

(LORD DORCHESTER'S VIEWS ON THE PROBLEMS
OF CANADA DURING THE LAST PERIOD OF HIS
GOVERNORSHIP 1791-1796)

by Lambert Doerr O.S.B.

Thesis presented to the Department of
History of the Faculty of Arts of the
University of Ottawa as partial fulfill-
ment of the requirements for the degree
of Master of Arts (History)

*Degree conferred
May 1964
L. H. Vivier
Secr. Grad. Division*

Ottawa, Ontario, Canada 1964



UMI Number: EC55655

INFORMATION TO USERS

The quality of this reproduction is dependent upon the quality of the copy submitted. Broken or indistinct print, colored or poor quality illustrations and photographs, print bleed-through, substandard margins, and improper alignment can adversely affect reproduction.

In the unlikely event that the author did not send a complete manuscript and there are missing pages, these will be noted. Also, if unauthorized copyright material had to be removed, a note will indicate the deletion.



UMI Microform EC55655
Copyright 2011 by ProQuest LLC
All rights reserved. This microform edition is protected against
unauthorized copying under Title 17, United States Code.

ProQuest LLC
789 East Eisenhower Parkway
P.O. Box 1346
Ann Arbor, MI 48106-1346

ACKNOWLEDGEMENTS

This thesis was prepared under the supervision of Professor Lionel Guimond, M.A., of the Department of History of the Faculty of Arts of the University of Ottawa.

The writer is indebted to the members of the staff of the Public Archives of Canada for their valuable assistance.

CURRICULUM STUDIORUM

Helfried Edward Doerr, Father Lambert, O.S.B., was born August 4, 1936, in Gerolzahn, Germany. He studied philosophy at the Philosophical Academy of St. Ottilien, Germany, from 1956 until 1957. He studied theology at the University of Wuerzburg, Germany, from 1957 until 1960.

LIST OF ABBREVIATIONS

C.A.	Public Archives of Canada, Ottawa.
D.	The letter D followed by a number refers to a document in the appendix of the thesis. The numbers of the documents are identical with those of the appendices.
<u>D.C.H.</u>	Arthur G. Doughty and Duncan A. McArthur, Editors, <u>Documents Relating to the Constitutional History of Canada, 1791-1818</u> , Ottawa, King's Printer, 1914, XIII-576 p.
<u>M.P.H.C.</u>	<u>Michigan Pioneer and Historical Collections</u> , Vol. 24-25, Lansing, Smith, 1895-1896.
<u>Simcoe Papers</u>	E.A. Cruikshank, Editor, <u>The Correspondence of Lieut. Governor John Graves Simcoe with Allied Documents Relating to his Administration of the Government of Upper Canada</u> , Vol. 1-5, Toronto, Ontario Historical Society, 1923-1931.

TABLE OF CONTENTS

Chapter	page
INTRODUCTION.....	ix
I. - DORCHESTER'S VIEWS ON CANADA'S EXTERNAL RELATIONS.....	1
1. The Empire	1
2. The United States	8
a. The Western Frontier	8
b. Vermont	38
c. The Problems of Canada's Defence	42
3. Indian Affairs	52
4. Revolutionary France	62
II. - DORCHESTER'S VIEWS ON THE POLITICAL PROBLEMS OF BRITISH NORTH AMERICA.....	71
1. The Government of British North America	71
2. Upper Canada	87
3. The Maritimes	101
III. - DORCHESTER'S VIEWS ON THE ADMINISTRATION OF LOWER CANADA.....	105
1. The Two Ethnic Groups	105
2. The Organs of Government	113
a. The Executive Council	113
b. The Provincial Legislature	119
3. Fees and Emoluments	126
4. Administration of Justice	133
5. Land Tenure	138
6. Land Granting	144
7. Immigration and Settlement	153
8. Militia	156
IV. - DORCHESTER'S VIEWS ON THE ECONOMIC PROBLEMS OF CANADA.....	162
1. Provincial Finance	162
a. Provincial Revenue and Expenditure	162
b. Provincial Accounts	175
2. Agriculture	186
3. Trade and Commerce	191
a. Canadian Trade and Imperial Trade Regulations	191
b. Trade with the United States	202
c. Other Problems of Canadian Trade and Commerce	207
V. - DORCHESTER'S VIEWS ON THE RELIGIOUS AND CULTURAL PROBLEMS OF CANADA.....	210
1. The Churches	210
a. The Roman Catholic Church	210

TABLE OF CONTENTS

vi

Chapter	Page
b. The Church of England and the Dissi- dent Protestants	214
2. Education	218
SUMMARY AND CONCLUSIONS.....	222
BIBLIOGRAPHY.....	226
Appendix	
1. DORCHESTER TO DUNDAS.....	236
2. DORCHESTER'S SUGGESTIONS CONCERNING THE GOVERNMENT OF CANADA.....	242
3. DORCHESTER TO DUNDAS.....	249
4. DORCHESTER'S SPEECH AT THE OPENING OF THE LEGIS- LATURE.....	254
5. DORCHESTER TO DUNDAS.....	256
6. DORCHESTER TO DUNDAS.....	258
7. DORCHESTER'S SPEECH TO THE INDIANS OF THE SEVEN VILLAGES OF LOWER CANADA.....	262
8. DORCHESTER TO SIMCOE.....	266
9. DORCHESTER TO SIMCOE.....	269
10. DORCHESTER TO DUNDAS.....	274
11. DORCHESTER TO DUNDAS.....	276
12. DORCHESTER TO DUNDAS.....	278
13. DORCHESTER'S ORDERS REGARDING MILITARY EXPENDITURES AND THE COMMISSARIATE.....	281
14. DORCHESTER TO DUNDAS.....	283
15. DORCHESTER TO HAMMOND.....	285
16. DORCHESTER TO SIMCOE.....	288
17. FORM OF PROTEST SUGGESTED BY DORCHESTER.....	291

TABLE OF CONTENTS

vii

Appendix	page
18. DORCHESTER'S ANSWER TO THE INDIANS OF THE SEVEN VILLAGES OF LOWER CANADA.....	292
19. DORCHESTER TO DUNDAS.....	295
20. DORCHESTER TO DUNDAS.....	298
21. DORCHESTER TO SIMCOE.....	300
22. RYLAND TO OSGOODE.....	303
23. EXTRACT FROM THE MINUTES OF THE EXECUTIVE COUNCIL.	304
24. DORCHESTER'S INSTRUCTION FOR THE INDIAN DEPARTMENT.....	306
25. DORCHESTER TO PORTLAND.....	310
26. DORCHESTER TO PORTLAND.....	314
27. DORCHESTER TO PORTLAND.....	319
28. DORCHESTER'S SPEECH AT THE PROROGATION OF THE LEGISLATURE.....	321
29. DORCHESTER TO PORTLAND.....	323
30. DORCHESTER TO PORTLAND.....	326
31. DORCHESTER'S SUGGESTIONS CONCERNING THE AUDIT OF THE ACCOUNTS OF THE COLLECTION OF THE PROVINCIAL REVENUE.....	330
32. DORCHESTER'S OBSERVATIONS ON PROVINCIAL REVENUE...	333
33. DORCHESTER TO SIMCOE.....	337
34. DORCHESTER TO PORTLAND.....	340
35. DORCHESTER TO PORTLAND.....	342
36. DORCHESTER'S INSTRUCTIONS TO THE INSPECTOR GENERAL OF PUBLIC ACCOUNTS.....	344
37. DORCHESTER TO PORTLAND.....	346
38. DORCHESTER TO SIMCOE.....	349

TABLE OF CONTENTS

viii

Appendix	page
39. DORCHESTER TO PORTLAND.....	352
40. DORCHESTER'S MEMORANDUM CONCERNING THE REVENUE BILL AND THE COMMERCIAL TREATY WITH THE UNITED STATES..	356
41. COFFIN TO CONROY.....	360
42. DORCHESTER TO LISTON.....	361
43. DORCHESTER TO THE COMMISSIONERS OF THE CUSTOMS....	363

INTRODUCTION

Among the governors, who administered Canada after the British conquest of 1759, Guy Carleton, Lord Dorchester occupies a position of prominence. This is the case not merely on account of the long duration of his governorship, but also on account of the influence exercised by him upon the course of British policies regarding Canada. It will be the object of this thesis to describe Dorchester's views on the problems, which affected Canada during the final years of his administration of this colony. The beginning of the period dealt with in this thesis is described by the Constitutional Act of 1791 and the simultaneous separation of the Old Province of Quebec into Upper and Lower Canada, its end by the final departure of Lord Dorchester for England in 1796. In practice however this thesis will necessarily stress the three years from 1793 until 1796. During the two previous years Dorchester was on leave of absence in England and exercised only occasional influence on the affairs of Canada, while the actual government of the colony was in the hands of Lieutenant Governor Alured Clarke.

There are certain limitations to the thesis. No attempt will be made to describe his administration in all its aspects. There will be no treatment of the Governor's character. Instead it is merely the goal of the thesis to describe and assess Dorchester's views regarding the external

INTRODUCTION

x

and internal problems of Canada. The first two chapters will deal with Dorchester's views on the external relations of the Canadas and with his ideas regarding the government of all of British North America. These fields represent the only sections of Canadian affairs, in which the Governor exercised some jurisdiction during these years outside the narrow limits of Lower Canada. On the other hand, the last three chapters will be concerned with Dorchester's ideas in regard to the internal affairs of the Province of Lower Canada. His views on the administrative, economic and social problems of this colony will be dealt with successively.

The Governor's official correspondence, transcripts of which are preserved in the Public Archives of Canada at Ottawa, constitutes the main source for this work. The most important part of this correspondence are his dispatches to the Secretary of State at Whitehall, who was responsible for colonial affairs. In addition there are also letters to other officials both in the mother country and in the colonies of British North America themselves. Letters written by Dorchester's principal aides, the Civil Secretary and the Military Secretary, are treated as part of the Governor's own correspondence, as they expressed his views. Some source material is also contributed by Dorchester's official communications with the executive and legislative branches of the government of Lower Canada. While many of the actions of the Executive Council were transacted in the Governor's name,

INTRODUCTION

xi

they did not necessarily express precisely Dorchester's own opinion or his personal views. Only those transactions of this body, which express the Governor's personal involvement, are therefore used as source material. It is for this reason that, for instance, the regulations for trade with the United States issued by the Executive Council in May of 1796 will be ignored.

On account of the special importance of documentation for this thesis an appendix will present a representative selection of Lord Dorchester's official Papers for the years 1791 to 1796.

Lord Dorchester and his governorship in Canada have been a subject of interest to various historians of the twentieth century. There are two chief schools, the first of which is almost blindly favorable to the Governor and his activities in Canada, while the second one is critical of various aspects of Dorchester's personality and of his administration of the affairs of Canada. The first school can be traced back to the panegyric writings of the Quebec Gazette¹, which were carried on by historians of the nineteenth century².

1 See e.g. Quebec Gazette, September 26, 1793 on the return of Dorchester to Canada.

2 See e.g. Robert Christie, A History of the Late Province of Lower Canada, Parliamentary and Political, From the Commencement to the Close of its Existence as a Separate Province, Vol. 1, Montreal, Worthington, 1866, p. 173-175.

INTRODUCTION

xii

Two biographies of Dorchester from the early part of the twentieth century, both of them written popularly, are representative of this school of historical writing. A.G. Bradley is the author of the first biography³. It was originally written in 1907 and reprinted almost unchanged in 1926 with the exception of some notes at the end of the book. While the factual information presented by the work is mainly correct, Bradley's interpretation of Lord Dorchester's role does not do adequate justice to people involved in conflicts with the Governor. On the whole Bradley is presenting an idealizing account of Dorchester and his administration. The same holds true of the second biography of the Governor, which was written by William Wood⁴. The title of this work, which calls Dorchester "the Father of British Canada", is in itself indicative of its content. Other historians of the time, though more scholarly, followed the same line as Bradley and Wood in their treatment of the role of Lord Dorchester. As examples may be mentioned the Canadian history by Lucas⁵ and the third volume of the monumental work Canada

3 A.G. Bradley, Lord Dorchester, Toronto, Oxford University Press, 1926, XIV-343 p.

4 William Wood, The Father of British Canada, A Chronicle of Carleton, Toronto, Glasgow, 1916, 239 p.

5 Sir C.P. Lucas, A History of Canada, 1763-1812, Oxford, Clarendon Press, 1909, 360 p.

INTRODUCTION

xiii

and Its Provinces⁶. In more recent years a popular biography of Lord Dorchester by Pierre Benoit was written much along the same lines⁷. All of these works are characterized through a general lack of adequate historical criticism. Their authors are indulging in a blind adulation of the Governor's good qualities without even sensing his limitations and defects.

Alfred Leroy Burt, who is practically the sole representative of the second school of historical thought on Dorchester, undertook the task to correct the picture, which the earlier historians had presented. Of special interest for the purpose of this thesis his article on "Guy Carleton, Lord Dorchester, An Estimate"⁸ and his booklet on the Governor in the series of the Canadian Historical Association⁹. While the first of these two works combines a study of the Governor's character with a description of his official activities, the second one concentrates mainly on a history of

6 Adam Shortt and Arthur G. Doughty, editors, Canada and Its Provinces, Vol. 3, Toronto, Publishers' Association 1913, XII-385 p.

7 Pierre Benoit, "Lord Dorchester (Guy Carleton)", in Figures Canadiennes, Vol. 5, Montreal, editions HMH, 1961, 203 p.

8 A.L. Burt, "Guy Carleton, Lord Dorchester, An Estimate", in Canadian Historical Association Report, 1935, p. 76-87.

9 -----, "Guy Carleton, Lord Dorchester, 1724-1808" in Canadian Historical Association Historical Booklets, No. 5, Ottawa, The Association, Revised Version, 1955, 16p.

INTRODUCTION

xiv

his administration of the affairs of Canada. Burt wanted to present a more critical and a more balanced evaluation of his role in Canadian affairs by making him "more human and less divine"¹⁰. His two studies together with his larger works¹¹ indeed succeeded in changing the image of Dorchester in the eyes of historians. There are indications however, that the author in places permitted the pendulum of criticism to swing too far.

Burt's studies can nevertheless serve as a point of departure for this thesis. However their value is limited. The two short publications, which concern themselves exclusively with Lord Dorchester's role, are too short in their whole concept as to permit any intensive study of the whole scope of the Governor's policies. While his Old Province of Quebec provides an adequate treatment of Dorchester's activities prior to the Constitutional Act of 1791, Burt's The United States, Great Britain and British North America, deals only with the external aspect of the Governor's last years in Canada. This lack can not be remedied by studies which have been undertaken by other historians with the exception perhaps of the minor aspect of Dorchester's relationship with

10 Burt, "Guy Carleton, Lord Dorchester, 1724-1808", p. 3.

11 A.L. Burt, The Old Province of Quebec, Toronto, Ryerson, 1933, XIII-551 p.- Id., The United States, Great Britain and British North America from the Revolution to the Establishment of Peace after the War of 1812, New Haven, Yale University Press, 1940, VII-448 p.

INTRODUCTION

xv

the Church of England¹². It will be the object of this thesis therefore to attempt a more profound study of Lord Dorchester's views and his policies as they appeared during the last stage of his career.

¹² A.H. Young, "Lord Dorchester and the Church of England", in Canadian Historical Association Report, 1926, p. 60-65,

CHAPTER I

DORCHESTER'S VIEWS ON CANADA'S EXTERNAL RELATIONS

1. The Empire

Canada's relationship with Great Britain and with the British Empire as a whole was one of the most outstanding features of the country's external relations due to the fact, that is was by right of foundation and conquest a British colony and thus a part of the Empire. Lord Dorchester's views on this relationship between Canada and the British Empire were influenced by two factors. As Governor, he was the official representative of the imperial authorities. At the same time, he was the unofficial spokesman for the inhabitants of the colony. This double function exercised by the Governor was reflected in his views on the position of Canada within the Empire. It was his aim to reconcile the interests of the central government at Whitehall with those of the colonial people administered by him. This part of the thesis is designed to give a general outline of Lord Dorchester's views on Canada's relations with Great Britain and with the Empire. More specialized problems like those concerning the government of British North America or those resulting from the imperial trade regulations will be treated later on in their proper context.

Lord Dorchester was not given to making long theoretical discourses about the problems in the relationship

EXTERNAL RELATIONS

2

between the colony and the Empire. It is necessary therefore to sketch his views on this particular subject largely from inference. The Governor can be called an "imperialist", as he viewed the Canada's primarily as bastions of British power in North America. However his imperialism was different from that of his contemporary, Lieutenant Governor John Graves Simcoe of Upper Canada. While he was an idealist, his imperialism was still of a more realistic nature than the enthusiasms of Simcoe¹. In 1786 Dorchester had returned to Canada with the "ambition to direct an imperial regeneration in America"². He had hoped to achieve this goal by means of a colonial consolidation which would have united all British colonies in North America under his rule. These united colonies would then have constituted in his eyes a strong basis for an eventual recovery of the now independent American colonies.

However these hopes and ambitions were shattered by the decisions of the government in London, which was not prepared to pursue such a policy. The Constitutional Act of 1791 officially marked the adoption of a different course of

1 For Simcoe's imperialism see Stanley R. Mealing, "John Graves Simcoe", in Robert L. McDougal, editor, Our Living Traditions, Fourth Series, Toronto, University of Toronto Press, 1962, p. 57-76.

2 Alfred Leroy Burt, "Guy Carleton, Lord Dorchester 1724-1808", in Canadian Historical Association Historical Booklets, No. 5, Revised Version, Ottawa, The Association, 1955, p. 14.

EXTERNAL RELATIONS

3

action by Whitehall. It made Dorchester merely Governor of Lower Canada with some vague authority, especially in military matters, over the rest of British North America. During his final years in office the Governor was fighting a losing battle to preserve at least a part of his scheme for a strong imperial authority in America. While on leave in England he repeated his proposals to the Secretary of State. He argued that "without a measure of this kind the general interest of the Empire as well as the true Interest of the Colonies themselves will suffer and at a future day of their Prosperity the Unity of the Empire will be endangered"³. As shown by this argument Lord Dorchester's views on the role of the Canadas within the Empire had undergone a considerable change. The opposition of the home government to his imperial designs had caused him to take a more negative outlook. Instead of the prospect of an eventual recovery of the lost colonies, he had held out earlier, Dorchester now attempted to persuade the Secretary of State to accept his views by suggesting that otherwise the remaining British colonies in America might follow the example of the older settlements and secede from the Empire. In the interest of imperial unity it was therefore imperative in the Governor's view that the British

³ C.A., G 5, Vol. 1, p. 12, Dorchester's Suggestions on the Government of Canada, February 19, 1793, D 2.

EXTERNAL RELATIONS

4

government adopted a policy of colonial unification. However in his reply to Lord Dorchester's suggestion the Secretary of State brushed aside the Governor's argument. He did not believe, that such a step would strengthen the Empire as a whole or even the colonies concerned.⁴

The last years of the Governor's administration in Quebec after his return in 1793 were filled with conflict with the authorities in London over their imperial and colonial policies. While these disagreements will be dealt with in detail later on, some special consideration must be given in this place to Lord Dorchester's continuous efforts to impress upon Whitehall his ideas on the role of Canada within the Empire. He saw in a governor with real powers over the whole of British North America the best safeguard for "the National Interests"⁵, the interests of Great Britain and of her Empire. Instead Whitehall was pursuing a policy "to divide and subdivide, and of this Remnant to form many independent Governments"⁶, which was gravely endangering the unity of the Empire by exposing the individual colonies to the mercy of the expanding United States of America.

A second danger to the role of the Canadas within the

⁴ C.A., G 5, Vol. 1, p. 1, Dundas to Dorchester, July 17, 1793.

⁵ Simcoe Papers, Vol. 3, p. 306, Dorchester to Portland, February 20, 1795 D 25.

⁶ Ibid.

EXTERNAL RELATIONS

5

Empire of Great Britain arose in Lord Dorchester's eyes from the system of remuneration for colonial officials, which was then in use and which consisted of fees and emoluments demanded by the servants of the Crown from the inhabitants of the country. in return for their official services. In his words it was one of the functions of the Governor "to prevent any System of private advantage from insinuating itself unnoticed, to the detriment of the Crown and Empire"⁷. Dorchester's concern with this problem was very profound. In a special section we will treat it extensively. In this context it is sufficient to state that he believed this system of fees exercised a very destructive influence upon the unity of the Empire. He blamed the American Revolution to a very large extent on its consequences⁸.

During his last years in office Dorchester's attitude towards Canada and its place in the Empire became largely negative. It was dominated by the fear that the policy pursued by London would lead sooner or later to a complete loss of all British possessions in North America: "Thus we not only preclude ourselves from the chance of profitting by occurrences which the course of time may bring forth, but endanger His

7 Ibid.

8 D.C.H., p. 168-169, Dorchester to Dundas, December 31, 1793, D 6. See also Chapter III, 3.

EXTERNAL RELATIONS

6

Majesty's Possessions on this Continent still more and more"⁹.
 The one positive aspect was his continual suggestion that a governor endowed with all necessary authority over all of the colonies could serve best the true interests of the Empire and of the Canadas themselves¹⁰.

While we will deal with the practical aspects of the relationship between the Empire and its colonies in North America,^{later on} a few examples are to show, how Lord Dorchester attempted to cope with his double function as representative of the Crown in the colonies and as spokesman of the inhabitants with the central authorities of the Empire. Dorchester used various opportunities to foster in the minds of the people in the province administered by him a spirit of attachment to the Crown and mother country. He proposed for example to lay before the Legislature the estimates of the provincial revenue and expenditure in order to show the members the inadequacy of their own financial resources and at the same time the generosity of Great Britain in making up for the deficit. It was for this reason, that the Governor while opening a new session of the Legislature expressed his hope that Great Britain "will continue her generous assistance for this Colony and defray such surplus expences as are absolutely necessary

⁹ Simcoe Papers, Vol. 3, p. 307, Dorchester to Portland, February 20, 1795, D 25.

¹⁰ Ibid. See also C.A., Q 75, pt. 2, p. 460-461, Dorchester to Portland, June 11, 1796.

EXTERNAL RELATIONS

7

to its prosperity"¹¹.

Lord Dorchester also attempted to protect the interests of those governed by him, if they were threatened by actions taken by the authorities at Whitehall. Thus the commercial aspects of Jay's Treaty appeared to place the subjects of the British Crown in Canada into a more unfavorable position than citizens of the United States. The Governor did not hesitate to make strong representations about this situation to the Secretary of State. He argued that formerly all subjects had accepted certain imperial trade regulations, "conceiving the restrictions originated in motives tending to increase the Navigation of the Empire, and to strengthen the Connexion between the Mother Country and the Colonies"¹², but that now the circumstances had changed and that it was unwise to retain these restrictions in their full extent. Dorchester did not go as far as to demand the outright abolition of the old colonial trade system, which was regulated by imperial legislation. He was ready to accept a certain measure of regulation and of restriction in the interest of the Empire as a whole, but he also believed it necessary for the government to consider, "whether such measures should not be adopted at home as will

¹¹ Quebec Gazette, issue of November 14, 1793, Dorchester's Speech at the Opening of the Legislature, November 11, 1793, D 4.

¹² C.A., Q 75, pt. 2, p. 429 Dorchester's Memorandum on the Revenue Bill and The Commercial Treaty with the United States, May 9, 1796, D 40.

EXTERNAL RELATIONS

8

place His Majesty's Colonial Subjects, at least on an equal footing with the Citizens of the United States"¹³. Lord Dorchester thus saw the Canadas first as a part of the Empire and he was willing to advocate at least a certain measure of colonial sacrifice for the purpose of imperial unity, but at the same time he was vitally concerned to protect the interests of the provinces he administered. This preoccupation with the protection of colonial interests, which the Governor demonstrated during the last period of his administration, stood in marked contrast to his idealistic and optimistic attitude of earlier years, when he had hoped to use the Canadas as a basis/ ^{for} an imperial regeneration in North America.

2. The United States

a. The Western Frontier.

The greatest external problem which Lord Dorchester encountered during the last years of his administration of Canada was a legacy of the American Revolutionary War, the problem of the western posts. The Peace of 1783 had given these posts to the United States. However almost a decade later they were still in British hands. The reasons for Great Britain's cession of these posts and for the long delay

¹³ C.A., Q 77, p. 2, Dorchester to Portland, July 8, 1796.

EXTERNAL RELATIONS

9

in their actual delivery are complicated¹⁴. The fact that Britain was tired of war was one of the causes for the acceptance of the American demands for the posts, which were regarded as "the keys of the fur trade"¹⁵. The British ministers also hoped to gain free access to the interior of the continent in return for their concession, which would have more than compensated the commercial interests for any loss to the fur trade.

This settlement however had completely ignored the interests of the Indian tribes in the territories signed away to the American States. It was mainly to refute their charge of betrayal by the hands of their former allies that Governor Haldimand decided that Britain should retain the posts. In doing so he had two objects in mind. One was to reconcile the Indians, Britain's allies in the late war, to the Americans. "Haldimand's other object was to restore the Indians' confidence in the British"¹⁶, without which the British ascendancy in the interior of the North American continent would have been impossible. In the surrender of the posts and the occupation of the adjacent territory by the United States

14 See Alfred Leroy Burt, "A New Approach to the Problem of the Western Posts", in Canadian Historical Association Report, 1931, p. 61-75.

15 Ibid., p. 62.

16 Ibid., p. 65.

EXTERNAL RELATIONS

10

Haldimand saw the origin of a new Indian war, in which both American and British interests and lives would suffer great damage¹⁷. For these reasons, and not for the ill-treatment of the Loyalists and for the repudiation of debts, both of which came as an afterthought, Britain decided that her garrisons were to be retained indefinitely in the Western Posts on the American side of the treaty line. This British policy naturally exasperated the Americans and therefore constituted a constant source of friction, which could lead to an armed conflict. To control this explosive situation the British government had "to rely on the discretion of the British Commander-in-Chief in America, who was also the Governor of Quebec"¹⁸.

Upon his return to Canada in 1786 Lord Dorchester had accepted the policy enunciated by his predecessor of trying to reconcile the Indians and the Americans. These efforts for peace in the disputed area took a new importance during the last period of Dorchester's governorship, when as a result of Indian victories over badly led American armies it appeared possible for the British to mediate in a settlement favourable to their interests. A private suggestion in 1791

17 See Burt, "A New Approach to the Problem of the Western Posts", p. 67-68 and Nelson Vance Russell, The British Régime in Michigan and the Old Northwest, 1760-1796, Northfield, Carleton College, 1939, p. 239.

18 Burt, "Guy Carleton, Lord Dorchester, 1724-1808" p. 15.

EXTERNAL RELATIONS

11

by Alexander Hamilton to George Beckwith, Lord Dorchester's representative, that the United States government would appreciate the Governor's intercession with the Indians to induce them to make peace, was interpreted by Dorchester as a request for his good offices. Despite Hamilton's assurance, that he only spoke as an individual, the idea of a mediation by Dorchester did not die. It was accepted by Whitehall as British policy, as

It is but too evident that unless some means are taken to put an end to the further progress of the war, this country must sooner or later be placed in a very unpleasant and embarrassing situation.¹⁹

Dorchester obtained from the Indians a statement of the terms on which they would be willing to make peace.²⁰ These terms were handed to the Governor by a deputation from the tribes involved at a meeting in Quebec in August 1791, where Dorchester promised to intercede on their behalf.

Shortly afterwards Lord Dorchester departed for England on an extended leave of absence. This provided the government in London with the opportunity to draw upon his

19 Alfred Leroy Burt, The United States, Great Britain and British North America from the Revolution to the Establishment of Peace after the War of 1812, New Haven, Yale University Press, 1940, p. 119, Dundas to Dorchester, September 16, 1791.

20 For the Terms see Samuel Flagg Bemis, Jay's Treaty, A Study in Commerce and Diplomacy, New Haven, Yale University Press, Revised Edition, 1962, p. 157.

EXTERNAL RELATIONS

12

wide experience in the search for a new formula for the solution of the frontier problem. The winter of 1791-1792 was apparently taken up with a detailed study of the whole question and in spring of 1792 the neutral barrier state project was elaborated and accepted by the government. The idea as such was not new as Governor Haldimand had proposed a similar solution in 1783²¹. This design was now resurrected and somewhat adapted by Lord Dorchester. The authorship of the Governor for the project is clearly suggested by the Secretary of State himself, when he wrote Lord Dorchester for clarification of some of the aspects of the peace scheme and referred to it as a plan "suggested in some late communications between your Lordship and His Majesty's Servants, which your Lordship appeared to think extremely advisable if it could be carried into Execution"²².

Lord Dorchester's peace project, as Henry Dundas' letter recapitulated it, suggested that Britain and the United States should jointly guarantee a certain territory to the Indian tribes, which would belong exclusively to them and which would extend along the whole length of the United States-British North American frontier. Neither power was to

21 Russell, The British Régime in Michigan and the Old Northwest, 1760-1796, p. 240.

22 C.A., Q 58, pt. 1, p. 59, Dundas to Dorchester, March 15, 1792.

EXTERNAL RELATIONS

13

allow its citizens to acquire or to retain any land within the boundaries of this Indian state. All white settlement would thus have been excluded. Britain was ready to relinquish her border posts. They would however not be surrendered to the Americans, "but to be ceded for the express purpose of becoming part of such Territory as is to be reserved for the undisturbed and independent possession of the Indians".²³

Lord Dorchester's plan thus became a policy of the government, as it appeared to offer the best solution possible. Britain would only have to give up the posts she occupied in violation of the Peace of 1783, while on the other hand she would gain a buffer against United States' expansion. It was Dorchester, who had added to Haldimand's idea the feature, which would have extended the barrier state along the whole of the common frontier of the United States and of the North American possessions of Great Britain. However he had neglected to show the government, "where the new boundary should run, when it struck east from the line demanded by the western tribes"²⁴. When asked by the Secretary of State to supply these additional details, the Governor had to admit that the whole scheme, while very advisable and practicable "as far,

²³ Ibid., p. 60

²⁴ Burt, The United States, Great Britain and British North America, p. 119.

EXTERNAL RELATIONS

14

as there are Indians, who have claims to be attended to, and who are capable of occupying the ground, that may be set apart for them"²⁵, was not feasible for vast stretches of the frontier.

In the western parts there were Indian tribes strong enough to occupy and to hold the lands to be given to them. The situation was somewhat different along the southern and south-eastern shores of Lake Ontario and of the Upper St. Lawrence River. Dorchester asserted, that this territory, the habitat of the Six Nations, was not at present a matter of dispute between the Indians and the Americans. However the Governor believed that it could easily become a source of future friction, "unless the just claims and interests of the different nations of that quarter are ascertained, and secured to them by a permanent boundary"²⁶. Dorchester then recommended that the various tribes involved in this part of the country be consulted and that according to their expressed wishes they become part of the proposed Indian barrier.

For the eastern part of the frontier, Dorchester had to admit, his barrier scheme was not practicable, as from Lake Champlain to the Atlantic there were no Indians, "who are

²⁵ M.P.H.C., Vol. 24, p. 387, Dorchester to Dundas, March 23, 1792, D I.

²⁶ M.P.H.C., Vol. 24, p. 387, Dorchester to Dundas, March 23, 1792, D I.

EXTERNAL RELATIONS

15

capable of occupying any space that might be secured to them, so as to answer the purpose of a barrier"²⁷. The Governor was thus forced to modify considerably his original ideas. There would be after all a common frontier between the American States and the British North American provinces.

As an alternative Dorchester now proposed "a rectification of the boundary line in the region of Lake Champlain"²⁸, along lines which would have made Grande Isle and Isle La Motte part of the British dominions. He regarded the enlargement of the British territory in this particular area as imperative, because in lieu of an Indian barrier at this point there was the necessity of an increased population on the British side in order to constitute some protection for the rest of the Canadas against American encroachments.

Regarding the boundaries in the east "down to the river St. Croix" Dorchester was not able to give any information whatsoever, as the present description of the area "is too general for any practical purpose"²⁹. For the actual establishment of permanent boundaries between the United States and the Indians as well as between the United States and Great Britain's dominions in North America the Governor

²⁷ Ibid., p. 388.

²⁸ Bemis, Jay's Treaty, p. 163.

²⁹ M.P.H.C., Vol. 24, p. 388, Dorchester to Dundas, March 23, 1792, D 1.

EXTERNAL RELATIONS

16

proposed the appointment of commissioners to work out details, a suggestion embodied later on in the treaty concluded in 1794 between Lord Grenville and John Jay.

Despite the concessions he was forced to make in view of the actual circumstances Lord Dorchester nevertheless adhered to his scheme: "The wisdom and utility of this system I should hope would be so evident to the good sense of the United States, as to conquer every difficulty on their part"³⁰. However while the British government pressed ahead with Dorchester's plan, the American authorities were not impressed by it. Britain was only ready to give up, what was not hers in the first place. The Indian barrier state was to be established entirely on territory belonging by treaty to the United States. Furthermore it would have established a perpetual ascendancy of the British commercial interests in the Indian territory³¹. All these reasons combined in influencing the American government to reject Dorchester's ambitious but unrealistic scheme.

Lord Dorchester's ideas regarding the problems of United States-British North American relations, as he expressed them during his stay in England in the years 1791 to 1793, demonstrated his conviction that British interests

30 Ibid.

31 Bemis, Jay's Treaty, p. 161.

EXTERNAL RELATIONS

17

demanded peace on the American continent and also that the United States' authorities were not seriously threatening the posts occupied by Britain. Shortly after his arrival in England he informed Lord Grenville, that according to his impression the expedition of General St. Clair was not at all directed against the British, but solely against the Indians³². When requested by the Secretary of State during the summer of 1793 to give his opinion on the requisitions submitted by Lieutenant Governor Simcoe through Captain Stevenson³³, Dorchester asserted his belief in moderation towards the United States. When Stevenson, while asking for natural boundaries for Upper Canada, intimated that "Great Britain need not fear a War, if she acts with vigour"³⁴, Dorchester replied simply that it is "to be wished the Frontier may be settled by Treaty agreeably to what is in contemplation"³⁵. In regard to another suggestion, which was even more unrealistic, the Governor expressed his conviction,

32 See Russell, The British Régime in Michigan and the Old Northwest, p. 255, referring to a dispatch from Dorchester to Grenville, November 15, 1791, C.A., v. 54, pt. 2, p. 622.

33 Regarding Simcoe's authorship of the requisitions see Bemis, Jay's Treaty, p. 235-236. Burt, The United States, Great Britain and British North America, p. 134, n. 74, does not accept Simcoe's authorship.

34 Simcoe Papers, Vol. 1, p. 411.

35 Ibid., Vol. 2, p. 3, Dorchester's Answers to Stevenson's Requisitions, August 4, 1793.

EXTERNAL RELATIONS

18

that "all Measures hostile to the States" were "highly inexpedient"³⁶.

When Lord Dorchester returned to his command in Canada in autumn of 1793, his views regarding the relations with Canada's neighbour to the south underwent a rapid change. The frontier problem emerged into new prominence soon after the Governor's arrival, when he was confronted with the complaints of Mr. Ogden, an American citizen, regarding various border incidents near the post of Oswegatchie³⁷. Dorchester realized that the whole situation of the posts had changed radically with the rapid settlement of the territory on the American side of the treaty line. The settlers threatened the lines of communication between the various posts and were also exerting continual pressure upon the Indians. The Governor had to admit, that he did not know, "how we could avoid coming to blows if matters were not soon settled"³⁸. He believed that there was a party in the United States, which would prefer an armed conflict, as the American chances had improved considerably, since Britain was already engaged in a war with revolutionary France.

36 Ibid.

37 C.A., Q 66, p. 221-225, Dorchester to Hammond, October 14, 1793.

38 Ibid., p. 222.

EXTERNAL RELATIONS

19

Lord Dorchester saw the greatest immediate danger to the British held posts and to the rest of British North America in the impending establishment of American posts on the Great Lakes³⁹, which would render the communication with the Indians much more difficult. American navigation on the Lakes would furthermore be the cause of continual disputes concerning "neutral Bottoms and contraband goods"⁴⁰. The Governor saw only two alternatives in the solution of this problem. The first was a treaty settling all points of dispute, before hostilities could make a peaceful settlement impossible; the second was to make determined military preparations "to resist their first attempts by such means as will leave our neighbours little hope of Success"⁴¹. Dorchester himself apparently preferred the second alternative, as can be concluded from the large military requisitions he sent to London in the same dispatch.

However even at this moment of pessimism Dorchester could not overlook the fact, that "the Interests of the King's American Dominions require Peace"⁴². He even saw a possible

³⁹ M.P.H.C., Vol. 24, p. 621, Dorchester to Dundas, October 25, 1793 D 3.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² M.P.H.C., Vol. 24, p. 622, Dorchester to Dundas, October 25, 1793, D 3.

EXTERNAL RELATIONS

20

solution to the frontier in the fact, that in the course of time the trade of the interior of the continent would take that road which leads to the best markets and that "heavy articles produced in the country round about the Lakes seem destined by nature to come down the River St. Lawrence whoever may possess dominion in those parts"⁴³. But this vision of the substitution of a British commercial empire for her political ascendancy in the interior of the North American continent was soon lost again in the needs of the moment.

The relations between the United States and the Indians had also worsened and contributed to Dorchester's conviction, that the Americans were now pursuing an aggressive policy. His mediation project had collapsed completely, when during negotiations with American commissioners the Western Indians had gone back on their word given to Dorchester in 1791, that they would accept the Ohio-Muskingum-Venango line as their boundary with the United States. Instead they now insisted on "the old colonial line of 1768, a demand which made peace between them and the American Government impossible"⁴⁴.

Other points also helped to convince Lord Dorchester that an armed showdown had become almost inevitable. Inci-

⁴³ Ibid., p. 623.

⁴⁴ Bemis, Jay's Treaty, p. 237. See also M.P.H.C., Vol. 24, p. 619, Dorchester to Dundas, October 25, 1793 and C.A., G 5, Vol. 1, p. 39, Dundas to Dorchester, January 8, 1794.

EXTERNAL RELATIONS

21

dents had occurred at various places in the area of Lake Champlain, where the authorities of Vermont and of New York had overturned "the King's Sovereignty"⁴⁵ and had established their own jurisdiction. The Governor's apprehensions were increased, when he received information from Lieutenant Colonel England in Detroit to the effect, that General Wayne, the able commander of a new and better American Army, intended to attack Detroit itself. This report was in Dorchester's eyes "the more probable as it corresponds with what has been carrying forward on other parts of the Frontier"⁴⁶.

Dorchester was by now fully convinced that war was imminent, especially since his emissary in Philadelphia had apparently confirmed the Governor's own interpretation of the situation. The activities of Genet, the minister of revolutionary France in Philadelphia, in stirring up the American populace and in inviting the colonies themselves to revolt against Britain had done little to allay the Governor's fears⁴⁷. Neither did the alleged removal of the military arsenal from West Point to Albany "for the express purpose,

⁴⁵ C.A., Q 67, p. 105, Dorchester to Hammond, February 17, 1794 - More about the relations with Vermont see Chapter I, 2b.

⁴⁶ Simcoe Papers, Vol. 2, p. 163, Dorchester to Dundas, February 24, 1794.

⁴⁷ See Bemis, Jay's Treaty, p. 237.

EXTERNAL RELATIONS

22

it is said, of invading this Province"⁴⁸. In Dorchester's mind all these various incidents and developments in the relationship between the United States and British North America added up to one thing: "All along the frontier, he was persuaded, the United States was pursuing a policy of determined aggression"⁴⁹.

Lord Dorchester was determined to meet the American challenge with firmness. "It becomes therefore necessary to meet these Measures in time, and take such steps as our own Security may require, before it is too late"⁵⁰, he wrote to the British Minister in Philadelphia. His fears of the imminent danger to British North America found expression in a step, for which the Governor has received almost universal condemnation, as it indeed brought Britain "within a hair's breadth of being plunged into war with the United States by the perversity of her Commander-in-Chief on this continent"⁵¹. While Burt's words are perhaps too strong to do justice to Dorchester's actions, the Governor nevertheless acted very

⁴⁸ C.A., Q 67, p. 107, Dorchester to Hammond, February 17, 1794.

⁴⁹ Bemis, Jay's Treaty, p. 238.

⁵⁰ C.A., Q 67, p. 106, Dorchester to Hammond, February 17, 1794.

⁵¹ Burt, "Guy Carleton, Lord Dorchester, 1724-1808", p. 15.

EXTERNAL RELATIONS

23

unwise, and indiscreet at that, in his speech to a deputation of Indians from the Seven Nations of Canada⁵². They had come to Quebec on February 10, 1794 as delegates of most of the tribes, which had been at the Glaize council in the previous year. In his speech Lord Dorchester first reminded them of the meeting they had had in August 1791 shortly before his departure for Europe and of their hopes for peace with the United States, if the latter would accept the boundary proposals of the Indians. He told them that his mediation efforts had been rejected by the Americans. Dorchester then declared, that from their actions and words he would not be surprized, "if we are at war with them in the course of the present year; and if so, a Line must then be drawn by the Warriors"⁵³. He then referred to the Indians' request for passports to go to New York and concluded, that they must believe that war was imminent, as a passport was useless in peace. He then warned the delegation not to sell their lands to the State of New York, as he did not acknowledge any lands to belong to the Americans, "which have been encroached on by

52 Simcoe Papers, Vol. 2, p. 149-150, Dorchester's Speech to the Indians, February 10, 1794, D 7. For the origins of this meeting see C.A., G 15 C, Vol. 2, p. 17, Coffin to Campbell, December 23, 1793, and C.A., G 15 C, Vol. 2, p. 23, same to same, January 16, 1794.

53 Simcoe Papers, Vol. 2, p.150, Dorchester's Speech to the Indians, February 10, 1794, D 7.

EXTERNAL RELATIONS

24

them since the year 1783"⁵⁴. All purchases made by them were considered by the Governor "as an Infringement on the King's Rights"⁵⁵ and they would lose all the improvements they had made on the British side. Dorchester concluded his speech with the following remark, which apparently threatened British action:

What further can I say to you? You are Witnesses that on our parts we have acted in the most peaceable Manner, and borne the Language and Conduct of the People of the United States with Patience; but I believe our Patience is almost exhausted. 56

While it is easily possible to understand, how Dorchester had come to believe, that the United States harboured aggressive designs⁵⁷, it is not easy to explain, what he hoped to gain from his talk to the Indians. The Americans themselves believed it to be "proof of their suspicions that the British authorities were actively urging the Indians to war"⁵⁸. This was undoubtedly not the Governor's aim, as he

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Burt, The United States, Great Britain and British North America, p. 133 attributes Dorchester's indiscretion mainly to the death of his friend and mentor, Chief Justice William Smith.

⁵⁸ Edgar W. McInnis, The Unguarded Frontier, A History of American-Canadian Relations, New York, Doubleday, 1942, p. 100.

EXTERNAL RELATIONS

25

knew only too well, that it would have involved the British provinces in North America in a struggle for which they were in no way prepared⁵⁹. Dorchester's speech was to be "a trumpet call to resurrect the dead confederacy of the natives, that it might check the American advance and hold the door open for a negotiated settlement"⁶⁰, which would have embodied the guarantees Britain had given the Indians. In this the Governor was following the intentions of Whitehall⁶¹. However the means chosen by him to achieve this end were not likely to succeed. It is true, that Lord Dorchester spoke to the Indian delegation in confidence. However he did not consider that, if the Indians were to spread his message, a leak was almost inevitable. As things turned out a leak occurred even earlier, when copies for the information of the officials of Upper Canada were made by somebody outside the government service. This person apparently passed on his information⁶². Once it had become public, everyone in

59 See C.A., Q 69, Pt. 1, p. 177, Dorchester to Dundas, September 4, 1794, D 19.

60 Burt, Op.cit., p. 134.

61 Ibid. See also C.A., G 5, Vol. 1, p. 39, Dundas to Dorchester, January 8, 1794.

62 For Dorchester's investigation of the leak see C.A., G 15 C, Vol. 2, p. 38, Coffin to Campbell, March 10, 1794; C.A., G 15 C, Vol. 2, p. 42, same to same, March 24, 1794; C.A., G 15 C, Vol. 2, p. 43-45, same to same, April 10, 1794; M.P.H.C., Vol. 24, p. 655, Dorchester to Dundas, March 28, 1794. See also Bemis, Jay's Treaty, p. 267, n. 23.

EXTERNAL RELATIONS

26

Canada⁶³ and the United States believed, that Dorchester's step must have been authorized by the government in London. In the United States it was believed to be just another in a series of British provocations and caused angry demands for a strong stand against Britain and her colonies on the North American continent⁶⁴.

A week later Lord Dorchester took a second step, which he believed necessary in order to show the Americans, that Britain was determined to stand firm, and which in effect further jeopardized a peaceful solution for the problems of United States-British relations. In a dispatch of February 17, 1794 he ordered Lieutenant Governor Simcoe, "that for our own Security at Detroit, we should occupy nearly the same Posts on the Miamis River which we demolished after the Peace"⁶⁵. This order implied occupation of territory which was without doubt American and which had been relinquished by Britain some years before. This fact made Dorchester's move a dangerous one. In American eyes it would undoubtedly constitute an act of aggression. However the Governor

63 See C.A., Q 57, pt. 2, p. 366-367, Extract from a letter, July 8, 1794. See also Burt, The United States, Great Britain and British North America, p. 138.

64 For American reaction see Bemis, Op.cit., p. 239-240 and Burt, Op.cit., p. 138.

65 Simcoe Papers, Vol. 2, p. 154, Dorchester to Simcoe, February 17, 1794, D 8.

EXTERNAL RELATIONS

27

believed himself justified in this step by military considerations. Already in 1791 the occupation of this post had been recommended by Alexander McKee, whom Dorchester had asked for advice in the matter⁶⁶. Remembering McKee's suggestion the Governor ordered now its execution, because he believed it would most effectively protect the important post of Detroit against the Americans under General Anthony Wayne. Doing so, he acted on his own initiative and not on Simcoe's recommendation, as has been suggested by some authors⁶⁷. An examination of the records shows no evidence of Simcoe's interference. Dorchester alone was responsible for this action⁶⁸, "which heaped fuel on the fire of American anger"⁶⁹.

For some months after his two fateful steps, which almost led to open warfare between Britain and the United States, Lord Dorchester was rather restrained in his utter-

66 Burt, The United States, Great Britain and British North America, p. 116.

67 Russell, The British Régime in Michigan and the Old Northwest, p. 262 and Bemis, Jay's Treaty, p. 239.

68 Burt, Op.cit., p. 136, n. 79. Simcoe's reservations about Dorchester's order cannot be taken very seriously in the light of his later plans and actions. See Bemis, Op.cit., p. 240-241 and Russell, Op.cit., p. 263, see especially Simcoe Papers, Vol. 4, p. 155, Simcoe to Dorchester; December 9, 1795, where Simcoe claimed credit for preventing war with the United States through his occupation of Fort Miami.

69 Burt, "Guy Carleton, Lord Dorchester, 1724-1808", p. 15.

EXTERNAL RELATIONS

28

ances concerning the external affairs of the Canadas. It appears that the Governor was becoming aware of the fact, that his measures had been ill-advised, and that he was bracing himself against criticism. The first inkling of this criticism came in a letter from George Hammond, who as minister in Philadelphia had tried to smooth over Dorchester's outrages. In answer to this letter Dorchester attempted to defend his actions. In doing so he was mainly concerned with the occupation of the post of Miami. Some of his arguments were very weak and bordering on the ridiculous, especially when he said that "it became necessary to reoccupy that post for the protection of our Trade, and for other reasons not worth mentioning"⁷⁰. In the same dispatch the Governor asserted, that it was his principal motive to make a show of strength so as not to leave the Americans in any doubt about the British determination to defend the posts⁷¹. In a second letter to Hammond, Dorchester attempted to show the legality of the occupation of the post. He claimed that the posts on the Maumee River "have been considered as depending on Detroit from a much earlier period"⁷². As Britain still

⁷⁰ C.A., Q 69, pt. 1, p. 51-52 Dorchester to Hammond, June 21, 1794, D 15.

⁷¹ Ibid., p. 52.

⁷² C.A., Q 69, pt. 1, p. 185, Dorchester to Hammond, September 1, 1794.

EXTERNAL RELATIONS

29

held Detroit itself pending execution of the peace treaty by the Americans, she had also the right to occupy the posts in question.

While outwards still defending his actions, Dorchester had in practice already adopted a more moderate policy. This was clearly demonstrated by a letter to Lieutenant Governor Simcoe⁷³. The Governor still tried to justify his occupation of Fort Miami. He also denied any American claims to the area around the posts occupied by Britain. But he realized, that he could not resist by force any establishments the Americans would make "on any of the Lakes, or near any of our Posts"⁷⁴. Instead he ordered a formal protest to be delivered to the Americans in every case, where "the King's Rights in the Indian Country"⁷⁵ were violated.

Meanwhile word of the actions of Lord Dorchester had reached Britain. The first reaction was one of disbelief. The speech the Governor had delivered to the Indians was even

⁷³ Simcoe Papers, Vol. 2, p. 317-318, Dorchester to Simcoe, July 11, 1794, D 16.

⁷⁴ Ibid., p. 318.

⁷⁵ Ibid., p. 318. - For the Form of Protest suggested by Dorchester see Simcoe Papers, Vol. 2, p. 318-319, D 17. A more serious view of this measure is taken by Burt, The United States, Great Britain and British North America, p. 145-156.

EXTERNAL RELATIONS

30

regarded as an American forgery⁷⁶. In a later dispatch, after he had received confirmation of the facts from Dorchester himself, the Secretary of State expressed his apprehension about the Governor's speech and about the re-occupation of Fort Miami⁷⁷. He told him, that his measures could be taken as welcome excuse by the war party in the United States. Lord Dorchester was to be concerned only with the safety of the posts actually held and avoid if possible all hostility. The Secretary of State then outlined the government's ideas on the question of the western posts:

The Posts can only be considered as temporary objects leading in their evacuation to a final arrangement which whenever it takes place it will be material to consider under what circumstances the least possible detriment or inconvenience may be sustained by the Canadas in consequence of giving up the Posts in question.⁷⁸

The first dispatch from the new Secretary of State, the Duke of Portland, informed Dorchester of the beginning of negotiations with John Jay, Envoy Extraordinary of the United States for a peaceful settlement of all disputes between Britain and the American States. He then ordered that pending the nego-

76 C.A., G 5, Vol. 1, p. 62-63, Dundas to Dorchester, June 4, 1794.

77 C.A., G 5, Vol. 1, p. 68-71, Dundas to Dorchester, July 5, 1794. For a second rebuke of Dorchester's actions see C.A., G 5, Vol. 1, p. 101-102, Portland to Dorchester, December 25, 1794.

78 C.A., G 5, Vol. 1, p. 70, Dundas to Dorchester, July 5, 1794.

EXTERNAL RELATIONS

31

tiations all relations between the two powers "ought to remain in statu quo"⁷⁹. In a further letter the new Secretary of State acquainted the Commander-in-Chief of British North America with the government's intention to agree to American demands and to withdraw its forces from the posts in accordance with the stipulations of the treaty being negotiated with Jay.⁸⁰

These developments demonstrated quite clearly, that Britain had adopted a new policy towards the United States. No longer did she hope to gain by mediation or by the project of an Indian barrier state. The government at Whitehall, pressed by the needs of the war with revolutionary France, had decided to surrender territorial claims in favor of commercial concessions from the United States, which in the early 1790s had gained much in stature and strength. All this shows that Lord Dorchester was out of touch with the policies

79 C.A., G 5, Vol. 1, p. 74, Portland to Dorchester, July 15, 1794.- In a letter to Hammond, dated June 21, 1794, Dorchester referred to an agreement between the British envoy and the American authorities concerning the observation of the status quo in defending his actions as taken against alleged American breaches of this agreement. See C.A., Q 69, pt. 1, p. 52. Bemis, Jay's Treaty, p. 238, n. 38, maintains that this agreement existed merely in Dorchester's imagination. It is of interest to note that Fort Miami, which had caused such a violent flare-up, was now included in the agreement between Grenville and Jay and that it remained British until the evacuation of the other posts in 1796. See Bemis, Op.cit., p. 321.

80 C.A., G 5, Vol. 1, p. 88-89. Portland to Dorchester, August 13, 1794. For a short treatment of Jay's negotiations in London see James Morton Callahan, American Foreign Policy in Canadian Relations, New York, Macmillan, 1937 p. 35-37.

EXTERNAL RELATIONS

32

of his government, when he took his provocative steps in the spring of 1794. When he encouraged the Indians to strengthen their confederacy, he was pursuing a policy, which had been developed two years earlier during his stay at London, but which had by now proven unworkable. In a defense of his actions to the Secretary of State, written just after the news of General Wayne's victory in the Battle of Fallen Timbers had destroyed all hopes in his Indian policies and after the victorious General's restraint before Fort Miami had proved his apprehensions about the American intentions at least partly unfounded⁸¹, Dorchester "unwittingly gave himself away"⁸² by admitting, that he had acted on his own⁸³. He recognized that it was his duty to act in accordance with "the very pacific and friendly disposition entertained by His Majesty's Government towards the United States"⁸⁴. But as the Governor was convinced, that the Americans were being pushed towards war by French intrigues, he was sure that a rupture was inevitable. He therefore saw no reason, why he should

81 For the implications of Wayne's victory see Burt, The United States, Great Britain and British North America, p. 138-140.

82 Ibid., p. 135.

83 C.A., Q 69, pt. 1, p. 176-178, Dorchester to Dundas, September 4, 1794, D 19.

84 C.A., Q 69, pt. 1, p. 176, Dorchester to Dundas, September 4, 1794, D 19. See also C.A., Q 70, p. 129, Dorchester to Simcoe, August 27, 1794.

EXTERNAL RELATIONS

33

have concealed his conviction from the Indians, who were vitally concerned in this matter. While the Governor concluded on a defiant note stating, that the circumstances had not authorized him since "to change that opinion"⁸⁵, he did not even attempt a defense of his occupation of Fort Miami. In a later dispatch⁸⁶ Dorchester once more tried to defend his policies, admitting this time that he had had to act on his own interpretation of the situation. But once again he also attempted to belittle his actions. He asserted that the American reaction to them was all out of proportion to their real importance: "My answer to the Indians was greatly within what the Conduct of the States would have justified; and their Complaint of our occupying a Post on the Miamis little better than a Farce"⁸⁷.

Dorchester did thus despite a twofold reprimand from Whitehall never admit outrightly, that he had acted wrong or even unwise. Yet his very conduct towards the United States after being rebuked spoke loudly enough for the fact, that he had realized his mistakes. Not once did the Governor attempt to protest or to interfere with the policy of conciliation

⁸⁵ C.A., Q 69, pt. 1, p. 177, Dorchester to Dundas, September 4, 1794, D 19.

