Carleton and like Murray, Haldimand had it at heart to provide the people of Canada with an upright and kindly administration. Among the various grievances, real or alleged, which were ventilated from time to time, one of the most substantial, so far as the French Canadians were concerned, was the excessive amount which was exacted from them by officials and lawyers in the form of fees of office. In 1780 Haldimand assented to an ordinance regulating the fees for two years, at the expiration of which time he hoped that the Legislature would, from the experience

gained in the meantime, be able to draw up ‘a more perfect list of fees, more permanent and less burthensome to the people’ for, he wrote, ‘the fees in general are by far too high and more than the people of this province can bear.’[156] A favourite complaint of the British minority, who had as little to complain of as they were loud and persistent in complaining, was that there was no statutory provision for the right of Habeas Corpus, which was supposed to have been abolished by the Quebec Act. When peace was restored and the step could safely be taken, Haldimand met this grievance by passing, in 1784, an ordinance ‘for securing the liberty of the subject and for the prevention of imprisonments out of this province’.[157] When reporting the passing of the fees ordinance Haldimand wrote, ‘Sir Guy Carleton had in the sessions 1775 proposed to regulate the fees of office, and had that business very much at heart. Committees were appointed for that salutory purpose and, though many obstacles were thrown in the way, great progress was made. The ordinance was lost for that time by Sir Guy Carleton’s putting an end to the session in consequence of motions made in council by Mr. Livius and others’.[158] He himself suffered from similar obstruction; his dispatch goes on to refer to members of his council, ‘who, however willing they may be to circumscribe the King’s authority in measures of general utility to his service and the welfare of his people, are for carrying on to the greatest height his prerogative to grant Letters Patent for the emolument of individuals though to the oppression of the people’. As the outcome of the Livius case, two additional Royal Instructions had been issued to Haldimand, dated the 29th of March, 1779. The first prohibited him from interpreting the words in the general instructions ‘It is our further Will and Pleasure that any five of the said council shall constitute a board of council for transacting all business in which their advice and consent may be requisite, acts of legislation only excepted’, as Carleton had interpreted them, namely, as authorizing the governor to select five particular members of the Legislative Council to form an Executive or Privy Council; and it instructed him to communicate this decision to the council. The second instructed him to communicate to the council ‘such and so many of our said instructions, wherein their advice and consent are made requisite, with such others from time to time as you shall judge for our service to be imparted to them’.[159] Haldimand did not at once communicate these additional instructions to his council. He thought that at the time it was not for the public interest to do so, and he wrote to Germain

to that effect, but only brought upon himself a severe reprimand alike from Germain and from the Board of Trade. Equally he thought it inadvisable, under existing circumstances, to communicate to his council certain clauses in the general instructions, in which the Home Government practically invited the Quebec Legislative Council to modify the Quebec Act, recommending the introduction to some extent of English civil law and also statutory provision for Habeas Corpus. Like Carleton he saw things face to face, as a soldier not as a constitutional lawyer, and he gave advice according to existing conditions, which were those of war and not of peace. These two governors may have been technically wrong in this point or in that, but they had the root of the matter in them, they governed with a single eye, a firm hand, and with most generous and humane intent. 'Party spirit,' Haldimand wrote to Germain, 'is the enemy of every private as well as public virtue. Since my arrival in the province I have steered clear of all parties and have taken great care not to enter into the resentments of my predecessor or his friends, but this present occasion obliges me to declare to your lordship that in general Mr. Livius' conduct has not impressed people with a favourable idea of his moderation.'[160] There was no party spirit about Carleton, nor yet about Haldimand. In a bad time, when partisanship was rife, they stood for the good name of England, and for the substance of sound and honest administration.

Clinton succeeds Howe at Philadelphia and retreats to New York.

At the same time that Haldimand relieved Carleton, Sir Henry Clinton took over from Howe the command of the army at Philadelphia. He arrived there at the beginning of May, 1778, and at the end of the month Howe left for England. The abandonment of Philadelphia had been ordered from home, in view of the new complications produced by the intervention of France in the war. All the available ships carried off to New York, stores, baggage, and numbers of Loyalists, while Clinton retreated with his army overland through New Jersey. On the 18th of June he left Philadelphia, which was immediately re-occupied by the Americans, and for a fortnight, closely followed by Washington, he slowly made his way in the heat of the summer through the enemy's country. On the 28th of June in what is known as the battle of Monmouth, near Freehold Court House, he fought a rearguard action with Lee, who commanded the advance of Washington's army: and, thereby covering his retreat, reached Sandy Hook, and on the 5th of July carried over his troops to New York.

D'Estaing and a French squadron had now appeared on the scene, threatened New York, and in co-operation with the American general Sullivan attacked the English in Rhode Island. Bad weather, the skill and seamanship of Admiral Howe, and the preparations made by the English commander on shore, rendered the expedition abortive, and the summer closed without decisive success on either side.

The French fleet.

Later in the year, an expedition under Colonel Campbell, was dispatched to the south, and landing at the end of December near Savannah, the capital of the colony of Georgia, by a skilful movement took the town and captured the whole of the garrison and stores. General Prevost, who arrived from Florida shortly afterwards and took over command of the British troops in Georgia, advanced into South Carolina and, in May, 1779, threatened Charleston, but was compelled to retreat. In September D'Estaing's fleet appeared before Savannah; on the 9th of October a combined French and American force attempted to re-take the town, but were beaten off with heavy loss: and in the spring of 1780 Clinton arrived with a large body of troops from New York to direct operations in the southern states. A year and a half had passed since he had brought off his army from Philadelphia, and little had been done. There had been fighting on the Hudson, the coasts of Virginia and the New England colonies had been harried, small towns had been sacked and burnt, and stores and ships destroyed, causing damage and distress to the Americans but also unwisely embittering the war. Now the English garrison at Rhode Island had been withdrawn and, while New York was still strongly held, the main efforts on the British side were directed to re-conquering the southern states, where Loyalist sympathies were strong and widely spread.

Operations in the south.

Savannah taken by the English.

Clinton takes command in the south.

Charleston was the main point of attack. It was bravely defended for several weeks by General Lincoln, but his communications were cut by Clinton's stronger force, the investment was gradually completed, and on the 12th of May, 1780, the town was surrendered and the garrison became prisoners of war. This success was followed by the annihilation of another small body of American troops, on which occasion Tarleton, the British commander, was accused of indiscriminate slaughter. Clinton having returned to New York, the command in the south devolved on Cornwallis, whose

Taking of Charleston.

Cornwallis.

campaigns in 1780 and 1781 were the closing scenes of the war. He began with a great success. General Gates had been sent south to take command of the American forces in the Carolinas, and, having collected an army which largely outnumbered the troops at the disposal of Cornwallis, marched to attack the latter at Camden to the north-west of Charleston. The battle of Camden. Cornwallis resolved on a counter attack; and, after a night march on either side, the two forces came into collision near Camden at dawn on the 16th of August. After hard fighting the Americans gave way before a British bayonet charge and a rout ensued, which was supplemented by a further small victory gained by Tarleton over the American general Sumter, who had previously intercepted Cornwallis' communications and captured a convoy and some prisoners. Cornwallis now advanced into North Carolina, but behind him the backwoodsmen gathered, and on the 7th of October overwhelmed, after heavy fighting, a strong detachment of Loyalists under Major Ferguson at a place called King's Mountain. This reverse had the same effect as the fights at Trenton or Bennington. King's Mountain. Cornwallis had to fall back, the American cause revived in the south, and the extraordinary difficulty of dealing with guerilla warfare in an immense territory was once more effectively illustrated. In December Gates was superseded by an abler and more trustworthy general, Nathaniel Greene.

In the north no decisive action took place during the year. The English made an incursion into New Jersey, without producing any effect. A French fleet and army under de Rochambeau arrived at Rhode Island, where Clinton would have attacked them in force but for want of co-operation on the part of the English admiral Arbuthnot. The American cause received a heavy blow in the treachery of Arnold, and on the other hand, before the close of the year, the Dutch were added to the long list of enemies against whom England was maintaining an unequal struggle.

With the opening of the new year, 1781, Cornwallis moved northwards. The campaign of 1781, Cornwallis moves north. In the middle of January the light troops from his force, who were under Tarleton's command, were heavily defeated by the American general Morgan, at Cowpens near the border line between South and North Carolina. Having received reinforcements, Cornwallis still advanced, Greene falling back before him until he had collected a larger number of Cowpens.

men than the English general had at his disposal. The two forces met near Guilford Court House on the 15th of March, under much the same conditions as had preceded the fight at Camden; and after an even fight the English were victorious, though with a loss of about one-third of their small army. After the battle, Cornwallis fell back for a while towards Wilmington, and, as the Americans were again active behind him in South Carolina, debated whether to continue his efforts to stamp out resistance in the south, or to march forward into Virginia where there was now a strong British force, commanded at first by Arnold and afterwards by Burgoyne's colleague General Phillips, who were opposed by Lafayette. He determined on the northward movement and effected a junction with Phillips' troops, their commander having in the meantime died at Petersburg in Virginia late in May.

Guilford Court House.

Cornwallis in Virginia.

The fighting went on in the Carolinas with varying success. On the 25th of April Lord Rawdon, who was then in command, defeated Greene at Hobkirk's Hill. In September his successor Colonel Stuart fought a drawn battle at Eutaw Springs, but the Americans secured one point and another, and the balance of the campaign was against the British cause. In Virginia Cornwallis and Lafayette manœuvred against each other, the British operations being hampered by the apprehension of a combined attack in force by the French and Americans on New York, which led Clinton to order the return of a part of the army in Virginia. The order was countermanded, but Cornwallis was instructed to take up a defensive position in touch with the sea, and in August he concentrated his troops at Yorktown on the bank of the York river, where a peninsula is formed by that river and the James flowing into the mouth of Chesapeake Bay; the village of Gloucester on the opposite side of the York river was also held. It was not a strong position, and all depended on keeping command, of the water. For once the English lost the command, and the consequence was the loss of the army.

Cornwallis takes up a position at Yorktown.

At the end of March a strong French fleet under de Grasse sailed from Brest for the West Indies. After a few weeks' operations among the islands, and taking Tobago, de Grasse made for Cap François in Hayti and found dispatches from Washington. Taking on board 3,500 French soldiers, he sailed for the North American coast and reached the Chesapeake at the end

Naval operations. The French fleet under de Grasse comes into touch with Washington and Lafayette.

of August. The object was to co-operate with Washington and de Rochambeau in blockading Cornwallis and compelling him to surrender. Meanwhile a French squadron at Newport in Rhode Island, under de Barras, put out to sea with a convoy containing the siege train, making a wide circuit in order to escape detection by the English ships and join de Grasse in Chesapeake Bay. On land Lafayette, strengthened by a body of Pennsylvanians, already harassed Cornwallis, especially charged to prevent as far as possible a retreat to the south; while de Rochambeau from Rhode Island joined Washington who was facing New York, and the combined army, after threatening an attack on Clinton, crossed the Hudson in August, marched through New Jersey to Philadelphia, and passing on to Virginia, with the help of French transports appeared before Yorktown in the latter end of September. Cornwallis was now besieged by 16,000 men on land and an overwhelming fleet at sea.

Cornwallis besieged at Yorktown.

The movement had been well planned and skilfully executed. Clinton at New York had been misled by a feint of attack, and on the sea the English had been found wanting. When Rodney learnt that de Grasse had left the West Indies for the North American coast, in ill health himself and about to leave for England, he dispatched Sir Samuel Hood in pursuit with fourteen ships of the line. A stronger force was needed and had apparently been intended by Rodney. Hood reached the Chesapeake three or four days before de Grasse arrived, and passing on to New York came under the orders of a senior officer, Admiral Graves, who had at the time but five ships with him. The combined squadron sailed for the Chesapeake, and found that de Grasse had forestalled them with a stronger fleet. They attacked on the 5th of September, with no decisive result on either side: for three or four days longer the two fleets faced each other, then Graves returned to New York and de Grasse went back to block Cornwallis, his manœuvres having enabled de Barras in the meantime to bring in his ships in safety to the Chesapeake.

Ineffective movements of the English fleet.

Cornwallis was now in hopeless case, unless Clinton could relieve him. Expectation of relief was given, the 5th of October being named as the day on which the relieving force would probably leave New York. On the night of the 5th the Americans began their trenches, on the 9th the guns opened fire: after a week’s fighting, on the 17th, Cornwallis treated for surrender; and on the 19th, the day on which

Cornwallis surrenders at Yorktown.

Clinton actually sailed from New York to bring the promised aid, the British army laid down their arms, sickness having reduced the number of fighting men from 7,000 to barely 4,000.

Consequences of the surrender.

Four years had passed almost to the day since the similar disaster at Saratoga. The second surrender practically finished the war, though there was still some small fighting in the south, the English being driven back to Charleston and Savannah. Savannah was eventually evacuated in July, 1782, and Charleston in the following December, by which date terms of peace between Great Britain and the United States had already been signed. Meanwhile in England Carleton had been nominated to take the place of Clinton as Commander-in-Chief in America, Germain resigned, and in March, 1782, Lord North's ministry came to an end. The Whigs came in pledged to make peace, Rockingham being Prime Minister and Shelburne and Fox Secretaries of State. Within four months Lord Rockingham died, and Shelburne became Prime Minister, Fox leaving the Government, and the younger Pitt joining it as Chancellor of the Exchequer. Already negotiations for peace were proceeding at Paris, where Richard Oswald, a nominee of Shelburne's, had been treating with Franklin, complaisantly entertaining every American demand. Rodney's great victory over de Grasse in the battle of the Saints, on the 12th of April, 1782, enabled England to speak with a firmer voice. The failure in September of the combined efforts of France and Spain to take Gibraltar again added strength: and Shelburne's ministry was enabled to conclude a peace, which, if it contrasted sadly with the triumphant Treaty of 1763, was at least far from being the capitulation of a ruined Power. On the 30th of November, 1782, articles were signed between Oswald, on behalf of Great Britain, and the Commissioners of the United States, 'to be inserted in and to constitute the treaty of Peace' which was to be concluded when Great Britain and France had come to terms. On the 20th of January, 1783, Preliminary Articles of Peace were signed between Great Britain and France on the one hand and between Great Britain and Spain on the other; and on the following 3rd of September the Peace of Versailles was finally concluded, treaties being made by Great Britain with France, Spain, and the United States, a treaty with the Netherlands having been signed on the previous day. Under the first article of the treaty with the United States the King of England acknowledged the

Carleton succeeds Clinton.

Negotiations for peace.

Peace concluded and the Independence of the United States recognized.

thirteen colonies then forming the United States to be ‘free sovereign and Independent States’.

Comparison of the American War of Independence with the late war in South Africa.

At the time of the late war in South Africa an analogy was sometimes drawn between that war and the War of American Independence. In some respects there was similarity. In either case a group of British colonies was primarily concerned, and in either case the British Government was faced with the difficulty of transporting large bodies of troops across the sea to a distant scene of war, America in the eighteenth century before the days of steam being for all practical purposes more remote than South Africa in our own time. There were two distinct spheres of operations in America in the earlier years of the war, Canada and the Atlantic states, just as in South Africa the war was divided between Natal and the Cape Colony; and the Boer invasion of Natal and investment of Ladysmith to some extent recalls the overrunning of Canada by Montgomery’s troops and the hemming up of Carleton inside Quebec. In both cases there was the same kind of half knowledge of the country and its conditions in the public mind in Great Britain, and, curiously enough, in either case the estimate seems to have been most at fault where fighting had been most recent; in Natal, where less than twenty years had elapsed since the previous Boer war, and on the line of Lake Champlain and the Hudson, presumed to be well known to many who had served at a somewhat shorter interval of time under Abercromby and Amherst, and who encouraged Germain to give his confident instructions to Burgoyne for a march to Albany. Distance, transport, supplies, communications, rather than hard fighting, were the main elements of either war; and the description of the American war given in the *Annual Register* for 1777, which has been already quoted,[161] that it was ‘a war of posts, surprises, and skirmishes instead of a war of battles’, would apply equally to the South African war. But here the likeness ceases, and no real parallel can be drawn between the two contests. The American war was a civil war, Englishmen were fighting Englishmen. The war in South Africa was a war between two rival races. In the earlier war the great forces which have been embodied in British colonization, mental and physical vigour, forwardness and tenacity, the forces of youth, which have the keeping of the future, were in the main ranged against the mother country: in the later war they contributed, as never before, to the sum of national patriotism. In the earlier war foreign nations intervened, with fatal effect, and the sea power

of England was crippled. In the later, the struggle was kept within its original limits and British ships went unmolested to and from South Africa. Not least of all, while on the former occasion ministers at home tried to do the work of the generals on the spot, Carleton's bitter comments on the disastrous result, which have been quoted above[162], could in no sense be applied to the later crisis. As bearing on this last point, it is interesting to speculate what would have happened had submarine cables existed in the days of King George the Third. The telegraph invites and facilitates interference from home. It tends to minimize the responsibility, and to check the initiative, of the men on the spot: and if the cables which now connect England and America, had been in existence in the years 1776 and 1777, it might be supposed that the commanders in America would have been even more hampered than they were by the meddling of the King, and his ministers. But the evil was that, in the absence of the telegraph, interference could not be corrected, and co-operation could not be ensured. Germain laid down a rigid plan: a second-rate man received precise instructions which he felt bound to follow against his own judgement; and for want of sure and speedy communication the cause was lost. It is impossible to suppose that even the King and Germain would have refused to modify their plans, had they known what was passing from day to day or from week to week: in other words, the invention which more than any other has opened a door to undue interference, would probably in the case in point have done most to remedy the ignorant meddling which was the prime cause of the disaster at Saratoga.

Effect on war of submarine cables.

The War of American Independence was 'by far the most dangerous in which the British nation was ever involved'.[163] It was seen at the time that its issues would colour all future history and modify for ever political and commercial systems, but no prophet seemed to contemplate a colonial future for Great Britain, and Benjamin Franklin said 'he would furnish Mr. Gibbon with materials for writing the history of the Decline of the British Empire'.[164] Yet the present broad-based Imperial system of Great Britain was for two reasons the direct outcome of that war. While the United States were still colonial possessions of Great Britain, they overshadowed all others; and, had they remained British possessions, their preponderance would in all probability

Effects of the American War of Independence on the British Empire as a whole.

have steadily increased. It is quite possible that the centre of the Empire might have been shifted to the other side of the Atlantic; it is almost certain that the colonial expansion of Great Britain would have been mainly confined to North America. Nothing has been more marked and nothing sounder in our recent colonial history than the comparative uniformity of development in the British Empire. In those parts of the world which have been settled and not merely conquered by Europeans, and which are still British possessions, in British North America, Australasia, and South Africa, there has been on the whole parity of progress. No one of the three groups of colonies has in wealth and population wholly out-distanced the others. This fact has unquestionably made for strength and permanence in the British Empire, and it is equally beyond question that the spread of colonization within the Empire would have been wanting, had Great Britain retained her old North American colonies. Unequalled in history was the loss of such colonies, and yet by that loss, it may fairly be said, Great Britain has achieved a more stable and a more world-wide colonial dominion.

But this result would not have been attained had not the lesson taught by the American war sunk deep into the minds of Englishmen. It is true that for a while the moral drawn from this calamitous war was that self-governing institutions should not be given to colonies lest they should rebel, as did the Americans, and win their independence: but, as the smart of defeat passed away and men saw events and their causes in true perspective, as Englishmen again multiplied out of England but in lands which belonged to England, and as the old questions again pressed for solution, the answer given in a wiser and a broader age was dictated by remembrance of the American war, and Lord Durham's report embodied the principles, on which has been based the present colonial system of Great Britain. It was seen—but it might not have been seen had the United States not won their independence—that English colonists, like the Greek colonists of old, go out on terms of being equal not subordinate to those who are left behind, that when they have effectively planted another and a distant land, they must within the widest limits be left to rule themselves; that, whether they are right or whether they are wrong, more perhaps when they are wrong than when they are right, they cannot be made amenable by force; that mutual good feeling, community of interest, and abstention from pressing

rightful claims to their logical conclusion, can alone hold together a true colonial empire.

Its effects on Canada.

Though the United States, in the war and in the treaty which followed it, attained in the fullest possible measure the objects for which they had contended, it is a question whether, of all the countries concerned in the war, Canada did not really gain most, notwithstanding the hardship which she suffered in respect of the boundary line between the Dominion and the United States. For Canada to have a future as a nation, it was necessary, in the first place, that she should be cut adrift from the French colonial system as it existed in the eighteenth century. This was secured as the result of the Seven Years' War. In the second place, it was necessary that she should not be absorbed by and among the British colonies in North America. This end was attained, and could only be attained by what actually happened, viz., by the British colonies in North America ceasing to belong to Great Britain, while Canada was kept within the circle of the British Empire. Had the United States remained British possessions, Canada must eventually have come into line with them, and been more or less lost among the stronger and more populous provinces. The same result would have followed, had the British Government entertained, as their emissary Oswald did, Franklin's proposal that Canada should be ceded to the United States. It would have followed too, in all probability, if Canada had been left at the time independent both of Great Britain and of the United States, for she would have been too weak to stand alone. The result of the war was to give prominence and individuality to Canada as a component part of the British Empire; to bring in a strong body of British colonists not displacing but supplementing the French Canadians and antagonistic to the United States from which they were refugees; to revive the instinct of self-preservation which in old days had kept Canada alive, and which is the mainspring of national sentiment, by again directly confronting her with a foreign Power; and at the same time to give her the advantage of protection by and political connexion with what was still to be the greatest sea-going and colonizing nation of the world. The result of the War of American Independence was to make the United States a great nation; but it was a result which, whether with England or without, they must in any case have achieved. The war had also the effect, and no other cause could have had a like effect, of making possible a national existence for Canada, which possibility was to be

converted into a living and a potent fact by the second American war, the war of 1812.

FOOTNOTES:

[58] Shortt and Doughty, p. 195.

[59] Shortt and Doughty, pp. 196-9.

[60] Ib., pp. 205-7.

[61] Shortt and Doughty, pp. 227-8.

[62] Shortt and Doughty, p. 196.

[63] See above, p. 67 note.

[64] Shortt and Doughty, pp. 208-10.

[65] Letter to Shelburne, December 24, 1767, Shortt and Doughty, p. 203.

[66] Shortt and Doughty, p. 454. See also note to p. 377. Carleton had a much better opinion than most people of the administration of justice under the old French régime. In his examination before the House of Commons on the Quebec Bill, he was asked, 'Do you know from the Canadians themselves, what sort of administration of justice prevailed under the French Government, whether pure or corrupt?' His answer was, 'Very pure in general. I never heard complaints of the administration of justice under the French Government.' Egerton and Grant, pp. 56-7.

[67] See above, p. 79.

[68] Shortt and Doughty, p. 295.

[69] In 1775 the population of the whole of Canada was according to Bouchette's estimate 90,000 (see the *Census of Canada*, 1870-1, vol. iv, *Statistics of Canada*). On the other hand Carleton, in his evidence given before the House of Commons at the time when the Quebec Act was being passed in 1774, estimated the number of the 'new subjects' at 'about 150,000 souls all Roman Catholics' as against less than 400 Protestants, excluding in the latter case women and children. Egerton and Grant, pp. 51-2.

[70] Shortt and Doughty, pp. 410-11.

[71] Referred to by Carleton as 'The Suffolk County Resolves in the Massachusetts'. Shortt and Doughty, p. 413.

[72] Carleton, however, after the war broke out, sternly repressed any attempt of the Indians to act except under close supervision of white officers. See Colonel Cruikshank's paper on Joseph Brant in the American Revolution, April 3, 1897. *Transactions of the Canadian Institute*, vol. v, p. 243, &c.

[73] Shortt and Doughty, pp. 412-14.

[74] See above, p. 67.

[75] Shortt and Doughty, pp. 450-2.

[76] See the letter and the note to it at p. 451 of Shortt and Doughty. Sir William Johnson had died in July, 1774; his nephew and son-in-law, Colonel Guy Johnson, had acted as his deputy for Indian affairs, and continued to do so for a while after his death, but in 1775 Major John Campbell was appointed Superintendent of Indian affairs.

[77] The reference is to the raising of a body of 300 Canadians in 1764 for service under Bradstreet in Pontiac's war. See above p. 24. It seems doubtful whether the complaint to which Carleton refers had any foundation. See Kingsford, vol. v, p. 76.

[78] Carleton's account of the above, given in a letter to Dartmouth, dated Montreal, June 7, 1775, is that on May 19 he received news from Gage of the outbreak of hostilities, i.e. the fight at Lexington, coupled with a request that he would 'send the 7th Regiment with some companies of Canadians and Indians to Crown Point, in order to make a diversion and favour his (Gage's) operations'. The next morning news reached Quebec 'that one, Benedict Arnold, said to be a native of Connecticut, and a horse jockey, landed a considerable number of armed men at St. John's: distant from this town (Montreal) eight leagues, about eight in the morning of the 18th, surprised the detachment of the 26th doing duty there, consisting of a sergeant and ten men, and made them prisoners, seized upon the King's sloop, batteaus, and every other military store, and a few hours after departed, carrying off the craft, prisoners, and stores they had seized. From this party we had the first information of the rebels being in arms upon the lakes, and of their having, under the command of said Arnold, surprised Ticonderoga, Crown Point, the detachment of the 26th doing duty at these two places, and all the craft employed upon those lakes'.... 'The same evening another express brought an account of the rebels having landed at St. John's a second time, in the night, between the 18th and 19th.' Shortt and Doughty, pp. 453-5.

[79] This seems to have been an under-estimate. There were apparently at the time three British regiments in Canada, the 7th, the 8th, and the 26th.

[80] Shortt and Doughty, pp. 453-5.

[81] Chief Justice Hey to the Lord Chancellor, August 28, 1775. Shortt and Doughty, pp. 456-9.

[82] Chief Justice Hey saw what a strong position Canada held, from a military point of view, in regard to the other North American colonies. In his letter to the Lord Chancellor of August 28, 1775, he wrote, 'It appears to me that while England has a firm hold of this country, which a good body of troops and nothing else will give her, her cause with the colonies can never be desperate, though she should not have an inch of ground in her possession in any one of them: from this country they are more accessible, I mean the New England people (paradoxical as it may seem), than even from Boston itself.' Shortt and Doughty, p. 457.

[83] 'A few of the gentry, consisting principally of the youth, residing in this place (Montreal) and its neighbourhood, formed a small corps of volunteers under the command of Mr. Samuel Mackay, and took post at St. John's.' (Letter from Carleton to Dartmouth as above. Shortt and Doughty, p. 454.)

[84] Shortt and Doughty, p. 459.

[85] This may probably have been the Major Preston referred to in Horace Walpole's letter to the Countess of Upper Ossory, December 27, 1775. 'Adam Smith told us t'other night at Beauclerk's, that Major Preston, one of two, but he is not sure which, would have been an excellent commander some months since, if he had seen any service.'

This and other quotations from Horace Walpole's letters are taken from Mrs. Paget Toynbee's edition, Clarendon Press, 1904.

[86] The general view seems to have been that Chambly might have held out longer, and that the commander, Major Stopford, was shielded by his aristocratic connexions, but the *Annual Register* for 1776 (p. 5) says that it 'was in no very defensible condition', and Carleton seems to have found no fault with its surrender. See the entry on p. 110 of Parliamentary Paper, Cd. 2201, 1904, *Historical MS. Commission, Report on American manuscripts in the Royal Institution of Great Britain*, vol. i. Sir Guy Carleton to (Lord Barrington), May 21, 1777, 'has nothing to charge either the garrison of Chamblee or St. John's with.'

[87] The *Annual Register* for 1776, p. 12, makes Montgomery's advance from Montreal to Quebec a kind of repetition of Arnold's march. 'Their march was in winter, through bad roads, in a severe climate, beneath the fall of the first snows, and therefore made under great hardships.' He seems, on the contrary, to have come down the river in the captured British vessels.

[88] There is or was a dispute about the date. Kingsford makes it the night of December 31 to January 1, but there seems no doubt that the attack took place on the previous night, that of December 30-1. See Sir James Le Moyne's Paper on the Assault on Quebec in 1775, in the *Proceedings of the Royal Society of Canada*, 1899.

[89] Letter to Sir Horace Mann, June 5, 1776.

[90] Letter to Sir Horace Mann, August 11, 1776. It is not clear why Horace Walpole thought poorly of Carleton's writing. His dispatches are as clear and straightforward as could be wished.

[91] Horace Walpole to Sir H. Mann, March 22, 1776.

[92] p. 15.

[93] *Parliamentary History of England*, vol. xxix, p. 379. Debate of May 6, 1791.

[94] *Annual Register* as above.

[95] The letter, in which Montgomery complained of personal ill-treatment of himself by Carleton, concluded—'Beware of destroying stores of any kind, public or private, as you have done in Montreal and in the river; if you do, by Heavens there will be no mercy shown.'

[96] *Annual Register* for 1776; *State Papers*, p. 255. Carleton's kindness to the American prisoners was so great that when some of them returned on parole, they were not allowed to communicate with the American troops serving at

Crown Point for fear that they might cause disaffection. See Stone's *Life of Brant* (1838), vol. i, p. 165.

[97] There is an interesting account of the incident at the Cedars in Stone's *Life of Brant* (1838 ed.), vol. i, p. 153, &c. Stone says that Forster had with him one company of regulars and nearly 600 Indians, led by Joseph Brant, the celebrated Mohawk chief. But in spite of the note to p. 151 there seems no doubt that Brant, who had gone to England on a visit in the previous autumn, did not start on his return voyage till late in May or June, and did not arrive at New York till July, long after the event at the Cedars. See Colonel Cruikshank's paper on 'Joseph Brant in the American Revolution', April, 1897, *Transactions of the Canadian Institute*, vol. v, pp. 243, &c., Colonel Cruikshank says that Brant sailed from Falmouth early in June, 1776, and reached New York on July 29, where he fought under Howe. Probably the affair of the Cedars was confounded with the fighting at St. John's and the attack on Montreal when Ethan Allen was taken prisoner in 1775. Brant seems to have been present in these actions.

[98] See the letter of Ebenezer Sullivan abstracted in the 1890 *Report on Canadian Archives, State Papers*, p. 78.

[99] Ibid. p. 74.

[100] *Annual Register* for 1777, p. 2.

[101] See Carleton's letter to Germain of September 28, 1776, quoting Germain's of June 21, 1776. Shortt and Doughty, pp. 459-60.

[102] The letter is quoted in extenso at pp. 129-32 of the sixth volume of Kingsford's *History of Canada*.

[103] *History of England in the Eighteenth Century*, vol. iii, 1882 ed., chap. xii, p. 447.

[104] Clinton was named to act instead of Sir William Howe, in the event of his succeeding Howe in command of the army; this contingency happened, and he, and not Howe, acted as commissioner. Under the Act any three of the five commissioners were empowered to treat with the Americans.

[105] Howe was a pronounced Whig. Burgoyne was more or less neutral until his later years, when he threw in his lot with Fox and his friends. Clinton belonged to a Whig family, but seems to have been a supporter of the Ministry; Cornwallis had voted with Lord Camden against taxing the colonists.

[106] *Influence of Sea Power on History*, chap. ix, pp. 342-3.

[107] See above, pp. 90-1.

[108] It is given in Lord E. Fitzmaurice's *Life of Lord Shelburne*.

[109] p. 20.

[110] As to Lady Betty Germain's bequest of Drayton to Lord George Sackville, see the letter from Lord Vere to Earl Temple of December 19, 1769, in the *Grenville Papers* (edited by W. J. Smith, 1853, John Murray), vol. iv, p. 491. See also various references in Horace Walpole's *Letters* (Mrs. Paget Toynbee's edition, Clarendon Press, 1904). In a letter to George Montagu, July 23, 1763, Walpole gives a description of Drayton, and refers to Lady Betty Germain as 'its divine old mistress'. Drayton belonged to the Earls of Peterborough, the

Mordaunt family. The daughter and heiress of the last earl married Sir John Germain, and left him the property. He married, as his second wife, Lady Elizabeth Berkeley, the Lady Betty Germain in question, and left Drayton to her, expressing a wish that if she had no children, she should leave it to one of the Sackvilles, which she accordingly did. Lady Betty Germain, whose father was Viceroy of Ireland, was a friend of Swift.

[111] Letter to Sir H. Mann, February 20, 1764. The other four were Pitt (Lord Chatham), Charles Townshend, Conway, and Charles Yorke.

[112] 'I think nobody can doubt of Lord George's resolution since he has exposed himself to the artillery of the whole town. Indeed I always believed him brave and that he sacrificed himself to sacrifice Prince Ferdinand.' Letter to the Countess of Upper Ossory, November 23, 1775. The letter was written just as Germain was about to take office.

[113] To the Honourable Henry Seymour Conway and the Countess of Ailesbury, January 15, 1775.

[114] Quoted by Horace Walpole in his letter to Sir Horace Mann of March 5, 1777.

[115] Carleton's letter was dated May 20, 1777. It is quoted in full at p. 129 of the sixth volume of Kingsford's *History of Canada*, as well as in the *Report on the Canadian Archives* for 1885.

[116] One reason alleged is that Carleton had given evidence against Germain at the latter's court-martial.

[117] This letter, with Carleton's letter of May 20, 1777, will be found in Mr. Brymner's *Report on the Canadian Archives* for 1885, pp. cxxxii-vii, Note D.

[118] The note to p. 474 of *Documents relating to the Constitutional History of Canada* (Shortt and Doughty) condemns Carleton's conduct to Germain.

[119] Chief Justice Hey to the Lord Chancellor, August 28, 1775. Shortt and Doughty, p. 458.

[120] Quoted in full at pp. 457-9 of the sixth volume of Kingsford's *History of Canada*.

[121] October 15, 1777. See *Canadian Archives Report* for 1890, p. 101. It is not absolutely clear that the reference is to Livius.

[122] The records as to the dates of Livius' appointment are somewhat confusing. There is a printed pamphlet in the Colonial Office Library giving Livius' petition and the proceedings which followed in England. It is dated 1779, and entitled 'Proceedings between Sir Guy Carleton, K.B., late Governor of the Province of Quebec, and Peter Livius Esq., Chief Justice of the said Province, &c. &c.'. The note to p. 476 of *Documents relating to the Constitutional History of Canada* (Shortt and Doughty) is favourable to Livius and unfavourable to Carleton.

[123] See also below, p. 238.

[124] One cause which reduced their numbers was that in the seventeenth century the Jesuits converted a considerable number of Mohawks and induced them to settle in Canada. They were known as the Caghnawagas.