⁸⁶ Simcoe Papers, Vol. 3, p. 346-348, Dorchester to Portland, April 25, 1795, D 26.

⁸⁷ Ibid., p. 347.

EXTERNAL RELATIONS

34

now pursued by the government despite the fact, that it was quite contrary to his own projects. Instead he faithfully cooperated with London's policies and executed them with great care so as not to antagonize United States' opinion. On November 19, 1794 the Secretary of State notified the Commander-in-Chief in Quebec of the conclusion of the treaty between Lord Grenville and John Jay, which stipulated the evacuation of the posts⁸⁸. Lord Dorchester was also urged to pay special attention to the provisions affecting the Indians⁸⁹.

Lord Dorchester's cooperation was not just mere resignation. He continually kept a watchful eye on the developments to protect the interests of Britain. Thus during the summer of 1795 his secretary wrote Colonel McKee, the head of the Indian Department, on instructions from the Governor admonishing him to be vigilant in the face of the violent popular opposition to Jay's Treaty in the United States⁹⁰. A further difficulty arose from an article of the Treaty of Greenville, concluded on August 3, 1795 between the Indians and General Wayne, which stipulated, that all traders in the

⁸⁸ C.A., G 5, Vol. 1, p. 96-99, Portland to Dorchester, November 19, 1794. For the text of the treaty see Bemis, Jay's Treaty, p. 453-487.

⁸⁹ See e.g. C.A., G 5, Vol. 1, p. 118-119, Portland to Dorchester, May 8, 1795. For further instructions see C.A., G 5, Vol. 1, p. 143, Portland to Dorchester, October 21, 1795.

⁹⁰ C.A., G 15 C, Vol. 3, p. 53-54, Coffin to McKee, August 13, 1795.

EXTERNAL RELATIONS

35

Indian territory required a special permission from the American government. This stipulation was obviously contrary to Article III of Jay's Treaty, as it "meant a one-sided cutting down of the liberty of movement"⁹¹ accorded by the treaty. Upon being informed of this by Dorchester, Whitehall ordered him to delay the actual evacuation of the posts until informed by the British minister in Philadelphia, "that the explanation on the subject of the Indian Treaty, has been terminated in a manner conformable to his Majesty's expectation"⁹² and that the Congress of the United States has accepted "the validity and binding force of the Treaty"⁹³. In a dispatch of March 17, 1796 the Governor informed the Duke of Portland, that he had written as instructed to Mr. Bond, the chargé d'affaires in Philadelphia, asking him to assure the United States of his readiness to evacuate the posts⁹⁴. Dorchester's main concern was to take all measures, "which may best protect our Trade"⁹⁵, as this had by now become the most

91 Burt, The United States, Great Britain and British North America, p. 160.

92 C.A., G 5, Vol. 1, p. 149, Portland to Dorchester, January 15, 1796.

93 Ibid.

94 C.A., G 75, pt. 1, p. 244-245, Dorchester to Portland, March 17, 1796.

95 Ibid., p. 244.

EXTERNAL RELATIONS

36

important feature of British policy regarding the interior of the continent. In a dispatch to Colonel McKee, Dorchester explained the probable delay in evacuation of the posts and asked him to inform the Indians of the matter pointing out to them "particularly the attention that has been shown to their Interests on the present Occasion"⁹⁶.

By now Dorchester had come to accept the treaty and its consequences wholeheartedly. He welcomed its provisions for the encouragement of commerce and trade between the United States and British North America and expressed his hope, that "the mutual advantages arising therefrom will give additional Permanence to the Peace and good Understanding which now happily subsist between the two Countries"⁹⁷. A month later the Commander-in-Chief was able to report, that the last difficulties in Philadelphia had been cleared away⁹⁸. He declared his readiness to evacuate the posts to a representative of the United States, but he was asked by him to delay the necessary orders, until American troops would be at hand to take over the installations. "Being desirous to meet the

⁹⁶ Simcoe Papers, Vol. 4, p. 249, Dorchester to McKee, April 23, 1796. See Also C.A., G 15 C, Vol. 3, p. 48, Coffin to McKee, July 30, 1795.

⁹⁷ Quebec Gazette, issue of April 28, 1796, Dorchester's Message to the Legislature transmitting the Treaty between Great Britain and the United States, April 25, 1796.

⁹⁸ Simcoe Papers, Vol. 4, p. 280, Dorchester to Portland, May 28, 1796.

EXTERNAL RELATIONS

37

wishes of the President, I have qualified my orders in a manner that I think will answer this purpose"⁹⁹, Dorchester wrote a week later to the British minister in Philadelphia. He went out of his way to avoid any misunderstandings, which could jeopardize the execution of the treaty. Thus he treated very mildly an American vessel, which had been used to smuggle certain goods into Canada¹⁰⁰. Regarding the execution of the commercial provisions of the treaty it was the Governor's intention, to interpret them very liberally so as "to convince our Neighbours of our good faith in carrying the same into execution"¹⁰¹.

Lord Dorchester's optimism stands in contrast to some apprehensions on part of Lieutenant Governor Simcoe, who was afraid the Americans might want to occupy places, which Britain did not intent to abandon. The Commander-in-Chief attempted to dispell Simcoe's fear by observing to him

99 Simcoe Papers., Vol. 4, p. 292, Dorchester to Liston, June 6, 1796, D 42.- It was this American wish, and not British determination to hold on to the posts in the fear, that the United States House of Representatives might nullify the treaty, that caused the delay in the evacuation of the posts. For the latter interpretation see Bemis, Jay's Treaty p. 360, n. 9. For the whole problems see Burt, The United States, Great Britain and British North America, p. 160-161.

100 C.A., Q 75, pt 2, p. 449, Dorchester to Liston, May 26, 1796.

101 C.A., Q 77, p. 2, Dorchester to Portland, July 8, 1796.- For the economic aspects of the relations between the United States and British North America see Chapter IV, 3a-6.

EXTERNAL RELATIONS

38

that the late open and liberal Conduct of the Executive Government of the United States, evinces a sincere intention of carrying the Treaty fully into effect; and there is every reason to believe that where doubts or difficulties shall arise they will be amicably decided in the way prescribed by the Treaty, by means of Commissioners.¹⁰²

All the actions of Dorchester during the last two years of his governorship seemed thus designed to make up by cooperation and good will for the mistakes of the spring of 1794. Lord Dorchester had in a way come back to the views he had held, when he had left for England in 1791, only that he had now realized with the government at Whitehall, that commercial advantages could make up for the loss of territory and of political influence with the Indians.

b. Vermont

The relationship between the State of Vermont and British North America and Lord Dorchester's views on this matter deserve some special attention¹⁰³. It was Dorchester, who had first opened up Canada as a much needed outlet for the

¹⁰² Simcoe Papers, Vol. 4, p. 298, Dorchester to Simcoe, June 13, 1796.

¹⁰³ For the relations between Vermont and Canada see W.A. MacKintosh, "Canada and Vermont, A Study in Historical Geography", in Canadian Historical Review, Vol. 8, issue of March 1927, p. 9-30 and Chilton Williamson, Vermont in Quandry, 1763-1825, Montpelier, Vermont Historical Society, 1949, XIV-318p.

EXTERNAL RELATIONS

39

commerce of the state¹⁰⁴, which was geographically orientated towards the St. Lawrence River. In addition Vermontese land seekers were spreading into Lower Canada, making applications for land grants to the provincial government¹⁰⁵. All this made for a very close relationship between the state and the Canadas.

However by the time Lord Dorchester returned to his post in Canada in 1793, these amicable relations had undergone a considerable change. A conflict, which was to all outward appearances a border dispute, now involved the State of Vermont and the Province of Lower Canada; however the motives entertained by Vermont were more ambitious. The Americans were apparently intent on expanding their boundaries to the shores of the St. Lawrence River¹⁰⁶.

One point of conflict was Caldwell's Manor, part of which was claimed by the Vermontese as belonging to their state. Its militia had been taken over by Vermont and its tenants had come to accept the jurisdiction of the American

104 For Dorchester's role in the opening of trade between Vermont and Canada see Burt, The United States, Great Britain and British North America, p. 66-69.

105 See Williamson, Op.cit., p. 200-205.

106 See A.G. Bradley, Lord Dorchester, Toronto, Oxford University Press, 1926, p. 288. See also Mackintosh, Op.cit., p. 27.

EXTERNAL RELATIONS

40

courts¹⁰⁷. Lord Dorchester saw in these steps a clear infringement upon British rights. He pointed out, that "the proceedings of the People of the States on the side of Lake Champlain, and more particularly on Caldwell's Manor" demonstrated clearly "what we must submit to, were Mr. Wayne suffered to advance"¹⁰⁸. Thus these incidents, in themselves of minor importance, contributed greatly to Lord Dorchester's fateful steps of spring 1794¹⁰⁹. To clear up the complicated border situation created by these infringements on the part of Vermont, Lord Dorchester found it necessary to appoint a commission of inquiry. Its work was made difficult by the changes in place names introduced by the Vermontese¹¹⁰, and its practical results were very limited as a consequence.

During the spring of 1794, when war clouds overshadowed the relations between Britain and the American States, "Vermont became more truculent"¹¹¹. Its Democratic Societies, influenced by the intrigues of the French minister in

¹⁰⁷ C.A., Q 67, p. 105, Dorchester to Hammond, February 17, 1794.

¹⁰⁸ Simcoe Papers., Vol. 2, p. 163, Dorchester to Dundas, February 24, 1794.

¹⁰⁹ See Chapter I, 2a.

¹¹⁰ C.A., Q 70, p. 65-66, Dorchester to Hammond, September 17, 1794.

¹¹¹ Mackintosh, "Canada and Vermont", p. 27.

EXTERNAL RELATIONS

41

Philadelphia, were actively engaged in trying to convert French Canada to the ideals of revolution¹¹². Lord Dorchester was so concerned about the reports of these activities, that he informed the government in London. One report in particular was very alarming. It stated "that the State of Vermont has proposed to Congress to undertake the conquest of Canada without any assistance from the Federal Government"¹¹³, if its forces would be allowed to plunder the possessions of the inhabitants as a reward. While it was unlikely, that Vermont would succeed in such a venture, the reports themselves had without doubt some foundation in fact, especially in view of the journalism of the Vermont Gazette¹¹⁴. Lord Dorchester took them quite seriously, especially as he viewed them against the background of frequent territorial incidents and of the secret activities carried on in the Province by the Democratic Societies of Vermont. The situation became normal again only with the general settlement of British American difficulties in Jay's Treaty.

112 Williamson, Vermont in Quandry, p. 206-209, and Judah Adelson, "The Vermont Democratic-Republican Societies and the French Revolution", in Vermont History, Vol. 32, issue of January, 1964, p. 15-16.

113 C.A., Q 67, p. 192, Dorchester to Dundas, April 26, 1794, D 10. - See also Quebec Gazette, issue of May 15, 1794 and Ibid., issue of May 22, 1794.

114 Williamson, Op.cit., p. 209.

EXTERNAL RELATIONS

42

c. The Problems of Canadian Defence.

As the unsettled border situation with the United States, combined in later years with fears of an expansion of the war with revolutionary France¹¹⁵, repeatedly threatened the security of British North America, problems of defence ranked high in the mind of Lord Dorchester as the supreme military commander in the area. In dealing with his views on these questions, the problems of the militia in Lower Canada are neglected, as these are to be treated separately¹¹⁶.

While in Europe on leave of absence Lord Dorchester submitted to the Secretary of State a number of suggestions concerning colonial matters, among which the problem of the defending the provinces of British North America played a prominent role. He suggested that in this regard great attention should be paid to the following points:

Fortifications, Posts and Communications, a proper boundary between Us and the States, Troops, Militia, Navigation of the Lakes, Means of securing the attachments of the Colonists as well as the Friendship of the neighbouring States, and Indians¹¹⁷.

115 See Chapter I, 4.

116 See Chapter III, 8.

117 C.A., G 5, Vol. 1, p. 14, Dorchester's Suggestions on the Government of Canada, February 19, 1793, D 2.

EXTERNAL RELATIONS

43

As some of these matters have already been dealt with and as some will be treated separately later on, this section will be mainly concerned with problems of fortifications and garrisons, of armed forces and of naval defence.

In his reply to Lord Dorchester's suggestions the Secretary of State submitted that the need for fortifications and for the maintenance of posts would cease with a peaceful solution of the border question¹¹⁸. However as this solution seemed still a far way off, the Commander-in-Chief was not satisfied to let things stand as they were. Posts were necessary in his eyes to keep open the lines of communication between the various frontier settlements, but apparently he did not believe, that they could constitute an actual line of defence due to the small number of troops available. He therefore recommended to Lieutenant Governor Simcoe, "that after securing the established and direct communication as well as circumstances will permit, you keep the rest of the Troops free to act where the occasion may require"¹¹⁹. It was then to protect the lines of communication that Dorchester in February 1794 gave his controversial order to reoccupy Fort Miami: "This, I think, would cover Detroit and our Com-

¹¹⁸ C.A., G 5, Vol. 1, p. 5-6, Dundas to Dorchester, July 17, 1793.

¹¹⁹ Simcoe Papers, Vol. 2, p. 84, Dorchester to Simcoe, October 7, 1793.

EXTERNAL RELATIONS

44

munication with that Settlement from Lake Erie; but if given up, the Post I apprehend cannot be maintained"¹²⁰. At this time, when an armed clash with the United States appeared almost inevitable, the Commander-in-Chief spoke out once again against the scattering of the limited forces available in the various posts, which were either of no great importance like Oswego or too far from the centers of population like Toronto and especially Michilimackinac¹²¹. On the other hand the fort at Niagara, which was protecting the relatively heavily populated area of the Niagara peninsula, deserved some special attention in his eyes ¹²².

Particularly vulnerable were in Dorchester's opinion the lines of communication on the upper part of the St. Lawrence River, the traditional route of invasion into the Canadas. To meet this danger the Governor suggested to Simcoe the construction of a station, "where the Craft of all kinds and the Stores might receive some Protection"¹²³. This station was to be as close as possible to Lake Ontario. It was to safeguard the transport of military supplies and stores

¹²⁰ Simcoe Papers, Vol. 2, p. 154, Dorchester to Simcoe, February 17, 1794, D 8.

¹²¹ See Simcoe Papers, Vol. 2, p. 203, Dorchester to Simcoe, April 14, 1794, D 9.

¹²² Ibid. See also C.A., Q 67, p. 191, Dorchester to Dundas, April 26, 1794, D 10.

¹²³ Simcoe Papers, Vol. 2, p. 203, Dorchester to Dundas, April 26, 1794, D 10.

EXTERNAL RELATIONS

45

to the upper settlements.

After the crisis in the relationship between Britain and the United States had passed, Dorchester had to concern himself once again with military posts. This time it was in connection with the plans of Lieutenant Governor Simcoe for the rapid development of Upper Canada. This was to be achieved "by sprinkling garrisons around the province, about which urban growth could develop"¹²⁴. These plans were completely contrary to Lord Dorchester's ideas regarding the function of garrisons and of military posts¹²⁵. He had expressed his reservations about the advisability of such an undertaking already in 1794 in a dispatch to Simcoe. For this reason he had vetoed Toronto as a station for troops¹²⁶. His opposition to Simcoe's plan did not lessen in time, as he believed "that garrison and communication duties were the main purpose of troops"¹²⁷. He made it impossible for Simcoe to pursue his project by ordering to Lower Canada most of the

¹²⁴ Gerald M. Craig, Upper Canada, The Formative Years, 1784-1841, Toronto, McClelland, 1963, p. 39. See also Simcoe Papers, Vol. 4, p. 102, Simcoe to Dorchester, October 12, 1795.

¹²⁵ The Secretary of State had apparently approved at least of the use of the Queen's Rangers for this purpose. See C.A., G 5, Vol. 1, p. 59, Dundas to Dorchester, May 11, 1794.

¹²⁶ Simcoe Papers, Vol. 2, p. 203, Dorchester to Simcoe, April 14, 1794, D 9.

¹²⁷ Mealing, "John Graves Simcoe", p. 71.

EXTERNAL RELATIONS

46

troops in the upper country contingent upon the evacuation of the frontier posts¹²⁸. Dorchester argued, that the fact that Britain was at war with France as well as the fact that Simcoe's principle was erroneous in itself, spoke against leaving garrisons in Upper Canada "merely for the purpose of advancing the growth and prosperity of the Colony"¹²⁹. Despite Simcoe's vigorous protests¹³⁰ the Commander-in-Chief remained firm. He also vetoed Simcoe's repeated suggestions for permanent fortifications in Upper Canada as unwarranted and too expensive¹³¹. In a dispatch to the Duke of Portland he outlined his own plans, which called for a few small garrisons along the border "to form within our Frontier a Rendezvous for the Indian Traders"¹³². Dorchester even submitted for Whitehall's consideration the idea, that these posts might be garrisoned by militia units. This measure would eliminate

128 Simcoe Papers, Vol. 4, p. 123-124, Dorchester to Simcoe, November 5, 1795, D 33; Ibid., p. 230-231, same to same, April 4, 1796, D 38; Ibid., p. 296, same to same, June 9, 1796.

129 Simcoe Papers, Vol. 4, p. 230, Dorchester to Simcoe, April 4, 1796, D 38.

130 Simcoe Papers, Vol. 4, p. 155-158, Simcoe to Dorchester, December 9, 1795; Ibid., p. 271-272, same to same, May 20, 1796.

131 Simcoe Papers, Vol. 4, p. 231, Dorchester to Simcoe, April 4, 1796, D 38.

132 Simcoe Papers, Vol. 4, p. 155-158, Simcoe to Dorchester, December 9, 1795; Ibid., p. 271-272, same to same, May 20, 1796.

EXTERNAL RELATIONS

47

desertions and bring home to the population the fact, that the frontier problems were of their own immediate concern. The city of Quebec deserved much attention in the Governor's opinion, as it was "the Port of Communication with Great Britain"¹³³ and as it was vulnerable to a possible French invasion.

A matter of greater concern for the Commander-in-Chief were the actual military forces available for the defence of the provinces under his command. When Dorchester returned to Canada in 1793, he found little over 3000 men in the whole of British North America¹³⁴. In his eyes this number was hopelessly inadequate in the case of any serious difficulties. As the situation during the autumn of 1793 appeared to become increasingly threatening, the Governor asked for strong reinforcements to enable him to cope with all eventualities. He realized, that even without the unrest in Lower Canada, which was partly created by the agents of revolutionary France, "the Canadas alone cannot stand the contest. Nova Scotia and New Brunswick can give no assistance. In point of Population I consider the King's Provinces,

¹³³ Ibid.

¹³⁴ See C.A., Q 66, p. 235a. For the disposition of the troops see Simcoe Papers, Vol. 2, p. 197.

EXTERNAL RELATIONS

48

compared with the United States as one to Fourteen"¹³⁵. In order to improve Canada's defences Dorchester asked for four or five thousand additional infantry troops¹³⁶. For the defence of the Great Lakes he suggested an extensive building program of ten to twelve vessels. Britain was to provide the naval stores, the ship builders and the crews necessary for these ships. Dorchester also asked, that a corps of six thousand men be sent to Halifax together with a naval squadron for the defence of the coast and of the Gulf of the St. Lawrence River¹³⁷.

The Commander-in-Chief was perfectly well aware, that the execution of his proposals involved a complete change in British strategy in the western hemisphere. But according to his interpretation of the political situation during the last months of 1793 - he expected an attack by two different powers - he considered his proposals as imperative. Without their execution the North American provinces were in his eyes "incapable of making any defence provided an Attack is conducted with common sense either by the Americans or by the

¹³⁵ M.P.H.C., Vol. 24, p. 622, Dorchester to Dundas, October 25, 1793, D 3.

¹³⁶ Ibid. Dorchester mentioned 4000 troops as sufficient in his reply to Captain Stevenson's Suggestions. See Simcoe Papers, Vol. 2, p. 3.

¹³⁷ M.P.H.C., Vol. 24, p. 622, Dorchester to Dundas, October 25, 1793, D 3. See also Simcoe Papers, Vol. 2, p. 163-164, Dorchester to Dundas, February 24, 1794.

EXTERNAL RELATIONS

49

French"¹³⁸. Dorchester believed, that even in case of a peaceful settlement with the United States the preparations suggested by him would still be required with the sole exception of the naval defence measures for the Great Lakes, in order to protect Nova Scotia and the St. Lawrence River against the eventuality of an invasion by revolutionary France. The Governor's hopes, that the government at Whitehall would act on his recommendations, were dashed by the reply of the Secretary of State, who merely suggested that special attention be paid to the local militia units and "to the gradual formation of a Naval Force on the Lakes"¹³⁹.

It was thus very little Dorchester could do in practice to improve the defence situation of the Canadas. In a dispatch to Simcoe the Commander-in-Chief pointed out again "the importance of preserving a Command of the Waters and of keeping open an undisturbed communication with this Country"¹⁴⁰. He therefore urged Simcoe to take all possible steps to improve the naval defences of the Great Lakes. He proposed, that the Province of Upper Canada might build gun boats, which in

¹³⁸ M.P. H.C., Vol. 24, p. 622, Dorchester to Dundas, October 25, 1793, D 3.

¹³⁹ C.A., G 5, Vol. 1, p. 41, Dundas to Dorchester, January 8, 1794. For the actual naval establishment, see C.A., Q 66, p. 236.

¹⁴⁰ Simcoe Papers, Vol. 2, p. 206, Dorchester to Simcoe, April 16, 1794.

EXTERNAL RELATIONS

50

connection with the provincial militia might be able to keep open the lines of communication. Dorchester also announced, that two gun boats were being built for the same purpose in Lower Canada¹⁴¹.

The order by the Secretary of State to raise two battalions of regular troops in the Canadas proved impractical as did his project of adding recruits to the existing regiments in the provinces themselves through offers of an increased bounty¹⁴². Lord Dorchester did not even dare to make the proposal public, as the population was already very agitated over the introduction of militia service¹⁴³. However the Governor did send the orders to raise additional forces to Simcoe in Upper Canada. He also increased the bounty offered for enlistment to ten Guineas. Despite this he entertained little hope, that he would be successful in the task of augmenting the troops available for the defence of the Canadas by the means indicated by the Secretary of State¹⁴⁴.

while the announcement, that a squadron of ships under

¹⁴¹ Simcoe Papers, Vol. 2, p. 206, Dorchester to Simcoe, April 16, 1794.

¹⁴² C.A., G 5, Vol. 1, p. 59, Dundas to Dorchester, May 11, 1794.

¹⁴³ C.A., Q 71, pt. 1, p. 5-6, Dorchester to Dundas, May 25, 1794, D 12. See also C.A., Q 69, pt. 1, p. 1-3, same to same, June 7, 1794, D 14.

¹⁴⁴ C.A., Q 68, p. 236, Dorchester to Dundas, July 28, 1794.

EXTERNAL RELATIONS

51

Admiral Murray was to go to Halifax "for the protection of the North American Provinces"¹⁴⁵ and that two warships would be sent for the protection of the city of Quebec itself¹⁴⁶, improved Canada's defensive situation somewhat, Lord Dorchester was not given to any illusions. A dispatch to Lieutenant Governor Simcoe was to prove this. The latter had submitted to Dorchester a plan of operations to be followed against the United States¹⁴⁷. The Commander-in-chief cautioned Simcoe to take defensive measures only. If actual war should break out, "all offensive Proceedings must then be regulated by our effective strength. I am sorry to say, that our Powers for defence alone, are at present very slender in both Provinces!"¹⁴⁸. It was thus in the end not Canada's strength but

145 C.A., Q 67, p. 68, Dorchester to Dundas, May 9, 1794. See also Gerald S. Graham, Empire of the North Atlantic, The Maritime Struggle for North America, Toronto, University of Toronto Press, second edition, 1958, p. 221.

146 C.A., G 5, Vol. 1, p. 71, Dundas to Dorchester, July 5, 1794.

147 For Simcoe's plans, see Bemis, Jay's Treaty, p. 240-241. Burt, The United States, Great Britain and British North America, p. 136, n. 79 defends Simcoe's policies as opposed to those of Dorchester. It is doubtful however whether the occupation of Presque Isle instead of Fort Miami would have been received with less hostility by the United States, as it too was on the American side of the treaty line. For Dorchester's reaction see also C.A., Q 70, p. 116-117, Dorchester to Dundas, October 1, 1794.

148 C.A., Q 70, p. 129, Dorchester to Simcoe, August, 27, 1794.

EXTERNAL RELATIONS

52

the peaceful settlement of all outstanding issues in Jay's Treaty, which preserved the provinces for Britain.

The conclusion of the treaty alleviated the apprehensions of the Commander-in-Chief concerning the defence of British North America. However there was still the threat of a possible French invasion. It was for this reason, that Dorchester ordered the withdrawal of most of the troops from Upper Canada¹⁴⁹. He regarded Lower Canada as the most important part of British North America and as the area most easily defended. Even when the external threat to the Canadas was still mainly coming from the United States, the Governor had felt it necessary to advise Simcoe of the possible withdrawal of troops from Upper Canada, which he apparently regarded as indefensible¹⁵⁰. On the other hand he hoped to be able to hold at least temporarily parts of Lower Canada in the case of actual hostilities.

3. Indian Affairs.

A very special position in the external relations of Canada during the last years of the administration of Lord Dorchester was occupied by Indian affairs. This problem involved both an internal and an external aspect, in as far as

¹⁴⁹ Simcoe Papers, Vol. 4, p. 124, Dorchester to Simcoe, November 5, 1795, D 33.

¹⁵¹ Simcoe Papers, Vol. 2, p. 83-84, Dorchester to Simcoe, October 7, 1793.

EXTERNAL RELATIONS

53

some of the tribes involved lived on territory, which was regarded to be under British jurisdiction, while others lived clearly outside the boundaries of British North America. As however even those tribes living within the Canadas occupied a special place, it is justifiable to treat Indian affairs as an aspect of Canada's external relations.

The problems facing Lord Dorchester in regard to the various Indian nations were manifold. The Governor's policies towards them have already been dealt with in connection with the problem of Canada's western frontier¹⁵¹. This section will concentrate mainly on Dorchester's general attitude towards the Indians, on his efforts in reconciling them to the consequences of Jay's Treaty and on his administration of the Indian Department¹⁵².

Lord Dorchester felt, as had Governor Haldimand before him, that the Indians had been betrayed by the British negotiators in the Peace of 1783. This belief found expression in his policies regarding them¹⁵³ as well as in his anxiety to be as fair as possible towards them, so as not to give them any additional reasons for complaints. Through regular presents of clothing and other provisions the British

¹⁵¹ See Chapter I, 2a.

¹⁵² For Dorchester's controversy with Simcoe over the jurisdiction over the Indian Department see Chapter II, 2.

¹⁵³ See Chapter I, 2a.

EXTERNAL RELATIONS

54

authorities attempted to strengthen their ascendancy over the various tribes¹⁵⁴. In this connection the Commander-in-Chief expressed his wish, "that where it is possible the Wants of the Indians might be anticipated"¹⁵⁵. Dorchester hoped through this anticipation to "take away from the savages all pretensions of being delayed"¹⁵⁶. While the Governor was always anxious to make savings in the expenditures of the Indian Department, the just treatment of the Indians took first place. He was thus ready to pay some sort of compensation to the widows and children of those Indians, who had died in the "upper Country", and also to the families of those, who had remained there apparently in the service of Britain¹⁵⁷. Dorchester's anxiety to avoid complaints from the natives demonstrated itself also, when he asked for an inquiry into the manner, ^{in which} the Indians from Lower Canada, who had attended the council at Glaize, had been provisioned¹⁵⁸. If he found himself not in a position to deal with the requests of the

154 For the motives of the presents to the Indians see Russell, The British Régime in Michigan and the Old Northwest, p. 85-86.

155 C.A., G 15 C, Vol. 2, p. 1, Coffin to Campbell, November 7, 1793.

156 Ibid., p. 2.

157 C.A., G 15 C, Vol. 2, p. 32-34, Coffin to Campbell, February 17, 1794. See also Ibid., p. 1, same to same, November 7, 1793.

158 Ibid., p. 1, Coffin to Campbell, November 7, 1793. See also Ibid., p. 17, same to same, December 23, 1793.

EXTERNAL RELATIONS

55

Indians personally, the Governor asked for a decision from the Secretary of State reporting positively on those requests, which he regarded as reasonable ¹⁵⁹.

The Commander-in-Chief's views on the relations between Britain and the Indians were perhaps best summed up by Dorchester himself, when he in dealing with the problem of lands needed for settlement assured the Secretary of State that the settlers could easily live in peace with the natives and get from them as much land as they needed, "provided they treat them with natural justice and some degree of liberality"¹⁶⁰. These norms Dorchester attempted to apply in his own Indian policies.

It was for these reasons, that the Governor pursued a policy, which would have preserved the Indian country on the American side of the treaty line of 1783 for the various nations. Once Britain had decided however to evacuate the western posts, it became Dorchester's task to explain the new British policy to the Indians and to continue if possible the British influence among them. He was ordered by the Secretary of State to take all necessary steps, "to pre-

¹⁵⁹ C.A., Q 67, p. 115, Dorchester to Dundas, February 24, 1794. See also Ibid., p. 116-117 for Dorchester's reply to the Indians' requests.

¹⁶⁰ M.P.H.C., Vol. 24, p. 623, Dorchester to Dundas, October 25, 1793, D 3.

EXTERNAL RELATIONS

56

serve the attachment of those Indians who are within his Majestys Provinces" 161. This became the more urgent, as there were already alarming signs of disaffection among the Indians of Lower Canada 162.

Of greater consequence became Dorchester's efforts to acquaint the Indians with the new British policy regarding the frontier posts. Persuasion and a greater amount of gifts were to "lead them to acquiesce in measures which properly understood will be found materially to facilitate our connection with them beyond the Treaty Line for every commercial purpose" 163. In a dispatch to the Deputy Superintendant General of the Indian Department Lord Dorchester repeated the argument of the Secretary of State word by word and he also reminded the official of the necessity, "that no cause of complaint should be given" 164 to the Indian tribes. He was also concerned, that even at the time of the evacuation of the posts they might receive their usual share of the annual presents. However he left it up to the local authorities to decide,

161 C.A., G 5, Vol. 1, p. 72, Dundas to Dorchester, July 5, 1794.

162 C.A., G 15 C, Vol. 2, p. 50-51, Coffin To Campbell, May 19, 1794; C.A., G 71, pt. 1, p. 3-4, Dorchester to Dundas, May 24, 1794, D 11.

163 C.A., G 5, Vol. 1, p. 118, Portland to Dorchester, May 8, 1795. See also Ibid., p. 96-99, Portland to Dorchester, November 19, 1794.

164 C.A., G 15 C, Vol. 3, p. 48, Coffin to McKee, July 30, 1795.

EXTERNAL RELATIONS

57

whether the proposed gifts should be distributed in advance to the evacuation or whether they should be removed with the rest of the stores¹⁶⁵. In the establishment of new posts on the Canadian side of the boundary the Governor ordered that special attention be paid to the arrangements for a satisfactory distribution of the "Kings Bounty"¹⁶⁶ to the Indians. However the purpose of these new posts was to be more than to provide merely for the equitable distribution of presents for the Indians. They were to be meeting places for the Indians and the fur traders on Canadian soil, where the former could exchange their peltries won on the American side for provisions from the Montreal merchants¹⁶⁷.

Through these arrangements Dorchester hoped to preserve the commercial ascendancy of Britain and of British North America over the Indians on both sides of the treaty line. He also expected to continue at least some of the British political influence over them by reminding the Secretary of State of the fact, that in the past the posts had served "to make Peace under the King's Protection"¹⁶⁸ between the various Indian nations. It was for reasons of continuing

¹⁶⁵ C.A., G 15 C, Vol. 5, p. 34-35, Coffin to McKee, March 21, 1796.

¹⁶⁶ C.A., G 15 C, Vol. 5, p. 41, Coffin to McKee, April 6, 1796.

¹⁶⁷ See Simcoe Papers, Vol. 4, p. 246, Dorchester to Portland, April 16, 1796, D 39.

¹⁶⁸ Ibid.

EXTERNAL RELATIONS

58

this British ascendancy over the Indians that the Governor cautioned the officials of the Indian Department about a clause in the Treaty of Greenville, which would have made British commercial interests subject to American interference and supervision¹⁶⁹. Dorchester believed, that Britain had thus taken good care of the true interests of the Indians. He was convinced that they had "much cause of Gratitude for the King's friendly interference in relieving them from the servitude they had submitted to in their own Treaty with Mr. Wayne"¹⁷⁰.

In his dealings with the Indians Lord Dorchester employed the services of the Indian Department, which came under his authority as the Commander-in-Chief of the King's forces in British North America. After his return to Canada in 1793 he had discovered, that this department was "in so derranged and disorderly a state, as to make him apprehensive it will be soon entirely broken up"¹⁷¹. This was due to no small extent to the prolonged absence of the Superintendant

¹⁶⁹ See also Chapter I, 2a. See also Simcoe Papers Vol. 4, p. 249, Dorchester to McKee, April 23, 1796.

¹⁷⁰ Simcoe Papers, Vol. 4, p. 300, Dorchester to Portland, June 18, 1796.-The treaty referred to is the Treaty of Greenville. See also Simcoe Papers, Vol. 4, p. 249, Dorchester to McKee, April 23, 1796.

¹⁷¹ C.A., G 15 C, Vol. 2, p. 45, Coffin to Campbell, April 10, 1794.

EXTERNAL RELATIONS

59

of the Indian Department, Sir John Johnson. Embezzlement of funds and stores was widely spread¹⁷². To remedy this situation Dorchester proposed to unite the direction of the operations of the department in the hands of Colonel Alexander McKee, who had proven himself as good administrator¹⁷³. On December 26, 1794 the Governor appointed him "Deputy Superintendent General &c. of Indian Affairs"¹⁷⁴. Dorchester hoped that the new official could help him to put the whole department on a new footing. He asked him therefore "to transmit such a plan of an establishment as you think will be best adapted to promote the Kings Interest"¹⁷⁵. The Governor's own suggestions for the department were confined to a change in the title of the local officials of the agency from "Deputy Agent" to "superintendent", as he believed this more in accordance with the title of the head of the Indian Department¹⁷⁶.

One of the principal duties of the Indian Department was the procuring of Indian lands for the expanding settle-

172 See M.P.H.C., Vol. 24, p. 655, Dorchester to Dundas, March 28, 1794.

173 About McKee's qualifications see Ibid. See also Simcoe Papers, Vol. 3, p. 104, Dorchester to Simcoe, September 22, 1794.

174 M.P.H.C., Vol. 25, p. 78, Dorchester to McKee, December 26, 1794.

175 C.A., G 15 C, Vol. 5, p. 42, Coffin to McKee, April 6, 1796.

176 C.A., G 15 C, Vol. 5, p. 41, Coffin to McKee, April 6, 1796.

EXTERNAL RELATIONS

60

ment of the North American colonies. In this regard Lord Dorchester wanted first of all the protection of the interests of the Indians. He did not wish that their lands should "get into the hands of Land Jobbers, if it must be sold the Crown must repurchase it"¹⁷⁷. Dorchester's concern for justice to the Indians also became apparent in his answer to the inhabitants of the Seven Villages of Lower Canada, who had complained that they had not been paid for lands appropriated by Governor Haldimand for the settlement of Loyalists on the St. Lawrence River. He assured them, that if "you had the right formerly to these Lands and it has not been paid for, it still remains in you"¹⁷⁸. He promised an investigation into the matter upon the return of Sir John Johnson. Other difficulties arose from an earlier purchase of lands from the Messasaga Indians, as proof for which only an invalid blank deed was in existence¹⁷⁹.

The Commander-in-Chief hoped for a solution to all

¹⁷⁷ Simcoe Papers, Vol. 2, p. 137, Dorchester to Simcoe, January 27, 1794.-Dorchester's remark referred to the sale of lands granted to the Six Nations by Governor Haldimand. See also Ibid., Vol. 4, p. 277, Dorchester to Simcoe, May 26, 1796 and Ibid., Vol. 4, p. 300, same to Portland, June 18, 1796.

¹⁷⁸ C.A., Q 69, pt. 1, p. 182, Dorchester's Answer to the Indians of the Seven Villages of Lower Canada, August 29, 1794, D 18.

¹⁷⁹ Simcoe Papers, Vol. 2, p. 138, Dorchester to Simcoe, January 27, 1794. See also M.P.H.C., Vol. 25, p. 78, Dorchester to McKee, December 26, 1794.

EXTERNAL RELATIONS

61

these difficulties from the appointment of Colonel McKee, as it was to be the duty of the Superintendent General to conduct all negotiations concerning land purchases¹⁸⁰. Together with him the Governor intended "to devise such measures as will remove all difficulties respecting former purchases and facilitate such new ones as the King's Service may require"¹⁸¹.

This new system for purchasing lands found its expression in Dorchester's "Additional Instructions to the Indian Department"¹⁸². All applications for new lands were to be made by the different provinces to the Commander-in-Chief and to the Superintendent General of Indian Affairs. The latter would conduct the negotiations regarding the purchase price. The transactions themselves were to be made in solemn council in accordance with the customs of the Indians. The purchases were to be concluded between the principal Indian chiefs concerned and the Superintendent General, his deputy or a person specially appointed by the Commander-in-Chief. The provincial governor or his deputies and local military officers were to attend as official witnesses. Three copies of

¹⁸⁰ Simcoe Papers, Vol. 3, p. 104, Dorchester to Simcoe, September 22, 1794. See also Ibid., p. 260-261, same to same, January 21, 1795.

¹⁸¹ Simcoe Papers, Vol. 3, p. 104, Dorchester to Simcoe, September 22, 1794.

¹⁸² Simcoe Papers, Vol. 3, p. 241-242, Dorchester's Instructions for the Indian Department, December 26, 1794, D 24.

EXTERNAL RELATIONS

62

the transactions were to be made and a copy each to be sent to the office of the Superintendent General of the Indian Department and to the provincial governor and the third to be given to the Indians themselves, "who by that means will always be able to ascertain what they have sold and future uneasinesses and discontents be thereby avoided"¹⁸³. Dorchester also ordered, that all necessary steps be taken "to prevent the pernicious practice of introducing strong liquors among the Indians, and every endeavour exerted to keep them perfectly sober"¹⁸⁴. Still another measure proposed by the Governor in order to ensure orderly purchase practices was, that the goods to be given in payment for the lands be handed over in public council also and that their delivery be officially certified. It was thus Lord Dorchester's principal goal to eliminate every reason for dissatisfaction on part of the Indians. All transactions were to be on a firm basis. He expected that this way many difficulties could be avoided in the future.

4. Revolutionary France.

The relations between the Canadas and revolutionary France during the last years of Lord Dorchester's administration were closely connected with the internal situation of

¹⁸³ Simcoe Papers, Vol. 3, p. 242, Dorchester's Instructions to the Indian Department, December 26, 1794, D 24.

¹⁸⁴ Ibid.

EXTERNAL RELATIONS

63

the Colonies, especially of Lower Canada. The internal aspect will be dealt with later on¹⁸⁵. This section will concentrate upon the external implications of the relationship and attempt to show, how Lord Dorchester tried to cope with the difficulties brought about by it.

Dorchester originally viewed France and Frenchmen in general with little suspicion. He did not believe, that they constituted a threat to the British rule in Canada. This held true especially of the numerous emigrants, who had left France after the outbreak of the French Revolution in 1789. The Governor was thus favourable to a scheme, which would have settled at least a part of these emigrants in Canada¹⁸⁶. He welcomed outright a project, which would have brought fifty emigrant priests to Lower Canada, as he believed "men of learning, with good Principles, would be of service in diffusing knowledge more generally among the lower class of People here"¹⁸⁷

However Lord Dorchester's views soon underwent a radical change. This was mainly due to the outbreak of war between British and revolutionary France, which "loosed a

185 See Chapter III, 1.

186 C.A., Q 61, pt. 2, p. 341, Dorchester to King, December 1, 1792. See also Simcoe Papers, Vol. 2, p. 3, Dorchester's Answers to Stevenson, August 4, 1793.

187 C.A., Q 66, p. 259, Dorchester to Dundas, October 30, 1793.

EXTERNAL RELATIONS

64

French design to strike through the United States at British power in French Canada"¹⁸⁸. The revolutionary authorities did not merely intend to involve the United States in the war with Britain, but they also wanted to reestablish a French foothold on the North American continent by extending the revolutionary movement to the French speaking people of Lower Canada. The efforts of France became thus directed "towards the development of conditions favourable to insurrection in the Colony and invasion from outside"¹⁸⁹. It was Dorchester's task as Commander-in-Chief of British North America and as Governor of Lower Canada to counteract these designs of revolutionary France.

The efforts of the agents of the French Revolution, directed on the American continent by Genet, the French minister in Philadelphia, "brought reverberations in Lower Canada"¹⁹⁰, causing considerable unrest among the French

¹⁸⁸ Burt, The United States, Great Britain and British North America, p. 166.

¹⁸⁹ S. D. Clark, Movements of Political Protest in Canada, 1640-1840, Toronto, University of Toronto Press, 1959, p. 176.

¹⁹⁰ R. Flenley, "The French Revolution and French Canada", in R. Flenley, editor, Essays in Canadian History Presented to George Mackinnon Wrong for his Eightieth Birthday, Toronto, Macmillan, 1939, p. 57.

EXTERNAL RELATIONS

65

speaking inhabitants of the Province¹⁹¹. Lord Dorchester came to realize the effectiveness of the French agents and of their propaganda soon after his arrival in the colony in autumn of 1793. In a dispatch to the Secretary of State the Governor was

sorry to say, that their doctrines seem favorably received by many of the lower class of people and by some young men of better condition who are too dissipated to enter into Commerce, or such employments as the nature of the Country affords, and who finding no vent for their activity, have attended to Mr. Genet, and are employed by him in spreading abroad those modern French principles¹⁹².

In order to cope with "the French intrigue" combined with the doubtful American intentions Lord Dorchester asked the government in London for considerable military reinforcements¹⁹³. By November 1793 the situation had deteriorated to such a degree, that the Governor was forced to issue a "Pro-

191 For the effect of the French Revolution on Lower Canada see Flenley, "The French Revolution and French Canada", p. 45-67. See also Michel Brunet, "La Révolution Française sur les Rives du Saint-Laurent", in Revue D'Histoire de L'Amérique Française, Vol. 11, issue of September, 1957, p. 155-162 and Id., "Les Canadiens et la France Révolutionnaire", in Revue D'Histoire de L'Amérique Française, Vol. 13, issue of March, 1960, p. 467-475.- D. Hugh Gillis, Democracy in the Canadas, 1759-1867, Toronto, Oxford University Press, 1951, p. 94-95 believes that French republican agitation was only to a small extent responsible for the unrest in Lower Canada.

192 Clark, Movements of Political Protest in Canada, 1640-1840, p. 178, quoting Dorchester to Dundas, October 23, 1793.

193 See M.P.H.C. Vol. 24, p. 622, Dorchester to Dundas, October 25, 1793, D 3.

EXTERNAL RELATIONS

66

clamation against Seditious Attempts"¹⁹⁴, wherein he asked all officials and loyal citizens to apprehend all agents and to bring them to justice. Lord Dorchester charged these agents with attempting "to alienate the Affections of His Majesty's Loyal Subjects, by false Representations of the Cause and Conduct of the Persons at present exercising the supreme Authority in France"¹⁹⁵. He identified them as "alien Enemies", namely Frenchmen, who were acting in concert with "Persons in Foreign Dominions", presumably Americans¹⁹⁶. This proclamation, while it brought the problem into the open, did not succeed in checking the intrigues of the French agents, which gained indeed more momentum during the winter of 1793-1794. Dorchester's attempt "still further to strengthen the hands of Government by the introduction of an Alien Bill"¹⁹⁷ was accepted by the Legislature, but it did little to impose effective control upon the movements of foreigners in the colony.

The Governor also decided to render more difficult the coming to Canada of French refugees and emigrants, because he suspected among them possible agents of the Revolu-

¹⁹⁴ Quebec Gazette, issue of November 28, 1793, Dorchester's Proclamation against Seditious Attempts, November 26, 1793.

¹⁹⁵ Ibid.

¹⁹⁶ See Burt, The United States, Great Britain and British North America, p. 167.

¹⁹⁷ C.A., C. 67, p. 60, Dorchester to Dundas, January 20, 1794.

EXTERNAL RELATIONS

67

tion. Thus for instance he felt "he had good reason to be suspicious of the arrival in Canada of M. Galbaud, the Governor of St. Domingo"¹⁹⁸ and his party. Dorchester had come to the conclusion to be stricter with these emigrants, because attempts had "already been made by Persons under the description of French Emigrants, and others, to excite a spirit of dissatisfaction and disorder among the Canadians"¹⁹⁹. As England was in a state of war with France, every Frenchman would be arrested as enemy upon entering the province with the exception of those, who had passports from the government in London or from the British minister in Philadelphia²⁰⁰. In the course of 1794 Lord Dorchester restricted the admittance of Frenchmen to Canada even further by ordering, that only those travelling "under the passport of His Majesty's Secretary of State"²⁰¹ would be allowed to enter the colony. This latest step excluded all persons with a passport from the minister at Philadelphia. On this account Dorchester refused admittance to the Duke La Rochefoucault-Liancourt,

¹⁹⁸ Clark, Movements of Political Protest in Canada, 1640-1840, p. 178.

¹⁹⁹ C.A., G 15 C, Vol. 2, p. 24, Ryland to Fortier, January 20, 1794.

²⁰⁰ C.A., G 15 C, Vol. 2, p. 24, Ryland to Fortier, January 20, 1794.

²⁰¹ C.A., Q 69, pt. 2, p. 359, Monk to Dundas, July 31, 1794.

EXTERNAL RELATIONS

68

who reacted quite bitterly upon receiving the Governor's denying reply²⁰². The Governor also advised the Secretary of State to send orders to the authorities of the British possessions in the West Indies to make them discontinue their practice of sending French refugees to Canada, because he feared that they might "excite an Interest among certain Classes of People pregnant with dangerous Effects"²⁰³.

All these steps did not however succeed immediately in putting an end to all French agitation among the inhabitants of Lower Canada, which culminated in riots in spring of 1794 in connection with the calling into service of the militia by Lord Dorchester²⁰⁴. French Agents were busy stirring up trouble among the Indians²⁰⁵. The Governor also saw "the Intrigues and Influence of France"²⁰⁶ behind the hostility of the United States during the crisis of 1794. Dorchester's

202 See C.A., Q 72-73, pt. 2, p. 430, Dorchester to Portland, July 25, 1795. For the Duke's reaction see La Rochefoucault-Liancourt, Travels through the United States of North America, The Country of the Iroquois, and Upper Canada, in the Years, 1795, 1796, and 1797, with an Authentic Account of Lower Canada, London, Phillips, 1799, p. 298.

203 C.A., Q 72-73, pt. 2, p. 432, Dorchester to Portland, July 25, 1795.

204 See Clark, Movements of Political Protest in Canada, 1640-1840, p. 179-180. See also Chapter III, 8 and C.A., Q 69, pt. 1, p. 1-3, Dorchester to Dundas, June 7, 1794, D 14.

205 See C.A., G 15 C, Vol. 2, p. 50-51, Coffin to Campbell, May 19, 1794.

206 Simcoe Papers, Vol. 2, p. 202, Dorchester to Simcoe, April 14, 1794, D 9.

EXTERNAL RELATIONS

69

estimation of French influence in the United States was somewhat exaggerated however. At times he appeared to believe, that the Americans were merely acting as the dupes of France, that the American authorities were bending "the People of North America to French Interests"²⁰⁷ and that they were destroying themselves in doing so.

As with the negotiations between Grenville and Jay the difficulties between Britain and the United States were brought nearer to a peaceful solution, the possibility of French intervention in Canada from the south became less likely. There remained however the threat of an invasion by the way of the St. Lawrence River. Rumours of such an invasion recurred from time to time ²⁰⁸, but proved always false. While these "dangers were purely speculative"²⁰⁹, this was not known at the time. Lord Dorchester never completely discounted the possibility of a French attempt to invade Lower Canada. It was for this reason mainly, that after the conclusion of Jay's Treaty the Governor ordered the bulk of the troops in Upper Canada to the lower province in order to strengthen this country's defences against a possible French attack.- Of a greater immediate threat to the Canadas had been raiders

207 C.A., Q 69, Pt. 1, p. 53, Dorchester to Hammond, June 21, 1794, D 15.

208 See C.A., Q 69, pt. 1, p. 2, Dorchester to Dundas June 7, 1794, D 14.

209 Graham, Empire of the North Atlantic, p. 220.

EXTERNAL RELATIONS

70

based on the French islands of St. Pierre and Miquelon, which had impaired the shipping on the St. Lawrence River. These islands had been occupied by Britain before Dorchester's return in 1793²¹⁰. Lord Dorchester, fearing an attack on the small British garrison on the islands, ordered it withdrawn in February 1794, leaving their defence to the navy²¹¹.

210 Graham, Empire of the North Atlantic, p. 220.

211 C.A., Q 67, p. 113-114, Dorchester to Ogilvie, February 24, 1794.

CHAPTER II

DORCHESTER'S VIEWS ON THE POLITICAL PROBLEMS
OF BRITISH NORTH AMERICA

1. The Government of British North America.

Next to the problems of Canada's external relations the questions perhaps occupying Lord Dorchester most during his last period as Governor concerned the government of British North America. In dealing with the Governor's ideas in this field all problems affecting Lower Canada alone will be excluded, as they will be treated separately¹. Instead this chapter will concentrate first on questions concerning the whole of British North America and then on those affecting Upper Canada and the Maritimes.

When Guy Carleton returned to Quebec as Lord Dorchester in 1786, he came with a new vision for the British colonies in North America. Under the influence of the former Chief Justice of New York, William Smith, Dorchester pressed London for a consolidation of all remaining British possessions on the American continent under one government, which "might not only salvage what was left of the American wreck but even exert such an attractive force as to recover some of what had been lost"². While the government at Whitehall was impressed by the plan, it did not want to make too

¹ See Chapter III.

² A.L. Burt, "Guy Carleton, Lord Dorchester, 1724-1808", in Canadian Historical Association Historical Booklets, No. 5, Revised Version, Ottawa, The Association, 1955, p. 12.

POLITICAL PROBLEMS

72

radical a departure from the past. Thus Lord Dorchester was not made Governor General, but received merely separate commissions as Governor of Quebec, Nova Scotia and its dependencies and New Brunswick as well as Commander-in-Chief of these provinces and of Newfoundland. However the Governor's authority was restricted to that province, where he was bodily present at any given time. His residence was to be in Quebec. He was expected to visit the other provinces occasionally, in which case he could exercise his authority as Governor of the particular province he was visiting at the moment. For the rest of the time the Lieutenant Governors of the individual provinces were merely directed to correspond with the Governor in Quebec and to inform him of the state of their territories³. However even the limited authority over the rest of British North America, which Lord Dorchester had received in 1786, disappeared before too long almost completely, especially since geography proved an almost insuperable obstacle to the plan of a unified British North American government.

This disappointment did not prevent the Governor from clinging "to the hope of being made the directing head of a united British North America"⁴. He hoped that the new consti-

³ A.L. Burt, The Old Province of Quebec, Toronto, Ryerson, 1933, p. 429.

⁴ -----, "Guy Carleton, Lord Dorchester, 1724-1808", p. 14.

POLITICAL PROBLEMS

73

tution of the Canadas, which was being developed in the late 1780s, would contain provisions for a consolidation on a stronger basis. However the Governor's authority was instead still further curtailed by the division of the Province of Quebec into the two provinces of Upper and Lower Canada. His new commission, which was issued after the Constitutional Act of 1791 and after the order-in-council dividing the province, merely extended the arrangements made for the maritime provinces in 1786, thus leaving Dorchester practically only the effective governorship of Lower Canada⁵.

Dorchester was not content with these provisions. Immediately after receiving word of Whitehall's intentions in 1790 he dispatched to London a letter containing suggestions drawn up by Chief Justice William Smith concerning the establishment of a unified government in British North America⁶. The Governor was not deterred by the negative reply of the Secretary of State. While in London on leave of absence he renewed Smith's proposals once again in a letter to the Secretary of State, Henry Dundas. "The Establishment of a general Government for all the King's Provinces in North America" was of primary importance in Lord Dorchester's eyes, as with-

5 D.C.H., p. 5-13, especially p. 7, Commission to Lord Dorchester as Governor of Upper and Lower Canada, September 12, 1791.

6 See Burt, The Old Province of Quebec, p. 491-492.

7 C.A., G 5, Vol. 1, p. 12, Dorchester's Suggestions concerning the Government of Canada, February 19, 1793, D 2.

POLITICAL PROBLEMS

74

out such a measure he envisioned the eventual loss of all of British North America⁸. This unified government for all colonies was to consist on the executive side of a Governor General, a general Executive Council and "such other officers as the King may see fit"⁹. The central legislature was to be composed of a general Legislative Council and a House of General Representatives, the latter of which was to be chosen by the provincial assemblies. For this purpose Dorchester also proposed, that all provincial assemblies be put on the same footing by giving Nova Scotia and New Brunswick quadrennial elections as prescribed for the two Canadas. The members of the legislative councils of the maritime provinces were to hold their seats for life, as did those of Upper and Lower Canada. The reply of the Secretary of State to Dorchester's suggestions was once again negative: "The first suggestion cannot be carried into execution without an Act of Parliament but I have great doubts as to the measure itself"¹⁰.

When Lord Dorchester returned to Quebec in 1793, he had thus not been able to improve his own position as Governor. It had on the contrary even further declined due to his own prolonged absence and to the activities of the energetic

⁸ See Chapter I, 1.

⁹ C.A., G 5, Vol. 1, p. 12, Dorchester's Suggestions concerning the Government of Canada, February 19, 1793, D 2.

¹⁰ C.A., G 5, Vol. 1, p. 1, Dundas to Dorchester, July 17, 1793.

POLITICAL PROBLEMS

75

first Lieutenant Governor of Upper Canada, John Graves Simcoe. Dorchester's position, as shown by his titles, appeared still to be an impressive one. He was

Captain General and Commander in Chief of the Provinces of Upper and Lower Canada, Nova Scotia and New Brunswick, and their Dependencies, Vice Admiral of the same, General and Commander in Chief of all His Majesty's Forces in said Provinces, and the Island of Newfoundland¹¹.

In fact however his authority was limited to the province, where he was actually present, Lower Canada. The Governor did not acquiesce immediately in this state of affairs. Soon after his return he wrote Lieutenant Governor Simcoe for information regarding the state of the development of Upper Canada¹², as it was his right according to the terms of his appointment to ask for and receive such information from the Lieutenant Governors administering the various provinces. While Dorchester indeed did receive Simcoe's reply upon this request, it seems that matters concerning the civil administration of the province of Upper Canada soon disappeared almost entirely from the correspondence between the Governor at Quebec and his deputy in Niagara. Simcoe had corresponded directly with London before Dorchester's return and he continued in this practice. The Secretary of State in his turn only

¹¹ Quebec Gazette, issue of November 28, 1793, Dorchester's Proclamation against Seditious Attempts, November 26, 1793.