[125] As regards the Six Nation Indians, Joseph Brant, and the Border forays in the War of Independence, see Stone's *Life of Brant*, and two papers by Lt.-Col. Ernest Cruikshank, on 'Joseph Brant in the American Revolution', in the *Transactions of the Canadian Institute*, vol. v, 1898, p. 243, and vol. vii, 1904, p. 391. The papers were read in April, 1897, and April, 1902. See also *The Old New York Frontier*, by F. W. Halsey. Scribners, New York, 1902.

[126] On Pownall's map of 1776 is marked at the spot 'The great portage one mile', but the distance between the two rivers was rather greater.

[127] St. Leger's dispatch to Burgoyne, dated Oswego, August 27, 1777, and written after his retreat, forms Appendix No. XIII to *A State of the Expedition from Canada as laid before the House of Commons by Lieutenant-General Burgoyne*. London, 1780.

[128] St. Leger reported it to be twelve miles distant.

[129] St. Leger says definitely, 'Sir John Johnson put himself at the head of this party.' Stone, on the other hand, makes out that Sir John Johnson remained behind in the camp and was at that part of it which was surprised by Willett (See Stone's *Life of Brant*, 1838 ed., vol. i, p. 235, note). St. Leger says that he 'could not send above 80 white men, Rangers and troops included, with the whole corps of Indians', but all the accounts seem to agree in placing the number of Indians at 400 and no more.

[130] The details of the fighting at Oriskany, and Willett's sortie from the fort, are more confusing and contradictory even than those of most battles and sieges. The American accounts make Oriskany an American victory, and Willett's sortie a taking possession of the whole British camp, the contents of which, after the defenders had been put to flight, were carried off to the fort in seven wagons which made three trips between the fort and the camp. St. Leger, no doubt minimizing what happened, reported that the sortie resulted in no 'further advantage than frightening some squaws and pilfering the packs of the warriors which they left behind them'. From the contemporary plan of the operations at Fort Stanwix it seems clear that Willett surprised only the post at the lower landing-place and not the whole British camp.

[131] See above pp. 96-7 and note.

[132] Junius to the Duke of Grafton, December 12, 1769.

[133] Walpole to the Honourable Henry Synan Conway, November 12, 1774.

[134] Letter to the Countess of Upper Ossory, June 14, 1787. See also letter to the same, January 16, 1786. 'General Burgoyne's *Heiress*, I hear, succeeded extremely well, and was besides excellently acted.'

[135] Letter to the Rev. William Mason, October 5, 1777. In this letter Horace Walpole, apparently without real ground, says that Burgoyne was the natural son of Lord Bingley.

[136] Letters of August 8, August 11, and August 24, 1777.

[137] Not to be confounded with the Wood Creek mentioned above, p. 147, &c., which was a feeder of Lake Oneida.

[138] Letter to Sir H. Mann, September 1, 1777.

[139] See *State Papers*, p. 97, in Mr. Brymner's *Report on Canadian Archives* for 1890.

[140] *State of the Expedition from Canada Narrative*, p. 12.

[141] Kingsford makes the number to have been 746: *History of Canada*, vol. vi, p. 216, note.

[142] From Burgoyne's dispatch it appears that Baum was beginning a further advance when the attack was made. His words are, 'Colonel Baum was induced to proceed without sufficient knowledge of the ground.'

[143] The American accounts put the British casualties at nearly 1,000.

[144] It may probably have been to the disaster at Bennington that Horace Walpole referred when he wrote to the Countess of Upper Ossory on September 29, 1777: 'General Burgoyne has had but bad sport in the woods.'

[145] Benjamin Lincoln was the American commander charged with the duty of attacking Burgoyne's communications. He was afterwards in command at Charleston when it was taken by the English in May, 1780.

[146] It is not easy to make out the details of the fighting. After the battle of September 19, the two armies were said to be only about half a mile distant from each other, but on October 7, according to Burgoyne's dispatch, after advancing for some time he formed his troops within three-quarters of a mile of the enemy. The advance was apparently not direct but diagonal against the extreme left of the Americans. The main English camp near the river, where there was a bridge of boats, does not seem to have been at all molested, though it was presumably drawn back in the following night. Breyman's camp which was stormed is shown on the plan appended to the *State of the Expedition from Canada*, as well in the rear of the extreme right of the English line.

[147] Horace Walpole, writing to the Countess of Upper Ossory on November 3, 1777, seems to be referring to reports of the battle at Freeman's Farm. 'If your angel would be seeing, why did he not put on his spectacles and hover over Arnold, who has beaten the vapouring Burgoyne and destroyed his magazines? Carleton, who was set aside for General Hurlothrumbo, is gone to save him and the remains of his army if he can.' On November 13 he writes to the same, 'General Swagger is said to be entrenched at Saratoga, but I question whether he will be left at leisure to continue his Commentaries: one Arnold is mighty apt to interrupt him.' Authentic news of Burgoyne's surrender did not reach England till December 1. Writing to Sir Horace Mann on December 4, Walpole says: 'On Tuesday night came news from Carleton at Quebec, which indeed had come from France earlier, announcing the total annihilation (as to America) of Burgoyne's army.... Burgoyne is said to be wounded in three places, his vanquisher, Arnold, is supposed to be dead of his wounds.' It will be noted that Arnold is made the hero on the American side, and that there is no mention of Walpole's godson, Gates. Walpole contemplated invasion of Canada and possible loss of Quebec as the result of the disaster.

[148] The above account has been taken almost entirely from the original dispatches, documents, and evidence published in *A State of the Expedition from Canada as laid before the House of Commons by Lieutenant-General Burgoyne*. London, 1780. Burgoyne, in a private letter to Howe of 20th October, attributed

the surrender in part to the fact that his troops were not all British. See *Report on American Manuscripts in the Royal Institution* (1904), vol. i, p. 140.

[149] Article 6 of the Treaty of Paris between France and the United States, dated February 6, 1778, ran as follows: 'The most Christian King renounces for ever the possession of the islands of Bermudas as well as of any part of the continent of America which before the Treaty of Paris in 1763 or in virtue of that treaty were acknowledged to belong to the Crown of Great Britain or to the United States heretofore called British colonies or which are at this time or have lately been under the Power of the King and Crown of Great Britain.' (*Annual Register*, 1778, p. 341.)

[150] Stone's *Life of Brant*, and among recent books, Halsey's *Old New York Frontier*, give good accounts of this border war from the American side. Fortunately the subject lies in the main outside the scope of the present book. It would probably be fair to say that there were undoubtedly great and horrible barbarities, not confined to one side only, and on the other hand that there was much exaggeration as, e.g. when Campbell in *Gertrude of Wyoming* made Joseph Brant, who never took any part at all in the raid, one of the monsters of the story.

The Wyoming valley had been colonized from Connecticut and was claimed by and at the time actually incorporated with Connecticut, though geographically within the state of Pennsylvania. The settlers had sent a considerable contingent to Washington's army and their homes were in consequence but slenderly guarded.

On Pownall's 'map of the Middle British Colonies in North America', published March 25, 1776, on the western side of the east branch of the Susquehanna river, appears the following: 'Colony from Wioming Connecticut.'

In the 'Topographical Description' attached to the above map there is the following note at pp. 35-6: 'This Place and the District is now settled by a populous Colony, which swarmed and came forth from Connecticut. The People of Connecticut say, that their Charter and the grant of Lands under it was prior to that of Pennsylvania; that the grant of Lands to them extended within the Latitudes of their Grant (except where possessed by other powers at that Time) to the South Seas. They allow New York and New Jersey to have been so possessed at the time of their Grant, but say, that their right emerges again at the West boundary of those Provinces. Mr. Penn and the People of Pennsylvania who have taken Grants under him say, that this District is in the very Heart of the Province of Pennsylvania. On this State of Claims the Two Colonies are in actual war, which they have not even remitted against each other here, although united in arms against Great Britain 1775.'

The note is interesting as showing how very far from amicable were the relations of the colonies to each other when the War of Independence broke out, cf. the case of the Vermont settlers and New York referred to at the beginning of this chapter.

[151] This is the date given on p. 10 of *Sir Frederick Haldimand*, by Jean N. McIlwraith in the 'Makers of Canada' series. The notice in the *Dictionary of National Biography* gives the date as 1756. The life states that Haldimand as a young man possibly took service with the King of Sardinia, and certainly served

under Frederick the Great. The *Dictionary of National Biography* states that there is no record of his having been in the Prussian army.

[152] For Du Calvet's case see Mr. Brymner's Introduction to the *Report on Canadian Archives*, 1888, p. xv, &c., and also Note D. This valuable Introduction and the equally valuable Introduction to the 1887 volume should be consulted for an estimate of Haldimand and his administration, the Haldimand papers being catalogued in these volumes.

[153] Shortt and Doughty, p. 497.

[154] Shortt and Doughty, p. 488.

[155] *Ibid.*, p. 498.

[156] *Ibid.*, p. 486. See also above, p. 92.

[157] 24 Geo. III, cap. 1, see Shortt and Doughty, pp. 499, 501 and notes. See also above, p. 88, note.

[158] Shortt and Doughty, p. 486. 'The session' must have been a later session than that of 1775, as Livius was not in the Council in that year. See above, p. 141.

[159] Shortt and Doughty, pp. 476-7 and notes, also 487, 488-9 and notes.

[160] Shortt and Doughty, p. 488. It will be remembered that Livius was not in Canada at this time.

[161] See above, p. 134.

[162] See above, p. 182.

[163] Preface to *Annual Register* for 1782.

[164] Horace Walpole to the Rev. William Mason, April 25, 1781.

CHAPTER IV

THE TREATY OF 1783 AND THE UNITED EMPIRE LOYALISTS

In the War of American Independence the English had no one to match against Washington. In the negotiations for the peace which ended the war they had no one to match against Benjamin Franklin. The outcome of Franklin's astuteness was the Treaty of 1783, [165] by which Great Britain acknowledged the independence of the thirteen United States, and which alike for Great Britain and for Canada was rather the beginning than the end of troubles.

The Treaty of 1783.

The first words of the second article of the treaty, which purported to determine the boundaries of the United States, were as follows, 'That all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared that the following are and shall be their boundaries.'

The words were no doubt used in good faith; but, as a matter of fact, nowhere in the world has there been such a long series of boundary disputes between two nations, as in North America between Great Britain and the United States.

The boundary disputes.

The disputes were to a certain extent inevitable. When the Treaty of 1783 was signed, half North America was unknown; while within the colonized or semi-colonized area, the coast-line, the courses of the rivers, the lie of the land, had never been accurately mapped out. There were well-known names and phrases, but the precise points which they designated were uncertain. It was easy to use geographical expressions in drawing up a treaty, but exceedingly difficult, when the treaty had been signed, to decide what was the correct

In 1783 the geography of North America was little known.

interpretation of its terms. The matter was further complicated by the fact that in 1783, and for many years afterwards, until the Dominion Act was passed, Nova Scotia was a separate colony from Canada; while in the year after the treaty, 1784, New Brunswick was carved out of Nova Scotia and also became a separate colony. Similarly the United States, though federated, were still separate entities, and Maine was in 1820 separated from Massachusetts, just as New Brunswick had been cut off from Nova Scotia. Thus on either side there were provincial as well as national claims to be considered and adjusted; and it resulted that the Treaty of 1783, which was to have been a final settlement of the quarrel between Great Britain and her old North American colonies, left an aftermath of troublesome questions, causing constant friction, endless negotiations, and a succession of supplementary conventions. A summary of the controversies and conventions, out of which the International Boundary was evolved, will be found in the Second Appendix to this book. There is more than one reason why such a multiplicity of disputes arose, why the disputes were so prolonged and at times so dangerous, and why the issues were as a rule unfavourable to Great Britain and to Canada.

The disputes were between provinces as well as nations.

First and foremost, not only was the original Treaty of 1783, in the then state of geographical knowledge, or rather of geographical ignorance, necessarily both inadequate and inaccurate, but in addition those who negotiated it on the British side, in their anxiety to make peace, were, as has been stated, completely outmatched in bargaining by the representatives of the United States. The result was that the weak points of the treaty, and the conspicuous success of the Americans in securing it, infected all subsequent negotiations. The wording of the document was played for all and more than it was worth, and there grew up something like a tradition that, as each new issue arose between the two nations, the Americans should take and the English should concede.

The Treaty of 1783 made a precedent for future American successes in diplomacy.

In the second place, Great Britain was always at a disadvantage in negotiating with the United States, owing to her many vulnerable interests and her complicated foreign relations. The American Government was, so to speak, on the spot, concentrating on each point exclusive attention and undivided strength. The

Great Britain was more weighted by foreign complications than the United States.

British Government was at a distance, with its eyes on all parts of the world, and remembering only too well how the first great quarrel with the United States had resulted in a world in arms against Great Britain. At each step in the endless chaffering British Ministers had to count the cost more anxiously than those who spoke for a young and strong nation, as a rule untrammeled by relations to other foreign Powers and as a rule, though not always, assured of public support in America in proportion to the firmness of their demands and the extent of their claims.

Lastly, it has often been said that Canada has grievously suffered through British diplomacy. This is to a large extent true, but one great reason has been that Canada, as it exists to-day, was not in existence when most of the boundary questions came up for settlement. The interests of a Dominion—except in potentiality—were not at stake, and there was no Canadian nation to make its voice heard. For two-thirds of a century after the United States became an independent nation, in the North-West the Hudson's Bay Company or its rivals in the fur trade, on the Pacific coast the beginnings of a small separate British colony, were nearly all that was in evidence. Boundary questions in North America between Great Britain and the United States could be presented, and were presented, as of unequal value to the two parties. Any given area in dispute was portrayed as of vital importance to the United States, on the ground that it involved the limits of their homeland and their people's heritage. The same area, it would be plausibly argued, was of little consequence to Great Britain as affecting only a distant corner of some one of the most remote and least known of her many dependencies. This was inevitable while Canada was in the making. Yet in spite of errors in diplomacy, and in spite of what on a review of all the conditions must fairly be judged to have been great and singular difficulties, the net result has been to secure for the Canadian nation a territory which most peoples on the world's surface would regard as a great and a goodly inheritance.

Canada was not one nation.

The second article of the Treaty of 1783, which attempted to define the boundaries of the United States and therefore of Canada also, was by no means the only provision of the treaty which affected Canada. The third article was of much importance, giving to American fishermen certain fishing rights on the coasts of British North America; but the fourth, fifth and sixth articles require more special notice, inasmuch as, though Canada

was not actually mentioned in them, their indirect effect was to create a British population in Canada, to make Canada a British colony instead of a foreign dependency of Great Britain, and to strongly accentuate the severance between those parts of North America which held to the British connexion and the provinces which had renounced their allegiance to the British Crown.

Provisions in the 1783 treaty which referred to the Loyalists.

The fourth article provided ‘that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money of all bonâ fide debts heretofore contracted’.

The fifth article, while discriminating between those who had and those who had not borne arms against the United States, was to the effect that Congress should ‘earnestly recommend’ to the several states restitution of confiscated property and rights, and a revision of the laws directed against the Loyalists of America. The sixth article prohibited future confiscations and prosecutions in the case of persons who had taken part in the late war. [166]

Bitter feeling in the United States against the Loyalists.

In the negotiations, which preceded the conclusion of peace, no point was more strongly debated between the commissioners of the two countries than the question of the treatment to be awarded to those who had adhered to the British cause in the American states during the war. The British Government was bound in common honesty to use every effort to safeguard the lives and interests of those who had remained loyal under every stress of persecution. On the American side, on the other hand, there was the most bitter feeling against the Tories, as they were called, a feeling generally shared by the members of the revolutionary party from Washington downwards. As in all cases of the kind, Loyalists included good and bad, worthy and unworthy, interested placemen or merchants as well as men who acted on and suffered for principle alone. There were men among them of high standing and reputation, such as William Franklin the Loyalist Governor of New Jersey, only son of Benjamin Franklin, and Sir William Pepperell, grandson of the man who besieged and took Louisbourg in 1745. There were also men of the type of Arnold, who deserved to be held as traitors. Many of the Loyalists had fought hard, and barbarities could be laid, directly or indirectly, to their charge. Their record was associated with the memories of the border war, of Wyoming and Cherry Valley; but equally on the

American side could be found instances of cruelty and ruthlessness. The war had been a civil war, long drawn out, spasmodic, fought through largely by guerilla bands. It did not lie with either side to monopolize claims to righteousness or to perpetuate bitterness against their foes.

The sufferings of the Loyalists were increased by the spasmodic operations of the English in the war,

There were two special causes which made the hard lot of the Loyalists harder than it might otherwise have been. The first was the unfortunate action of the English in occupying cities or tracts of country and then again abandoning them. When Howe evacuated Boston, over 900 Loyalists are said to have left with him for Halifax. When the British army was withdrawn from Philadelphia in June, 1778, 3,000 Loyalists followed in its train. But the misery caused by the uncertain policy of the British Government or the British generals cannot be measured merely by the actual number of refugees on each occasion. A very large proportion of the American population was at heart neutral, and they suffered from not knowing whom to trust and whom to obey at a given time and place. In the autumn of 1776 New Jersey was brought under complete British control. The disaster at Trenton supervened, and in about six months the whole country was given up. Much the same happened in the southern states; at one time the English, at another the Americans were masters of this or that district. The result was that bitterness was intensified by prolonged uncertainty and suspicion. Numbers of citizens, who only asked which master they should serve, suffered at the hands of both. There would have been far less misery and far better feeling if from the beginning to the end of the war certain areas and no more had always remained in British occupation, instead of towns and provinces being bandied about from one side to the other.

and by the separate action of the several States.

The second special cause of suffering to the Loyalists was the separate action of the several states. England was not fighting one nation but thirteen different communities; and it may be said that in each of the thirteen there was civil war. The smaller the area in which there is strife, the meaner and more bitter the strife will be. With a great national struggle were intertwined petty rivalries, local jealousies, family dissensions. Men remembered old grudges, paid off old scores, reproduced in the worst forms the features which in quieter times had disfigured the narrow provincial life of the separate states. Had the states been one instead of many, there would have been a wider patriotism

and a broader outlook, for Congress with all its faults was a larger minded body than a state legislature. Had they again been all one, there would not have been a series of unwholesome precedents for persecution of the minority. As it was, each state passed law after law against the Loyalists, and each in its turn could point to what its neighbour had done, in the hope of making a further exhibition of patriotism, more extravagant and more unjust.

Powerlessness of Congress in the matter.

How helpless the central body was in the matter, as compared with the separate sovereign states, is shown by the wording of the fifth article of the Peace. All that the American commissioners could be induced to sign was that Congress should 'earnestly recommend to the legislatures of the respective states' a policy of amnesty and restitution. It does not seem to have been anticipated that the state legislatures would comply with the recommendation. At any rate it appears that the emissaries of the United States who conducted the peace negotiations were reluctant to consent even to this small concession; that it was in after years represented on the American side as a mere form of words, necessary to bring matters to a conclusion and to save the face of the British Government; that its inadequacy was hotly assailed in both Houses of the British Parliament; and that it proved to be as a matter of fact in the main a dead letter.

Debates in Parliament on the question of the Loyalists.

Very bitter were the comments made in Parliament upon these provisions in the treaty by the opponents of Shelburne's ministry. On the 17th of February, 1783, the Preliminary Articles of Peace were discussed in either House. In the House of Lords Lord Carlisle led the attack, moving an amendment in which the subject of the Loyalists was prominently mentioned. The terms of the amendment lamented the necessity for subscribing to articles 'which, considering the relative situation of the belligerent Powers, we must regard as inadequate to our just expectations and derogatory to the honour and dignity of Great Britain'. Various strong speeches followed, Lord Walsingham did not mince his words, nor did Lord Townshend. Lord Stormont spoke of the Loyalists as 'men whom Britain was bound in justice and honour, gratitude and affection, and every tie to provide for and protect. Yet alas for England as well as them they were made a price of peace'. Lord George Germain, now Lord Sackville, who

The debate in the House of Lords.

had so largely contributed to the calamitous issue of the war, was to the front in condemning the cruel abandonment of the Loyalists. In order to prove the futility of the terms intended to safeguard their interests, he referred to a resolution passed by the Legislature of Virginia as late as the 17th of December previously, to the effect that all demands for restitution of confiscated property were wholly inadmissible. Lord Loughborough in a brilliant speech spoke out that 'in ancient or in modern history there cannot be found an instance of so shameful a desertion of men who have sacrificed all to their duty and to their reliance upon our faith'. The House sat until 4.30 on the following morning, the attendance of peers being at one period of the debate larger than on any previous occasion in the reign of George the Third; and the division gave the Government a majority of thirteen.

The Debate in the House of Commons.

Meanwhile the House of Commons were also engaged in discussing the Peace, and here Lord John Cavendish moved an amendment to the Address, which was supplemented by a further amendment in which Lord North raised the case of the Loyalists. The Government fared ill at the hands of the best speakers in the House, of all shades of opinion. 'Never was the honour, the humanity, the principles, the policy of a nation so grossly abused,' said Lord North now happy in opposition, 'as in the desertion of those men who are now exposed to every punishment that desertion and poverty can inflict because they were not rebels,' and he denounced the discrimination made in the fifth article of the Peace against those who had borne arms for Great Britain. Lord Mulgrave spoke of the Peace as 'a lasting monument of national disgrace'. Fox was found in opposition to Shelburne with whom he had parted company, and on the same side as his old opponent Lord North with whom he was soon to join hands. Burke spoke of the vast number of Loyalists who 'had been deluded by this country and had risked everything in our cause'. Sheridan used bitter words to the same effect; and even Wilberforce, who seconded the Address on the Government side, had to own that, when he considered the case of the Loyalists, 'there he saw his country humiliated.' The debate went on through the night, and when the division was taken at 7.30 the next morning, the ministers found themselves beaten by sixteen votes.

The Government defeated.

Resolutions by Lord John Cavendish.

But the House of Commons had not yet done with the Peace, or with the ministry. Four days later, on the 21st of February, Lord John

Cavendish moved five resolutions in the House. The first three resolutions confirmed the Peace and led to little debate, but the fourth and fifth were a direct attack on the Government. The fourth resolution was as follows, 'The concessions made to the adversaries of Great Britain, by the said Provisional Treaty and Preliminary Articles, are greater than they were entitled to, either from the actual situation of their respective possessions, or from their comparative strength.' The terms of the fifth resolution were, 'that this House do feel the regard due from this nation to every description of men, who, with the risk of their lives and the sacrifice of their property, have distinguished their loyalty, and been conspicuous for their fidelity during a long and calamitous war, and to assure His Majesty that they shall take every proper method to relieve them, which the state of the circumstances of this country will permit.' A long debate on the fourth resolution ended in the defeat of the Government by seventeen votes; and, the Opposition being satisfied by carrying this vote of censure, the fifth resolution was withdrawn. The result of the night's work was to turn out Shelburne and his colleagues, and to make way for the famous coalition of Fox and North, which had been amply foreshadowed in the debates.

Shelburne's ministry defeated.

It will be noted that, though the case of the Loyalists was made a text for denouncing the terms of the Peace, the Government was defeated avowedly not so much on the ground of dishonourable conduct to the friends of England as on that of having made unnecessary concessions. The case of the Opposition was strong, and the case of the Government was weak, because sentiment was backed by common sense. The Loyalists had been shabbily treated, without any adequate reason either for sacrificing them or for making various other concessions. That was the verdict of the House of Commons then, and it is the verdict of history now. England had become relatively not weaker but stronger since the disaster at Yorktown, and the United States were at least as much in need of peace as was the mother country. The Americans had done more by bluff than by force, and the wholesale cession of territory, the timorous abandonment of men and places, was an unnecessary price of peace. The case of the Opposition was overwhelming, and it carried conviction in spite of the antecedents of many of those who spoke for it. North and Sackville, who declaimed against the terms which had been conceded, were the men who had mismanaged the war. Fox was to the front

Unnecessary concessions made on the English side in the Peace of 1783.

in attacking the Peace, and with reason, for he had been the chief opponent in the Rockingham cabinet of Shelburne and his emissary Oswald, but Fox beyond all men had lent his energies to supporting the Americans against his own country in the time of her trial.

Excuses made for the policy of the British Government with regard to the Loyalists.

What the Government pleaded in defence of the articles which related to the Loyalists was first, that they could not secure peace on any other terms; secondly, that the Americans would carry out the terms honourably and in good faith; and thirdly that, if the terms were not carried out, England would compensate her friends. The first plea, as we have seen, was rejected. The second plea events proved to be ill founded. Congress made the recommendation to the state legislatures which the fifth article prescribed, but no attention was paid to it. 'Confiscation still went on actively, governors of the states were urged to exchange lists of the proscribed persons, that no Tory might find a resting-place in the United States, and in nearly every state they were disfranchized'.[167] The Acts against the Loyalists were not repealed, and in some cases were supplemented. In some states life was not safe any more than property, and the revolution closed with a reign of terror. South Carolina stood almost alone in passing, in March, 1784, an Act for restitution of property and permitting Loyalists to return to the state. In Pennsylvania Tories were still disfranchized as late as 1801.

Persecution of the Loyalists in the various states.

In retaliation for the non-fulfilment of the fifth and sixth articles of the treaty relating to the Loyalists, as well as of the fourth article by which creditors on either side were to meet with no lawful impediment in recovering their bonâ fide debts,[168] the British Government, in their turn, refused to carry out in full the seventh article under which all the places which were occupied by British garrisons within the borders of the United States were to be evacuated 'with all convenient speed'; and it was not until the year 1796, after further negotiations had taken place and a new treaty, Jay's Treaty of 1794, had been signed, that the inland posts were finally given up. Meanwhile the Government took in hand compensation for the sorely tried Loyalists, redeeming the pledges which had been given and the honour of the nation.

Compensation given to the Loyalists from

A full account of the steps which were taken to compensate in money the American Loyalists is given in a

Historical view of the Commission for inquiry into the losses, services and claims of the American Loyalists which was published in London in 1815, by John Eardley Wilmot, one of the commissioners. Compensation or relief had been going on during the war, for, as has been seen, each stage of the war and each abandonment of a city implied a number of refugees with claims on the justice or the liberality of the British Government. Thus Wilmot tells us that in the autumn of 1782 the sums issued by the Treasury amounted to an annual amount of £40,280 distributed among 315 persons, over and above occasional sums in gross to the amount of between £17,000 and £18,000 per annum for the three last years, being payments applied to particular or extraordinary losses or services. Shelburne named two members of Parliament as commissioners to inquire into the application of these relief funds; and they reduced the amount stated above to £25,800, but by June, 1783, added another £17,445, thus bringing up the total to £43,245.

Imperial Funds.

In July, 1783, the Portland administration, which had taken the place of Shelburne's ministry and which included Fox and North, passed an Act 'appointing commissioners to inquire into the losses and services of all such persons who have suffered in their rights, properties and professions during the late unhappy dissensions in America, in consequence of their loyalty to His Majesty and attachment to the British Government'.[169] The Act was passed for two years only, expiring in July, 1785; and the 25th of March, 1784, was fixed as the date by which all claims were to be sent in. But the time for settlement was found to be too short. In the session of 1785 the Act was renewed and amplified, and the time for receiving claims was extended under certain conditions till May 1st, 1786. In that year the Act was again renewed, and it was further renewed in 1787. Commissioners were sent out to Nova Scotia, to Canada, and to the United States. On the 6th of June, 1788, there was a debate in Parliament on the subject of compensation, which was followed by passing a new Act[170], the operation of which was again twice extended, and in 1790 the long inquiry came to an end. The total grant allowed was £3,112,455, including a sum of £253,000 awarded to the Proprietaries or the trustees of the Proprietaries of Pennsylvania, North Carolina, Virginia and Maryland, the Penn family receiving the sum of £100,000 converted into an annuity of £4,000 per annum.

It was a long drawn out inquiry, and the unfortunate Loyalists chafed at the delay; but the outcome was not illiberal and showed that England had not forgotten her friends. William Pitt, who as Prime Minister carried the matter through, had been Chancellor of the Exchequer in Shelburne's ministry which was responsible for the articles of the Peace, and his subsequent action testified that amid the many liabilities of England which he was called upon to face, he well remembered the pledges given in respect of the Loyalists of America.

The number of claimants who applied for money compensation was 5,072: 954 claims were withdrawn or not prosecuted, and the number of claims examined was 4,118.[171] The very large majority of the Loyalists therefore did not participate in the grant, but for a great many of them homes, grants of land and, for the time being, rations were found in Canada, where General Haldimand and after him Guy Carleton, then Lord Dorchester, cared for the friends of England. Among the most deserving and the most valuable of the refugees were the members of 'His Majesty's Provincial Regiments', the various Loyalist corps raised in America, the commanding officers of which, on the 14th of March, 1783, presented a touching and dignified memorial to Carleton while still Commander-in-Chief at New York. They set out their claims and services. They asked that provision should be made for the disabled, the widows, and the orphans; that the rank of the officers might be permanent in America and that they might be placed on half pay upon the reduction of their regiments; and 'that grants of land may be made to them in some of His Majesty's American provinces, and that they may be assisted in making settlements, in order that they and their children may enjoy the benefits of the British Government'.[172]

The Loyalist soldiers.

Where did the Loyalists come from, where did they go, and what was their number? The questions are difficult to answer. In all the states there were many Loyalists, though the numbers were much larger in some than in others, and varied at different times according to special circumstances or the characters and actions of local leaders on either side. New England and Virginia were to the front on the Patriot, Whig, or Revolutionary side. In New England Massachusetts, as always, took the lead. Here the Loyalist cause was weakened and depressed by the early evacuation of Boston and the

Numbers, with places, and destinations of the Loyalists.

departure of a large number of Loyalist citizens who accompanied Howe's army when it left for Halifax. Of the other New England states, Connecticut, though it supplied a large number of men to Washington's army, seems to have contained relatively more Loyalists than the other New England states, probably because it bordered on the principal Loyalist stronghold, New York. In Virginia Washington's personal influence counted for much, and the King's governor Lord Dunmore, by burning down the town of Norfolk, would seem to have alienated sympathies from the British side. New York was the last state to declare for independence. Throughout the war it contained a stronger proportion of Loyalists than any other state, and of the claims to compensation which were admitted by the commissioners quite one-third were credited to New York. The commercial interests of the port, traditional jealousy of New England, neighbourhood to Canada, made for the British connexion. Family and church interests were strong, the De Lanceys leading the Episcopalian party on the side of the King, as against the Livingstons and the Presbyterians and Congregationalists who threw in their lot with the Revolution. Most of all, after Howe occupied New York, it was held strongly as the British head quarters till the end of the war, and became the resort of Loyalist refugees from other parts of America. In Pennsylvania the Loyalists were numerous. Here the Quaker influence was strong, opposed to war and to revolution. As already stated, when Philadelphia was abandoned, 3,000 Loyalists left with the British army. In the south the Loyalists were strong, but in the back country where there were comparatively new settlers, many of Scotch descent, rather than on the coast. In North Carolina parties are said to have been evenly divided. In South Carolina, and possibly in Georgia also, the Loyalists seem at one time to have preponderated. When the British garrisons at Charleston and Savannah were finally withdrawn, 13,271 Loyalists were enumerated as intending to leave also, including 8,676 blacks. But any calculation is of little avail, for Loyalists were made and unmade by the vicissitudes of the war. In America, as in other countries in revolutionary times, it must be supposed that the stalwarts on either side were very far from including the whole population.

New York the principal Loyalist state.

If it is not easy to trace where the Loyalists came from, it is equally difficult with any accuracy to state, except in general terms, where they all went. It was not a case of a single wave of emigration starting from a given

point and directed to a given point. For years refugees were drifting off in one direction and another. Many went during the war overland to Canada. Many were carried by sea to Nova Scotia. A large number went to England. Before and after the conclusion of the Peace there was considerable emigration from the southern states to Florida, the Bahamas, and the West Indies. But Canada, including Nova Scotia and New Brunswick, became the chief permanent home of the Loyalists. It was the country which wanted them most, and where they found a place not as isolated refugees but as a distinct and an honoured element in the population. The coming of the Loyalists to Canada created the province of New Brunswick and that of Ontario or Upper Canada.

The Loyalists in Canada.

As far as dates can be given for an emigration which, was spread over a number of years, 1783 may be taken as the birth year of the Loyalist settlements in Nova Scotia and New Brunswick, and 1784 as that of Upper Canada. We have an accurate official account of the Loyalists in the maritime provinces in the year 1784, entitled a report on Nova Scotia by Colonel Robert Morse, R.E.[173] The scope of the report included New Brunswick, which was in that year separated from Nova Scotia; and it is noteworthy that the writer recommended union of the maritime provinces with Canada, placing the capital for the united colony in Cape Breton. The Loyalists in Nova Scotia and New Brunswick or, as Colonel Morse styled them, the ‘new inhabitants, viz., the disbanded troops and Loyalists who came into this province since the Peace’, were mustered in the summer of 1784 and were found to number 28,347, including women, children and servants. Among them were 3,000 negroes, largely from New York. As against these newcomers there were only 14,000 old British inhabitants, of whom a great part had been disaffected during the war owing to their New England connexion. Of the refugees 9,000 were located on the St. John river, and nearly 8,000 at the new township of Shelburne in the south-west corner of Nova Scotia. Morse gave a pitiable account of the condition of the immigrants at the time when he wrote. Very few were as yet settled on their lands; if not fed by the Government they must perish. ‘They have no other country to go to—no other asylum.’ There had been the usual emigration story in the case of Nova Scotia, supplemented by exceptional circumstances. Glowing accounts had been circulated of its attractions as a home and place of refuge. Thousands who left New York after the Peace had been signed, and

Loyalist colonization of Nova Scotia and New Brunswick.

before the port was finally evacuated by the British troops, went to Nova Scotia, having to find homes somewhere. Then ensued disappointment, hardship and deep distress; and the country and its climate were maligned, as before they had been unduly praised. Nova Scotia was christened in the United States Nova Scarcity, and the climate was described as consisting of nine months winter and three months cold weather.[174] In the end many of the emigrants drifted off again. Some succumbed to their troubles; but the strong ones held on, and the Loyalists made of New Brunswick and Nova Scotia sound and thriving provinces of the British Empire.