¹² Simcoe Papers, Vol. 2, p. 83, Dorchester to Simcoe, October 7, 1793.

POLITICAL PROBLEMS

76

occasionally employed the Governor as channel of his communications with Simcoe¹³.

While Lord Dorchester's "actual control of civil administration was cut down before 1793 to the narrow limits of Lower Canada"¹⁴, his military authority as Commander-in-Chief of all British possessions in North America remained unimpaired as such. However even in this field an erosion of power had already set in, which hampered the Governor in the actual exercise of his military jurisdiction. It was once again the energetic personality of Lieutenant Governor John Graves Simcoe, which constituted the greatest challenge to Lord Dorchester in his role as Commander-in-Chief¹⁵. It was not as much his military authority in the narrow sense, which provided Dorchester with the limited power he did exercise over the other provinces of British North America and especially over Upper Canada, but two departments of the government, which were under his jurisdiction as Commander-in-Chief: The Indian Department, which was responsible for all relations with the native tribes of the continent, and the Commissariat, which controlled to a great extent the large expenditures of

¹³ See e.g. C.A., G 5, Vol. 1, p. 89, Portland to Dorchester, August 13, 1794; Simcoe Papers, Vol. 4, p. 150, same to same, January 15, 1796.

¹⁴ Burt, "Guy Carleton, Lord Dorchester, An Estimate" in Canadian Historical Association Report, 1935, p. 77.

¹⁵ For the conflict between Dorchester and Simcoe see Chapter II, 2.

POLITICAL PROBLEMS

77

the military. Lord Dorchester's handling of the problems of the Indian Department has already been treated¹⁶; his conflict with Simcoe concerning the jurisdiction over this agency will be dealt with later on.

The most important power left to Lord Dorchester as Commander-in-Chief was apparently his jurisdiction over the Commissariate and thereby over military expenditures. This was recognized by his contemporaries¹⁷ and by Dorchester himself, who jealously guarded his rights in this field. Thus on January 27, 1794 his Military Secretary transmitted to Simcoe the Governor's orders, that "no expences are to be incurred but on estimates previously approved by the Commander in Chief, except in cases of emergency"¹⁸. Even in such an emergency situation the details of the expenditures incurred were to be sent immediately to Quebec for approval. Later that same year Lord Dorchester found it necessary to put these regulations into a formal order of the Commander-in-Chief¹⁹. In this order he also included provisions for mili-

16 See Chapter I, 2a and 3.

17 See e.g. La Rochefoucault-Liancourt, Travels through the United States of North America, the Country of the Iroquois, and Upper Canada, in the Years 1795, 1796, and 1797, with an Authentic Account of Lower Canada, London, Phillips, 1799, p. 227.

18 C.A., Q 71, pt. 2, p. 279, Le Maistre to Simcoe, January 27, 1794.

19 C.A., Q 71, pt. 2, p. 282-283, Dorchester's Orders regarding Military Expenditures and the Commissariate, May 29, 1794, D 13.

POLITICAL PROBLEMS

78

tary supplies being issued to the troops without previous authorization from headquarters. The commanding officers were "to report the circumstances of the case without delay"²⁰. The officers of the Royal Engineers were to issue certificates for all the stores received by them at the end of every quarter, which would outline the various purposes "for which the particular Articles have been received"²¹.

Lord Dorchester insisted on compliance with his regulations by his subordinate commanders. Thus he reminded Simcoe, who had presented to Dorchester merely the actual accounts for the establishment of Fort Miami, to comply with the customary regulations:

The established regulations should not be forgotten, they require that even in cases of emergency, where the services cannot be previously estimated and approved by the Commander in Chief, that estimate of the works so begun, should be immediately transmitted²².

Lord Dorchester argued, that if these regulations were not complied with and if he would thus give indiscriminate approbation to military expenditures, "I may be lead to sanction services, that had I before known the extent of them, I might not have thought necessary and should by no

20 Ibid., p. 282.

21 Ibid., p. 283.

22 M.P.H.C., Vol. 25, p. 35, Dorchester to Simcoe, September 18, 1794.

POLITICAL PROBLEMS

79

means have approved"²³. It was thus not only for reasons of preserving his authority but also for reasons of economy, that the Commander-in-Chief insisted on compliance with his regulations. He therefore informed Simcoe in a later dispatch, that the board of accounts had rejected his request for payment of the expences incurred "as not conformable to order"²⁴. Dorchester also remarked, that the accounts of the work done at Fort Miami showed no sign of its inspection or approbation by Simcoe as the officer, under whose command the services in question had been performed. The Governor believed it imperative, that such an inspection should take place in order to ascertain, to what extent the work done was in accordance with his orders²⁵. In order to enforce his regulations more strictly Lord Dorchester notified all commanding officers, that, if his rules were not complied with, it could not be expected, "that he should pay any such expences, or authorize any such Issues, the circumstances, propriety and expediency of which he is not made acquainted with"²⁶. In future those persons, who authorized such services and the issuing of stores with-

23 Ibid.

24 Ibid., p. 37, Dorchester to Simcoe, September 26, 1794, D 21.

25 M.P.H.C., Vol. 25, p. 37-38, Dorchester to Simcoe, September 26, 1794, D 21.

26 C.A., Q 71, pt. 2, p. 271, Dorchester's Orders and Instructions regarding Military Expenditures and the Commissariate, January 21, 1795.

POLITICAL PROBLEMS

80

out previous approbation of the Commander-in-Chief, would be held responsible for their payment, if their departure from established practices was not justified by the circumstances of the case²⁷.

Lord Dorchester was also determined not to allow provincial expenditures to be charged to the military chest. He disallowed the military rations, which Simcoe had apparently granted to the government printer and the receiver general of Upper Canada: "The Officers are altogether Provincial and as such are not entitled to military allowances of any kind"²⁸. The Commander-in-Chief objected also to the fact, that they were to receive back rations contrary to all regulations. While Dorchester admitted, that there could be a case of necessity, when the issue of military provisions to civilians could be justified, he ordered that all such cases be nevertheless immediately reported to headquarters together with the reasons for the exception. When Simcoe presented Dorchester with the account of the expences of the militia of Upper Canada, the Commander-in-Chief refused to accept responsibility for it. "The calling out and employing of the Militia, being altogether the Act of the Governor or person administering the

27 See Ibid., p. 271-272.

28 C.A., Q 71, pt. 2, p. 277, Le Maistre to Simcoe, January 27, 1794. See also Simcoe Papers, Vol. 4, p. 241-243, Dorchester to Simcoe, April 11, 1796.

POLITICAL PROBLEMS

81

Government"²⁹, it was up to the province to pay for all expenditures incurred. As the militia had actually received provisions from the military stores, the Commander-in-Chief asked the province for reimbursement of the cost of these provisions to the military chest.

Dorchester was also very careful, so as not to allow any infringements upon the rights of the Commissariate and indirectly upon his own as Commander-in-Chief. When Simcoe appointed McGill as agent for the purchase of provisions for the troops in Upper Canada, he ordered the Commissaries there to follow only his own instructions. In a dispatch to the Lieutenant Governor Dorchester objected to the arrangement, for which there was no justification in his eyes, as the Commissariate came under military direction³⁰. This point of view found expression in still another way, when Dorchester advised Simcoe of the propriety of appointing agents for the buying of provisions for the King's Stores within the province. Those provisions intended for military purposes were to be purchased "at the Regulations of the Commander-in-Chief"³¹.

²⁹ Simcoe Papers, Vol. 4, p. 180, Dorchester to Simcoe, January 25, 1796. See also C.A., Q 77, p. 85-86, Dorchester to Portland, July 5, 1796.

³⁰ C.A., Q 71, pt. 1, p. 221-224, Dorchester to Simcoe, October 20, 1794.

³¹ Simcoe Papers, Vol. 3, p. 260, Dorchester to Simcoe, January 21, 1795.

POLITICAL PROBLEMS

82

While Lord Dorchester was thus able to keep the military affairs under his control, especially those of the Commissariate, he was not happy with the apparent trend away from his authority. After his unfortunate measures of early 1794 had brought him a rebuke from the Secretary of State, Lord Dorchester asked for permission to retire from his Canadian post³². The criticism of his conduct by Whitehall had apparently convinced the Governor, that all hopes for a unified colonial government were in vain. In a dispatch to the Secretary of State Lord Dorchester then linked his request for retirement with the lack of authority on his part over the whole of British North America. He asked that his successor would "at the same time have Authority sufficient to carry on the King's Service both civil and military"³³. Lord Dorchester's apprehensions had been aggravated, when even minor military appointments were taken away from him. His feelings found expression in a letter to Prince Edward, to whom he wrote, that "latterly I have been no more considered nor concerned in appointing to those Employments than an Adjutant

32 C.A., Q 69, pt. 1, p. 177-178, Dorchester to Dundas, September 4, 1794, D 19.

33 C.A., Q 70, p. 117, Dorchester to Dundas, October 1, 1794.

POLITICAL PROBLEMS

83

who distributes Orders"³⁴.

In a dispatch to the Duke of Portland all of Dorchester's sentiments regarding his official position came to a head. He stated that there was only in appearance and not in fact a unified command on the North American continent, as theoretically the same person "is Governor of every Province, and Commander in Chief of the Forces, with Powers apparently in his Commissions to draw forth in times of danger the greatest possible strength for their common Defence"³⁵ and also with the authority to superintend the government of these provinces, while in practice his jurisdiction was confined to Lower Canada. Dorchester believed, that the Secretary of State was never long enough in office to be able to supervise the affairs of the colonies effectively. Only a man on the spot, a Governor General endowed with true authority, could coordinate all colonial efforts and policies for the best of all concerned. Dorchester then stated, that this system had been adopted in the beginning, when he had returned to Quebec in 1786, but that since that time a different policy had been followed, in which he saw the danger of the eventual loss of

³⁴ C.A., Q 70, p. 111, Dorchester to Prince Edward, September 24, 1794. See also C.A., Q 71, pt. 1, p. 206, same to Portland, January 31, 1795. Burt, "Guy Carleton, Lord Dorchester, An Estimate", p. 79 apparently suggests, that the connection made by Dorchester between his intention to retire and the lack of authority on his part was merely an artificial one. For the connection between the two facts see Simcoe Papers, Vol. 3, p. 348, Dorchester to Portland, April 25, 1795, D 26. ³⁵ Simcoe Papers, Vol. 3, p. 306, Dorchester to Portland, February 20, 1795.

POLITICAL PROBLEMS

84

all British North American colonies. Instead of consolidation in the face of American and French threats London's policy was "to divide and subdivide, and of this Remnant to form many independent governments"³⁶. All power was being withdrawn from Dorchester himself despite the fact, that he had been intended to become the head of a unified colonial administration. "Communications are made, and directions sent to inferior Officers, whereby the intermediate Authority is virtually superseded"³⁷. To remedy this dangerous situation the Governor could only suggest his own speedy retirement and the appointment of a successor with true administrative powers over all of British North America.

The Secretary of State in replying to Lord Dorchester's dispatches merely stated that, while his military authority was never interfered with, the fact that he was only acting as Governor of that province, where he was actually present, made it necessary for Whitehall to give directions for the civil government of the other provinces directly to their Lieutenant Governors³⁸. The Governor was not satisfied with Portland's reply and urged once again, that he be recalled and that his successor might receive sufficient authority to cope

³⁶ Simcoe Papers, Vol. 3, p. 306, Dorchester to Portland, February 20, 1795, D 25.

³⁷ Ibid., p. 307.

³⁸ C.A., G 5, Vol. 1, p. 121-123, Portland to Dorchester, May 27, 1795.

POLITICAL PROBLEMS

85

with the problems of the British possessions in North America³⁹. He believed that the present situation was without remedy, as Lieutenant Governor Simcoe apparently expected "at least an independent Command in the Upper Country; and that, by implication and Construction his control might be extended much further"⁴⁰. The Maritime Provinces had in fact also been independent from his command, Lord Dorchester asserted, since he had been told by Secretary of State Dundas, that

it did not appear at all probable that any circumstances could occur which would render it necessary for me to remove from Quebec, and that he concluded nothing short of that necessity would induce me to do so ⁴¹.

Referring apparently to this incident, A.L. Burt accused Lord Dorchester, that in order to be able to blame Whitehall "he raked up an innocent remark of Dundas in a letter of nearly a year old and twisted its meaning out of all recognition"⁴². Dorchester had indeed taken the remark out of context, as in the original it was intended to be a reason for the extension of the leave of absence of Lieutenant

³⁹ See C.A., Q 74, pt. 2, p. 308, Dorchester to Portland, November 7, 1795, D 34.

⁴⁰ C.A., Q 74, pt. 2, p. 307, Dorchester to Portland November 7, 1795, D 34.

⁴¹ Ibid., p. 308, quoting C.A., G 5, Vol. 1, p. 59, Dundas to Dorchester, May 11, 1794.

⁴² Burt, "Guy Carleton, Lord Dorchester, An Estimate", p. 79.

POLITICAL PROBLEMS

86

Governor Alured Clarke from Lower Canada⁴³. However Lord Dorchester's interpretation of the remark was not altogether wrong as to warrant Burt's scathing remark. Dundas apparently did not envisage Dorchester would ever exercise his functions as Governor in any of the other provinces, as he expressed his expectation that he would stay at his post in Quebec and as he made it impossible for the Governor to leave Lower Canada in the absence of a Lieutenant Governor to act on his behalf. Lord Dorchester had thus become convinced, that he could no longer play a useful role in Canada, especially since his open censure by Whitehall had in his eyes further compromised his position⁴⁴. His conflict with Lieutenant Governor Simcoe of Upper Canada was another factor, which contributed to the Governor's determination to retire from his Canadian post⁴⁵. In a spirit of resignation Dorchester stated that all, he could do, was to point out the present difficulties "in hopes by this means to contribute somewhat to the tranquility of the King's Provinces under the Administration of my Successor"⁴⁶.

⁴³ See C.A., G 5, Vol. 1, p. 59, Dundas to Dorchester, May 11, 1794.

⁴⁴ See Simcoe Papers, Vol. 3, p. 348, Dorchester to Portland, April 25, 1795, D 26.

⁴⁵ See Chapter II, 2.

⁴⁶ C.A., Q 75, pt. 2, p. 461, Dorchester to Portland, June 11, 1796.

POLITICAL PROBLEMS

87

2. Upper Canada.

This section of the thesis will deal mainly with the controversy between Lord Dorchester and the Lieutenant Governor of Upper Canada, John Graves Simcoe. While earlier historians have attempted to exonerate Dorchester in this affair, more recent writers, especially Alfred Leroy Burt, go as far as to say, that "he vented his spleen on Simcoe"⁴⁷, because Whitehall had chosen him over his own nominee for the post, Sir John Johnson. It will be the task of this section to ascertain Lord Dorchester's role in this controversy.

Dorchester was indeed disappointed about the rejection of his nomination of Sir John Johnson as first Lieutenant Governor of Upper Canada and he was even more disappointed about the fact, that his own authority in the upper province did not extend over all branches of government, but only over military affairs⁴⁸. But the situation is not as simple, as is suggested by Burt, who asserted that Dorchester unable to maintain his civil jurisdiction in Upper Canada "did not hesitate to embarrass his inferior"⁴⁹, Lieutenant Governor Simcoe by using his military authority as Commander-in-Chief.

47 Burt, "Guy Carleton, Lord Dorchester, 1724-1808", p. 14.

48 See Chapter II, 1.

49 Burt, "Guy Carleton, Lord Dorchester, An Estimate", p. 78.

POLITICAL PROBLEMS

88

When Dorchester returned to Quebec in autumn of 1793, his relations with Lieutenant Governor Simcoe were at first correct, but not cordial - a fact, that was to be expected. The Governor apparently accepted as reality that Upper Canada had been withdrawn from his civil jurisdiction. When he wrote Simcoe for information about the development of the province⁵⁰, he was acting within his powers, especially since the information requested concerned matters of defence. The same can be said of his desire to have the capital of Upper Canada at Kingston⁵¹. In the military field proper there were naturally certain points, where doubts could arise as to the authority, under which a particular matter was to come. Thus Simcoe was not certain, whether his provincial projects⁵², which were to be carried out by the military were to be under his own or Dorchester's jurisdiction. The Commander-in-Chief notified him, that he could carry on with these projects "according to the Practice in Military Affairs; that is with the approbation of the officer in the Chief Command"⁵³, Dorchester him-

⁵⁰ Simcoe Papers, Vol. 2, p. 83, Dorchester to Simcoe, October 7, 1793.

⁵¹ La Rochefoucault-Liancourt, Travels through the United States of North America, p. 276.

⁵² For these projects see Stanley R. Mealing, "John Graves Simcoe", in Robert L. McDougal, editor, Our Living Tradition, Fourth Series, Toronto, University of Toronto Press, 1962, p. 69-71.

⁵³ Simcoe Papers, Vol. 2, p. 203-204, Dorchester to Simcoe, April 14, 1794, D 9.

POLITICAL PROBLEMS

89

self. In order to simplify the proceedings Dorchester advised Simcoe to submit his projects first to Whitehall, which in turn would signify the King's approbation "through the regular channel and agreeably to the subordination he has established among his servants: no difficulty will then remain"⁵⁴.

While this solution proposed by Dorchester appeared to be a fair one, difficulties were already being foreshadowed, when in the same dispatch he disapproved of Simcoe's plans to make Toronto a garrison for military reasons. There would almost inevitably be a clash, when military and provincial considerations were to meet head on, since the lines of jurisdiction had never been clearly defined by Whitehall. In the case of the naval establishments on the Great Lakes Dorchester decided, that a future provincial marine was to come under authority of the chief executive of Upper Canada, while all armed vessels built by the Commander-in-Chief were to be under the latter's jurisdiction⁵⁵.

Controversy between Lord Dorchester and Simcoe was to arise first over the Indian Department. It was apparently Simcoe himself, who took the first step in this matter. In a dispatch to the Secretary of State he protested against the fact, that Dorchester had called Colonel McKee of the Indian

⁵⁴ Ibid., p. 204.

⁵⁵ Simcoe Papers, Vol. 2, p. 136-137, Dorchester to Simcoe, January 27, 1794. See also ibid., p. 206, same to same, April 16, 1794.

Department to Quebec for the purpose of consultation at the very time, when on account of the tense border situation his presence among the Indians was most desirable. This argumentation was to point out to Whitehall, that Dorchester could not possibly direct the operations of the Indian Department from his headquarters at Quebec. Simcoe concluded, that he "as Civil Governor or Commanding the Kings Troops, must be the Channel of Communication between the Commander in Chief and the Indian and all other Departments"⁵⁶. In effect the granting of this request would have removed the Indian Department and the other agencies concerned, especially the Commissariate, from the actual control of Lord Dorchester as head of the military establishment. Before he had apparently heard of Simcoe's request, the Governor himself initiated measures to consolidate his hold on the Indian Department. Thus he proposed the appointment of Colonel Alexander McKee as Deputy Superintendant General of the agency⁵⁷. It was in this connection that the Colonel had been asked to come to Quebec for consultations with Dorchester. However the Governor was also equally anxious to hear Simcoe's views on matters of the Indian Department. He wrote Simcoe, that McKee would see the Lieutenant Governor on his way to Quebec in order to give him

⁵⁶ Simcoe Papers, Vol. 3, p. 71, Simcoe to Dundas, September 12, 1794.

⁵⁷ See also Chapter I, 3.

an opportunity to explain his views on Indian affairs in the Province of Upper Canada⁵⁸. Dorchester meant to remain the sole authority over the department. He was willing however to consult with Simcoe as the civil administrator of Upper Canada regarding matters, which directly affected his province. This intention revealed itself clearly in the Governor's instructions regarding the purchase of Indian lands⁵⁹. The civil governor of a province was to apply to the Commander-in-Chief for the necessary steps to be initiated. The latter would make all arrangements. The actual conclusion of the treaty of purchase was also to be performed by the Indian Department, whereas the civil administrator of the province in question was to be a mere witness to the transaction.

John Graves Simcoe was not willing to accept his subordination to Lord Dorchesters in regard to Indian affairs, especially since he believed, that in accordance with Secretary Dundas' instructions he was to be in charge of the department within the confines of Upper Canada. He therefore requested Lord Dorchester in rather strong words to make the

⁵⁸ Simcoe Papers, Vol. 3, p. 104, Dorchester to Simcoe, September 22, 1794.

⁵⁹ Simcoe Papers, Vol. 3, p. 241-242, Dorchester's Instructions for the Indian Department, December 26, 1794, D 24.

POLITICAL PROBLEMS

92

necessary arrangements in order to put the officials of the Indians Department in Upper Canada under his jurisdiction⁶⁰. The Commander-in-Chief refused, and as he believed on good grounds, to accede to Simcoe's demands⁶¹. Dorchester admitted, that the wording of Dundas' letter to him appeared to support Simcoe's contention⁶². However he believed, that this was due to a clerical error and that Dundas, who had only recently been appointed Secretary of State, "adopted the Letter prepared for him by a Clerk, taking for granted it was conformable to the regular order of the Service as well as to what I had recommended"⁶³. While this was obviously only an assumption, Lord Dorchester saw firm support for his point of view in the new commission made out for Sir John Johnson in his capacity as Superintendent General of the department the very day of Dundas' letter and which contrary to the letter's wording and to Simcoe's hopes directed him "to observe and follow such orders and directions as you shall receive from Our Commander in Chief of our Forces in our said

⁶⁰ Simcoe Papers, Vol. 3, p. 318-324, Simcoe to Dorchester, March 9, 1795.

⁶¹ Simcoe Papers, Vol. 3, p. 340-341, Dorchester to Simcoe, April 2, 1795. See also C.A., Q 71, pt. 2, p. 449-450, same to Portland, April 10, 1795.

⁶² C.A., Q 71, pt. 2, p. 454, Dundas to Dorchester, September 16, 1791.

⁶³ Simcoe Papers, Vol. 3, p. 341, Dorchester to Simcoe, April 2, 1795.

Province of Upper Canada and Lower Canada"⁶⁴. A point of doubt was still remaining, "whether, in the absence of a Commander in Chief, the Officer Commanding the King's Forces in the Province, was authorized to take the Command of the Superintendant General"⁶⁵. This doubt thus concerned the question, whether in the case of Dorchester's absence Simcoe or the officer left in command of the military forces in British North America was to exercise the jurisdiction over the Indian Department. Dorchester apparently believed, that this right should go to the temporary military commander.

Lord Dorchester's point of view regarding the jurisdiction over the Indian Department was upheld by the Secretary of State, who expressed his opinion, that both the Indian Department and the Commissariate⁶⁶ came under his authority as they were "subject to the directions of the Commander in Chief"⁶⁷. However he urged Dorchester to cooperate with Simcoe in all matters of the department affect-

⁶⁴ C.A., Q 71, pt. 2, p. 455, Sir John Johnson's Commission, September 16, 1791.

⁶⁵ C.A., Q 71, pt. 2, p. 453, Dorchester to Grenville, March 19, 1795.

⁶⁶ For difficulties concerning the Commissariate see above Chapter II, I.

⁶⁷ C.A., G 5, Vol. 1, p. 127, Portland to Dorchester, July 6, 1795. See also ibid., p. 119-120, same to same, May 8, 1795.

POLITICAL PROBLEMS

94

ing Upper Canada. Simcoe's struggle for control of Indian affairs had thus been frustrated. Dorchester on the other hand appeared to demonstrate his good will in the matter, when he assured Simcoe, that in regard to Indian lands he would "give every facility to the purchase of such Tracts in Upper Canada as you think the King's Service may require"⁶⁸. Dorchester also stated, that he in his capacity as Commander-in-Chief would not interfere with the distribution of these lands, which depended entirely on the civil authorities of the province.

Another and more violent controversy engulfed the Commander-in-Chief and the Lieutenant Governor of Upper Canada in regard to military matters. While it was once again a problem of jurisdiction, it actually also revolved around Simcoe's plans for the development of Upper Canada through military garrisons⁶⁹. This problem became urgent only, after Jay's Treaty had freed the military forces to some extent from their ordinary duties, thus enabling Simcoe to pursue his projects. Lord Dorchester apparently agreed with him at least to the extent, that he rescinded an earlier order by allowing Simcoe to make "use of such part of the Queen's Rangers in their Civil Capacity, as you may judge necessary

⁶⁸ Simcoe Papers, Vol. 4, P. 278, Dorchester to Simcoe, May 26, 1796.

⁶⁹ Mealing, "John Graves Simcoe", p. 69-71.

POLITICAL PROBLEMS

95

for the promoting of your Provincial Projects, particularly such as have already met with Mr. Secretary Dundas's approbation"⁷⁰. However the Commander-in-Chief made this approbation conditional upon the fact, that the civil use of the Queen's Rangers would not interfere with their duties to maintain the lines of communications with the posts on the American border. Simcoe's reaction to Lord Dorchester's cautious approval was somewhat caustic. He stated, that in this state of affairs "it appears prudent to wait to see what may finally be determined upon, and I shall therefore make no further Civil Arrangements under Your Lordship's restrictions"⁷¹.

If Simcoe's reply does not fully explain/subsequent Dorchester's conduct towards him, it makes it at least more easily understandable. The Commander-in-Chief was at that time already engaged in a controversy with the Secretary of State, who had allegedly withdrawn from him all true authority. Dorchester had come to believe from the dispatches sent to him by Whitehall, that Simcoe's projects had been approved and that he as Commander-in-Chief was not to interfere with them. However as Simcoe's reply apparently presupposed Dorchester's approbation, the Governor concluded, that if he had to act at all,

⁷⁰ Simcoe Papers, Vol. 4, p. 66, Dorchester to Simcoe, August 17, 1795.-For Dundas' views on the role of the Queen's Rangers See C.A., G 5, Vol. 1, p. 59, Dundas to Dorchester, May 11, 1794.

⁷¹ Simcoe Papers, Vol. 4, p. 102, Simcoe to Dorchester, October 12, 1795.

POLITICAL PROBLEMS

96

"I can be directed by my own Judgment only, or by distinct and precise orders from those whose Station may justify my obedience"⁷². Dorchester then outlined his own plans for the disposition of the military forces in Upper Canada. He asserted his firm belief, that communication duties were the most important task of the troops. After the evacuation of the posts on the American side of the boundary in consequence of Jay's Treaty he would therefore withdraw from Upper Canada two full regiments and those parts of a third one, which had been stationed there, as well as the greater part of the artillery. This would leave only the Queen's Rangers in the province, who would be employed in garrison duties at the new posts to be established on the boundary with the United States. While this step would frustrate Simcoe's projects, Dorchester believed himself justified by military considerations to take this measure. He argued, that Upper Canada was no longer threatened by the United States, while Lower Canada was still open to a possible invasion by revolutionary France. Dorchester therefore stated, that "the Complexion of affairs down this way is very different, and must continue so during the present war; this alteration therefore in the disposition of the Troops I think cannot prudently be dispensed with"⁷³.

⁷² Simcoe Papers, Vol. 4, p. 124, Dorchester to Simcoe, November 5, 1795, D 33.

⁷³ Simcoe Papers, Vol. 4, p. 124, Dorchester to Simcoe, November 5, 1795, D 33.

POLITICAL PROBLEMS

97

With this statement the lines of battle between Lord Dorchester and Lieutenant Governor Simcoe were firmly drawn. The problem continued to occupy the two representatives of the British Crown until their departure from Canada during the course of the following year. Simcoe was stunned by Dorchester's announced intentions to withdraw most of the troops from Upper Canada and to employ the Queen's Rangers "more especially raised under my directions for its Interior services in the duties of Communications"⁷⁴. He repeated once again his arguments in favor of his projects for the development of the province through military garrisons. He asked, that the Queen's Rangers be exempted from the duties assigned to them by Dorchester to enable him to go ahead with his schemes. In his reply Lord Dorchester expressed his opinion concerning the Lieutenant Governor's project once more. He did not believe he could justify "leaving Troops in Upper Canada merely for the purpose of advancing the growth and prosperity of the Colony on account of the situation in Lower Canada"⁷⁵. Dorchester also attacked the very principle of colonial development through a judicious deployment of military forces. He observed, that in other provinces "a wise administration of

⁷⁴ Simcoe Papers, Vol. 4, p. 156, Simcoe to Dorchester, December 9, 1795.

⁷⁵ Simcoe Papers, Vol. 4, p. 230, Dorchester to Simcoe, April 4, 1796, D 38.

POLITICAL PROBLEMS

98

Justice and Government, in conjunction with natural advantage"⁷⁶ had been found sufficient to foster the development of the territories concerned.

While Simcoe's reply repeated his earlier proposals, that "the Affairs of the Indians, the Commissariate and the Marine Department be placed under that Direction which, not nominally but efficiently could superintend and control them"⁷⁷, Lord Dorchester merely promised, that he would transmit the suggestions to Whitehall for the consideration of the Secretary of State⁷⁸. He rejected Simcoe's criticism of his measures saying, that he did not understand, how he as Commander-in-Chief,

whether he approves or disapproves of Provincial Projects, can interfere with the Lieut. Governor in the exercise of the means entrusted to him by the King's Ministers for carrying on the great public Measures of his Province⁷⁹.

In the same dispatch Dorchester also "forbade the establishment of any new posts in the upper province, and that put an end to Simcoe's peninsular coloniae"⁸⁰.

76 Ibid.

77 Simcoe Papers, Vol. 4, p. 271, Simcoe to Dorchester, May 20, 1796.

78 See Simcoe Papers, Vol. 4, p. 296, Dorchester to Simcoe, June 9, 1796.

79 Simcoe Papers, Vol. 4, p. 296, Dorchester to Simcoe, June 9, 1796.

80 Mealing, "John Graves Simcoe", p. 71.

POLITICAL PROBLEMS

99

While A.L. Burt blames Lord Dorchester to a great extent for his disagreements with Simcoe⁸¹, Bradley seems to see the guilt with Simcoe. He argued, that the Lieutenant Governor "with his pet theories of developing material prosperity by military posts seems to have lost sight of the danger of foreign invasion in the more exposed parts of the Colony"⁸². The Commander-in-Chief's initial announcement concerning the impending withdrawal of the bulk of the troops from Upper Canada appeared to be a spiteful reaction to Simcoe's obvious ingratitude for Dorchester's qualified permission for the use of the Queen's Rangers for provincial development projects. Lord Dorchester's steps thus seemed to be merely a consequence of his own pettiness and not a matter of policy. These considerations appear to favor Burt's interpretation of the conflict. However there are other circumstances, which speak in favor of Dorchester. Despite his resentment over Simcoe's appointment and the limitation of his own authority, the Governor did not interfere directly with the civil administration of the Province of Upper Canada. It was Simcoe on the other hand, who put forward claims to matters reserved to Dorchester in his capacity as Commander-in-Chief of British North America. While these considerations do not make Dorchester's reaction

⁸¹ Burt, "Guy Carleton, Lord Dorchester, An Estimate", p. 77-78.

⁸² A.G. Bradley, Lord Dorchester, Toronto, Oxford University Press, 1926, p. 296.

POLITICAL PROBLEMS

100

to Simcoe's dispatch appear reasonable, the policies enunciated by him on this occasion were nothing new on his part. He was consistently opposed to the use of troops for civilian purposes⁸³. His apparent concession in allowing the Queen's Rangers to be used for provincial projects⁸⁴ was only a limited one and perhaps caused by the known approval by the Secretary of State of Simcoe's plans concerning this body of troops. He rescinded his order in the face of apparent ingratitude on the part of Simcoe. The Governor's announced intention of withdrawing the bulk of the troops from the upper province was based on his fears of an invasion by revolutionary France. This holds true despite the appearances of the dispatch, which made these plans known⁸⁵. His fears regarding an invasion also found expression in other circumstances, when there was no question of controversy with Simcoe⁸⁶. Simcoe on the other hand was not very prone to see the importance, which Dorchester attached to the problems of the defence of British North America as a whole. He had eyes merely for his own province, "in my judgment the most valu-

⁸³ See Chapter I, 2c.

⁸⁴ Simcoe Papers, Vol. 4, p. 66, Dorchester to Simcoe, August 17, 1795.

⁸⁵ Simcoe Papers, Vol. 4, p. 123-124, Dorchester to Simcoe, November 5, 1795, D 33.

⁸⁶ See Chapter I, 2c and 1, 4.

able of His Majesty's Foreign Possessions, at least, of His American Dominions"⁸⁷. It was thus not merely Dorchester's pettiness, but to an almost equal extent Simcoe's unlimited enthusiasm for the Queen's Rangers and for Upper Canada in general, both of which "became focussed on his attempt to escape from Dorchester's control as Commander-in-Chief"⁸⁸, which brought about the difficulties in the mutual relationship between the aging Governor at Quebec and the Lieutenant Governor in the upper country.

3. The Maritimes.

During the last years of his governorship of British North America Lord Dorchester only rarely expressed himself in regard to the problems affecting the provinces on the Atlantic coast of the continent. His status as Governor of these colonies had not changed materially since his appointment in 1786. He had apparently come to accept the limitations imposed upon him in the exercise of his authority in these provinces⁸⁹. However he still concerned himself with matters of a military nature, as they came under his jurisdiction as Commander-in-Chief of all British possessions in North America.

⁸⁷ Simcoe Papers, Vol. 4, p. 271, Simcoe to Dorchester, May 20, 1796.

⁸⁸ Mealing, "John Graves Simcoe", p. 75.

⁸⁹ See Chapter II, I.

POLITICAL PROBLEMS

102

When Prince Edward, who had only recently been transferred from Quebec to Halifax, asked Lord Dorchester to exchange five companies of the Fusiliers in Quebec for five companies of the Fifth Regiment in Halifax, the Commander-in-Chief could do little but accede to the wishes of the royal prince. However he did not fail to impress upon Edward, that from the time of the departure of one body of troops until the arrival of the other Nova Scotia would be deprived of a considerable part of its military strength⁹⁰. Of greater importance was the problem of the Nova Scotia Regiment. This unit had been raised "on express conditions of not being desired to go out of Nova Scotia"⁹¹. Lord Dorchester became thus very concerned, when he learned, that a detachment of this unit had been sent to Newfoundland. He expressed this concern to the Lieutenant Governor of the province, Wentworth⁹². The Commander-in-Chief realized, that two additional companies had been raised in 1793 without the condition, under which the first companies had enlisted. He hoped, that the men sent to Newfoundland were from these latter units. He then requested that if any of the first companies raised "in the express con-

90 C.A., Q 70, p. 98, Dorchester to Prince Edward, July 19, 1794.

91 Ibid.

92 C.A., Q 70, p. 113-115, Dorchester to Wentworth, September 24, 1794.

dition of serving in Nova Scotia only have been sent to St. John's in Newfoundland ... they be recalled to Nova Scotia by the first opportunity"⁹³.

Lord Dorchester's concern about such minor matters was caused by his belief in the importance of good faith between the government and the people. He therefore tried to impress this fact upon the authorities of Nova Scotia. To Prince Edward he wrote of the high "importance of never departing from any word given by Government, nor indeed of ever forfeiting the confidence of the people of any description, but more especially of the military"⁹⁴. Lieutenant Governor Wentworth was to make every effort "to prevent Government from being reproached with cajoling the People, or of failing in the smallest degree in its good faith towards them"⁹⁵. In Dorchester's eyes not only the reality of bad faith, but even the slightest appearance of it was very harmful to the interests of the government and of the Empire.

Lord Dorchester's cited interference in a matter of the Maritime Provinces had been made in a question, to which the Governor attached extraordinary importance. For the

⁹³ C.A., Q 70, p. 111, Dorchester to Prince Edward, September 24, 1794.

⁹⁴ C.A., Q 70, p. 98, Dorchester to Prince Edward, July 19, 1794.

⁹⁵ C.A., Q 70, p. 114, Dorchester to Wentworth, September 24, 1794.

POLITICAL PROBLEMS

104

rest Dorchester was forced to leave these colonies pretty well to their own devices, realizing that "by Correspondence and Practice, as well as by System"⁹⁶ their independence from his command was an established fact.

⁹⁶ C.A., Q 74, pt. 2, p. 307, Dorchester to Portland November 7, 1795, D 34.

CHAPTER III

DORCHESTER'S VIEWS ON THE ADMINISTRATION OF LOWER CANADA

1. The Two Ethnic Groups.

Among the problems of Lower Canada, the one province, in which Lord Dorchester exercised the full civil authority during the last period of his governorship, the relationship between the French Canadian majority and the English speaking ~~speaking~~ minority had been one of the most pressing ones from the time of the British conquest of Canada. Lord Dorchester had tried to cope with this problem during the period, when as Guy Carleton he first had administered Quebec, and also during the first part of his second governorship¹. While the Governor had somewhat modified his enthusiasm for the French Canadians and his hostility for the English minority², he was still very friendly towards the majority and used all means at his disposal to ensure their loyalty to the British Empire.

When Dorchester appointed J.A. Panet, then Speaker of the Legislative Assembly, a judge of the Court of Common Pleas on January 28, 1794, it became necessary to elect a successor³.

1 For Dorchester's earlier administrations see A.L. Burt, The Old Province of Quebec, Toronto, Ryerson, 1933, XIII-551 p.

2 See A.L. Burt, "Guy Carleton, Lord Dorchester, An Estimate", in Canadian Historical Association Report, 1935, p. 86-87.

3 Robert Christie, A History of the Late Province of Lower Canada, Parliamentary and Political, From the Commencement to the Close of its Existence as a Separate Province, Vol. 1, Montreal, Worthington, 1866, p. 153-154.

ADMINISTRATION OF LOWER CANADA

106

The Governor's personal efforts and his prestige helped greatly to prevent another split along ethnic lines, as it had occurred in the election of the first speaker⁴. Instead a French Canadian, Chartier de Lothbiniere was chosen unanimously. During the same year the first Anglican Bishop, Jacob Mountain, presented the Governor with documents, which gave him the title of Lord Bishop of Upper Canada and Lower Canada and which also called him to the Legislative Councils of both provinces. Lord Dorchester immediately realized the possible consequences of these appointments. He voiced his concern to the Secretary of State by observing to him, that "it will awaken much jealousy on the part of the Canadians, that their Bishop does not receive the same Honor"⁵. Dorchester then expressed his conviction, that the French Canadians were perfectly well aware of their great numerical superiority and that therefore every preference for the English minority would cause hard feelings. Some time later the Governor then proposed to the government at Whitehall, that the Roman Catholic Bishop of Quebec be called to a seat in the Legislative Council in order to remove every possible reason for complaint on part of the French Canadians. He argued, that it would be far better for the interests of Great Britain, "that all Acts

⁴ See François-Xavier Garneau, Histoire du Canada, Vol. 2, Paris, Alcan, 1920, Fifth Edition, p. 441. He does not give any source for this information.

⁵ C.A., Q 71, pt. 1, p. 7, Dorchester to Dundas, May 25, 1794, D 12.

ADMINISTRATION OF LOWER CANADA

107

of favor to the people flow spontaneously from the Royal benevolence, and that neither favor nor protection are delayed till called forth by noise and tumult"⁶. Lord Dorchester thus advocated the making of concessions to the majority before being forced to do so by the turn of events, in which case any compromise and any concession would necessarily be less effective.

When vacancies occurred on the bench, Lord Dorchester acted without delay to fill them again. He believed it especially important, that the posts held by French Canadians be occupied immediately not only on account of their great familiarity with the laws and customs of the land, but "also because it was highly expedient to prevent that national Jealousy which appeared in the first Session of the Legislature, and has existed in the Country every since the Conquest"⁷. The Governor thus demonstrated a acute alertness towards anything, which could possibly aggravate unnecessarily the feelings of the French Canadian majority. Dorchester was not blind to the differences existing between the two ethnic groups in Lower Canada. However he was optimistic, that these differences could be solved amicably. He therefore encouraged the cooperation between the moderates of both nationalities

6 C.A., Q 75, pt. 1, p. 49, Dorchester to Portland, December 26, 1795, D 35.

7 C.A., Q 69, pt. 1, p. 195, Dorchester to Dundas, September 8, 1794, D 20.

ADMINISTRATION OF LOWER CANADA

108

in the Legislature. When the questions arose of filling some vacancies in the Legislative Council and of increasing in addition its statutory membership, Dorchester recommended to the Secretary of State, that these measures be delayed until after the next election. Many of the candidates recommended by him for membership in the Upper Chamber were at the time members of the Legislative Assembly, where they had excelled in their efforts to promote the true interests of the country. These men had in Dorchester's opinion

perceived the Error and danger of Party animosity which originated in National Prejudices and was nourished by Folly or by something worse; and all jealousies being removed they united to stop those Evils, and to promote the general Interests⁸.

For this reason the Governor believed, that it would be in the public interest, that these men remained in the Assembly for the time being, "as this first Provincial Parliament may probably have some Influence on future times"⁹.

Lord Dorchester's confidence, that good sense and cooperation would find a solution to all difficulties between the French speaking majority and the English speaking minority of Lower Canada, had to undergo severe strains during his last period in office, when "disaffection" to Britain became

⁸ C.A., Q 71, pt. 2, p. 464-465, Dorchester to Portland, April 25, 1795, D 27.

⁹ C.A., Q 71, pt. 2, p. 465, Dorchester to Portland, April 25, 1795, D 27.

ADMINISTRATION OF LOWER CANADA

109

very widely spread in the country. While this development was at least in part due to external influences, mainly to American and French intrigues¹⁰, the Governor also had to admit that the problem as a whole was more profound and that it was based to a great extent on the unresolved conflict between the conquered French Canadians and the English speaking minority, which had only come to the country in the wake of the victory. This conflict came out into the open, when in May 1794 Lord Dorchester attempted to call out the militia of the province. Even before the actual outbreak of rioting the Governor had become aware of the "habits of indolence"¹¹ of the French Canadian people, who did not appear at all concerned about the dangers of an American or a French invasion. While he foresaw a certain amount of difficulties in the execution of the Militia Act, Dorchester preferred to attribute these to the fact, that the French Canadians had "been long disused to Military Services"¹². However more obvious reasons for the lack of loyalty to Britain on part of great many French Canadians can be found in the various grievances of the population against the political and economic situation of the province, which Dorchester could not overlook. Thus

10 See Chapter I, especially I, 4.

11 C.A., Q 67, p. 7, Dorchester to Dundas, November 18, 1793, D 5.

12 Ibid. - See also C.A., Q 71, pt. 1, p. 2-3, Dorchester to Dundas, May 24, 1794, D 11 and Mason Wade, The French Canadians, 1760-1945, Toronto, Macmillan, 1955, p. 101.

ADMINISTRATION OF LOWER CANADA

110

during the winter of 1793-1794 the copyholders of the Manor of Longueuil petitioned the Legislative Assembly regarding the arbitrary increase of their rents by their Seigneur, David Alexander Grant, a prominent member of the English speaking community of the province¹³. Dorchester clearly grasped the implications of this petition, when he wrote the Secretary of State, that

this Question may occasion a great deal of heat and establish the Party distinction of Aristocrat and Democrat, which may tend to diminish the strength of the Province and do much injury to the King's Government: the seditious papers that have been scattered about the Country seem to allude to this to this Condition of the People¹⁴.

In a later dispatch the Governor elaborated further on the grievances of the population. Most prominent among these was the fact, that the French Canadians were no longer "protected against their Seigneurs as they formerly were by the French Intendant and Attorney General"¹⁵. They furthermore suffered greatly under the high cost of the administration of justice in the province.

While these grievances were directed against the administration of the country in general, racial overtones also

¹³ See S.D. Clark, Movements of Political Protest in Canada, 1640-1840, Toronto, University of Toronto Press, 1959, p. 203-204.

¹⁴ C.A., Q 67, p. 77-78, Dorchester to Dundas, February 24, 1794.

¹⁵ C.A., Q 71, pt. 1, p. 3, Dorchester to Dundas, May 24, 1794, D 11.

ADMINISTRATION OF LOWER CANADA

111

appeared in this connection. Dorchester pointed out, that the "British part" of the militia had enroled without any difficulties or hesitation¹⁶. On the other hand he could not overlook the fact, that they numbered only seventy among the two thousand men called out¹⁷. He also observed, that one of the rioters in Quebec had cheered the French. Lord Dorchester thus came to believe, that the unrest was inspired by French and American intrigues and was designed to make French Canada disloyal to the British Crown. He saw the agents trying to persuade the French Canadians, that they "were Fools to be so long led by the nose by a few English"¹⁸. It was evident in Dorchester's opinion, "that an eye was had to the Proceedings at Paris"¹⁹ by the discontented in the province. The best the Governor was able to hope for from the French Canadian majority during the summer of 1794 appeared to be a "passive spirit of neutrality"²⁰ on part of the masses, while a minority was actively engaged in working for the overthrow of the British regime.

16 C.A., Q 71, pt. 1, p. 2, Dorchester to Dundas, May 24, 1794, D 11.

17 C.A., Q 71, pt. 1, p. 7, Dorchester to Dundas, May 25, 1794, D 12.

18 C.A., Q 69, pt. 1, p. 1, Dorchester to Dundas, June 7, 1794, D 14.

19 Ibid.

20 C.A., Q 69, pt. 1, p. 49, Dorchester to Dundas, July 21, 1794.

ADMINISTRATION OF LOWER CANADA

112

The Governor, ably assisted by Attorney General Monk, did his utmost to restore order and to win back to confidence and loyalty of the French Canadians. An inquiry into the unrest, the arrest of those suspected to be active agents of the revolution and the formation of loyal associations helped greatly towards this end²¹. Already by July 1794 the situation had improved to such an extent as to enable Dorchester to report to the Secretary of State, that "the seditious ferments"²² had subsided. He was also happy to point out, that this had been achieved "without the interference of Military Force which I was determined on no account to have recourse to"²³. This latter statement is clear proof, that the Governor wished to continue to pursue a policy of conciliation between the French and the English speaking inhabitants of the province despite his deep disappointment about the signs of disloyalty in Lower Canada²⁴. It was to this end, that he pardoned L'Eveille, the execution of whose

21 See Clark, Movements of Political Protest in Canada, 1640-1840, p. 179-183.

22 C.A., Q 68, p. 199, Dorchester to Dundas, July 12, 1794.

23 Ibid.

24 Le Rochefoucault-Liancourt, Travels through the United States of North America, the Country of the Iroquois, and Upper Canada, in the Years 1795, 1796, and 1797, with an Authentic Account of Lower Canada, London, Phillips, 1799, p. 308 believes, that this disappointment was one of the reasons for Dorchester's determination to retire from his governorship.

ADMINISTRATION OF LOWER CANADA

113

sentence had been obstructed by a riot in Montreal. He did this despite the objections of the Attorney General, who stated, that the wisdom of this step "does not come within my small capacity to perceive"²⁵.

2. The Organs of Government.

a. The Executive Council.

The Constitutional Act of 1791 had split the former Council of the Province of Quebec into two different bodies. The Legislative Council was to be the upper house of the provincial Legislature, while the Executive Council was to advise and assist the Governor in the government of the country. However the goal of the new arrangements to give the colony in the Executive Council an institution similar to that of the British cabinet did not materialize itself. The Executive Council of Lower Canada was in its character and also in its membership simply the Legislative Council of the province meeting under another name²⁶. It was largely made up of officeholders, who were merely supposed to strengthen the position of the Governor. Its members were only responsible

²⁵ C.A., Q 69, pt. 2, p. 358, Monk to Dundas, July 31, 1794. See also Clark, Movements of Political Protest in Canada, 1640-1840, p. 179.

²⁶ See Helen Taft Manning, British Colonial Government after the American Revolution, 1782-1820, New Haven, Yale University Press, 1935, p. 334.

ADMINISTRATION OF LOWER CANADA

114

to him and not to the Legislature.

Despite the limited value of this body Lord Dorchester utilized it greatly in the day to day affairs of the government of the colony, after he had returned to Quebec in 1793. A committee of the Executive Council was charged by the Governor with the granting of land to prospective settlers²⁷. Its members were also asked by Dorchester to assist him in the preparation of financial statements, as he believed "it necessary and proper to lay these Statements before the Board for their previous Consideration and report of such Corrections, Alterations and Amendments as they may think it expedient to recommend"²⁸, before they were sent to the Legislature of the province. According to royal instructions it was the duty of the Executive Council to audit the public accounts of the colony²⁹. Lord Dorchester proposed to extend this audit of accounts by the Council to the accounts of the collection of the provincial revenue, because he believed, that only through such a measure the public funds could be safeguarded effectively against all encroachments on part of the tax officials³⁰.

27 See e.g., C.A., Q 67, p. 225-226, Minutes of the Executive Council, January 22, 1794.

28 C.A., Q 67, p. 338, Minutes of the Executive Council, March 20, 1794.

29 C.A., Q 67, p. 33, p. 338-339, Minutes of the Executive Council, March 20, 1794.

30 C.A., Q 72-73, pt. 2, p. 406-407, Dorchester's Suggestions concerning the Audit of the Accounts of the Collection of the Provincial Revenue, July 18, 1795, D 31.

ADMINISTRATION OF LOWER CANADA

115

Lord Dorchester used the services of the Executive Council in many other provincial matters. He asked them for a list of persons, who could be nominated Justices of the Peace³¹. It was with the advise of the Council, that the Governor imposed an embargo on the exportation of food-stuffs from Lower Canada to any country outside the Empire. In doing so Dorchester adopted the report of his Attorney General, who had stated that an embargo "is not a subject proper for the interference of a local Colonial Legislature"³². It was a right of the executive to take action in the matter of an embargo. For this reason the Governor consulted the Executive Council before taking steps to implement the embargo, which had been requested by the British government. When Lower Canada itself was threatened by famine, Lord Dorchester acted once again in concert with the Council. He proposed "with the advice and consent of the Executive Council to authorize the importation of Provisions by Sea and Coast wise from the United States"³³.

The Governor soon found, that the Executive Council was impeded in the exercise of its intended administrative

31 C.A., Q 67, p. 226-227, Minutes of the Executive Council, January 22, 1794.

32 C.A., Q 72-73, pt. 1, p. 18, Dorchester to Portland, May 25, 1795.

33 C.A., Q 75, pt. 1, p. 47, Dorchester to Portland, December 26, 1795.

ADMINISTRATION OF LOWER CANADA

116

functions by a lack of sufficient membership. He therefore advised the Secretary of State shortly after his return to Canada, that of the nine men appointed to a seat in the Executive Council only two were living in Quebec all the time, while one had not as yet taken his seat, another was sick, another on leave of absence. In addition one seat was vacant. The three other members of the board lived at Montreal with the exception of the time, when the Legislature was in session³⁴. Lord Dorchester then suggested, that the membership of the body be increased to thirteen and that in addition to this measure the Governor should be empowered to appoint temporary members without salary, if such a step would be required by the circumstances of the moment. For financial reasons the Secretary of State was not willing to agree to the increase in the number of Executive Councillors. However he accepted Dorchester's second suggestion concerning temporary membership of the Council³⁵. When William Osgoode, the new Chief Justice of Lower Canada, arrived in Quebec without a "mandamus for being called to the Executive Council"³⁶, Dorchester immediately expressed his concern about this situ-

³⁴ C.A., Q 67, p. 50-51, Dorchester to Dundas, December 31, 1793.

³⁵ C.A., G 5, Vol. 1, p. 56-57, Dundas to Dorchester, May 11, 1794.

³⁶ C.A., Q 68, p. 236, Dorchester to Dundas, July 28, 1794.

ADMINISTRATION OF LOWER CANADA

117

ation to the authorities at Whitehall, stating that this failure deprived the province of an operative Court of Appeal, which was still another function exercised by the Executive Council.

Lord Dorchester was without doubt the leading spirit in the Executive Council, at least after the death in late 1793 of the then Chief Justice William Smith. It appears, that he was normally able to sway with him the other members of the body. Thus he prevailed over the objections of the Council under Chief Justice Osgoode in his opposition to all fees for the Governor in connection with a table of fees for the granting of land³⁷. It was then Osgoode, with whom the Governor clashed openly in the Executive Council. The circumstances of their conflict are quite obscure and also apparently very trifling³⁸. Dorchester's cold and almost hostile attitude towards Osgoode is explained partly by the fact, that the latter was a friend of Lieutenant Governor Simcoe of Upper Canada³⁹. The Governor believed at any rate, that the Chief

37 See C.A., Q 69, pt. 1, p. 139-140, Ryland to Osgoode, October 3, 1794, D 22 and ibid., p. 140-141, Minutes of the Executive Council, October 7, 1794, D 23.

38 See C.A., Q 72-73, pt. 2, p. 438-441, Dorchester to Portland, July 25, 1795.

39 See William Colgate, "William Osgoode, Chief Justice", in Canadian Bar Review, issue of March, 1953, p. 283-284 and Burt, "Guy Carleton, Lord Dorchester, An Estimate", p. 78.

ADMINISTRATION OF LOWER CANADA

118

Justice and Chief Justice Monk of Montreal had united in opposition to his administration and that they instead of co-operating with him were "keeping back and lying on the Watch to catch and cavil at every inaccuracy of expression or slight omission"⁴⁰ in order to embarrass him. Lord Dorchester had apparently for the first time encountered organized opposition to his predominance in the Executive Council and he bitterly resented it. He went as far as to state, that under these circumstances he could not any longer consult "with the Chief Law Servants of the Crown"⁴¹. He then proposed to Whitehall the recall of the Chief Justices or of himself or of all three in order to prevent a serious breakdown in the operation of the executive government of the province. In a later dispatch Dorchester connected his conflict with Osgoode to "a system to which, as the Events came forward, I found it necessary to call the attention of His Majesty's Ministers"⁴². Dorchester's remark was apparently referring to the fees received by government officials in the colony as part of their remuneration, a system, to which the Governor was violently opposed.

⁴⁰ C.A., Q 72-73, pt. 2, p. 440-441, Dorchester to Portland, July 25, 1795.

⁴¹ C.A., Q 74, pt. 1, p. 66, Dorchester to Portland, August 8, 1795.

⁴² C.A., Q 75, pt. 2, p. 439, Dorchester to Portland, May 28, 1796.

ADMINISTRATION OF LOWER CANADA

119

b. The Provincial Legislature.

In his dealings with the Executive Council Lord Dorchester did not encounter too many serious difficulties. It was for him simply the continuation of the executive functions of the Council of the old Province of Quebec. However he had not as yet had any experience with a provincial Legislature, one house of which was popularly elected, when he returned to Canada in autumn of 1793.

Shortly after his arrival in Quebec the Governor opened for the first time a session of the provincial parliament. His speech to the assembled members of the two houses outlined the task he expected the Legislature to fulfill:

The due administration of Justice, together with the arrangements necessary for the defence and safety of the Province, are matters of such high importance, and so indispensably requisite, that I am persuaded you will lose no time in resuming the consideration of them, and in making such amendments to the existing Laws as may afford the best security to your Persons and Property⁴³.

Lord Dorchester hoped especially, that the Legislature would pass laws, which would strengthen the position of the new constitution of the colony. He was able to write the Secretary of State, that "both Houses seem convinced of the necessity of attending to these matters, and the present alarm may serve to point out the proper Measures for their own Se-

⁴³ Quebec Gazette, issue of November 14, 1793, Dorchester's Speech at the Opening of the Legislature, November 11, 1793, D 4.

ADMINISTRATION OF LOWER CANADA

120

curity"⁴⁴. However the Governor had to learn before long, that the two houses of the Legislature could not be handled as easily as the former Council of the old Province of Quebec. A controversy between the upper and the lower chambers originating in the refusal of the popularly elected Assembly to pass any laws introduced in the appointed Legislative Council, which imposed monetary fines, was holding up proceedings. So was the arrest of one of the members of the Assembly on a civil charge. The Governor had to conclude, that "the business of Privilege took place of every other"⁴⁵. He found it very difficult to speed up the procedures of the Legislature. A month later he had to report once again, that the members were progressing very slowly in their tasks, mainly due to the lack of legislative experience and also due to "the necessity of constantly translating from one Language to another"⁴⁶, a result of the existence of two national groups within the boundaries of the province.

Lord Dorchester's initial experiences with the operations of the Legislature of the province taught him before

⁴⁴ C.A., Q 67, p. 7, Dorchester to Dundas, November 18, 1793, D 5.

⁴⁵ C.A., Q 67, p. 60, Dorchester to Dundas, January 20, 1794.

⁴⁶ C.A., Q 67, p. 77, Dorchester to Dundas, February 24, 1794.- For the introduction of bilingualism into the proceedings of the Legislature see Christie, A History of the Late Province of Lower Canada, Vol. 1, p. 132-133 and Wade, The French Canadians, 1760-1945, p. 95-96.

long the necessity of close relations between himself and the members of the two houses. In order to strengthen the hands of the government against the effects of outside agitation in the colony the Governor wanted an Alien Bill introduced and passed. He found indeed "several members of both Houses disposed to forward such a Measure"⁴⁷. In May 1794, five months after the first mention of this measure, Lord Dorchester was finally able to report to the Secretary of State, that the intended Alien Bill was introduced and that it "is in great forwardness"⁴⁸. The Governor thus kept in close touch with the affairs of both houses of the provincial Legislature. He wrote for instance about the "frequent Conversations"⁴⁹ with some of the members of the Legislative Assembly concerning fiscal matters. While Lord Dorchester sometimes asked for suggestions from these members, as in the case just mentioned, he used these members perhaps even more frequently in order to influence the proceedings of the Legislature. This became apparent, when the question of the appointment of new members to the more conservative upper house arose. Dorchester believed, that the men most worthy

⁴⁷ C.A., Q 67, p. 60, Dorchester to Dundas, January 20, 1794.

⁴⁸ C.A., Q 71, pt. 1, p. 2, Dorchester to Dundas, May 24, 1794, D 11.

⁴⁹ C.A., Q 72-73, pt. 2, p. 438, Dorchester to Portland, July 25, 1795.

ADMINISTRATION OF LOWER CANADA

122

of promotion were some of the members of the Legislative Assembly, "who desire to promote the Interests of Canada on general Principles, and with a Liberality of Sentiment which does them honor"⁵⁰. These men, who had apparently the Governor's full confidence, were to stay in their present position until the end of the first provincial Legislature, Dorchester suggested, because he believed, that they could be of greater possible utility in the Legislative Assembly than in the upper chamber.

Through cooperation and cautious direction the Governor was thus able to secure during the first session of the Legislature the passage of some important pieces of legislation, especially of the Judicature Bill, the Militia Bill and the Alien Bill. An even greater task was to be a new regulation of the financial affairs of the province. Lord Dorchester was deliberately slow in his moves in this field. His first speech to the Legislature merely announced, that he would present to them the accounts of the provincial revenue and expenditure. Dorchester then stated, that it was not his intention at the moment to ask them for a supply of money, as he wanted the members to "have time to consider by what means the Pro-

⁵⁰ C.A., Q 71, pt. 2, p. 464, Dorchester to Portland, April 25, 1795, D 27. See also C.A., Q 75, pt. 1, p. 48-50, Dorchester to Portland, December 26, 1795, D 35 and Chapter III, 1.

ADMINISTRATION OF LOWER CANADA

123

vincial Revenue may be rendered more productive"⁵¹. A message to both houses then produced the statements concerning the state of the province's finances, especially concerning that of the provincial revenue⁵². Concerning the expenditures of the colony Lord Dorchester was more reluctant to submit the records to the Legislature. He was fully aware, that this could be an explosive issue, especially since many of the items did not concern the province itself directly. The Governor therefore asked Whitehall for permission to omit the salaries of the government officials, those of the Protestant clergy and those pensions, which were not granted for services rendered in Canada, from the general statement of the expenditure. He did not wish to antagonize the members of the Legislature unnecessarily and also wanted to avoid "matter for inflammatory speeches"⁵³.

When the Governor opened the next session of the Legislature, he asked for the first time for the supply of money to defray the cost of the civil government of the

⁵¹ Quebec Gazette, issue of November 14, 1793, Dorchester's Speech at the Opening of the Legislature, November 11, 1793, D 4.

⁵² C.A., Q 67, p. 365-368, Dorchester's Message to the Legislative Council and the House of Assembly, April 29, 1794.

⁵³ C.A., Q 69, pt. 1, p. 45, Dorchester to Dundas, June 7, 1794. See also Helen Taft Manning, The Revolt in French Canada, 1800-1835, A Chapter in the History of the British Commonwealth, Toronto, Macmillan, 1962, p. 118-119.

ADMINISTRATION OF LOWER CANADA

124

colony⁵⁴. Lord Dorchester realized, that this was a step without precedent in Canada. In order to win the support of the members of both houses he wished to demonstrate to them, that with the increase in taxation, which he desired, "no abuse would be suffered to insinuate itself, or to remain under any disguise"⁵⁵. With these words he was alluding to the general opposition in the country to abuses on part of the tax officials. He also wanted to impress the Legislature favorably by conveying to them the fact, that despite their own increased efforts Great Britain would still have to bear the greater part of the financial responsibility for the government of Lower Canada. Lord Dorchester's efforts were indeed successful⁵⁶. He was able to thank the members for their generosity in voting money to the government. He praised in particular the means chosen by them for the raising of the additional revenue required as showing "a tender regard to the Interests and Condition of the Country"⁵⁷. During the next session of the provincial Legislature the Governor pro-

54 Quebec Gazette, issue of January 8, 1795, Dorchester's Speech at the Opening of the Legislature, January 5, 1795.

55 C.A., Q 71, pt. 2, p. 369, Dorchester to Portland, March 28, 1795.

56 Christie, A History of the Late Province of Lower Canada, Vol. 1, p. 158-159.

57 Quebec Gazette, issue of May 14, 1795, Dorchester's Speech at the Prorogation of the Legislature, May 7, 1795, D 28.

ADMINISTRATION OF LOWER CANADA

125

posed sweeping measures to consolidate the provincial revenue⁵⁸. Under his watchful guidance the proposals were accepted. In his speech at the closing of the last session of the first Legislature Lord Dorchester could once again praise its members for their spirit of cooperation and their willingness to improve the revenue of the colony⁵⁹.

The Governor's speeches at the prorogation of the various sessions of the Legislature demonstrated perhaps more clearly than anything else the success his cooperation with the representatives of the colony's population was producing. There was not much praise in Dorchester's remarks at the end of the session of 1793-1794. The Governor merely admonished the members to spread loyalty to Britain among the people they represented⁶⁰. A year later he opened his speech with his "approbation and thanks for that zeal for the public welfare which has distinguished all your proceedings"⁶¹. Words of

58 Quebec Gazette, issue of November 26, 1795, Dorchester's Speech at the Opening of the Legislature, November 20, 1795.

59 Quebec Gazette, issue of May 12, 1796, Dorchester's Speech at the Prorogation of the Legislature, May 7, 1796. See also C.A., Q 75, pt. 2, p. 272, Dorchester to Portland, April 30, 1796.

60 Quebec Gazette, issue of June 5, 1794, Dorchester's Speech at the Prorogation of the Legislature, May 31, 1794.

61 Quebec Gazette, issue of May 14, 1795, Dorchester's Speech at the Prorogation of the Legislature, May 7, 1795, D 28.

ADMINISTRATION OF LOWER CANADA

126

praise were also prominent in Dorchester's last address to the Legislature in May 1796, when he expressed his conviction, "that the Unanimity, Loyalty and disinterestedness manifested by the first Provincial Parliament of Lower Canada have never been surpassed in any of His Majesty's Provincial Dominions"⁶². These sentiments were not merely empty words. They expressed Dorchester's feelings about the fruitful relations between himself and the first Legislature of Lower Canada, which he had brought about.

3. Fees and Emoluments.

A subject, to which Lord Dorchester as Governor of Lower Canada attached great importance, was that of fees and perquisites of office. Many provincial officials, who had been appointed by Whitehall often for reasons of patronage, were residing in England, while their duties in Canada were being performed by deputies. Both the officeholders and their deputies depended for the better part of their income on the fees they expected for the performance of their official duties. In order to increase the amount collected "they naturally conducted their offices as they would conduct any private business"⁶³.

⁶² Quebec Gazette, issue of May 12, 1796, Dorchester's Speech at the Prorogation of the Legislature, May 7, 1796.

⁶³ Manning, British Colonial Government after the American Revolution, 1782-1820, p. 114.

ADMINISTRATION OF LOWER CANADA

127

The abuses resulting from such a system of public service were manifold and oppressive for the inhabitants of the country.

Lord Dorchester was very concerned about the consequences of the system. The Governor was perhaps "something of a fanatic on the subject of fees, but his remarks on the effects of the system were the result of long experience"⁶⁴. When he first took on the administration of Canada in 1766, he renounced all fees, to which he was entitled by law⁶⁵. He was not satisfied with this personal step. During the last years of his governorship Lord Dorchester attempted by all means at his disposal to achieve something of a permanent reform of the whole system of public service in the Province of Lower Canada.

The death of Chief Justice William Smith appeared to offer an opportunity to make a new start. Lord Dorchester therefore wrote to the Secretary of State outlining to him his ideas on the matter of fees⁶⁶. He reported about his

⁶⁴ Ibid., p. 115.

⁶⁵ Sir C.P. Lucas, A History of Canada, 1763-1812, Oxford, Clarendon Press, 1909, p. 280.

⁶⁶ D.C.H., p. 168-169, Dorchester to Dundas, December 31, 1793, D 6.

ADMINISTRATION OF LOWER CANADA

128

earlier efforts in this field. He had achieved at least some measure of reform, when he had persuaded the members of the judiciary to give up their fees in return for a raise in their salaries. However other officials of the provincial government had continued to ask for and to receive fees and even the members of the bench were still authorized by the wording of the documents of their appointment to take fees. Dorchester then cited the example of a Chief Justice, who had defied the Governor in this matter, and concluded from this, that such a policy "in the ordinary course of things, alienates every servant of the Crown from whoever administers the King's government"⁶⁷. The Governor went as far as to assert, that in his opinion this system of public service constituted the true cause of the loss of the American states to the Empire: "This policy I consider as co-eval with His Majesty's Governments in North America; and the cause of their destruction"⁶⁸. The private advantage pursued by public officials undermined in Dorchester's view the position and power of the chief executives on the continent, as they were unable to resist the "pecuniary Speculations" of the officials on account of the connection between them and the authorities at Whitehall. In

67 Ibid., p. 169.

68 Ibid.

ADMINISTRATION OF LOWER CANADA

129

Dorchester's eyes this system of public service was responsible for the rapid success of the American Revolution, as it had rendered the Governors powerless. He then proceeded to express his apprehension, that the same fate could possibly be in stall for the rest of British North America. Dorchester concluded his observations on the somewhat somber note, "that whatever tends to enfeeble the Executive Power on this Continent, tends to sever it for ever from the Crown of Great Britain"⁶⁹.

While Lord Dorchester's fears were perhaps exaggerated, especially when considered in their full implications, the grievances brought forward by him were of a real and serious nature. They were substantiated for instance, when the Governor had to report, that one of the causes of dissatisfaction in Lower Canada had to be seen in "the Expences of the Law"⁷⁰. In another connection Lord Dorchester assailed the great profits made by the official, who collected the provincial revenue. He pointed out, that through the avidity of these minor officers of the government

materials are thus afforded for leaders of Sedition to disturb the public tranquillity, which at a season, convenient for mischief may prove highly injurious to the King's Service ⁷¹.

⁶⁹ D.C.H., p. 169, Dorchester to Dundas, December 31, 1793, D 6.

⁷⁰ C.A., Q 71, pt. 1, p. 3, Dorchester to Dundas, May 24, 1794, D 11.- Concerning legal fees see also C.A., G 5, Vol. 1, p. 54-56, Dundas to Dorchester, May 11, 1794.

⁷¹ C.A., Q 72-73, pt. 2, p. 378, Dorchester to Portland, July 18, 1795, D 90.

ADMINISTRATION OF LOWER CANADA

130

In even stronger words these sentiments found expression in a dispatch written shortly before Dorchester's final return to England. He did not wish the administration of the province "to be warped and made subservient to Fees, Profits, Perquisites and all their dirty train"⁷², because "the Splendor of the Crown" was thereby being sullied and "the National Interest" being sacrificed to the financial interests of the office-holders. The Governor then once more expressed his conviction, that these practices "besides enervating the King's authority must infallibly alienate the Affections of the People from the British Government"⁷³. In all of Dorchester's dispatches on the subject of fees there is thus

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 the abuses which had lowered the dignity and the authority of the Crown, alienating from it the confidence and affections of the people⁷⁴.

⁷² C.A., Q 76, p. 125, Dorchester to Portland, July 5, 1796.

⁷³ C.A., Q 76, p. 125, Dorchester to Portland, July 5, 1796.

⁷⁴ Lucas, A History of Canada, 1763-1812, p. 281.

ADMINISTRATION OF LOWER CANADA

131

In his opposition to fees Lord Dorchester did not intend to censure indiscriminately the taking of any fees whatsoever. He admitted, that "some may be even useful"⁷⁵. Thus he believed, that in the table of fees for the granting of land the Surveyor General should receive a greater share of the total amount payable. The Governor argued, that this official needed special educational qualifications to perform the tasks demanded from him and that he also had to incur many expences in the process of surveying lands. Dorchester believed it therefore only just and fitting, if this officer of the provincial government would also receive a greater share in the fees paid for the granting of land by those profitting from his activities⁷⁶.

In his own case as Governor Lord Dorchester was not willing to allow any exceptions whatsoever concerning the taking of fees. The system of fees had only come to Canada with the conquest by Great Britain. To French Canadians it had appeared to be "a leading object in our English Politics"⁷⁷. Dorchester maintained, that therefore at least the leading officials of the colony should remain free from all suspicion

⁷⁵ D.C.H., p. 169, Dorchester to Dundas, December 31, 1793, D 6.

⁷⁶ C.A., Q 75, pt. 1, p. 70-71, Dorchester to Portland, February 20, 1796. See also C.A., Q 72-73, pt. 1, p. 14, same to same, May 16, 1795, D 29.

⁷⁷ C.A., Q 72-73, pt. 1, p. 15, Dorchester to Portland, May 16, 1795, D 29.

ADMINISTRATION OF LOWER CANADA

132

in the eyes of the population of the country. For this reason he renounced all fees to the Governor for his own person for the time of his administration. Dorchester was determined to continue this policy, which he had initiated upon his first coming to Canada as Guy Carleton, during his last years in office. While the system of fees had grown less offensive in the years after the conquest, Dorchester still believed it to be of great importance, that at least "the Person who has the Honor to be the King's Representative should derive all Emoluments of his Office from the king alone"⁷⁸. He thus refused to accept the Governor's share of seized contraband goods and directed the proceeds to go to charity purposes⁷⁹. Dorchester also opposed the attempts by members of the Executive Council to assign to the Governor a share of the fees to be paid for the granting of land⁸⁰. He even rejected a compromise plan brought forward by Chief Justice William Osgoode, who suggested that the fees for the Governor be entered "under the denomination of the Great Seal"⁸¹. Dorchester would then be able to renounce these fees for the duration of his own administration of the affairs of Lower Canada, while his successors

⁷⁸ Ibid.

⁷⁹ C.A., G 15 C, Vol. 5, p. 66, Coffin to Dunn, July 8, 1796. See also C.A., G 15 C, Vol. 4, p. 51, same to Genevey, January 8, 1795.

⁸⁰ C.A., Q 69, pt. 1, p. 139-140, Ryland to Osgoode, October 3, 1794, D 22.

⁸¹ C.A., Q 69, pt. 1, p. 141, Minutes of the Executive Council, October 3, 1794, D 22.

ADMINISTRATION OF LOWER CANADA

133

could make their own decision on the matter. In his reply to Osgoode's suggestion Lord Dorchester revealed his true objective in refusing acceptance of any kind of fees. It was "to render it difficult for his successors in Office to deviate from this principle should any of them be so disposed"⁸². It was Dorchester's goal to establish as a firm tradition in the colony, that the King's Governor should remain completely disinterested financially in the province administered by him. Dorchester believed, that only in that way could the Governor hope to restrain the avarice of the minor officials and avoid discontent among the people.

4. The Administration of Justice.

In Lord Dorchester's ideas on the government of the British North American provinces the correct administration of justice occupied a place of high importance. He saw in it the best guarantee for progress in the colony. It was his firm belief, that "a pure and impartial administration of Justice under a mild, firm and wise Government will establish the most powerful and wealthy People"⁸³. Similar sentiments were expressed by the Governor in connection with his controversy with Lieutenant Governor John Graves Simcoe of Upper Canada

⁸² C.A., Q 69, pt. 1, p. 141, Minutes of the Executive Council, October 7, 1794, D 23.

⁸³ M.P.H.C., Vol. 24, p. 623, Dorchester to Dundas, October 25, 1793, D 3.

ADMINISTRATION OF LOWER CANADA

134

over the latter's projects for the development of his province, when he asserted, that "a wise administration of Justice and Government in conjunction with natural advantages"⁸⁴ were sufficient reasons to safeguard the progress of the province.

Problems of the administration of justice occupied Lord Dorchester, while he was still on leave of absence in England. Prominent among these were questions concerning legal jurisdiction, which were caused by the unsettled state of the boundaries between the individual provinces of British North America and also between them and the United States. The remedy suggested by the Governor was to be "the Establishment of a free Course of Justice throughout every part of His Majesty's North American Dominions"⁸⁵. Special provisions were also required for the trial of offence committed in those parts of the interior of the continent, "which by the Interpretation of our Limits may be found extra Provincial"⁸⁶. Lord Dorchester believed this to be necessary to protect the interests of the furtrading community in the interior of the

⁸⁴ Simcoe Papers, Vol. 4, p. 230, Dorchester to Simcoe, April 4, 1796, D 38.

⁸⁵ C.A., G 5, Vol. 1, p. 12, Dorchester's Suggestions concerning the Government of Canada, February 19, 1793, D 2.

⁸⁶ C.A., G 5, Vol. 1, p. 13, Dorchester's Suggestions concerning the Government of Canada, February 19, 1793, D 2.

ADMINISTRATION OF LOWER CANADA

135

country. In addition a reorganization of the courts of justice had become necessary in the two newly divided provinces of Lower and Upper Canada. In this regard the Governor argued, that "one supreme Court of Common Pleas for each Province will give uniformity, energy and dispatch to the Administration of Justice"⁸⁷.

In his reply to Lord Dorchester Secretary of State Dundas referred to a plan for the reorganization of the administration of justice transmitted by him to Lieutenant Governor Alured Clarke⁸⁸. It was Lord Dorchester's task to see the planned Judicature Bill, which was based on Dundas' sketch of the organization of the courts, through the Legislature after his return to Quebec in 1793. While the Governor did not add any new features to this bill, he was nevertheless responsible in part for its passage by both houses of the Legislature. The very first point he brought out in his speech to the Legislature in 1793 was the importance of "the due administration of Justice"⁸⁹. In his dispatches Lord Dorchester kept the Secretary of State informed on the progress and the final passage of the bill⁹⁰. The Judicature Bill,

⁸⁷ Ibid.

⁸⁸ C.A., G 5, Vol. 1, p. 1-3, Dundas to Dorchester, July 17, 1793.- For Dundas' plan see D.C.H., p. 110.

⁸⁹ Quebec Gazette, issue of November 14, 1793, Dorchester's Speech at the Opening of the Legislature, November 11, 1793, D 4.

⁹⁰ See C.A., G 67, p. 148, Dorchester to Dundas, March 25, 1794; see also ibid., p. 204, same to same, May 10, 1794.

ADMINISTRATION OF LOWER CANADA

136

which provided for the establishment of Courts of King's Bench in Quebec and Montreal and of provincial courts at Three Rivers and at Gaspé, was reserved for royal assent by the King himself. Difficulties arose, when the original dispatch from Whitehall, which contained the King's assent, was lost and when Lord Dorchester decided, that he could not declare the bill to be law, until he was properly notified⁹¹. However he changed his mind after consultations with the Executive Council, which decided, that the signification of the King's assent contained in the dispatch of the Secretary of State was sufficient "to authorize His Excellency to issue a Proclamation declaring His Majesty's consent to the passing of the said Bill into a Law"⁹². The fact, that Lord Dorchester went along with this opinion and proclaimed the bill, is sufficient proof to discount the veiled accusations made by Attorney General Monk of "studied delays"⁹³ on part of the Governor.

91 C.A., Q 69, pt. 2, p. 408-409, Monk to Dundas, November 18, 1794.

92 D.C.H., p. 125, n. 1, Minutes of the Executive Council, November 21, 1794.

93 C.A., Q 69, pt. 2, p. 409, Monk to Dundas, November 18, 1794.- The reference to the Governor is obscure. Monk's sentiments in regard to Dorchester as expressed in the same letter make it most likely however, that he was indeed referring to the Governor, when he complained of delays to the execution of the Judicature Bill.

ADMINISTRATION OF LOWER CANADA

137

Lord Dorchester was always concerned with the smooth operation of the judicial machinery. Thus he urged the appointment of an able successor to the deceased Chief Justice William Smith⁹⁴. After the appointment of William Osgoode to this office, the Governor directed Whitehall's attention to the fact, that the new Chief Justice was not able to present a Mandamus for being called to the Executive Council and that for this reason "the Province is still deprived of a Court of Appeal"⁹⁵, which was to be one of the functions of that body. When vacancies arose on the bench under the old judicial system, but after the passage of the Judicature Bill, the Governor filled them without waiting for the royal assent to the new bill. He did this knowing, that the appointments could be only of a temporary nature, because he regarded the number of judges at hand insufficient for the due administration of justice during the period, before the Judicature Bill could become law. Of particular importance he believed to be on this occasion the appointment to the bench of two French Canadians "on account of their intimate knowledge of the ancient

⁹⁴ D.C.H., p. 168, Dorchester to Dundas, December, 31, 1793, D 6.

⁹⁵ C.A., Q 68, p. 236, Dorchester to Dundas, July 28, 1794.

Laws, Customs, Usages and Language of the Country"⁹⁶. Lord Dorchester also paid special attention to the appointment of Justices of the Peace. He charged the Executive Council with the task to draw up a list of persons suitable to fill vacancies in that judicial office, "the due exercise of which is indispensably necessary for the due administration of the King's Government and essential to the peace and tranquility of his Majesty's subjects"⁹⁷.

Dorchester's concern about the effect of the fees demanded in connection with legal proceedings has already been referred to in an earlier section of this chapter⁹⁸. It remains to observe, that during the last period of Lord Dorchester's administration of the government of Lower Canada there was no apparent renewal of the controversy over the use of French civil law in the province, which had flared up violently during his earlier governorship⁹⁹.

5. Land Tenure.

A question, which had created much heat during the

⁹⁶ C.A., Q 69, pt. 1, p. 195, Dorchester to Dundas, September 8, 1794, D 20.

⁹⁷ C.A., Q 67, p. 227, Minutes of the Executive Council, January 22, 1794.

⁹⁸ See Chapter III, 3.

⁹⁹ Burt, The Old Province of Quebec, p. 433-445.

earlier years of Lord Dorchester's administration of Canada, was that of land tenure. While the Quebec Act of 1774 had confirmed the seigneurial system of New France¹⁰⁰, it had soon become clear, that the rapid expansion of new settlements into those parts of the country, which did not belong to a seigneury, could only be achieved through the freehold system. In the years prior to the adoption of the Constitutional Act of 1791 a group in the Council of the colony under the leadership of Chief Justice William Smith attempted with the tacit support of Lord Dorchester to make the freehold system the regular system of land tenure for the whole of the country, but did not succeed in this effort¹⁰¹. The Governor was responsible for the provisions of the Constitutional Act, which established freehold tenure in Upper Canada and permitted freehold grants in Lower Canada. There were no provisions in the act for the commutation of seigneurial tenure in the lower province into freehold tenure. A.L. Burt presumes, that this was due to an undertaking by Dorchester and his mentor William Smith "to deal with the question locally"¹⁰². However the Governor failed to take any effective steps in

100 For a survey of this system see Marcel Trudel, "The Seigneurial Regime", in Canadian Historical Association Booklets, No. 6, Ottawa, The Association, 1956, 18 p.

101 Burt, The Old Province of Quebec, p. 467-471.

102 Ibid., p. 493.

ADMINISTRATION OF LOWER CANADA

140

this direction during his last years in Canada. It was apparently too great a problem for him to tackle, as the economic and social implications of the conversion of tenures were very involved. This does not mean, that Dorchester was not aware of the advantages expected to arise from the conversion of the system of land tenure in the province. He stressed the importance of the conversion of the seigneurial tenures in the province into common socage on various occasions. He saw in the old system a serious obstacle to the development of agriculture in the colony. He also was of the opinion, that quitrents were useless in normal cases and merely the source of unnecessary dissatisfaction on part of the population. Another hindrance to the general economic development of the British North American colonies was in Lord Dorchester's eyes the reservation by the Crown of the mineral rights in all land granted:

The restraint upon Mines and Minerals, other than Gold and Silver in Canada is harmful to these Provinces as well as the Interest of Great Britain ¹⁰³.

Lord Dorchester did concern himself more profoundly with some of the problems connected with the question of land tenure. Thus he transmitted to the Secretary of State a copy of a memorial from the copyhold tenants of the Seignury of

¹⁰³ C.A., G 5, Vol. 1, p. 14, Dorchester's Suggestions concerning the Government of Canada, February 19, 1793, D 2.

ADMINISTRATION OF LOWER CANADA

141

Longueuil, who complained about the arbitrary raise in their rents by their seigneur¹⁰⁴. The Governor treated their complaint very seriously. Both the Attorney General and the Solicitor General were asked by him to make an inquiry into the situation and to report their findings. Lord Dorchester realized, that in many cases the position of the copyholders in the various seigneuries had changed for the worse since the end of the French regime, as they were no longer "protected against their Seigneurs as they formerly were by the French Intendant and Attorney General"¹⁰⁵. Lord Dorchester could not suggest any remedies for the arbitrary treatment of tenants by their seigneurs. However the eighth article of the Judicature Bill, which was then being passed by the Legislature, was designed to provide the necessary means for redress of these grievances¹⁰⁶.

The Seigneury of Sorel, which had been purchased by Governor Haldimand in the name of the Crown for the settle-

¹⁰⁴

C.A., Q 67, p. 77-78, Dorchester to Dundas, February 24, 1794. See also Ivanhoe Caron, La Colonisation de la Province de Québec, Les Cantons de l'Est, 1791-1815, Québec, (no publisher), 1927, p. 61-65 and Clark, Movements of Political Protest in Canada, 1640-1840, p. 203-204.

¹⁰⁵ C.A., Q 71, pt. 1, p. 3, Dorchester to Dundas, May 24, 1794, D 11. - This statement is apparently based on the findings of Attorney General Monk. See D.C.H., p. 120.

¹⁰⁶ See D.C.H., p. 128.

ADMINISTRATION OF LOWER CANADA

142

ment of disbanded troops¹⁰⁷, occupied a special position in regard to land tenure. In 1790 Lord Dorchester had suggested to Whitehall, that the government make this seigneurie an example for the conversion from seigneurial to freehold land tenure, a suggestion, which was not accepted¹⁰⁸. The terms, under which the disbanded soldiers and the Loyalists settled there were holding their land, had never been clearly defined. It was left to Lord Dorchester to make a decision in this matter. According to royal instructions the lands were to be held "upon the same conditions and under the same reserved rent, at the expiration of ten years, as the other Tenants of the Seigneurie then held their lands and paid"¹⁰⁹. When the ten years, during which the settlers had been exempted from all seigneurial duties, expired, Lord Dorchester ordered, that formal deeds of concession be made out to them. These deeds were to be issued by Dorchester in his function as "Military Commander in Chief"¹¹⁰, as the Seigneurie constituted part of the military establishment. The documents also specified the terms, under which the lands were to be granted, enumera-

107 Norman Macdonald, Canada, 1763-1841, Immigration and Settlement, The Administration of the Imperial Land Regulations, London, Longmans, 1939, p. 218

108 See Burt, The Old Province of Quebec, p. 468.

109 C.A., Q 74, pt. 2, p. 319, Dorchester to Portland, November 7, 1795. See also C.A., G 15 C, Vol. 3, p. 53, Coffin to Badeaux, August 13, 1795.

110 C.A., G 15 C, Vol. 3, p. 45, Coffin to Badeaux, July 23, 1795.

ADMINISTRATION OF LOWER CANADA

143

ting the various "Rents, Reservations and Conditions conformable to the Royal Instructions"¹¹¹.

A great number of the settlers of Sorel objected to these terms. They wished instead to receive their lands in freehold tenure, as the Loyalists were receiving their grants of Crown land under these terms. Lord Dorchester stated in reply, that they had accepted their grants with the clear understanding, that they were to be in seigneurial tenure, and that it was not in his power to make any change. After another representation by the settlers the Governor agreed to submit their complaint to London and to delay the issuing of their deeds in the meantime¹¹². At the same time Lord Dorchester also informed the petitioners, that he would recommend to Whitehall the conversion of the seigneurial burdens into a moderate annual quitrent. He took this step, because he believed, that these burdens were "a great check to Industry, and retard the progress of settlement"¹¹³. Lord Dorchester maintained, that the payment of quitrent was appropriate, because the Seigneurie of Sorel had been purchased by the government for military purposes. A further concession to

¹¹¹ C.A., Q 74, pt. 2, p. 320, Dorchester to Portland, November 7, 1795.

¹¹² C.A., Q 74, pt. 2, p. 326-327, Coffin to Badeaux, November 2, 1795.

¹¹³ C.A., Q 74, pt. 2, p. 321, Dorchester to Portland, November 7, 1795. The Governor was opposed however to quitrents as such. He believed, that they should only apply to larger grants and that then their proceeds be used for local purposes. See Macdonald, Canada, 1783-1841, Immigration and Settlement, p. 210.

ADMINISTRATION OF LOWER CANADA

144

those settlers, who were Loyalists, was the Governor's assurance, that they were still entitled to their share of the waste lands of the Crown as were other Loyalists¹¹⁴.

The problems of land tenure did not play a very great role during Dorchester's last years as Governor. However his pronouncements on the subject revealed a complete change from his original views on the matter. Dorchester had now come to regard the seigneurial system as a serious impediment to the economic development of the province, because it was curbing in his eyes private initiative.

6. Land Granting.

On his return to Quebec in 1793 Lord Dorchester found among the many questions waiting for a solution the problems surrounding the granting of the lands of the Crown. During his earlier administration the Governor had initiated the first practical steps in regulating the granting of land to the Loyalists¹¹⁵. New features appeared with the Constitutional Act of 1791 and with the instructions to Dorchester based on this act¹¹⁶. Most prominent among these was the

114 C.A., Q 74, pt. 2, p. 322, Dorchester to Portland, November 7, 1795.

115 Burt, The Old Province of Quebec, p. 394-397.

116 D.C.H., p. 21-23, Dorchester's instructions concerning the granting of land.

ADMINISTRATION OF LOWER CANADA

145

clause, that "to provide for religion and revenue, two-sevenths of all land granted was reserved for the clergy and the Crown"¹¹⁷. These reserves were to be interspersed with the land granted, so that their value would rise with the improvement of the private parcels. Other regulations required, that a survey of the land to be granted be made and the warrant returned within six months. The grants to an individual were to be limited to two hundred acres, to which the Governor had the discretion to add another thousand. The grants were to be given free except for the established fees of office. All prospective settlers were obliged to take an oath of loyalty to the Crown of Great Britain. The object of the imperial regulations thus appeared to be the security of Canada, as by "surrendering five-sevenths of the waste lands to settlers of approved loyalty"¹¹⁸ a rapidly increasing population could be expected. However as time went on, these provisions were to become rather more a source of constant friction than an assurance of security¹¹⁹.

During the years of Dorchester's absence the Executive

¹¹⁷ Macdonald, Canada, 1763-1841, Immigration and Settlement, p. 75.

¹¹⁸ Ibid.

¹¹⁹ See J. Holland Rose, A.P. Newton et al., editors, The Cambridge History of the British Empire, Vol. 2, The Growth of the New Empire, 1783-1870, Cambridge, University Press, 1940, p. 461.

ADMINISTRATION OF LOWER CANADA

146

Council of Lower Canada made public the conditions laid down for the granting of land and invited prospective settlers to apply for grants. However various reasons greatly impeded the proceedings of the land committee of the Council. It was up to Lord Dorchester to untangle many of the difficulties holding up the actual granting of land. One of the problems was the disposition of the Crown and the Clergy reserves among the other lands granted. After considerable controversy the Governor was finally able to submit schemes for the disposition of the reserves for both inland townships and for those on the shores of rivers¹²⁰. Other difficulties were more profound. They concerned the size of the individual grants. The Governor's instructions made two hundred acres the size of the regular grant, but left it to his discretion to grant an additional thousand acres. It was apparently decided, during Dorchester's absence that the additional acres would be necessary in order to attract sufficient settlers. In the end this led to great abuses, as leaders of prospective settlements with long lists of fictitious associates often secured for themselves "possession of the entire township for speculative purposes"¹²¹. This was done with the encouragement of

120 See Caron, La Colonisation de la Province de Québec, Les Cantons de l'Est, 1791-1815, p. 53-54.

121 Macdonald, Canada, 1763-1841, Immigration and Settlement, p. 78. See also Chapter III, 7.

ADMINISTRATION OF LOWER CANADA

147

the government officials, who stood to profit from the fees of these transactions, which in effect served only private advantage without contributing in any way to the settlement of the province.

In this situation Lord Dorchester apparently decided to make an altogether new start with the whole business of land granting, after he had returned to his Canadian post in autumn of 1793. He was helped in this decision by the fact, that due to the failure on part of the officials involved to agree upon the necessary legal machinery no official titles had as yet been issued for any transaction of land. The Governor and his Executive Council decided now, "that the individual scale of 1200 acres was not meant to be the general rule, but only intended for meritorious and loyal applicants"¹²². They came therefore to the conclusion, that the proceedings prior to their decision were contrary to the instructions of the imperial authorities. For this reason they were regarded as void. However the Governor and his Council assured bona fide settlers, who had applied earlier, that they would receive 1200 acres on condition of actual settlement and improvement of their lots. In official notices

¹²² Macdonald, Canada, 1763-1841, Immigration and Settlement, p. 79. See also C.A., Q 67, p. 225-226, Minutes of the Executive Council, January 22, 1794, where Dorchester asked the Executive Council to prepare a new policy for the granting of land.

ADMINISTRATION OF LOWER CANADA

148

published in the Quebec Gazette these applicants were asked to fulfill the terms of their grants before August 1, 1795. In the case of failure they were to forfeit all their claims. The result of this move was, that a new start could be made in the intricate business of the granting of land. Land speculation was at least partly checked by Dorchester's step. The lands, which could not be granted to the former applicants under the new provisions, were thrown open to new settlers. "It was the easy, though not the ideal, solution of an unpleasant situation, and faith in Government became simply as 'a scrap of paper'¹²³. Lord Dorchester apparently believed this radical step to be necessary in order to rectify the mistakes made during the time of his absence in England.

While the Governor was not ready to accept the failures of the colonial officials as simple excuse for non-fulfilment of the contracts on part of the applicants, he was nevertheless aware, that a great part of the blame for the confused situation lay with the various officers of the government concerned with land granting. One important step forwards, which was initiated by Lord Dorchester, was the drawing-up of definite schemes for the disposition of the reserves

¹²³ Macdonald, Canada, 1763-1841, Immigration and Settlement, p. 80.

ADMINISTRATION OF LOWER CANADA

149

among the lands to be granted. Other problems to be solved by the Governor included the question of the costs of the land surveys. In this connection he asked the Executive Council, whether in view of the fact, that the costs of surveying had been very heavy and that despite this not one township had been completed,

it would not be more advisable that the Petitioners should set the business agoing at their own expence, as that would be the best pledge of their intention to settle upon and cultivate the Lands asked for, and who if left to employ such Surveyors (properly qualified) as they can best agree with, will probably do it at a much less expence than if done by persons employed by Government¹²⁴.

No action was apparently taken on this suggestion with the exception of an order to the Surveyor General advising him, that the Governor would not pay the costs of any survey, which had not been previously authorized by him¹²⁵. In a later dispatch to the Secretary of State Lord Dorchester tried once again to direct Whitehall's attention to the problem of the great expences attending the surveying of land. Alluding to the example of the United States of America, which were trying to raise a national fund from the profits of the sale of their waste lands, the Governor argued, that "there can therefore be no good reason why the Waste lands of the Crown may not be

¹²⁴ C.A., Q 67, p. 226, Minutes of the Executive Council, January 22, 1794.

¹²⁵ C.A., G 15 C, Vol. 2, p. 42, Ryland to Holland, March 31, 1794.

ADMINISTRATION OF LOWER CANADA

150

given away without incurring National Expence"¹²⁶. Dorchester therefore decided to put an end to all government expences arising from land surveys, as he believed, that the contrary practice was based on a wrong interpretation of Article 34 of the instructions to the Governor¹²⁷.

A matter of greater concern for the actual granting of legal titles for land was the establishment of a table^{of fees} to be paid to the various officials of the colonial government as compensation for their role in the process of land granting. A tentative scale drawn up by the Executive Council before Lord Dorchester's return to Canada was declared to be too high by Whitehall, as it would have charged about £353 for the granting of a single township¹²⁸. Instead the Secretary of State submitted for the purpose of an example a table of fees in force in Nova Scotia. A new table was now drawn up by the Executive Council of Lower Canada and accepted by Lord Dorchester with the exception of the sum of ten shillings allotted to the Governor, which he declined on principle¹²⁹.

¹²⁷ C.A., Q 75, pt. 1, p. 109, Dorchester to Portland, February 20, 1796, D 37.

¹²⁸ Caron, La Colonisation de la Province de Québec, Les Cantons de l'Est, 1791-1815, p. 68.

¹²⁹ C.A., Q 69, pt. 1, p. 139-140, Ryland to Osgoode, October 3, 1794, D 22; ibid., p. 140-141, Minutes of the Executive Council, October 7, 1794, D 23.- For Dorchester's attitude in regard to fees see Chapter III, 3.

ADMINISTRATION OF LOWER CANADA

151

He proposed that this amount be added to the dues of the Surveyor General, whose proportion was very small. Lord Dorchester wished to rectify the obvious shortcomings of the table of fees, which appeared to him not "to have been regulated in Proportion to the Trouble or Expence of the respective Officers employed, nor to the Rank of the Office"¹³⁰. It was only on August 19, 1795, that the Governor finally prevailed over the members of his Executive Council in this matter, who had insisted earlier, that the fee to the Governor be upheld under the title of the "Great Seal"¹³¹.

Another matter of controversy arose from Dorchester's earlier suggestion to leave the survey of the grants to the petitioners themselves. The Secretary of State obviously misunderstood the Governor's proposal, as he apparently believed, that the fee of the Surveyor General would help to relieve "the Civil Establishment of Lower Canada from the future expence of Surveys"¹³². The Duke of Portland also suggested in this connection, that

in addition to the Expences of Survey and the est-

¹³⁰ C.A., Q 72-73, pt. 1, p. 14, Dorchester to Portland, May 16, 1795, D 29.

¹³¹ C.A., Q 74, pt. 1, p. 120-121, Minutes of the Executive Council, August 19, 1795. See also ibid., p. 115-117.

¹³² C.A., G 5, Vol. 1, p. 100, Portland to Dorchester, December 8, 1794. See also ibid., p. 91, same to same, September 4, 1794.

ADMINISTRATION OF LOWER CANADA

152

ablished Fees of £3.6.8. already paid for every thousand Acres the Grantees of Lands should be made to pay a further Sum, to be laid out in defraying the public expences of the Province ¹³³.

Both proposals, in particular the last one, reflected Whitehall's desire to use the granting of land as an additional source of revenue of Lower Canada. Lord Dorchester argued, that such a measure might have been useful at the beginning of the granting of waste lands to petitioners, but since a proclamation issued by Lieutenant Governor Clarke in 1792 had promised the granting of land at no other costs than the established fees, the Governor held it extremely unwise to impose additional fees for the purpose of raising revenue: "It becomes now a question worthy of consideration how far it may be consistent with the dignity and faith of Government to lay any additional charge at this period"¹³⁴.

In August of 1795 Lord Dorchester was finally in a position to report, that all necessary arrangements for the granting of land had been completed¹³⁵. On February 20, 1796

¹³³ C.A., Q 75, pt. 1, p. 106, Dorchester to Portland, February 20, 1796, D 37.

¹³⁴ C.A., Q 75, pt. 1, p. 109, Dorchester to Portland, February 20, 1796, D 37.- For Dorchester's position in this matter see also Macdonald, Canada, 1763-1841, Immigration and Settlement, p. 215.

¹³⁵ C.A., Q 74, pt. 1, p. 75-76, Dorchester to Portland, August 28, 1795.

ADMINISTRATION OF LOWER CANADA

153

he transmitted a copy of the first grant made under the new regulations¹³⁶. One further measure taken with Dorchester's approval was designed to safeguard the Crown and Clergy Reservations. It was in the form of a bill requiring the original of every grant to be detained in the office of the Provincial Secretary, while an authenticated copy was to be given to the grantee¹³⁷.

7. Immigration and Settlement.

Lord Dorchester's ideas regarding immigration and settlement were not very pronounced. The reason for this shortcoming was perhaps the simple fact, that during the last years of his governorship the problems of the moment overshadowed these long range questions. The Governor was aware of the need of a greater population for the development and the security of the country. He expressed this, when he stated:

I think I may venture to say, that North America does not contain one fiftieth part of the Inhabitants it requires to bring it into a tolerable state of cultivation¹³⁸.

¹³⁶ C.A., Q 75, pt. 1, p. 70, Dorchester to Portland, February 20, 1796.- A copy of the first grant is printed in Caron, La Colonisation de la Province de Quebec, Les Cantons de l'Est, 1791-1815, p. 332-342. It is significantly enough made out to Thomas Dunn, a prominent member of the Executive Council and of its Land Committee.

¹³⁷ C.A., Q 75, pt. 1, p. 70, Dorchester to Portland, February 20, 1796.

¹³⁸ M.P.H.C., Vol. 24, p. 622, Dorchester to Dundas, October 25, 1793, D 2.

ADMINISTRATION OF LOWER CANADA

154

His handling of the problems surrounding the granting of land demonstrated, that Dorchester was serious about the importance of the expansion of settlement in the colony administered by him. He insisted, that those receiving grants really intended to settle on their lands and to improve it¹³⁹. Lord Dorchester was also aware of the fact, that seigneurial tenure, then generally in force in the province, greatly impeded the rapid development of the country. For this reason he advocated the conversion of the seigneurial burdens in the Seignury of Sorel into a moderate quitrent¹⁴⁰. As Commander-in-Chief Lord Dorchester also saw the possible encouragement, that could be provided for the settlers by the sale of their farm produce to agents of the Commissariate¹⁴¹.

However all this did not produce in Lord Dorchester an enthusiasm for settlers along the lines of Lieutenant Governor Simcoe of Upper Canada¹⁴². He did little for the active

¹³⁹ Macdonald, Canada, 1763-1841, Immigration and Settlement, p. 79-80.

¹⁴⁰ See C.A., Q 74, pt. 2, p. 321-322, Dorchester to Portland, November 7, 1795.

¹⁴¹ See C.A., Q 71, pt.1, p. 222-223, Dorchester to Simcoe, October 20, 1794.

¹⁴² For Simcoe's activities see Helen I. Cowan, British Emigration to British North America, The First Hundred Years, Toronto, University of Toronto Press, Revised and Enlarged Edition, 1961, p. 11-12. See also J. Holland Rose, A.B. Newton et al., Editors, The Cambridge History of the British Empire, Vol. 6, Canada and New foundland, Cambridge, University Press, 1930, p. 201.

ADMINISTRATION OF LOWER CANADA

155

encouragement of immigration into Canada. On the few occasions, when he expressed his desire for immigrants, the people involved were refugees from the French Revolution¹⁴³. However with the signs of growing disaffection among the population of Lower Canada the Governor became increasingly reluctant to admit Frenchmen of any description¹⁴⁴. He did not make any attempts whatsoever to attract American settlers to the colony administered by him. On the other hand he reversed the earlier land granting policy¹⁴⁵, which had attracted many American petitioners, mainly from the State of Vermont. One of the reasons for this change was Lord Dorchester's fear of an American penetration of Lower Canada. In addition to this consideration he had also become aware of the fact, that these land grants to Americans had often been made without the taking of an oath of allegiance by the prospective settlers in violation of the imperial regulations¹⁴⁶. In reversing the policy of granting land to Americans Dorchester demonstrated

143 See Simcoe Papers, Vol. 2, p. 3, Dorchester's Answers to Stevenson's Requisitions, August 4, 1793. See also C.A., Q 66, p. 259, Dorchester to Dundas, October 30, 1793.

144 C.A., Q 72-73, pt. 2, p. 430-432, Dorchester to Portland, July 25, 1795.

145 See Chapter III, 6.

146 For the activities of American speculators and for the policies pursued by Dorchester in coping with these activities see Chilton Williamson, Vermont in Quandry, 1763-1825, Montpelier, Vermont Historical Society, 1949, p. 198-205 and 218-221.

ADMINISTRATION OF LOWER CANADA

156

his determination to put the preservation of Lower Canada as a mainly French speaking province and as a part of the British Empire above the momentary gains for the external development of the colony.

8. Militia.

The slender regular military forces available for the defence of Canada gave special importance to the institution of the militia. An effective militia force was to be in a position to assist the regular units in the case of any serious difficulties. Lord Dorchester recognized the possibilities of the militia, when he pointed out to the Secretary of State the importance of "the Establishment of a respectable Militia"¹⁴⁷. During his earlier period in Canada a bill had been passed providing for such a force, in which those drafted were to serve for two years under a corps of permanent officers. The Governor had to admit however, that the measure had as yet not been carried into execution. In the changed state of affairs, which resulted from the division of the old Province of Quebec into two separate provinces of Upper and Lower Canada, Lord Dorchester believed it to be requisite, that a similar militia system be enacted and est-

¹⁴⁷ C.A., G 5, Vol. 1, p. 13, Dorchester's Suggestions concerning the Government of Canada, February 19, 1793, D 2.

ADMINISTRATION OF LOWER CANADA

157

ablished in all of British North America, as "without it the Dominion of Great Britain on the Continent of America will always be precarious"¹⁴⁸. The Governor also proposed in this connection, that quantities of small arms for the armament of the militia units be held in store in the various colonies for ready use in the case of unexpected emergencies.

The Secretary of State in his reply to Dorchester's suggestions in regard to the militia advised the Governor, that a permanent militia bill should be drawn up and passed by the Legislature of the Province¹⁴⁹. Lord Dorchester immediately took up Dundas' suggestion. In his speech to the provincial parliament he stressed the high importance of "the arrangements necessary for the defence and safety of the Province"¹⁵⁰. The Governor was aware however, that the execution of such measures would encounter a certain amount of resistance from the majority of the French Canadian population of Lower Canada. In the Governor's eyes the French Canadians did not realize the disadvantages inherent in their defenseless position. The reasons for their negative attitude towards the establishment of a militia, as Dorchester saw them,

¹⁴⁸ Ibid.

¹⁴⁹ C.A., G 5, Vol. p. 3, Dundas to Dorchester, July 17, 1793.

¹⁵⁰ Quebec Gazette, issue of November 14, 1793, Dorchester's Speech at the Opening of the Legislature, November 11, 1793, S 4.

ADMINISTRATION OF LOWER CANADA

158

were their long disuse of any military service and a general lack of interest on their part in public affairs. He concluded therefore, that "the first attempts to carry any Militia Law into Execution may be found difficult"¹⁵¹, reminding the Secretary of State at the same time of a similar development during the crisis of 1775.

Lord Dorchester's concern with the militia during the winter of 1793-1794 and during the following spring was caused mainly by the apparent threats to Canada's security by the United States of America. He hoped that militia units would be able to enforce the weak regular forces at his disposal. However these hopes were not very strong in Dorchester's mind, as can be concluded from the tone of a dispatch to Lieutenant Governor Simcoe, in which he stated: "I flatter myself the Militia every where will unite in their own defence"¹⁵².

Despite his knowledge of the spirit of indifference prevailing among the people of Lower Canada Dorchester felt compelled by the external situation of the colony to make preparations for the calling into service of the militia by ordering two thousand men "to hold themselves in readiness

¹⁵¹ C.A., Q 67, p. 7, Dorchester to Dundas, November 18, 1793, D 5.

¹⁵² Simcoe Papers, Vol. 2, p. 203, Dorchester to Simcoe, April 14, 1794, D 9.

to rendezvous at a very short notice"¹⁵³. This attempt by Lord Dorchester to strengthen the defensive forces of Lower Canada resulted ironically enough in rioting, which gravely threatened the internal security of the province. While the unrest was more likely occasioned by Lord Dorchester's step than caused by it¹⁵⁴, the Governor's confidence in the effectiveness of the militia as a military force was apparently shaken. He admitted, that the majority of the men called had refused to serve with the exception of the diminutive English speaking minority. Yet he was still inclined "to attribute their disinclination in a great measure, to a long disuse of Military Services, rather than to a spirit of discontent and disloyalty"¹⁵⁵. Dorchester was confirmed in this opinion by the reports of rumours, which had been circulated in the province in order to foil the establishment of the militia. These rumours had suggested, that those embodied in the militia units would thereby become soldiers for the rest of their life¹⁵⁶. The Governor's loss of confidence

¹⁵³ C.A., Q 67, p. 192, Dorchester to Dundas, April 26, 1794, D 10.

¹⁵⁴ For the reasons of the discontent in Lower Canada see Clark, Movements of Political Protest in Canada, 1640-1840, p. 203-206. See also Chapter III, I.

¹⁵⁵ C.A., Q 71, pt.1, p. 3, Dorchester to Dundas, May 24, 1794, D 11.

¹⁵⁶ C.A., Q 71, pt. 1, p. 5, Dorchester to Dundas, May 25, 1794, D 12.

ADMINISTRATION OF LOWER CANADA

160

in the militia was best underlined by his negative attitude towards a proposal by Henry Dundas, the Secretary of State, to raise two battalions of regulars from among the inhabitants of Canada. He did not even wish this suggestion to be made public in order to prevent further unrest¹⁵⁷.

During the following year Lord Dorchester turned his attention once again to matters concerning the militia. As the external crisis of 1794 had passed, he now stressed the importance of a well regulated militia service from an internal point of view. It was to be

the constitutional guard to which the Magistrate should have recourse, if at any time, extraordinary aid should be found necessary to enforce the Laws or to maintain internal tranquility¹⁵⁸.

With these arguments the Governor attempted to encourage the members of the Legislature to renew the militia Act passed in 1794. It does not appear however, that Lord Dorchester introduced important changes in policy in regard to the militia. An interesting footnote was provided by his suggestion to garrison the frontier posts by militia units. Dorchester believed, that this step would provide many advantages, the most important one of which would be, that the people of the colony "would thereby be taught to defend themselves and to

¹⁵⁷ C.A., 6, 71, pt. 1, p. 5, Dorchester to Dundas, May 25, 1794, D 12.

¹⁵⁸ Quebec Gazette, issue of November 26, 1795, Dorchester's Speech at the Opening of the Legislature, November 20, 1795.

ADMINISTRATION OF LOWER CANADA

161

have a more just esteem for the protection which they receive from Great Britain"¹⁵⁹. The Governor's argument clearly betrayed the bitter lesson regarding the militia he had been forced to learn during the spring of 1794.

¹⁵⁹ Simcoe Papers, Vol. 4, p. 247, Dorchester to Portland, April 16, 1796, D 39.

CHAPTER IV

DORCHESTER'S VIEWS ON THE ECONOMIC PROBLEMS OF CANADA

1. Provincial Finance.

a. Provincial Revenue and Expenditure.

One of the reasons for Canada's new constitution, the Constitutional Act of 1791, had been the desire on the part of the authorities in London to open up new sources of revenue for the colony, which had a chronic deficit in its budget.¹ The terms of an act of 1778, which renounced the taxing power the British Parliament for the American colonies, made it impossible for Britain to change the Quebec Revenue Act, which alone provided revenue, if insufficient, for the Province of Quebec². The only solution feasible was the creation of a popularly elected assembly, which would grant additional revenue towards defraying the costs of the civil establishment of the province. Lord Dorchester as the Governor of Lower Canada was charged with the task of educating the newly constituted Legislature of the colony to these financial responsibilities.

¹ See Helen Taft Manning, British Colonial Government after the American Revolution, 1782-1820, New Haven, Yale University Press, 1935, p. 200-203.

² Ibid., p. 312.

ECONOMIC PROBLEMS

163

When he met the provincial parliament for the first time, the Governor immediately directed the attention of the members to fiscal matters by promising them, that he would lay before them an account of all the provincial revenue revenue received since the division of Upper and Lower Canada. In referring to the expenditures of the colony Dorchester merely stated, that they greatly exceeded the revenue received. Despite this state of affairs he insisted, that it was not his intention at the moment to apply for supplies from the Legislature in order to give its members time "to consider by what means the Provincial Revenue may be rendered more productive"³. Dorchester was determined to go very slow, as the matter of granting money to the government was something entirely new for the majority of the members. He wanted "to prepare their minds for this Branch of their Duty"⁴. After consultation with the Executive Council⁵ the Governor then submitted to both Houses of the Legislature the promised report on the state of the provincial revenue, which outlined

³ Quebec Gazette, issue of November 14, 1793, Dorchester's Speech at the Opening of the Legislature, November 11, 1793, D 4.