In addition to the refugees who have been enumerated above, some 3,000 settled in Cape Breton Island, others found homes in the Gaspé peninsula on the Bay of Chaleurs, others again on the seignory of Sorel at the mouth of the Richelieu river, which Haldimand had bought for the Crown in 1780[175] and which had a special value from a military point of view; but more important was the emigration to Upper Canada and the settlement of the present province of Ontario. Through the war the Loyalists had been coming in from the revolting states, many of them on arrival in Canada taking service for the Crown in the provincial regiments. When peace came, more arrived and, with the disbanded soldiers, became colonists of Canada. In July, 1783, an additional Royal Instruction was given to Haldimand to allot lands to such of the 'inhabitants of the colonies and provinces, now in the United States of America', as were 'desirous of retaining their allegiance to us and of living in our dominions and for this purpose are disposed to take up and improve lands in our province of Quebec', and also to such non-commissioned officers and privates as might be disbanded in the province and be inclined to become settlers in it. The lands were to be divided into distinct seignories or fiefs, in each seignory a glebe was to be reserved, and every recipient of land was to make a declaration to the effect that 'I will maintain and defend to the utmost of my power the authority of the King in his Parliament as the supreme legislature of this province'.[176] Along the St. Lawrence from Lake St. Francis upwards; in the neighbourhood of Cataraqui or Fort Frontenac, near the outlet of Lake Ontario, where the name of Kingston tells its own tale; on the Bay of Quinté in Lake Ontario; near the Niagara river; and over against Detroit, the Loyalists were settled. The strength of the settlements was shown by the fact that by the Imperial

Loyalist colonization of the province of Ontario.

Act of 1791 Upper Canada was constituted a separate province. About that date there seem to have been some 25,000 white inhabitants in Upper Canada, but the number of Loyalists who came into the province before or immediately after the Peace was much smaller.[177] It is impossible to give even the roughest estimate of the total number of emigrants from the United States in consequence of the war, or even of the total number of Loyalist settlers in British North America. A census report estimates that in all about 40,000 Loyalists took refuge in British North America.[178] Mr. Kingsford[179] thinks that the original emigration to the British American provinces did not exceed 45,000; a modern American writer[180] places the number of those who came to Canada and the Maritime Provinces within the few years before and succeeding the Peace at 60,000. Whatever were their numbers, the refugees from the United States leavened the whole history of the Dominion; and from the date of their arrival Canada entered on a new era of her history and made a long step forward to becoming a nation.

The British Government and the nation on the whole did their duty by the Loyalists in Canada. They gave money, they gave lands, they gave food and clothing, and they gave them a title of honour. At a council meeting held at Quebec on the 9th of November, 1789, Lord Dorchester said that it was his wish to put a mark of honour upon the families who had adhered to the unity of the Empire and joined the Royal Standard in America before the Treaty of Separation in the year 1783; and it was ordered that the land boards should keep a registry of them 'to the end that their posterity may be discriminated from future settlers'. From that time they were known as the United Empire Loyalists; and when in the year 1884 the centenary of their arrival in Canada was kept, the celebration showed that the memory of their sufferings and of their loyalty was still cherished, that their descendants still rightfully claimed distinction as bearing the names and inheriting the traditions of those who through good and evil report remained true to the British cause.

The United Empire Loyalists.

In the debate in the House of Commons on the terms of the Peace, Lord North, speaking of the attitude of the Americans toward the Loyalists, said, 'I term it impolitic, for it will establish their character as a vindictive people. It would have become the interests as well as the character of a newly-created people to

American persecution of the Loyalists a political mistake.

have shown their propensity to compassion'. The record of the treatment of the Loyalists by their compatriots in the United States is not the brightest page in American history. The terrible memory of the border war was not calculated to make the victorious party lean to the side of compassion when the fighting was over, but when all allowance has been made for the bitterness which was the inevitable result of the long drawn out struggle, the Americans cannot be said to have shown much good faith or generosity in their dealings with the Loyalists or much political wisdom. There were exceptions among them. Men like Jay and Alexander Hamilton and the partisan leader in the south, General Marion, gave their influence for justice and mercy; but on the whole justice and mercy were sadly wanting. The newly-created people, as Lord North styled the Americans, did not show themselves wise in their generation. Their policy towards the Loyalists was not that of men confident in the strength and the righteousness of their cause; nor, if they wished to drive the English out of America and, as Franklin tried in his dealings with Oswald, to secure Canada for the United States, did they take the right course to achieve their end. This point is forcibly put by the American writer Sabine, whose book published in 1847 is not wanting in strong patriotic bias. He shows how British colonization in Canada and Nova Scotia was the direct result of the persecution of the Loyalists, and sums up that 'humanity to the adherents of the Crown and prudent regard for our own interests required a general amnesty'.[181] The Americans, for their own future, would have done well to conciliate rather than to punish, to retain citizens by friendly treatment not to force them into exile. Their policy bore its inevitable fruit, and the most determined opponents of the United States in after years were the men and the children of the men who were driven out and took refuge in Canada.

Reasons for the persecution of the Loyalists.

The policy was unwise, but it was intelligible; and it is the more intelligible when viewed in the light of the contrast furnished by the sequel to the great civil war between the Northern and the Southern states. As time goes on and the world becomes more civilized, public and private vendettas tend to go out of fashion and individuals and nations alike find it a little easier to forgive, though possibly not to forget. In any case, therefore, the outcome of a war eighty years later than the American War of Independence might have been expected to bear traces of kindlier feeling and broader humanity. But there were other reasons for the contrast

The American War of Independence as contrasted with the

between the attitude taken up by the victorious Northern states towards the defeated Southern confederacy and that of the successful Revolutionary party towards their Loyalist opponents. The cause for which the Northerners fought and conquered was the maintenance of the Union; the cause for which the partisans of the Revolution fought and conquered was separation. It was therefore logical and consistent, when the fighting was over, in the former case to do what could be done to cement the Union, in the latter to do all that would accentuate and complete separation. Amnesty was in a sense the natural outcome of the later war, proscription was in a sense the natural outcome of the earlier. Slowly and reluctantly the revolting states came to the determination to part company with the mother country. Having made their decision and staked their all upon carrying it to a successful issue, they were minded also to part company for all time with those among them who held the contrary view. They were a new people, not wholly sure of their ground; they would not run the risk, as it seemed, of trying to reconcile men whose hearts were not with theirs.

later war between the North and the South.

Furthermore, in contrasting the two wars it will be noted that in the later there was a geographical division between the two parties which did not exist in the earlier case. The great civil war was a fight between North and South; there was not fighting in each single state of the Union. The result, broadly speaking, was a definite conquest of a large and well-defined area where the feeling had been solidly hostile, and the only practical method of permanently retaining the conquered states was by amnesty and reconciliation. The War of Independence, as already pointed out, was not thus geographically defined. In each separate state there was civil war, local, narrow, and bitter; and, when the end came, the solution most congenial to the victorious majority in each small community was also a practicable though not a wise or humane solution, viz., to weed out the malcontents and to make good the Patriots' losses at the expense of the Loyalists. Union was accepted by the thirteen states as a necessity; it was not the principle for which they contended. They fought for separation, they jealously retained all they could of their local independence, and each within its own limits carried out the principle of separation to its bitter end by proscribing the adherents to the only Union which they had known before the war, that which was produced by common allegiance to the British Crown.

The Glengarry settlers.

The main result of the incoming of the Loyalists was to give to Canada a Protestant British population by the side of a Roman Catholic French community; but among the immigrants were Scottish Highlanders from the back settlements of the province of New York, Gaelic speaking and Roman Catholic in religion, who had served in the war and who were very wisely settled in what is now Glengarry county on the edge of the French Canadian districts. Here their religion was a bond between them and the French Canadians, while their race and traditions kept them in line with the other British settlers of Ontario. They brought with them the honoured name of Macdonell, and in the early years of the nineteenth century another body of Macdonells, also disbanded soldiers, joined them from the old country. It needs no telling how high the record of the Macdonells stands in the annals of Canada, or how the Glengarry settlers proved their loyalty and their worth in the war of 1812.[182]

Scheme for a settlement of French Royalists in Upper Canada.

Side by side with this Macdonell immigration, may be noted an abortive immigration scheme for Upper Canada, which was not British and was later in time than the War of American Independence, but which had something in common with the advent of the Loyalists. This was an attempt to form a French Royalist settlement in Upper Canada under Count Joseph de Puisaye, 'ci devant Puisaye the much enduring man and Royalist',[183] a French *emigré* who had taken a leading part in the disastrous landing at Quiberon Bay in 1795. In or about 1797 he seems to have made a proposal to the British Government that they should send out a number of the Royalist refugees to Canada. The projected settlement was to be on military and feudal lines. 'The same measure must be employed as in founding the old colony of Canada.... It was the soldiery who cleared and prepared the land for our French settlements of Canada and Louisiana.' The writer of the above had evidently in mind the measures taken in the days of Louis XIV to colonize New France, and the planting out of the Carignan-Salières Regiment.[184] The scheme, it was anticipated, would commend itself to the Canadians in view of the community of race, language and religion, while to the British Government its value would consist in placing 'decided Royalists in a country where republican principles and republican customs are becoming leading features', i. e. on the frontiers of the United States. In July, 1798, the Duke of Portland wrote to the Administrator of Upper Canada on the

subject, evidently contemplating the possibility of a considerable emigration to Canada of French refugees then living in England, of whom de Puisaye and about forty others, who were to embark in the course of the summer, would be the forerunners. The Duke laid down that de Puisaye and his company were to be treated as American Loyalists in the matter of allotment of land. William Windham, Pitt's Secretary for War, also wrote, introducing de Puisaye to the Administrator as being personally well-known to himself, and explaining that the object of the scheme was 'to provide an asylum for as many as possible of those whose adherence to the ancient laws, religion, and constitution of their country has rendered them sacrifices to the French Revolution', to select by preference those who had served in the Royalist armies, to allow them to have a settlement of their own 'as much as possible separate from any other body of French, or of those persons speaking French, who may be at present in America, or whom Government may hereafter be disposed to settle there', and by this comparative isolation, as well as by giving them some element of military and feudal discipline, to preserve to them the character 'of a society founded on the principles of reverence for religion and attachment to monarchy'. The scheme was born out of due time. The coming century and the New World were not the time and place for reviving feudal institutions. But on paper it was an attractive scheme. Side by side with the British Loyalists who had been driven out of the newly-formed American republic, would be settled French Loyalists whom the Revolution had hunted from France. Their loyalty and their sufferings for their cause would commend them to their British fellow colonists: their kinship in race, religion, and language would commend them to the French Canadians, who in turn had little sympathy with a France that knew not Church or King.

The place selected for the settlement was between Toronto and Lake Simcoe. It was chosen as being roughly equidistant from the French settlements in Lower Canada and those on the Detroit river, and as being near the seat of government, Toronto then York, and consequently within easy reach of assistance and well under control. Here a township was laid out and called Windham. De Puisaye and his party arrived at Montreal in October, 1798, and in the middle of November de Puisaye himself was at York, while his followers remained through the winter at Kingston. It was a bad time of year for starting a new settlement in Upper Canada, and possibly this was one of the reasons why it failed from the first. Another

was that de Puisaye, who seems to have formed a friendship with Joseph Brant,[185] divided the small band of emigrants and went off himself to form a second settlement on or near the Niagara river. The scheme in short never took root: the emigrants or most of them went elsewhere; the name Windham went elsewhere and is now to be found in Norfolk county of Ontario. De Puisaye went back to London after the Peace of Amiens, and the project for a French Royalist colony in Upper Canada passed into oblivion.[186]

Loyalty of the Six Nation Indians and their settlement in Canada.

White Loyalists were not the only residents within the present boundaries of the United States who expatriated themselves or were expatriated in consequence of the War of Independence, and who settled in Canada. It has been seen that the Six Nation Indians had in the main been steadily on the British side throughout the war, and that prominent among them were the Mohawks led by Joseph Brant. When peace was signed containing no recognition or safeguard of the country of the Six Nations or of native rights, the Indians complained with some reason that their interests had been sacrificed by Great Britain. Under these circumstances Governor Haldimand offered them lands on the British side of the lakes; and a number of them—more especially the Mohawks—permanently changed their dwelling-place still to remain under their great father, the King of England.

There were two principal settlements. One was on the Bay of Quinté, west of Kingston, where some of the Mohawks took up land side by side with the disbanded Rangers, in whose company they had fought in the war, and where the township Tyendenaga recalled the Indian name of Brant. A larger and more important settlement was on the Grand river, also called Ours or Ouse, flowing into Lake Erie due west of the Niagara river. Here Haldimand, by a proclamation dated the 25th of October, 1784, found homes for these old allies of England, the land or part of it having, by an agreement concluded in the previous May, been bought for the purpose from the Mississauga Indians. The proclamation set forth that His Majesty had been pleased to direct that, ‘in consideration of the early attachment to his cause manifested by the Mohawk Indians, and of the loss of their settlement which they thereby sustained, a convenient tract of land under his protection should be chosen as a safe and comfortable retreat for them and others of the Six Nations who have either lost their settlements within

the territory of the American states or wish to retire from them to the British;' and that therefore, 'at the desire of many of these His Majesty's faithful allies', a tract of land had been purchased from the Indians between the Lakes Ontario, Huron and Erie, possession of which was authorized to the Mohawk nation and such other of the Six Nation Indians as wished to settle in that quarter, for them and their posterity to enjoy for ever.

The lands allotted were defined in the proclamation as 'six miles deep from each side of the river, beginning at Lake Erie and extending in that proportion to the head of the said river'. Here, in the present counties of Brant and Haldimand, many tribesmen of the Six Nations settled. Brant county and its principal town Brantford recall the memory of the Mohawk leader, and such villages as Cayuga, Oneida, and Onondaga testify that other members of the old confederacy, in addition to the Mohawks, crossed over to British soil. Within a few years difficulties arose as to the intent of the grant, the Indians, headed by Brant, wishing to sell some of the lands; a further and more formal document, issued by Governor Simcoe in 1793, did not settle the question; and eventually a large part of the area included in the original grant was parted with for money payments which were invested for the benefit of the Indians. A report made in July, 1828, and included in a Parliamentary Blue Book of 1834[187], stated that the number of the Indian settlers on the Grand river was at that date under 2,000 souls: that 'they are now considered as having retained about 260,000 acres of land, mostly of the best quality. Their possessions were formerly more extensive, but large tracts have been sold by them with the permission of H. M.'s Government, the moneys arising from which sales were either funded in England or lent on interest in this country. The proceeds amount to about £1,500 p.a.'.

Thus a large number of the Six Nation Indians adhered to the English connexion and left their old homes for ever: most of them became members of the Church of England, and the first church built in the Province of Ontario is said to have been one for the Mohawks.[188] In the second American war, as in the first, they remained faithful as subjects and allies; and to this day the descendants of the once formidable confederacy hold fast to the old-time covenant which their forefathers made with the English King.

FOOTNOTES:

[165] The text of the treaty is given in Appendix I.

[166] See the text of the treaty in Appendix I.

[167] From *The Loyalists in the American Revolution*, by C. H. Van Tyne. Macmillan & Co., 1902, p. 295. The author gives in the Appendices to his book a list of the laws passed against the Loyalists in the various states.

[168] American creditors sued Loyalist debtors in England, while the Loyalists' property in America was confiscated.

[169] Act 23 Geo. III, cap. 80.

[170] 28 Geo. III, cap. 40.

[171] Wilmot's account of the claimants and of the money awarded is most confusing. The figures are taken from the last Appendix, No. IX, which says the 'claims including those in Nova Scotia and Canada' were 5,072. It is difficult to reconcile these figures with those given on pp. 90-1 of the book, unless in the latter case the claims made in Canada are omitted.

[172] See the *Annual Register* for 1783, p. 262.

[173] Printed in Mr. Brymner's *Report on the Archives of Canada* for the year 1884, Note C, pp. xl, xli.

[174] See *The American Loyalists*, by Lorenzo Sabine. Boston, 1847, Historical Essay, p. 62, note.

[175] See Shortt and Doughty, p. 495, note.

[176] Shortt and Doughty, pp. 494-5.

[177] In the volume for 1891 of Mr. Brymner's *Report on Canadian Archives*, p. 17, the 'Return of Disbanded Troops and Loyalists settled upon the King's Lands in the Province of Quebec in the year 1784' is given as 5,628, including women, children, and servants. The province of Quebec at this time included both Lower and Upper Canada.

[178] *Census of Canada* for 1871, vol. iv; *Censuses of Canada*, pp. xxxviii-xlii. See also p. 238, note below.

[179] vol. vii, p. 223.

[180] Mr. Van Tyne, *The Loyalists in the American Revolution*, p. 299.

[181] *The American Loyalists*, Preliminary Historical Essay, p. 91.

[182] See the *Canadian War of 1812* (Lucas) pp. 11-15. More than one book has been written on the Macdonells in Canada. Reference should be made to the *Report on the Canadian Archives* for 1896, Notes B and C.

[183] Carlyle's *French Revolution*, Book 4, chap. ii. Carlyle evidently thought lightly of de Puisaye. For this French Royalist scheme see Mr. Brymner's *Report on Canadian Archives* for 1888, pp. xxv-xxxi, and Note F.

[184] See Parkman's *The Old Régime in Canada*, and see above, p. 71.

[185] See the *Canadian Archives Report* for 1888, Note F, p. 85, and Stone's *Life of Brant*, vol. ii, p. 403 and note.

[186] On 'A map of the Province of Upper Canada, describing all the new settlements, townships, &c., with the countries adjacent from Quebec to Lake Huron, compiled at the request of His Excellency Major-General John G. Simcoe, first Lieutenant-Governor, by David William Smyth, Esq., Surveyor-General', and published by W. Faden, London, April 12, 1800, 'French Royalists' is printed across Yonge Street between York and Lake Simcoe. The map is in the Colonial Office Library.

[187] Entitled *Aboriginal Tribes*. Printed for the House of Commons, 617, August 14, 1834, pp. 28-9. See also the House of Commons Blue Book 323, June 17, 1839, entitled, *Correspondence Respecting the Indians in the British North American Provinces*.

[188] Before the War of American Independence, the Mohawks had a church built for them in their own country in the present state of New York by the British Government, to which Queen Anne in 1712 presented silver Communion plate and a Bible. The plate was inscribed with the Royal Arms, in 1712, of 'Her Majesty Anne by the Grace of God, of Great Britain, France and Ireland and Her Plantations in North America, Queen, to Her Indian Chapel of the Mohawks 1712'; and the Bible was inscribed, 'To Her Majesty's Church of the Mohawks 1712.' After the War of Independence, two churches were built in Canada for the Mohawks who had emigrated to remain under British rule, one begun in 1785 on the Grand River at the present town of Brantford, and one on the bay of Quinté. The Communion plate and Bible, which had been buried by the Indians for safety during the war, were divided, four pieces of the plate and the Bible being brought to the Brantford Church, and three to the church on the bay of Quinté. The Brantford Church was the first Protestant church in Canada, and a bell, said to be the first bell to call to prayer in Ontario, and a Royal Coat of Arms were sent out to it by the British Government in 1786. This church, known as 'St. Paul's Church of the Mohawks', and in common parlance as the old Mohawk Church, was in 1904, on a petition to the King, given by His Majesty the title of 'His Majesty's Chapel of the Mohawks', in order to revive the old name of Queen Anne's reign.

CHAPTER V

LORD DORCHESTER AND THE CANADA ACT OF 1791

Sir Frederick Haldimand, who had succeeded Carleton and had governed Canada with conspicuous ability during the later years of the American War of Independence, left on the 15th of November, 1784. After an interval of nearly two years Carleton succeeded him.[189] Carleton had been Commander-in-Chief at New York from May, 1782, till November, 1783, refusing to evacuate the city until he had provided for the safe transport of the large number of Loyalists who wished to leave. In April, 1786, he was appointed for the second time Governor of Canada. He was created Lord Dorchester in the following August, and he arrived at Quebec on the 23rd of October in the same year, being then sixty-two years of age. He remained in Canada till August, 1791, when he took leave of absence until September, 1793, and he finally left in July, 1796. The whole term of his second government thus lasted for ten years. During his first government he had been Governor of the province of Quebec alone, but in April, 1786, he was appointed 'Captain-General and Governor-in-Chief' not only of the province of Quebec—the boundaries of that province being now modified by the terms of the Peace of 1783—but also of Nova Scotia,[190] and of the newly-created province of New Brunswick, receiving three separate commissions in respect of the three separate provinces. Thus he was, or was intended to be, in the fullest sense Governor-General of British North America.

Carleton's second term as Governor of Canada.

Before he went out, a debate in the House of Commons, towards the end of June, 1786, gave evidence of the high repute in which he was held. William Pitt, Prime Minister and Chancellor of the Exchequer, presented a Royal Message, asking the House, in consideration of Carleton's public services, to enable His Majesty

House of Commons debate on Carleton's pension.

to confer a pension of £1,000 per annum upon Carleton's wife, Lady Maria Carleton, and upon his two sons for their several lives. The pension, it was explained, had been promised by the King in 1776, but partly by accident and partly by Carleton's own wish the grant had been postponed. It was recounted by one of the speakers that 'when all our other colonies had revolted, he (Carleton) by his gallantry, activity, and industry saved the city of Quebec, and by that means the whole province of Canada'; and when one malcontent—the only one—Courtenay by name, denied that Carleton had rendered any services, asserting with wonderful hardihood, that 'Sir Guy had by no means protected Quebec. It was the inhabitants in conjunction with Chief Justice Livius (whom General Carleton afterwards expelled from his situation) that protected it', another member, Captain Luttrell, rejoined that 'In the most brilliant war we ever sustained, he was foremost in the most hard earned victories, and in the most disgraceful contest in which we ever were engaged, he alone of all our generals was unconquered'. But the most delightful tribute to Carleton was paid by Burgoyne, when the resolution had been agreed to and was being reported. Referring to the help which Carleton had given him in his fateful expedition, he said 'Had Sir Guy been personally employed in that important command, he could not have fitted it out with more assiduity, more liberality, more zeal, than disappointed, displeased, and resentful against the King's servants, he employed to prepare it for a junior officer'. Burgoyne then went on to testify to the uprightness of Carleton's administration, 'the purity of hand and heart with which he had always administered the expenditure of the public purse.' The pension was sanctioned unanimously, to date from the 1st of January, 1785.[191]

Population of Canada in 1784.

In 1784, before the full tale of Loyalist immigration was yet complete, Canada, including the three districts of Quebec, Three Rivers, and Montreal, had a population of 113,000,[192] the towns of Quebec and Montreal containing in either case between 6,000 and 7,000 residents. This was really the population of what was afterwards the province of Lower Canada, exclusive of Ontario and the Maritime Provinces which were the main scenes of Loyalist settlement. The overwhelming majority of the population in the province of Quebec, as Canada, other than the Maritime Provinces, was styled prior to the Act of 1791, consisted of French Canadians, and the citizens of British birth were

still comparatively few in number: but, as has been seen, the incoming of British citizens was actively in process under Haldimand's administration; and during the same administration a beginning was made of the canals which have played so great a part in the history of Eastern Canada. Between the years 1779 and 1783, mainly for military reasons, Royal Engineers under Haldimand's directions constructed canals with locks round the rapids between Lake St. Francis and Lake St. Louis above Montreal, and in 1785 proposals were first made—though not at the time carried into effect—for a canal to rectify the break in navigation on the Richelieu river, caused by the rapids between St. John's and Chambly, and so to give unimpeded water-communication between Lake Champlain and the St. Lawrence. This latter project was of great importance to Vermont, which had not yet been admitted as a state to the American Union.

The first canals in Canada.

Thus Dorchester came back to the land of the St. Lawrence and the great lakes amid indications of a new era with wider developments and corresponding difficulties. He came back as the man who had saved Canada in war, had given to the French Canadians the Quebec Act, and had stood firm at New York for protection of the Loyalists.

It was not an easy time for any man, however popular, who was responsible for the security and the welfare of Canada. British garrisons still held the frontier posts which, by the Treaty of 1783, Great Britain was bound to hand over to the United States, viz., Detroit, Michillimackinac, Erie or Presque Isle, Niagara, Oswego, Oswegatchie, and, on Lake Champlain, Point au Fer and Dutchman's Point. The Indians were at open war with the Americans down to the year 1794, claiming as their own the lands to the north of the Ohio; and they were embittered against the English, because no provision had been made in the treaty to safeguard their rights, their homes and their hunting grounds. The Americans in their turn were irritated by the withholding of the forts, and suspected the English of instigating Indian hostilities and encouraging Indian claims. Meanwhile the internal affairs of Canada were rapidly growing more complicated, and the constitutional question pressed for solution.

The political situation in 1786.

Writing on the 13th of June, 1787, to Thomas Townshend, Lord Sydney, who was then Secretary of State, [193] Lord Dorchester pointed out that the Quebec Act had been introduced

Lord Dorchester on the Quebec Act.

at a time when nothing could be thought of in Canada but self-defence. It came into force at the outbreak of the war, and the first Council held under its provisions was overshadowed by American invasion.[194] The Act, therefore, owing to circumstances, had never really been given a fair trial; yet it may be questioned whether the very great difficulty of adjusting conflicting interests in Canada, of bringing the old and the new into harmony, and of devising a system of government, which would ensure comparative contentment at the time and give facilities for future development, was really increased by the fact that wars and threats and rumours of wars clouded the first half century of the history of Canada as a British possession. The evil of distracting attention from internal problems, of interrupting and foreshortening political and social reforms was counterbalanced by the wholesome influence of common danger. As the removal of that influence had led to the severance of the old North American colonies from Great Britain, so the actual or possible hostility of the United States made the task of holding Canada together easier than it would otherwise have been, and, by preventing constitutional questions from absorbing the whole energies of the government and the public, tended to produce slow and gradual changes in lieu of reforms so complete as possibly to amount to revolution.

Petition for a free constitution.

On the 24th of November, 1784, immediately after Haldimand's departure, a petition for a free constitution was addressed to the King by his 'ancient and new subjects, inhabitants of the province of Quebec'. The petitioners asked, among other points, for a House of Representatives or Assembly, with power to impose taxes to cover the expense of civil government; for a Council of not less than 30 members, without whose advice no officer should be suspended and no new office be created by the governor; for a continuance of the criminal law of England, and of the ancient laws of the country as to landed estates, marriage settlements and inheritances; for the introduction of the commercial laws of England; and for the embodiment in the constitution of the Habeas Corpus Act. It will be remembered that an ordinance had lately been passed by the Legislative Council, on the 29th of April, 1784, 'For securing the liberty of the subject and for the prevention of imprisonments out of this province,'[195] but the petitioners wished to have the right of Habeas Corpus laid down as a fundamental rule of the constitution. The petition purported

to be from the ‘New Subjects’, i. e. the French Canadians, as well as from those of British extraction; but among the signatories hardly any French Canadian names appeared, and a counter petition was signed by French Canadian seigniors and others, deprecating the proposed change in the system of government. ‘This plan’, they wrote, ‘is so much more questionable, as it appears to us to aim at innovations entirely opposed to the rights of the King and of his Government and to detach the people from the submission they have always shown to their Sovereign.’ In April, 1785, a petition was presented in London by Sir John Johnson on behalf of the disbanded soldiers and other Loyalists settled above Montreal, asking for the creation of a new district separate from the province of Quebec, whose capital should be Cataraqui, now Kingston, and that ‘the blessings of the British laws and of the British Government, and an exemption from the (French) tenures, may be extended to the aforesaid settlements’.[196]

Counter petition from French Canadian seigniors.

Petition from disbanded Loyalist soldiers for a separate province.

On the 28th of April, 1786, Mr. Powys, a private member of the House of Commons called attention in the House to the petition of 1784;[197] and, in view of the fact that two years had passed since it was presented, and that the Government had taken no action upon it, he moved for permission to bring in a Bill to amend the Quebec Act and ‘for the better securing the liberties of His Majesty’s subjects in the province of Quebec in North America’. The object of the Bill, which had been drafted in the previous year, was to limit the power of the governor, for the mover complained that the Quebec Act had ‘established as complete a system of despotism as ever was instituted’, and stated that the aim of his measure was ‘to give the inhabitants of the province of Quebec a system of government in the particulars he had mentioned, founded on known and definitive law. At present the government of that province rested altogether on unfixed laws, and was a state of despotism and slavery’. The Bill purported to give to the Canadians in the fullest measure the right of Habeas Corpus, except in case of rebellion or of foreign invasion, when it might be suspended, but only for three months at a time, and only by ordinance of the Legislative Council; to give trial by jury in civil cases at the option of either of the parties; to take from the governor the power of committing to prison by his own warrant,

Debate on Mr. Powys’ Bill in the House of Commons April, 1786.

and of suspending judges and members of the Legislative Council; while the last clause increased the numbers of the council. It was supported by Fox, who took the opportunity to denounce the Quebec Act ‘as a Bill founded upon a system of despotism’, and by Sheridan; but the majority in a very thin House rejected it, agreeing with Pitt that, in view of the contradictory petitions which came from Canada, it would be well to wait until Carleton went out and reported upon the feeling of the country.

Petitions continued to come in. In June, 1787, Lord Dorchester wrote to Lord Sydney that with the increase of the English population the desire for an Assembly would increase, but that he himself was at a loss for a plan, and that a more pressing matter was a change in the tenure of land. In the following September Lord Sydney replied, in somewhat similar terms, that there was no present intention to alter the constitution, but that the King would be advised to make a change in the system of land tenure.

Adam Lymburner heard before the House of Commons.

In 1788 Adam Lymburner, a merchant of good position in Quebec, was sent as a delegate to London, to represent the views of the British minority in the province; and on Friday, the 16th of May, 1788, he was heard at the bar of the House of Commons, in support of the petitions which had been presented. He called attention mainly to the confused state of the law in Canada, and to the defects and anomalies in the administration of justice. A debate followed on a motion by Mr. Powys[198] to the effect that the petitions deserved the immediate and serious consideration of Parliament. The mover once more attacked the Quebec Act of 1774, characterizing it ‘as a rash and fatal’ measure and, when challenged to state what he considered to be the points of greatest urgency, specified ‘the rendering the writ of Habeas Corpus a matter of right, the granting independence to the judges, the lessening of the servility and dependence of the superior officers of justice, and the establishing a House of Assembly’. Fox, Sheridan and Burke spoke as usual against the Government, denouncing Pitt for pleading that, in view of the divergent views held in Canada, the Government should be given more time to obtain further information from Lord Dorchester. The whole of Lord Dorchester’s evidence on the Quebec Bill, said Fox, who professed great respect for Lord Dorchester himself, ‘contained opinions wholly foreign to the spirit and uncongenial with the nature of the English constitution. Lord Dorchester, therefore, was the last man living whose

Fox and Burke on the Quebec Act.

opinion he would wish to receive upon the subject.' Burke spoke of the Quebec Act as 'a measure dealt out by this country in its anger under the impulse of a passion that ill-suited the purposes of wise legislation'.

It was true that two years had passed since the previous discussion on the subject in the House of Commons, and that nothing had been done in the meantime; but the hollowness of the debate was shown by the stress laid by the Opposition speakers on the subject of Habeas Corpus. The recently passed ordinance had given to Canadians the right of Habeas Corpus, but it was argued that the grant was temporary only and that the Crown which had given the right and confirmed the ordinance might take it away, whereas no time should be lost in providing that Canadians, like all other British subjects, should enjoy it 'as a matter of right and not as a grant at the will of the Crown'. There was little evidence among the speakers that they either knew or cared for the wishes of the great majority of Canadians, those of French descent: no suspicion seems to have entered into their minds that institutions which suited Englishmen might not be the best in the world for men who were not of English birth: it was assumed that clever speakers in the House of Commons were better judges of the requirements of a distant British possession than the man on the spot with unrivalled knowledge of local conditions. The debate well illustrated the prejudice and half knowledge with which partisan legislators in England approach colonial problems, and it afforded a good explanation of the grounds on which the common sense of England let the brilliant debaters talk harmlessly in opposition and entrusted the real work of the country to William Pitt. It ended in a motion, agreed to by the Prime Minister, that the House would take the subject into their earnest consideration early next session.

Following on the debate, Sydney wrote to Dorchester on the 3rd of September, asking for the fullest possible information before the next discussion should take place, and intimating that a division of the province was contemplated. On the 8th of November in the same year, Lord Dorchester replied, giving his views on the political situation. In the districts of Quebec and Montreal, exclusive of the towns, he estimated the proportion of British residents to French Canadians as one to forty; including the towns, as one to fifteen; and including the Loyalist settlements above Montreal, as one to five. The demand for an Assembly, he considered, came from the

Lord Dorchester's views opposed to division of the province.

commercial classes, that is to say, from the towns where the British were most numerous: the seigniors and country gentlemen were opposed to it, the clergy were neutral, the uneducated habitants would be led by others. His own opinion was that a division of the province was at present unadvisable; but, should a division be decided upon, there was no reason why the western districts should not have an Assembly and so much of the English system of laws as suited their local circumstances, care being taken to secure the property and civil rights of the French Canadian settlers in the neighbourhood of Detroit, who had increased in numbers owing to the fur trade. A year later, on the 20th of October, 1789, he was informed by Grenville, who had succeeded Sydney as Secretary of State, that the Government had decided to alter the constitution of Canada and to divide the province of Quebec, a draft of the Bill which was to be introduced into Parliament for the purpose being enclosed for an expression of the governor's views, with blank spaces to be filled up on receiving from him information as to certain points of detail.

Outline of the Canada Act.

Curiously complex were the conditions which the Bill was intended to meet. Assuming that the population of Canada had been homogeneous and of British descent, and assuming that Canada had been a single, well-defined colony, so that no question of subdivision could arise, it would still have remained a most difficult problem to decide within what limits political representation should be given and how far it should involve responsibility and real self-government. The British demand in Canada was for institutions to which Englishmen had always been accustomed, and which the old North American colonies of Great Britain had enjoyed. The petition of November, 1784, showed that the demand included right of taxation and a certain control over the Executive. This last point seems subsequently not to have been pressed, though it involved the essence of self-government, had been prominent in the disputes between the old colonies and the mother country, and had been emphasized in Canada by the fact that on the one hand the Home Government had conspicuously misused its patronage in making appointments in Canada, and that on the other, two strong governors, Carleton and Haldimand, in time of war and in face of disloyalty, had not hesitated so to put forth their strength as to incur the charge of being arbitrary.

Difficulties of the situation.

But the population of Canada was not homogeneous, and the colony was obviously not one and indivisible. Even among the English residents there was diversity of interest. Those who lived in the districts of Quebec and Montreal, and for whom Lymburner spoke, were opposed to a division of the province, because the main body of subjects of English birth was to be found in the new settlements in Upper Canada. These newcomers, on the contrary, had much to gain by being severed from French Canada and incorporated into a separate colony. The British minority again in the old province contended that half the number of the representatives to be elected should be assigned to the towns where the number and the influence of the English residents was greatest, Quebec and Montreal containing at the time one Englishman to every two Canadians; thus town and country interests were pitted against each other. Meanwhile the overwhelming majority of the population, the French Canadians, set little store by the representative institutions which the English desired to enjoy. They had never known them and therefore never valued them, and they had reason to fear that any change might tend to give more power to the English minority accustomed to a political machinery which was novel to themselves. The habitants thought only whether their taxes would be increased, and whether new laws and customs would be substituted for those which they understood; the seigniors dreaded losing their feudal rights; the priests their privileges and authority. There was a very strong element of conservatism in French Canada running counter to the demand for political reform, and even in Upper Canada, in the district over against Detroit, and at some other points, there was a small minority of French settlers whose interests, as Dorchester had pointed out, could not be overlooked.