⁴ C.A., Q 67, p. 8, Dorchester to Dundas, November 18, 1793, D 5.

⁵ C.A., Q 67, p. 338-339, Minutes of the Executive Council, March 20, 1794.

ECONOMIC PROBLEMS

164

the various sources, from which the income of the province was derived⁶.

In his message Lord Dorchester stated for the first time his expectation, that additional revenue might be voted to the government by the Legislature. In doing so he was relying on the wisdom and loyalty of the members, "that they will readily give their concurrence to raise, on proper objects of Luxury, those Aids the Public Exigencies may require"⁷. The following session of the Legislature saw then the first formal application for additional revenue, when Dorchester told the members "to estimate the Ways and Means for the most necessary Supplies"⁸. He also pointed out to them the two-fold purpose to be achieved by any of their financial decisions. They were to provide for the financial needs of the province by taxing certain luxury goods and by doing so they were at the same time to encourage the colony's commercial growth. Lord Dorchester's policy of informing the Legislature and of counselling its members carefully in the matter at hand paid off, when in 1795 the Legislative Assembly voted

⁶ C.A., Q 67, p. 365-368, Dorchester's Message to the Legislature on the State of the Provincial Revenue, April 29, 1794.

⁷ Ibid., p. 367.

⁸ Quebec Gazette, issue of January 8, 1795, Dorchester's Speech at the Opening of the Legislature, January 5, 1795.

£5000 towards defraying the costs of the administration of justice and of the civil government of the colony⁹. In his speech at the prorogation of the session the Governor was thus able to speak of "the cheerfulness with which you have granted a supply towards defraying the Civil Expenditure of the Province"¹⁰.

Lord Dorchester now turned his attention to the matter of consolidating the various sources of provincial revenue. It was his intention to re-enact the Quebec Revenue Act of 1775 as an act of the province, thus lodging all jurisdiction over revenue in the Legislature of the colony, a step suggested and authorized by the Constitutional Act of 1791. He was able to report from his conversations with various members of the provincial parliament, that they were willing to sponsor and support a bill, which would have served this purpose and which would have raised "as great or greater Sums than are at present raised by the Statute of the 14th of the King"¹¹.

9 Robert Christie, A History of the Late Province of Lower Canada, Parliamentary and Political, From the Commencement to the Close of its Existence as a Separate Province, Vol. 1, Montreal, Worthington, 1866, p. 159.

10 Quebec Gazette, issue of May 14, 1795, Dorchester's Speech at the Prorogation of the Legislature, May 7, 1795, D 28.

11 C.A., Q 72-73, pt. 2, p. 438, Dorchester to Portland, July 25, 1795.

ECONOMIC PROBLEMS

166

In a memorandum accompanying this dispatch the Governor expressed his reasoning behind his support of such a commutation of the Quebec Revenue Act, an imperial statute, into a provincial law. It was in Dorchester's view "certainly desirable, that local regulations for raising of the Revenue may be properly adopted by the Legislature to local circumstances,"¹² This latter phrase also suggested Lord Dorchester's wish to foster the trade and commerce of Lower Canada by means of regulating imports through protective duties. This particular aspect will be dealt with later on¹³. From the point of view of revenue the Governor appeared to concur with the opinion of those members of the Legislature, who maintained, that Lower Canada was losing an annual revenue of £3250 due to the fact, that the duty on rum imported directly from the West Indies was higher than that on rum imported by circuitous navigation from Great Britain. A further loss of revenue amounting to about £1000 a year resulted from an error in the evaluation of hoops, which figured prominently in Canadian exports to the West Indian islands. This was brought about by an imperial statute, which admitted rum duty free "to the Amount of certain enumerated articles of Canada produce also

¹² C.A., Q 72-73, pt. 2, p. 454, Dorchester's Observations on Provincial Revenue, July 25, 1795, D 32.

¹³ See Chapter IV, 3a.

ECONOMIC PROBLEMS

167

at a fixed valuation exported to the West Indies in the same Vessel¹⁴. These losses to the revenue of Lower Canada were to be offset in Dorchester's view through acts of the Legislature, which would regulate all duties according to the best interests of the province.

The Governor then reported, that the house had postponed action on the matter to await the ratification and publication of the treaty between Grenville and Jay, as this event might possibly change the situation considerably. He then expressed his conviction, that the problem would be taken up again at the beginning of the next session of the provincial parliament. Another delaying factor was a doubt, whether the government in London would agree to the equalization of duties on rum. This approval appeared the more necessary in view of the fact, that the British Parliament was also to be asked to give official sanction to the repeal of the Quebec Revenue Act of 1775¹⁵. Despite the fact, that he did not receive any assurance from Whitehall, the Governor decided to go ahead with his plans regarding the consolidation of the various sources of the revenue of Lower Canada.

14 C.A., Q 72-73, pt. 2, p. 457, Dorchester's Observations on Provincial Revenue, July 25, 1795, D 32.

15 C.A., Q 72-73, pt. 2, p. 455, Dorchester's Observations on Provincial Revenue, July 25, 1795, D 32.

At the opening of the 1795-1796 session of the provincial parliament he asked the members to concern themselves with "simplifying all the Regulations concerning the Province by such a mode as circumstances may render most expedient"¹⁶. This time Lord Dorchester's wish was indeed fulfilled. A bill was introduced and passed by both houses of the Legislature, which re-enacted as law of the Province of Lower Canada the Quebec Revenue Act and which also adapted its provisions to the changed needs of the day. While the measure still required royal assent by the authorities in London, the Governor nevertheless expressed in his speech at the closing of the last session of the first provincial parliament his firm conviction, that "the measures adopted by you consolidating and improving the Provincial Revenue of the Crown ... cannot fail of producing the most beneficial effect"¹⁷. In submitting the bill to London the Governor merely asked, that certain provisions be made, lest after the repeal of the imperial statute a situation would occur, when no duties at all would be payable. The cessation of the imperial duties was to coincide with the beginning of the provincial ones¹⁸. As to the

16 Quebec Gazette, issue of November 26, 1795, Dorchester's Speech at the Opening of the Legislature, November 20, 1795

17 Quebec Gazette, issue of May 12, 1796, Dorchester's Speech at the Prorogation of the Legislature, May 7, 1796.

18 C.A., Q 75, pt. 2, p. 426, Dorchester's Memorandum on the Revenue Bill and the Commercial Treaty with the United States, May 9, 1796, D 40.

ECONOMIC PROBLEMS

169

measure of consolidating the revenue of Lower Canada Dorchester left it to Whitehall to judge its merits.

Lord Dorchester's concern with matters of revenue was not limited to the actions of the provincial parliament. The knowledge, that the cost of the civil establishment of the colony was far in excess of the revenue received, strengthened the Governor's determination to be as thrifty as possible in the administration of the colony. Thus he suggested the abolition of the position of Deputy Surveyor General, which he regarded it as useless¹⁹. Dorchester was also very reluctant to agree to the requests for additional remuneration for their services presented to him by various officials. He believed it to be particularly harmful for instance to accept "a retrospective Demand for additional Salary"²⁰, as that would constitute a dangerous precedent. Yet the same occasion also revealed Lord Dorchester's extraordinary sense of fairness, which constituted perhaps his greatest weakness in financial matters. While he would not agree to retrospective salary payments out of fear of precedent, he urged the Secretary of State to find some other means of remuneration for the official in question. Thus the Governor's "paternalistic

¹⁹ C.A., Q 71, pt. 2, p. 465, Dorchester to Portland, April 25, 1795, D 27.

²⁰ C.A., Q 72-73, pt. 2, p. 270, Dorchester to Portland, June 27, 1795.

ECONOMIC PROBLEMS

170

theories of government made it impossible for him to reduce expenditure"²¹. This same attitude was also reflected in another incident. The Receiver General of the province had asked for directions in regard to the revenue arising to the Crown from the Seigneury of Sorel. In his reply Lord Dorchester pointed out, that this territory had been purchased for special military purposes and that it had been paid for by the military chest. All revenue from it was therefore to be lodged in the military treasury²². This reply, while confirming the Governor's honesty, appeared slightly extraordinary in the light of the fact, that the same military chest was used year by year to cover the large deficits in the costs of the civil establishment of the colony.

Lord Dorchester also attempted to make various sources of revenue assigned to the civil expenditure of Lower Canada more productive. Most prominent among these figured the rent for the "King's Posts and Domains on the Labrador Coast", which at that time amounted to £360 annually. The Governor now proposed to the Secretary of State to award the lease for these posts to the highest bidder. He was convinced, that by such a procedure the revenue arising from the lease

²¹ Manning, British Colonial Government after the American Revolution, 1782-1820, p. 203.

²² C.A., Q 71, pt.1, p. 156-157, Coffin to Caldwell, December 9, 1794.

ECONOMIC PROBLEMS

171

could be increased considerably. Yet despite these efforts on the part of Dorchester the provincial revenue remained hopelessly inadequate²³.

Of particular interest in the field of provincial finance are Dorchester's views on the presentation of the estimates of the annual expenditures of the colony. His instructions demanded, that the Governor should present a full statement of the province's finances, both revenue and expenditure, to the Legislature²⁴. However already Lord Dorchester's ^{first} speech to the provincial parliament revealed an obvious reluctance on his part to follow these instructions to the full. He stated, that "the General Expenditure is very great, but cannot all be placed to the Provincial account; such parts of it as more particularly belong to that hand, I am not, at this time, enabled to bring forward"²⁵. The Governor thus refused in effect to give complete account of the expenditure of the civil establishment of the province, at least for the time being.

23 For Dorchester's suggestions in regard to the Labrador Posts see C.A., Q 74, pt. 2, p. 289-290, Dorchester to Portland, October 26, 1795.- In the year ending January 5, 1796 the revenue of Lower Canada amounted to about £10.425, while the civil expenditures of the province were £24.711. See Christie, A History of the Late Province of Lower Canada, Vol. 1, p. 164.

24 See Helen Taft Manning, "The Civil List of Lower Canada", in Canadian Historical Review, Vol. 24, issue of March, 1943, p. 30.

25 Quebec Gazette, issue of November 14, 1793, Dorchester's Speech at the Opening of the Legislature, November 11, 1793, D 4.

ECONOMIC PROBLEMS

172

The reason for this attitude on the part of Lord Dorchester is linked with the unique financial situation of Canada and with the relationship between the colony and the British Treasury²⁶. The huge annual deficit in the civil establishment of Lower Canada was not covered by grants of the British Parliament but by a lump sum appropriated annually under the title of "army extraordinaries"²⁷. Under this denomination the Canadian deficit together with other expences was actually concealed, as these funds were never accurately accounted for. This fact attracted another feature of eighteenth century finance, patronage. Various items of this nature "had been placed against the Canadian account for the very reason that it was not published annually"²⁸. These included allowances to various Englishmen residing in London, who had no connection with Lower Canada whatsoever. This held true despite the fact, that some of them were holding titles like that of a provincial agent. There were also a number of pensions, which had been granted for services, with which Lower Canada had little or nothing at all to do. Thus the

26 For the financial affairs of Lower Canada see Manning, "The Civil List of Lower Canada", p. 24-47. See also Helen Taft Manning, The Revolt in Lower Canada 1800-1835, A Chapter in the History of the British Commonwealth, Toronto Macmillan, 1962, p. 116-123.

27 Manning, "The Civil List of Lower Canada", p. 29.

28 Manning, "The Civil List of Lower Canada", p. 30.

ECONOMIC PROBLEMS

173

pensions to the widows of the former Lieutenant Governors of Nova Scotia and Detroit had been charged to the account of the colony²⁹. It was only natural, that Lord Dorchester as a man of very austere views on the matter of remuneration for officials³⁰ was extremely reluctant to make these matters public to the Legislature.

Another item to be omitted were the salaries to the clergy, both Protestant and Catholic. While Lord Dorchester did not disagree with the payment of these sums, he believed it to be highly inexpedient to make the fact of their existence known. The salaries paid to the Anglican Bishop of Quebec and to six Anglican and Presbyterian ministers amounted to £3000³¹. The Governor was apparently convinced, that this large sum would almost certainly cause an outcry on part of the French Canadian majority, especially since the salary accorded to the Roman Catholic Bishop of Quebec, who was referred to in the salary list as "Superintendant of the Romish

29 See C.A., Q 67, pt. 1, p. 47-48 and Q 71, pt. 2, p. 412-416, Lists of Salaries and Pensions.

30 See Chapter III, 3.

31 C.A., Q 67, pt. 1, p. 47, List of Salaries and Pensions.- Manning, The Revolt in Lower Canada, 1800-1835, p. 118 gives erroneously "approximately £2000" as the sum paid to the Protestant clergy.

ECONOMIC PROBLEMS

174

Church", was only £200³².

In the end Lord Dorchester decided to omit all salaries, which could arouse any kind of antagonism on part of the population in general and of the members of the Legislature in particular, from his estimates. He therefore asked the Secretary of State for authorization to present the accounts of the expenditures of the province without the salaries of the Governor, the Lieutenant Governor, of the members of the Executive Council, of the clergy and without "allowances to others with whom the Province has little or no relation"³³. He argued, that while the Legislature was well inclined at the present time, there were always some "disposed for mischief". Dorchester then voiced his belief, that especially in the unsettled situation of 1794 all "matter for inflammatory speeches should as much as possible"³⁴ be avoided. The Secretary of State reluctantly agreed with Lord Dorchester's arguments on the matter. The Governor then divi-

32 C.A., Q 67, pt. 1, p. 47, List of Salaries and Pensions.- This appears to be a more convincing reason for the omission of the salary of the Roman Catholic Bishop than those brought forward by Manning, who suggests, that considerations of British policy (Manning, "The Civil List of Lower Canada", p. 30) or the inconsistency involved, if the Catholic Bishop's salary was made public and the Protestant Bishop's not (Manning, The Revolt in Lower Canada, 1800-1835, p. 118) caused Dorchester to omit all clerical salaries from the estimates of the province's expenditure.

33 C.A., Q 69, pt. 1, p. 45, Dorchester to Dundas, June 7, 1794.

34 Ibid.

ECONOMIC PROBLEMS

175

ded the expenditures of the colony into three parts, for only one of which he asked the provincial parliament to assume any responsibility. This latter part was constituted by "what he regarded as the expenditure necessary to the good government of the colony"³⁵. Of the other two parts one was made up of those salaries, which were of a military nature and of the pensions for certain services "which may with more propriety be paid by the Supreme Government"³⁶. These figures were therefore merely presented to the Legislature for the information of its members. The third part of the expenditure of the Province of Lower Canada was entirely suppressed by the Governor. It included the salaries of the clergy and those pensions and allowances, which were obviously the result of patronage. - In conclusion it might be observed, that Lord Dorchester apparently did not concern himself very much with one financial problem of the time, the division of the customs duties collected at the ports of entry of Lower Canada between this province and Upper Canada.

b. Provincial Accounts.

One of the problems, which Lord Dorchester had inheri-

35 Manning, "The Civil List of Lower Canada", p. 31.

36 C.A., Q 71, pt. 2, p. 370, Dorchester to Portland, March 28, 1795.

ECONOMIC PROBLEMS

176

ted from the "Old Province of Quebec" concerned the collection of the provincial revenue and the audit of the accounts of the province's finances³⁷. The audit of the accounts was the smaller problem of the two. By royal instructions the members of the Executive Council were to be the auditors of all public accounts in the colony and they were employed as such by the Governor³⁸. In regard to the collection of revenue however the situation was completely unsatisfactory in Lord Dorchester's view. Customs duties were collected by the Collector of Customs, who retained a certain percentage of the money received as compensation for his troubles. This diminished sum was then turned over by him to the Receiver General of the province, who also appropriated a certain percentage for his own use. Naturally many abuses resulted from this practice of remuneration. The situation was further aggravated by the fact, that there was no single authority in the province, whose jurisdiction was accepted by the Collector of Customs, who believed himself only responsible to the British Treasury in London. There was therefore nobody in Lower Canada to audit his account with the sole exception of the Comptroller of Customs, who was merely responsible for the

³⁷ See Alfred Leroy Burt, The Old Province of Quebec, Toronto, Ryerson, 1933, p. 473-481.

³⁸ See C.A., Q 67, p. 338-339, Minutes of the Executive Council, March 20, 1794.

ECONOMIC PROBLEMS

177

relatively small sums collected under the authority of the imperial Customs Board. While Dorchester had at least partially succeeded in curbing the abuses on part of the Receiver General during his earlier years in Quebec, no satisfactory arrangement had as yet been found to cover the audit of the accounts of both the Receiver General and the Collector of Customs.

The whole matter came into the open again, when Lord Dorchester proposed to the Legislature the raising of additional revenue for the civil establishment of the colony. He was determined to use this occasion to prevent all the abuses, which had arisen in former times. In voting supplies to the Crown the members of the provincial parliament were "to form such arrangements as may prevent all Irregularities from creeping into the Receipt of the Public Revenue"³⁹. The Governor then outlined his thoughts on the matter. He did not wish, that the subjects of the colony be burdened with additional fees and perquisites of office in connection with the collection of duties. All the money collected was to be turned over in its entirety to the provincial treasury without any diminution. Legitimate compensation for the col-

³⁹ C.A., Q 67, p. 367, Dorchester's Message to the Legislature regarding the State of the Provincial Revenue, April 29, 1794. See also Quebec Gazette, issue of November 26, 1795, Dorchester's Speech at the Opening of the Legislature, November 20, 1795.

ECONOMIC PROBLEMS

178

lection was then to be made to the officials concerned from this treasury by means of a warrant signed by the Governor or by the person administering the government of the colony⁴⁰. Lord Dorchester's enlightened outlook in this matter was conditioned in part by political considerations. The granting of supplies to the Crown being an entirely new step for the majority of the members of the Legislature the Governor believed it necessary to demonstrate to them, that with the increase in taxation "no abuse would be suffered to insinuate itself, or to remain concealed under any disguise"⁴¹.

The Governor's ideas were readily enough accepted by the provincial parliament. They were opposed however by the men most concerned, by the Collector of Customs and his Comptroller. After the first major money supplies had been voted by the Legislature, these officials were ordered by Lord Dorchester to take all steps necessary in order to collect the new duties involved. In their reply both officials claimed additional allowances for their services performed under the new act. Dorchester promised them, that he would submit their claims to Whitehall, but he also advised them, "that in the mean time no appropriation or diminution of the Revenue ought

⁴⁰ C.A., Q 67, p. 367, Dorchester's Message to the Legislature regarding the State of the Provincial Revenue, April 29, 1794.

⁴¹ C.A., Q 71, pt. 2, p. 369, Dorchester to Portland, March 28, 1795.

ECONOMIC PROBLEMS

179

to be admitted"⁴², unless it was authorized either by law or by the Treasury in London or by the Governor himself. In submitting the Collector's and the Comptroller's claims to the Secretary of State the Governor told of earlier efforts to curb abuses on the part of the customs officials. He had discovered as early as 1778, that the Collector was withholding $13\frac{1}{2}$ percent of the total sum received in addition to his salary, to the fees granted him by the British Parliament and to the incidentals authorized by the Customs Board. Despite Lord Dorchester's insistence the Collector was still continuing his practice, "alleging that as he is accountable only to his Superiors at home for his Conduct, they would not have suffered him to remain so long in a course they did not approve"⁴³. As he had done in the case of the Legislature, the Governor also tried to impress upon the Secretary of State his basic concept in regard to the collection of revenue. All money received was to be deposited into the coffers of the government, from which in turn those concerned in its collection were to receive their compensation.

Lord Dorchester was not satisfied with generalities. He submitted to Whitehall a detailed sketch of his ideas con-

⁴² C.A., Q 72-73, pt. 2, p. 375, Dorchester to Portland, July 18, 1795, D 30.

⁴³ C.A., Q 72-73, pt. 2, p. 376, Dorchester to Portland, July 18, 1795, D 30.

ECONOMIC PROBLEMS

180

cerning the audit of the accounts of the collection of revenue⁴⁴. The Collector of Customs was to render his account quarterly without any deductions whatsoever. These were to be checked by the Comptroller of Customs in the same way as were those of the minor duties, for which he was responsible to the Customs Board. At the end of every quarter the Collector was to pay the whole amount collected to the office of the Receiver General and was to "take his Acquittance at the foot of the Account stated and comptrolled as abovementioned"⁴⁵. These accounts were then to be sworn to by all officials concerned: The Collector, the Comptroller and the Receiver General. After this they were to be presented to the Governor, who in turn would refer them and all claims for disbursements on account of the collection to committees of the Executive Council for examination. These committees, which were to have the power to hear witnesses under oath, would report back to the Governor. The chief executive would then lay their report before the full body of the Executive Council for final approbation. If the Governor was satisfied with the accounts rendered, he would issue a "Certificate in Council", countersigned by the Clerk of the Council, which

⁴⁴ C.A., Q 72-73, pt. 2, p. 405-407, Dorchester's Suggestions concerning the Audit of the Accounts of the Collection of the Provincial Revenue, July 18, 1795, D 31.

⁴⁵ Ibid., p. 405.

ECONOMIC PROBLEMS

181

would be official proof of his approbation. This certificate was to be a necessary requisite, before the accounts could undergo their final audit by the authorities in England. In order to ensure the compliance with these suggested regulations on part of the Collector of Customs he was to "enter into Bond with Sureties within the Province"⁴⁶.

As apparently no action was taken Lord Dorchester's plan and as the revenue of the colony was increasing considerably, the Governor decided to take matters into his own hands. On February 11, 1796 he appointed Thomas Coffin, his Civil Secretary, as Inspector General of Public Accounts. In instructions issued a week later Dorchester outlined the responsibilities of the new official of government⁴⁷. It was to be his task to ensure, that all branches of the provincial revenue were brought to account at regular intervals. He was to prevent all unauthorized deductions from the money collected. All disbursements in the line of compensation for the customs officials for their efforts in the collection of revenue were "to be supported by proper and sufficient Vouchers"⁴⁸. If he had objections to any account brought forward by the cus-

⁴⁶ C.A., Q 72-73, pt. 2, p. 407, Dorchester's Suggestions concerning the Audit of the Accounts of the Collection of the Provincial Revenue, July 18, 1795, D 31.

⁴⁷ C.A., Q 75, pt. 2, p. 491-494, Dorchester's Instructions for the Inspector General of Public Accounts, February 18, 1796, D 36.

⁴⁸ Ibid., p. 492.

ECONOMIC PROBLEMS

182

toms officers, he was to state them to the persons concerned prior to the submission of the accounts to the Executive Council in order to enable them to explain their position. The Inspector General of Public Accounts had also the duty to examine and countersign all warrants authorizing public expenditures issued by the Governor of the colony. He was to take care, that all funds authorized were used for the purposes intended. Lord Dorchester then wished the Inspector to examine and sign all accounts prior to their submission by the Governor to the Lords of the Treasury at Whitehall and to the Executive Council. Finally he was "when required to prepare and report Statements of the Public Revenue and Expenditure"⁴⁹. It was this last task, which greatly added to the already considerable influence to be exercised according to Dorchester's design by the Inspector General over the financial affairs of the colony. The Governor made this clear in a dispatch to the Secretary of State, where he elaborated on this duty: "Also to prepare and arrange for the Governor all estimates and Statements concerning the public Revenues and Expenditures, previous to their being laid before the Legislative Council or House of Assembly"⁵⁰. Lord Dorchester quite clearly expressed his intention in this statement to make

⁴⁹ C.A., Q 75, pt. 2, p. 493, Dorchester's Instructions for the Inspector General of Public Accounts, February 18, 1796, D 36.

⁵⁰ C.A., Q 75, pt. 1, p. 240, Dorchester to Portland, February 20, 1796.

ECONOMIC PROBLEMS

183

Coffin more than a mere auditor. He wanted to entrust to him under his own supervision the management of all financial affairs of the colony. Lord Dorchester had apparently come to realize, that the time had come to appoint someone, who could devote himself exclusively to this important aspect of the colonial administration⁵¹.

However Lord Dorchester's action did not forestall all further abuses on the part of the customs officials. Shortly before he left the colony in summer of 1796, the Governor had to concern himself with the "Crave for Necessaries wanted for the Office"⁵² made by the Collector of Customs. This official had taken the new duties imposed by the provincial parliament as an opportunity to charge additional fees under the pretext, that they constituted the expences of the collection of these new sources of revenue. Already in February 1796 the Governor had asked the Clerk of the Executive Council to notify the Collector, that the actual payment of these incidentals was not to be taken as a precedent for similar charges in the future⁵³. When the Collector of

⁵¹ Dorchester's appointment of an Inspector General of Public Accounts was approved by the British Treasury. See C.A., G 16 B, Vol. 1, p. 37, Treasury to Dorchester, August 6, 1796.

⁵² C.A., Q 76, p. 127, Dorchester to the Commissioners of the Customs, June 25, 1796, D 43.

⁵³ C.A., Q 75, pt. 2, p. 317-318, Minutes of the Executive Council, February 13, 1796.

ECONOMIC PROBLEMS

184

Customs now submitted demands for the payment of expences allegedly incurred in the collection of the new duties, Lord Dorchester decided to put them before the Customs Board in London for a settlement of the question. In his reply to the Collector the Governor added, "that in the mean time it was expected all unusual or unnecessary Expence would be avoided in the Collection"⁵⁴.

In his submission to the authorities in London the Governor explained the situation and asked them for advise as to the future management of the collection of customs duties, which constituted the essential part of the colony's revenue. Lord Dorchester mentioned among other abuses the fact, that the Collector had appropriated for his own use the difference of $5\frac{1}{2}$ percent, which came about through his payment of the duties collected to the Receiver General in silver at 5 shillings and 6 pence an ounce - more than it was actually worth, while he himself collected the duties themselves preferably in gold or in bills of exchange⁵⁵. The Governor then concentrated his criticism upon the actual unwarranted demands made by the Collector. Dorchester had discovered, that the customs officer charged three different times £20 for office rent, £5 for fuel and £4 for stationery

⁵⁴ C.A., Q 76, p. 127, Dorchester to the Commissioners of the Customs, June 25, 1796, D 43.

⁵⁵ See also Burt, The Old Province of Quebec, p. 475.

ECONOMIC PROBLEMS

185

among the expences for the collection of duties collected by virtue of three different acts despite the fact, that "all business concerning the Customs whether under the Acts of the British or Provincial Parliaments are transacted at the same Office"⁵⁶. The triple charge for fuel was furthermore unjustifiable, as the shipping season closed around November 10th. A still more striking abuse was also revealed in Dorchester's dispatch. The Collector of Customs was charging the customary fees for the gauging, weighing or measuring of goods in order to determine the amount of duty to be paid not once, but as many times as different duties were to be paid on these goods. The Collector did this despite the fact, that the actual task of measuring was only performed once. In view of these circumstances Lord Dorchester urged decisive action on the matter. He believed, that "upon the same principle new charges may, and if not checked, probably will be multiplied every time it may be found necessary to add to the public Revenue"⁵⁷. The Governor then once again repeated his basic belief, that the Collector of Customs and all the other officials involved should be rewarded through duly authorized disbursements. Dorchester even asked, that these gratifications be liberal, as he apparently saw this as the best guarantee for honest conduct by all the officials concerned. The

⁵⁶ C.A., Q 76, p. 130, Dorchester to the Commissioners of the Customs, June 25, 1796, D 43.

⁵⁷ ~~Ibid.~~, P. 131

ECONOMIC PROBLEMS

186

only other alternative was in his eyes a constantly increasing cost for the collection of the provincial revenue.

Lord Dorchester's great concern in matters relating to the collection of revenue was caused not primarily by the actual loss of money involved. This was apparently a minor consideration. The Governor's main reason was his aversion to fees and perquisites of office⁵⁸. He argued in connection with the irregularities in the collection of customs duties, that "the Faculty of discriminating between right and wrong with regard to Profits of Office, becomes weakened by Custom"⁵⁹. Similar sentiments were expressed by the Governor, when he reported to the Secretary of State regarding his letter to the Commissioners of the Customs. On this occasion he stressed particularly the evil effects upon the true interests of the Empire resulting from such a system of public finance⁶⁰.

2. Agriculture.

Lord Dorchester's contribution to agriculture during the last period of his governorship was very limited. D. Creighton seems to be justified, when he contrasts Lieutenant Governor Simcoe and the old Governor of Lower Canada in their

⁵⁸ See Chapter III, 3.

⁵⁹ C.A., Q 72-73, pt. 2, p. 377-378, Dorchester to Portland, July 18, 1795, D 30.

⁶⁰ C.A., Q 76, p. 125, Dorchester to Portland, July 5, 1796.

ECONOMIC PROBLEMS

187

different approach to agriculture. The latter was still living in a world, where the fur trade had played the major role, while Simcoe was an exponent of change, which gave him prime importance to agriculture and settlement⁶¹. Dorchester's references to agriculture were therefore merely casual in nature and it is significant, that some of these references were made in regard to Upper Canada rather than in regard to the lower province.

The Governor demonstrated his interest in the development of agriculture in the Canadas in various ways. Shortly after his return in autumn of 1793 he asked Lieutenant Governor Simcoe for information regarding "the Progress of Population and Agriculture"⁶² on the north shore of the Great Lakes. Of greater importance were Lord Dorchester's efforts in assisting the development of agriculture by encouraging its expansion. The most effective means at his disposition was his authority over the Commissariate, which required large quantities of agricultural produce, especially wheat and wheat flour, for the provision of the troops in both Upper and Lower Canada. Lord Dorchester availed himself of his power as Commander-in-Chief, when he ordered that the purchasing

⁶¹ Donald Creighton, The Empire of the St. Lawrence, Toronto, Macmillan, 1956, p. 116.

⁶² Simcoe Papers, Vol. 2, p. 83, Dorchester to Simcoe, October 7, 1793.

ECONOMIC PROBLEMS

188

agents were to buy as great an amount of foodstuffs as possible from the settlers of Upper Canada, thereby "greatly benefitting and encouraging the Settlers in the infant state of that Colony"⁶³. The "Encouragement to the Planter"⁶⁴ was naturally not the only reason for the Governor's order, as he regarded this step also as a device saving part of the cost of transport. The farmers were to receive an allowance in addition to the regular price of the provisions concerned. However this allowance was to be smaller than the cost of transport paid normally. But this does not imply, that Dorchester overlooked the possibilities for the encouragement of settlement and agriculture inherent in this measure.

A step, which at least temporarily fostered agriculture in Lower Canada, was the embargo forbidding the export of wheat, flour and peas from the colony to any country other than the Empire, which Dorchester imposed upon the suggestion of the authorities at Whitehall⁶⁵. Despite the fact, that a somewhat uncontrolled export of these agricultural products together with a bad harvest brought about a scarcity of foodstuffs in the province itself, this step marked nevertheless

63 C.A., G 15 C, Vol. 2, p. 21, Coffin to Messrs Munro and Bell, January 11, 1794.

64 C.A., Q 71, pt. 1, p. 222, Dorchester to Simcoe, October 20, 1794. See also Simcoe Papers, Vol. 3, p. 260, same to same, January 21, 1795.

65 C.A., Q 72-73, pt. 1, p. 18, Dorchester to Portland, May 25, 1795.

ECONOMIC PROBLEMS

189

the beginning of an expanding trade in flour and wheat, especially with Great Britain⁶⁶. The measures taken by Lord Dorchester in this connection to secure as much wheat and flour as possible for exportation to Great Britain met with some criticism. The Governor had appointed government agents to buy up all the wheat and other foodstuffs available. The colony's merchant community on the other hand maintained, that private enterprise could have provided all the wheat required by means of the embargo alone, "which would have left the merchant to his fair Speculation while the demand would have been sufficient to afford the most liberal Encouragement both to himself and the Cultivator"⁶⁷. It is however merely a question of speculation, whether Lord Dorchester's procedure or that proposed by the mercantile interests would have provided better encouragement to agriculture in Lower Canada.

When the autumn of 1795 saw a scarcity of wheat and other foodstuffs in the Province of Lower Canada itself, Lord Dorchester was forced to forbid all exports of agricultural produce. He also apparently entertained the idea to retain a certain amount of wheat then in the hands of the govern-

⁶⁶ The wheat exported under this embargo to Great Britain amounted to 370,000 bushels. See Creighton, The Empire of the St. Lawrence, p. 121.

⁶⁷ C.A., Q 72-73, pt. 1, p. 109, Dorchester to Portland, May 30, 1795.

ECONOMIC PROBLEMS

190

ment in order to provide those farmers, who needed it, with reasonably priced seed grain in the coming spring. After some consideration the Governor rejected this project, as he was afraid, that if the farmers were led to expect supplies from the authorities, it would "encourage them to dispose of all they have at the present high Price, the consequence of which would be great distress and disappointment"⁶⁸.

Some special attention must be paid to the problem of growing hemp in Canada. This staple was an essential part of the naval stores needed by Great Britain in order to maintain her supremacy at sea. It was not surprising therefore, that efforts were made from time to time to provide the British navy with hemp from within the Empire itself, thus ending its dependance in this field on foreign countries. After the War of the American Revolution Canada had been selected to cultivate hemp. However all efforts made in this matter by Lord Dorchester had little success⁶⁹. In his suggestions to the Secretary of State the Governor admitted, that "the measures taken for the Encouragement of this Article are retarded in their operation by the ignorance of the People how

⁶⁸ C.A., G 15-C₂, Vol. 5, p. 9, Coffin to McGill, October 19, 1795. See also ibid., p. 7-8, same to same.

⁶⁹ See Normand Macdonald, "Hemp and Imperial Defence", in Canadian Historical Review, Vol. 17, issue of December, 1936, p. 387-388. See also Gerald S. Graham, British Policy and Canada 1774-1791, A Study in 18th Century Trade Policy, London, Longmans, 1930, p. 109-115.

ECONOMIC PROBLEMS

191

to raise and prepare it for use"⁷⁰. Dorchester was still hopeful however. He proposed therefore, that the government in London provide instructors from Russia or from other hemp growing countries to teach the inhabitants of the colony all matters pertaining to this product. The Governor blamed the failure of the earlier efforts in part on the seed sent from Great Britain. He hoped, that a better seed, which was more suitable to the climate of Canada, could be acquired from the northern parts of the United States. However despite these proposals the whole scheme of growing hemp in Lower Canada fell into oblivion during the last years of Lord Dorchester's administration of the territory.

3. Trade and Commerce.

a. Canadian Trade and Imperial Trade Regulations.

Lower Canada's trade was very intimately linked with the economic structure of the British Empire as a whole. It was only to be expected, that difficulties should arise in this connection⁷¹. It was up to Lord Dorchester as Governor of the colony to help resolve these conflicts to the satisfaction of both the authorities at Whitehall and of the com-

⁷⁰ C.A., G 5, Vol. 1, p. 16, Dorchester's Suggestions concerning the Government of Canada, February 19, 1793, D 2.

⁷¹ Burt, The Old Province of Quebec, p. 448-460.

mercial interests of the province administered by him.

The trade and commerce of the Province of Lower Canada during Lord Dorchester's last years as Governor was still greatly influenced by the provisions of the Quebec Revenue Act of 1775. The act constituted not merely a provision for revenue for Canada, but also "a trade regulation, the object of which was to direct British-Canadian trade into definite and regulated channels"⁷². The act made the importation of rum, a basic article in the Canadian fur trade, from Great Britain cheaper than that directly from the West Indies. The purpose of these provisions was the establishment of a triangular trade, whereby the West Indian islands would have sent their produce to England. England would have exported rum and manufactured goods to Canada. Canada in turn was to have sent lumber and provisions to the West Indies. This scheme would have greatly increased the amount of British shipping and thus indirectly Britain's sea power⁷³. However reasons of geography and economy had never enabled the Canadas to take their rightful place in this concept of triangular trade. The New England states were providing most of the supplies needed by the West Indies. Up to the Treaty of 1783 this trade had even been carried in American bottoms. Canadian

72 Graham, British Policy and Canada, 1774-1791, p. 77.

73 Ibid., p. 79.

ECONOMIC PROBLEMS

193

interests suffered most by this arrangement. It was thus only natural, that Canadian merchants should ask for an alteration of the whole system. While they "appreciated the significance of the triangular trade in national life"⁷⁴, they insisted on the necessity of a direct trade between the British North American provinces and the West Indies, which alone would provide the cheap rum and the cheap molasses needed to maintain Canadian supremacy in the fur trade in the face of increased American competition.

The Constitutional Act of 1791 with its provisions for the conversion of the Quebec Revenue Act of 1775 into a provincial statute constituted an opportunity to affect some changes in the field of trade. It was in this connection, that Lord Dorchester had to concern himself with the problems of trade and commerce. While the Governor was apparently more concerned with the problems involved from the point of view of revenue⁷⁵, he did not overlook the economic implications. In a memorandum to the Secretary of State Dorchester outlined the changes proposed by him and the interested groups in the colony⁷⁶. The Quebec Revenue Act had imposed a duty of 6d. on rum and 3d. on molasses imported into Canada direct-

74 Graham, British Policy and Canada, 1774-1791, p. 83.

75 See Chapter IV, Ia.

76 C.A., Q 72-73, pt. 2, p. 454-458, Dorchester's Observations on Provincial Revenue, July 25, 1795, D 32.

ECONOMIC PROBLEMS

194

ly from the West Indies, while the duty on rum imported from Great Britain was only 3d. In the discussions about the commutation of the Quebec Revenue Act members of the provincial Legislature expressed the wish, with which Dorchester agreed, that the duties on rum imported from the West Indies and from Great Britain be equalized. As they were not certain however as to the British reaction to such a measure, the Governor wanted to ascertain first the opinion of the government at Whitehall.

In his observations on the subject Lord Dorchester then tried to convince the authorities of the necessity of this step. He pointed out to them, that the advocates of the smaller duty on rum from Great Britain argued, that this measure was designed to encourage the circuitous navigation and that this consideration was the reason for the difference in the duties. The Governor then brought forward arguments against this arrangement, signifying through their mere number alone his own sentiments in the matter on hand. He maintained, that the British Parliament in passing the Quebec Revenue Act did not intend to impose a scheme of triangular trade, "as the Tonnage of additional Shipping employed in the middle Voyage is no Consideration,"⁷⁷. Dorchester then tried to explain the difference in duties imposed as being caused

⁷⁷C.A., Q 72-73, pt. 2, p. 456, Dorchester's Observations on Provincial Revenue, July 25, 1795, D 32.

ECONOMIC PROBLEMS

195

either by a simple oversight or by the false notion, that Canada was receiving all of its rum from the West Indies. To support this explanation he observed, that the Act laid an equal duty of 3d. on molasses imported from Great Britain by circuituous voyage and on liquors manufactured in Great Britain. The duty on molasses, which was equal on imports directly from the West Indies to Canada and indirectly from Great Britain, was designed in Dorchester's view to give a preference to the colonies. He then apparently concluded, that Parliament must have intended the same in the case of rum. The Governor finished his arguments in favor of equalization of the duties on rum, not all of which were very convincing, with the statement, that this arrangement was costing the province an annual loss of revenue amounting to £3250, "supposing the duty in the said Act had been equal, or 6d. from Great Britain as well as 6d. from the West Indies"⁷⁸.

In 1788 the British Parliament had passed an amendment to the Quebec Revenue Act, which allowed a certain reciprocity in the trade between Canada and the West Indies. All ships, which were carrying lumber and other provisions from Canada to the islands, "could bring back and land, free of duty, rum to an equal value"⁷⁹. This concession had been

⁷⁸ C.A., Q 72-73, pt. 2, p. 457, Dorchester's Observations on Provincial Revenue, July 25, 1795, D 32.

⁷⁹ Burt, The Old Province of Quebec, p. 458.

ECONOMIC PROBLEMS

196

largely illusory however and Lord Dorchester was anxious to point out, that it had merely resulted in a loss of revenue to the province due to an error in the assessment of the value of hoops, which were most prominent among Canadian exports to the West Indies⁸⁰.

Dorchester's concern with Canada's economic position and with the restrictions imposed by the imperial trade regulations became more pronounced, once the treaty between Lord Grenville and John Jay, designed to put an end to the disagreements between the British Empire and the United States, had been made public. The commercial provisions of this treaty added a strong argument to the Governor's request for an equalization of the duty on liquors. This step was now intended

to counteract the effects of the literal Interpretation of the Treaty with America, which is imposing upon Articles coming from the United States by Inland Navigation, no higher Duties than are paid on the same Articles when imported by Sea from Europe; it thereby places the Americas in a more favored situation regarding the Article of Spirits, than His Majesty's Subjects⁸¹.

As the duty on liquor imported from Great Britain was only 3d. per gallon, the American merchants could claim the same low

80 C.A., Q 72-73, pt. 2, p. 457-458, Dorchester's Observations on Provincial Revenue, July 25, 1795, D 32. See also Chapter IV, 1a.

81 C.A., Q 75, pt. 2, p. 426-427, Dorchester's Memorandum regarding the Revenue Bill and the Commercial Treaty with the United States, May 9, 1796, D 40.

ECONOMIC PROBLEMS

197

tariff for themselves, which would constitute a serious setback for the interests of the Canadian mercantile community. Lord Dorchester pointed out to Whitehall, that this lower tariff together with the lower rate of freight and insurance available to them gave the American merchants a considerable advantage on the Canadian market. The Governor apparently feared, that the Americans, if given an opportunity, would get control not merely of the importation of liquor, but also of its distribution, thus eliminating Canadians from this important sector of their country's economy.

The Governor then argued, that by the same procedure the Americans could also attract most of the Canadian wine trade. They could insist, that they were only liable to a duty of 10s. a ton, corresponding to the duty paid on wines imported from Great Britain, in contrast to a duty of £7 per ton, when wines were imported directly to Canada from their places of origin. As the imperial trade regulations permitted only wines of a certain origin to be imported to Canada directly, the greater amount of wine consumed in the colony had to be brought by circuitous voyage through Great Britain. In this field the Americans would be in an even more favorable position, Lord Dorchester argued. While Canadian merchants had to pay higher freight and insurance rates, a duty retained in Britain and other expences, the Americans could avoid all of this "by importing such Wines at all Seasons direct

ECONOMIC PROBLEMS

198

from the places of their Growth"⁸², giving them the hope of dominating the Canadian wine market.

The Governor was thus truly alarmed by the implications of the treaty with the United States. He saw the merchants of Lower Canada losing the liquor and wine trade in Upper Canada and in the Indian territory in the interior, where it played an essential role in connection with the fur trade. Dorchester also believed, that there even was the danger, that the Americans might supply Lower Canada itself with their cheaper rum and their cheaper wine. He therefore urged, that decisive steps be taken by the government at Whitehall to forestall such a possibility. While he was apparently convinced, that the proposed equalization of the duty on rum would be sufficient to safeguard the Canadian liquor trade and the Canadian ascendancy in the interior of the American continent connected with it, the Governor urged a more radical step in regard to the wine and the related fruit trade. He demanded the abandonment of the principle of circuitous voyage as the only means likely to guarantee the preservation of Canadian interests in this field of the economy. Dorchester's arguments in this connection were strong and almost radical:

82 C.A., Q 75, pt. 2, p. 428, Dorchester's Memorandum regarding the Revenue Bill and the Commercial Treaty with the United States, May 9, 1796, D 40. - Dorchester believed, that his argument regarding wine also applied to all other foreign goods coming through Britain, "where a part of the Original Duty is retained at home". See C.A., Q 75, pt. 2, p. 367, Dorchester to Portland, May 14, 1796.

ECONOMIC PROBLEMS

199

For although the circuitous Voyage to obtain them, was at all times perhaps more onerous to His Majesty's Subjects in this Province, than beneficial to the Nation at large; yet every good Subject readily acquiesced without murmur, conceiving the restrictions originated in motives tending to increase the Navigation of the Empire, and to strengthen the Connexion between the Mother Country and the Colonies: But now that as by a change of circumstances, those effects will cease, it is unnecessary and unwise to retain the restrictions, there being probable, nay certain danger, that the Wine and Fruit Trade will be transferred to our Rivals in the States, if His Majesty's Subjects in this Province should still remain prohibited from a direct Intercourse from the European Wine and Fruit Countries⁸³.

Lord Dorchester's determination to protect the economic and commercial interests of the province administered by him made him argue, that "it never could have been the Spirit of the Treaty to place the American Commerce on a better footing than that of His Majesty's Subjects"⁸⁴. It was for this reason, that Dorchester had already earlier asked the Secretary of State to lift all the restrictions on the exportation of potash and pearl-ash from Canada to Great Britain. While the same article was allowed into the United Kingdom duty free from the United States⁸⁵, duty had to be paid on exports from

⁸³ C.A., Q 75, pt. 2, p. 429-430, Dorchester's Memorandum regarding the Revenue Bill and the Commercial Treaty with the United States, May 9, 1796, D 40.

⁸⁴ C.A., Q 75, pt. 2, p. 366, Dorchester to Portland, May 14, 1796. See also C.A., Q 77, p. 2, same to same, July 8, 1796.

⁸⁵ C.A., Q 72-73, pt. 1, p. 1-2, Dorchester to Portland, May 16, 1795.

ECONOMIC PROBLEMS

200

Canada. Lord Dorchester's concern for the protection of the interests of Lower Canada was not restricted to the implications of the imperial trade regulations in regard to the United States. The inhabitants of various settlements on the Gaspé peninsula asked him to intervene, when the customs officials of the area had refused to admit the landing of goods of British origin from Nova Scotia which was closer to this part of the colony than the ports of Lower Canada. The Governor saw in this regulation, which forbade the transportation of any European goods from one colony to another and which was threatening to do great harm to the economic development of the Gaspé peninsula, a further reason to ask "for the Repeal of the Statute on which the Regulation complained of is founded and of all other Statutes"⁸⁶, which were detrimental to the economic and commercial interests of Lower Canada. Lord Dorchester was thus espousing the interests of the colony administered by him, even if this meant, that the Empire as a whole had to modify its policies somewhat. The Governor's position was the more determined, as he apparently believed, that many of the provisions of the imperial trade regulations had outlived their usefulness. This held true particularly in the case of Canada. The opening of inland trade with the United States was bound to produce a clash

⁸⁶ C.A., Q 75, pt. 2, p. 432, Dorchester to Portland, May 28, 1796.

ECONOMIC PROBLEMS

201

over the imperial trade regulations, which were based on the principle of maritime trade.

A compromise proposal to remedy the apparent injustice imposed by the commercial provisions of Jay's Treaty was put forward by some of the Governor's advisors. Lord Dorchester submitted it to the government at Whitehall for a decision, but he himself was apparently not very happy with it. It appeared to him to be a half measure and not in correspondence with a strict interpretation of the treaty itself. This plan would have added to the duty to be paid on American goods entering Lower Canada the amount of duty retained in Great Britain on similar goods prior to their exportation to the colony. In most cases this amount would be the difference between the original duty paid for these goods, when they entered Great Britain, and the diminished draw back paid upon their export to the colony. Lord Dorchester's uncertain reaction to this proposal found expression in a dispatch to the British Minister at Philadelphia, in which he stated, that "it would be very satisfactory to me to be favored with your opinion upon this point"⁸⁷. Two days later he submitted the plan to the Secretary of State⁸⁸. In his instructions to the

⁸⁷ C.A., Q 75, pt. 2, p. 449, Dorchester to Liston, May 26, 1796.

⁸⁸ Simcoe Papers, Vol. 4, p. 280, Dorchester to Portland, May 28, 1796.

customs officer at St. John on the Richelieu, where most of the American goods were to enter the province, Dorchester merely ordered, that only those duties be collected, "as now are or legally may be collected at the Port of Quebec, on Goods imported from Europe"⁸⁹. The proposed scheme was too dubious in its merits in Dorchester's view to allow him to proceed on its basis alone without the full consent of the authorities in London.

b. Trade with the United States.

Lord Dorchester's attitude towards Canadian trade with the United States was not as negative as might be concluded from his efforts in protecting the interests of the colony administered by him⁹⁰. During the period of tension in the relationship between the United States and the colonies of British North America in 1793 and 1794 the Governor was naturally suspicious of efforts by individuals from the American side of the boundary to buy provisions in the Canadas, as they could easily be used for military purposes⁹¹. The same can be said of Dorchester's concern about the export of gunpowder from Canada to the United States⁹². A new period in the com-

⁸⁹ C.A., Q 77, p. 3, Dorchester's Order to the Chief Officer of Customs at St. John, July 1, 1796.

⁹⁰ See above Chapter IV, 3a.

⁹¹ Simcoe Papers, Vol. 2, p. 317, Dorchester to Simcoe, July 11, 1794, D 16.

⁹² See C.A., G 15 C, Vol. 3, p. 32; 36-37. See also ibid., Vol. 5, p. 18-19.

ECONOMIC PROBLEMS

203

mercial relations with Canada's southern neighbour took its start in autumn of 1795, when a crop failure together with large exports during the shipping season had brought about a general shortage of foodstuffs in the Canadas. In this circumstance the Governor authorized with the consent of his Executive Council the importation of provisions from the United States both by maritime and inland navigation⁹³. He did this despite the fact, that the commercial treaty with the United States had as yet not come into force. It has to be observed however, that the Governor was legally in a position to take such an emergency measure as a result of an imperial order-in-council of 1789, which had been passed, after Lord Dorchester in a similar situation had opened the province to American provisions in defiance of an existing statute⁹⁴.

The regulation of the inland trade with the United States was already within the jurisdiction of the colony. Lord Dorchester had been instrumental during his earlier period as Governor in opening Canada to American goods and in securing for these goods the same preferential treatment on the imperial market than was accorded to goods of Canadian origin⁹⁵.

93 C.A., Q 75, pt. 1, p. 46-47, Dorchester to Portland, December 26, 1795.

94 Burt, The Old Province of Quebec, p. 451-452.

95 Creighton, The Empire of the St. Lawrence, p.103-

ECONOMIC PROBLEMS

204

Canada was thus to be an outlet for the products of the United States, especially for those from the State of Vermont. Lord Dorchester believed, that this role would be of increasing importance with the expansion of settlement in the interior of the continent. He was convinced, that reasons of geography would necessarily make the St. Lawrence River and therefore the Canadas the only practicable road to the world market for all products of the American interior:

In the course of a few years the Way will probably be open and the Furs and all light Articles of commerce will take the Road which leads to the best market; heavy articles produced in the country round about the Lakes seem destined by nature to come down the River St. Lawrence whoever may possess dominion in those parts⁹⁶.

In Dorchester's view trade with the United States would thus preserve and even strengthen the position of economic and political power occupied by the Canadas in the interior of the North American continent.

While the crisis in the relationship between the United States and Great Britain in the years 1793-1794 had made impossible any important step in the direction of increased trade between the American States and the Canadas, the peaceful settlement outlined in Jay's Treaty opened up new possibilities. The Secretary of State notified Lord Dorchester on November 19, 1794, that special attention had been

⁹⁶ M.P.H.C., Vol. 24, p. 623, Dorchester to Dundas, October 25, 1793, D 3.

ECONOMIC PROBLEMS

205

paid during the negotiations "to the Commercial Interests of the two Canadas both as connected with the American States and the Indians"⁹⁷. The Governor was satisfied with these particular provisions of the treaty, as they facilitated in his opinion especially the commercial relations between Canada and the Indians on the territory of the United States⁹⁸. A temporary disagreement caused by a clause in the Treaty of Greenville between the Indians and General Wayne, which would have restricted Canadian commercial activities in the Indian country contrary to the third article of Jay's Treaty⁹⁹, was resolved to the satisfaction of the Governor.

When Lord Dorchester was finally in a position to transmit the text of the treaty between Great Britain and the United States to the provincial Legislature, he observed with obvious satisfaction, that the provisions of the agreement were "calculated for the Encouragement and Extension of Commerce between this Province and the United States"¹⁰⁰. For the regulation of this trade Lord Dorchester and his Executive

97 C.A., G 5, Vol. 1, p. 97, Portland to Dorchester, November 19, 1794.

98 C.A., G 15 C, Vol. 3, p. 18, Coffin to McKee, July 30, 1795.

99 See Simcoe Papers, Vol. 4, p. 249, Dorchester to McKee, April 23, 1796. See also Chapter I, 2a.

100 Quebec Gazette, issue of April 28, 1796, Dorchester's Message to the Legislature transmitting the Treaty between Great Britain and the United States, April 25, 1796.

Council, empowered by an act of the Legislature, speedily issued a decree, which applied the provisions of Jay's Treaty to the inland trade between the United States and Canada¹⁰¹. The Governor's anxiety to preserve good relations with the Americans and to encourage trade with them was demonstrated by his prudent restraint in handling a case of smuggling, which had been discovered. It was "the intention of Government to treat them with liberality and not to catch at Trifles to harrass and distress individuals"¹⁰². It was for the same reason, that Lord Dorchester told the customs officer at St. John not to collect the duties, which in the case of European goods were retained in England, but only those which were actually collected in Quebec on goods imported from Europe¹⁰³. In another step the Governor permitted at least temporarily the exportation of furs to the United States, a measure, which was in obvious contrast to the embargo imposed on this product by Dorchester in 1787, when he first opened trade with Vermont¹⁰⁴. All these measures were considered by the Governor

101 C.A., Q 75, pt. 2, p. 271-272, Dorchester to Portland, April 30, 1796.

102 C.A., G 15 C, Vol. 5, p. 53, Coffin to Concro, May 23, 1796, D 41. See also C.A., Q 75, pt. 2, p. 449, Dorchester to Liston, May 26, 1796.

103 C.A., Q 77, p. 3, Dorchester's Order to the Chief Officer of Customs at St. John, July 1, 1796.

104 C.A., G 15 C, Vol. 5, p. 61, Coffin to Conroy, June 16, 1796. See also Burt, The Old Province of Quebec, p. 451.

"as conformable to the fair and liberal Construction of the Treaty, and calculated to convince our Neighbours of our good faith in carrying the same into Execution"¹⁰⁵. Lord Dorchester appeared thus indeed determined to make full use of the opportunities trade with the United States offered to Lower Canada. The free exchange of goods between the two countries was to bring to Canada new opportunities and was also to safeguard her economic and political position in the interior of the continent.

c. Other Problems of Canadian Trade and Commerce.

It is significant for the declining position of the fur trade within the economic structure of the Canadas¹⁰⁶, that Lord Dorchester did not concern himself very much with its problems during the last three years of his governorship. In the Governor's suggestions to the Secretary of State the fur trade was only mentioned in connection with a problem in the administration of justice¹⁰⁷. This does not mean however that he completely neglected this still rather important aspect of the Canadian economy. When the time came for the

¹⁰⁵ C.A., Q 77, p. 2, Dorchester to Portland, July 8, 1796.

¹⁰⁶ Creighton, The Empire of the St. Lawrence, p. 89-90.