The question of land tenure.

Almost as important and fully as pressing as the question of political representation was that of land tenure. Was the land system of the future, especially in Upper Canada, to be the cumbrous feudal tenure which Louis XIV had imported from the Old to the New World? or was it to be assimilated to the land laws of England? Were other laws too, and was the legal procedure, especially in commercial matters, to be on French or English lines? Partly through confusion as to what was the law of the land, and partly because such judicial appointments as that of Livius were not calculated to inspire respect for the personnel of the judges, the administration of justice in Canada at this time had been hotly assailed,

and a long local inquiry into the subject began in 1787, but seems to have produced little or no result in consequence of the passing of the Canada Act.

When there were so many difficulties to be faced and met, it was fortunate that the thorny questions of language and religion were not added to the number. The religious question had been settled by the Quebec Act, and all that was required was to make definite provision for the Protestant clergy, while not interfering with the rights which had been confirmed to the Roman Catholic priesthood. As to language, for good or for evil, no attempt seems to have been made by the Imperial Government to substitute English for French; the oaths prescribed by the terms of the 1791 Act were to be administered either in English or in French as the case might require, and the first elected Assembly of Lower Canada agreed not to give to either tongue preference over the other.[199]

Grenville's dispatch and letter.

The terms of Grenville's dispatch to Dorchester of the 20th October, 1789, in which he enclosed the draft of the proposed Act, and of the Private and Secret letter which he wrote at the same time, are interesting as showing the grounds on which Pitt's Government had come to the decision to divide Canada into two provinces and to give popular institutions in either case.[200] Grenville wrote that the general object of the plan adopted by the Government was to assimilate the constitution of the province of Quebec to that of Great Britain 'as nearly as the difference arising from the manners of the people and from the present situation of the province will admit'. In trying to effect this object it was necessary to pay attention to the 'prejudices and habits of the French inhabitants', and most carefully to safeguard the civil and religious rights which had been secured to them at or subsequently to the capitulation of the province. This consideration had largely influenced the Government in favour of dividing the province into two districts, still to remain under the administration of a Governor-General, but each to have a Lieutenant-Governor and separate Legislature.

Arguments for a division into two provinces based upon the grant of representative institutions.

The Government, Grenville continued, had not overlooked the reasons urged by Lord Dorchester against a division of the province, and they felt that great weight would have been due to his suggestions, had it been intended to continue the existing form of administration and not to introduce representative institutions; but, the decision having been taken to establish a provincial legislature to be

chosen in part by the people, ‘every consideration of policy seemed to render it desirable that the great preponderance possessed in the upper districts by the King’s ancient subjects, and in the lower by the French Canadians, should have their effect and operation in separate legislatures, rather than that these two bodies of people should be blended together in the first formation of the new constitution, and before sufficient time has been allowed for the removal of ancient prejudices by the habit of obedience to the same government and by the sense of a common interest’. Grenville’s private letter, which supplemented the public dispatch, showed that a lesson had been learnt from the late war with the American colonies. ‘I am persuaded,’ he wrote, ‘that it is a point of true policy to make these concessions at a time when they may be received as a matter of favour, and when it is in our own power to regulate and direct the manner of applying them, rather than to wait till they shall be extorted from us by a necessity which shall neither leave us any discretion in the form nor any merit in the substance of what we give.’[201] The last paragraph of the letter gave another reason for making the proposed changes without further delay, and that was that ‘the state of France is such as gives us little to fear from that quarter in the present moment. The opportunity is therefore most favourable for the adoption of such measures as may tend to consolidate our strength, and increase our resources, so as to enable ourselves to meet any efforts that the most favourable event of the present troubles can ever enable her to make’. The letter was written after the taking of the Bastille and the outbreak of the French Revolution, when Lafayette was in demand at home and not likely to make further excursions into American politics; but the words implied that France was still in the eyes of British statesmen the main source of danger to Great Britain, especially in connexion with Canada, and that the grant of representative institutions to British and French colonists in Canada was likely to strengthen the hands of Great Britain as against her most formidable rival.

Policy of the British Government determined by the results of the War of American Independence.

The correspondence shows clearly that the outcome of the War of American Independence had inclined the British Government to give popular representation to the remaining British possessions in North America. On the other hand there are passages in it which should be noted, indicating that ministers were anxious at the same time to introduce certain safeguards against democracy, which had been wanting in the old North American colonies.

Grenville's dispatch stated that it was intended to appoint the members of the Upper Chamber, the Legislative Council, for life and during good behaviour, provided that they resided in the province. It also stated that it was the King's intention to confer upon those whom he nominated to the Council 'some mark of honour, such as a Provincial Baronetage, either personal to themselves or descendible to their eldest sons in lineal succession', adding that, if there was in after years a great growth of wealth in Canada, it might be possible at some future date to 'raise the most considerable of these persons to a higher degree of honour'. The object of these regulations, he wrote, 'is both to give to the Upper Branch of the Legislature a greater degree of weight and consequence than was possessed by the Councils in the old colonial governments, and to establish in the provinces a body of men having that motive of attachment to the existing form of government which arises from the possession of personal or hereditary distinction.' In writing as above, Grenville did not state in so many words that the Government contemplated making appointment to the Legislative council hereditary in certain cases, but merely that it was proposed to give some title to certain members of the Council, which title might be made hereditary; nor was any clause dealing with the subject included in the draft of the Bill which was sent to Lord Dorchester. The latter, however, rightly understood that what Pitt and his colleagues had in their minds was to give to each of the two provinces, into which Canada was to be divided, an Upper House which might develop into a House of Lords; and his answer was that, while many advantages might result from a hereditary Legislative Council distinguished by some mark of honour, if the condition of the country was such as to support the dignity, 'the fluctuating state of property in these provinces would expose all hereditary honours to fall into disregard.' He recommended, therefore, that for the time being the members of the Council should merely be appointed during life, good behaviour, and residence in the province.

Proposed safeguards to the grant of popular institutions.

Suggestion to give titles to members of the Upper Chamber.

Lord Dorchester opposed to the suggestion.

When the Bill was introduced into Parliament, the provisions dealing with this subject were chiefly attacked by Fox, who expressed himself in favour of an elected council, though with a higher property qualification than would be required in the case of the Lower House or Assembly. The clauses were carried in a permissive form, empowering the King, whenever

he thought fit to confer upon a British subject by Letters Patent under the Great Seal of either of the provinces a hereditary title of honour, to attach to the title at his discretion a hereditary right to be summoned to the Legislative Council, such right to be forfeited by the holder for various causes including continual absence from the province, but to be revived in favour of the heirs. Nothing came of this attempt to create a hereditary second chamber in the two provinces of Upper and Lower Canada: no such aristocracy was brought into being as when the French King and his ministers built up the French Canadian community on a basis analogous to the old feudal system of France; but, nevertheless, Pitt's proposals cannot be condemned as fantastic or unreal. They were honestly designed to meet a defect which had already been felt in the British colonies, and which must always be felt in new countries, the lack of a conservative element in the Legislature and in the people, the absence of dignity and continuity with the past, and the want of some balance against raw and undiluted democracy which has not, as in older lands, been trained to recognize that the body politic consists of more than numbers.

Permissive clauses embodied in the Bill.

The original draft of the Bill contained no provision for the appointment of an Executive Council distinct from the two houses of the Legislature. A clause to that effect was inserted by Lord Dorchester in the amended draft which he sent back, but it did not appear in the Act in its final form; though there is a reference in the Act to 'such Executive Council as shall be appointed by His Majesty for the affairs' of either province; and one section appointed the governor and Executive Council in each province a court of civil appeal. In his covering dispatch Grenville asked Lord Dorchester to state the number and names of the persons whom he might think proper to recommend to the King for seats on the Executive Council, and added that it was not intended to exclude members of the Legislative Council from the Executive Council, nor on the other hand to select the Executive Councillors exclusively from the Legislative Council. Grenville went on to suggest that it might be well that some persons should be members of the Executive Council in both of the two districts or provinces. The net result was that the Executive was still to remain wholly independent of the Legislature, or at any rate of the popular house in the Legislature, and therefore the main element of self-government was to be withheld. It was left for Lord Durham, after long years of friction

The Executive Council.

between the Executive and the Legislature, to emphasize the necessity of giving to the popular representatives the control of the Executive, making them thereby responsible for the good government of the people whom they represented.

Crown Lands' funds.

In his secret letter to Dorchester, Grenville referred to 'the possibility of making such reservations of land adjacent to all future grants as may secure to the Crown a certain and improving revenue—a measure which, if it had been adopted when the old colonies were first settled, would have retained them to this hour in obedience and loyalty'. Crown land funds are not yet wholly extinct in the British colonies. For instance, in the Bahamas, side by side with the revenue voted by the local Legislature, there is a small fund independent of the Legislature and at the disposal of the Crown alone; but the revenue derived from the fund is not sufficient to pay the salaries of the Executive officers, even if it were thought desirable to apply the money to such a purpose. Barbados, with its time-honoured constitution, to which Barbadians are passionately attached, is a good instance of a colony possessing representative institutions but not responsible government. Here there are no Crown funds, and the salaries of the public officers, from the governor downwards, are voted by the elected representatives, though the higher Executive appointments, with some exceptions, are in the gift and under the control not of the Legislature but of the Crown. In this and in other instances, where local conditions, including the fact of an overwhelming preponderance of coloured men over white, have made for a compromise, a system, illogical in theory and unsound in practice, has, by mutual forbearance, continued to work, though not always without friction. But on any large scale, and especially where the majority of the residents in a colony are of European birth, the position is impossible and can only be defended as a temporary expedient. Yet, in spite of the War of American Independence and the lessons which it taught, the world was not in the days of Pitt old enough for the British ministry to contemplate colonial self-government in its full expression. Nor, in truth, were the conditions of Canada sufficiently advanced to have made the introduction of responsible government either practicable or desirable. Hence Grenville cast about for an expedient which might reduce the probability of a conflict between the Executive and the Legislature, and sought for it in the establishment of a fund which would belong to the Crown alone and be expended by the

Crown in paying its officers. If his policy had been consistently carried out, and an adequate revenue, not derived from taxation, been secured to the Crown, the result would have been greatly to strengthen the independence of the Executive by making the salaries of the officers independent of the vote of the Assembly. In the end the bitterness of the struggle for popular control might have been thereby increased, but in the meantime the petty squabble year by year over voting supplies, and the mean withholding of pay from this or that officer, because he happened to be unpopular at the moment, might have disappeared. The constitutional troubles which subsequently became so acute in Lower Canada, connected more especially with the attempt to obtain a Civil List, were due to the fact that the revenues of the Crown were not sufficient to cover the expenses of the public service without the aid of votes from the popular Assembly. It was this constant friction which had preluded the War of Independence, and this it was which Grenville hoped to avoid by establishing an adequate fund in the colony at the disposal of the Crown alone.

But a wider and more statesmanlike safeguard against the evils of colonial democracy in the eighteenth century was proposed in connexion with this Canada Act, though not by the Imperial Government. The post of Chief Justice of Canada, which Livius had held, was now after a long interregnum filled by the appointment of William Smith, who had been born in the state of New York, had been Chief Justice of that state, and, coming to England with Dorchester after the Peace of 1783, had been appointed to succeed Livius and had accompanied the Governor-General out to Canada. Invited by Dorchester to give his views upon the draft of the Bill which Grenville had sent out, he embodied them in a remarkable letter which was forwarded to the Home Government. The Bill, he thought, greatly improved ‘the old mould of our colonial governments, for even those called the Royal provinces, to distinguish them from the proprietary and chartered republics of the Stuart kings, had essential faults and the same general tendency’; but he missed in it ‘the expected establishment to put what remains to Great Britain of her ancient dominions in North America under one general direction, for the united interests and safety of every branch of the Empire’. It was when the old North American colonies became prosperous that the evils inherent in their system produced their full effect, and he dreaded lest the prosperity which he predicted for the two provinces

Chief Justice Smith.

His proposals for a general Legislature for the British North American Provinces.

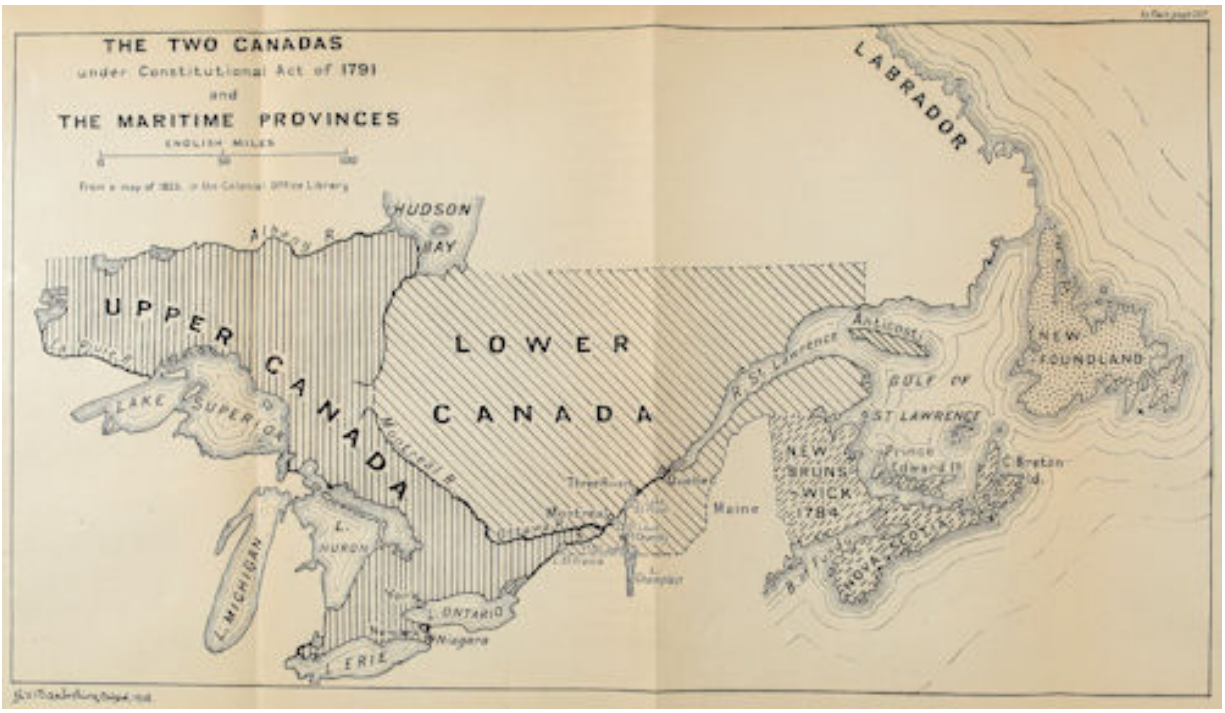
of Canada might again in time work ruin, unless what he considered to be the one main safeguard were provided from the beginning of constitutional government. ‘Native as I am of one of the old provinces,’ he wrote, ‘and early in the public service and councils, I trace the late revolt and rent to a remoter cause than those to which it is ordinarily ascribed. The truth is that the country had outgrown its government, and wanted the true remedy for more than half a century before the rupture commenced.... To expect wisdom and moderation from near a score of petty parliaments, consisting in effect of only one of the three necessary branches of a parliament, must, after the light brought by experience, appear to have been a very extravagant expectation.... An American Assembly, quiet in the weakness of their infancy, could not but discover in their elevation to prosperity, that themselves were the substance, and the governor and Board of Council were shadows in their political frame. All America was thus, at the very outset of the plantations, abandoned to democracy. And it belonged to the administrations of the days of our fathers to have found the cure, in the erection of a power upon the continent itself, to control all its own little republics, and create a partner in the legislation of the Empire, capable of consulting their own safety and the common welfare.’

Such a power the Chief Justice outlined in ‘Proposed Additions to the New Canada Bill for a General Government’, which he enclosed in this noteworthy letter, prefacing them as clauses ‘to provide still more effectually for the government, safety, and prosperity of all His Majesty’s dominions in North America, and firmly to unite the several branches of the Empire’. Provision was made in them for a Legislative Council and General Assembly, which, with the Governor-General, were to legislate for all or any of ‘His Majesty’s dominions and the provinces whereof the same do now or may hereafter consist in the parts of America to the southward of Hudson’s Bay and in those seas to the Northward of the Bermuda or Somers Islands’. So many Legislative Councillors were to be appointed for each province by the Crown for life, subject to the conditions attached to membership of the Legislative Council in either of the two Canadas by the proposed Act; while the members of the General Assembly were to be elected by the provincial Assemblies. The Crown might appoint an Executive Council, and was to be confirmed in full Executive authority over all and any of the provinces, while the acts of the General Legislature were to be subject to disallowance by the Crown, ‘and the said dominions

and all the provinces into which they may be hereafter divided shall continue and remain to be governed by the Crown and Parliament of Great Britain as the supreme Legislature of the whole British Empire'.

Chief Justice Smith's views supported by Lord Dorchester.

Lord Dorchester forwarded these proposals with a few words indicating that he was in general sympathy with the views of the Chief Justice. He wrote of the scheme of a general government for British North America as one 'whereby the united exertions of His Majesty's North American provinces may more effectually be directed to the general interest and to the preservation of the unity of the Empire'. They were the proposals of a trained lawyer, of an American colonist of standing and position who had thrown in his lot with the mother country as against the revolting colonies, and who stated in the letter from which passages have been quoted above, that for more than twenty years, that is to say through all or nearly all the years of strife with the colonies, he had held the same view as to the radical defect in the relations between Great Britain and her colonies and the remedy which might have been applied at an earlier date. How far, we may ask, did Chief Justice Smith truly diagnose the disease, if disease it was, that had proved fatal to the old British Empire in North America? How far did he indicate what, if the disease had been taken in time, would or might have been an adequate remedy? and how far did he outline the Canadian Dominion of later days and anticipate views which are widely held at the present time as to the future of the British Empire?



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THE TWO CANADAS
under Constitutional Act of **1791**
and
THE MARITIME PROVINCES

From a map of 1823, in the Colonial Office Library

B. V. Barbishire, Oxford, 1908.

Democracy in America was coeval with its colonization.

It has been attempted to show in a previous chapter that the spirit of independence in the American colonies, which in the end was embodied in political severance from Great Britain, was as old as their origin, and drew its strength from the fact that they had always been practically independent. This was the starting-point of the Chief Justice's argument. 'All America,' in his words, 'was, at the very outset of the plantations, abandoned to democracy', and the separate colonies which at the time when he wrote, had been federated into the United States, were 'little Republics'. Those little Republics, according to the ordinary colonial contention, the mother country had neglected in the weakness of their infancy, while she had tried to oppress them when they became prosperous and valuable. Chief Justice Smith read history differently. According to his view they were quiet until they had grown to strength, and then they discovered that the ultimate power of government rested with themselves and not with the mother country. The remedy, he

thought, should have been found not so much by giving greater power to the Imperial Government as by establishing in America itself an authority controlling the separate Assemblies of the separate states, which body would have been a 'Partner in the legislation of the Empire'.

It should have been controlled from within, not from without.

It was no new conception that the states should have been in some sense federated while still under the British flag. Various governors, and men like Franklin, had proposed or contemplated some such measure, in order to correct the weakness of the separate provinces as against the common foe in Canada, while Canada belonged to France, and in order to minimize the difficulties which the Imperial Government found in dealing with a number of separate legislatures at least as jealous of each other as they were of the Home Government. But the Chief Justice's retrospect was based on somewhat different grounds. He would have had a federal legislature in order to control the provincial legislatures. He would have corrected democracy in America by, in a sense, carrying democracy further. He would have nothing of the maxim *divide et impera*; but, as democracy was born on American soil, on American soil he would have constituted a popular authority wider, wiser, and stronger than the bodies which represented the single provinces. It was a very statesmanlike view. He saw that one leading cause of the rupture between Great Britain and her colonies had been the pettiness of the American democracies, the narrowness of provincial politics, the intensity of democratic feeling cooped up in the small area of a single colony as in a single Greek city, the personal bitterness thereby produced in local politicians, and the obvious semblance of oppression when a great country like England was dealing with one small state and another, not with a larger federated whole. A federal legislature would have exercised home-grown American control over the American Assemblies; it would have given a wider and fuller scope to American democracy, enlarging the views, making the individual leaders greater and wider in mind; it would have been the body with which England would have dealt; and the dealings would have been those of 'Partners in the legislation of the Empire'. This was in his mind when he earnestly recommended that the grant of constitutional privileges to the Canadian provinces should be from the first accompanied by the creation of a general government for British North America, including the maritime provinces as well as Upper and Lower Canada.

The grounds on which Chief Justice Smith advocated a General Legislature for British North America.

But, if this general government was to be a partner in the legislation of the Empire, it was clearly to be, in the view of the Chief Justice, a subordinate partner. The last of his proposed additions to the Bill began in the following terms: 'Be it further enacted ... that nothing in this Act contained shall be interpreted to derogate from the rights and prerogatives of the Crown for the due exercise of the Royal and Executive authority over all or any of the said provinces, or to derogate from the Legislative sovereignty and supremacy of the Crown and Parliament of Great Britain.' In other words he re-affirmed the principle, which the old colonies had rejected, that they were subordinated to the Parliament of the mother country as well as to the Crown; and he showed clearly in the clause empowering the Crown to appoint Executive Councils apart from the Legislature, that the Executive power was to rest not in British North America but in Great Britain. The general government of British North America was to be a partner in the legislation of the Empire, but not in the Executive, and even in the legislative sphere it was to take a second place. Theoretically, and to some small extent practically also, the Dominion Parliament is still a subordinate partner in legislation, so far as Imperial questions are concerned; but, since the days of Lord Durham, colonial self-government has included control of the Executive in the colony. Chief Justice Smith had therefore not contemplated or foreshadowed the colonial self-government of the future.

The General Legislature contemplated by Chief Justice Smith would have been a subordinate Legislature.

The Chief Justice did not contemplate colonial self-government in its fullest form.

But that he had not done so was not due to want of statesmanship. He was rather still intent on seeking after a solution of the problem which later thinkers and statesmen held to be insoluble. The grant of responsible government in after times was not so much an act of constructive wisdom as a wise recognition of what was at the time impossible. To give to the colonial legislatures the control of the Executive was to remove them practically from the control of the mother country, and thereby to concede to these communities the full right of self-government. The first corrective of this grant was on similar lines to those which Chief Justice Smith prescribed, viz., to federate the self-governing communities in a given area, to place their separate legislatures under a general legislature, and, as the legislatures controlled the Executive, to limit the provincial executive authorities by a general executive authority, the control being exercised from within not from without, and small democracies being rectified by

creating from among themselves a larger and a stronger democratic body. It still remains for the wisdom of the coming time to carry the constructive work further; if human ingenuity can devise a practical scheme, again to extend the principle of democratic representation and control; and to constitute a body which, with the Crown, shall, alike in legislation and in the sphere of the Executive, make the great self-governing provinces in the fullest sense partners in the Empire. In short, the point which it is here wished to emphasize is that whereas self-government was conceded not as a solution of the problem but as a final recognition that the problem was insoluble, men have come to realize that after all what was intended to be final was only a necessary preliminary to the possible attainment of an object, which had been relegated to the land of dreams and speculations.

The Act of 1791.

The views of the Chief Justice were not embodied in the law which was eventually passed in 1791. Pitt had pledged himself to deal with the Canadian question in the session of 1790, but in that year Great Britain was on the brink of war with Spain, owing to the seizure by the Spaniards in 1789 of British trading vessels in Nootka Sound, an inlet of what is now known as Vancouver Island. The matter was adjusted by the Nootka Sound Convention of 28th October, 1790, after which Vancouver began his voyages of survey and discovery along the Pacific Coast of North America; and, the hands of the British Government being free, a Royal Message to the House of Commons, dated the 25th of January, 1791, announced that it was the King's intention to divide the province of Quebec into two provinces to be called Upper and Lower Canada, whenever His Majesty was enabled by Act of Parliament to make the necessary regulations for the government of the said provinces. The message further recommended that a permanent appropriation of lands should be made in the provinces for the support of a Protestant clergy.

Proceedings in Parliament.

On the 4th of March Pitt introduced the Bill. On the 23rd of March Lymburner was heard at the bar of the House on behalf of its opponents. He took objections, among other points, to the division of the province, to the creation of hereditary Legislative Councillors, to the small number of members who were to constitute the Assemblies, and to making the Assemblies septennial instead of triennial. The passage of the Bill through Committee in the House of Commons was chiefly remarkable for the historic quarrel between Burke and Fox on the

subject of the French Revolution which was dragged into the debate. There was no real opposition to the measure, though Fox opposed the division of the province, the hereditary councillors, the small numbers assigned to the Assemblies, and the large provision made for the Protestant clergy. The duration of the Assemblies was reduced from seven years to four, and the number of members in the Assembly of Lower Canada was raised from thirty to fifty. Thus amended the Bill was read a third time in the House of Commons on the 18th of May, and received the Royal Assent on the following 10th of June, one of its sections providing that it should take effect before the 31st of December, 1791, and another that the Councils and Assemblies should be called together before the 31st of December, 1792. It had been intended that Dorchester should be present in London during the passing of the Act, in order to advise the Government on points of detail, but the dispatch informing him that the Act had already been passed crossed him on his way to England.

Omissions from the Act.

The omissions from the Act are as noteworthy as its contents. The Bill, both as presented to Parliament and as finally passed into law, contained no description of the line of division between Upper and Lower Canada, or of the boundaries of the two provinces. In the draft which Grenville sent out in 1789 there was a blank space, in which Dorchester was invited, with the help of his surveyor-general, to insert a description of the boundaries; but, wrote Grenville in his covering dispatch, ‘there will be a considerable difficulty in the mode of describing the boundary between the district of Upper Canada and the territories of the United States, as the adhering to the line mentioned in the treaty with America would exclude the posts which are still in His Majesty’s possession and which the infraction of the treaty on the part of America has induced His Majesty to retain, while, on the other hand, the including them by express words within the limits to be established for the province by an Act of the British Parliament would probably excite a considerable degree of resentment among the inhabitants of the United States.’ Grenville accordingly suggested that the Upper Province might be described by some general terms such as ‘All the territories, &c., possessed by and subject to His Majesty and being to the West or South of the boundary line of Lower Canada, except such as are included within the present boundaries of the government of New Brunswick’.

It contained no definition of the boundaries of Upper and Lower Canada.

Uncertainty as to what was or was not British territory affected among other matters the administration of justice. It was from this point of view that Dorchester mainly regarded it when he wrote in reply to Grenville, ‘the attainment of a free course of justice throughout every part of His Majesty’s possessions in the way least likely to give umbrage to the United States appears to me very desirable’. He returned the draft of the Bill with the blank filled in with a precise description of the dividing line within what was beyond dispute Canadian territory, and with the addition of some general words including in the Canadas all lands to the southward ‘now subject to or possessed by His Majesty’, but he reported at the same time that the Chief Justice was not satisfied that the terms used would answer the purpose. Eventually the Government left out the whole clause, omitting also all reference to another difficult point which had been raised and which had affected the administration of justice in connexion with the fisheries in the Gulf of St. Lawrence, viz., the boundary line between Lower Canada and New Brunswick. Parliamentary debate on a very awkward question was thus avoided, and the Act contained no provision which could give offence to the United States.

How the boundaries were defined.

But it was absolutely necessary to draw some dividing line, and to give some description of the boundaries, however vague. Accordingly the following very cautious course was taken. A ‘description of the intended boundary between the provinces of Upper Canada and Lower Canada’, being Lord Dorchester’s clause with the omission of the general words referred to above, was printed as a Parliamentary Paper,[202] while the Bill was before the House; and this line of division was embodied in an Order in Council issued on the following 24th of August, with the addition of the words ‘including all territory to the Westward and Southward of the said line, to the utmost extent of the country commonly known as Canada’. The line of division was set out again in the new commission to Lord Dorchester, which was issued on the 12th of September, 1791, the two provinces of Upper and Lower Canada being specified as comprehending all such territories to the Westward and Eastward of the line respectively ‘as were part of our said province of Quebec’.

Administration of Justice hardly mentioned in the Act,

On the important subject of administration of justice the Act was almost silent. One section only had reference to it,

constituting the governor or lieutenant-governor and Executive Council in either province a court of appeal in civil matters, as had been the case in the undivided province. Nor was any attempt made to define the powers of the Legislative Council and Assembly in relation to each other; but, in sending out the Act, Dundas, who had succeeded Grenville, reminded Dorchester of 'the disputes and disagreements which have at times taken place between the Councils and Assemblies of the different colonies respecting the right claimed by the latter that all Bills whatsoever for granting money should originate with them', and he laid down in general terms that the principle, 'as far as it relates to any question of imposing burthens upon the subject, is so consistent with the spirit of our constitution that it ought not to be resisted'.

Nor did it contain any definition of the respective powers of the two Chambers.

Out of the fifty sections which composed the Act, no less than thirty-two related to the constitution and legislative powers of the Councils and Assemblies in the two provinces. In Upper Canada the Legislative Council was to consist of not less than seven members, and the Assembly of not less than sixteen. In Lower Canada the minimum fixed for the Council was fifteen, and for the Assembly fifty. The electoral qualification was, in the country districts, ownership of real property to the net annual value of forty shillings, and in the towns of £5, or in the alternative in the latter case a rental qualification of £10 per annum.

Contents of the Act.

Of the remaining sections eight related to the endowment and maintenance of Protestant clergy and to providing parsonages and rectories for the Church of England. The wording of these sections, and the system of clergy reserves which they introduced, proved a fruitful source of controversy in after years. The Act continued the existing system by which Roman Catholics paid their dues to the Roman Catholic Church, while the tithes on lands held by Protestants were applied to the support of a Protestant clergy. It then went on, in accordance with the terms of the Royal Message to the House of Commons, to provide that there should be a permanent appropriation of Crown lands for the maintenance and support of a Protestant clergy, bearing a due proportion to the amount of Crown lands which had already been granted for other purposes, and that all future grants of Crown land should be accompanied by an appropriation, for the same object of maintaining a Protestant clergy, of land equal in value to one-seventh of the amount which was granted for other purposes. The

Provision for Protestant clergy.

intention was that the establishment and endowment of Protestant clergy should proceed *pari passu* with the alienation of lands for settlement, so that each township or parish in either province should have its Protestant minister. So far the general term Protestant was used, but provisions followed authorizing the erection and endowment of parsonages or rectories in every parish or township 'according to the Establishment of the Church of England', the incumbents to be ministers of the Church of England, and to be subject to the ecclesiastical authority of the Church of England bishop. It was also enacted that, while these provisions relating to religion and to Crown lands might be varied by Acts of the provincial legislatures, before any such Acts received the Royal Assent, they were to be laid before the Imperial Parliament, and, if either House presented an Address to the King praying that His assent should be withheld, such assent could not be given. The Act, though obscurely worded, in effect established and endowed the Church of England in both provinces alike, while confirming the rights which had already been conceded to the Roman Catholic Church. The provision made for the Church of England was, at any rate on paper, very ample, inasmuch as, while Crown lands were being assigned for its maintenance, the liability of Protestant land-owners to pay tithes was not abolished. Dundas, however, in his dispatch which enclosed copies of the Act, intimated to the governor that it was not desired permanently to continue the burden of the tithe, if the land-owners would in lieu subscribe to a fund for clearing the reserve lands and building the parsonage houses. Fox attacked these sections in the Act, and he also criticized a suggestion which Pitt made that a Church of England bishop might be given a seat in the Legislative Council.

The first Church of England bishops in British North America.

It may be noted that the Act specifically mentioned the Bishop of Nova Scotia as the spiritual authority for the time being over such ministers of the Church of England as might be appointed to the two Canadas. The Bishopric of Nova Scotia dated from 1787, and was the first, and in 1791 the only, Church of England bishopric in British North America, the Bishop—Bishop Inglis, having been a Loyalist clergyman in the city of New York. In 1793 a separate Bishop of Quebec was appointed, and in 1799 the Secretary of State authorized the building of a metropolitan church at Quebec, which was completed for consecration in 1804, and at the centenary of which in 1904 the Archbishop of Canterbury was present. There were indications at this time that the

Protestants in Canada, most of whom were not members of the Church of England, might be inclined to unite within it, and it was hoped that the building and endowment of a metropolitan church might tend to such union and to placing the Church of England in the position of the Established Church of Canada.

The provisions in the Act which related to religion were followed by three very important sections dealing with land tenure. The main grievance of the settlers in Upper Canada was met by providing that land grants should there be made on the English system of free and common soccage. The same system was made optional in Lower Canada at the will of the grantee, but in that province the seigniors were not finally abolished until the year 1854. In 1778 an Act of Parliament had been passed[203]—too late in the day—which abolished the tea duty in the North American colonies, and laid down that no duty should in future be imposed by the British Parliament on any colony in North America or the West Indies for revenue purposes, but only for the regulation of commerce, and on the understanding that the net produce of such duties should be at the disposal of the colonial legislatures. Similar provisions were inserted in the Canada Act of 1791, and, in introducing the Bill, Pitt explained that, 'in order to prevent any such dispute as had been the cause of separating the thirteen states from the mother country, it was provided that the British Parliament should impose no taxes but such as were necessary for the regulation of trade and commerce; and, to guard against the abuse of this power, such taxes were to be levied and to be disposed by the Legislature of each division.'

Provisions relating to land tenure, and to taxation by the Imperial Parliament.

Thus Canada was endowed with representative institutions, and entered on the second stage in its history as a British possession. It was divided into an English province and a French province, in order as far as possible to prevent friction between two races not yet accustomed to each other. For the English province English land tenure was made the law of the land, in the French province it was only made optional. Taxation of members of one religion for the upkeep of another found no place in the Act, nor did taxation of a colony by the mother country for the purposes of Imperial revenue. The popular representatives were in the main given control of the moneys raised from taxes: and no doubt was left as to who had the keeping of the people's purse.[204] On the other hand the Executive power was left

with the Crown, and the waste lands provided possibilities of a revenue by which the government might be supported apart from the taxes, and by which an Established Church might be maintained apart from the tithes. The Imperial Parliament too retained the power of regulating commerce, while making no money out of the colony by any commercial regulations. It was in short a prudent and tolerant half-way Act, wise and practical in view of the times and the local conditions, and it was evidence that England and Englishmen had learnt good and not evil from the War of American Independence. A study of Canadian history, with special reference to the Quebec Act of 1774 and the Canada Act of 1791, and the results which flowed from them, leads to the conclusion that in either case the British Government of the day tried most honestly and most anxiously to deal with a very complicated problem on its merits; that every effort was made by the ministers of the Crown to mete out fair and considerate treatment to the majority of the resident population in Canada; and that those who framed and carried the laws guided themselves by living facts rather than by *a priori* reasoning. But it is also impossible to resist the conclusion that at almost any time from 1783 onwards, until the Canadian Dominion came into being, there was little to choose between the arguments for retaining a single province, and those for constituting two provinces. In any case it was inevitable that the provisions of the Act of 1791 should give rise to new complications of various kinds; and apart from specific questions, constitutional and otherwise, there were two very practical difficulties which necessarily arose from the division of the province of Quebec. The first was an Executive difficulty, of which more will be said presently. From the date of the Act there was increasingly divided authority in the Canadas. The second was a financial difficulty arising from geographical conditions. One of the two provinces had the keeping of the other, so far as regarded access from and to the sea.

Financial difficulties between the two provinces.

As the line of division was drawn, Upper Canada, like the Transvaal at the present day, was compelled to import all sea-borne articles through territory under the administration of another government, either through Lower Canada or through the United States. The St. Lawrence being the high road of import and export, Lower Canada commanded the trade of Upper Canada. Therefore, in order to collect a customs revenue, it was necessary for the Upper Province either to establish customs houses on the frontier of Lower Canada—a measure

which would probably have been ineffective and would certainly have involved much inconvenience and expense, or to come to some arrangement whereby a certain proportion of the duties levied at Quebec, which was the port of entry of Lower Canada, would be handed over to the administration of the Upper Province. The latter course was taken, and in 1795, a provisional arrangement was made, by which the proportion was fixed for the time being at one-eighth. The record of what followed is a record of perpetual friction, of commissions and temporary arrangements confirmed by provincial Acts. It was suggested that the boundaries of the provinces should be altered, and that Montreal should be included in and be made the port of entry of Upper Canada, but the suggestion was never carried into effect. As the population of Upper Canada grew, the discontent increased. In 1818 one-fifth of the duties was temporarily assigned to Upper Canada. Then a complete deadlock ensued, which ended with the Imperial Canada Trade Act of 1822. By arbitration under the terms of that Act the proportion which Upper Canada was to receive was in 1824 raised to one-fourth; and when Lord Durham reported, it was about two-fifths. In his report Lord Durham referred to the matter as ‘a source of great and increasing disputes’, which only came to an end when the two provinces were once more united under the Imperial Act of 1840.

The position in Canada when the new Act came into force.

The Canada Act took effect on the 26th of December, 1791. Dorchester was then in England, and Sir Alured Clarke, Lieutenant-Governor of the province of Quebec under the old system and Commander of the Forces in British North America, was acting for him. Under the new Act Clarke was appointed Lieutenant-Governor of Lower Canada, while the Lieutenant-Governorship of Upper Canada was conferred upon Colonel Simcoe, both officers being subordinate to Dorchester as Governor-in-Chief. Dorchester had left Canada on the 18th of August, 1791, and did not return till the 24th of September, 1793. His prolonged absence was unfortunate in more ways than one. Technical difficulties arose owing to the absence of the Governor-in-Chief, for, as soon as the new Act came into force, Clarke’s authority was confined by his commission to Lower Canada. The practical effect too was that Simcoe started on his new charge with a free hand and found it irksome, when Dorchester returned, to take a second place. Added to this were the complications caused by the French declaration of war against Great Britain in February, 1793, the hostilities between the United States

and the Indian tribes on the border land of Canada, and the persistent and increasing bitterness in the United States against Great Britain, caused partly by sympathy with the French Revolution and the intrigues of French agents, and partly by the British retention of the frontier forts and supposed British sympathy with the Indians.

However, the political arrangements in Canada were carried into effect without any appreciable friction. Clarke, a man of judgement and discretion, did not hurry matters in Lower Canada. He divided the province into electoral districts, and summoned the Legislature for its first session at Quebec on the 17th of December, 1792, when the Act had been in force for nearly a year. The session then lasted into May. Simcoe arrived at Quebec on the 11th of November, 1791; but, as no Executive Council had yet been constituted for Upper Canada, he could not be sworn in as Lieutenant-Governor and take up his duties until the following midsummer, Upper Canada being in the meantime left without any governor or lieutenant-governor. In July, 1792, he issued a proclamation at Kingston, dividing Upper Canada into districts, and on the 17th of September the new Legislature met for the first time at Newark, on the Canadian side of the Niagara river, near where that river flows into Lake Ontario. The Lieutenant-Governor fixed his head quarters at 'Navy Hall', a building constructed in the late war for the use of the officers of the naval department on Lake Ontario. It stood by the water's edge, nearly a mile higher up the river than Newark; and on the bank above, in the war of 1812, covering the buildings below, stood the historic Fort George. The session was a short one, closing on the 15th of October, but important work was done. English law and procedure, and trial by jury, were established, while proposals for taxation and the state of the marriage law gave a field for difference of opinion and debate. When the session was over, Simcoe reported that he found the members of the Assembly 'active and zealous for particular measures, which were soon shown to be improper or futile', and the Council 'cautious and moderate, a valuable check upon precipitate measures'.[205]

Simcoe.

John Graves Simcoe, the first Lieutenant-Governor of Upper Canada, was the son of a naval officer who died when serving under Admiral Saunders in the fleet which helped to take Quebec. The son, who derived his second name from another sailor, his

godfather Admiral Graves, was born in 1752. He was born in Northumberland, but after his father's death, his mother made her home in Devonshire. He was educated at Exeter Grammar School, at Eton, and at Merton College, Oxford, and he joined the army in 1771, when he was nineteen years old. He served with much distinction in the War of Independence, in which he commanded a Loyalist Corps, known as the Queen's Rangers. When the war ended, he held the rank of lieutenant-colonel. After his return to England in bad health he spent some years at his family home in Devonshire, he married, and in 1790 became a member of Parliament, sitting for the borough of St. Mawes in Cornwall. His Parliamentary career was very short, for in 1791, before he was yet forty years of age, Pitt appointed him to be Lieutenant-Governor of Upper Canada. He left Canada in 1796, and soon after he reached England he was sent out as Governor to St. Domingo. After a few months in the island, the state of his health compelled him to come home. He became a lieutenant-general, and was appointed to be Commander-in-Chief in India in succession to Lord Lake, but he never took up the appointment. Prior to going out he was sent to Lisbon in 1806 on a special mission, was taken ill, and brought home to die. He died at Exeter in October, 1806. There is a monument to him by Flaxman in Exeter Cathedral[206], and in Canada his name is borne by Lake Simcoe.

He was not only a good soldier, but a capable, vigorous, public-spirited man, well suited in many ways to be the pioneer governor of a new province. He was strong on questions of military defence and a great road maker. He made Yonge Street, the road from Toronto north to Lake Simcoe, called after Sir George Yonge then Secretary of State for War and afterwards for a short time Governor of the Cape; and he made Dundas Street, christened after the Secretary of State for the Colonies, which then started from the point on Lake Ontario where the city of Hamilton now stands and, running west, connected with the river Thames.

York or Toronto.

Toronto owed much to him, but not under its present name. The name Toronto had been borne in old times by Lake Simcoe, and on the site of the present city of Toronto the French had in 1749[207] built a fort, named Fort Rouillé. The place had come to be known as Toronto, but in 1792[208] the new name of York came into vogue, and in the autumn of the following year, 1793, Simcoe reported that that

name had been officially adopted ‘with due celebrity’, in honour of the successful storming of the French camp at Famars near Valenciennes by the force under the command of the Duke of York on the 23rd of May, 1793. It was not until 1834, when the city was incorporated, that the old name of Toronto was restored. Simcoe wrote of Toronto Harbour as ‘the proper naval arsenal of Lake Ontario’; but it was not here that he would have placed the seat of government. Strongly convinced of the necessity of opening communication between Lake Ontario and the upper lakes, without making the long round by the waters of Lake Erie and the Straits of Detroit, in 1793 he explored the peninsula between the three lakes of Ontario, Erie and Huron; and on a river, running westward into Lake St. Clair, known at that date as the La Tranche river and afterwards as the Thames[209], a place which was christened London and where there is now a city with 40,000 inhabitants, seemed to him to be the most suitable site for the political centre of Upper Canada. His view was that the seat of government should be inland, presumably because it would be more central in respect to the three lakes, and also because it would be further removed from the danger of raids from the neighbouring territory of the then unfriendly republic. It is interesting to note that, in a dispatch expressing an opinion to the above effect, Simcoe added that sooner or later the Canadas might be divided into three instead of two provinces and Montreal be made the centre of an intermediate government. Dorchester held, as against Simcoe, that Toronto should be the seat of government, and his view prevailed. The Legislature of Upper Canada met at Newark for the last time in May, 1796, shortly before the fort of Niagara on the opposite side of the river was handed over to the Americans,[210] and from 1797 onwards, Simcoe having left in the meanwhile, it met at Toronto.

Simcoe’s views as to the seat of government for Upper Canada.

Before Dorchester returned to take up again the duties of Governor-in-Chief, Simcoe had formed definite views as to the civil administration and the military defence of Upper Canada; and it is not surprising that the keen, active-minded soldier and administrator, who was little more than forty years of age, did not on all points see eye to eye with the veteran governor now verging on seventy; or that, when he differed, he was not inclined to subordinate his opinions to those of Dorchester. Thus we find Dorchester sending home correspondence

Friction between Dorchester and Simcoe.

with Simcoe with the blunt remark that the enclosures turned on the question whether he was to receive orders from Simcoe or Simcoe from him. In his long official career Dorchester had been much tried. At the time of the War of Independence, he had been badly treated by his employers in England and had felt to the full the mischief and inconvenience caused when those employers divided their confidence and communicated with one subordinate officer and another, thereby encouraging disloyalty and intrigue. The correspondence of these later years points to the conclusion that the iron had entered into his soul and that, with the weariness of age growing upon him, he had become somewhat querulous, unduly apprehensive of loss of authority, and over-sensitive to difference of opinion. There seems to have been no love lost between him and Dundas, while the latter was Secretary of State, but all through the last stage of his career the key-note was dread of divided authority.

Dorchester's views in favour of a Central Legislature and a strong Executive.

We have seen that he had not favoured the policy of dividing the province of Quebec into two provinces, and that he had shown sympathy with Chief Justice Smith's proposals for establishing a general government for British North America. In the summer of 1793, after the Canada Act had come into force but while he was still in England on leave, he raised again this question of a central government for all the King's provinces in British North America, receiving an answer from Dundas to the effect that the measure would require a new Act of Parliament and that in Dundas' opinion it would not add to the real strength or happiness of the different provinces. After his return to Canada Dorchester took up his text again, laying stress on the necessity of welding together the different provinces. In existing conditions he saw a revival of the system which had caused rebellion and the dismemberment of the Empire. While the United States were pursuing a policy of consolidation, the aim of the King's Government seemed to be to divide and sub-divide and form independent governments. All power, he continued, was withdrawn from the Governor-General, and instructions were sent directly from home to inferior officers, so that the intermediate authority was virtually superseded. Everything was favourable to insubordination, and the fruits of it might be expected at an early season. This was in February 1795, when the governor was smarting under what he considered to be unjust censure by the Home Government; and, though he remained in Canada for some time longer, he continued to show, by the tone of his dispatches, that

he entirely disapproved of the existing régime. In November, 1795, he wrote of ‘all command, civil and military, being disorganized and without remedy’; in the following May he wrote that ‘this unnatural disorder in our political constitution, which alienates every servant of the Crown from whoever administers the King’s Government, leaving only an alternative still more dangerous, that of offending the mass of the people, cannot fail to enervate all the powers of the British Empire on this Continent’; and in June he wrote, that the old colonial system was being strengthened with ruinous consequences.

It is not easy to decide how much ground there was for his complaints. If the situation was difficult, the difficulty had partly arisen from the bad custom, of which he had availed himself, of allowing governors and other holders of posts in the colonies to remain for an inordinate time at home while still retaining office and receiving the pay attaching to it. At the very time when he was most wanted in Canada to carry out the division of the two provinces, and to make the central authority of the Governor-in-Chief strongly felt from the first, he had remained away for fully two years, thereby allowing the new system to come into being and to make some progress before there was any Governor-in-Chief on the spot. Coming out to Canada he found the Lieutenant-Governors corresponding direct with the Home Government, and it was hardly reasonable to insist that they should be debarred from doing so, provided that, as the Duke of Portland, who succeeded Dundas, pointed out, the Governor-in-Chief was supplied with copies of the correspondence. An analogous case is that of Australia at the present day. The governors of the separate states correspond directly with the Colonial Office, sending copies of important dispatches to the Governor-General of the Commonwealth. Had Dorchester not been absent, when Simcoe took up his appointment in Upper Canada, and had his mind not been prejudiced by bitter memories of the days of Germain, it is possible that friction might not have arisen. On the other hand the limits of the authority of the Governor-in-Chief and of the Lieutenant-Governors in the British North American provinces seem not to have been clearly defined, with the result that, as years went on, the Governor-in-Chief gradually became little more than Governor of Lower Canada, and the Lieutenant-Governor of Upper Canada became, in civil matters, governor of that province in all but the name. When Lord Dalhousie was appointed Governor-in-Chief, Sir Peregrine

Relations of the Governor-in-Chief and Lieutenant-Governors.

Maitland, then Lieutenant-Governor of Upper Canada, asked the Secretary of State for a ruling on the subject; and Lord Bathurst's answer, dated the 9th of February, 1821, was that 'So long as the Governor-in-Chief is not resident within the province of Upper Canada, and does not take the oaths of office in Upper Canada, he has no control whatever over any part of the civil administration, nor are you bound to comply with his directions or to communicate with him on any act of your civil government. To His Majesty you are alone responsible for the conduct of the civil administration'. If, on the other hand, the Governor-in-Chief were to take up his residence in Upper Canada and be sworn into office, the Secretary of State laid down that the functions of the Lieutenant-Governor would be entirely suspended. By this date, therefore, the two appointments had become exclusive of each other. At a later date, when Lord Durham was going out to Canada, Lord Glenelg, then Secretary of State, emphasized still more strongly the independence of the Lieutenant-Governors. When sending Lord Durham his commission, he wrote on the 3rd of April, 1838, of the position which the Governor-General or Governor-in-Chief had up to that date held in regard to the other provinces. 'With the title of Governor-General, he has, in fact, been Governor of the province of Lower Canada only, and has been prohibited from resorting to any of the other provinces, lest his presence should supersede the authority of the respective Lieutenant-Governors, to whose administration they have been confided.... Hitherto it has not been the practice to carry on official correspondence between the Governor-General and any of the Lieutenant-Governors. The Governor-General and the Lieutenant-Governors have severally conducted their separate administrations as separate and independent authorities, addressing all their communications on public affairs to the head of this department, and receiving from the Secretary of State alone instructions for their guidance.' The result of dividing Canada into two provinces was necessarily to create two governors. One was intended to be subordinate to the other, but the subordination gradually became nominal only. The political problems of Lower Canada were so difficult and so important as to absorb the full time and attention of the Governor-in-Chief; no railways or telegraphs facilitated communication; and the British North American provinces, instead of being controlled by a central executive authority, for good or evil went their own way.

It has been seen that during Dorchester's first government, he had experienced no little difficulty in dealing with Livius, the contumacious Chief Justice of Quebec. In the earlier period of his second government, he had, on the contrary, a wise and loyal fellow worker in Chief Justice Smith. Soon after the governor returned to Canada for the last time, towards the end of 1793, Smith died and his place was taken by Osgoode, the Chief Justice of Upper Canada, who did not enjoy Dorchester's confidence to the same extent as his predecessor. But Osgoode's appointment was made the occasion for putting into practice a reform which Dorchester, to his lasting honour, had urgently pressed upon the notice of the Imperial Government, the abolition of fees and perquisites, and the payment of judges and other public officers by adequate salaries alone. Dorchester himself, when he first took up the government of Canada in 1766, had refused to take the fees to which he was legally entitled; and in the last years of his Canadian service he wrote on this subject in no measured terms. In a dispatch dated the last day of December, 1793, and written in connexion with the vacant chief justiceship, he referred to the system of fees and perquisites as one which 'alienates every servant of the Crown from whoever administers the King's Government. This policy I consider as coeval with His Majesty's Governments in North America, and the cause of their destruction. As its object was not public but private advantage, so this principle has been pursued with diligence, extending itself unnoticed, till all authority and influence of government on this continent was overcome, and the governors reduced almost to mere corresponding agents, unable to resist the pecuniary speculations of gentlemen in office, their connexions and associates'. He added that whatever tended to enfeeble the Executive power in British North America tended to sever it for ever from the Crown of Great Britain. Subsequent dispatches were to the same effect. In June, 1795, he reported having disallowed certain small claims by subordinate officers, expressed regret that gentlemen in Britain should look to America for a reward for their services, and laid down that officers should be paid sufficient salaries to place them above pecuniary speculations in the colonies. The next month he wrote in the same strain with reference to the Customs officials and the collection of revenue: and a year later he again insisted that such officers should not receive indirect emoluments, that the local administration should not be warped and made subservient to fees, profits, perquisites 'and all

Dorchester's opposition to fees and perquisites.

their dirty train', and that the national interests should not be sacrificed to gentlemen who possessed or were looking out for good places for themselves and their connexions. Running through the dispatches is insistence on the principle that the Executive must be strong, that it can be strong only if the officers are duly subordinate to the representative of the Crown, that loyal subordination can only be produced by paying proper salaries and abolishing perquisites, and that the loss of the old North American colonies had been largely due to abuses which had lowered the dignity and the authority of the Crown, alienating from it the confidence and the affections of the people.

Dorchester criticized by Dundas for plain speaking as to the Americans.

The censure, if censure it can be called, which Dundas had passed on Dorchester, and which caused the latter to tender his resignation, was connected with the attitude which Dorchester felt it necessary to take up towards the United States after his return to Canada in the autumn of 1793. The Treaty of 1783 had settled, or purported to settle, the boundaries of Canada as against the United States, but it had not settled the boundaries of the United States as against the Indians, and the Indians manfully maintained their right to the territory north of the Ohio river. In November, 1791, an American force under General St. Clair, who had commanded at Ticonderoga at the time of Burgoyne's advance, was badly defeated in the Miami country to the south-west of Lake Erie. The British Government and the Canadian authorities made various efforts to mediate between the contending parties, but the government of the United States was not disposed to accept such mediation, though British officers were asked to be present at conferences which were held in the summer of 1793 between representatives of the various Indian tribes and commissioners of the United States. No result came from these negotiations, the Indians demanding that the Ohio should be the boundary, the Americans definitely refusing to comply with the demand, and in the following year fighting began again.

War between the Americans and the Indians.

American sympathy with France.

The French Revolution had for some years been gathering strength. In the autumn of 1792 France had been declared a Republic; and the execution of the King on the 21st of January, 1793, was followed on the 1st of February by a declaration of war against Great Britain. The French also declared war against Spain, the power which now

held New Orleans and Louisiana west of the Mississippi. The position in North America became at once very critical and very dangerous. Popular feeling in the United States ran strongly in favour of France. The Republicans of the New World were enthusiastic for the people who had enabled them to gain their independence and who, having put an end to monarchy in France, were preparing to insist upon the adoption of a Republican system elsewhere in Europe. Sympathy with France in the United States implied enmity to England, and Thomas Jefferson, Washington's Secretary of State, was pronounced on the side of the French alliance, representing the views of the Republican party as opposed to the Federalists, the latter being headed by Alexander Hamilton and Jay and supported by the unrivalled influence of Washington himself. On the 22nd of April, 1793, Washington—with popular feeling strongly against him in the matter—issued a declaration of neutrality. At the same time, Genet, sent from France as representative of the new Republic, reached Charleston. With complete disregard of international law, which, when the French Revolution was at its height, had largely lost its meaning, Genet proceeded to make the United States a base for war against Great Britain and Spain, fitting out privateers, sending agents to Canada, planning a campaign against Louisiana. For some months the popularity of his country and his cause, the unpopularity of Great Britain, and the sympathy which Jefferson the Secretary of State had with his views, enabled him, in Washington's words, to set the acts of the American Government at defiance with impunity and to threaten the Executive with an appeal to the people; but gradually Washington's firmness and the Frenchman's own outrageous pretensions had due effect; and, before a year had passed, Genet was, early in 1794, on the demand of the American Government, replaced by another minister.

Genet, French minister to the United States.

It was while the bitterness of feeling against England in the United States was most intense that Dorchester returned to Canada. St. Clair had been replaced in command on the Ohio frontier by General Anthony Wayne, a soldier who had proved his worth in the War of Independence, a man of strong words and actions, and war seemed to be imminent. 'Soon after my return to America,' Dorchester wrote in the following year, 'I perceived a very different spirit' (from that of the British Government) 'animate the United States, much heat and enmity, extraordinary exertions, some open

Danger of war between Great Britain and the United States.

Dorchester's views.

some covert, to inflame the passions of the people, all things moving as by French impulse rapidly towards hostilities, and the King's Government of Lower Canada in danger of being overwhelmed, so that I considered a rupture as inevitable.' Yet, as he said, he knew well that the British Government were anxious to maintain friendship and peace with the United States; there was no private inclination of his own to the contrary; nor, if there was, had he any force in Canada to back his views. In a previous dispatch, which was dated the 25th of October, 1793, almost immediately after his return, after having pointed out the likelihood of war and the necessity for reinforcements, he had written, 'The interests of the King's American dominions require peace, and I think the interests of the States require it still more, though their conduct both to us and the Indians has created many difficulties.' He looked, he added, to a great future for the States and for the white race generally in North America, but not through war. 'Not war, but a pure and impartial administration of justice under a mild, firm and wise government will establish the most powerful and wealthy people.'

Dorchester then was wholly averse to war; but being on the spot he saw more clearly than ministers in England that, the people of the United States being minded for war, want of preparation and appearance of timidity on the British side were likely to bring it on, that plain speaking and firm action might have a good effect. Simcoe, who was responsible under him for the frontier of Upper Canada, seems to have been of the same mind. Accordingly, in replying to two Indian deputations, one in the autumn of 1793, the other on the 10th of February, 1794, Dorchester took occasion to speak out, condemning the aggression of the United States which, he said, had nearly exhausted the patience of Great Britain, and referring to war between the two nations as imminent. At the same time, as a counterblast to Wayne's advance in the Ohio territories, and as an outpost in the case of a movement against Detroit, he ordered a fort to be constructed and garrisoned on what were called the Miami rapids on the Maumee river, south-west of Lake Erie, near the site where a fort had been constructed and held during the War of Independence. Copies, or what purported to be copies, of the governor's speeches, and reports of his action, reached the American Government in due course, and Randolph, who had succeeded Jefferson, protested, characterizing them as

His firm attitude towards the United States.

Protest of the American Government against Dorchester.

'hostility itself'. In view of this protest Dundas, in July, 1794, by which time Jay, Washington's emissary of peace, had arrived in England, addressed a mild remonstrance to Dorchester, expressing fear that what had been said and done might rather provoke hostilities than prevent them; and upon receipt of this dispatch in the following September Dorchester tendered his resignation. The Duke of Portland, who succeeded Dundas, was at pains to retain the old governor's services, but, though nearly two years intervened before Dorchester actually left Canada, the correspondence which passed in the interval showed his anxiety to be gone, now that the danger of war between Great Britain and the United States had for the moment passed away.

Dorchester's resignation.

The most critical time was in the year 1794. In America the forces which make for war were strongly in evidence. On the other side of the Atlantic—to the lasting credit of both the British and the American Governments—representatives of the two countries were working hard for peace. In the spring of 1794 Washington nominated John Jay, Chief Justice of the United States, to be a special envoy to Great Britain with a view to settling, if possible, the outstanding points of dispute between the two nations. The Senate confirmed the nomination, and in June Jay reached England and entered into negotiations with Lord Grenville. The result was that on the 19th of November following Jay and Grenville signed the well-known treaty which is associated with the American statesman's name, and which provided for an immediate or prospective settlement of many if not of most of the questions at issue. The treaty was bitterly attacked in the United States by the Republican party and those who sympathized with France. Jay, Hamilton, even Washington himself were denounced and reviled; but the government had sufficient backing in the country to procure the assent of the Senate to the terms of the treaty, with the exception of one article, in the session of 1795; Washington ratified it in August, 1795; and in the following year the measures for carrying it into effect were voted by a small majority in the House of Representatives. Under its provisions, in that same year, 1796, the border forts were handed over to the United States.

Jay's treaty signed.

The border forts transferred to the United States in 1796.

Meanwhile the war between the Americans and Indians ran the normal course of such wars. The white men suffered

Wayne defeats the Indians.

some reverses; but, with a strong body of regular troops supplemented by Kentucky militia, and with the help of fortified posts constructed along the line of advance, Wayne by August, 1794, had worn down the Indians and menaced the British fort on the Maumee river, to whose commandant, Major Campbell, he addressed threatening letters. On either side, however, the orders were to abstain from blows, while Jay and Grenville were negotiating, and the conclusion of the treaty ensured the abandonment by the British troops of this outpost of Detroit as well as of Detroit itself. Next year, on the 3rd of August, 1795, Wayne concluded the Treaty of Greenville with the Western Indians. Under its terms the Americans advanced their boundary beyond the Ohio, but still left to the Indians on the south of Lake Erie and in the peninsula of Michigan lands of which the treaty definitely recognized them to be owners, and where they were to dwell under the protection of the United States.

Dorchester and Simcoe leave Canada.

In September, 1795, the Duke of Portland wrote to Lord Dorchester telling him that General Prescott would be appointed Lieutenant-Governor of Lower Canada and would leave for Canada in the spring, so that Dorchester could suit his own convenience as to returning to England. At the same time the Secretary of State repeated his regret that Dorchester had determined to retire. Prescott arrived on the 18th of June, 1796, and on the 9th of July Dorchester embarked for England. His ship was wrecked on the shore of Anticosti island, but he reached England in safety in September, and died in a good old age in the autumn of 1808. Simcoe, in the meantime, had, in December, 1795, applied for leave of absence on account of ill health, suggesting that Peter Russell, the senior councillor, should in his absence administer the government of Upper Canada, and tendering his resignation if the leave could not be granted. His wish was complied with, and, after being detained for some time at Quebec, he came back with the returning ships of the autumn convoy and was in London in 1796, two months after Dorchester's arrival. Canada saw him no more, and, as has been told, he died at a comparatively early age, outlived by the old Governor-in-Chief whose control had fretted his impetuous spirit.

Lord Dorchester's services to Great Britain and Canada.

In the colonial history of Great Britain Lord Dorchester's place is or ought to be second to none. Men should be measured by the times in which they live, the lands in which

they serve, the conditions which they are called upon to face. It did not fall to Carleton's lot to be borne on the flowing tide of British victories, to be a leader in successful wars, to be remembered as one who struck down England's foes and added provinces to her empire. Nor was it given to him to bear rule in times of settled peace, when wisdom and statesmanship are called on to gather in and store the harvest, to consolidate, to develop, to reform, to enrich, to give security and beneficent measures to trusting and expectant multitudes of the human race. Providence set the span of his active life while his country's fortunes were running out on the ebb-tide of adversity; his public services were coincident with Great Britain's depression; and the part of the Empire in which he served was the scene of her defeats. No men of good English type cheered and supported him at home, the patriotism which inspired his life was unknown alike to the ministers who preceded William Pitt and to an Opposition which, as embodied in Fox, lost all sense of proportion, and almost all sense of duty, or principle. Yet he held Quebec and saved Canada. Men turned to him to gather up the fragments after the War of Independence; and he reconciled French Canada to British rule and held the balance even between conflicting races and creeds. Open warfare, political intrigue, in every form and from every quarter, from without and from within, beset his path. Those he served and those by whom he was served were in turn disloyal to him. Colonial questions, such as in times of profound peace and goodwill, and after generations of experience, are yet almost insoluble, confronted him, without precedent, without guidance, in their most uncompromising form. He faced them, and through all the mire and mud in which England and English civilians and soldiers and sailors wallowed in these miserable years, he carried one name at any rate which stood for dignity, uprightness, and firm prescient statesmanship. It is not to the credit of English memories or English perception that his name has outside Canada passed into comparative oblivion. If ever a man had temptation to despair of or be untrue to his country, and if ever a man's character and work redeemed his country and his country's cause in unworthy times, that man was Carleton.

A great figure in the colonial history of Great Britain as a whole, in the history of Canada he is very great indeed. His character is poles apart from that of old Count Frontenac, and yet he filled in some sort a similar place. Both were soldier-governors; both came back to rule a second time; in either case the individual personality of a firm masterful man was the

saving feature of a time of life and death for the colony. Carleton had none of Frontenac's ruthlessness and arrogance, he had not his French quick wit; but either man in his turn, the one at the end of the seventeenth century, the other towards the end of the eighteenth, was in the fullest sense the saviour of Canada.

General Prescott succeeds Dorchester.

Dorchester did not actually cease to be Governor-in-Chief of Canada until the end of April, 1797, some months after his return to England. He was then succeeded in the office by Prescott, who in the meantime had been Lieutenant-Governor of Lower Canada and Commander-in-Chief of the British forces in North America, having been sworn in at Quebec on the 12th of July, 1796. Robert Prescott, of Lancashire descent, was an old man when he was sent to Canada. Born in 1725, he was seventy-one years of age, only one year younger than Dorchester. He was a Lieutenant-General in the army and had seen much fighting, principally in North America and the West Indies. He had served under Amherst and Wolfe, at Louisbourg and Quebec. He had fought in the War of American Independence and been present at the battle of Brandywine. In 1794 he was in command of the force which took Martinique from the French and, as civil governor of the island, he earned the goodwill of French and natives alike by his tact and humanity.[211] Thus he had a good record when he was chosen to succeed Lord Dorchester, and, though his rule in Canada was short and stormy, when he left, there was abundant evidence of his popularity.

Intrigues of the French minister in the United States against Canada.

Before his arrival in 1796, and at the time, Adet the French minister in the United States, was making mischief like his predecessor Genet, intriguing against Washington's policy of strict neutrality as between France and Great Britain, and almost openly inciting the French Canadians to revolt. He over-reached himself, however, by supporting Jefferson's candidature for the Presidency of the United States in succession to Washington, with the result that he was recalled. Jefferson's opponent, John Adams, was elected President; and the feeling between France and the United States became strained to the verge of war between the two nations. The French designs on Canada came to nothing. A man named Maclane, said to have been of weak intellect, was executed for high treason at Quebec, and a vessel was seized containing arms, ostensibly for the state of Vermont, but, as the evidence seemed to

show, designed for use in a raid from Vermont on Canada. There was no actual danger, but there was anxiety and unrest. England was at war with France; Lower Canada was the child of France; the United States contained a strong and very bitter anti-English party; and the armed forces in Canada were almost a negligible quantity. At this same critical time Prescott became involved in a quarrel with his Executive Council over the land question.

The land question in Canada. Prescott quarrels with his Executive Council.

A proclamation advertising Crown lands for settlement in Canada, which was issued in 1792, had called forth a large number of applications. Surveys had not kept pace with the demand for allotments, and the result had been that many applicants whose petitions had been entertained had not actually taken up any land, while others had settled and occupied land without having any legal title. As is usual in such cases, land-jobbing was prevalent; and Prescott, according to his own account, was at pains at once to frustrate ‘great schemes for accumulating land on principles of monopoly and speculation’, and to raise the fund which the Imperial Government had hoped to derive from this source for defraying in part the cost of civil administration. Prescott’s view, it would seem, was that those who had actually become occupiers and begun the work of settlement, should be confirmed in their lands in full; that, where applications had been recorded but no work done, the allotments should only be confirmed in part; that purchasers of claims should be dealt with on their merits, and that, the outstanding claims having been disposed of, the lands, with the exception of reserves for the Crown and the clergy, should be put up for sale at public auction. His Council strongly opposed him, on the ground that he was giving preference to those who had occupied land without having been granted any legal title, and that public sale would bring in a crowd of interlopers from the United States who would take up the land to the exclusion of Loyalists who had the first claim on the British Government. Prescott formed the view, rightly or wrongly, that various members of the Council were concerned in land-jobbing, and he held that public sale was the only real preventive of speculation. ‘Industrious farmers,’ he wrote, ‘who would wish to obtain a grant for the purpose of actual settlement, but who cannot spend their time in tedious solicitation, stand little chance of obtaining it, compared with speculators who can devote their time to the attainment of this object. By disposing of

the land at public sale, industrious farmers would have an equal chance with any other competitor.'

Benedict Arnold's claims.

The case of Benedict Arnold, though it did not apparently enter into the controversy, as he was in England at the time, illustrates the extravagant claims which were put forward to land grants in Canada. At the beginning of 1797 he wrote to the Duke of Portland, calling attention to the sacrifices which he had made for the British Government, and asking for a reward in the shape of a grant of lands in Canada. A year later he defined his demand. He stated that the usual grant was 5,000 acres to each field officer and 1,200 acres for every member of his family; in his own case, therefore, as his family consisted of a wife, six sons and a daughter, the total would amount to 14,600 acres; but, as he had raised and commanded what he called a legion of cavalry and infantry, he considered that he himself was entitled to 10,000 acres instead of 5,000, making up the total to 19,600 acres. Even this amount he had amplified in a previous petition to the King, and he wished to be allowed to select the land where he pleased and not to be compelled to reside upon it personally.

If Arnold's claims were at all typical of others, it is not to be wondered at that Prescott took a strong line on the land question, with a view to putting a stop to speculation. The controversy which arose between himself and his Council was embittered by the course which he adopted of making public their proceedings. Chief Justice Osgoode and other members of the Council ranged themselves in opposition to him; and the state of feeling was well summed up in the words of a correspondent, writing from Quebec in August, 1798, that the Council must either get a new governor or the governor a new Council. The Duke of Portland, Secretary of State, preferred the former alternative. On the 10th of April, 1799, he ordered Prescott home. Robert Shore Milnes was sent out as Lieutenant-Governor of Lower Canada, and General Hunter as Lieutenant-Governor of Upper Canada. They reached Quebec on the 13th of June, and on the 29th of July Prescott sailed for England, having received before he left addresses of confidence from all classes, British and French residents combining to pay honour to him, as a man, who, whatever his faults may have been, had won the respect and esteem of the people. By the evil custom of

Prescott recalled.