¹⁰⁷ C.A., C 5, Vol. 1, p. 13, Dorchester's Suggestions concerning the Government of Canada, February 19, 1793, D 2.

evacuation of the Western Posts, provisions had to be made for the establishment of new trading stations on Canadian soil. For the Indians coming from the area around Lake Michigan and the upper Mississippi, who had formerly met the fur traders at Michilimakinac, Lord Dorchester proposed the establishment of a new post in the area of Sault St. Marie. He would also send an engineer to the new site to advise "the Gentlemen of the North West Trade who purpose making a Road within the Frontier for the convenience of transporting their Goods over to that Carrying Place"¹⁰⁸. These decisions, which Dorchester had to make, were not however a matter of policy. He merely tried to adapt the fur trade to the changed frontier situation. It is not without interest on the other hand to remark, that the garrison for the new post was to come from Detroit, which was rapidly declining as a centre for the fur trade¹⁰⁹. Lord Dorchester's move thus seemed to be a recognition on his part of the changes taking place in this important branch of the colonial economy.

There is very little evidence of Lord Dorchester's ideas regarding other commercial or industrial enterprises, as they played only a minor role in the economic structure

¹⁰⁸ Simcoe Papers, Vol. 4, p. 246, Dorchester to Portland, April 16, 1796, D 39.

¹⁰⁹ See Wayne Edson Stevens, The Northwest Fur Trade, 1763-1800, Urbana, University of Illinois, 1928, p. 106-110.

ECONOMIC PROBLEMS

209

of the Canadas and of Lower Canada in particular. The Governor showed an awareness of the natural resources of the country, which he wished to protect against undue exploitation. Thus he ordered an inquiry into the effects of the erection of saw mills on the forests in a certain part of the colony¹¹⁰. Lord Dorchester also recognized the potentialities inherent in the mineral wealth of Canada. The fact, that all mineral rights were regarded as a reserve of the Crown, gravely impeded the development of these resources in Dorchester's opinion. He therefore asked Whitehall to do away with all reservations on minerals with the exception of those on gold and silver¹¹¹.

The Governor's ideas were not restricted to the encouragement of trade and commerce. He also wished to protect the individual against any abuse on part of monopolists. Thus for instance he made representations against the change of the mill toll in Upper Canada, which had been increased arbitrarily from one fourteenth to one twelfth of the grain milled¹¹².

110 C.A., G 15 C, Vol. 2, p. 2-3, Coffin to Campbell, November 7, 1793.

111 C.A., G 5, Vol. 1, p. 14, Dorchester's Suggestions concerning the Government of Canada, February 19, 1793, D 2. - For Dorchester's earlier efforts in this field see Graham, British Policy and Canada, 1774-1791, p. 140.

112 C.A., G 5, Vol. 1, p. 17, Dorchester's Suggestions concerning the Government of Canada, February 19, 1793, D 2.

LORD LORCHESTER'S VIEWS ON THE PROBLEMS
OF CANADA DURING THE LAST PERIOD OF HIS
GOVERNORSHIP 1791-1796

by Lambert Doerr O.S.B.

Thesis presented to the Department of
History of the Faculty of Arts of the
University of Ottawa as partial fulfill-
ment of the requirements for the degree
of Master of Arts (History)

*Degree conferred
May 1964
E. Thivierge
Sec. St. Paul. Division*

Ottawa, Ontario, Canada 1964



CHAPTER V

DORCHESTER'S VIEWS ON THE RELIGIOUS
AND CULTURAL PROBLEMS OF CANADA

1. The Churches.

a. The Roman Catholic Church.

Lord Dorchester's relations with the Roman Catholic Church, the religion of the French speaking majority in Lower Canada, demonstrated from the very beginning of his Canadian activities his belief, that he could attach the interests of the influential Church to the rule of Great Britain by giving it a fair treatment. During his last years as Governor in Lower Canada he continued to pursue the same policy, apparently as a part of his general course of action in securing the affections of the French Canadians for the Crown of Great Britain¹.

Dorchester thus perceived the dangers inherent in the appointment of an Anglican Bishop for Quebec who was to receive the title of "Lord Bishop of Upper and Lower Canada"² and who was also to be called to the Legislative Councils of both provinces and to a membership in the Executive Council of Lower Canada. The Governor pointed out to the Secretary of State, that "it will awake much jealousy on the part of the Canadians, that their Bishop does not receive the same

¹ See Chapter III, 1.

² C.A., Q 71, pt. 1, p. 6, Dorchester to Portland,

Honor"³. When vacancies occurred in the Legislative Council of Lower Canada Lord Dorchester went a step further and recommended the appointment to this body of the Roman Catholic Bishop of Quebec, Monsignor J.F. Hubert. He did not include his name in the list of candidates he submitted to Whitehall, as it was such an extraordinary step. Lord Dorchester's sentiments in the matter were very clear nevertheless:

For my own part, seeming it has been thought advisable to give our Protestant Bishop a political Character in this province where his proportion in the cure of souls is that of seventy in two thousand, I cannot but recommend that the same honor be conferred on M. Hubert, who has always shown himself a very good subject, much retired from the world and somewhat devote⁴.

Lord Dorchester thus fully realized, that the interests of the Empire called for such a step, especially since the French speaking and Roman Catholic majority of the colony would demand it sooner or later. The great numerical strength of Roman Catholicism in the province was bound to show up the high official position occupied by the Anglican Bishop in contrast to that of the "Superintendant" of the Catholic Church, the belittling title given to the Roman Catholic Bishop of Quebec

3 Ibid., p. 7.

4 C.A., Q 75, pt. 1, p. 48-49, Dorchester to Portland, December 26, 1795, D 35.

RELIGIOUS AND CULTURAL PROBLEMS

212

by British officials⁵. Dorchester's suggestion to appoint the Roman Catholic Bishop to the Legislative Council was thus first of all designed to prevent any bad feelings. However from the tenor of the Governor's argumentation it appears also, that in Dorchester's opinion such a measure was required by justice.

There were other instances, when Dorchester attempted to protect the feelings of the Roman Catholic majority. Thus it was perhaps partly for this reason, that he omitted all clerical salaries from the estimates he submitted to the provincial parliament, as it would have shown the discrepancy between the two thousand pounds paid to the Anglican Bishop and the two hundred pounds allotted for the Roman Catholic Bishop⁶. Dorchester's attitude towards Catholicism was also revealed in a minor incident. The Anglican Bishop had asked the Governor as to his wishes for the timing of a certain church service to be held in a Catholic church, which was then used by the Anglicans for their services. While Dorchester left the timing to the Bishop, he also expressed his wish,

⁵ The ration of seventy Protestants to two thousand Catholics was taken from the relative strength of English speaking and French speaking militia men. See C.A., Q 71, pt. 1, p. 7, Dorchester to Dundas, May 25, 1794, D 12. The actual number of Anglicans must have been even lower than indicated by the above ratio, which also included a considerable number of other Protestants.

⁶ See above Chapter IV, 1a.

RELIGIOUS AND CULTURAL PROBLEMS

213

"that in fixing the same due attention will be paid to the conveniency of the persons to whom the Church belongs"⁷.

Lord Dorchester's friendly concern for the religion of the Roman Catholic majority in Lower Canada was not limited to protective measures. He was also in favor with proposals designed to strengthen the position of the Roman Catholic Church. The Canadian Church was suffering from an acute shortage of priests. The presence of many emigrant priests from revolutionary France in Great Britain seemed to offer an ideal solution to this problem. Efforts were therefore originated in England to arrange for the emigration of a number of these clergymen to Lower Canada⁸. The Bishop of Quebec declared to Lord Dorchester his willingness to provide for fifty of these priests in his diocese. In reporting this to the Secretary of State the Governor told of his own reply to the Bishop, in which he had expressed his approval of the project:

I should be glad to see fifty good Subjects; and that I thought men of learning, with good Principles, would be of service in diffusing knowledge more generally among the lower class of People here ⁹.

While the motives expressed by Dorchester were not of a reli-

⁷ C.A., G 15 C, Vol. 3, p. 37, Coffin to Mountain, July 3, 1795.

⁸ For a recent treatment of the scheme see M.G. Hutt, "Abbé P.J.L. Desjardins and the Scheme for the Settlement of French Priests in Canada, 1792-1802", in Canadian Historical Review, Vol. 39, issue of June, 1958, p. 93-124.

⁹ C.A., Q 66, p. 259, Dorchester to Dundas, October 30, 1793.

RELIGIOUS AND CULTURAL PROBLEMS

214

gious nature, they nevertheless showed a readiness on his part to accept the French and Roman Catholic culture of the colony, which he administered. This was not altered by the fact, that the project itself came to nothing and that Dorchester himself apparently grew suspicious of the activities of the French priest sent as emissary of the prospective emigrants¹⁰.

b. The Church of England and the Dissident Protestants.

Lord Dorchester's relationship with the Church of England, of which he himself was a member, was of a marked coolness. This was caused not as much by the Governor's resentment of the appointment of Jacob Mountain as Bishop of Quebec in preference to his own candidate, but by his fears of popular unrest he expected, if he should accede to the more aggressive demands of the representatives of this Church¹¹. Lord Dorchester's reaction to the title and to the official position conferred upon the Anglican Bishop and his refusal to make public the salaries paid to the Protestant clergy have to be seen in this light¹².

¹⁰ Simcoe Papers, Vol. 2, p. 317, Dorchester to Simcoe, July 11, 1794, D 16. See also Chapter I, 4 and Hutt, Abbé P.J.L. Desjardins and the Scheme for the Settlement of French Priests in Canada, 1792-1802", p. 119-120.

¹¹ Mason Wade, The French Canadians, 1760-1945, Toronto, Macmillan, 1955, p. 103.

¹² See above Chapter V, 1a.

RELIGIOUS AND CULTURAL PROBLEMS

215

The Governor's reservations regarding the political functions of Bishop Mountain were not shared by the Secretary of State. As a consequence of this the Bishop was allowed to take up his functions as a member of both the Executive and Legislative Council. He attempted immediately to improve his own position, yet "in none of his endeavours did he receive the slightest countenance from Lord Dorchester"¹³. The Bishop apparently discovered, that the actual influence exercised in the country by his Roman Catholic counterpart was by far greater than his own despite the fact, that he enjoyed a higher official rank than the "Romish superintendant". Lord Dorchester for reasons above mentioned opposed Bishop Mountain's ambitious policies of making himself head of an established church in the country. At least he completely ignored them.

One of the privileges claimed by the Lord Bishop was the right to tythes, which had been confirmed for the Catholic clergy by the Quebec Act. In a dispatch to the Secretary of State the Governor stated his own position on this important matter. He corrected the minister's presumption, that such

¹³ A.H. Young, "Lord Dorchester and the Church of England", in Canadian Historical Association Report, 1926, p. 63. See also Helen Taft Manning, The Revolt in French Canada, 1800-1835, A Chapter in the History of the British Commonwealth, Toronto, Macmillan, 1962, p. 35.

RELIGIOUS AND CULTURAL PROBLEMS

216

tythes had been collected by Canada's Protestant clergy in earlier years. He then attempted to dissuade the Secretary from imposing such a law, as this would most certainly lead to violent opposition on part of the Protestant congregations concerned¹⁴. Other requests on part of Bishop Mountain included the legal erection of parishes and the construction of Protestant churches to end the dependence on Roman Catholic facilities. The Bishop's most ambitious plan was a scheme for the Anglicization of the French Canadians by means of an English school system¹⁵. Lord Dorchester's attitude towards these proposals was cold, if not openly hostile. Mountain submitted his ideas to the Governor in an audience. The latter merely requested, that they be put into writing. When he transmitted Mountain's written requests to Whitehall, Dorchester did not comment on the subject of Anglicization in contrast to the other matters mentioned, indicating perhaps through his silence his disapproval¹⁶.

While Dorchester's relations with the Church of England were somewhat strained on account of his fears of French

¹⁴ C.A., Q 72-73, pt. 2, p. 336-337, Dorchester to Portland, July 11, 1795.

¹⁵ A.R. Kelley, editor, "Jacob Mountain, First Lord Bishop of Quebec; A Summary of his Correspondence and of Papers related thereto for the Years 1793 to 1799, compiled from various Sources", in Rapport de l'Archiviste de la Province de Québec pour 1942-1943, p. 216, Mountain to Dorchester, July 17, 1795.

¹⁶ C.A., Q 74, pt. 1, p. 199-200, Dorchester to Portland, October 10, 1795.

RELIGIOUS AND CULTURAL PROBLEMS

217

Canadian unrest in the face of the aggressive policy of Bishop Jacob Mountain, his attitude towards other Protestants was friendlier. When the inhabitants of Montreal asked for an allowance for the Presbyterian Minister in their city, Dorchester submitted their request to the Secretary of State with the recommendation, that discretionary power be given to him as Governor to grant the dissenting ministers at both Montreal and Quebec an annual allowance of £50¹⁷. His wish was granted on a temporary basis, as the Clergy Reserves were also to provide for the Presbyterian clergy, once they had become profitable¹⁸. Lord Dorchester availed himself of the power given him by Whitehall. On September 18, 1794 he granted £50 a year to John Young, Presbyterian Minister at Montreal. The Governor justified his step with the Minister's good character "both as a Teacher of Religion, and as a loyal Subject"¹⁹. There were still other favours, which the Governor showed to the Dissident Protestants. Thus for instance he granted the Presbyterian congregation the use of

17 C.A., Q 67, p. 49, Dorchester to Dundas, December 31, 1793.

18 C.A., G 5, Vol. 1, p. 56, Dundas to Dorchester, May 11, 1794. See also Young, "Lord Dorchester and the Church of England", p. 64.

19 C.A., G 15 C, Vol. 4, p. 11, Coffin to McGill, September 18, 1794.

RELIGIOUS AND CULTURAL PROBLEMS

218

of the court house at Quebec for its worship²⁰.

Lord Dorchester's friendly attitude towards Protestants other than the Church of England was perhaps caused by the consideration, that they would not cause political repercussions among the French Canadian majority as did the Anglicans, who were striving to have their Church recognized as the sole established religious body in the country.

2. Education.

The problems of education were a legacy from Lord Dorchester's earlier years in the administration of Canada. In 1787 the Governor had appointed a committee of his Council to report on the needs of education in the Province of Quebec. This committee, which was under the leadership of the then Chief Justice William Smith, recommended the creation of a system of free parish schools, which were to be supported by local tax assessment. The whole scheme was to be crowned by a non-sectarian university. This institution was to be supported by the proceeds of the former Jesuit Estates. However opposition in various quarters of the colony and delaying tactics on the part of the government at Whitehall doomed the Chief Justice's project, which Lord Dorchester had adopted as his own²¹.

²⁰ C.A., G 15 C, Vol. 3, p. 41, Coffin to Lynds, July 15, 1795.

²¹ Alfred Leroy Burt, *The Old Province Of Quebec*, Toronto, Ryerson, 1933, p. 400-467.

RELIGIOUS AND CULTURAL PROBLEMS

219

After the passing of the Constitutional Act of 1791 and the division of Canada into two separate provinces Dorchester once again urged "the establishment of an University and Schools"²². He argued, that the state of education in the province was generally very low. English speaking parents, who were unable to afford the costs of sending their children to Great Britain for their schooling, were often forced to send them to institutions in the United States. The Governor was concerned about this particular state of affairs especially from a political point of view. French Canadians of the higher classes, some of which had been accustomed to send their children to schools in France, were almost completely cut off from higher education due to the effects of the French Revolution²³. All these reasons should influence the government in London to take decisive steps in order to remedy the situation, Lord Dorchester argued. Of the greatest importance was in his view the granting of a royal charter to the proposed institution of a university. Funds for its establishment and maintenance were to come from the estate of the late Simon Sanguinet²⁴, if the courts up-

22 C.A., G 5, Vol. 1, p. 15, Dorchester's Suggestions concerning the Government of Canada, February 19, 1793, D 2.

23 It is significant, that Dorchester overlooked the disappearance of the most important institution of French Canadian learning, the dissolution of the College of the Jesuits at Quebec.

24 See Burt, The Old Province of Quebec, p. 466.

RELIGIOUS AND CULTURAL PROBLEMS

220

held his bequest, which had been challenged by his heirs. A positive decision in the case of the Jesuit Estates would also contribute greatly to the proposed institution. Lord Dorchester reported in this connection, that "the prevailing sentiment in the Country seems to be, that they should be applied to public uses, and particularly to the Education of Youth"²⁵ The wording of the Governor's report suggested very strongly, that he himself was in favor with public opinion in this case.

The Secretary of State in replying to Dorchester's suggestion intimated, that education in the Province of Lower Canada was to be provided by the members of the Protestant clergy, who would be sent in greater numbers to that colony²⁶ The pressing needs of the day prevented Lord Dorchester during the last three years of his administration of the affairs of Lower Canada from taking any decisive steps in matters of education in the province. This does not imply however, that Dorchester failed to grasp its importance for the general development of the colony. Thus for instance he approved a scheme of bringing French emigrant priests into the province, because they "would be of service in diffusing knowledge more generally among the lower class of People here"²⁷. When the

25 C.A., G 5, Vol. 1, p.14, Dorchester's Suggestions concerning the Government of Canada, February 19, 1793, D 2.

26 C.A., G 5, Vol. 1, p. 7, Dundas to Dorchester, July 17, 1793.

27 C.A., Q 66, p. 259, Dorchester to Portland, October 30, 1793. See also Chapter V, 1a.

RELIGIOUS AND CULTURAL PROBLEMS

221

Lord Bishop of Quebec, Jacob Mountain pressed the Governor for action in the field of education, Lord Dorchester ignored his demands, because he did not agree with the policy of Anglicization advocated by the Bishop in conjunction with his education program²⁸. The Governor's reluctance to utilize the facilities of the Church of England for educational purposes was brought about by his overriding concern for the preservation of British rule in Lower Canada. Dorchester believed, that the British position in the country was threatened by the program advocated by the Lord Bishop of the province, which would have most certainly antagonized the majority of the colony's population.

²⁸ See Chapter V, lb. See also Wade, The French Canadians, 1760-1945, p. 103

SUMMARY AND CONCLUSIONS

It was the aim of this thesis to describe and evaluate Lord Dorchester's views on the external and internal problems of British North America during the last years of his governorship. In reviewing and summarizing the Governor's final period in Canada it can be said, that these years constituted to some extent his declining years.

This does not imply however, as has been suggested by some authors, that Dorchester had outlived his usefulness both for Canada and for the British Empire as a whole. During these last years Dorchester often exhibited high acumen in dealing with many of the problems of the British North American colonies. This held true in particular of his views on financial and economic matters, of his relations with the newly constituted provincial parliament, and of his policy in regard to the remuneration of government officials. In the field of finance the Governor attempted to establish a more regular system of budgeting and of accounting. He also undertook to consolidate the revenue of the province. He tried to accomplish these tasks in close cooperation and harmony with the provincial Legislature, a procedure, which stands in strong contrast to the events of the first three decades of the nineteenth century. In the realm of economics Dorchester attempted to adapt the statutes governing Canada's trade and commerce, which were based to a great extent on the principles of maritime trade, to the changes brought about by the

SUMMARY AND CONCLUSIONS

223

opening of inland trade with the United States. In doing so he realized, that it was in the true interest of the Empire as a whole, if the imperial trade regulations were altered to allow for Canada's economic needs, as only such measures could ensure the colony's continued loyalty. Most striking in the light of eighteenth century affairs were the Governor's views on the public service. He wanted to transform it completely. All considerations of private financial advantages on part of government officials were to be eliminated by limiting them to a regular and sufficient salary paid by the government.

Another field, where Dorchester continued to exhibit a keen perception of the problems involved, was that of his relationship with the French Canadian majority of Lower Canada. His preference for this group, which in former times had almost become outright favouritism, had been tempered by the years. He was well aware nevertheless, that the interests of imperial unity required on his part a careful consideration of French Canadian rights, wishes and sensibilities. His relations with the Roman Catholic Church, the most powerful exponent of French Canadian interests, demonstrated this awareness most clearly. So did in a negative way his attitude towards the Anglican Church in the province. He was afraid, that the extreme policies advocated by this denomination's Bishop would prejudice the interests of the Empire by arousing French Canadian sentiments.

SUMMARY AND CONCLUSIONS

224

In contrast to this clear perception on Dorchester's part of various vital problems of Canada stand signs, which make it clear, that his last years in British North America were also his declining ones. The Governor made grave mistakes during these years, especially in the field of Canada's relations with the United States, which nearly involved both countries in an armed conflict. While perhaps Dorchester has been too severely criticized in this connection, it is clear nevertheless, that these mistakes were due to a large extent to poor judgment and lack of discretion on his part.

An even more telling proof for the fact, that this last period constituted a decline, was Lord Dorchester's obvious disillusionment with his rôle in the affairs of British North America. He had not succeeded in coming any closer to the realization of his dream of unifying all British territories on the continent under a strong government. This disenchantment resulted in an increasing pettiness on his part, as was demonstrated by his quarrels with the Secretary of State and with Lieutenant Governor Simcoe. This does not mean, that the objects of disagreement were petty in themselves. Dorchester's ideas in these matters were more often than not the sounder ones. The Governor had lost however to some extent his sense of proportion.

In certain instances Dorchester thus demonstrated a keen perception of the problems of Canada. On the other hand, there were some cases, when his sense of disillusionment pre-

SUMMARY AND CONCLUSIONS

225

vented him from coming to grips with vital matters affecting Canada. Dorchester's last years as Governor in British North America thus present a mixed picture. Despite the achievements accomplished during this period it can be said, that these years constituted a period of decline.

One suggestion for further research arises from this thesis. This presentation and evaluation of Lord Dorchester's ideas regarding Canada during the last years of his governorship is restricted to some extent in its validity and in its value by the time limits imposed by the topic of the thesis. This study therefore constitutes merely a beginning. Only a comprehensive study of all of Dorchester's ideas and activities during the whole period of his administration of Canada can provide a definite answer as to his role in the history of British North America.

BIBLIOGRAPHY

I. Primary Sources.

1. Manuscripts.

All manuscripts used are to be found in the Public Archives of Canada, Ottawa.

RG 7, G 1, Vol. 1: Colonial Secretary to Dorchester and Milnes, Lower Canada, 1784-1805.

This volume contains very few documents pertaining to the period in question.

RG 7, G 5, Vol. 1: Entry Book, Despatches to Lower Canada, 17 July 1793-August 1801.

This contemporary volume contains most of the correspondence of the Secretary of State with the Governor at Quebec. Most of the dispatches are also to be found in the Q Series.

RG 7, G 15 C, Vol. 2-5: Civil Secretary's Letter Books, 1793-1797.

Copies of the correspondence of the Civil Secretary with officials of the provincial government and with private individuals.

RG 7, G 16 B, Vol. 1: Letter Book, U.C., From Treasury, 1793-1804.

Dispatches from the Treasury Office to Lower Canada officials. The volume's title is therefore erroneous. Only a few of the documents presented are of interest for the purpose of this thesis.

MG 8 I, C Series, A 1, Vol. 250, pt. 1: Indian Affairs, 1797.

Correspondence of the Indian Department. Most of the Governor's letters contained in this volume are also to be found in the Q Series.

MG 11, Q Series, Vol. 52-77: Transcripts of C.O. 42, Canada, Original Correspondence.

Most important source for the period. It consists of the correspondence of the Governor of Lower Canada with the Secretary of State and of the drafts of the dispatches of the Secretary of State to the Governor. The original documents are a part of C.O. 42 in the Public Record Office, London. Microfilms of the originals are at the Public Archives of Canada. For the purpose of this thesis the volumes of the Q

BIBLIOGRAPHY

227

Series, which are modern transcripts of the original correspondence, were used in most cases. This procedure is justified by general practice and by the fact, that marginal notes and commentaries, the only parts of the original documents not copied, are negligible for the period before 1815.

MG 11, C II, Vol. 2: Duplicate Despatches, Lower Canada, 1793-1800.

Duplicates of dispatches from the Governor of Lower Canada. Copies of these letters are also to be found in the Q Series.

MG 23, 17 Prescott, Series 1, Vol. 7: Entry Book, Letters from the Secretary of State, 1793-1796.

This contemporary volume contains copies of the dispatches of the Secretary of State to the Governor of Lower Canada. All of the letters entered can also be found in the Q Series and in G 5, Vol. 1.

2. Printed Sources.

Douglas Brymner, Editor, Report on Canadian Archives, 1890-1891, Ottawa, Queen's Printer, 1891-1892.

The two reports are of importance mainly because they contain a calendar of that part of the Q Series, which is relevant for the period of this thesis. Some of the documents relating to selected topics, e.g. the Constitutional Act of 1791, are presented in full.

E.A. Cruikshank, Editor, The Correspondence of Lieut. Governor John Graves Simcoe with Allied Documents Relating to his Administration of the Government of Upper Canada, Vol. 1-5, Toronto, Ontario Historical Society, 1923-1931.

The documents published in this work illustrate important aspects of Dorchester's last administration, especially his controversy with Simcoe and the problem of the Western Posts. Most of the material presented can also be found in the Q Series.

Arthur G. Doughty and Duncan A. McArthur, Editors, Documents Relating to the Constitutional History of Canada, 1791-1818, Ottawa, King's Printer, 1914, XIII-576p.

Documents concerning the constitutional and administrative development of Canada. Important especially as source for official acts of the government.

BIBLIOGRAPHY

228

A.R. Kelley, Editor, "Jacob Mountain, first Lord Bishop of Quebec; a summary of his correspondence and of papers related thereto for the years 1793 - to 1799, compiled from various sources", in Rapport de l'Archiviste de la Province de Quebec pour 1942-1943, p. 177-200.

Of interest for Dorchester's relationship with the Church of England in Canada.

William R. Manning, Editor, Diplomatic Correspondence of the United States, Canadian Relations, 1784-1860, Vol. 1, Washington, Carnegie Endowment for International Peace, 1940. XLVii-947 p.

Valuable edition of documents concerning British-United States relations and their implications for Canada. Only very few documents are directly relevant for the purpose of this thesis.

Michigan Pioneer and Historical Collections, Vol. 24-25, Lansing Smith, 1895-1896.

These volumes contain copies of documents in the Canadian Public Archives concerning the history of Michigan. A rich selection of documents from the Q Series.

Quebec Gazette, 1793-1796.

While not an official publication, this newspaper nevertheless published most of the important proclamations and announcements of the provincial government.

II. Secondary Sources.

1. Books.

Samuel Flagg Bemis, Jay's Treaty, A Study in Commerce and Diplomacy, New Haven, Yale University Press, Revised Edition, 1962, XX-526 p.

A monography about the Jay Treaty, the partially successful solution to the political and economic problems in Anglo American relations. Dorchester's role in these relations is treated adequately.

Pierre Benoit, "Lord Dorchester (Guy Carleton)", in Figures Canadiennes, Vol. 5, Montreal, editions HMH, 203 p.

A popular biography of Dorchester. The book is mainly relying on secondary sources. Of little value for the purpose of this thesis.

BIBLIOGRAPHY

229

A.G. Bradley, Lord Dorchester, Toronto, Oxford University Press, 1926, XIV-343p.

A reprint of Bradley's original book, first published in 1907, with the exception of a few notes at the end. Correct account of the administration of Dorchester. However Bradley's interpretation does not always do justice to people involved in conflicts with Dorchester. The governor is idealized.

John Bartlet Brebner, North Atlantic Triangle, The Interplay of Canada, the United States and Great Britain, New York, Columbia University Press, 1958, XXII-385p.

Brebner's book attempts to describe the interplay between Canada and the United States and their mutual relationship with Great Britain. Of interest for the problems of American-Canadian relations after the Peace of 1783.

Alfred Leroy Burt, The Old Province of Quebec, Toronto, Ryerson, 1933, XIII-551 p.

While this work does not cover the period of this thesis, it is nevertheless of importance, as it provides the necessary background for the problems facing Dorchester during the last period of his governorship.

-----, The United States, Great Britain and British North America from the Revolution to the Establishment of Peace after the War of 1812, New Haven, Yale University Press, 1940, VII-448 p.

Diplomatic history of the relations between the United States, Great Britain and the British North American Colonies. Best work for the period. Burt is critical of Dorchester's role in these relations.

-----, "Guy Carleton, Lord Dorchester, 1724-1808", in The Canadian Historical Association, Historical Booklets, No. 5, Ottawa, The Association, Revised Version, 1955, 16 p.

The best and most balanced evaluation of Dorchester's position in Canada's history.

James Morton Callahan, American Foreign Policy in Canadian Relations, New York, Macmillan, 1937, X-576 p.

A detailed account of American policy towards Canada. The problems surrounding the Western Posts and the Jay Treaty are covered adequately.

Ivanhoe Caron, La Colonisation de la Province de Québec, Les Cantons de L'Est, 1791-1815, Quebec, (no publisher), 1927, IX-379 p.

Caron's book is wider in its scope than is suggested by its title. It deals not only with the problems of land granting and settlement, but also with the political and social developments in the Province of Lower Canada.

BIBLIOGRAPHY

230

Robert Christie, A History of the Late Province of Lower Canada, Parliamentary and Political, From the Commencement to the Close of its Existence as a Separate Province, Vol. 1, Montreal, Worthington, 1866, XIV-360 p.

A political history of Lower Canada. Despite the date still quite useful. It is very well documented.

S.D. Clark, Movements of Political Protest in Canada, 1640-1840, Toronto, University of Toronto Press, 1959, VIII-518 p.

Clark's work attempts to describe and examine political protest movements in early Canada. Deals extensively with the effects of the American and French Revolutions on the French Canadian society.

Helen I. Cowan, British Emigration to British North America, the First Hundred Years, Toronto, University of Toronto Press, Revised and Enlarged Edition, 1961, XI-321 p.

Concerned with the problems surrounding the emigration from the British Isles to British North America. Useful for background information on the problems of immigration and settlement.

Gerald M. Craig, Upper Canada, The Formative Years, 1784-1841, Toronto, McClelland, 1963, XIV-315 p.

A survey of the history of Upper Canada. Of value for background information about the conflict between Dorchester and Simcoe.

Donald Creighton, The Empire of the St. Lawrence, Toronto, Macmillan, 1956, VII-441 p.

Creighton's book deals with the economy of the St. Lawrence region and with the political implications of the changing economic structure.

François-Xavier Garneau, Histoire du Canada, Vol. 2, Paris, Alcan, Fifth Edition, 1920, XII-747 p.

Standard history of French Canada, but somewhat outdated.

D. Hugh Gillis, Democracy in the Canadas, 1759-1867, Toronto, Oxford University Press, 1951, x-217 p.

The book deals with the political problems arising in the Canadas prior to the establishment of a democratic tradition among the people. Of value for information about the political and social development of Canada.

BIBLIOGRAPHY

231

Gerald S. Graham, "British Policy and Canada, 1774-1791, A Study in 18th Century Trade Policy", in A.P. Newton, Editor, Imperial Studies, Vol. 4, London, Longmans, 1930, XI-161 p.

A study about the development of the British trade policy after the Peace of 1783 and about Canada's role in this development. Helpful in providing information about problems of trade and commerce.

-----, Sea Power and British North America, 1783-1820, A Study in British Colonial Policy, Cambridge, Mass., Harvard University Press, 1941, XII-302 p.

This book is in some aspects a continuation of Graham's earlier work. In it the author discusses the political and economic aspects of British policy towards the United States and towards British North America. The rum and the wheat trade are dealt with extensively.

-----, Empire of the North Atlantic, The Maritime Struggle for North America, Toronto, University of Toronto Press, Second Edition, 1958, XIII-338 p.

In this book Graham deals with three centuries of struggle for supremacy on the North Atlantic between the powers of Europe. Provides background information for the dangers to Canada from revolutionary France.

La Rochefoucault-Liancourt, Travels through the United States of North America, the Country of the Iroquois, and Upper Canada, in the Years 1795, 1796, and 1797, with an Authentic Account of Lower Canada, London, Phillips, 1799, XXIII-641 p.

This volume is of special interest as it gives a contemporary account of Lower Canada and of Dorchester.

Sir C.P. Lucas, A History of Canada, 1763-1812, Oxford, Clarendon Press, 1909, 360 p.

A political history of Canada from the end of the Seven Years' War until the end of the administration of Craig. Still a valuable outline of the political events of the period. Dorchester's role is viewed very favourably.

Norman Macdonald, Canada, 1763-1841, Immigration and Settlement, The Administration of the Imperial Land Regulations, London, Longmans, 1939, XII-576 p.

Description of the administration of the land regulations and of the influence exercised by their application on the economic and social development of Canada. The book's value for this purpose is somewhat limited, as it does not provide a chronological treatment of the problem.

BIBLIOGRAPHY

232

Helen Taft Manning, British Colonial Government after the American Revolution, 1782-1820, New Haven, Yale University Press, 1935, XII-568 p.

Manning's book attempts to trace important developments in British colonial government from the end of the War of the American Revolution until the end of the Napoleonic era. It is valuable particularly for its chapter on Canadian constitutional problems.

-----, The Revolt in French Canada, 1800-1835, A Chapter in the History of the British Commonwealth, Toronto, Macmillan, 1962, XX-426 p.

The book deals with the struggle between the French Canadian majority and the English-speaking minority in Lower Canada for political supremacy. The book is valuable for the purpose of this thesis as it provides a wider scope for the policies followed by Dorchester.

Edgar W. McInnis, The Unguarded Frontier, A History of American-Canadian Relations, New York, Doubleday, 1942, 384 p.

A short description and interpretation of the American-Canadian relations. Dorchester's role is treated adequately.

J. Holland Rose, A.P. Newton et al., Editors, The Cambridge History of the British Empire, Vol. 2, The Growth of the New Empire, 1783-1870, Cambridge, University Press, 1940, XXIV-1068 p.

A survey of British colonial history. Of interest for the purpose of comparing Canadian problems with those of other colonies and for its extensive bibliography of colonial affairs.

-----, The Cambridge History of the British Empire, Vol. 6, Canada and Newfoundland, Cambridge, University Press, 1930, XXI-939 p.

A survey of the history of Canada. Of value for the extensive bibliographical appendix.

Nelson Vance Russell, The British Régime in Michigan and the Old Northwest, 1760-1796, Northfield, Carleton College, 1939, XI-302 p.

A description of the transition from French to British and finally to American rule in the Old Northwest. The last chapter, a synthesis of the last phase of this development, is of special interest for the purpose of this thesis.

BIBLIOGRAPHY

233

Adam Shortt and Arthur G. Doughty, Editors, Canada and its Provinces, Vol. 3, Toronto, Publishers' Association, 1913, XII-385 p.

This volume deals with the history of Canada from the British conquest until the union of Upper and Lower Canada. Dorchester's role and his views are treated somewhat idealizing.

Wayne Edson Stevens, The Northwest Fur Trade, 1763-1800, Urbana, University of Illinois, 1928, 204 p.

An investigation into the broader economic and political aspects of the fur trade in the region of the Great Lakes and the upper Mississippi. Of interest for the problem of Canada's western frontier.

Marcel Trudel, "The Seignorial Regime", in The Canadian Historical Association, Historical Booklets, No. 6, Ottawa, The Association, 1956, 18 p.

A short treatment of the institution of the seigneurie. Important background information for Dorchester's views on land tenure.

Mason Wade, The French Canadians, 1760-1945, Toronto, Macmillan, 1955, XVI-1136 p.

A thorough investigation into the French Canadian problem. Indispensable aid in understanding Dorchester's attitude towards the French Canadians.

Chilton Williamson, Vermont in Quandry, 1763-1825, Montpelier, Vermont Historical Society, 1949, XIV-318 p.

A political, economic and social history of Vermont in its special relationship with Canada. Useful for the problems of Canadian-American relations and of land granting.

William Wood, The Father of British Canada, A Chronicle of Carleton, Toronto, Glasgow, 1916, 239 p.

An idealizing account of the career of Guy Carleton, Lord Dorchester. Of little use for the purpose of this thesis.

2. Articles in Periodicals and Collections.

Judah Adelson, "The Vermont Democratic-Republican Societies and the French Revolution", in Vermont History, Vol. 32, issue of January, 1964, p. 3-23.

Of interest for the influence exercised by these associations in Lower Canada.

BIBLIOGRAPHY

234

Michel Brunet, "La Révolution Française sur les Rives du Saint-Laurent", in Revue D'Histoire de L'Amerique Française, Vol. 11, issue of September, 1957, p. 155-162.

The article deals with the repercussions of the French Revolution in Lower Canada.

-----, "Les Canadiens et la France Révolutionnaire", in Revue D'Histoire de L'Amerique Française, Vol. 13, issue of March 1960, p. 467-475.

The attitude of the French Canadians towards revolutionary France. This article is complementary to the one first mentioned.

Alfred Leroy Burt, "A New Approach to the Problem of the Western Posts", in Canadian Historical Association Report 1931, p. 61-75.

A probe into Great Britain's attitude towards the problem of the western frontier. Dorchester's views are described and interpreted.

-----, "Guy Carleton, Lord Dorchester, An Estimate", in Canadian Historical Association Report, 1935, p. 76-87.

An attempt to give an estimate of Dorchester's character and career. Complementary to Burt's booklet about Dorchester. Concentrating on the personal aspect of the Governor's role.

William Colgate, "William Osgoode, Chief Justice", in Canadian Bar Review, issue of March, 1953, p. 270-294.

A biographical sketch of William Osgoode. Of interest for the relationship between Dorchester and the Chief Justice.

R. Flenley, "The French Revolution and French Canada", in R. Flenley, Editor, Essays in Canadian History Presented to George Mackinnon Wrong for his Eightieth Birthday, Toronto, Macmillan, 1939, p. 45-67.

The impact of the French Revolution on French Canada. Useful for background information.

M.G. Hutt, "Abbé P.J.L. Desjardins and the Scheme for the Settlement of French Priests in Canada, 1792-1802", in Canadian Historical Review, Vol. 39, issue of June, 1958, p. 93-124.

A scheme for the settlement of French Emigrant Priests in Canada. Dorchester's role and his attitude are dealt with extensively in the article.

BIBLIOGRAPHY

235

Norman Macdonald, "Hemp and Imperial Defence", in Canadian Historical Review, Vol. 17, issue of December, 1936, p. 385-398.

Describes an attempt to introduce the culture of hemp to Canada to provide for British naval needs. Dorchester's role in this scheme.

W.A. Mackintosh, "Canada and Vermont, A Study in Historical Geography", in Canadian Historical Review, Vol. 8, issue of March, 1927, p. 9-30.

The article deals with the interaction of Vermont and Canada. Dorchester's role in this relationship is treated adequately.

Helen Taft Manning, "The Civil List of Lower Canada", in Canadian Historical Review, Vol. 24, issue of March, 1943, p. 24-47.

The article deals with the problems of provincial revenue in Lower Canada. Lord Dorchester's views on the presentation of estimates.

Stanley R. Mealing, "John Graves Simcoe", in Robert L. McDougal, Editor, Our Living Tradition, Fourth Series, Toronto, University of Toronto Press, 1962, p. 57-76.

A critical evaluation of John Graves Simcoe's personality and of his role in Canadian history. Valuable background information about the relationship between Dorchester and Simcoe.

A.H. Young, "Lord Dorchester and the Church of England", in Canadian Historical Association Report, 1926, p. 60-65.

Dorchester's views on the role of the Anglican Church in Canada. His relationship with Bishop Mountain.

APPENDIX 1

LORD DORCHESTER TO SECRETARY DUNDAS

Source: C.A., Q 58, pt. 1, p. 86-91. The letter is printed in M.F.H.C., Vol. 24, p. 386-389.

London 23rd March 1792.

Sir,

I am honored with your letter on the subject of a plan, in the Contemplation of His Majesty's ministers, for putting an end to the present unhappy contests between the American States and the Indians, and for securing a permanent friendship between them, as well as between those States and Great Britain, by the establishment of such boundaries between their respective territories, as shall appear best calculated to answer these important objects.

The principle laid down, "that His Majesty and the American States should join in securing exclusively to the Indians a certain portion of territory lying between, and extending the whole length of the lines of their respective frontiers, within which both parties should stipulate not to suffer their subjects to retain or acquire any lands whatever", is undoubtedly extremely advisable to be adopted, as far as possible, that is, as far, as there are Indians, who have claims to be attended to, and who are capable of occupying the ground, that may be set apart for them.

This is clearly the case with respect to the western

APPENDIX 1

237

country, the immediate object of the present warfare, and also, though perhaps with some exceptions, in regard to that territory, which extends along the Southern and south eastern shore of Lake Ontario, and the upper part of the Saint Lawrence.

As to the western Country, if the line pointed out by the Indians, as reported in my letter to Lord Grenville No. 102 shall be adopted as the boundary between them and the United States, so that the country to the north west of it, between the Mississippi and the Lakes, shall be secured exclusively to the Indians, and remain neutral ground in respect to Great Britain and the States, peace between them and the Indians will not only be restored immediately, and established upon a solid foundation, but every ground of jealousy to that country, will be removed, and the trade with the Indians, in regard to both parties, placed upon a fair and equal footing.

From the termination of the line just mentioned, eastward along the southern and southeastern shores of Lake Ontario and the Upper part of the St. Lawrence, it is difficult here to point out a precise boundary proper to be adopted, because the question relative to these districts, which are not now the object of war, was not brought forward by the deputation, which came to Quebec in August last. But though this country is not the object of the present war, it may become the source of future hostilities between the States

APPENDIX 1

238

and the Indians, unless the just claims and interests of the different nations of that quarter are ascertained, and secured to them by a permanent boundary, in the same manner as those of the more western nations, alluded to in the preceding article. On this part of the subject I can only recommend, that the sentiments of the different Indians nations concerned, be consulted, and the general principle, of securing to them an exclusive independent possession of what they are fairly entitled to, applied, upon satisfactory local information.

Thus far the idea of an Indian barrier may be kept in view, and ought to be carried into execution, as far as circumstances will permit.

In the vicinity of Lake Champlain, and thence down to the sea shore, the condition of the frontier is materially different from that to the westward, there being no Indians in these districts, who have claims of much importance, or indeed who are capable of occupying any space, that might be secured to them, so as to answer the purpose of a barrier. A continuance of the same benevolence and equity, which the Indians have been accustomed to receive from the King's government, will be sufficient to secure the future comfort and tranquillity of the tribes, which are to be found in these lower districts.

With respect to the boundary on Lake Champlain I beg leave to refer to the lines pointed out in the plans and

APPENDIX 1

239

report of Captain Mann, which I had the honor to deliver some time ago, and of which report a duplicate, together with two maps, is now enclosed. I conceive the line including Grande Isle, or should that not be attainable, at least the other line, which includes Long Island and Isle La Motte, indispensable to the security of His Majesty's dominions in that quarter, where they are undoubtedly more vulnerable than in any other. And as the circumstances of this frontier do not admit of an Indian barrier, it will be necessary, that the territory up to that line, which shall be agreed upon, constitute a part of the Royal dominions, so as to enable His Majesty to strengthen its population, and to continue the present, or establish any other posts in that quarter, which He may think expedient.

The present description of the more eastern parts of our boundaries down to the river St. Croix, is too general for any practical purpose.

I should recommend, whenever the general description of the proposed boundary between the States and the Indians, as well as between the States and Great Britain, shall be agreed upon, that all doubtful intervals be ascertained, as soon as may be convenient, by, or on the report of, Commissioners, who ought upon the spot to chuse such strong natural features of the Country, corresponding as nearly as possible with the general description, as they may find best calculated to form a distinct boundary, and to obviate all sources

APPENDIX 1

240

of future misunderstanding.

The wisdom and utility of this system I should hope would be so evident to the good sense of the United States, as to conquer every difficulty on their part.

The posts upon Lake Champlain, although essential to the safety of His Majesty's dominions, are so unimportant to the United States, for any other purposes than those of invasion and smuggling, that the friendly disposition manifested by that country well warrants the expectation, that no difficulties will arise respecting the proposed boundary in that quarter, which includes Grande Isle, while on the other hand His Majesty cannot give a stronger proof, either to the Indians or the United States, of the disinterested liberality of His motives, than the eventual sacrifice, to which he consents, of all his posts in the western country, if that shall be necessary for the accomplishment of His benevolent objects.

This cession, if it shall take place, will no doubt occasion considerable inconveniences to the King's subjects. If the west side of the strait at Detroit is to become part of that neutral country, in which the subjects of His Majesty are not to retain any landed property, the settlers in that quarter will be deprived of their possessions, and of course become objects for the future consideration of the King's government; and if the post of Michilimakinac is to be abandoned, the Indian trade will lose its grant deposit and rendezvous, for which it may be difficult to find a substitute

APPENDIX 1

241

of equal convenience. Many other disadvantages will naturally attend the cession of these two posts of Michilimakinac and Detroit, as well as that of the Forts Niagara, Schlosser, and Ontario. These circumstances however are not mentioned as objections to the system, but merely as objects of proper attention.

I am fully convinced, that no inconveniences whatever, that may be incident to the cession of any of the posts on the western country, are of weight sufficient to set aside a measure of such evident importance as this is, to the preservation of peace, and the great interests of all the parties concerned.

I am with much respect and esteem, Sir, Your most obedient and most humble Servant

Dorchester.

The Right Hon. Henry Dundas &c.&c.&c.

Endorsed: - London, March 23. 1792. Lord Dorchester.
R. March 24.

APPENDIX 2

LORD DORCHESTER'S SUGGESTIONS CONCERNING
THE GOVERNMENT OF CANADA

Source: C.A., G 5, Vol. 1, p. 12-17. An extract from this copy is printed in D.C.H., p. 106-107. Further copies are to be found in C.A., Q 62, p. 43-51 and ibid., p. 218-223. There is also a copy in C.A., MG 23, 17 Prescott, Series 1, Vol. 7, p. 8-18. C.A., Q 57, pt. 2, p. 323-346 also has the text of the document together with observations on Dorchester's suggestions. This latter document is printed in Report on Canadian Archives, 1890, p. 41-47.

Suggestions submitted by Lord Dorchester to Mr Secretary Dundas¹.

1st, The Establishment of a general Government for all the King's Provinces in North America.

To consist of a Governor General, a general Legislative Council, and a House of General Representatives to be chosen by the Assemblies of the different Provinces, with a General Executive Council, and such other Officers as the King may see fit.

The necessity of a General Government for the Colonies was urged from New York in 1783 and again in 1790 in the letter No 15 to Lord Grenville of the 8th February from Quebec particularly the inclosures C and D.

Without a measure of this kind, the general Interest of the Empire as well as the true Interest of the Colonies

¹ C.A., Q 62, p. 43 gives February 19, 1793 as the date of the document.

APPENDIX 2

243

themselves will suffer and at a future day of their Prosperity, the Unity of the Empire will be endangered.

With the introduction of a General Government the Colonies of Nova Scotia and New Brunswick should at the same time be put on a footing with the two Canadas by giving them Quadrennial Elections, Seats in the Legislative Councils for Life and their Lands free from Quit Rent.

2nd, The Establishment of a free course of Justice throughout every part of His Majesty's North American Dominions.

In the present unsettled State of the Boundary between the Colonies and the United States, neither our Courts of Justice nor our Legislatures can operate co-extensively with the King's Dominions and Possessions.

3rd. The Establishment of a proper mode of Trial in Cases of Murder, and other Offences committed in parts of the Interior Country which by the Interpretation of our Limits may be found Extra Provincial.

For want of a Provision of this kind several Murderers have escaped unpunished.

Our Fur Trade must be greatly injured without it.

4th. A more perfect organization of the Courts of Justice in Lower and Upper Canada

One supreme Court of Common Pleas for each Province will give uniformity, energy and dispatch to the Administration of Justice.

APPENDIX 2

244

5th. The Establishment of a respectable Militia.

To effect this in Canada a Law was passed in 1787 enabling the Governor to Embody Draughts to serve for two Years in rotation under a permanent Corps of Officers.

This measure has not yet been carried into Execution.

It should be extended to all the Kings Colonies.

Without it the Dominion of Great Britain on the Continent of America will always be precarious.

A quantity of small Arms should also be deposited in the King's Colonies for the use of the Militia in general in case of Emergency.

6th. The Establishment of regulations for the Punishment of Offences committed by the Officers and Crews of the Kings Vessels navigating the Lakes, including such as may navigate the River and Gulph of St. Lawrence under Provincial Commissions.

For the want of such regulations the ringleaders of a conspiracy to desert entirely from one of the Kings Vessels have escaped punishment and only been dismissed the service.

7th. The Defence of the Kings Provinces in General.

This subject is comprised under the heads of Fortifications, Posts and Communications a proper boundary between Us and the States, Troops, Militia, Navigation of the Lakes, Means of securing the attachment of the Colonists as well as the Friendship of the Neighbouring States, and Indians.

There is a Report of the Commanding Engineer on the

APPENDIX 2

245

Fortifications of Quebec ready to be brought forward whenever His Majesty's Ministers may have leisure to attend to this subject.

8th. Tenures of Land in respect to Mines and Minerals Quit Rents, Mutation Fines, and the Conversion of Feudal Tenures into Free and Common Soccage.

The restraint upon Mines and Minerals, other than Gold and Silver in Canada is hurtfull to these Provinces as well as the Interest of Great Britain.

Quit Rents are useless and will be a constant source of dissatisfaction. They are now abolished in Canada and this is an additional reason for extending the same indulgence to all the King's Colonies.

The Mutation Fines in Canada are Check to Agriculture and Improvement in general, and the conversion of Feudal Tenures into Soccage is on that account very desirable.

9th. The Establishment of an University and Schools.

This is very much wanted in Canada where Education in general is at a low ebb, and English Parents who cannot afford to send their Children to Great Britain are under the necessity of sending them to the United States. Several Canadians of the higher Classes have been in the habit of sending their Children to France.

The Bequest of Mr. Sanguinet if the Law decides for its validity, which is contested by the Heirs, will be no

APPENDIX 2

246

inconsiderable aid to an University. But other Funds are necessary with a Charter from the Crown.

10th. A Decision on the Estates of the Jesuits in Canada.

The prevailing sentiment in the Country seems to be, that they should be applied to public uses, and particularly to the Education of Youth.

11th. A Decision on the Estates and claims of the Seminary of St. Sulpice in Canada.

A Discussion respecting these Estates is contained in the Council Minutes on State matters of the 29th December 1788 inclosed in No. 103 to Lord Sydney of the 14th March 1789 and in the Council Minutes on matters of State of the 30th May 1789 inclosed in No. 4 to Lord Grenville of the 19th October 1789. Also a Petition from the Seminary for leave to Erect a College in the Council Minutes on Matters of State of the 1st of November 1790, inclosed in No. 64 to Lord Grenville of the 10th November 1790.

12th. A Decision on the application for separate Custom House at Montreal.

The Petition was inclosed in No. 61 to Lord Grenville of the 24th October 1790. and a Representation of the Naval Officer against it in No. 70 to Lord Grenville of the 10th November 1790.

13th. A Decision on the Application of the Inhabitants of Montreal respecting the Town Wall.

APPENDIX 2

247

It was inclosed in No. 6 to Lord Grenville of the 24th October 1789.

The Wall is useless as a Fortification, it is falling to pieces, and has been presented by the Grand Jury as a nuisance endangering the lives of the Inhabitants. The Materials are exposed to the depredation of Individuals which cannot be prevented.

14th. The Culture of Hemp.

The measures taken for the Encouragement of this Article are retarded in their operation by the ignorance of the People how to raise and prepare it for use, as also by the want of seed.

The Seed sent out from Great Britain has hitherto failed; It is supposed that fresh Seed suitable to the Country may be had from the Northern States of America. A Person or Persons from Russia, or some other Hemp Country to instruct the Canadians would promote the design.

15th. An alteration of the new Canada Act, in respect to the disqualification of those Canadians, who, though absent at the Cession have been residents of the Province for more than seven Years.

Several Members of the Upper and Lower House are supposed to be actually under this disqualification.

16th. A Law has been passed in Upper Canada by the New Legislature which changes the Toll of Millers from one fourteenth to one twelfth.

APPENDIX 2

248

One fourteenth has hitherto been and still continues in Lower Canada to be considered a toll fully sufficient for the Miller. If this Act is once assented to by the King, it may be difficult, however hard upon the people even to procure a repeal on account of the preponderance of the Great Land and Mill holders which will always exist in the Legislative Council.

APPENDIX 3

LORD DORCHESTER TO SECRETARY DUNDAS

Source: C.A., Q 66, p. 215-220. Another copy is in C.A., MG II, C II, Vol. 2, p. 334-339.. The letter is printed in M.P.H.C., Vol. 24, p. 621-623.

No. 3

Quebec October 25th 1793.

Sir,

My letter to Mr. Hammond contains the heads of a conversation with a very respectable gentleman from the States: a Copy is inclosed and with the Inclosures B. C. D. will explain fully the nature of his complaint which though private on his part, is intimately connected with the Sovereignty of the extra Provincial territory. Beside the ostensible business, I imagine he wanted to discover how far their establishing themselves close upon the Lakes and entering upon the navigation both for commerce and war might give umbrage or be resisted by us.

They have it in contemplation to occupy the Mouth of the Sopus on Lake Ontario, and also to form a Settlement at Presque Isle on Lake Erie, and if permitted will soon establish other Posts on this Lake nearer to Detroit, in order to distress the Indians and render our communication with them more difficult. This is not a new Idea, but whether from their population being now more advanced, or from our being engaged in a War with France, they may think this a favorable juncture, there seems at present a greater disposition to

APPENDIX 3

250

press forward in a hostile manner than heretofore.

Should they navigate the Lakes before our differences are arranged, disputes innumerable must arise: all those disputed points between the Powers of Europe concerning neutral Bottoms and contraband goods would immediately come forward; all our Boats and Vessels with military Stores, Provisions, Clothing and Indian Presents; in short, every vessel that sailed on Lake Erie or Ontario for the purposes of commerce, might be seized, according to the Arguments which have already been maintained by one belligerent Power or another.

Attempts to make seizures would be resisted and hostilities on the Water would probably serve as a signal for the Attack of Fort Ontario which would soon be captured and thus repeated insults would render all accommodation still more difficult.

In addition to these grounds of dispute the unsettled Territorial Line, and the condition of that Country must originate many more, so that it seems indispensable necessary either to prevent these evils by a speedy Treaty or to be prepared to resist their first attempts by such means as will leave our neighbours little hope of Success.

Independent of the French Intrigue, the Canadas alone cannot stand the contest. Nova Scotia and New Brunswick can give no assistance.

In point of Population I consider the King's Provinces, compared with the United States as one to fourteen.

APPENDIX 3

251

It will require for the Canadas a reinforcement of Four or Five Thousand Infantry in the first instance; besides Naval Stores for ten or twelve Ships of about one hundred and fifty Tuns, for the Lake Service; a Master Builder; twenty or thirty ship carpenters; seven or eight hundred Seamen, beside Frigates to assist in forwarding the work and in manning those Vessels, and all these should arrive as early in the Spring as possible.

It may be expedient at the same time to send a corps of six thousand men to Halifax with a Squadron sufficient to protect them; This Force may act offensively or defensively as occasion shall require.