Milnes and Hunter appointed Lieutenant-Governors of Lower and Upper Canada respectively.

those days, though recalled from Canada, he was allowed to retain for years in England the office of Governor-General and to receive the pay.

Close of the eighteenth century.

Thus the eighteenth century came to an end, that memorable century, in all parts of the world fruitful alike for good and for evil to the British Empire, but nowhere so fruitful as in North America. It had seen New France severed from its motherland. It had seen the rival British colonies severed from Great Britain. It had seen the beginnings of an English province in Canada side by side with the French, and the grant of the first instalment of political privileges to Canadians of either race. The maritime provinces, when the century closed, were four in number, Nova Scotia, New Brunswick, which owed its separate existence to the incoming of the Loyalists, Cape Breton, which was later to be incorporated with Nova Scotia, and Prince Edward Island. The North-West was beginning to be a factor in Canadian history, and the exclusive power of the Hudson's Bay Company in these regions was challenged by the formation of the North-West Company. Canada was still the land of the St. Lawrence and the great lakes, but light was breaking into the limitless area beyond, and as men's visions widened, there came more movement and more unrest.

We have no regular census of the two Canadas between the year 1790, when there was an imperfect enumeration of the inhabitants of the then undivided province, and the years 1824-5; but in 1800 the Lieutenant-Governor estimated the population of Lower Canada at 160,000, while in 1806 an estimate of 250,000 is given from another source, the population of Upper Canada in the same year being estimated at 70,000. That at the end of the century Lower Canada was politically and socially in a state of transition is shown by an interesting dispatch from Milnes written on the 1st of November, 1800,[212] in which, like his predecessors, he laid stress on the necessity for taking steps to strengthen the Executive Government. He pointed out causes which in his opinion united 'in daily lessening the power and influence of the Aristocratical Body in Lower Canada'; and, curiously enough, he considered the first and most important of these to be the manner in which the province was originally settled, and the independent tenure by which the cultivators or habitants held their lands. The feudal system had been introduced with a view to keeping the colonists

Milnes' views as to strengthening the Executive.

Independence of the Canadian habitants.

in leading strings, and reproducing in the New World a form of society based upon the fundamental principle of a landed aristocracy. Yet this English governor wrote of the habitants at the end of the eighteenth century, that 'there cannot be a more independent race of people, nor do I believe there is in any part of the world a country in which equality of situation is so nearly established'. The land had passed into the hands of the peasants from those of the seigniors, who retained only the old-time privileges of a trifling rent, taking a fourteenth of the corn which the habitants were still bound to grind at the seigniors' mills, and a twelfth of the purchase-money when lands were transferred. The seigniors, the dispatch stated, showed no disposition to enter into trade; their position had in many instances sunk below that of their vassals; and, taken as a whole, the Canadian gentry had nearly become extinct.

Decay of the Canadian aristocracy.

The second cause to which Milnes attributed the weakness of the government was 'the prevalence of the Roman Catholic religion and the independence of the priesthood'. The Royal Instructions were that no one should be admitted to Holy Orders or have the Cure of Souls without first obtaining a licence from the governor; but the instructions had not been enforced, and the whole patronage of the Roman Catholic Church had passed into the hands of the bishops, with the result that the power of the priests over the people was entirely independent of the government. This evil Milnes proposed to remedy by increasing the emoluments which the head of the Roman Catholic Church in Canada received from government funds, on condition that the rule requiring the governor's licences for the parish priests was strictly observed in future.

Independence of the Roman Catholic Church.

The third cause which was mentioned as tending to lessen the influence of the government, was the practical disembodiment of the militia since Canada had passed under British rule. Under the old French dominion the government had made itself felt in the various parishes through the captains of militia and the parish priests, and the captains of militia had been employed to issue and enforce the public ordinances. They were, Milnes wrote, chosen from among the most respectable of the habitants; and though the militia had not been called out for years past and he did not propose to call it out, the captains of militia were still in existence and the government availed itself of their honorary

Disuse of the militia.

services on public occasions. He suggested that they should be given some salary or distinction so that they might consider themselves to be ‘the immediate officers of the Crown’; and thus he hoped to keep up the spirit of loyalty among the Canadian people, which ‘for want of an immediate class to whom they can look up, and from their having no immediate connexion with the Executive power, is in danger of becoming extinct’.[213] By attaching to the government the parish priests and the captains of militia, it might be possible to ensure a government majority in the House of Assembly and to secure the election of educated and businesslike representatives, whereas the main body of the Canadian habitants were, ‘from their want of education and extreme simplicity, liable to be misled by designing and artful men’.

The Crown Lands.

These proposals the Lieutenant-Governor regarded as temporary remedies. For the future, he looked to increasing the influence of the Crown by means of the revenue from waste lands, and the settlement of those lands by ‘a body of people of the Protestant religion that will naturally feel themselves more immediately connected with the English Government’. In the mind of Milnes, as in that of Dorchester, there was a fixed conviction that matters were tending to democracy, as democracy had shown itself in the adjoining republic; that such democracy meant disintegration; that the influence of the Crown and of the Executive Government was declining and would continue to decline, unless measures were taken to counteract the evil. He held to the doctrine that well-wishers of the government should think it matter for congratulation that there was an annual deficit on the budget of Lower Canada,[214] which made the province dependent upon the Imperial Government.

The close of the eighteenth century was for Canada a time of transition and division.

The records of the time show that in every respect the close of the eighteenth and the beginning of the nineteenth century was for Canada a time of division and a time of change, though not yet of dangerous bitterness. There were two provinces instead of one. There were two Lieutenant-Governors, independent of each other, while the Governor-in-Chief, recalled to England, was still holding his post and drawing his pay. There were elected Assemblies, to which the Executive was not responsible, and the new century opened in Upper Canada with a complaint that the Lieutenant-Governor had spent money raised from the taxes without previously obtaining a vote of the Legislature.

There was a suggestion of difficulties arising from the fact that military and civil authority for the time was divided. An interesting anonymous letter written from Quebec on the 28th of July, 1806, and signed 'Mercator', called attention to this point, alleging that, since Prescott's recall in 1799, Lower Canada had languished owing to the fact that civil and military powers were not in the same hands. The result, in the writer's opinion, was jealousy between the civil and military departments, weakening of the energy of government and loss of dignity. 'The Canadians' he wrote, 'a military people and always accustomed to a military government, hold not in sufficient estimation a person placed at the head of affairs who does not at the same time command the troops.'[215]

There was again undoubted division between the Judicial and the Executive power. Chief Justice Osgoode in Lower Canada was not at one with either Dorchester, Prescott, or Milnes; while in Upper Canada, in the years 1806-7, a judge of the name of Thorpe became a member of the elected Assembly and was so outrageous in his opposition to the government that he was by Lord Castlereagh's instructions suspended from his office. The Church of England bishop found cause to deplore the overshadowing pretensions of the Roman Catholic Church. The Roman Catholic dignitaries, on the other hand, asked for formal recognition of their position by the civil government. There was a movement, strongly advocated by the Church of England bishop, for more and better education, both primary and secondary, so that the French Canadian children might learn English, and the children of the upper classes might be educated without being sent to Europe or to the United States. The Secretary of State authorized free schools on the express condition that English should be taught in them, and directed that part of the Crown Lands revenues should be set aside for the purpose. There was also a strong feeling that the Jesuit estates, which long ago had been granted by the King to Lord Amherst but had never been handed over to him, should be applied to education. But no general system of state education was established—probably owing to Roman Catholic feeling; and, as against the proposal to teach English to the coming generation, there came into being in 1806 a French Canadian newspaper, *Le Canadien*, with the motto, 'Nos institutions, notre langue et nos lois.' Nothing in short was settled in Canada. Once more it was to be shown that pressure from without was necessary to produce full co-operation within; and, badly equipped as the two provinces were with

means of defence, war was yet to be to them a blessing in disguise, as bringing them a step further on the path of national development.

FOOTNOTES:

[189] In the interval the government was administered (i) from the date of Haldimand's departure till November 2, 1785, by Henry Hamilton; (ii) from the latter date till Dorchester's arrival, by Colonel Hope. The command of the troops was at first separated from the acting governorship, and placed in the hands of St. Leger. Hamilton, who during the war had come into notice as having been in command of the expedition to the Illinois posts in 1779, when he was taken prisoner by George Rogers Clark, subsequently proved to be unfit to act as governor, and was summarily recalled.

[190] The Commission given to Carleton as Governor-in-Chief of Nova Scotia constituted him also Governor-in-Chief of the islands of St. John (now Prince Edward Island) and Cape Breton; but, though the terms of the Commission are not very clear, those two islands were at the time separate both from Nova Scotia and from each other.

[191] See the *Parliamentary History*, vol. xxvi, pp. 190-5.

[192] See the *Censuses of Canada* 1665-1871, given in the fourth volume of the *Census of Canada*, 1870-1, published in 1876. Introduction pp. xxxviii-xliii, and p. 74. On p. 74 is the following note: 'The number of settlers of British origin then in Lower Canada was estimated at 15,000 souls. The United Empire Loyalists settled in Canada West, not enumerated in this census, were estimated at 10,000 souls.' On p. xxxviii, under the year 1784, it is stated:

'There were at that time (1784) in Upper Canada about 10,000 United Empire Loyalists, according to a memorandum contained in the Appendices of the *House of Assembly of Upper Canada* for 1823. These 10,000 are not included in the preceding census.

'1784 British population of Nova Scotia, including Cape Breton and the mainland, estimated at 32,000 souls, having been increased by the arrival of about 20,000 United Empire Loyalists (Haliburton, *Nova Scotia*, vol. ii, p. 275). This estimate of the population of Nova Scotia, which still included New Brunswick and Cape Breton, cannot include the Acadians, who then numbered in all about 11,000.'

For the numbers of the United Empire Loyalists, see last chapter. The figures relating to this time are, in most cases, probably little more than guesswork.

[193] When the office of Secretary of State for the American Department was abolished by Burke's Act of 1782, colonial matters were placed under the Secretary of State for the Home Department. This office was in 1787 held by Lord Sydney, who was succeeded by W. W. Grenville, youngest son of George Grenville, and afterwards Lord Grenville. When Grenville was raised to the peerage and became Secretary of State for Foreign Affairs, he was succeeded in

the Home and Colonies Department by Dundas, afterwards Lord Melville, and Dundas was succeeded by the Duke of Portland.

[194] See above, pp. 105-6.

[195] See above, pp. 88 (note) and 193.

[196] For these petitions see Mr. Brymner's *Introductory Report on Canadian Archives*, 1890, pp. xxi-ii and pp. 146, 150, 157 of the Calendar, and see Shortt and Doughty, *Documents Relating to the Constitutional History of Canada*, pp. 502-5, 524-7.

[197] See Shortt and Doughty, pp. 520-4 and notes; and Debrett's *Parliamentary Debates*, vol. xx (1786), pp. 132-49. The statement that two years had passed since the petition was presented was not strictly correct, as the petition was dated November 24, 1784.

[198] See Shortt and Doughty, p. 652, note, and Debrett's *Parliamentary Debates*, vol. xxiii (1787-8), pp. 684-707.

[199] In 1789, Hugh Finlay, Postmaster-General of the province and member of council, wrote suggesting that 'We might make the people entirely English by introducing the English language. This is to be done by free schools, and by ordaining that all suits in our courts shall be carried on in English after a certain number of years'. See Shortt and Doughty, p. 657. He anticipated to some extent Lord Durham's views.

[200] The correspondence is given in full in Mr. Brymner's *Report on Canadian Archives* for 1890, Note B, p. 10. See also Shortt and Doughty, *Documents Relating to the Constitutional History of Canada*, 1759-91, and Egerton and Grant, *Canadian Constitutional Developments*.

[201] Compare the very similar language used by Carleton in a private memorandum written in 1786 and quoted in note 3, p. 551, Shortt and Doughty.

[202] No. 46 in 'Papers relative to the province of Quebec ordered to be printed April 21, 1791'. The Order in Council is referred to in Lord Dorchester's Commission as having been made on August 19, 1791; but that was the date on which the report was made upon which the Order was based. The boundary line sketched out in the Parliamentary Paper, and adopted almost word for word in the Order in Council, was again adopted by Sec. 6 of the British North America Act of 1867, when the Dominion was formed and the provinces of Ontario and Quebec, i.e. Upper and Lower Canada, were, after having been re-united by the Act of 1840, again separated from each other.

[203] 18 Geo. III, cap. 12: 'An Act for removing all doubts and apprehensions concerning taxation by the Parliament of Great Britain in any of the colonies, provinces, and plantations in North America and the West Indies, &c.' The preamble ran as follows: 'Whereas taxation by the Parliament of Great Britain, for the purpose of raising a revenue in H.M.'s colonies, provinces and plantations in North America, has been found by experience to occasion great uneasiness and disorders among H.M.'s faithful subjects, who may nevertheless be disposed to acknowledge the justice of contributing to the common defence of the Empire, provided such contribution should be raised under the authority of the general court or general assembly of each respective colony.'

[204] The above statement represents the general effect and intent of the Act, but a long and complicated controversy arose subsequently as to the disposal of the taxes raised under the Imperial Act of 1774 (14 Geo. III, cap. 88), 'to establish a fund towards further defraying the charges of the Administration of Justice and support of the Civil Government within the Province of Quebec in America.' It was contended that the effect of the Declaratory Act of 1778, together with the Constitution Act of 1791, was to hand over the proceeds of these taxes to be disposed of by the provincial legislatures. The contention had no real basis, and the Law officers of the Crown reported it to be unfounded, but eventually, by an Act of 1831 (1 and 2 Will. IV, cap. 23), the legislatures of the two Canadas were empowered to appropriate the revenues in question.

[205] *Report on Canadian Archives*, 1891; *State Papers, Upper Canada*, p. 16.

[206] The monument is in the North Choir aisle. The inscription runs as follows:

'Sacred to the memory of John Graves Simcoe, Lieutenant-General in the army and Colonel of the 22nd regiment of Foot, who died on the 26th day of October, 1806, aged 54, in whose life and character the virtues of the Hero, the Patriot, and the Christian were so eminently conspicuous that it may be justly said he served his King and his country with a zeal exceeded only by his piety towards his God.

'During the erection of this monument, his eldest son, Francis Gwillim Simcoe, lieutenant of the 27th regiment of Foot, born at Wolford Lodge in this county, June 6, 1791, fell in the breach at the siege of Badajoz, April 6, 1812, in the 21st year of his age.'

[207] See vol. v, part 1, of the *Historical Geography of the British Colonies*, p. 196 and note.

[208] Bouchette wrote of York or Toronto in 1815: 'In the year 1793, the spot on which it stands presented only one solitary Indian wigwam; in the ensuing spring the ground for the future metropolis of Upper Canada was fixed upon, and the buildings commenced under the immediate superintendence of the late General Simcoe, then Lieutenant-Governor.' *A Topographical description of the Province of Lower Canada, with remarks upon Upper Canada, &c.*, by Joseph Bouchette, Surveyor-General of Lower Canada (1st ed.), London, 1815, pp. 607-8.

According to this account, therefore, the building did not begin till 1794.

[209] The name of the Thames had been previously for a short time given to another Canadian river, the Gananoque. See Shortt and Doughty, p. 651 and note.

[210] Writing in February, 1796, Simcoe stated that the Legislature would meet at Niagara (Newark) on May 7, but that he proposed to dissolve the House of Assembly before the fort was evacuated.

[211] Similarly Sir George Prevost was very popular in St. Lucia when he was commandant and governor in that island, 1798-1802.

[212] This dispatch is printed on pp. 111-21 of *Canadian Constitutional Development* (Grant and Egerton).

[213] Cp. the similar views expressed by Carleton at an earlier date. See pp. 91-4 above.

[214] The average annual revenue of Lower Canada for the five years 1795-9 inclusive was calculated at £13,000, p. a., of which only £1,500 was derived from Crown Lands, and the average annual expenditure at £25,000, leaving an annual deficit of £12,000.

[215] Brymner's *Report on Canadian Archives* for 1892, Calendar and Introduction, p. vi. Cp. Murray's views as given on p. 67 above, note.

CHAPTER VI

SIR JAMES CRAIG

As has been told in the last chapter, Milnes and Hunter, Lieutenant-Governors of Lower and Upper Canada respectively, took up their appointments in the summer of 1799 when the Governor-General Prescott was recalled to England. General Hunter was not only Lieutenant-Governor of Upper Canada but also Commander of the Forces in both provinces. These two men held their appointments for six years, until August, 1805. On the 5th of that month Milnes, who was by this time a baronet, Sir Robert Shore Milnes,[216] left for England on leave of absence, and on the 21st of the month General Hunter died at Quebec. For the time being, two civilians acted as Lieutenant-Governors, Thomas Dunn, senior Executive Councillor at Quebec, acting in Lower Canada, and Alexander Grant acting in Upper Canada. Milnes remained on leave of absence in England and drew his salary for over three years. A new Lieutenant-Governor of Lower Canada was then appointed, who in his turn also remained in England for many years and received pay in respect of an office the duties of which he did not perform.[217]

Changes in administration.

Thus it resulted that, at a very critical time, two provinces of the British Empire, whose conditions were specially critical, were left without a Governor-General, without Lieutenant-Governors, and without a regular Commander of the Forces, while two men, one holding the office of Governor-General of the two Canadas and the other holding the office of Lieutenant-Governor of Lower Canada, were spending their time and drawing their pay in England. We have learnt something in the last hundred years, in regard to colonial administration, and it is now difficult to appreciate a state of public morality which showed so much indifference to the interests of the colonies, so much acquiescence

Evils of absenteeism.

in sinecures, and so much readiness on the part of capable and honourable public officers to take pay without doing the work to which the pay was nominally attached. But the fact that such things took place, affords a very simple explanation of the difficulties which had already arisen and which subsequently arose in the history of European colonization between a mother country and her colonies. Men could put two and two together in those days as in ours. If colonists saw the rulers of the ruling land treating high offices in the colony as a matter of individual profit and public indifference, they could only come to the conclusion that they had better take care of themselves; and if the answer came that governors and lieutenant-governors were paid not by the colony but by the mother country, then the colonists must needs have concluded that they themselves would prefer to find the money and to have the money's worth. This may well have been in the minds of the members of the elected Assembly in Lower Canada when, at a little later date, in 1810, they passed uninvited a resolution that the province shall pay the cost of the civil government, a resolution of which more was heard in the course of the long constitutional struggle.

What made for keeping up the connexion with the mother country was not so much what the mother country did for the colonies in peace, as the need which the colonies had for the mother country in case of war. An attempt has been made in the preceding chapters of this book to show that good fortune has attended Canada in her development into a nation. The conquest by Great Britain tended to this end, so did the loss by Great Britain of the provinces which now form the United States. At the beginning of the nineteenth century the cloud of war hung over Canada, but still her good fortune did not desert her. There was perpetual danger from two quarters, from France and from the United States. With France Canada, as being part of the British Empire, was nominally at open war throughout the closing years of the eighteenth and the early years of the nineteenth century, except for the very short interval which followed the conclusion of the Peace of Amiens in 1802; but it is noteworthy how the political complications inured to the preservation of Canada as a British possession. France and the United States had strong bonds of sympathy. To French intervention the United States largely owed their independence. Having parted with their monarchy, the French were more attractive than

External dangers which threatened Canada at the beginning of the nineteenth century.

Hostility of France to Great Britain.

before to the citizens of the American republic; and in the days of the American revolutionary war Congress had pledged itself to defend for ever the French possessions in America. The bulk of the Canadians, French in race, tradition, language and religion, might well be expected to be French in sympathies. How great then might have seemed the probability that England in war with France would lose Canada? It was no wonder that such incidents as a visit of Jerome Bonaparte to the United States caused uneasiness, or again that a report was spread that Moreau, the French republican general then living in exile in America, was likely to lead an invasion of Canada.

French Canadians not in sympathy with the French Revolution.

But, as a matter of fact, neither were the Canadians inclined to return to their French allegiance nor were the people of the United States in the least likely to permit France to regain Canada. The Canadians had known forty years of British rule, clean and just in comparison with what had gone before, and the France which would reclaim them was widely different from the France to which they had once belonged. The King was gone; religion was at a discount; Canadian sympathies, at any rate in the earlier years of the revolutionary wars, were rather with Royalist *emigrés* than with the national armies who went on from victory to victory. Above all antipathy to the United States, without whose abetting or connivance, no French projects for regaining Canada could have effect, tended to keep the Canadians firm in their British allegiance. Thus the news of the victory of Trafalgar was welcomed in Canada.

The United States not disposed to allow the French to regain Canada.

Nor again were the Americans, however well disposed to France, in any way or at any time minded to enable her to regain her lost possessions in North America. A Canadian who had left Canada for France when Canada was annexed by Great Britain, wrote, before the conclusion of the Peace of Amiens, expressing the hope that Canada would be regained by France. He regarded Canada, from the French point of view, ‘as a colony essential to trade and as an outlet for merchandize and men’; and he wrote that, if restored to France, it ‘would constantly furnish the means of speculation which would improve the future of the citizens whom war and revolution have reduced to wretchedness’. [218] The words read as those of a man who had known and still sighed for the days of the old French régime in Canada, when men grew rich by illicit

traffic; but, apart from the views of individuals, there is no doubt that, as the eighteenth century closed, France and the French people, after the wars of the Revolution, with their power consolidated at home, were in the stage of development favourable to colonial expansion, and mindful of possessions beyond the seas which had once been French but were French no longer.

Napoleon's views as to St. Domingo and Louisiana.

Napoleon, as writers have shown, in negotiating for and concluding the Peace of Amiens which gave him respite from the sea power of Great Britain, had in view the reconquest of St. Domingo where Toussaint L'Ouverture had secured practical independence, and the recovery of Louisiana. By secret bargain with Spain in 1800, he had secured the retrocession of Louisiana; and, had the arrangement been carried out and the French power been firmly planted again at New Orleans and on the Mississippi, a new impetus and a new motive would have been given for French designs on Canada. But the losses in the St. Domingo campaigns were heavy, and in regard to Louisiana Napoleon had to reckon with the American people. Realizing that his policy, if persisted in, would draw the United States away from France and towards Great Britain, he came, with some suddenness, to the conclusion that the game was not worth the candle, and selling in 1803 to the United States the great territory on the line of the Mississippi which after all was not his to sell, he put an end for ever to French aspirations for recovering their North American dominions.

Abandonment of his American schemes.

Danger to Canada from the United States.

Napoleon's decision set Canada free from any possible danger of French conquest; but, at the same time, it set him free also to renew war with Great Britain, and cut short any tendency to more cordial relations between Great Britain and the United States. The danger for Canada now was that, either as the direct result of friendship between France and the United States, or indirectly through the incidents to which the maritime war between France and Great Britain gave rise, war would take place between Great Britain and the United States, involving American invasion and not improbably American conquest of Canada. Eventually, in 1812, war came to pass. Once more England was called upon to fight France and the United States at the same time; but in this second war the Canadians, heart-whole in defending their province against their rivals of old time, themselves largely contributed to the saving of Canada.

The causes which led to the war of 1812 have been noted in another book.[219] One of the incidents which preluded it was the action of a British ship of war, the *Leopard*, in firing on the American frigate *Chesapeake* and carrying off four men, who were claimed as deserters from the British navy. This high-handed proceeding naturally caused the strongest resentment in the United States, and raised the whole question of the right of search. There was talk of invading Canada, which was answered by calling out the Canadian militia; the Canadians answered readily to the call; and shortly afterwards a new Governor-General arrived in Canada, a man well tried in war, Sir James Craig. On the 10th of August, 1807, General Prescott, still Governor-General of Canada, though he had left in July, 1799, was delicately informed by Lord Castlereagh, then Secretary of State, that it was necessary to appoint a new Governor-General. The terms of the letter were that Lord Castlereagh lamented that circumstances required an arrangement to be made which might interfere with Prescott's emoluments. Sir James Craig accordingly received his commission on the last day of August, 1807, and landed at Quebec on the 18th of October, too ill to take the oaths of office until the 24th of that month, when he took them in his bedroom. Craig, though in failing health, governed Canada for four years. Like his predecessors he was a distinguished soldier. He was a Scotchman but was born at Gibraltar, where his father held the post of civil and military judge in the fortress. He was born in 1748 and was only fifteen years old when he joined the army in 1763, the year of the great Peace. He was wounded at Bunker's Hill; in 1776 he went to Canada and commanded the advanced guard of the forces which under Carleton's command drove the Americans out of Canada. He took part in Burgoyne's expedition, was twice wounded, was present at Saratoga, and was chosen to carry home dispatches.[220] Later in the war he served with distinction under Lord Cornwallis in North Carolina. In 1794 he became a major-general, and in 1795 he was sent to the Cape to take it over from the Dutch. The Netherlands, recently over-run by a French army under Pichegru, had been transformed into the Batavian republic, and the Prince of Orange, then a refugee in England, sent orders by the British fleet under Admiral Elphinstone, which carried Craig and his troops, that the British force should be admitted as having come to protect the colony from the French.

The incident of the *Leopard* and the *Chesapeake*.

Sir James Craig appointed Governor-General of Canada.

His previous career.

The Dutch governor, however, was not prepared to hand over his charge to British keeping. Craig accordingly landed his troops at Simonstown, and successfully attacked the Dutch at Muizenberg, but was not able to occupy Capetown until the arrival of a force from India, which had been ordered to co-operate, and which was under the command of a senior officer, Sir Alured Clarke, the late Lieutenant-Governor of Lower Canada. On Clarke's arrival the Dutch capitulated, and Craig became the first British Governor of the Cape, being succeeded in 1797 by a civilian, Lord Macartney. He served about five years in India, being promoted to be Lieutenant-General in 1801; and, after returning to England in 1802, was sent in 1805 to the Mediterranean in charge of an abortive expedition to Naples, in which British and Russian troops were to combine against the French. It ended in his transferring his force to Sicily, where the Neapolitan court had taken refuge. He then went home in ill health, and in 1807 went out to Canada. His appointment was no doubt mainly due to his military reputation, for war with the United States seemed close at hand; but he was well qualified for it also by his wide experience of the colonies, and by the fact that, like Prescott, he had already had a short term of colonial administration. He left behind him at the Cape a good record as governor, and but for the state of his health seemed clearly the man for Canada.

The beginning of his administration.

In his first speech to the Legislature of Lower Canada in January, 1808, Craig expressed his gratification at meeting the members of the two Houses 'in the exercise of the noblest office to which the human mind can be directed, that of legislating for a free people', and he added that he looked forward to the most perfect harmony and co-operation between them and himself. His anticipations were not fulfilled, and during the years of his administration the inevitable struggle for further power on the part of the elected representatives of the community became accentuated. The session of 1808 lasted from January to April. It was the last session of an existing Parliament. No point of difference arose in this short time between the Assembly and the Executive; but, the Assembly having passed a Bill, undoubtedly right in principle though directed against a particular individual, that judges should be incapable of being elected to or sitting in the House, the Bill was thrown out by the Legislative Council. This caused ill feeling between the two branches of the Legislature, and at the same time the Assembly came into collision with one of the constituencies, that of Three Rivers, by passing a resolution which excluded

from the House a Jew who had been duly elected as member for Three Rivers and was promptly re-elected. At the conclusion of the session a General Election took place in May, but the Legislature was not called together till April, 1809, and in the meantime friction began between the governor and the popular representatives.

Friction between the governor and the Assembly.

In June, 1808, Craig dismissed certain gentlemen from their appointments as officers in the town militia on account of their connexion with the French opposition paper *Le Canadien*. One of them, M. Panet, had been Speaker of the House of Assembly in the late Parliament, and when the new House met he was again chosen to be Speaker, the choice being confirmed by the governor. The House sat for five weeks in 1809, wrangling over the same questions that had been prominent in the preceding year, viz. the exclusion from the House of judges and of members of the Jewish religion: it was then peremptorily dissolved by the governor, who rated the members as so many children for wasting time and abusing their functions at a critical season of national affairs. The election took place in the following October; and, when the Legislature met in January, 1810, the Assembly was composed of much the same representatives as before, any change being rather against than in favour of the governor. In his opening speech the governor intimated that the Royal approval would be given to any proper Bill passed by both Houses, rendering the judges ineligible for seats in the Assembly. The House of Assembly on their side, having passed a resolution to the effect that any attempt on the part of the Executive or the other branch of the Legislature to dictate to them or censure their proceedings was a breach of their privileges, went on to pass loyal addresses appropriate to the fiftieth year of the King's reign, their loyalty being, perhaps, quickened by the strong reference which had been made in the governor's speech 'to the high-sounded resentment of America', coupled with an assurance that in the event of war Canada would receive 'the necessary support of regular troops in the confident expectation of a cheerful exertion of the interior force of the country'. There followed an Address to the King and the Imperial Parliament, to which reference has already been made, and in which the Assembly, with many expressions of gratitude, intimated that the prosperity of Lower Canada was now so great that they could in that session pay all the expenses of the civil government. This Address the governor promised to lay before the King, though he pointed out that it was unconstitutional in,

among other points, ignoring the Legislative Council. A Bill excluding the judges was then passed and sent up to the Legislative Council, who amended it by adding a clause which postponed its effect until the next Parliament, whereupon the Assembly passed a resolution excluding by name a certain judge who had a seat in the House, and the governor, rightly deeming their action in the matter to be unconstitutional, on the 26th of February again dissolved Parliament.

Proceedings taken by the governor against *Le Canadien*.

The French newspaper, *Le Canadien*, abounded weekly in scurrilous abuse of the authorities. On the 17th of March Craig took the strong step of seizing the printing press and all the papers, and committing to prison various persons connected with the paper, three of whom had been members of the late House of Assembly. He justified his action in a proclamation to the country at large. The prisoners were released in the course of the summer on the score of ill health or submission, with the exception of one French Canadian named Bedard, who refused to come to terms with the Executive and was still in prison when the new Assembly, to which he had been elected, met on the 12th of December, 1810. The governor, in his masterful proceedings, had acted under the authority of a temporary law entitled ‘an Act for the better preservation of His Majesty’s Government, as by law happily established in this province’. This Act was now expiring, and in his opening address he called attention to the necessity for renewing it. He carried his point, the Act was renewed, and, in addition to resolutions on the subject of Mr. Bedard’s imprisonment, the Assembly did some useful legislative work before the Legislature was prorogued on the 21st of March, 1811. Shortly after the prorogation Mr. Bedard was released, and on the 19th of June, 1811, Sir James Craig left Canada. He had long been in failing health, and in the proclamation, in which he defended his seizure of *Le Canadien* and those responsible for it, he had referred pathetically to his life as ‘ebbing not slowly to its period under the pressure of disease acquired in the service of my country’. His resignation had been for some months in the hands of the Government, and it was only in order to suit their convenience that he put off his departure to the date when it actually took place. He reached England alive, but died in the following January in his sixty-second year. He was a man of conspicuous honesty and of undoubted courage and firmness. He had a soldier’s view as to discipline and subordination, which made him peremptory as a

Craig retires on ill health.

His death and character.

governor, and his addresses tended to be long-winded and dictatorial. But his personal popularity was great, he was dignified, hospitable, and open-handed, and he commanded respect even from his political opponents and from those whom he put into prison. He may well have been forgiven much not only for his personal qualities, but also because his military reputation was no small asset to Canada. His dealings with the United States were fair and courteous, but behind them was the known fact of his capacity and experience as a soldier. He might dispute with those whom he governed in the sphere of civil action, but in the event of war they had in him a leader upon whom they could rely. The Canadians too had reason to be in the main satisfied with his rule, in that the years during which Craig was governor were years of much prosperity. It was at this time that, stimulated by Napoleon's attempts to cut off Great Britain from the Baltic trade and by the Non Intercourse Acts of the United States, lumber became an important industry of Canada. It was at this time too, at the beginning of November, 1809, that a citizen of Montreal, John Molson, put the first steamer on the St. Lawrence, her passage from Montreal to Quebec taking sixty-six hours, during thirty of which she was at anchor. Craig himself contributed to improvement of communication in Lower Canada by constructing sixty miles of road which bore his name, and which linked the Eastern Townships, then being settled largely by immigrants from the United States, to the southern bank of the St. Lawrence over against Quebec. This road, which was carried out by the troops under the Quartermaster-General, afterwards Sir James Kempt, Administrator of Canada, was, as Craig wrote to his friend and secretary Ryland, much wanted 'not merely for the purpose of procuring us the necessary supplies but for the purpose also of bringing the people to our doors':[221] and it resulted in the price of beef falling in the Quebec market from 7½*d.* to 4½*d.* a lb.[222] It gave an outlet to Quebec to a fine agricultural district, and it opened a direct route to Boston from the capital of Canada.

Prosperity of Canada under Sir James Craig.

Growth of the lumber trade.

The first steamer on the St. Lawrence.

Road to the Eastern Townships.

When Craig wrote these letters to Ryland, the latter was in England. He had been sent by the governor to lay the views of the latter upon the political situation in Canada before the Home Government; and, reaching England at the end of July, 1810, he was active in interviewing ministers and supplying them verbally and by written

Ryland's mission to England.

memoranda with first-hand information. Ryland had gone out to America in 1781 as a paymaster in the army during the War of Independence; and, returning with Carleton at the end of the war, had been taken by him to Canada as confidential secretary. He continued to hold that office to successive governors for twenty years, until 1813, when Sir George Prevost, who followed Craig as Governor-General and with whom Ryland was not in harmony, suggested that other arrangements should be made for the secretaryship. Ryland then resigned his office of governor's secretary but remained clerk to the Executive Council, living in the suburbs of Quebec, until his death in 1838. He seems to have been an able, honourable man, strongly opposed to the democratic party in Lower Canada, to the French and Roman Catholic section of the community. In England he was brought into relations chiefly with Lord Liverpool, who was Secretary of State for War and the Colonies[223] in the Percival ministry, having succeeded Lord Castlereagh in that office, and with the Under-Secretary of State, Robert Peel. Peel was then beginning his public life, and Ryland's impression of him on his first interview was that 'though a very young man and but a few days in office [he] appears to be very much *au fait* in matters of public business'. A week or two later he wrote of him as 'a very elegant young man of fine talents, as I am informed', and very pleasing manners. [224] With these two ministers and with various other public men, including George Canning, Ryland conferred or corresponded during his stay in England, which lasted for the better part of two years. On one occasion, soon after his arrival, he was present at a Cabinet Council, being seated, as we learn from the full account which he wrote to Craig, between Percival and Lord Liverpool. He was asked a large number of questions, including a query as to the number of regular troops in Canada, and, as the result, he appears to have formed a very poor opinion of the knowledge and capacity of the ministry.