I am aware that this will change the present plan for carrying on the War, it will necessarily draw all the Infantry which can be spared from home to the American Service, or to attack the French Possessions out of Europe; but without it I consider these Provinces as incapable of making any defence provided an Attack is conducted with common sense either by the Americans or by the French.

The extraordinary naval preparations for the Lakes may indeed be spared when a firm Peace is concluded with America and part of the Reinforcement required for the Canadas may be sent to Halifax, and enable us to act more powerful against the French Possessions, combined always with a proper attention to Nova Scotia and to the River St. Lawrence.

At the same time that I point out the Precautions

APPENDIX 3

252

necessary to put this Country in a proper state of defence I must acknowledge that 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.

In the natural course of things the People from the States will overspread all the Country south of the Lakes, from the Atlantic to the Mississippi and beyond; the treasures and People of Europe are already employed to forward this purpose, and it would have been still more advanced at this hour but for their own impatience, to say nothing worse.

The North side of the Lakes must also greatly increase in population.

I think I may venture to say, that North America does not contain one fiftieth part of the Inhabitants it requires to bring it into a tolerable state of cultivation, and that the European Race may live in Peace with the Indians and have from them as much Land as they can possibly want, and as fast as the Interests of their respective Governments may require, provided they treat them with natural Justice and some degree of liberality.

In the course of a few years the Way will probably be open and the Furs and all light Articles of commerce will take the Road which leads to the best market; heavy articles produced in the country round about the Lakes seem destined by nature to come down the River St. Lawrence whoever may

APPENDIX 3

253

possess dominion in those parts.

What Revolutions may take place there in the progress of time I think impossible to foresee, but am clearly of opinion that 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.

My Letter to Colonel Simcoe marked E being connected with the same subject a Copy is inclosed.

I also inclose a state of the Army in North America marked F.

A Return of the Naval Armament as it is at present, marked G.

And another of what may eventually be necessary in case of an American War marked H.

I am with great Respect and Esteem, Sir, Your most obedient humble servant

Dorchester.

The Right Hon.ble Henry Dundas &c.&c.&c.

Endorsed: - Quebec 25th Oct. 1793. The Rt. Hon.ble Lord
Dorchester R. 19. Dec.
No. 3. (Eight Inclosures).

APPENDIX 4

LORD DORCHESTER'S SPEECH
AT THE OPENING OF THE LEGISLATURE

Source: C.A., Q 67, p. 9-10. Other copies are in C.A., Q 68, p. 8-10 and Q 71, pt. 2, p. 374-375. The speech is printed in Quebec Gazette, issue of November 14, 1793.

Gentlemen of the Legislative Council and Gentlemen of the Assembly,

The due administration of Justice, together with the arrangements necessary for the defence and safety of the Province, are matters of such high importance, and so indispensably requisite, that I am persuaded you will lose no time in resuming the consideration of them, and in making such amendments to the existing Laws as may afford the best security to your Persons and Property.

Gentlemen of the Assembly,

I shall order to be laid before you an Account of all the Receipts of the Provincial Revenues of the Crown since the division of Upper and Lower Canada.

The General Expenditure is very great, but cannot all be placed to the Provincial account; such parts of it as more particularly belong to that head, I am not, at this time, enabled to bring forward; I can only say it greatly exceeds the Provincial funds; yet it is not at present my intention to apply to you for aid, that you may have time to consider by what means the Provincial Revenue may be rendered more productive. in hopes nevertheless that Great Britain, in the

APPENDIX 4

255

mean while, will continue her generous assistance to this Colony, and defray such surplus Expences as are absolutely necessary to its prosperity.

Gentlemen of the Legislative Council and Gentlemen of the Assembly,

You will perceive that the Infant State of our Constitution requires great circumspection in the formation of such Laws as may tend to strengthen and establish it, and I flatter myself you will deliberately and cordially unite in the Promotion of such Measures as are essential to the Happiness and well being of your Country.

D.

Endorsed: - Inclosed in Lord Dorchester's to Mr. Dundas No. 10 of the 18th Nov. 1793.

APPENDIX 5

LORD DORCHESTER TO SECRETARY DUNDAS

Source: C.A., Q 67, p. 7-8.

No. 10

Quebec November 18th 1793.

Sir,

At the opening of the present Session, I recommended an immediate attention to the Laws for the administration of Justice and the arrangements requisite for the defence of the Province.

Both Houses seem convinced of the necessity of attending to these matters, and the present alarm may serve to point out the proper Measures for their own Security.

The chief Difficulty I apprehend arises from the Ignorance of the Common People which lays them open to the influence of all Intriguers; they see not the disadvantages of not being able to defend themselves, and having been long disused to Military Services, and not being agitated by any extraordinary zeal which might impel them at once to overcome their fears, and habits of indolence, the first attempts to carry any Militia Law into Execution may be found difficult, especially while they apprehend an immediate danger; as happened in Seventy-five, and nearly occasioned the loss of this Province.

The plan for having at least one Battalion always embodied was calculated to correct in some degree those Political vices which tend to undermine and enfeeble the King's

APPENDIX 5

257

Authority in this part of his Dominions; but on the probability of a new Constitution it became expedient to wait the concurrence of the whole Legislature in a Measure of such importance.

I inclose a State of the Provincial Revenue of the Crown for one year from the division of Upper and Lower Canada, which shall be laid before both Houses in order to prepare their minds for this Branch of their Duty and that they may not be unaquainted with their own inability to support the Expences of Government.

As this will naturally draw on a consideration of the Expenditure I wish to know His Majesty's Pleasure with regard to such parts of it as may be thought advisable to lay before them.

I am with great Respect and Esteem, Sir, Your most obedient humble servant

Dorchester.

The Right Hon.ble Henry Dundas.

Endorsed: - Quebec 18th Nov. 1793. The Rt. Hon.ble Lord Dorchester. R. 18 Jan. 1794. Ansd. No. 10. Five Inclosures.

APPENDIX 6

LORD DORCHESTER TO SECRETARY DUNDAS

Source: C.A., Q 67, p. 45-48. Another copy is in C.A., MG 11, C II, Vol. 2, p. 381-385. The letter is printed in D.C.H., p. 168-169.

No. 12

Quebec December 31 1793.

Sir,

The importance of our having for this Province a Chief Justice possessed of Abilities, discretion, a disposition to promote the King's Service, and competent legal Knowledge will immediately appear to you, and renders superfluous every thing I could say on the choice of a Person to fill up the Vacancy occasioned by the Death of Mr. Smith. But there is a circumstance not very conspicuous which heretofore has had great influence on the Interests of the Crown in His Majesty's North American Dominions: I mean, what is called the Rights and Perquisites of Office, and the great Scope given, or supposed to have been given on that head.

In the year Sixty Six I found here, the Salaries of the Civil Officers generally very small, and some of them had none, much discontent on account of the Fees exacted, and the Attornies loudly complained of; these to excuse themselves told their clients, the Judges had a large share of what was paid. On enquiry I found, that though the Scandal was great, the Profits of the Bench were small, and the Judges readily gave up all Fees for a Compensation.

APPENDIX 6

259

At that time the Chief Justice had Six hundred Pounds a year, and the Judges of the Common Plea, one Hundred and Fifty each. I was the more anxious on account of the Judges as it appeared to me more essentially necessary that they should remain free from all Reproach: but at the same time there were complaints against every office, and every officer wished to derive his Income entirely from Salary; in consequence of which a general increase of Salary was recommended.

This condition of things seemed to obtain much attention at home, from public motives; and to get clear of all difficulties at once, former Commissions were declared void by the first Quebec Act; each Patentee had an Annuity from Government equal to what his Deputy had paid him; and, I think, every Officer's Salary was considerably augmented, except the Surveyor General's: that of the Chief Justice was raised to Twelve Hundred, and those of the Judges of the Common Pleas to Five hundred Pounds a year.

Norwithstanding this additional Expence neither Government nor People found all the Benefit which might have been expected; the Style of the New Commissions, as of the old, authorise Fees, Profits, Perquisites, Emoluments &c.&c. Gentlemen came out much obliged to their Friends at home for good Places, and regarded everyone as unfriendly and inimical who attempted or were disposed to controul their Rights and Profits of Office, so that not long after this change, a Chief Justice told me his Commission authorized him to take Fees &c.

APPENDIX 6

260

and that no Person should hinder him, I observed that the Officers of the Customs acted on the same Principle some years before, and had their Salaries immediately reduced to their former standard.

Fortunately the Bench has hitherto continued free from that Reproach; but to secure it so, it is to be wished that the word appearing to authorize these demands were left out of their Mandamus.

I do not mean indiscriminately to censure the taking of any Fees; some may be even useful, still less would I appear to throw reproach on any Gentlemen in Office; the objection is not to individuals, but to a System of Policy, which in the ordinary course of things, 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, 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, or any enormity whatever.

It was not therefore surprising that this Phantom of an Executive Power should be swept away at the first outset of a Political Storm.

APPENDIX 6

261

Vices there were in the Constitution of their Governments, and frequent Errors in the Administration, but notwithstanding all these Errors and defects, it was impossible but that, out of so many one Governor, at least, might have been found capable of making a struggle to preserve his Province for the Crown, if all Power and influence, had not previously been taken away and the unbridled Multitude abandoned to Leaders of Rebellion who inflamed their Passions, and played on our Credulity till they acquired strength sufficient to stand forth in their proper Shape.

The Policy which lost those great Provinces cannot preserve these scattered and broken Fragments which remain.

They have many additional dangers to apprehend.

For the present I shall conclude with this observation, that whatever tends to enfeeble the Executive Power on this Continent, tends to sever it for ever from the Crown of Great Britain.

I am with great Esteem and Regard, Sir, Your most obedient humble Servant

Dorchester.

The Right Hon.ble Henry Dundas.

Endorsed: - Quebec, 31st Dec. 1793. The Rt. Hon.ble Lord
Dorchester R. 19th April. Ans. No. 12.

APPENDIX 7

LORD DORCHESTER'S SPEECH TO THE INDIANS
OF THE SEVEN VILLAGES OF LOWER CANADA

Source: C.A., Q 67, p. 109-112. The speech is printed in
Simcoe Papers, Vol. 2, p. 149-150.

Reply of His Excellency Lord Dorchester to the Indians of the
Seven Villages of Lower Canada as Deputies from all the Nat-
ions who were at the Great Council held at the Miamis in the
year 1793, except the Chawanas, Miamis and Loups.

Children,

I have well considered your words and am now prepared
to reply.

Children,

You have informed me that you are deputed by the Sev-
en Villages of Lower Canada, and all the Nations of the Upper
Country who sent Deputies to the General Council held at the
Miamis, except the Chawanons, Miamis and Loups.

Children,

You remind me on your part of what passed at the
Council Fire held at Quebec just before my last departure for
England, when I promised to represent their Situation and
wishes to the King their Father, and espressed my hope that
all the Grievances they complained of on the part of the
United States would soon be done away by a just and lasting
Peace.

Children,

APPENDIX 7

263

I remember all very well; I remember that they pointed out to me the Line of Separation which they wished for between them and the States, and with which they would be satisfied and make Peace.

Children,

I was in expectation of hearing from the People of the United States what was required by them; I hoped that I should have been able to bring you together and make you Friends.

Children,

I have waited long, and listened with great attention; but I have not heard one word from them.

Children,

I flattered myself with the hope that the Line proposed in the year Eighty three, to separate us from the United States, which was immediately broken by themselves as soon as the Peace was signed, would have been mended, or a new one drawn in an amicable manner: here also I have been disappointed.

Children,

Since my return, I find no appearance of a Line remains; and from the manner in which the People of the States push on, and act, and talk on the side; and from what I learn of their Conduct towards the Sea, I shall not be surprized if we are at war with them in the course of the present year; and if so, a Line must then be drawn by the Warriors.

APPENDIX 7

264

Children,

You ask for a Passport to go to New York: a Passport is useless in Peace; it appears therefore, that you expect we shall be at War with the States before you return: You shall have a Passport, that whether Peace or War you may be well received by the King's Warriors.

Children,

You talk of Selling your Lands to the State of New York; I have told you, that there is no Line between them and us; I shall acknowledge no Lands to be theirs which have been encroached on by them since the year 1783; they then broke the Peace, and as they kept it not on their part, it doth not bind on ours.

Children,

They then destroyed their Right of preemption, therefore all their approaches towards us since that time; and all the Purchases made by them, I consider as an Infringement on the King's Rights; and when a Line is drawn between us, be it in Peace or War, they must lose all their Improvements and Houses on our side of it; those People must all be gone who do not obtain leave to become the King's Subjects: What belongs to the Indians will of course be confirmed and secured to them.

Children,

What further can I say to you? You are witnesses that on our parts we have acted in the most peacable Manner

APPENDIX 7

265

and borne the Language and Conduct of the People of the United States with Patience; but I believe our Patience is almost exhausted.

Given under my hand at the Castle of St. Lewis in the City of Quebec, this Tenth day of February in the year of Our Lord one thousand seven hundred and ninety four.

Dorchester..

By His Excellency's Command Herman Witsius Ryland.

Endorsed: - G. In Lord Dorchester's to Mr. Dundas No. 18 of the 24 Febr., 1794.

APPENDIX 8

LORD DORCHESTER TO LIEUTENANT SIMCOE

Source: C.A., Q 67, p. 97-98. Another copy is in C.A., MG 11, C II, Vol. 2, p. 395-396. The letter is printed in M.P.H.C., Vol. 24, p. 642-643 and in Simcoe Correspondence, Vol. 2, p. 154.

No. 6.

Quebec 17th February 1794.

Sir,

The accounts received by Lieut. Colonel England, of Mr. Wayne's intention to close us up at Detroit; I think the more probable from the Conduct I find has been pursued for the two last Summers on the side of Lake Champlain where the King's Sovereignty has been completely overturned within the Posts; and they now impudently tell the Commandant that his Jurisdiction extends no further than his Guns: Even this, I expect, in a short time they will not allow.

Self defence therefore requires we should prevent similar Evils from extending further, and that for our own Security at the Detroit, we should occupy nearly the same Posts on the Miamis River which we demolished after the Peace.

This, I think, would cover Detroit and our Communication with that Settlement from Lake Erie; but if given up, the Post I apprehend cannot be maintained.

At the same time that all necessary Measures for our defence are taken on the Land side, the Lakes must not be neglected: it may for this purpose be necessary to arm the

APPENDIX 8

267

Ships and Vessels completely, in order to preserve our Command on the water also; and if you find this expedient you will order it accordingly.

Your own Experience and local knowledge will point out to you the Force proper to occupy the Miamis, as well as the most advantageous Positions, without confining yourself to the Spots we occupied in 1783.

You will therefore order such Force from Detroit to the Miamis River as you may judge sufficient for that Service, as soon as the Season and other Circumstances will permit; observing only the general Direction to preserve Detroit from being straitened either by Land or Water.

At the same time that you order a portion of Troops from Detroit with the Artillery requisite for that Service, it may not be amiss to consider what Reinforcements you may draw from other Parts within your Command, without exposing any to insult, and what Assistance you may have from the Militia; also whether by collecting all the Force in your power to assemble you would be in a condition to resist Wayne's attack should he attempt by Force to take possession of the Country.

I inclose a Copy of my Answer to a Message from the Indians of the Upper Nations which will sufficiently explain itself.

I am with Regard, Sir, Your most obedt. humble

APPENDIX 8

268

Servant

Dorchester.

Colonel Simcoe Commanding His Majesty's Forces in Upper
Canada.

Endorsed: - C. In Lord Dorchester's No. 18 to Mr. Dundas
of the 24 Feb. 1794.

APPENDIX 9

LORD DORCHESTER TO LIEUTENANT GOVERNOR SIMCOE

Source: C.A., Q 67, p. 194-198. This letter is printed in Simcoe Papers, Vol. 2, p. 202-204.

Sir,

Quebec 14th April 1794.

The appearance of Hostilities with our Neighbours, which the Intrigues and Influence of France seem to render inevitable, will necessarily draw your attention to the Upper part of the River St. Lawrence by which Passage the main Body of our Troops invaded the Province and completed its conquest in the year Sixty. At present if I mistake not the Settlements upon, and near its Banks on the west side form the most important part of the Province, and it is the great channel of communication from hence to the upper Posts and Lakes, it being necessary that the Military Stores and and Provisions should be carried at least to the head of the Rapids in Boats or Canoes, and deposited, till the Shipping can take them on board. It has been found by experience that the most eligible Station for this Deposit is near the head of the River, on account of many commercial reasons and conveniences which operate equally on the Trade and Military Transport.

A state of War will greatly endanger this Frontier and Communication, and lay them open to hostile Expeditions both in Summer and Winter. The Deposit of Stores and Provi-

APPENDIX 9

270

sions, with the Harbour for Boats and Shipping would doubtless be an object for capture or destruction.

To prevent this ruinous Event, and to preserve the communication as well as our condition will allow, a station should be chosen where the Craft of all kinds and the Stores might receive some Protection: this must be within the River, as near Lake Ontario as circumstances will permit.

There are objections to Carleton Island; and the Reasons you give for rejecting Kingston as a military Post appear to me sufficiently decisive, notwithstanding the many advantages of other kinds which it possesses; but the nearer to this Place a proper Post can be found the better.

Toronto is too far out of the way to answer our present purposes. I should imagine from the Works carried on under General Haldimand's Command, at Point Frederic, that he had it in contemplation to remove the military Port to Haldimand Cove. Capt. Mann's project is laid down agreeably to this idea, on a supposition that the circumjacent Country will afford protection to the Deposit of Stores and Shipping when the different Points are fortified.

I inclose a copy of this Sketch wherein you will perceive some marks for military Works and Batteries as well as for other purposes.

The Buildings which in a course of time it has been found necessary to erect for the marine or other Stores have been built on a Site conformable to this plan.

APPENDIX 9

271

It is of consequence to have the ground more thoroughly examined than Capt. Mann's occupations would allow; and I should wish you to employ a proper Person to make a Survey of this and the opposite point with the adjacent Country and Coves, taking in whatever may lye near enough to affect the Security or convenience of the Port; at the same time I beg to have your observations on the Subject.

As this is the most populous part of the Province I should hope the Station would receive considerable Assistance and strength from a well regulated Militia; in return those valuable Subjects would obtain protection for their possessions and Commerce. But whether it be here or at Cananoqui it is full time some Port was found capable of affording this necessary protection, and as near the head of the River as circumstances will permit.

After the River St. Lawrence, the Districts of Detroit and of Niagara are the most essential for the Protection of the King's Subjects their Possessions and Commerce. The defence of the former seems to depend on that of the River Miamis; and the Fort of Niagara should be put in a State of repair to resist an immediate attack.

I flatter myself the Militia every where will unite in their own defence. Unfortunately we have not at present as many Troops as I could wish; but joined with the Militia they may form a respectable Corps; separated from them our weakness will be greatly encreased; no more can be spared for

APPENDIX 9

272

Oswego, or Michilimakinac; and whatever merits Toronto may have in provincial Speculation I cannot approve of its being a deposit for Stores, or a Station for Troops; these are divided too much without that Measure; besides it would take them too far from the inhabited Country which requires all the Force we can collect for its protection.

You desire to know how you are to carry on Provincial Establishments by Military Force, and how far arrangements connected therewith are to be considered as Provincial? The prospect of a War will probably suspend those Projects, yet I must observe that so far as a Military Force is concerned, you may carry them on, according to the Practice in Military Affairs; that is, with the approbation of the officer in the Chief Command, and under his special orders. In administering the Government, it will be as regular if in the first instance you submit those projects to the King's Ministers, stating at large their object and extent, with the full amount of all the necessary expence; and this I think is the more advisable as the General, even should he approve, must send the Estimate home, not having it in his power to contribute to those Expences in any mode, as you may perceive by the Inclosure. When they shall have received the King's approbation, his pleasure will be signified through the regular channel and agreeably to the subordination he has established among his Servants: no difficulty will then remain.

APPENDIX 9

273

I am with Regard, Sir, Your most obedient humble
Servant

Dorchester.

Col. Simcoe.

Endorsed: - A. In Lord Dorchester's No. 24 to Mr. Dundas
(Dup.) of the 26 April 1794.

APPENDIX 10

LORD DORCHESTER TO SECRETARY DUNDAS

Source: C.A., Q 67, p. 191-195.

No. 24.

Quebec 26 April 1794.

Sir,

The progress of French Intrigue, the influence it seems to have acquired over the Councils of the United States and the passions of their people rendered it advisable to send further Instructions to Colonel Simcoe, and an Engineer to assist in tracing such temporary works at Niagara as may be necessary in case of an immediate Siege, which the measures of the States appear to indicate.

On his return he is to examine, and report what further arrangements may be proper for the Protection of the Upper part of the River St. Lawrence.

Lower Canada is much more exposed to inroads since the Peace, by the increase of population and mutual intercourse on all sides.

Lake Champlain is the great and immediate Inlet into this Country from New York and Vermont; yet there are many Paths through which Troops might pass and penetrate into the Province, though the Passage by the Lake Champlain and Sorel were better secured; but the Works on this Passage are in a very bad condition: was it fortified as its importance requires, we should not have hands sufficient for its defence

APPENDIX 10

275

unless the Canadians would come forward and heartily join in measures for the protection of their Country; the most discouraging circumstance of all is, an appearance of indifference, or spirit of neutrality which seems to possess the greater part of the Multitude; their having been so long disused to military service may perhaps greatly conduce to this disposition.

A Report prevails and is pretty generally believed here that the State of Vermont has proposed to Congress to undertake the Conquest of Canada without any assistance from the Federal Government provided they may be allowed the Plunder of the Inhabitants for their Reward; yet even this appears to have little Effect on the People at large; nor indeed does it much accelerate the progress of the Militia Bill through the House of Assembly where it has been for a long time under consideration.

I shall however issue orders for two thousand men to hold themselves in readiness to rendezvous at a very short notice.

I am with great Regard and Esteem, Sir, Your most obedient humble servant

Dorchester.

The Rt.Hon. Henry Dundas.

Endorsed: - Quebec 26th April 1794. The Rt.Hon.ble Lord
Dorchester. R. 16th July.
No. 24. (Duplicate). (Three Inclosures).

APPENDIX 11

LORD DORCHESTER TO SECRETARY DUNDAS

Source: C.A., Q 71, pt. 1, p. 2-4.

No. 26

Quebec 24th May 1794.

Sir,

On the 14th Instant I had the Honor of your Letter of the 8th January with its Inclosures.

After the Judicature Bill had passed the House of Assembly, and the Militia Bill was so far advanced to have no further difficulty, an Alien Bill was brought in by Mr. De Bonne, and is in great forwardness.

Agreeably to the intention mentioned in my Letter No. 24, Orders were issued for Two Thousand Militia to hold themselves in readiness, at four days notice, to march to a rendezvous to be appointed by a subsequent order, this measure became the more urgent as the Violence of the People in the States, and the Influence of French Intrigue, appeared daily to increase.

The British part of the Militia in Quebec and Montreal came forward with great alacrity; but I am sorry to observe that a very different disposition generally prevails amongst the Canadians, both in the Town and Country Parishes, with very few Exceptions. Time and reflection may serve to shew them their Duty and real Interests, for the present however little can be expected from them more especially if we

APPENDIX 11

277

are found to stand in need of their Assistance. I am inclined to attribute their disinclination in a great measure, to a long disuse of Military Services, rather than to a spirit of discontent or disloyalty; yet, among other causes of dissatisfaction, it has been said, that although the Government is gentle ("doux") they are oppressed by the Expences of the Law, and not protected against their Seigneurs as they formerly were by the French Intendant and Attorney General.

The Confederacy of the Western Indians regaining its strength and importance may in some degree check the hostile disposition of our Neighbours; but it is not to be supposed they will overlook the Advantages which they may derive from the refractory Spirit of the Canadians, (which the Indians of Lower Canada have in some degree imbibed) together with the Smallness of our Military Force scattered through these Provinces.

I am with great Respect and Esteem, Sir, Your Most Obedient humble Servant

Dorchester.

The Right Honble. Henry Dundas.

Endorsed: - Quebec 24th May 1794. The Right Hon.ble Lord
Dorchester. R. 16th July.
No.26.

APPENDIX 12

LORD DORCHESTER TO SECRETARY DUNDAS

Source: C.A., Q 71, pt. 1, p. 5-7.

No. 27

Quebec 25th May 1794.

Sir,

After my Letters were sent to the Post Yesterday Evening, I had the Honor of your Letters Nos. 2 and 3 with their Inclosures.

The Proposal for raising Two Battalions in this Country comes at an unfortunate moment, such is the temper which at present prevails among the Canadians that I am apprehensive it would have an ill tendency even to make the Proposal known; but at any time I should think it impracticable to compleat one Battalion of Canadians except by Draft from sedentary Militia, for a limited time and agreeably to the Ordinance: they then would become an embodied Militia which is the present Object.

One of the Arguments used to deter from forming them into a Militia for Service is, that they are thereby to become Soldiers for Life; nothing so absurd but they believe; The First day that four Companies of the Town assembled to furnish their Proportion for the Two Thousand Men to hold themselves in readiness to march, they broke from their Ranks into a Mob, refusing to ballot or be commanded.

Two are in Prison on this Account, A Serjeant for

APPENDIX 12

279

having encouraged this Riot, and a Private for having tossed up his Hat and cried our "Vivent les françois", The Country Parishes are in the same disposition; perhaps worse. They talk of rescuing the Prisoners, and hold a language of a still more violent nature; it is necessary at all Events to make some examples but with discretion; letting these pass unnoticed would lead to the worst consequences.

I inclose for your fuller information such Particulars as the Attorney General has collected concerning this business.

The Bishop has sent me two Mandamus's for his being stiled Lord Bishop of Upper and Lower Canada, and called to the Legislative Councils of both Provinces:

Patents will be prepared accordingly. At the same time I must observe it will awaken much jealousy on the part of the Canadians, that their Bishop does not receive the same Honor.

They well know their great superiority in numbers and are sensible of every preference; the proportion of Militia to be furnished by the British is only Seventy out of Two Thousand, and this will not escape Observation; and every Member of the Council will think himself humbled if he has not the same Honor conferred on himself.

I am with great Regard and Esteem, Sir, Your most Obedient humble Servant

Dorchester.

APPENDIX 12

280

The Right Hon.ble Henry Dundas.

Endorsed: - Quebec 25th May. The Rt. Hon.ble Lord Dorchester,
R. 16th July. No. 27
(Eight Inclosures).

APPENDIX 13

LORD DORCHESTER'S ORDERS REGARDING
MILITARY EXPENDITURES AND THE COMMISSARIATE

Source: C.A., Q 71, pt. 2, p. 282-283.

G.D.

Head Quarters, Quebec

29th May 1794.

In all cases of emergency where officers commanding Posts may find it necessary for the preservation of the health of the Troops or for the Security of the King's Effects, to incur expence without the previous approbation of the Commander in Chief, they are immediately to transmit estimates of the same to Head Quarters: For the cost of Workmanship, they will call upon the Engineer or person doing the duty and for the price of Materials upon the person in charge of the Department of the Storekeeper General.

If at any time it may be found necessary to direct provisions or stores to be issued for any Services not previously authorized by Head Quarters; The Officers Commanding Posts are to report the circumstances of the case without delay, specifying the Articles, the services for which they have been ordered to be issued and the necessity.

The Officers of the Royal Engineers or persons doing the duty of that Department will at the end of every Quarter grant distinct Certificates for all stores and Materials that may have been furnished to them, specifying the several ser-

APPENDIX 13

282

vices for which the particular Articles have been received.

D.

Endorsed: - 6. In Lord Dorchester's No. 19. to the Duke of
Portland of the 31.
Jany. 1795.

APPENDIX 14

LORD DORCHESTER TO SECRETARY DUNDAS

Source: C.A., Q 69, pt. 1, p. 1-3.

No. 28

Quebec 7 June 1794.

Sir,

The inclosed additional Reports of the attorney General, with the Copies of Depositions accompanying them, contain a further account of the Intrigues that have for a long while past been carrying on in this Province.

What appeared extraordinary and a very bad symptom was, that notwithstanding these practices were so well known, all the Informations concealed the Offenders, or were so given as to secure them from the persuit of Justice, till after the open manifestation of Sedition on the Parade of Quebec; even on that occasion no man was arrested at the moment, but an evident timidity was observable among those whose duty required an immediate exertion.

From the whole tenor of these Intrigues, and the language of the Emissaries, who went so far as to talk of the facility of seizing the Town and that the Canadians were Fools to be so long led by the nose by a few English, as well as from other discourses of a similar nature, it is evident that an eye was had to the Proceedings at Paris; so that our neighbours who seem to be playing a secondary part to forward a Revolt, were they to succeed, would find themselves the

APPENDIX 14

284

Dupes and have much cause to repent of their Politics; as would all the passive Characters here, who undoubtedly would experience a similar fate with Persons of their own description in France.

In consequence of the arrest of some of the Leaders, a clew has been obtained which will lead to further discoveries; and thus this spirit for the present appears to be in some degree awed: about the time it was at the highest, a report was circulated that a French Fleet was expected to come up the River, and that our Neighbours were on the point of entering by the way of Lake Champlain and St. John's: this general manifestation of disloyalty, under such an expectation, shews how small a matter may wrest the Province from His Majesty's Government unless a greater Regular Force is allowed for it's protection.

The Orders for the Regiments to enlist men here, and the encreased Bounty have been communicated to the Troops; and the orders for raising Two Battalions have also been communicated to Colonel Simcoe, but very little additional strength can be expected from either.

I am with great Respect and Esteem, Sir, Your most obedient humble Servant

Dorchester.

The Right Hon.ble Henry Dundas.

Endorsed: - Quebec 7th June, 1794. Lord Dorchester. R. 20th Sept. No. 28. Ansd.
(Eight Inclosures).

APPENDIX 15

LORD DORCHESTER TO GEORGE HAMMOND

Source: C.A., Q 69, pt. 1, p. 51-53.

Quebec 21 June 1794.

Sir,

I was very much pleased with the judicious manner in which you answered Mr. Secretary Randolph concerning my Reply to the Indians, explaining our situation with the United States; you have put it in the power of every one whose mind is not too much heated, to form a just estimate of his candor and moderation; indeed I think nothing can be added what you have said on the Subject.

As to the other parts of your Letter I may observe, that had the States fulfilled the Treaty of Peace, we should have been bound to deliver up the Posts; the Right of Pre-emption in the Indian Country, within the Line marked out by the Treaty, must have followed of course; but so qualified as to leave us at full liberty to navigate the Mississippi agreeable to the 8th Article.

Not doubting but it would be "the sincere wish of their Government to preserve peace and good understanding with us" we withdrew a Post, advanced from Detroit during the war, which was situated near the Rapids of the Miamis, not very far from the one now complained of; but this is on the Detroit side of the River.

APPENDIX 15

286

The condition of things changing, it became necessary to reoccupy that station for the protection of our Trade, and for other reasons not worth mentioning; but my principal motive for this step was, that notwithstanding our weakness on which they so much presume, we might not have the appearance of passively suffering Detroit to be insidiously strangled, and the King's Sovereignty around it to be usurped; for I was become fully acquainted with the Transactions towards Lake Champlain, which, with a Knowledge of General Sinclair's Instructions in the year Ninety-one was sufficient to weaken our confidence in the sincerity of their Professions.

The agreement between you and the American Secretary of State, that pending the Negotiation all matters should remain as they were, or "in statu quo" was very proper: but I consider every advance into the Indian Country, and every purchase made from the Indians by the States as an infringement of your agreement, and an encroachment on the King's Right of Preemption, ceded to them only on conditions which they never performed yet this has been borne with in the hope of a speedy and equitable adjustment of all parts of the Treaty.

There is at present, I am sorry to perceive, a Style assumed by those Gentlemen similar to what they used during the late War and for some time after, it is well calculated to inflame the minds of the multitude, ever prone to set up their own Interests as the standard of right and wrong, and blindly to concur in whatever flatters the desire of the hour.

APPENDIX 15

287

This language during former times might be accounted for, but that it should again be taken up to bend the People of North America to French Interests, and the French Politics of the present period, appears very extraordinary. Did not the Measures now pursuing in the States tend to overturn their administration, and destroy their Government; to render their Country the sport of artful Intrigue, and finally the prey of that ambitious People whose success would soon secure them a strong footing on this Continent; did not all these dangers evidently threaten them, it might be suspected that some Persons in the administration, for the purposes of private ambition, aim to hurl the States headlong into a War, and to cover their agency in it by the Excesses of the People.

I inclose a Copy of the Reply of the Six Nations to a Speech from the American Secretary at War; and also of a Message lately sent by the Spaniards to the Indians at the Glaize, with their answer.

I am with Regard, Sir, Your most obedient humble
Servant

Dorchester.

George Hammond Esq. His Britannic Majesty's Minister
Plenipotentiary, Philadelphia.

Endorsed: - A. In Lord Dorchester's No. 36 to Mr. Dundas
of the 21. June. 1794.

APPENDIX 16

LORD DORCHESTER TO LIEUTENANT GOVERNOR SIMCOE

Source: C.A., Q 68, p. 162-164. Another copy is in C.A., Q 70, p. 118-120. The letter is printed in Simcoe Papers, Vol. 2, p. 317-318. An extract is printed in M.P.H.C., Vol. 24, p. 689-690.

Quebec 11 July 1794.

Sir,

I can learn nothing concerning the French Emigrants at Albany nor of the Mr. Des Jardins who solicited your Permission to purchase Provisions in Upper Canada for a Settlement in that part of the Indian Country called the Genesee. I am inclined to think something insidious was concealed under that application as well as under the request made by Mr. Williamson. If your information respecting this Gentleman's violence, and activity in providing Arms and Artillery for the people on the Sodus are true, his Conduct will appear the more suspicious and extraordinary, as they report him to be the Agent for Mr. Pulteney in those parts, and that he formerly was a Captain in the 25th Regiment.

Notwithstanding our speedy and full execution of the Treaty of Peace, on the side of the Atlantic, it soon became evident that the States were not disposed to comply with it where it bound them to certain conditions which they conceived to be contrary to their Interests. We therefore found it necessary for our own security to suspend that part of it

APPENDIX 16

289

which related to the Indian Country and the Posts therein, where of course the King's preeminence (according to the laws and usages established in such cases among European Nations) remains precisely the same as before, and will continue so till the complete execution of the Treaty by the Government of the United States; when no doubt proper orders will issue for delivering over on this side also whatever they may justly claim in consequence of it. But those Gentlemen urged on by their impatience, and presuming on our desire of Peace, have advanced to put themselves in possession, and now pretend to call the Indian Country their Country, and the Privileges granted on Conditions which they never performed, their undoubted Rights, and the Line designated by the Treaty their acknowledged Boundary: affecting to consider our reoccupying a Post at the Rapids of the Miamis, as War itself! But having nothing to support this Language, but Force and their own assertions, they want it would seem, to draw some of the King's Officers into unguarded Acts or Expressions which they may hold out as an acknowledgment of their claims and a justification of their conduct; it was therefore with great propriety that you refused the Request made for provisions to forward such purposes.

Should they persevere in forming an establishment on any of the Lakes, or near any of our Posts, you will send an intelligent Person to make a demand by what authority the Establishment is ordered, and to require them to desist from

APPENDIX 16

290

such Aggressions: In case of refusal, a formal protest in writing, signed by the Person you send, should be left with the Officer who commands, stating that the parties concerned in these measures will be considered as violating the King's Rights in the Indian Country, and as aiming by these Acts to destroy the Amity and good understanding which has hitherto subsisted between the King of Great Britain and the United States of America.

For further information concerning my ideas, and in answer to your desire to have my Orders on this head I must refer you to my Letter No. 1, which is all I can say in the present condition of things. But if after all our forbearance towards the United States, the influence of French Intrigue should draw them into a war with us, which is more than probable, I shall be glad to know the extent of your combined powers in Upper Canada and what Force you may be able to assemble for your own defence and preservation; also how far you may have it in your power not only to repel, but to retaliate any hostile attempts¹.

I am with regard, Sir, Your most obedient humble servant

Dorchester.

Lieut. Governor Simcoe

Endorsed: - E. In Lord Dorchester's No. 39 to Mr. Dundas of the 12th July 1794.

¹ The form of protest referred to in this dispatch can be found in Appendix 17.

APPENDIX 17

FORM OF PROTEST SUGGESTED BY LORD DORCHESTER

Source: C.A., Q 68, p. 165. Another copy is in C.A., Q 70, p. 121. This form is printed in M.P.H.C., Vol. 24, p. 690 and in Simcoe Papers, Vol. 2, p. 318-319.

I am commanded to declare, that during the inexecution of the treaty of Peace between Great Britain and the United States, and until the existing differences respecting it, shall be mutually and finally adjusted; the taking possession of any part of the Indian Territory, either for the purposes of War or sovereignty, is held to be a direct violation of His Britannic Majesty's Rights, as they unquestionably existed before the Treaty, and has an immediate tendency to interrupt, and in its progress to destroy, that good understanding which has hitherto subsisted between His Britannic Majesty and the United States of America.

I therefore desire you to desist from any such aggression.

D.

Endorsed: - C. In Lord Dorchesters No. 39 to Mr. Dundas of the 12th July 1794.

APPENDIX 18

LORD DORCHESTER'S ANSWER TO THE INDIANS
OF THE SEVEN VILLAGES OF LOWER CANADA

Source: C.A., Q 69, pt. 1, p. 181-183.

Lord Dorchester's Answer to the Indians of the Seven Villages of Lower Canada, at a Council held at Montreal the 28th and 29th August 1794, on a Claim made by them to the Lands on the River St. Lawrence settled by the Loyalists beginning from the Westend of Monsieur de Longueuil's Seigniory and running upwards.

Children,

It gave me great pleasure yesterday to hear you declare your fidelity and attachment to the King your Father, and that you were ready to fight for him whenever he should be attacked, which I shall accordingly depend on.

Children,

The King your Father does Justice to all his Children and never takes away anything from them without paying for it, if General Haldimand has taken your Lands without paying for them it has been by mistake.

Instead of taking from His Indian Children to give to the Whites, the King your Father has not only bought Lands to give to some of your Nation who suffered in the late War, and has besides built houses and other conveniences thereon, as may be seen at the Bay of Quinty and the Grand River, some of

APPENDIX 18

293

you have been there and have seen them. Ask the Messasagas if they have not been paid for all the Lands they gave up, and if they are not content.

All that belonged to the King of France belong to the King your present Father, but no one can give to another what does not justly belong to himself, if therefore you had the right formerly to these Lands and it has not been paid for, it still remains in you.

Children,

As soon as Sir John Johnson returns I shall desire him to make the enquiry concerning the right of these Lands, if he does not return I will take other measures for obtaining the necessary information.

Children,

I am glad to hear you are not impatient for an Answer, because it weakens the report, that you were urged to make the present demand by persons who envy the happiness and prosperity of this Country and wish to disturb the peace of it.

Upon the principle that the King does not take the Land of one description of His Children, to give to another, I cannot now give an answer to what you ask concerning the Jesuits Lands, I must first enquire to whom the right belongs.

Children,

You ask a parole that these things may not be forgotten. I will give this parole in writing, and you may be

APPENDIX 18

294

assured that the King your Father has more pleasure in rendering Justice to his Children, than they can have in being paid for their Lands, this you may judge by his conduct to the Messasagas.

Children,

I cannot dismiss you without again thanking you for the declaration you made of your fidelity and attachment to the King your Father and of your readiness to fight for him as you did last War, and which I trust you will not forget, and I am more particularly to thank those who have not departed from the Parole of Attachment to the King their Father which they gave last year, and I hope the rest will follow so good an example.

Dorchester.

By His Lordship's Command Thos. Aston Coffin.

Endorsed: - A. In Lord Dorchester's No. 50 to Mr. Dundas
of the 5 Sep. 1794.

APPENDIX 19

LORD DORCHESTER TO SECRETARY DUNDAS

Source: C.A., Q 69, pt. 1, p. 176-178.

No. 49

Quebec 4th September 1794.

Sir,

Yesterday Evening I received a Letter from Mr. King with a Copy of yours of the 4th of June and its Inclosure, purporting to be my answer to a Message from the Indian Nations assembled at the Miamis last Fall.

I have compared this Paper with the Copy in my Office and find it tolerably correct considering the hands it passed through; one Paragraph is omitted, and there are besides some alterations, all of which I am apt to think were designed.

I could have no doubt of the very pacific and friendly disposition entertained by His Majesty's Government towards the United States, nor of the Duty which this disposition imposed on me to act in perfect unison therewith; and certainly no private inclination excited a wish to the contrary.

Soon after my return to America I perceived a very different spirit animate the United States; much heat and enmity; extraordinary exertions, some open, 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 inevitable. Their old state

Policy, on all occasions to impress on the People of the United States "the Rank Injustice and unfairness of our Procedures" had already prepared their minds; so that, considering recent Events as of the desired magnitude, they eagerly joined their Jacobin Friends, some not aware to what Extremities it might Lead them; others willing to run all lengths; both desirous to profit by the supposed embarrassment of our affairs, and of opinion we dare not resist.

In this condition of things it was impossible for me to give the Indian Deputies hopes of Peace, through our mediation, agreeably to their request in Ninety one; and I saw no reason to conceal from them my opinion on the head, nor on any other which so greatly interested them.

I am now very sorry to add, that hitherto I have not learned one circumstance which could authorize me to change that opinion.

Private inclination and public Duty apart, it would be Folly in the extreme for any Commander in Chief circumstanced as I find myself here, without Troops, without authority, amidst a People barely not in arms against the King, of his own accord to provoke Hostility, or to begin (as Mr. Secretary Randolph is pleased to call it) "Hostility itself".

The contempt with which this Country is treated by the United States sufficiently evinces their knowledge of our important condition, and that we are abandoned to our own feeble Efforts for our preservation; and even these they seem

APPENDIX 19

297

to expect and require we should not employ.

It will give me much satisfaction should they escape the Dangers to which they are exposed by their unnatural Connexion; and that they adopt a National Policy more suited to their General Interests; Be this as it may, you will perceive, Sir, with me, that various Reasons concur to make it necessary for the King's Service that I retire from this Command; I am therefore to request you will have the goodness to obtain for me His Majesty's Permission to resign the Command of His Provinces in North America, and that I may return home by the first opportunity.

I am with great Respect and Esteem, Sir, Your most obedient humble Servant

Dorchester.

The Right Hon.ble Henry Dundas.

Endorsed: - Quebec, 4th Sept. 1794. Lord Dorchester, R. 13th Dec. No. 49. Ans.

APPENDIX 20

LORD DORCHESTER TO SECRETARY DUNDAS

Source: C.A., Q 69, pt. 1, p. 195-196.

No. 52

Quebec 8 September 1794.

Sir,

I have received both the originals and duplicates of your two Letters dated the 11th of May.

All the Judges in the Province are appointed during Pleasure, and so far may be called temporary, but in equity and sound policy they should be considered as holding their Commissions during good behaviour, though it may be judicious to leave them disincumbered of the means of such chicaneries as might shelter guilt.

Mr. Panet not only resigned his Chair as Speaker of the Assembly, but also a greater Income from his practice at the Bar, than he has now on the Bench: previous to his Appointment and those of Mess. De Bonne and Walker, the number of Judges was insufficient to the administration of Justice. It therefore became necessary without delay to fill up the Vacancies; but more particularly those occupied by the two Canadian Judges, both on account of their intimate knowledge of the ancient Laws, Customs, Usages and Language of the Country, and also because it was highly expedient to prevent that national Jealousy which appeared in the first Session of the Legislature, and has existed in the Country ever since

APPENDIX 20

299

the Conquest, showing itself more or less as occasion called it forth.

The new appointments seem to have had the desired effect.

Judge Fraser has been afflicted with very bad health for a considerably time past so that his attendance on the Bench cannot be depended on.

I am with great Respect and Esteem, Sir, Your most obedient humble Servant

Dorchester.

The Right Hon.ble Lord Dorchester¹.

Endorsed: - Quebec, 8th Sept. 1794. Lord Dorchester. R. 13th Dec. No. 52. Ans.
Lord Dorchester's Letter No. 55 sent to Mr. Dundas.

¹ It should obviously read "Henry Dundas".

APPENDIX 21

LORD DORCHESTER TO LIEUTENANT GOVERNOR SIMCOE

Source: C.A., Q 71, pt. 2, p. 287-289. The letter is printed in M.F.H.C., Vol. 25, p. 37-38.

No. 22

Quebec 26th September 1794.

Sir,

Having stated that selfdefence required we should occupy a post upon the Miamis, and that we should prevent Detroit from being straitened either by Land or Water, in consequence of these general Instructions works near the Miamis falls have been carried on, but the regulations relative to the incurring expences have been altogether disregarded, as I have observed in my Letter No. 17.

The accounts presented for payment were of course referred to the board of Accounts, who have rejected them as not conformable to order. Extraordinary expences to the extent of four hundred fifty nine pounds, nineteen shillings and nine pence have been likewise incurred in the Marine Department at Detroit, whether under the general instructions above mentioned does not appear, but supposing this an emergency also which could not await the previous approbation of the Commander in Chief, yet as the particulars of the Service and required Estimates do not appear, the board have considered them in the same light as the former.

The Accounts of Expences incurred at the Miamis in

APPENDIX 21

301

consequence of the above recited General Instructions, were commenced under your immediate Order, yet they carry no testimonial thereof, or of having been submitted to your inspection or approbation previous to their being sent to Quebec for payment, nor does it appear that you have had an opportunity of judging how far they were conformably to the direction you had given respecting them. It would seem a matter of course, that where Services are performed under the immediate Orders of an Officer commanding at a distance that before the Accounts are sent to Head Quarters for payment, they should be submitted to his inspection, that he may be able to ascertain how far they are correspondent to the Orders and directions he has given.

By the general Order of the 29th May last, the Officers commanding Posts, when they find it necessary in cases of emergency to incur expence without previous approbation, are directed immediately to transmit Estimates of the Workmanship and Materials to Head Quarters.

It has been reported to Lieutenant Colonel Mann by the Assistant Engineer at Detroit, that Lieutenant Colonel England had ordered several services to be immediately carried into execution, but as the above mentioned order has not been complied with on the part of Lieutenant Colonel England, he, I presume, does not consider them as coming under the head of Military Expenditures to be paid out of the Military Chest.

APPENDIX 21

302

Dorchester.

Colonel Simcoe.

Endorsed: - S. In Lord Dorchester's No. 19. to the Duke of
Portland of the 31. Jany. 1795.

APPENDIX 22

CIVIL SECRETARY RYLAND TO CHIEF JUSTICE OSGOODE

Source: C.A., Q 69, pt. 1, p. 139-140. Other copies are in C.A., Q 69, pt. 1, p. 156-159 and in C.A., G 15 C, Vol. 4, p. 12.

Castle of St. Lewis Quebec,
3. October 1794.

Sir,

I am directed by His Excellency Lord Dorchester to observe to you, that during the whole course of his administration as Governor of His Majesty's provinces in America he has invariably made it a rule not to receive any fees from a conviction which experience daily strengthens, that it is highly improper in such a situation to accept of any emolument in this way. His Lordship therefore desires that the fee to the Governor proposed in the report of a Committee of the Council dated yesterday may be struck out.

I have the honor to be, Sir, Your most obedient
humble Servant

Herman Witsius Ryland.

The Honorable The Chief Justice &c.

APPENDIX 23

EXTRACT FROM THE MINUTES OF THE EXECUTIVE COUNCIL

Source: C.A., Q 69, pt. 1, p. 140-141. Another copy is in C.A., Q 69, pt. 1, p. 157-159.

Which Letter being read¹. The Chief Justice observed that certainly nothing could be more dignified or disinterested than this procedure on the part of the Governor, yet still the Board might think it their duty to recollect that the establishment of a table of fees would probably be fixed and permanent; and therefore in some sort binding on those who may have the future administration of the Government of this province; among whom there may be some persons who might not be disposed to give up an emolument the propriety of the receipt of which has been sanctioned by the highest authority, as well as by the practice of many Governors in various parts of His Majesty's dominions. That as the amount of the fee to be received is very disproportionate to the dignity of the Office, perhaps it would appear in a less repulsive form, if entered under the denomination of the Great Seal. He therefore proposed to the Board, as the rights of future persons might otherwise be bound. It be humbly submitted to His Lordship's superior wisdom whether it would

¹ This refers to a letter by Civil Secretary Ryland to the Executive Council, dated October 3, 1794. See above Appendix 22.

not be more regular and equitable not to strike out the fee for the Governor, but that it should continue to stand as a state fee under the term "The Great Seal" leaving it to His Lordship publicly to declare his relinquishment thereof in such manner as he shall think proper; and also leaving it open to His Successors whether they will follow his Excellency's liberal example.

That a Copy of the above minute be made out to be laid before His Lordship.

Signed by Order,

Wm. Osgoode Chairman.

Whereupon the Governor observed, that his having refused all fees under every denomination whatever, proceeded from a conviction that such Conduct was necessary for the King's service in this province: he therefore wished to render it difficult for his Successors in Office to deviate from this principle should any of them be so disposed.

He enters not into the Question how far the servants of the Crown in other Provinces do well or ill in this respect, but is in hopes that while the King's Judges and the Governor here remain disinterested, they will be able to controul a too great eagerness to extend the profits of Office, which otherwise might afford a just ground for discontent and be a means of sacrificing the National Interest to gratify a few Individuals.

APPENDIX 24

DORCHESTER'S INSTRUCTIONS FOR THE INDIANS DEPARTMENT

Source: C.A., Q 71, pt. 2, p. 297-301. The instructions are printed in M.P.H.C., Vol. 25, p. 79-81 and in Simcoe Papers, Vol. 3, p. 241-242.

Additional Instructions Indian Department.

Head Quarters, Quebec

26th December 1794.

To Sir John Johnson, Baronet, Superintendant General and Inspector General of Indian Affairs, or in his absence the Deputy Superintendant General.

Article 1st. It having been thought advisable for the King's interest, that the System of Indian Affairs should be managed by Superintendants under the direction of the Commander in Chief of His Majesty's Forces in North America; No Lands therefore are to be purchased of the Indians but by the Superintendant General and Inspector General of Indian Affairs, or in his absence by the Deputy Superintendant General or a person specially commissioned for that purpose by the Commander in Chief.

2d. When Indian Territory shall be wanted by any of the King's Provinces, the Governor or person administering the Government of the respective Province will make his requisition to the Commander in Chief, and also to the Superintendant General of Indian Affairs, or in his absence the

APPENDIX 24

307

Deputy Superintendent General, accompanied with a Sketch of the Tract required, who will endeavour to find out the probable price to be paid therefore, in goods, the Manufacture of Great Britain, and report the same to the Commander in Chief that measures may be taken to get them out from England by the first opportunity, Presents sent to the Upper Posts for the ordinary purposes of the Indians inhabiting the neighbourhood of or visiting the said Posts, are not to be appropriated to the purchase of Indian Lands without the express order of the Commander in Chief.

3d. All purchases are to be made in public Council with great solemnity and Ceremony according to the Ancient Usages and Customs of the Indians, the principle Chiefs and leading Men of the Nation or Nations to whom the Lands belong being first assembled.

4th. The Governor or person administering the Government of the Province in which the Land lie, or two persons duly commissioned by him are to be present on behalf of said Province.

5th. The Superintendent General or in his absence the Deputy Superintendent General negotiating the purchase shall be accompanied by two other persons belonging to the Indian Department, together with one, two, three or more Military Officers (according to its strength) from the Garrison or Post nearest to the place where the Conference shall be held.

APPENDIX 24

308

6th. The Superintendant General of Deputy Superintendant General negotiating the purchase will employ for the purpose such Interpreters as best understands the Language of the Nation or Nations treated with, and during the time of the Treaty every means are to be taken to prevent the pernicious practice of introducing strong liquors among the Indians, and every endeavour exerted to keep them perfectly sober.

7th. After explaining to the Indians the nature and extent of the Bargain, the Situation and bounds of the Lands and the price to be paid, regular deeds of conveyance (Original, Duplicate and Triplicate) are to be executed in public Council by the principal Indian Chiefs and leading Men, on the one part, the Superintendant General of the Indian Department or in his absence the Deputy Superintendant General or person appointed by the Commander in Chief on His Majesty's behalf on the other part, and attested by the Governor or person administering the Government in which the ceded Lands lie, or the Persons commissioned by him and by the Officers and others attending the Council, descriptive Plans signed and witnessed in the same manner, are to be attached to the Deeds of Conveyance, one of which is to be transmitted to the Office of the Superintendant General to be there entered and remain of record, a second to be given to the Governor or Person administering the Government of the Province in which the Lands fall, or the Persons appoin-

APPENDIX 24

309

ted by him, and the third is to be delivered to the Indians, who by that means will always be able to ascertain what they have sold and future uneasinesses and discontents be thereby avoided.

8th. All others matters being settled, Indian Goods to the amount agreed upon are to be given in Payment of the Territory ceded, the said Goods to be delivered in public Council with the greatest possible notoriety and the delivery certified and witnessed in the same manner as the deeds of Conveyance.

9th. When the Council is finished, the Proceedings are by the first convenient Opportunity to be transmitted to the Office of the Superintendant General for the information of the Commander in Chief.

D.

Endorsed: - H. In Lord Dorchester's No. 19. to the Duke of Portland of the 31. Jany. 1795.

APPENDIX 25

LORD DORCHESTER TO THE DUKE OF PORTLAND

Source: C.A., Q 71, pt. 2, p. 313-317. The letter is printed in D.C.H., p. 183-184 and in Simcoe Papers, Vol. 3, p. 306-307.

No. 22

Quebec 20th February 1795.

My Lord.

From the North American Correspondence your Grace will perceive that this Command, Civil and Military is greatly disorganised: the same Person, it is true, is Governor of every Province, and Commander in Chief of the Forces, with Powers apparently in his Commissions to draw forth in times of danger the greatest possible strength for their common Defence, and for the no less essential Purpose of enabling him to superintend the whole, and prevent any System of private advantage from insinuating itself unnoticed, to the detriment of the Crown and Empire.

The Minister for this Department is seldom stationary long enough to see through our Colonial Politics, and their interested bias: Matters of greater importance at home constantly require his attention, so that he has not time to make himself master of the Business, or to examine the various Projects continually pressing upon him from these Provinces, which if properly investigated on the Spot, and afterwards transmitted from hence divested of the delusions

APPENDIX 25

311

of Fancy, and varnish of private Views, would be greatly reduced in Substance, and submitted to his Consideration with a perspicuity that would enable him to judge of the effect they probably might have on the National Interests.

The King's Commissions being competent for this superintendence, it was to be expected that information of all occurrences detrimental to good Government, and of all abuses tending to aggrieve His Majesty's Subjects, would be collected as to a Centre; that nothing might lie concealed, but the whole be corrected without delay by the Servants of the Crown.

Accordingly References from the Minister, and Communications from the several Lieutenant Governors were at first received; and I began to collect Information from all Parts, and to submit the Result to the King's Confidential Servants.