Craig's views on the political situation in Lower Canada.

He had brought with him to England a very long dispatch in which Craig had set out his views. Craig estimated the population of Lower Canada at the time when he wrote, May, 1810, at between 250,000 and 300,000 souls, out of whom he computed that no more than 20,000 to 25,000 were English or Americans. The remainder, the French Canadians, he represented as, in the main, wholly alienated from the British section of the community, French in

religion, laws, language and manners, and becoming more attracted to France and more alienated from Great Britain, in proportion as the power of France in Europe became more consolidated. The large mass of the people were, so he wrote, wholly uneducated, following unscrupulous men, their leaders in the country and in the House of Assembly. The Roman Catholic priests were anti-English on grounds of race and religion; their attachment to France had been renewed since Napoleon made his concordat with the Pope; and, being largely drawn from the lower orders of society, and headed by a bishop who exercised more authority than in the days of the old régime and who arrogated complete independence of the civil government, they were hardly even outwardly loyal to the British Crown. The growing nationalist and democratic feeling was reflected and embodied in the elected House of Assembly. When the constitution was first granted, some few Canadian gentlemen had come forward and been elected; but, at the time when the governor wrote, the Canadian members of the Assembly, who formed an overwhelming majority, according to his account consisted of avocats and notaries, shopkeepers and habitants, some of the last named being unable either to read or write. The organ of the party was the paper *Le Canadien*, which vilified the Executive officers as 'gens en place', and aimed at bringing the government into contempt.

To meet the evils which he deemed so great and emphasized so strongly, Craig proposed that the existing constitution should be either cancelled or suspended. His view, as expressed in a letter to Ryland written in November, 1810,[225] was that it should be suspended during the continuance of the war with France and for five years afterwards, and that in this interval the former government by means of a governor and a nominated Legislative Council should be revived. He argued that representative institutions had been prematurely granted, before French Canadians were prepared for them; that they had been demanded by the English section of the inhabitants, not the French; and that at the time the best informed Canadians had been opposed to the change. In the alternative, he discussed the reunion of the two provinces, so as to leaven the Assembly with a larger number of British members, though he did not advocate this course; and the re-casting of the electoral divisions in Lower Canada, so as to give more adequate representation to those parts of the province, such as the Eastern Townships, where the English-speaking element could hold its own. In any case he pointed out the necessity of

Constitutional changes recommended.

enacting a property qualification for the members of the Assembly, no such qualification being required under the Act of 1791, although that Act prescribed a qualification for the voters who elected the members. Craig went on to urge, as Milnes had urged before him, that the Royal supremacy should be exercised over the Roman Catholic priesthood, additional salary being given to the bishop, in consideration of holding his position under the Crown, and the curés being given freehold in their livings under appointment from the Crown. There was a further point. The Sulpician seminary at Montreal was possessed of large estates, and Craig considered this clerical body to be dangerous in view of the fact that it consisted largely of French emigrant priests. He proposed therefore that the Crown should resume the greater part of the lands.

Craig's views not accepted by the Imperial Government.

Ryland soon found that the ministry were not prepared to face Parliament with any proposals for a constitutional change in Canada, and that they were more inclined to what he called 'the namby-pamby system of conciliation'.[226] They thought that it had been a mistake in the first instance to divide Canada into two provinces, but the only step which they now took was to procure a somewhat superfluous opinion from the Attorney-General to the effect that the Imperial Parliament could alter the constitution of the provinces, or could reunite them with one Council and Assembly; and a rather less self-evident opinion that the governor could not redistribute the electoral divisions of Lower Canada without being authorized to do so by an Act either of the Imperial or of the Colonial Legislature.

Critical condition of England at the time of Ryland's mission.

To Ryland the affairs of Canada were all in all; to the ministry whom he deemed so weak, they were overshadowed by events and difficulties at home and abroad, compared with which the political questions which troubled Lower Canada were insignificant, noteworthy only as likely, if not carefully handled, to add to the burden which was laid on the statesmen responsible for the safe-keeping of the Empire. In 1809 Talavera had been fought and hardly won, but it was the year also of the disastrous expedition to Walcheren. In 1810, behind the lines of Torres Vedras, Wellington was beginning to turn the tide of French invasion in the Peninsula. The next year saw Massena's retreat, but at home the political situation was complicated by the insanity of the old King and the consequent necessity of declaring a

regency. In 1812, the year of Salamanca, Percival the Prime Minister was assassinated, his place being taken by Lord Liverpool, who, as long as Ryland was in England, had been in charge of the colonies. In the same year, war with the United States long threatened, came to pass. These years were in England years of financial distress and of widespread misery. William Cobbett giving voice to the hungry discontent of the poor was fined and imprisoned, and Ryland hoped that his fate would have some effect in Canada.[227]

Lord Liverpool, however, was very loyal to Craig, though he did not support any such drastic measures as the latter had suggested. At the end of July, 1811, by which time Craig had left Canada, he wrote a letter to him expressing the Prince Regent's high approbation of his general conduct in the administration of the government of the North American provinces and the Prince's particular regret at the cause which had necessitated his retirement. He wrote too to Craig's successor, Sir George Prevost, highly praising Ryland and expressing a hope that he would be retained in his appointment. The law officers of the Crown in England had been consulted as to the Roman Catholic Church in Canada in view of the governor's proposals, and advised that so much of the patronage of Roman Catholic benefices as was exercised by the Bishop of Quebec under the French Government had of right devolved on the Crown. On the further question, whether the Crown had the right of property in the estates of the Sulpician seminary at Montreal, they advised that legally the Crown had the right, inasmuch as the Sulpicians who remained in Canada after the British conquest had no legal capacity to hold lands apart from the parent body at Paris which had since been dissolved, and had not obtained a licence from the Crown to hold the estates; but the law officers, seeing the hardship which would be involved in wholesale confiscation of the lands after so many years of undisturbed tenure, suggested that the question was one for compromise or amicable arrangement. In the end nothing was done in the matter in the direction of Craig's and Ryland's views, and many years later, in 1840,[228] by an ordinance of Lower Canada, the Sulpicians of Montreal were incorporated under certain conditions and confirmed in the possession of their estates.

Legal opinion as to patronage to appointments in the Roman Catholic Church in Canada, and as to the Sulpician estates.

It is not easy to form an accurate estimate of Sir James Craig's administration. His views and his methods have been judged in the light of later history rather than in that of the years which had gone before. It is somewhat overlooked that at the beginning of the nineteenth century the normal conditions of the world were conditions of war not of peace, and that the governors of colonies were as a rule soldiers whose first duty was the military charge of possessions held by no very certain tenure. The account usually given and received is that Craig was an honest but mistaken man, tactless and overbearing, trying to uphold an impossible system of bureaucratic despotism, instead of realizing the merits of representative institutions and giving them full play. The apology made for him has been that he was guided by and saw with the eyes of a few rapacious officials, who had no interest in the general welfare of the community. 'The government, in fact,' writes Christie, 'was a bureaucracy, the governor himself little better than a hostage, and the people looked upon and treated as serfs and vassals by their official lords.'[229]

Sir James Craig's administration.

Constitutions and systems of government are good or bad according to the kinds of people to which they are applied, the stage of development which they have reached, and the particular circumstances existing at a given time inside and outside the land. It was only with much hesitation that representative institutions had been given to Canada; and one governor and another, bearing in mind the conditions which had preceded the War of Independence, had laid stress on the necessity of having a strong Executive, and on the growing danger of colonial democracy. They were not ignorant or shortsighted men; they looked facts in the face and argued from past experience in America. Again, if the officials were incompetent placemen, out of sympathy with the people, it was the governors who laid stress on the necessity of filling official positions with first-rate men and who occasionally took a strong line with the men whom they did not consider to be adequate. Moreover some of the officials, notably the judicial and legal officers, placed themselves in opposition to the local government and posed as defenders of the people. Craig dispensed, for the time at any rate, with the services of two law officers. One of them, Uniacke, who had been in Nova Scotia, was made Attorney-General of Lower Canada by Lord Liverpool, and, being considered by the governor to be unfit for his duties, was sent on leave to England in 1810 with a request that he should be removed from his office. He subsequently

Uniacke.

returned to his work in Canada. The other, James Stuart, became a notable figure in Canadian history. He was the son of a United Empire Loyalist, the rector of Kingston in Ontario. He had been appointed Solicitor-General of Lower Canada by Milnes in 1801, but after Craig's arrival ranged himself, as a member of the Assembly, in opposition to the governor, and in 1809 was obliged to resign his appointment. After some years of bitter opposition to the government, he lived to become a leading advocate of reunion of the two provinces, to be appointed Attorney-General, to be impeached by the Assembly and again deprived of his office, and finally to be appointed by Lord Durham Chief Justice of Lower Canada and to be created a baronet for his public services.

James Stuart.

Meanwhile in Upper Canada, where a young Lieutenant-Governor, Francis Gore, from 1807 to 1811 carried on the administration firmly and well, various holders of offices opposed the government and tried to play the part of popular leaders. Judge Thorpe has already been mentioned, on the Bench and in the House of Assembly a blatant and disloyal demagogue; another man of the same kind was Wyatt the Surveyor-General, and another Willcocks, sheriff of one of the districts, and owner or nominal owner of a libellous newspaper, for the contents of which the House of Assembly committed him to jail on the ground of breach of privilege. These three men were suspended from their appointments, and eventually disappeared from Canada to make their voices heard in England or in the United States; and the end of Willcocks was to be killed fighting against his country in the war of 1812. One thing is certain that in their official positions they were disloyal to the government, and that in their disloyalty they received no support from the elected Assembly of Upper Canada. Gore had a difficulty too with his Attorney-General, Firth, a man sent out from England. Firth ended by returning to England without leave and joining in misrepresentations against the Lieutenant-Governor.

Thorpe and Willcocks.

It may fairly be summed up that in the Canadas many men were found in office who had been pitchforked into appointments for which they were unsuited; but that they were by no means invariably supporters of the Executive against the representatives of the people, nor were the governors their tools. On the contrary there were constant cases of such officials opposing the governors, while the governors in their turn stood out

conspicuously in opposition to the practice of appointing men from outside to offices in Canada which required special qualifications in addition to good character and general capacity. But a distinction must be drawn between Upper and Lower Canada. In Upper Canada the voters and their nominees, however democratic, were, with the exception of a few traitorous individuals, intensely loyal to the British connexion. In Lower Canada, on the other hand, the all-important race question complicated the situation, and here Craig saw in the French Canadians, who were also the democratic party, the elements of disloyalty to Great Britain and *rapprochement* with France. In August, 1808, he wrote that the Canadians were French at heart; that, while they did not deny the advantages which they enjoyed under British rule, there would not be fifty dissentient voices, if the proposition was made of their re-annexation to France: and that the general opinion among the English in Canada was that they would even join the Americans if the latter were commanded by a French officer. His views on this point were fully shared by another man of clear head and sound judgement, Isaac Brock. For reasons which have been given Craig seems to have exaggerated any danger of the kind. Republican France, which attracted American sympathies, repelled those of the French Canadians. France under Napoleon, brought back to law and order and to at any rate the outward conventionalities of religion, became more attractive to the French Canadians, but at the same time, in view of the Napoleonic despotism, it became less attractive to the United States. But at no time probably was there any real intention on the part of the French Canadians to take any active step to overthrow British supremacy. Certainly at no time was there the slightest possibility of their changing their status except by becoming absorbed in the United States. They were as a whole an unthinking people, to whom representative institutions and a free press were a novelty; their leaders liked the words and phrases which they had learnt from English-speaking demagogues or imported from revolutionary France. Their priesthood was not loyal, because it claimed to be independent of the civil government, especially when it was the government of a Protestant Power. The general aim was to see to what uses the new privileges could be applied and how much latitude would be given. The elected representatives opposed the second chamber, the Legislative Council, as much as they opposed the governor; they played

Craig's opinion of the French Canadians.

Real attitude of the French Canadians.

with edged tools, but it may be doubted whether at this early stage of the proceedings they meant much more than play.

Under the circumstances, perhaps a fair judgement upon Sir James Craig's administration would be that he took the Parliamentary situation in Lower Canada too seriously, and did not give sufficient rope to the local politicians. He reprimanded the Assembly when they acted unconstitutionally, and dissolved them when they did not do their work. The strong measures which he adopted, and the repeated dissolutions, were a bad precedent for the future: and the course which he recommended, viz. suspension of the constitution, would, if carried into effect, have been premature and unwise. But for the moment the steps which he took were effective. By his summary action in regard to the newspaper *Le Canadien*, he showed that he had the ultimate power and was not afraid to use it; and the result was that the very law which gave the Executive extraordinary powers was renewed by the Assembly which objected to those powers. Meanwhile Canada thrived, the governor was personally respected, and repeated elections did no one any harm. It was a time of danger from without and unrest within, but many countries with admirable constitutions have fared much worse than did Lower Canada under the rule of a strong soldier confronted by a recalcitrant Assembly.

He was succeeded by a man of wholly different type, Sir George Prevost, who endeared himself greatly to the French Canadians; but internal differences were soon to be overshadowed by foreign invasion, for in one year to the day from the date when Sir James Craig left Canada, Madison, President of the United States, issued a proclamation which began the war of 1812.

FOOTNOTES:

[216] He belonged to the same family as the Earl of Crewe, Secretary of State for the Colonies.

[217] The Lieutenant-Governor in question was Mr., afterwards Sir, F. Burton. His commission was dated November 29, 1808, but he did not go out to Canada till 1822. He left Canada in 1828, but did not cease to be Lieutenant-Governor, as his commission was renewed on October 25, 1830—the year of King William the Fourth's accession. An Act passed in 1782, 22 Geo. III, cap. 75, commonly

known as Burke's Act, provided against the holding of Patent offices in the Colonies and Plantations in America and the West Indies by sinecurists living in England. The operation of this Act was greatly extended, and the granting of leave restricted by a subsequent Act of 1814, 54 Geo. III, cap. 61.

[218] See Brymner's *Report on Canadian Archives* for 1892, Introduction, p. xlix.

[219] *The Canadian War of 1812.*

[220] See the *Memoir of Sir James Craig*, quoted at length on pp. 343-5 of vol. i of Christie's *History of the Late Province of Lower Canada*, 1848. The notice of Craig in the *Dictionary of National Biography* says that he was sent home with dispatches after the taking of Ticonderoga, which seems to be incorrect.

[221] Letter of August 6, 1810, Christie's *History of Lower Canada*, vol. vi, p. 129.

[222] Letter of September 10, 1810, Christie's *History of Lower Canada*, vol. vi, p. 157.

[223] The departments of War and the Colonies were combined under one Secretary of State in 1801. This lasted till 1854, when a separate Secretary of State for War was appointed.

[224] Ryland to Craig, August 4, and September 1, 1810. Christie, vol. vi, pp. 124, 149.

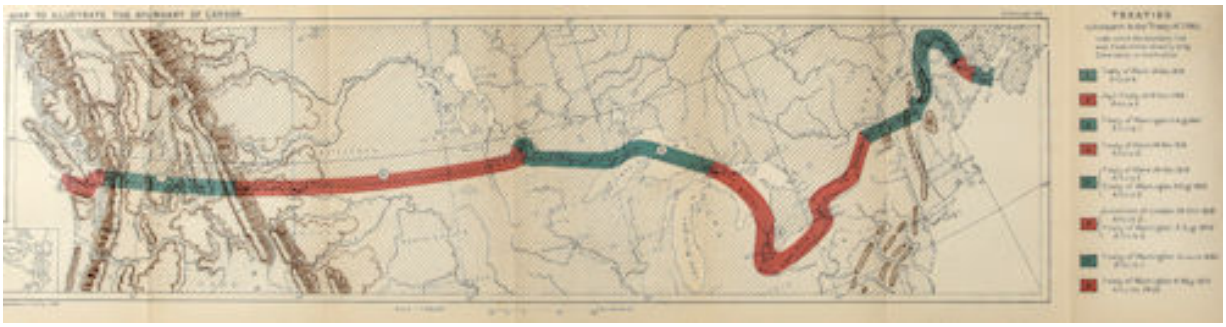
[225] Letter of November 9, 1810, Christie, vol. vi, p. 166. The main dispatch is dated May 1, 1810.

[226] Letter to Craig, August 23, 1810, Christie, vol. vi, p. 146.

[227] Letter to Craig, November 9, 1810, Christie, vol. vi, p. 169.

[228] 3 and 4 Vic., cap. 30.

[229] *History of Lower Canada*, vol. i, p. 350.



MAP TO ILLUSTRATE THE BOUNDARY OF CANADA *to face page 322*

TREATIES
subsequent to the Treaty of 1783,

under which the boundary line
was fixed either directly or by
Commission or Arbitration

1 *Treaty of Ghent 24 Dec 1814 Article 4.*

2 *Jay's Treaty of 19 Nov 1794 Article 5.*

3 *Treaty of Washington 9 Aug 1842 Article 1.*

4 *Treaty of Ghent 24 Dec 1814 Article 6.*

5 *Treaty of Ghent 24 Dec 1814 Article 7.*
Treaty of Washington 9 Aug 1842 Article 2.

6 *Convention of London 20 Oct 1818 Article 2.*
Treaty of Washington 9 Aug 1842 Article 2.

7 *Treaty of Washington 15 June 1846 Article 1.*

8 *Treaty of Washington 8 May 1871 Articles 34 etc.*

B. V. Barbishire, Oxford, 1908.

APPENDIX I

TREATY OF PARIS, 1783

DEFINITIVE TREATY OF PEACE AND FRIENDSHIP BETWEEN HIS BRITANNIC MAJESTY AND THE UNITED STATES OF AMERICA, SIGNED AT PARIS, THE 3RD OF SEPTEMBER, 1783.

In the Name of the Most Holy and Undivided Trinity. It having pleased the Divine Providence to dispose the hearts of the Most Serene and Most Potent Prince, George the Third, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith, Duke of Brunswick and Lunenburg, Arch-Treasurer and Prince Elector of the Holy Roman Empire, &c., and of the United States of America, to forget all past misunderstandings and differences that have unhappily interrupted the good correspondence and friendship which they mutually wish to restore: and to establish such a beneficial and satisfactory intercourse between the 2 Countries, upon the ground of reciprocal advantages and mutual convenience, as may promote and secure to both perpetual Peace and Harmony; and having for this desirable end already laid the foundation of Peace and Reconciliation by the Provisional Articles signed at Paris, on the 30th of November, 1782, by the Commissioners empowered on each part; which Articles were agreed to be inserted in, and to constitute, the Treaty of Peace proposed to be concluded between the Crown of Great Britain and the said United States, but which Treaty was not to be concluded until terms of Peace should be agreed upon between Great Britain and France, and His Britannic Majesty should be ready to conclude such Treaty accordingly; and the Treaty between Great Britain and France having since been concluded, His Britannic Majesty and the United States of America, in order to carry into full effect the Provisional Articles above-mentioned, according to the tenor thereof, have constituted and appointed, that is to say:

His Britannic Majesty, on his part, David Hartley, Esq., Member of the Parliament of Great Britain; and the said United States, on their part, John Adams, Esq., late a Commissioner of the United States of America at the Court of Versailles, late Delegate in Congress from the State of Massachusetts, and Chief Justice of the said State and Minister Plenipotentiary of the said United States to Their High Mightinesses the States General of the United Netherlands; Benjamin Franklin, Esq., late Delegate in Congress from the State of Pennsylvania, President of the Convention of the said State, and Minister Plenipotentiary from the United States of America at the Court of Versailles; John Jay, Esq., late President of Congress and Chief Justice of the State of New York, and Minister Plenipotentiary from the said United States at the Court of Madrid; to be the plenipotentiaries for the concluding and signing the present Definitive Treaty: who, after having reciprocally communicated their respective Full Powers, have agreed upon and confirmed the following Articles:

Art. I. His Britannic Majesty acknowledges the said United States, viz., New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be Free, Sovereign and Independent States; that he treats with them as such; and for himself, his Heirs and Successors, relinquishes all claims to the government, propriety and territorial rights of the same, and every part thereof.

II. And that all disputes which might arise in future on the subject of the Boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are and shall be their Boundaries, viz., from the North-West Angle of Nova Scotia, viz., that Angle which is formed by a line drawn due North, from the source of St. Croix River to the Highlands, along the said Highlands which divide those Rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, to the North-westernmost head of Connecticut River; thence down along the middle of that River to the 45th degree of North latitude; from thence by a line due West on said latitude until it strikes the River Iroquois or Cataraquy; thence along the middle of the said River into Lake Ontario; through the middle of said Lake, until it strikes the communication by water between that Lake and Lake Erie; thence along the middle of said communication into Lake Erie; through the middle of said Lake until it arrives at the water-communication between that Lake and Lake Huron; thence along the middle of said water-communication into the Lake Huron; thence through the middle of said Lake to the water-communication between that Lake and Lake Superior; thence through Lake Superior, Northward of the Isles Royal and Phelipeaux, to the Long Lake; thence through the middle of said Long Lake, and the water-communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said Lake to the most North-western point thereof, and from thence on a due West course to the River Mississippi; thence by a line to be drawn along the middle of the said River Mississippi, until it shall intersect the Northernmost part of the 31st degree of North latitude. South by a line to be drawn due East from the determination of the line last mentioned, in the latitude of 31 degrees North of the Equator, to the middle of the River Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint River; thence straight to the head of St. Mary's River, and thence down along the middle of St. Mary's River to the Atlantic Ocean, East by a line to be drawn along the middle of the River St. Croix, from its mouth in the Bay of Fundy to its source; and from its source directly North to the aforesaid Highlands, which divide the rivers that fall into the Atlantic Ocean from

those which fall into the River St. Lawrence: comprehending all islands within 20 leagues of any part of the shores of the United States, and lying between lines to be drawn due East from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy, and the Atlantic Ocean; excepting such Islands as now are, or heretofore have been, within the limits of the said Province of Nova Scotia.

III. It is agreed that the People of the United States shall continue to enjoy unmolested the right to take Fish of every kind on the Grand Bank and on all the other Banks of Newfoundland; also in the Gulph of St. Lawrence, and at all other places in the Sea, where the Inhabitants of both Countries used at any time heretofore to fish. And also that the Inhabitants of the United States shall have liberty to take fish of every kind on such part of the Coast of Newfoundland as British Fishermen shall use, (but not to dry or cure the same on that Island,) and also on the Coasts, Bays, and Creeks of all other of His Britannic Majesty's Dominions in America; and that the American Fishermen shall have liberty to dry and cure fish in any of the unsettled Bays, Harbours, and Creeks of Nova Scotia, Magdalen Islands and Labrador, so long as the same shall remain unsettled; but so soon as the same, or either of them, shall be settled, it shall not be lawful for the said Fishermen to dry or cure fish at such Settlement, without a previous agreement for that purpose with the Inhabitants, Proprietors, or Possessors of the ground.

IV. It is agreed, that Creditors on either side shall meet with no lawful impedimenta to the recovery of the full value in sterling money of all bonâ fide debts heretofore contracted.

V. It is agreed, that the Congress shall earnestly recommend it to the legislatures of the respective states to provide for the restitution of all estates, rights and properties which have been confiscated, belonging to real British subjects; and also of the estates, rights and properties of persons resident in districts in the possession of his Majesty's arms, and who have not borne arms against the said United States; and that persons of any other description shall have free liberty to go to any part or parts of any of the Thirteen United States, and therein to remain twelve months unmolested in their endeavours to obtain the restitution of such of their estates, rights and properties as may have been confiscated; and that Congress shall also earnestly recommend to the several states, a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which, on the return of the blessings of peace, should universally prevail. And that Congress shall also earnestly recommend to the several states, that the estates, rights and properties of such last-mentioned persons shall be restored to them, they refunding to any persons who may be now in possession the bonâ fide price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights or properties, since the confiscation.

And it is agreed, that all persons who have any interest in confiscated lands, either by debts, marriage settlements or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

VI. That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons, for or by reason of the part which he or they may have taken in the present war; and that no person shall on that account suffer any future loss or damage either in his person, liberty or property, and that those who

may be in confinement on such charges at the time of the ratification of the Treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

VII. There shall be a firm and perpetual Peace between His Britannic Majesty and the said States, and between the Subjects of the one and the Citizens of the other, wherefore all hostilities both by sea and land shall from henceforth cease: all Prisoners on both sides shall be set at liberty, and His Britannic Majesty shall with all convenient speed, and without causing any destruction, or carrying away any Negroes or other property of the American Inhabitants, withdraw all his Armies, Garrisons and Fleets from the said United States, and from every Port, Place, and Harbour within the same; leaving in all Fortifications the American Artillery that may be therein: and shall also order and cause all Archives, Records, Deeds, and Papers belonging to any of the said States, or their Citizens which in the course of the War may have fallen into the hands of his Officers, to be forthwith restored and delivered to the proper States and Persons to whom they belong.

VIII. The navigation of the River Mississippi, from its source to the Ocean, shall for ever remain free and open to the Subjects of Great Britain and the Citizens of the United States.

IX. In case it should so happen that any Place or Territory belonging to Great Britain, or to the United States, should have been conquered by the arms of either, from the other, before the arrival of the said Provisional Articles in America, it is agreed that the same shall be restored without difficulty, and without requiring any compensation.

X. The solemn Ratifications of the present Treaty, expedited in good and due form, shall be exchanged between the Contracting Parties in the space of 6 months, or sooner if possible, to be computed from the day of the signature of the present Treaty.

In witness whereof, we, the undersigned, their Ministers Plenipotentiary, have in their name, and in virtue of our Full Powers, signed with our Hands the present definitive Treaty, and caused the Seals of our Arms to be affixed thereto,

Done at Paris, this 3rd day of September, in the year of our Lord, 1783.

(L.S.) D. HARTLEY.
(L.S.) JOHN ADAMS.
(L.S.) B. FRANKLIN.
(L.S.) JOHN JAY.

APPENDIX II

THE BOUNDARY LINE OF CANADA

On the North-Eastern side, the Treaty of 1783 prescribed the boundary as follows:— The North-Eastern boundary.

> 'From the North-West angle of Nova Scotia, viz., that angle which is formed by a line drawn due North; from the source of St. Croix river to the Highlands; along the said Highlands which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean, to the North-Westernmost head of Connecticut river; ... East by a line to be drawn along the middle of the river St. Croix, from its mouth in the Bay of Fundy to its source, and from its source directly North to the aforesaid Highlands, which divide the rivers that fall into the Atlantic Ocean from those which fall into the river St. Lawrence; comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due East from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic Ocean, excepting such islands as now are or heretofore have been within the limits of the said province of Nova Scotia.'

So far as these words refer to the sea boundary of the United States no difficulty arose, except in the Bay of Fundy. East Florida was ceded to Spain by Great Britain at the same time that the treaty with the United States was signed, and therefore the boundary line in the South had no further concern for the English.

The North-East had been the border land between Acadia and the New England States. In old days, as was inevitable, there had been constant disputes between French and English as to the boundary between Acadia and New England, while Acadia still belonged to France; and, after the Treaty of Utrecht had given Acadia to Great Britain, as to the boundary between Acadia and Canada. When, by the Peace of 1763, Canada was ceded to Great Britain, the question of boundaries ceased to have any national importance; and no further difficulty, except as between British Provinces, arose until the United States

The border land between Acadia and New England.

became an independent nation. Then it became necessary to draw an international frontier line, which as a matter of fact had never yet been drawn. There seems to have been a more or less honest attempt, with the help of maps which were, as might have been expected, inaccurate, to adopt a line for which there was some authority in the past, instead of evolving a wholly new frontier; and the result of looking to the past was eventually to fix a boundary which was in no sense a natural frontier.

The river St. Croix taken in 1763 as the boundary of Nova Scotia and hence adopted as the boundary line in the Treaty of 1783.

The river St. Croix had always been a landmark in the history of colonization in North America. It was the scene of the first settlement by De Monts and Champlain; and, when Sir William Alexander in 1621 received from the King the famous grant of Nova Scotia, the grant was defined as extending to

> 'the river generally known by the name of St. Croix and to the remotest springs, or source, from the Western side of the same, which empty into the first mentioned river',

Later, the French claim on behalf of Acadia extended as far as the Penobscot river, if not to the Kennebec; but after the Treaty of Utrecht, the claims of Massachusetts to the country up to the St. Croix river were allowed in 1732;[230] and in 1763, after the Peace of Paris, the St. Croix river was, in the Commission to the Governor of Nova Scotia, designated as the boundary of the province, the following being the terms of the Commission:—

> 'Although Our said province has anciently extended, and does of right extend, so far as the river Pentagoet or Penobscot, it shall be bounded by a line drawn from Cape Sable across the entrance of the Bay of Fundy to the mouth of the river St. Croix, by the said river to its source, and by a line drawn due North from thence to the Southern boundary of Our Colony of Quebec.'

Accordingly the river St. Croix was designated as the international boundary in the Treaty of 1783.

Doubt as to the identity of the St. Croix river.

But then the question arose which was the St. Croix river. Between 1763 and 1783 attempts had been made to identify it, but without success, for at least three rivers flowing into Passamaquoddy Bay were each claimed as the St. Croix. After the Peace of 1783, the dispute continued, and eventually the further Treaty of 19th of November, 1794, known from the name of the American statesman who negotiated it in

London as Jay's Treaty, provided in the Fifth Article that the question should be left to the final decision of three Commissioners, one to be appointed by the British Government, one by that of the United States, and a third by the two Commissioners themselves. The article provided that

Commission appointed under the Treaty of 1794 to identify the river.

> 'the said Commissioners shall by a Declaration under their hands and seals decide what river is the river St. Croix intended by the treaty. The said Declaration shall contain a description of the said river and shall particularize the latitude and the longitude of its mouth and its source.'

In August, 1795, the Treaty was ratified by Washington as President of the United States; and, in 1796, the Commissioners began their work, the third Commissioner being an American lawyer. The work was not concluded until another explanatory article had been, on the 15th of March, 1798, signed on behalf of the two Governments, relieving the Commissioners from the duty of particularizing the latitude and longitude of the source of the St. Croix, provided that they described the river in such other manner as they judged expedient, and laying down that the point ascertained and described to be the source should be marked by a monument to be erected and maintained by the two Governments. Eventually, on the 25th of October, 1798, the Commissioners, who had discharged their duties with conspicuous fairness and ability, gave their award. They identified the Scoodic river, as it was then called, with the St. Croix of Champlain; they selected the Eastern or Northern branch of the river as the boundary line in preference to the South-Western, thereby including in American territory a considerable area which the English had claimed; they marked beyond further dispute the point which was thereafter to be held to be the source of the St. Croix; but they did not demarcate the actual boundary line down the course of the river.

The St. Croix river determined in 1798.

From the source of the St. Croix, according to the words of the Treaty of 1783, which have been already quoted, a line was to be drawn due North to the Highlands which formed the water parting between the streams running into the St. Lawrence and those running into the Atlantic Ocean, and this line was supposed to form the North-West angle of Nova Scotia. No provision was made in the Treaty of 1794 for determining the boundary North of the source of the St. Croix river, and the labours of the St. Croix Commission were confined to identifying that river

The Maine Boundary question.

from the mouth to the source. A far more serious and more prolonged controversy arose over the territory to the North of the source, threatening to bring war between Great Britain and the United States, and not settled for sixty years.

As in the case of the St. Croix, the framers of the Treaty of 1783, in specifying a line drawn due North from the source of that river, to meet the Highlands which parted the basin of the St. Lawrence from that of the Atlantic, had recourse to past history and used definitions already in existence. Nova Scotia, as granted to Sir William Alexander, was, according to the terms of the charter, bounded from the source of the St. Croix

The old definitions of the boundary.

> 'by an imaginary straight line which is conceived to extend through the land, or run Northward to the nearest bay, river, or stream emptying into the great river of Canada'.

The Royal Proclamation of 1763, which constituted the province of Quebec after the peace signed in that year, defined the Southern boundary of Quebec as passing

> 'along the Highlands which divide the rivers that empty themselves into the said river St. Lawrence from those which fall into the sea'.

The Quebec Act of 1774 again defined the Southern boundary of Quebec as

> 'along the Highlands which divide the rivers that empty themselves into the river St. Lawrence from those which fall into the sea, to a point in 45 degrees of Northern latitude on the Eastern bank of the River Connecticut'.

In the Commission to the Governor of Nova Scotia issued in 1763, the Western boundary of Nova Scotia from the source of the St. Croix was defined

> 'by a line drawn due North from thence to the Southern boundary of Our colony of Quebec'.

Therefore the Treaty of 1783, in defining the international line as a line drawn from the source of the St. Croix

> 'directly North to the aforesaid Highlands which divide the rivers that fall into the Atlantic Ocean from those which fall into the river St. Lawrence',

used the previous definitions of the Western boundary of Nova Scotia and the Southern boundary of Quebec.

There were only two new points in the wording of the Treaty. The first was that the sea was defined as the Atlantic Ocean, thereby excluding the Bay of Chaleurs, and possibly the Bay of Fundy also, which was, in the Treaty, at any rate according to the British contention, treated as separate from the Atlantic Ocean. The second was the importation of the words 'the North-West angle of Nova Scotia.' It was obvious that wherever the Western boundary of Nova Scotia met the Southern boundary of Quebec there must be such an angle, but the Treaty spoke of it as a fixed starting point from whence to draw the boundary line; it assumed that this angle rested on highlands which divided the waters that flowed into the Atlantic from those which were tributaries of the St. Lawrence; and it assumed also that it would be reached by a due North line from the source of the St. Croix river. So the inaccurate maps of the day testified, and so paper boundaries, already recognized, prescribed. When, however, the matter was put to the test of actual geography, it was found that a line drawn due North from the source of the St. Croix nowhere intersected a water parting between the St. Lawrence basin and that of the Atlantic Ocean. The sources of the rivers which run into the Atlantic were found to be far to the West of the Northern line from the St. Croix river, to the West of that line even if it had been drawn from the source of the South-Western branch of the St. Croix, and not, as the St. Croix Commission had drawn it, from the source of its more easterly branch. It was evident that the earlier documents, which the Treaty of 1783 had followed, were based upon inaccurate information and that it had never been realized that the source of the St. John river, beyond which would naturally be sought the head waters of the streams running into the Atlantic, lay so far to the West, as is actually the case.

The 'North-West angle of Nova Scotia'.

It was therefore physically impossible to mark out a boundary in accordance with the terms of the Treaty. If the due Northern line was adhered to, the Highlands mentioned by the Treaty could not be reached. If those Highlands were adhered to, the due Northern line must be abandoned. In either case the North-Western angle of Nova Scotia, instead of being a fixed starting point, was an unknown factor, an abstraction which could only be given a real existence by bargain and agreement. The matter was one of vital importance to Great Britain, for it involved the preservation or abandonment of communication between the Maritime Provinces and Canada, all important in winter time

The terms of the 1783 Treaty were not in accord with actual facts.

when the mouth of the St. Lawrence was closed. The direct North line cut the St. John river slightly to the west of the Grand Falls on that river; and, had it been prolonged in the same direction, searching for Highlands till the St. Lawrence was nearly reached, Canada and New Brunswick would have been almost cut off from each other. The longer the controversy went on, the more clearly this result was seen by the Americans as well as by the English, hence the bitterness of the dispute and the tenacity with which either party maintained their position and accentuated their claims.

Attempt at settlement in 1803.

On the 12th of May, 1803, a Convention was signed between Great Britain and the United States providing that the dispute should be left to the decision of an International Commission constituted in precisely the same manner as the St. Croix Commission had been constituted; but the Convention was never ratified, and the points at issue were still outstanding when the negotiations were set on foot which ended in the Treaty of Ghent at the close of the second war between the two nations. During the war formal possession was taken on behalf of Great Britain of the country between the Penobscot river and New Brunswick, which included the area under dispute, a proclamation to that effect being issued at Halifax on the 21st of September, 1814;[231] but at the date of the proclamation negotiations for peace were already proceeding, and the only basis on which the Americans would treat was the restitution of the status quo ante bellum, proposals for an adjustment of the boundary between New Brunswick and Massachusetts, [232] of which Maine then formed part, being treated as a demand for cession of territory belonging to the United States. On the British side it was maintained that the line claimed by the Americans

The second American war.

The British Contention.

> 'by which the direct communication between Halifax and Quebec becomes interrupted, was not in contemplation of the British Plenipotentiaries who concluded the Treaty of 1783',[233]

and in a later letter, replying to the American representatives, the British negotiators wrote[234]

> 'the British Government never required that all that portion of the State of Massachusetts intervening between the Province of New Brunswick and Quebec should be ceded to Great Britain, but only that small portion of unsettled country which interrupts the communication between Halifax and Quebec, there being much doubt whether it does not already belong to Great Britain'.

The inference to be drawn from the correspondence is that, on the strict wording of the Treaty of 1783, apart from the intention of those who negotiated it, the American claim was recognized to be stronger than the British.

The Treaty of Ghent.

The Treaty of Ghent was signed on the 24th of December, 1814, and the Fifth Article provided that two Commissioners should be appointed to locate the North-West angle of Nova Scotia as well as the North-Westernmost head of the Connecticut river, between which two points the Treaty of 1783 provided that the dividing line along the Highlands was to be drawn. A map of the boundary was to be made, and the latitude and longitude of the North-West angle and of the head of the Connecticut were to be particularized. If the Commissioners agreed, their report was to be final; but if they disagreed, they were to report to their respective governments, and some friendly sovereign or state was to arbitrate between them. The Commission first met in 1816, much time was taken up in surveying the North line from the source of the St. Croix to the watershed of the St. Lawrence, and it was not until 1821 that the two representatives, having failed to agree, gave distinct awards, the British Commissioner placing the North-West angle at the Highlands known as Mars Hill nearly 40 miles south of the St. John river, and the American Commissioner locating it nearly 70 miles north of that river, either Commissioner adopting the extreme claim put forward by his side.

A Boundary Commission appointed.

The Commissioners disagree.

In view of the divergence between the two reports, it was necessary, in accordance with the terms of the Treaty of Ghent, to submit the matter to arbitration; but this step was not taken until yet another Convention had been signed on the 29th of September, 1827, providing that new statements of the case on either side should be drawn up for submission to the arbitrator. It was laid down that the basis of the statements should be two specified maps, one of which was referred to as the map used in drawing up the original Treaty of 1783. The inaccuracies in this map, Mitchell's map, had been the origin of all the difficulties which had subsequently arisen. The King of the Netherlands was selected to arbitrate. In 1830 the statements were laid before him, and in January, 1831, he gave his award. It was to the effect that it was impossible, having regard either to law or to equity, to

The Convention of 1827.

Award given by the King of the Netherlands as Arbitrator.

adopt either of the lines proposed by the two contending parties, and that a compromise should be accepted which was defined in the award. The line which the king proposed was more favourable to the Americans than to the English, but the Americans declined to consent to it, on the ground that, while the arbitrator might accept either of the two lines which were presented for arbitration, he was not empowered to fix a third and new boundary.

The award not accepted by the Americans.

Thus this troublesome matter was still left outstanding, and yet the necessity for a settlement was more pressing than ever. The new state of Maine maintained the American claim with more pertinacity and less inclination to compromise than the Government of the United States had shown; the United States Government was ready to accept a conventional line, but Maine objected, and meanwhile the result of the uncertainty and delay was that the backwoodsmen of Maine and New Brunswick were coming to blows. About the beginning of 1839 the disputes in the region of the Aroostook river nearly brought on war between the two nations, which was only averted by the mediation of General Winfield Scott then commanding the American forces on the frontier. Immediately afterwards two British Commissioners, Colonel Mudge and Mr. Featherstonhaugh, were deputed to survey the debatable territory and reported in April, 1840,[235] their report being followed by a survey on the part of the American Government. At length, on the 9th of August, 1842, Daniel Webster then Secretary of State for the United States, and Lord Ashburton, sent out as special Commissioner from Great Britain, concluded the Treaty of Washington, which put an end to the long and dangerous controversy. By the First Article of that Treaty the present boundary was fixed; the North line from the monument at the head of the St. Croix river was followed to the point where it intersected the St. John; the middle of the main channel of that river was then taken as far as the mouth of its tributary the St. Francis; thence the middle of the channel of the St. Francis up to the outlet of the Lake Pohenagamook; from which point the line was drawn in a South-Westerly direction to the dividing Highlands and the head of the Connecticut river until the 45th degree of North latitude was reached. The boundary was subsequently surveyed and marked out, and upon the 28th of June, 1847, the final results were reported and the matter was at an end.

Collision in the Aroostook region.

The Ashburton Treaty. Final settlement of the Maine boundary question.

The existing boundary is on the whole more favourable to Great Britain than the line which the King of the Netherlands proposed and the Americans rejected; but notwithstanding, Lord Ashburton's settlement has always been regarded in Canada as having given to the United States territory to which Great Britain had an undoubted claim. The fault, however, was not with Lord Ashburton but with the wording of the original Treaty of 1783; and that treaty, as has been shown, was based on such geographical information as there was to hand, accepted at the time in good faith, but subsequently proved to be incorrect. It should be added that by the Third Article of the Ashburton Treaty the navigation of the river St. John was declared to be free and open to both nations, and that the settlement of the international boundary was followed by an adjustment of the frontier between Canada and New Brunswick. The dispute between the two provinces was, at the suggestion of the Imperial Government, eventually referred to two arbitrators, one chosen by each province, with an umpire selected by the arbitrators themselves. The award was given in 1851, and in the same year its terms were embodied in an Imperial Act of Parliament

Settlement of the boundary between the province of Quebec and that of New Brunswick.

> 'for the settlement of the boundaries between the provinces of Canada and New Brunswick'.

In the Bay of Fundy the boundary line between British and American territory was, by the terms of the 1783 Treaty, to be drawn due East from the mouth of the St. Croix river, assigning to the United States all islands within twenty leagues of the shore to the South of the line,

The International boundary in the Bay of Fundy.

> 'excepting such islands as now are or heretofore have been within the limits of the said province of Nova Scotia.'

Here was a further ground of dispute, touching the ownership of the islands in Passamaquoddy Bay. Geographically they would belong to the United States, unless they could be shown to have been within the limits of Nova Scotia. The Convention of 1803, which has already been mentioned as never having been ratified, in the First Article prescribed the boundary; and the Treaty of Ghent in the Fourth Article referred the matter to two Commissioners on precisely the same terms as were adopted by the next Article of the Treaty in the case of the North-West angle controversy, i.e., each nation was to appoint an arbitrator, and, if the two arbitrators failed to

agree, separate reports were to be made to the two governments, and the final decision was to be left to some friendly sovereign or state. Fortunately the two arbitrators came to an agreement, delivering their award on the 24th of November, 1817. Three little islands in the Bay of Passamaquoddy, named Moose Island, Dudley Island, and Frederick Island, were allotted to the United States, and the rest of the islands in the bay, together with the island of Grand Manan, lying further out in the Bay of Fundy, were assigned to Great Britain. The actual channel, however, was not delimited; and though many years afterwards, under a Convention of 1892, Commissioners were appointed for the purpose, they failed to come to a complete agreement; this small question therefore between the two nations is still awaiting settlement under the Treaty for the delimitation of International Boundaries between Canada and the United States which was signed on 11th April, 1908.[236]

The line from the North-Westernmost head of the Connecticut river to the St. Lawrence.

From the point where the boundary line struck the North-Westernmost head of the Connecticut River, the Treaty of 1783 provided that it should be carried

> 'down along the middle of that river to the forty-fifth degree of North latitude, from thence by a line due West on said latitude until it strikes the river Iroquois or Cataraquy'.

Iroquois or Cataraquy was the name given to the St. Lawrence between Montreal and Lake Ontario, and the First Article of Lord Ashburton's Treaty, identifying the North-Westernmost head of the Connecticut River with a river called Hall's Stream, re-affirmed in somewhat different words the provision of the older Treaty as to this section of the boundary. Here there was no dispute. The line had already been laid down in the Proclamation of 1763 and the Quebec Act of 1774. In the words of the Ashburton Treaty it was the line

> 'which has been known and understood to be the line of actual division between the States of New York and Vermont on one side and the British province of Canada on the other'.

The line up the St. Lawrence and the lakes.

From the point where the 45th parallel intersected the St. Lawrence, the line was, under the Treaty of 1783, to be carried up the middle of the rivers and lakes to the water communication between Lake Huron and Lake Superior, with the necessary result that Lake Michigan was entirely excluded from Canada. By the Sixth

Article of the Treaty of Ghent two Commissioners were to be appointed to settle doubts as to what was the middle of the waterway and to which of the two nations the various Islands belonged: and, as in other cases, if the Commissioners disagreed, they were to report to their respective governments with a view to arbitration by a neutral power. A joint award was given,[237] signed at Utica on the 18th of June, 1822, the boundary being elaborately specified and the report being accompanied by a series of maps.

The line between Lake Huron and Lake Superior, and to the most North-Western point of the Lake of the Woods.

The Treaty of 1783 laid down that the line was to be drawn, as already stated, through the middle of Lake Huron

> 'to the water-communication between that lake and Lake Superior; thence through Lake Superior, Northward of the Isles Royal and Phelipeaux to the Long Lake; thence through the middle of said Long Lake and the water communication between it and the Lake of the Woods to the said Lake of the Woods, thence through the said lake to the most North-Western point thereof'.

Under the Sixth Article of the Treaty of Ghent the Commissioners defined the frontier line well into the strait between Lakes Huron and Superior, but stopped short of the Sault St. Marie, at a point above St. Joseph's Island and below St. George's or Sugar Island. Here they considered that their labours under the Sixth Article terminated. But the next Article of the Treaty of Ghent provided that the same two Commissioners should go on to determine

> 'that part of the boundary between the dominions of the two powers, which extends from the water communication between Lake Huron and Lake Superior to the most North-Western point of the Lake of the Woods'.

Nonexistence of the 'Long Lake'.

Comparing these words with the terms of the 1783 Treaty, it will be noticed that mention of the Long Lake is eliminated, as it had been discovered in the meantime that the Long Lake could not be identified. On this section of the boundary the Commissioners were not at one. Accordingly on the 23rd of October, 1826,[238] they presented an elaborate joint report showing the points on which they had come to an agreement, and those on which they were at variance, with their respective recommendations. As to a great part of the line they were in accord, and especially they defined by latitude and longitude the most North-Western point of the Lake of the Woods, but they wholly disagreed as to the ownership of St. George's or Sugar Island in the strait between Lake Huron and Lake Superior, and also as to

The 'most North-Western point of the Lake of the Woods' determined.

the line to be taken from a point towards the Western end of Lake Superior[239] to the Lac de Pluie or Rainy Lake. They made, however, on either side suggestions for compromise. The matter was set at rest by the Second Article of Lord Ashburton's Treaty, St. George's Island being assigned to the United States, and a compromise line being drawn from Lake Superior to Rainy Lake. The channels along the whole boundary line from the point where it strikes the St. Lawrence are open to both nations; and by the Twenty-sixth Article of the Treaty of Washington, dated the 8th of May, 1871, the navigation of the St. Lawrence, from the point where it is intersected by the International Boundary down to the sea is declared to be free and open for the purposes of Commerce to the citizens of the United States, subject to any laws and regulations of Great Britain and Canada not inconsistent with the privilege of free navigation.

The Ashburton Treaty and the Treaty of 1871.

Navigation of the St. Lawrence.

According to the 1783 Treaty the boundary line from the most North-Western point of the Lake of the Woods was to be drawn

The line from the most North-Western point of the Lake of the Woods to the Mississippi.

> 'on a due West course to the river Mississippi',

and was then to follow that river Southwards. Here geographical knowledge was again wanting. The framers of the treaty were under the impression that the source of the Mississippi was further North than is actually the case, and they prescribed a geographical impossibility. It was not long before the mistake was found out, for the Fourth Article of Jay's Treaty of 1794[240] began with the words

Mistake as to the source of the Mississippi in the Treaty of 1783.

Corrected by Jay's Treaty of 1794.

> 'Whereas it is uncertain whether the river Mississippi extends so far to the Northward as to be intersected by a line to be drawn due West from the Lake of the Woods.'

The same Article provided that there should be a joint survey of the sources of the river, and, if it was found that the Westward line did not intersect the river, the boundary was to be adjusted

> 'according to justice and mutual convenience and in conformity to the intent of'

the 1783 Treaty.

The Fifth Article of the unratified Treaty of 1803 provided that a direct line should be drawn from the North-West point of the Lake of the Woods to the nearest source of the Mississippi, leaving it to three Commissioners

to fix the two points in question and to draw the line. A further attempt at adjustment was made in 1806-7, when the negotiators provisionally agreed to an Article to the effect that the line should be drawn from the most North-Western point of the Lake of the Woods to the 49th parallel of latitude, and from that point due West along the parallel

> 'as far as the respective territories extend in that quarter'.

This solution again was not carried into effect; and though the subject was raised in the negotiations which preceded the Treaty of Ghent in 1814, no mention was made of it in the Treaty itself. Eventually, however, on the 20th of October, 1818, a Convention was signed in London, the Second Article of which ran as follows:—

The Convention of 1818.

> 'It is agreed that a line drawn from the most North-Western point of the Lake of the Woods along the 49th parallel of North latitude or, if the said point shall not be in the 49th parallel of North latitude, then that a line drawn from the said point due North or South, as the case may be, until the said line shall intersect the said parallel of North latitude, and from the point of such intersection due West along and with the said parallel, shall be the line of demarcation between the territories of His Britannic Majesty and those of the United States, and that the said line shall form the Southern boundary of the said territories of His Britannic Majesty and the Northern boundary of the territories of the United States from the Lake of the Woods to the Stony Mountains.'[241]

First mention in the boundary agreements of the 49th Parallel and the Rocky Mountains.

Here the Rocky Mountains, under the name of the Stony Mountains, first come in, their existence having been unknown, except by vague report, when the Peace of 1783 was signed.[242]

Geographical knowledge was creeping on, but the wording of the Article shows that it was still uncertain whether the North-Westernmost point of the Lake of the Woods was North or South of the 49th parallel. This doubt was finally cleared up by the Commissioners who, as already stated, reported in October, 1826, and who fixed the point in question in 49° 23′ 55″ North; thus, when Lord Ashburton negotiated the 1842 Treaty, it was only left for him, adopting the point which the Commissioners had fixed, to lay down in the Second Article that the boundary line ran

The boundary line as far as the Rocky Mountains finally determined by the Ashburton Treaty.

> 'thence, according to existing treaties, due South to its intersection with the 49th parallel of North latitude, and along that parallel to the Rocky Mountains'.

The 49th parallel runs through the Lake of the Woods, but the anterior provision that the boundary line should be carried to the North-Westernmost

point of the lake, coupled with the fact that that point had been already determined, necessitated an unnatural and inconvenient diversion of the frontier line first to the North-West and then due South again, thereby including in American territory a small corner of land which should clearly have been assigned to Canada. For this result Lord Ashburton has been blamed, as he was blamed in the matter of the Maine boundary, but in either case his hands were tied by previous negotiations and the wording of existing treaties. A fair review of the whole subject leads to the conclusion that the Treaty of Washington in 1842 was a not inadequate compromise of the almost insuperable difficulties which the wording of the original Treaty of 1783 had left outstanding.

The Ashburton Treaty finally determined the points arising out of the wording of the Treaty of 1783.

In tracing the evolution of the boundary between Canada and the United States we have now reached the point where the 1783 Treaty ceased to operate, and have seen that the negotiations connected with the interpretation of the Treaty resulted in the line of demarcation being carried far beyond that point, viz., the head of the Mississippi, up to the range of the Rocky Mountains. Meanwhile the Pacific Coast had begun to attract attention, and a new crop of international questions had come into existence.

Later boundary questions.

The Western territory in dispute between the two nations was known as the Oregon or Columbia territory, and it lay between the 42nd degree of North latitude and the Russian line in 54° 40′ North latitude. The Columbia river took its name from the fact that it had been entered in May, 1792, by an American ship from Boston named the *Columbia*, commanded by Captain Gray, who thus claimed to be the discoverer of the river. In 1805 Lewis and Clark, the first Americans to cross the continent, reached its head waters and followed the river down to the sea. In 1811 an American trading settlement was planted at Astoria near its mouth. This settlement was voluntarily surrendered to Great Britain in the war which followed shortly afterwards, but was restored, without prejudice, to the United States under the general restitution article of the Treaty of Ghent. The Third Article of the subsequent Treaty of October 20th, 1818, provided that

The Oregon boundary dispute.

> ‘any country that may be claimed by either party on the North-West coast of America, Westward of the Stony Mountains, shall, together with its harbours, bays, and creeks

> and the navigation of all rivers within the same, be free and open for the term of 10 years'

to both Powers, without prejudice to the claims either of themselves or of foreign Powers; and this Article was, by a Convention of 6th of August, 1827, indefinitely prolonged—subject to one year's notice on either side—all claims being, as before, reserved. This last Convention was concluded, as its terms specified, in order to prevent all hazard of misunderstanding and to give time for maturing measures for a more definite settlement.

The position in 1842.

On this basis matters stood in 1842, when the Ashburton Treaty was signed. There was joint occupation of the Oregon territory by British and American subjects, and freedom of trade for both. Lord Ashburton had been empowered to negotiate for a settlement of the North-Western as well as the North-Eastern frontier line; but the latter, which involved the question of the Maine—New Brunswick boundary, being the more pressing matter, it was thought well to allow the determination of the line West of the Rocky Mountains to stand over for the moment. As soon as Lord Ashburton's Treaty had been signed at Washington in August, 1842, Lord Aberdeen, then Foreign Secretary in Sir Robert Peel's Ministry, made overtures to the United States with a view to an early settlement of the Oregon question. A long diplomatic controversy ensued, complicated by changes of government in the United States, and tending, as is constantly the case in such negotiations, to greater instead of less divergence of view.

The rival claims.

The Americans contended that they had a title to the whole territory up to the Russian line, and they claimed the entire region drained by the Columbia river. As a compromise, however, they had already, in the negotiations which ended in the Convention of 1827, suggested that the boundary line along the 49th parallel should be continued as far as the Pacific, the navigation of the Columbia river being left open to both nations. This offer was repeated as the controversy went on, with the exception that on the one hand free navigation of the Columbia river was excluded, and on the other the American Secretary of State proposed

> 'to make free to Great Britain any port or ports on Vancouver's Island, south of this parallel, which the British Government may desire'.[243]

The counter British proposal was to the effect that the boundary line should be continued along the 49th parallel until it intersected the North-Eastern branch of the Columbia river, and that then the line of the river should be followed to its mouth, giving to Great Britain all the country on the north of the river and to the United States all on the south, the navigation of the river being free to both nations, and a detached strip of coast land to the north of the river being also conceded to the United States, with the further understanding that any port or ports, either on the mainland or on Vancouver Island, South of the 49th parallel, to which the United States might wish to have access, should be constituted free ports.

The arguments advanced on both sides, based on alleged priority of discovery and settlement and on the construction of previous treaties, are contained in the Blue Book of 1846, and are too voluminous to be repeated here. The controversy went on from 1842 to 1846; and, when the spring of the latter year was reached, the Americans had withdrawn their previous offer and had refused a British proposal to submit the whole matter to arbitration. There was thus a complete deadlock, but shortly afterwards a debate in Congress showed a desire on the American side to effect a friendly settlement of a dispute which had become dangerous, and, the opportunity being promptly taken by the British Government, a Draft Treaty was sent out by Lord Aberdeen, which was submitted by President Polk to the Senate, who by a large majority advised him to accept it.[244] The Treaty was accordingly signed at Washington on the 15th of June, 1846. By the First Article the boundary line was

Settlement of the Oregon boundary question by the Treaty of 1846.

> 'continued Westward along the said forty-ninth parallel of North latitude to the middle of the channel which separates the continent from Vancouver Island, and thence Southerly, through the middle of the said channel and of Fuca's Straits, to the Pacific Ocean',

the navigation of the channel and straits South of the 49th parallel being left free and open to both nations. By the Second Article of the same Treaty, the navigation of the Columbia river, from the point where the 49th parallel intersects its great Northern branch, was left open to the Hudson's Bay Company and to all British subjects trading with the same. The effect of the Treaty was that Great Britain abandoned the claim to the line of the Columbia river, and the United States modified its proposal to adopt the 49th parallel as the boundary so far as to concede the whole of Vancouver

Island to Great Britain. The news that the treaty had been signed reached England just as Sir Robert Peel's ministry was going out of office.

The San Juan boundary question.

The delimitation of the boundary which the Treaty had affirmed gave rise to a further difficulty. The Treaty having provided that the sea line was to be drawn southerly through the middle of the channel which separates Vancouver Island from the continent and of Fuca's Straits into the Pacific Ocean, the two nations were unable to agree as to what was the middle of the channel in the Gulf of Georgia between the Southern end of Vancouver Island and the North American coast. The main question at issue was the ownership of the island of San Juan, and the subject of dispute was for this reason known as the San Juan boundary question. The British claim was that the line should be drawn to the Eastward of the island, down what was known as the Rosario Straits. The Americans contended that it should be drawn on the Western side, following the Canal de Haro or Haro Channel. Eventually it was laid down by the 34th and following Articles of the Treaty of Washington of 8th of May, 1871—the same Treaty which provided for arbitration on the *Alabama* question—that the Emperor of Germany should arbitrate as to which of the two claims was most in accordance with the true interpretation of the Treaty of 1846, and that his award should be absolutely final and conclusive. On the 21st of October, 1872, the arbitrator gave his award in favour of the United States, and it was immediately carried into effect, thus completing the boundary line from the Atlantic to the Pacific.

Arbitration under the Treaty of 1871.

The Alaska boundary question.

In a message to Congress on the subject of the San Juan Boundary Award, President Grant stated

> 'The Award leaves us, for the first time in the history of the United States as a nation, without a question of disputed boundary between our territory and the possessions of Great Britain on this continent;'

and he suggested that a joint Commission should determine the line between the Alaska territory and the conterminous possessions of Great Britain, on the hypothesis that here there was no ground of dispute and that all that was required was the actual delimitation of an already admitted boundary line. The matter proved to be more complex than the President's words implied.

By a Treaty signed on the 30th of March, 1867, the territory now known as Alaska was ceded by Russia to the United States. It was the year in which the Dominion Act was passed; and, when British Columbia[245] in 1871 joined the Dominion, Canada became, in respect of that province, as well as in regard to the Yukon Territory, a party to the Alaska boundary question. The limits of Russian America, as it was then called, had been fixed as far back as 1825, when, by a treaty between Great Britain and Russia, dated the 28th of February in that year, a line of demarcation was fixed between British and Russian possessions

Russian America ceded to the United States.

Line of demarcation between British and Russian possessions in North America drawn in 1825.

> 'upon the coast of the continent and the islands of America to the North-West'.

The line started from the Southernmost point of Prince of Wales Island, which point was defined as lying in the parallel of 54° 40′ North latitude and between the 131st and 133rd degrees of West longitude. It was carried thence to the North, along the channel called Portland Channel, up to that point of the continent where it intersected the 56th parallel of North latitude. From this point it followed the summit of the mountains parallel to the coast until it intersected the 141st degree of West longitude, and was carried along that meridian to the Arctic Ocean. The Treaty provided that the whole of Prince of Wales Island should belong to Russia, and that wherever the summit of the mountains running parallel to the coast between the 56th parallel of North latitude and the point where the boundary line intersected the 141st meridian was proved to be at a distance of more than 10 marine leagues from the ocean, the line should be drawn parallel to the windings of the coast at a distance from it never exceeding 10 marine leagues.

Free navigation of the rivers which flowed into the Pacific Ocean across the strip of coast assigned to Russia was conceded in perpetuity to British subjects; and, after the transfer of Russian America to the United States, the Twenty-sixth Article of the Treaty of Washington of 1871 provided that the navigation of the rivers Yukon, Porcupine, and Stikine should for ever remain free and open to both British and American citizens, subject to such laws and regulations of either country within its own territory as were not inconsistent with the privilege of free navigation.

Free navigation of rivers.

In 1872, the year after the entry of British Columbia into the Dominion of Canada, mining being contemplated in the northern part of British Columbia, overtures were, at the instance of the Canadian Government, made to the United States to demarcate the boundary, which had never yet been surveyed and delimited. The probable cost of a survey caused delay, and no action had been taken when in 1875 and 1876 disputes arose as to the boundary line on the Stikine river. The Canadian Government in 1877 dispatched an engineer to ascertain approximately the line on the river, and the result of his survey was in the following year provisionally accepted by the United States as a temporary arrangement, without prejudice to a final settlement. Negotiations began again about 1884, and, by a Convention signed at Washington on the 22nd of July, 1892, it was provided that a coincident or joint survey should be undertaken of the territory adjacent to the boundary line from the latitude of 54° 40′ North to the point where the line intersects the 141st degree of West longitude. It was added that, as soon as practicable after the report or reports had been received, the two governments should proceed to consider and establish the boundary line. The time within which the results of the survey were to be reported was, by a supplementary Convention, extended to the 31st of December, 1895, and on that date a joint report was made, but no action was taken upon it at the time.

Negotiations for a settlement of the boundary with the United States.

The Convention of 1892.

In 1896 the Klondyke goldfields were discovered in what now constitutes the Yukon district of the North-West Territories, and in the following year there was a large immigration into the district. The goldfields were most accessible by the passes beyond the head of the inlet known as the Lynn canal, the opening of which into the sea is within what had been the Russian fringe of coast. The necessity therefore for determining the boundary became more urgent than before. In 1898 the British Government proposed that the matter should be referred to three Commissioners, one appointed by each government and the third by a neutral power; and that, pending a settlement, a *modus vivendi* should be arranged. A provisional boundary in this quarter was accordingly agreed upon, but, instead of the Commission which had been proposed, representatives of Great Britain and the United States alone met in 1898 and 1899 to discuss and if possible settle various questions at issue between the two nations, among them being the Alaska

Discovery of gold at Klondyke.

Further negotiations.

boundary. They were to endeavour to come to an agreement as to provisions for the delimitation of the boundary

> 'by legal and scientific experts, if the Commission should so decide, or otherwise',

memoranda of the views held on either side being furnished in advance of the sittings of the Commission. Again no settlement was effected.

The Convention of 1903. Joint Commission appointed.

The dispute between Great Britain and Venezuela as to the boundary between Venezuela and British Guiana, in which the Government of the United States had intervened, had, by a Convention signed in February, 1897, been referred to arbitration, the Arbitrators being five in number, two Englishmen, two Americans, and one representative of a neutral State. In July, 1899, before the award in this arbitration had been given, Lord Salisbury proposed to the American Government that a treaty on identical lines with the Venezuela boundary Convention should apply arbitration to the Alaska Boundary question. To this procedure, giving a casting vote on the whole question to a representative of a neutral power, the American Government took exception, and suggested instead a Tribunal consisting of 'Six impartial Jurists of repute', three to be appointed by the President of the United States and three by Her Britannic Majesty. A suggestion made by the British Government that one of the three Arbitrators on either side should be a subject of a neutral state was not accepted; and eventually, on the 24th of January, 1903, a Convention was signed at Washington, constituting a tribunal in accordance with the American conditions. The three British representatives were the Lord Chief Justice of England and two leading Canadians, one of them being the Lieutenant-Governor of the Province of Quebec.

Points for decision.

The preamble of the Convention stated that its object was a 'friendly and final adjustment' of the differences which had arisen as to the 'true meaning and application' of the clauses in the Anglo-Russian Treaty of 1825 which referred to the Alaska boundary. The tribunal was to decide where the line was intended to begin; what channel was the Portland Channel; how the line should be drawn from the point of commencement to the entrance to the Portland Channel; to what point on the 56th parallel and by what course it should be drawn from the head of the Portland Channel; what interpretation should be given to the provision in the Treaty of 1825 that from the 56th parallel to the point where the 141st

degree of longitude was intersected the line should follow the crest of the mountains running parallel to the coast at a distance nowhere exceeding ten marine leagues from the ocean; and what were the mountains, if any, which were indicated by the treaty.

Main point at issue.

The main point at issue was whether the ten leagues should be measured from the open sea or from the heads of the inlets, some of which ran far into the land. If the latter interpretation were adopted, the result would be to give to the United States control of the main lines of communication with the Klondyke Mining district, just as the Maine boundary threatened to cut, and in large measure did cut, communication between the Maritime Provinces and Quebec.

The Award.

The Convention provided that all questions considered by the tribunal, including the final award, should be decided by a majority of the Arbitrators. The tribunal was unanimous in deciding that the point of commencement of the line was Cape Muzon, the Southernmost point of Dall Island on the Western or ocean side of Prince of Wales Island. A unanimous opinion was also given to the effect that the Portland Channel is the channel which runs from about 55°56′ North latitude and passes seawards to the North of Pearse and Wales Islands; but on all subsequent points there was a division of opinion, the three American representatives and the Lord Chief Justice of England giving a majority award from which the two Canadian members of the tribunal most strongly dissented. The majority decided that the outlet of the Portland Channel to the sea was to be identified with the strait known as Tongass Channel, and that the line should be drawn along that channel and pass to the South of two islands named Sitklan and Khannaghunut islands, thus vesting the ownership of those islands in the United States. They also decided that the boundary line from the 56th parallel of North latitude to the point of intersection with the 141st degree of West longitude should run round the heads of the inlets and not cross them. One section of the line was not fully determined owing to the want of an adequate survey. The net result of the award was to substantiate the American claims, to give to the United States full command of the sea approaches to the Klondyke Mining districts, and to include within American territory two islands hard by the prospective terminus of a new Trans-Canadian Railway.

The Behring Sea arbitration.

It may be added that the Treaty of 30th March, 1867, by which Alaska was transferred from Russia to the United States, gave rise not only to the territorial boundary dispute of which an account has been given above, but also to a controversy as to American and British rights in the Behring Sea, more especially in connexion with the taking of seals. The questions at issue were settled at a much earlier date than the land boundary, having been, by a treaty signed at Washington on the 29th of February, 1892, referred to a tribunal of seven arbitrators, two named by the United States, two by Great Britain, and one each by the President of the French Republic, the King of Italy, and the King of Sweden and Norway. The arbitrators met in Paris and gave their award on the 15th of August, 1893, the substance of the award, as concurred in by the majority of the arbitrators, being that Russia had not exercised any exclusive rights of jurisdiction in Behring Sea or any exclusive rights to the seal fisheries in that sea outside the ordinary three-mile limit, and that no such rights had passed to the United States.

The Treaty of April 11, 1908.

The last phase in the evolution of the Boundary line between Canada and the United States is the Treaty of 11th of April, 1908, ‘for the delimitation of International Boundaries between Canada and the United States’, by which machinery is provided ‘for the more complete definition and demarcation of the International Boundary’, and for settling any small outstanding points such as, e.g., the boundary line through Passamaquoddy Bay.

FOOTNOTES:

[230] See the report of the Lords of the Committee of Council for Plantation Affairs, October 6, 1763, given at pp. 116-18 of *Documents Relating to the Constitutional History of Canada, 1759-91* (Shortt and Doughty).

[231] See *State Papers*, vol. i, Part II, p. 1369.

[232] *Note.*—The territory in dispute, however, seems partly to have been claimed by the United States as Federal Territory and not as belonging to Massachusetts. See the letter from Gallatin to Monroe, December 25, 1814. *State Papers* for 1821-2, vol. ix, p. 562.

[233] See *State Papers*, vol. i, Part II, p. 1603.

[234] See *State Papers*, vol. i, Part II, p. 1625.

[235] See the two Blue Books of July, 1840, as to the ‘North American Boundary’.

[236] The above account of the boundary disputes between Great Britain and the United States in the region of Maine and New Brunswick has been mainly taken from the very clear and exhaustive *Monograph of the Evolution of the Boundaries of the Province of New Brunswick*, by William F. Ganay, M.A., Ph.D., 1901, published in the *Transactions of the Royal Society of Canada*, 1901-2, and also published separately.

[237] It will be found in the *State Papers* for 1821-2, vol. ix, p. 791.

[238] The report will be found in the *State Papers*, 1866-7, vol. lvii, p. 803.

[239] This point is described in the report as ‘100 yards to the North and East of a small island named on the map Chapeau and lying opposite and near to the North-Eastern point of Isle-Royale’.

[240] *State Papers*, vol. i, Part I (1812-14), p. 784.

[241] *State Papers*, vol. vi, 1818-19, p. 3—also in Hertslet’s collection.

[242] As to the discovery of the Rocky Mountains, see vol. v, Part I of *Historical Geography of the British Colonies*, p. 214 and note.

[243] Correspondence relative to the negotiation of the question of the disputed right to the Oregon Territory on the North-West coast of America subsequent to the Treaty of Washington of August 9, 1842. Presented to Parliament in 1846, p. 39.

[244] A good account of the negotiations is in a *Historical Note*, 1818-46, included in a Blue Book of 1873, C.-692, North America, No. 5 (1873).

[245] The boundaries of British Columbia had been fixed by an Imperial Act of 1863.

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