A different System has been since adopted, tending to revive the old Colonial Practice, which from an early period prepared, and gradually rendered all things favorable for Leaders of Rebellion, to usurp from Government the Confidence and gratitude of the People; and ended in Revolt and Dismemberment of the Empire.

The great changes occasioned by this Revolution, in the Political situation of these Provinces; their distance from all Succour, and from the Supreme Seat of Government, pointed out the necessity of an Authority on the Spot, to unite and call forth the greatest Force their Population would permit and to act with promptitude in all Cases where

delay might be dangerous.

Thus constituted and united our Colonial strength might be in the Proportion of one to Fourteen, compared with the Foreign Power extending along our Frontier: Yet, in this Critical Situation, the drift of our present Policy is to divide and subdivide, and of this Remnant to form many independent Governments, with as little Communication and as little Connexion as possible; while that of our Neighbours is, to consolidate, and of many independent States to form one Government.

Instead of Authority competent to carry on the King's Service, to distribute orders, regulate their Execution, and enforce Obedience; it seems to be a measure of Office to withdraw all Power from the Person with whom the King's Commissions have placed it, Communications are made, and directions sent to inferior Officers, whereby the intermediate Authority is virtually superseded; which consequently acts as a Recall on the Person in the Chief Command: the Injury is not in a Recall, but in the manner of bringing it about, which breaks asunder all Ties of subordination and overturns the Authority of the Crown delegated by the King's Commission.

Thus we not only preclude ourselves from the chance of profitting by occurrences which the course of time may bring forth, but endanger His Majesty's Possessions on this Continent still more and more.

Every one is impatient of Restraint, especially in

APPENDIX 25

313

matters of gain; and all things incline to favour Insubordination; with a little more Encouragement, we may expect the Fruits thereof at an early Season.

I have said enough, I hope, to convince Your Grace it is necessary for the King's Service, that this Command be speedily assumed by my Successor, with Authority sufficient to restore order, and to maintain the Interests of the Crown and Empire.

I am with great Respect and Esteem, My Lord, Your
Grace's most obedient humble Servant

Dorchester.

His Grace The Duke of Portland &c.&c.&c.

Endorsed: - Quebec, 20th Feby. 1795. Lord Dorchester. R. 15.
May 1795. Ans. 27th No. 22.

APPENDIX 26

LORD DORCHESTER TO THE DUKE OF PORTLAND

Source: C.A., Q 71, pt. 2, p. 458-463. The letter is printed in Simcoe Papers, Vol. 3, p. 346-348. Excerpts are printed in M.P.H.C., Vol. 25, p. 89-91.

No. 28

Quebec 25th April 1795.

My Lord.

No one can be more thoroughly convinced than I am, of of the expediency of preserving Peace with the United States, and of the Propriety of the King's Minsters pointing out to the distant Servants of the Crown, every departure from the Intentions of Government; so that I have only to express my acknowledgement for the very friendly manner in which these matters have been stated by Your Grace.

At the same time I must beg leave to observe, that in the progress of Political Events, Cases of importance will come forward which require to be decided upon without delay, though of a nature so delicate that Persons of sound Judgment and much experience, agreeing as to the End may yet differ in Opinion, as to what is best to be done, or most likely to produce a desired Effect.

In this Difficulty I found myself when called upon to give an Answer to the Indians who had assembled at the Miamis in the year Ninety three.

About the same time I became fully informed of the

APPENDIX 26

315

Dangers at the Detroit, and of the menaces of Mr. Wayne who now loudly and unconditionally arrogated as an undoubted Right, all the Territory on their side of the Treaty Line, barely allowing us the temporary possession of a small space within an Inclosure of Picquets.

This Doctrine had indeed been asserted, and fully acted upon near Lake Champlain; but there the mischiefs were not considerable, The Insult excepted and the Evil which might flow from a further Extrusion of the Precedent; but great danger to both the Canadas was to be apprehended from Detroit.

To have permitted ourselves to be thus straightened, would have been to deliver up our Troops, pinioned and defenceless, as well as a very valuable commercial Property to the discretion of Mr. Wayne and his Army.

Under such circumstances I could have no hesitation.

My Answer to the Indians was greatly within what the Conduct of the States would have justified; and their Complaint of our occupying a Post on the Miamis, little better than a Farce, while in strict diplomatic Equity they ought to have kept within the Limits occupied by themselves at the Peace of Eighty three, nothing on the Western Frontier having been given up by us, on account of the non execution of the Treaty on their part.

This diplomatic principle they knew, and dictated to us; but their application of it to what took place at the Miamis, served to prove that we were strictly within the Rule

prescribed by themselves.

I considered that no People could be so absurd as to go to War from Motives so trifling; But if, in the Expectation of profiting by our Weakness, they were determined on War, every Effort became necessary to better our Condition.

On close attention to the matter, I thought I perceived that in Canada, we had considerably relaxed; while the Plan of the States was to press on in proportion, and to push matters as far as might be short of Hostilities; In this state of things, that which seemed most to be feared was, that presuming on our meek and entire acquiescence under every degree of Aggression, they might be hurried too far.

It therefore became necessary to quicken their own apprehensions of danger, the better to guard against Insult, and Injury, and Rapine, which must have greatly embarrassed any Pacification.

They immediately perceived that Mr. Wayne's situation became critical the moment he proceeded to extremities; Clamour followed of course, it is their manner: It is the old Political Engine which they bring forward to deface the real features of an object, and impress the multitude with sentiments suited to the Schemes of their Rulers.

With much greater art and a more refined Policy, do they play off their contending Parties, and occasionally render them subservient to Purposes both domestic and foreign.

On the late occasion they had well nigh pushed those

APPENDIX 26

317

Refinements too far, had the opposing party, with their Friend availed themselves of this Indiscretion, in the moment, they might have endangered, or perhaps, have completely overturned the Federal Government, and have rendered this Continent a Scene of great Confusion.

By this ample Explanation I do not mean to object to the King's Ministers censuring my Conduct as far as the National Interests may require; There I think the Line should be drawn.

I am sensible of the liberal disposition which left open for reconsideration my Request to return home, my Intentions have been some time fixed. In subsequent Letters I have given so many Reasons, that I hope Your Grace will be convinced the King's Service renders it necessary.

The Motives for sending me here in the Year Eighty six, and the Policy then approved and adopted being now totally changed I should in consequence have begged leave to retire from the Command, even if it had not been so broken and inverted, that Prudence requires I should temporize till the arrival of my Successor and contract my interference within as narrow limits as possible.

Besides all these Reasons, my advanced time of Life denies me that Activity necessary for a distant Command; after Fifty three years Service, I beg to be indulged with the Privilege of an Invalid, and from hence forth to be reserved for home Service if that should ever be found requi-

APPENDIX 26

318

site.

I am with great Respect and Esteem, My Lord, Your
Grace's most obedient humble Servant

Dorchester.

His Grace The Duke of Portland &c.&c.&c.

Endorsed: - Quebec, 25th April 1795. Lord Dorchester. R. 25th
June. No. 28. Ans. 6th July 1795.

APPENDIX 27

LORD DORCHESTER TO THE DUKE OF PORTLAND

Source: C.A., Q 71, pt. 2, p. 464-465.

No. 29

Quebec 25th April 1795.

My Lord.

A Vacancy in the Legislative Council having been lately occasioned by the death of Mr. Collins, I shall beg leave to recommend Mr. Chartier de Lothbiniere jun. as very deserving of the King's Favor whenever it may be thought advisable to fill up the Vacancy or to encrease the number of members. That Gentleman is Speaker of the House of Assembly; there are other Members of that House whom I also think very deserving of favor, but though the number of the Legislative Council may be encreased with advantage to Twenty or Twenty five, yet I should recommend this Augmentation being delayed till after the next general Election.

Fortunately at present there are many Gentlemen of good sense and some Property in the House of Assembly who desire to promote the Interests of Canada on general Principles, and with a Liberality of Sentiment which does them honor.

This description of men soon perceived the Error and danger of Party animosity which originated in National Prejudices and was nourished by Folly, or by something worse; and all jealousies being removed they united to stop those

Evils, and to promote the general Interests.

APPENDIX 27

320

Your Grace will perceive that those Gentlemen are of great public utility where they are, and that this first Provincial Parliament may probably have some Influence on future times. I therefore recommend no Alteration in either House for the present.

Mr. Collins was Deputy Surveyor General, appointed when the Principal was employed out of the Province and not likely to return; I think the appointment useless, and better to be abolished.

I am with great Respect and Esteem, My Lord, Your
Graces most obedient humble Servant

Dorchester.

His Grace The Duke of Portland &c.&c.&c.

Endorsed: - Quebec 25th April 1795. Lord Dorchester. R. 25th
June. No. 29. Ansd. 6th July 1795.

APPENDIX 28

LORD DORCHESTER'S SPEECH AT THE PROROGATION OF THE LEGISLATURE

Source: C.A., Q 72-73, pt. 2, p. 267-269. The speech is printed in Quebec Gazette, issue of May 14, 1795.

I cannot put an end to this Session of our Provincial Parliament without expressing my approbation and thanks for that zeal for the public welfare which has distinguished all your Proceedings.

Gentlemen of the House of Assembly.

The cheerfulness with which you have granted a supply towards defraying the Civil Expenditure of the Province gives me great satisfaction; The Judicious Choice you have made of the means for this purpose evince a tender regard to the Interests and condition of the Country. And the Unanimity you have manifested in this tribute of gratitude and attachment to the King's Government, cannot but be highly pleasing to His Majesty:-

Gentlemen of the Legislative Council and Gentlemen of the House of Assembly.

The assistance and earnest attention to the public Good you have collectively exerted during the Course of a long Session renders it unnecessary for me to recommend a continuance of the same laudable spirit in the different parts of the Country where you several private avocations may now call you: You will there have the opportunity individu-

APPENDIX 28

322

ally to inculcate the advantages arising from the habits of order, industry and sobriety, which must evidently tend as well to the particular Benefit of the People, as to the general prosperity of the Province.

APPENDIX 29

LORD DORCHESTER TO THE DUKE OF PORTLAND

Source: C.A., Q 72-73, pt. 1, p. 13-15.

No. 32

Quebec 16th May 1795.

My Lord

Our Neighbours sell their Waste Lands to raise a National Fund; they are again sold by Land Jobbers who make a more considerable Profit, there can therefore be no good reason why the Waste Lands of the Crown may not be given away without incurring a National Expence.

It would be difficult to guess how much it might cost Government to have a Township surveyed and laid out according to the Diagram sent home in my letter No. 3, but a Petitioner for Land who would attend to his own Business, and employ a Skilful Surveyor at his own expence, might have a Township surveyed and the Lots and Reservations marked for £150.

The whole of the Fees to the perfecting the Grant, according to the Halifax Table, would amount to £150 more; so that the Grantee would pay for every Thousand Acres about seven Pounds this Currency and, after liberally compensating every one for his Services, would have great reason to be thankful for the King's Bounty.

The Table of Fees does not appear to have been regulated in Proportion to the Trouble or Expence of the respec-

APPENDIX 29

324

tive Officers employed, nor to the Rank of the Office; however I shall propose no other alteration than making over the Ten Shillings a Thousand Acres for the Governor, to be added to the Surveyor General, as his proportion was very small. Any further alteration which may be necessary either in marking, or securing the Reservations, in the Table of Fees, or in any other respect, will best appear after the first Grant has been completed; a Copy of this shall be sent home with a detail of Particulars, which will give a distinct knowledge of the Business.

My declining any share in those Fees, which Your Grace has so obligingly noticed, was in consequence of a Proclamation issued in the year Sixty six renouncing all Fees while I should continue in the Command.

The People were then very poor, and the System of Fees being quite new in this Country, appeared to them oppression, mean and sordid, and as if Fees and Perquisites made a leading object in our English Politics, to the great Disparagement of the King's Government in the Face of a People but lately become Subjects to His Majesty.

It therefore was necessary that some of the Chief Servants of the Crown in this Country should stand free from all suspicion of being joined in any common Interest which might induce them to connive at those Grievances.

Circumstances are since somewhat changed; the People are now grown richer, and custom has reconciled, or has silen-

APPENDIX 29

325

ced them on this head, still however I think it of importance that the Person who has the Honor to be the King's Representative should derive all the Emoluments of his Office from the King alone.

I am with great respect and esteem, My Lord, Your
Grace's most obedient humble Servant

Dorchester.

His Grace The Duke of Portland &c.&c.&c.

Endorsed: - Quebec 16th May 1795. Lord Dorchester. R. 13th
July. Ansd. 3. Sept. No. 32. Duplicate. (Original
not received).

APPENDIX 30

LORD DORCHESTER TO THE DUKE OF PORTLAND

Source: C.A., Q 72-73, p. 374-378.

No. 45

Quebec 18th July 1795.

My Lord,

Immediately after I had given the King's Assent to the Act passed in the last Session of our Provincial Parliament:

"Granting to His Majesty additional and new Duties on certain Goods, Wares and Merchandizes, and for appropriating the same towards further defraying the Charge of the Administration of Justice and Support of the Civil Government within the Province and for other purposes therein mentioned".

A copy thereof was sent to the Collector and Comptroller of the Customs with directions to levy, collect and receive all Monies arising therefrom.

In Consequence of which I have received from those Gentlemen, a Letter and Memorial, with sundry Inclosures on the subject of additional Allowances and Emoluments to them and the Subordinate Officers of the Customs for services to be performed under this Act, and they have been informed that their Claim would be transmitted to His Majesty's Ministers, that the King's pleasure might be taken thereupon, but that in the mean time no appropriation or diminution of the Revenue ought to be admitted, unless established by Law,

APPENDIX 30

327

or authorized by the Lords Commissioners of His Majesty's Treasury, or by an order in writing from the Governor, or Person administering the Government of this Province.

A difference of Opinion has at all times existed here concerning the Provincial Revenue, and the Provincial Accounts: The Governor and Council being dissatisfied with the Payments made by the Collector to the Receiver General, ordered him in the year 1778, to send to the Clerk of the Council Copies of the Quarterly Accounts of all the Monies collected by him, under the Act of the 14th of the King, that they might see what deductions were made, and by what Authority: On Examination they found the Revenue diminished $13\frac{1}{2}$ per cent in the hands of the Collector, before it was paid to the Receiver General.

This they did not consider as authorized by the Lords of the Treasury, or that Sir Grey Cooper's Letter to the Collector, approving the Form of his Accounts, could be admitted as a sufficient justification for his withholding that Sum from the King's Provincial Revenue, in addition to his Salary, and the Fees and Emoluments granted him by Act of Parliament, and the Incidents allowed by the Commissioners of the Customs in England. But he still continues to make these same deductions, alledging that as he is accountable only to his Superiors at home for his Conduct, they would not have suffered him to remain so long in a course they did not approve.

To place this matter in a clearer point of view, I

APPENDIX 30

328

inclose two statements, by which Your Grace will perceive how much the King's Revenue has suffered in consequence of the deductions made by the Collector and the late Receiver General, or his Deputies, in addition to what it appears they are justly entitled to, and for want of a power on the spot to restrain them within proper bounds.

A suit, it is true, has been instituted here on the part of the Crown against Mr. Grant for public monies thus appropriated to his own use, as well as for much larger Sums withheld by Sir Thomas Mills the late Receiver General, for whom Mr. Grant was Security; But from the circumstances above stated it will I think appear highly necessary, that for the future the whole Revenue should be in the first Instance paid into the King's Coffers without diminution, and that whatever it is judged proper to grant, either to the Receiver General, or to the Officers of the Customs in addition to the Fees established by Act of Parliament, be paid by warrant in the usual manner, and not left to the discretion of an Officer in a Country where he acknowledges no competent Authority to control his disposal of the Public Money.

The loss to the Revenue above stated, tho' considerable is not the greater Evil, the Faculty of discriminating between right and wrong with regard to Profits of Office, becomes weakened by custom. Perquisites and Emoluments are seized with avidity, by inferior Servants of the Crown, and extended in every direction, and materials are thus afforded

APPENDIX 30

329

for leaders of Sedition to disturb the public tranquility, which at a season convenient for Mischief may prove highly injurious to the King's Service.

I am with great Respect and Esteem, My Lord, Your
Grace's most obedient humble Servant

Dorchester.

His Grace The Duke of Portland &c.&c.&c.

Endorsed: - Quebec 18th July 1795. Lord Dorchester. R. 25th
August. Ansd. 3. Sept. No. 45. (Twelve Inclosures
(in dup.). Copy and Inclosures sent to the Treas-
ury.

APPENDIX 31

LORD DORCHESTER'S SUGGESTIONS CONCERNING THE AUDIT OF THE
ACCOUNTS OF THE COLLECTION OF THE PROVINCIAL REVENUE

Source: C.A., Q 72-73, pt. 2, p. 405-407.

Sketch of a Comptroll and Audit upon the Spot of the Accounts
of the Collection of the Provincial Revenue¹.

For a satisfactory Comptroll, and Audit on the Spot
of the Accounts of the Collection of the Provincial Revenue
it appears advisable.

1. That the said Accounts be stated by the Collector
quarterly without any Charges whatever for services, and dis-
bursements, and that they be checked, and comptrolled by the
Comptroller, of the Customs, in the same manner as are those
of the duties received, and to be accounted for in England.

2. That the Collector pay the whole amount of the
Collection of every Quarter into the Office of His Majesty's
Receiver General at the end thereof without any deduction,
and take his Acquittance at the foot of the Account stated and
comptrolled as above mentioned.

3. That such disbursements, as the Lords Commissioners
of His Majesty's Treasury may be pleased to authorize on ac-
count of the Collection of these duties be paid by the Gover-

¹ This document appears as an enclosure in Dorchester
to Portland, July 18, 1795. See Appendix 30.

APPENDIX 31

331

nor's Warrant as the case may require.

4. That the Collector's Accounts of the whole Amount of his Collection so stated, comptrolled and acquitted, be sworn to by them respectively, and presented to the Governor at the end of every quarter.

5. That these Accounts as well as all claims for disbursements be referred by the Governor for Examination to Committees of the Council.

6. That such Committees have Authority to make all Examinations by Interrogatories upon Oath and otherwise respecting the Accounts, and claims referred to them, and report thereon to the Governor.

7. That the Governor lay such Report before the Board of Council for their Inspection and concurrence.

8. That the Governor being satisfied of the truth and Justice of such Accounts of the Collector, his Certificate in Council be subjoined thereto expressing his approbation of the same, and referring to the Minutes for the proceedings had thereon, and that such Certificate be countersigned by the Clerk of the Council.

9. That the said Certificate be considered as an indispensable preliminary Voucher to qualify the Collector's Accounts for a final Audit and Quietus in England.

10. That the Collector enter into Bond with Sureties within the Province for the faithful execution of this trust, and to pay the whole Amount of his Collection at the end of

APPENDIX 31

332

every Quarter as abovementioned.

D.

Endorsed: - K. In Lord Dorchester's No. 45. To the Duke of
Portland.

APPENDIX 32

LORD DORCHESTER'S OBSERVATIONS ON PROVINCIAL REVENUE

Source: C.A., Q 72-73, pt. 2, p. 454-458.

Observations¹.

The Act of the 14th George 3. Chap. 88 imposed a Duty of 6d on Rum and 3d on Molasses imported into Canada from the West Indies, 9d on Rum from other British Colonies, and 6d on the Molasses if in other Ships than those belonging to Canada, or Great Britain. A Repeal of this Act of Parliament upon passing a Commutation Act here, to raise an equal sum, is certainly desirable, that local regulations for raising of the Revenue may be properly adapted by the Legislature to local circumstances; and that Repeal both Houses have been told is in the Contemplation of His Majesty's Ministers.

The Consideration of this Commutation Act was deferred by the House of Assembly over last Session chiefly because it was thought expedient, the treaty with the United States of America should be first known, that nothing done here might be in any respect contrary thereto; but there is no doubt the Message to both Houses in April 1794 on that subject will be one of the first matters taken up the next Session and a Bill proposed accordingly.

¹ This document appears as an enclosure in a letter from Dorchester to Portland, July 25, 1795.

APPENDIX 32

334

The Members of the House best informed are agreed in Opinion, that by the intended Act, all the British Colonies in the W. Indies and America ought to be put on an equal footing in bringing into Canada West Indian produce, whether in Colonial or British Shipping, but they are divided in Opinion as to the propriety of laying an equal duty upon Rum to be imported from Great Britain and how far such an equilization will meet with the Approbation of His Majesty's Ministers, it therefore appears expedient that their Sentiments on that subject should be known before the Bill in Contemplation is brought forward, as it would be unwise to propose any regulations therein, that are in hazard of being disapproved, when sent home for Confirmation, and with a view to bring about the repeal of the Act of Parliament in question.

It is argued in favor of admitting Rum from Great Britain on paying a smaller duty than from the Colonies, it encourages the circuituous navigation from the W. Indies by way of Great Britain, always to be preferred in a political point of view, to the direct from the W. Indies to Canada, and that the 14th of Geo.3 referred to, is framed upon that principle; In answer thereto it is alledged that Parliament had no such matter in Contemplation, in passing that Act, as the Tonnage of the additional Shipping employed in the middle Voyage is no Consideration, and that they either overlooked the distinction, or supposed that Canada was wholly supplied with Rum from the W. Indies; and in support hereof it is observed that

APPENDIX 32

335

the same Act lays, an equal duty of 3d on Molasses from Great Britain also brought by the circuituous navigation, and 3d per Gallon on British Manufactured Spirits, and likely to be discouraged for the purpose of giving a preference to W. India produce; and that the importance of employing more Shipping appears from the returns of the last seven Years importation from Great Britain direct being about 130.000 Gallons of Rum per annum, requiring about 700 Ton of Shipping and this has consequently lost to the Revenue of Canada £3250 per annum, supposing the duty in the said Act had been equal, or 6d from Great Britain as well as 6d from the West Indies.

It may also be further observed that about £1000 per annum has been drawn back in Consequence of the Act of 28. Geo.3. Chap 39 upon the duties on Rum imported from the West Indies. This arises from Rum so imported at a fixed valuation being admitted duty free, to the Amount of certain enumerated articles of Canada produce also at a fixed valuation exported to the West Indies in the same Vessel either the Voyage before or after the importation of the said Rum. Amongst these, Hoops of 12 feet are valued, evidently by mistake, at 60/ per thousand feet, instead of their real value, 60/ per thousand Hoops, and thereby the rum admitted duty free from the exportation of this Article is Twelve times more than intended. 1000 Hoops worth 60/, but valued at £36 upon exportation, pays the duty on 360 Gallons of Jamaican Spirits, valued at 2/, at 6d per Gallon is Nine Pound, or

APPENDIX 32

336

nearly on 412 Gallons Leeward Island Rum valued at 1/9 is
Ten pounds twelve Shillings.

This Mistake has deprived the Revenue of about £500
per annum and may be expected to encrease.

D.

Endorsed: - B. In Lord Dorchester's No. 49. To the Duke of
Portland.

APPENDIX 33

LORD DORCHESTER TO LIEUTENANT GOVERNOR SIMCOE

Source: C.A., Q 74, pt. 2, p. 315-318. The letter is printed in Simcoe Papers, Vol. 4, p. 123-124.

Quebec 5th November 1795.

Sir,

I have much satisfaction in considering the several Harbours, Towns and interior Communications, from Toronto and Lake La Claie to the River La Tranche, traced out in the Plans and Sketches you were so good as to send me; the diligence with which you have explored the Upper Country, and formed these Anticipations will doubtless enable you to direct the Settlements to great advantage; and Towns with all their beneficial consequences may naturally be expected to follow the Population.

Your application to me on the subject of your intended Establishments was very unexpected; you tell me that "your whole System and no particular part of it has already met with Mr. Secretary Dundas's approbation". His language to me signifying his approbation of your Projects was concise, general and unlimited; but I concluded he had given you all necessary Powers and Instructions for carrying them into Execution; from the whole Tenor of his Correspondence I did not apprehend that he expected more from me than that I should observe he had suspended the Powers granted by the

APPENDIX 33

338

King's Commission to the Commander in Chief of His Majesty's Forces in North America, as well as the Powers of the Governor of Upper Canada, as far as the complete Execution of all your Projects might require.

I flattered myself that my passive acquiescence in this suspension would fully answer Mr. Dundas's Intentions, and I could not but acknowledge the Propriety and wisdom of placing the Execution of this entire System in your own hands.

You see, Sir, I had reason to consider myself as wholly disengaged from the smallest interference in these Matters; but if contrary to all expectation I must act, I can be directed by my own Judgment only, or by distinct and precise orders from those whose Station may justify my obedience; on this ground, and supposing I command, I shall continue the present Military Communication till one more convenient and less expensive becomes practicable; and as soon as the Evacuation of the Upper Posts takes place, I shall order down the Fifth, Twenty fourth, and probably the Detachment of the Sixtieth Regiment, leaving in Upper Canada the Queen's Rangers, and so many of the Royal Artillery as may be necessary to take care of the Ordnance Stores; One hundred of the Rangers to be stationed on the Detroit River, opposite Isle aux bois blanc, in Two Block Houses, which will serve as a Guard to the Military and Marine Stores and Shipping; and about One Hundred on our side of the Niagara River. Nothing further appears necessary, yet I shall recommend the former Reserves

APPENDIX 33

339

of Land to be kept free for such Military Purposes as future circumstances may require.

This arrangement will leave in the Upper Country (exclusive of Kingston) nearly the same number of Troops that I found there in the year Eighty six, when the unsettled state of things on that Frontier induced me, though at a great expence, to strengthen those Posts, and to augment the Troops and Marine in order thereby to overawe and keep at bay an enterprising People, who at that time appeared much disposed to insult all the Upper Posts: at present I trust there is no ground for this Jealousy and that we may reasonably expect Peace in that Quarter; but the Complexion of affairs down this way is very different, and must continue so during the present War; this alteration therefore in the disposition of the Troops, I think cannot prudently be dispensed with.

The Inclosure contains a hasty Sketch of what is proposed, in order to enable the Commissary General to provide Materials without delay; more particular orders for carrying these Arrangements into Execution will hereafter be given.

I am &c.

Dorchester.

Colonel Simcoe.

Endorsed: - D. In Lord Dorchester's No. 73. To the Duke of Portland.

APPENDIX 34

LORD DORCHESTER TO THE DUKE OF PORTLAND

Source: C.A., Q 74, pt. 2, p. 307-308.

No. 73

Quebec 7th November 1795.

My Lord.

The Inclosures, though on Matters of much importance require little explanation: they all turn on the Point so much contested since my Return to this Country, whether I am to receive Orders from Colonel Simcoe, or He from me.

However strange some Instances of this Contest may appear, yet if the Report of his Conversations with the Gentlemen in the different Offices may be depended upon, He must previous to his Departure from Home, have had great reason to expect, at least an independent Command in the Upper Country; and that, by implication and Construction his control might be extended much further.

The Situation of Nova Scotia and its Dependencies did not permit Lieutenant Governor Wentworth and Brigadier Ogilvie to extend their Control this way; but by Correspondence and Practice, as well as by System, their Independence also of my Command was completely established when I was told by Mr. Secretary Dundas that "It did not appear at all probable that any circumstances could occur which would render it necessary for me to remove from Quebec, and that he concluded nothing

APPENDIX 34

341

short of that Necessity would induce me to do so"¹.

All Command, Civil and Military, being thus disorganized and without Remedy, Your Grace, I hope, will excuse an anxiety for the Arrival of my Successor, who may have Authority sufficient to restore Order, lest this Insubordination should extend to Mutiny among the Troops and Sedition among the People.

I am with great Respect and Esteem, My Lord, Your
Grace's most Obedient humble Servant

Dorchester.

His Grace The Duke of Portland &c.&c.&c.

Endorsed: - Quebec 7th Nov. 1795. Lord Dorchester. R. 7th
Dec. Ansd. No. 73. (Four Inclosures).

¹ See C.A., G 5, Vol. 1, p. 59, Dundas to Dorchester, May 11, 1794.

APPENDIX 35

DORCHESTER TO THE DUKE OF PORTLAND

Source: C.A., Q 75, pt. 1, p. 48-50.

No. 77

Quebec December 1795¹.

My Lord

The death of Mr. Fraser has reduced the number of our Legislative Counsellors to thirteen and it appears that an Augmentation of Members in that house is necessary. To a list of the former I add eight Gentlemen who I recommend for that appointment, of Sir John Johnson and Monsieur de Lothbiniere I have formerly spoken, more particularly, and of the rest I may say I think them well qualified, and that this mark of honor will not be misapplied. Before the King's pleasure can be known, a dissolution of the present Provincial Parliament will have taken place, and it may not be amiss that the augmentation be declared before the meeting of the next.

The name of the Reverend Jean François Hubert, our Roman Catholic Bishop is omitted in the list of those recommended, as this measure may seem to deserve a more particular consideration, but for my own part, seeing it has been thought

¹ Dorchester's dispatches No. 76 and No. 78 are both written on December 26, 1795. This fact suggests the same date for the present letter.

APPENDIX 35

343

advisable to give our Protestant Bishop a political Character in this province where his proportion in the cure of souls is that of seventy in two thousand, I cannot but recommend that the same honor be conferred on M. Hubert, who has always shewn himself a very good Subject, much retired from the world, and somewhat devote. It is unnecessary I believe to trouble your Grace any further than just to observe on the occasion that as the Servants of the Crown on this Continent should stand forward to prevent abuses, and the accumulation of matter for just complaint, that the King's paternal justice may constantly appear so it should be no less evident that all Acts of favor to the people flow spontaneously from the Royal benevolence, and that neither favor nor protection are delayed till called forth by noise and tumult, this would infallibly clothe the leaders of such irregularities with an importance which might tend greatly to disturb the tranquility of these Provinces.

I am with great respect and esteem, My Lord, Your
Grace's most Obedient Humble Servant

Dorchester.

His Grace The Duke of Portland.

Endorsed: - Quebec Dec. 1795. Lord Dorchester. R. 14. May.
Answ. 3. Augt. No. 77. Duplicate. Orig. not rec.
(One inclosure).

APPENDIX 36

LORD DORCHESTER'S INSTRUCTIONS TO THE INSPECTOR GENERAL
OF PUBLIC ACCOUNTS

Source: C.A., Q 75, pt. 2, p. 491-494.

Instructions for the Government and Conduct of the Inspector General of the Public Provincial Accounts.

To Thomas Coffin Esq. Inspector General of Public Provincial Accounts.

Having by Commission dated the Eleventh February instant appointed you Inspector General of Public Provincial Accounts for the Province of Lower Canada; in the execution of the Office and Trust reposed in you, you are to govern yourself by the following Instructions.

1. You are to see that the Revenues of every kind are regularly brought to Account, and for that purpose to call upon the Officers respectively concerned for such Documents as are necessary to ascertain the same.

2. You are to take care, that no deductions or diminutions in the Receipt of the Revenue take place, nor any Expences be incurred, unless established by Law or authorized by The Lords Commissioners of His Majesty's Treasury, or by the Governor or Person administering the Government of the Province for the time being.

3. All Payments and Disbursements are to be supported by proper and sufficient Vouchers; you are to state your ob -

APPENDIX 36

345

sections if any occur against each Account or Claim, or any Item thereof, and to give Communication of the same to the Accomptant or Claimant previous to the Accounts being sent to the Executive Council, in order that such Accomptant or Claimant may be enabled to furnish his Answer in explanation.

4. You are to examine and countersign all Warrants issued by The Governor or Person administering the Government, authorizing the payment or expenditures of the Public Moneys.

5. You are to take care that all Moneys issued is duly applied to the purposes for which it was intended and regularly accounted for.

6. You are to examine and sign all Accounts submitted to your Inspection previous to their being transmitted to The Lords Commissioners of His Majesty's Treasury, or laid before the Executive and Legislative Councils or House of Assembly, by the Governor or person administering the Government, and to take care that the same as far as possible be correct, and when required to prepare and report Statements of the Public Revenue and Expenditures.

Given under my hand at the Castle of St. Lewis in the City of Quebec this Eighteenth day of February in the year of our Lord One Thousand seven hundred and ninety six.

Dorchester.

By the Governor's Command Herman Witsius Ryland.

APPENDIX 37

LORD DORCHESTER TO THE DUKE OF PORTLAND

Source: C.A., Q 75, pt. 1, p. 106-109.

No. 83

Quebec 20th February 1796.

My Lord,

I have before me Your Grace's letter, marked private, of the 6th September last; suggesting that in addition to the Expences of Survey and the established Fees of £3.6.8 already paid for every thousand Acres, the Grantees of Lands should be made to pay a further Sum, to be laid out in defraying the public expences of the Province.

Such a measure at the commencement of the Land granting business would in my opinion have been advisable, but how for it may now be consistent or expedient to demand greater fees than those at present established, for obtaining Grants of the West Lands of the Crown, appears at least very doubtful.

As an Encouragement to Settlers, it is by the King's Instructions directed, that the Warrants of Survey and Grants for the respective Allotments shall be made out and delivered to the several Grantees free of any expence of Fees whatsoever, other than such as may be payable to the different Officers according to a Table of Fees already established upon Grants of Land made in Lower Canada. Also that all Persons desirous of settling in the said Province may be fully informed of the

APPENDIX 37

347

Terms and Conditions upon which Lands would be granted, the Governor is further commanded to cause a publication thereof to be made as soon as possible. A proclamation was accordingly issued on the 7th February 1792, by Lieutenant Governor Clarke, and by the 8th Article thereof it is declared "That the respective Patentees are to take the Estates granted to them severally free of Quit Rent, and of any other Expences, than such Fees as are or may be allowed to be demanded and received by the different Officers concerned in passing the Patent and recording the same, to be stated in a Table authorized and established by the Government, and publicly fixed up in the several Offices of the Clerk of the Council, of the Surveyor General, and of the Secretary of the Province".

There being however no Table of Fees established, as by the Tenor of the Instructions was supposed, the Lieutenant Governor referred the framing of such a Table to the consideration of a Committee of the whole Council, and it was proposed by the Chairman that the Fees to be exacted should not exceed the Sum of Eight pounds Currency for every thousand Acres passed in actual Grant to the Patentees, exclusive of three Shillings to the Commissioner appointed to take and report the Oath and subscription of each Patentee, the other Members however did not concur, and it was unanimously resolved that the Table of Fees should be reduced to Four pounds per thousand Acres, but this sum Mr. Dundas thought was much too high, and stated that it was clearly his opinion that the

APPENDIX 37

348

fees to be paid upon all Grants of Land ought to be in a proportion which should by no means exceed those established in Nova Scotia, a Copy of which he at the same time inclosed, and further mentions that the very great quantity of unsettled Lands in the Province of Lower Canada, was a great reason, why the scale of computation for the Table of Fees should be even lower than that of Nova Scotia.

In conformity to this Idea a Tariff of Fees amounting to £3.6.8 per thousand Acres, was established and made public, and it now becomes a question worthy of consideration, how far it may be consistent with the dignity and faith of Government to lay any additional charge at this period, especially as almost all the good Lands have been petitioned for, and in consequence thereof, warrants of Survey issued, under which and the faith of the Proclamation expences have been incurred by many of the Applicants. Finding however on my arrival here, that the Spirit of the 34th Article of His Majesty's Instructions had been misunderstood, I took upon myself to put a stop to every Expence on the part of the public in granting these Waste Lands, leaving however a door open for redress to all persons who might think themselves aggrieved.

I am with great respect and esteem, My Lord, Your
Grace's most obedient humble Servant

Dorchester.

His Grace The Duke of Portland.

Endorsed: - Quebec 20th Feby. 1796. Lord Dorchester. R. May

APPENDIX 38

LORD DORCHESTER TO LIEUTENANT GOVERNOR SIMCOE

Source: C.A., Q 75, pt. 1, p. 261-263. The letter is printed in Simcoe Papers, Vol. 4, p. 230-231.

Quebec 4th April 1796.

Sir,

I am sorry that my intended distribution of the Troops does not meet with your Approbation.

In my Opinion the present postures of the King's Affairs would condemn my incurring a great Expence, or leaving Troops in Upper Canada, merely for the purpose of advancing the growth and prosperity of the Colony.

But the impolicy of placing so many Troops out of the way in time of War, and the expence attending such a measure, nor the melancholy considerations which must arise on a view of the various and enormous abuses in the Public Expenditures on this Continent for these last Twenty years, are not the only objections to this mode of encouraging Settlements;

That the Principle itself is at all times erroneous is evinced by the rapid improvement and population of those Provinces where neither extraordinary expence has been incurred, nor Troops employed for Civil purposes. A wise administration of Justice and Government, in conjunction with natural advantages, having been found sufficient to raise them

APPENDIX 38

350

in a short time to great Importance.

You will perceive, Sir, from what I have already said, that I can have no intention of authorizing permanent works of great Expence; I nevertheless think that Reserves of Land should be made around every place, which from its situation may be expected at a future Period to become of consequence, and where such Reserves may probably be required for Public Purposes: This was particularly recommended in a general Scheme of Reservations proposed soon after the conclusion of the American War, on the principle that all the Lands should not be given away by the Crown, and those which were found necessary for public uses, be afterwards purchased back at a most extravagant Price.

Inclosed is the Application of this Scheme of Reserves to the Scite of Toronto or York, sketched out from a Cursory view, which of course would require amendments from a more accurate knowledge of the Country.

The Adjutant General will transmit you preparatory orders for the Disposition of the Troops, after the Evacuation of the Posts; and though no mention is made of any other Corps to be stationed in Upper Canada that the Queen's Rangers, yet it is probable I shall send up part of the Canadian Volunteers.

I am with Regard, Sir, Your most Obedient humble
Servant

Dorchester.

APPENDIX 38

351

Major General Simcoe Lieut. Governor of Upper Canada.

Endorsed: - B. In Lord Dorchester's No. 87. to The Duke of
Portland.

APPENDIX 39

LORD DORCHESTER TO THE DUKE OF PORTLAND

Source: C.A., Q 75, pt. 1, p. 246-250. The letter is printed in Simcoe Papers, Vol. 4, p. 246-247. Extracts are printed in M.P.H.C., Vol. 25, p. 114-115.

No. 87

Quebec 16th April 1796.

My Lord.

The Disposition of the Troops in Upper and Lower Canada being of importance, and a difference of opinion on this head still existing between Major General Simcoe and myself, it is proper I should lay his Reasons before Your Grace, and the more so as he thinks them supported by great authorities.

These matters not appearing to me in the same light, after hinting at some grounds for a difference of opinion, I added such Orders as I judged expedient for the present.

Should not circumstances occur which may require a temporary alteration after the Evacuation of the Posts, I shall order the Fifth, Twenty-fourth, and the Detachment of the Sixtieth Regiment to Lower Canada, and send up so many of the Canadian Volunteers as may do the Duty at Kingston.

The Hundred Men at Detroit River will afford a Detachment towards the Rapids of St. Mary: Probably Cariboux Island will be the best Station for them.

The Object is, to form, within our Frontier a Rendezvous for the Indian Traders (returning with Furs from their

APPENDIX 39

353

wintering grounds round Lake Michigan and near the Mississippi) where they may meet the Merchants, or their Agents from Lower Canada, discharge past Credits with their Peltries, and receive a fresh supply of Goods for the ensuing Winter; this Commerce has hitherto been carried on at Michilimakinac during the whole of the month of June, at which time about Eight hundred Persons are thus assembled, besides Indians of various Tribes who resort to the Rendezvous for Presents, or for News, and sometimes to make Peace under the King's Protection.

It may be necessary to build a Blockhouse on Cariboux Island; but for the present I have ordered there only an Officer and a few Men.

An Engineer is to go up and view the Spot, and make his Report before anything more is directed. He will also view the Rapids of St. Mary, and Report on that passage and the adjacent Country, and afterwards give his advice to the Gentlemen of the North West Trade who purpose making a Road within the Frontier for the convenience of transporting their Goods over that Carrying Place.

The Transport of the King's Stores being greatly lessened by the bringing down of the Troops, the Marine on the Lakes will of Course be reduced in proportion, but not too suddenly lest inconvenience might arise from a want of sufficient Transport during the present Season.

I inclose a sketch of the Rapids of St. Mary, compre-

hending Cariboux Island and Michilimakinac, together with one of Part of the Entrance of Detroit River and two of the River Niagara, which (with a Map delivered into the Secretary of States Office in the year 91, of the Province of Quebec, extending from the Sea to the Mississippi) will elucidate all the arrangements for Upper Canada.

Quebec, which is the Port of Communication with Great Britain, deserves much attention; all besides I consider as requiring but little expence.

A Blockhouse at Isle aux Noix, and another at St. John's, appear sufficient in the present state of things.

I have thown these matters together that Your Grace may be apprized of the general Instructions which my Successor, on his Arrival, will find in course of execution, and that you may be enabled the more readily to amend any errors which I may have committed therein.

Before I conclude it may not be amiss to observe, that it would be of considerable advantage could all the Blockhouses on the Frontier be garrisoned by incorporated Militia; the Canadian Volunteers might serve as a Basis for that purpose; Desertion from the Regular Troops would by this Measure be rendered more difficult, the People in the Provinces would learn that all Disputes and Bickerings on the Frontier are their own immediate Concern; they would thereby be taught to defend themselves and to have a more just Esteem for the Protection which they receive from Great Britain.

APPENDIX 39

355

I am with great Regard and Esteem, My Lord, Your
Grace's most obedient humble Servant

Dorchester.

His Grace The Duke of Portland &c.&c.&c.

Endorsed: - Quebec 16th April 1796. Lord Dorchester. R. 11th
June. Answd. 3. Augt. No. 87. (Eight Inclosures).

APPENDIX 40

LORD DORCHESTER'S MEMORANDUM CONCERNING THE REVENUE BILL
AND THE COMMERCIAL TREATY WITH THE UNITED STATES

Source: C.A., v 75, pt. 2, p. 426-430.

Memoranda regarding the Revenue Bill passed by the Legislature of Lower Canada Session 1795/6 and the Commercial Treaty with America.

It is to be remarked that in the Consolidation and Commutation Revenue Bill, its commencement is made dependant upon a Contingency; vizt., the Signification by Proclamation, that the Act of the Parliament of Great Britain of the 14th of His present Majesty is repealed, therefore if Parliament should not attend to that circumstance, and accordingly make their Duties to cease and determine from a day certain, instead of a time applicable to such Contingency; it may so happen, that there will be an interval between the Cessation of the Parliamentary Rates and Duties, and the commencement of the Provincial Ones, in which none will be payable.

One strong motive for an Equalization of the Duty on Spirits, without regard to the place from whence they may be imported, is to counteract the effects of the literal Interpretation of the Treaty with America, which is imposing upon Articles coming from the United States by Inland Navigation, no higher Duties than are paid on same Articles when imported by Sea from Europe; it thereby places the Americans in a more

APPENDIX 40

357

favored situation regarding the Article of Spirits, than His Majesty's Subjects: For instance, the latter paying 9d per Gallon thereon from the West Indies, and only 3d when from Great Britain; the Americans may claim the benefit held out by the Letter of the Treaty, and pay only 3d per Gallon, being what/The Operation of this will be, that the Americans importing Spirits from the British West India Islands at all Seasons, at a lower Freight and Insurance than we can, and paying 6d per Gallon less duty thereon when admitted here, than we pay from the Islands direct, it must give to them an additional advantage in our Market, until an equalization of Duties takes place. The same Cause operates regarding Wines, for by the same construction of the Treaty, they will claim an exemption from the £7 per Ton Duty on Madeira, Fyal and Teneriffe Wines, which we pay when brought from those Islands direct; and will insist that they are liable to no more than 10/ per Ton, being our rate of Duty thereon, when brought from Great Britain.

But the Treaty places Canada in a still more unfavorable Situation respecting other kinds of Wines. At present we are obliged to bring European Wines by a circuitous Voyage through Great Britain at double Freight and Insurance, an increased Leakage, a Duty retained there, and accumulated Expenses; which of course the Americans avoid by importing such Wines at all Seasons direct from the places of their Growth: hence it necessarily follows, that if these disadvantages are

APPENDIX 40

358

not remedied by the wisdom of the Supreme Legislature, in repealing such Laws as operate to our injury under this new order of Things, and in enacting others consonant to our situation under the Treaty; we must probably, if not inevitably, lose not only the Wine and Liquor Supplies for Upper Canada and the Indian Country, but even for much of the consumption of this Province; which will accordingly be transferred to our Rivals the Americans.

This operated as one powerful reason with the Assembly, in wishing a Commutation of the Duties under the Acts of 6th Geo. 2nd. Chap 13, 14th Geo. 3. Chap 15 and 6th Geo. 3d. Chap 52 in order to equalize them without regard to the place from whence Wines may be imported. Had not the Treaty with America come officially so late, it is probable that both Houses of the Legislature, would have united in Petitions to His Majesty and Parliament, on the subject of European Wines and Fruit; For although the circuitous Voyage to obtain them, was at all times perhaps more onerous to His Majesty's Subjects in this Province, than beneficial to the Nation at large; yet every good Subject readily acquiesced without murmur, conceiving the restrictions originated in motives tending to increase the Navigation of the Empire, and to strengthen the Connexion between the Mother Country and the Colonies: But now that as by a change of circumstances, those effects will cease, it is unnecessary and unwise to retain the restrictions, there being probable, nay certain danger, that the

APPENDIX 40

359

Wine and Fruit Trade will be transferred to our Rivals in the States, if His Majesty's Subjects in this Province should still remain prohibited from a direct Intercourse from the European Wine and Fruit Countries.

It may be expedient to avoid difficulty, that Government should explain, for the guidance of the Custom House Officers, the extent to which the words "entirely prohibited" was intended to be carried, in our new Commercial intercourse with the States; for if by the Treaty it is meant, that Americans may bring hither by Inland Navigation, every Article that is not entirely prohibited from being imported into this Province, from every Country whatsoever, they may in that sense, bring what they please; as our prohibitions being partial, do not extend to the prevention of anything coming through Great Britain.

D.

Quebec 9th May 1796.

Endorsed: - F. In Lord Dorchester's No. 91 To The Duke of Portland.

APPENDIX 41

CIVIL SECRETARY COFFIN TO P. CONROY

Source: C.A., G 15 C, Vol. 5, p. 52-53.

P. Conroy Esq.

Quebec 23d May 1796.

Sir,

I have received and laid before Lord Dorchester your Letter of the 16th Inst. stating the seizure of sundry Articles which had not been offered for entry under the faith of the Treaty the doing of which appears to be strictly within the Line of your duty, and his Lordship approves your conduct therein, but as it is only the commencement of a new intercourse and the people on the other side of the Line probably not acquainted with the proper mode of proceeding; His Lordship is of opinion, that it is but to shew them, that it is the intention of Government to treat them with liberality and not to catch at Trifles to harrass and distress individuals; and therefore directs me to signify to you his desire, that you would restore the articles seized pointing out in a civil manner to the Owner the impropriety and illegality of his conduct, and warn him against a similar proceeding in future.

I am &c.

T. A. Coffin.

APPENDIX 42

LORD DORCHESTER TO ROBERT LISTON

Source: C.A., Q 75,,pt. 2, p. 455-456. The letter is printed in M.P.H.C., Vol. 25, p. 122-123, in Simcoe Papers, Vol. 4, p. 292, and in William R. Manning, editor, Diplomatic Correspondence of the United States, Canadian Relations, 1784-1860, Vol. 1, Washington, Carnegie Endowment for International Peace, 1940, p. 474, n. 2.

Quebec, 6th June 1796.

Sir,

In my Letter of the 26th May I acquainted you, that to prevent any misunderstanding between this Government and that of the United States, I had passed over an Irregularity at St. John's; since which a quantity of Drugs and Medicines having been offered for entry under the Faith of the Treaty, the King's Officer at that Post (who had stopped and reported them in obedience to his Instructions) has been directed to admit them to entry, taking security for payment of the Duties which will be established conformably to the Stipulations of the Treaty; and he is ordered to observe the same line of conduct without delay on all similar occasions that shall occur previous to his receiving the Regulations.

Captain Lewis who is sent here on the part of the United States, was informed on his arrival, that in consequence of the satisfactory Intelligence received from Mr. Bond, I should give directions for the immediate Evacuation of the Posts; but he requested that they might not be evacu-

APPENDIX 42

362

ated till the Troops of the United States should be at hand to protect the Works and Public Buildings.

Being desirous to meet the wishes of the President, I have qualified my orders in a manner that I think will answer this purpose; a copy of them is inclosed, together a copy of the Adjutant General's Letter to the American Secretary of War.

I trouble you with these particulars lest any unfounded Rumours should give rise to a misrepresentation with regard to our readiness to carry the Treaty into immediate effect.

Trusting on our part to their good Faith I shall with all convenient speed order down the greater part of the Troops from Upper Canada.

I am with Regard, Sir, Y.M.O.H.S.

Dorchester.

Robert Liston, Esq., His Britannic Majesty's Minister Plenipotentiary.

Endorsed: - C. In Lord Dorchester's No. 95. To The Duke of Portland.

APPENDIX 43

LORD DORCHESTER TO THE COMMISSIONERS OF THE CUSTOMS

Source: C.A., Q 76, p. 127-133.

Quebec 25th June 1796.

Gentlemen:

A "Crave for Necessaries wanted for the Office 1796" has been made by the Collector of Customs.

The Articles of Commerce to which most of their necessities appeared applicable having been subject to duties for many years past without any demand of this sort, I thought it necessary to enquire upon what principle it was now made, and how they had been provided; Copies of a Correspondence on this subject are inclosed, together with the Collector and Comptroller's Estimate of the Individual Expences to which the Revenues of the Customs collected under the Authority of the Provincial Parliament is in their Opinion liable; they have been informed that, till an Arrangement of the Business shall be made at home, no permanent Regulations concerning the same would be established, but that in the mean time it was expected all unusual or unnecessary Expence would be avoided in the Collection.

From your long experience and perfect knowledge of all Business appertaining to the Customs, and not doubting of your ready assistance to secure the King's Revenue whether

APPENDIX 43

364

Provincial or by what other name distinguished from all unnecessary diminution, I am induced to bring these matters before you and to request your opinion thereupon, as well as your advice with regard to the future good management of this essential Branch of Revenue in this Country, and which from Laws lately passed may be expected to become much more productive than heretofore.

A difference of opinion has at all times existed here concerning the Provincial Revenue and the Provincial Accounts. The Governor and Council being dissatisfied with the payments made by the Collector to the Receiver General, ordered him in the year 1778, to send to the Clerk of the Council Copies of the Quarterly Accounts of all the monies collected by him, under the Act of the 14th of the King, that they might see what deductions were made and by what Authority: On Examination they found the Revenue diminished $13\frac{1}{2}$ per cent in the hands of the Collector before it was paid to the Receiver General; and this in addition to his Salary, and the Fees and Emoluments granted him by Act of Parliament, and the Incidents allowed by the Commissioners of the Customs in England; these deductions however, altho' considered unauthorized, he still continues to make, and by the inclosed statement you will perceive how much the King's Revenue under this Act alone has suffered in consequence thereof; and it may not be improper at this time to observe that the difference in paying the Duties in Silver at $5/6$ per ounce and which amounts to about

APPENDIX 43

365

5½ per cent, has been appropriated by the Collector to his own use as a perquisite of Office.

Some Remarks on the Charges may also tend to throw further light upon the business. In the Account of Duties collected under the Act of the 14th of the King, the following Items appear. £20 a year for Office Rent, £5 for Fuel and £4 for Stationery.

By an Act of the Provincial Parliament of the 33d. of His Majesty Additional Duties were imposed in order "to establish a Fund for paying the Salaries of the Officers of the Legislative Council and House of Assembly and for defraying the Contingent Expences thereof" from the Amount of Duties received under this Act the same sums for Office Rent, Fuel and Stationery are again deducted, and on a reference to the Amount of Duties collected under the Statutes of 6th Geo. 2. Chap 13; 4th Geo.3d. Chap 15 and 6th Geo.3. Chap 52 it appears that the same sums are again charged as Incidents against Duties collected under these Acts, making three separate and distinct charges, under the same heads, tho' all business concerning the Customs whether under the Acts of the British or Provincial Parliaments are transacted at the same Office; and with respect to the Allowance of Fuel, it may not be inapplicable here, to observe that the Navigation in this Country closes generally about the 10th November and by a Law of the Province, Bonds taken for payment of Duties are to be paid and discharged on or before the first of January follow-

APPENDIX 43

366

ing; Besides which what are called Office Hours, are now only from 10 to 1 o'clock each day, all Business done except within the three hours above mentioned, is I understand considered as Extra Official and optional, and double fees taken therefore.

Last year another Act passed the Provincial Parliament imposing new and additional Duties, in consequence whereof these additional demands have been made, and upon the same principle new charges may, and if not checked, probably will be multiplied every time it may be found necessary to add to the public Revenue, thereby making the proportion of Emolument to the Collector increase in the same Rates as the burthen to the subject from time to time becomes greater.

On Comparing also the Accounts of Duties collected under the three Statutes last recited with those collected under the Act of the 14th of the King and the Provincial Acts, all which are stated in separate and distinct Accounts by the Collector; it appears that the Expence of guaging is also charged repeatedly, and the Collector having been called upon by a Committee of Council appointed to examine the Public Accounts, to explain the same, it seems from the Answer given, that he is of opinion (and under this impression continues to Act) that tho' the Guage, Weight or Measurement are already ascertained upon the Articles paying Duties under the Acts prior to that of the 14th of His Majesty; the same is not to be made use of by the Collector to collect the additional

APPENDIX 43

367

duties on the same Articles granted to the King by subsequent Acts of Parliament, or by those of the Provincial Legislature without again charging the Cost of Guaging &c. as if it had not before been ascertained. By which rule whenever a further duty is added on an Article already paying a Duty, it would seem that the Public are to be charged with the expence of the Guage, Weight or Measurement as often as the public exigencies may require additional duties to be laid, tho' no additional trouble whatever falls upon the Officer performing that Service, and the Guage, Weight or Measurement being once ascertained the Collector is in full possession of all that is necessary to enable him to collect the whole duty due, tho' they may be imposed by separate and distinct Acts.

In England it has often been found necessary to impose additonal duties upon Articles before dutiable, but it is presumed no charge of this kind has been attempted there, or if attempted not admitted.

I am far from thinking that the measure of Reward to the Collector and the other Officers of the Customs for their Services should not be liberal, but I am at the same time of opinion that whatever it is judged proper to grant them in addition to the Fees established by Act of Parliament should be fixed, and not left to the discretion of an Officer in a Country where he acknowledges no competent Authority to control his disposal of the Public Money, and who at the same time claims applause and especially from his Superior Officers

APPENDIX 43

368

For thus maintaining the Rights of Office.

I am with regard, Gentlemen, Your most Obedient
humble Servant

Dorchester.

The Commissioners of the Customs.

Endorsed: - In Lord Dorchester's No. 102. To The Duke of
Portland.