

THE ENGLISH MERCHANTS IN CANADA, 1759-1766

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CURRICULUM STUDIORUM

Sister Amelia Burke, C.N.D. Born in Sydney, Nova Scotia, June 1919. B.A. degree from the University of Montreal in 1951.

TABLE OF CONTENTS

Chapter	page
PREFACE	v
INTRODUCTION	1
I. MILITARY REGIME	5
A. Difficulties of the Governor	5
i) No instruction from home	6
ii) Disciplinary measures	8
B. Murray's Plan of Reconstruction	10
C. Laws Regulating Trade and Prices	11
II. MERCHANTS	13
A. Origin and Character of Merchants	13
B. Attitude of Merchants	23
i) Towards the Military	23
ii) Towards economic regulations	38
iii) Towards political regulations	55
III. MERCHANTS' ATTACK ON THE MILITARY GOVERNOR.	64
A. Murray's Recall	64
B. Cases Presented in London Against Murray	67
C. Insufficiency of these Accusations.	73
IV. CONCLUSION	76
BIBLIOGRAPHY	78
ABSTRACT	81

PREFACE

This thesis proposes to study the position of the English Merchants in Canada at the time of the Conquest in order to discover their actual situation. Much work has been done on the fur traders, both French and English, of Canada. Most of these fur traders were fitted out and sponsored by merchants in Montreal and Quebec. To date there seems to have been no study made of the English merchants themselves during the Military Regime and the year or so following. The question of interest here is what their actual situation was as a minority group within a vanquished majority.

A study of the Murray Papers showed the relations of the British merchants with the Colonial Governor and with the Home Government. A study of the newspapers of the time and of the petitions of the merchants themselves, disclosed what organization and co-operation existed among them. The use of other official documents exposed the views of these merchants and their complaints concerning their position in Canada. These complaints have been evaluated and the conclusion drawn that although some were valid many were not. This is evidenced by their failure to indite James Murray at his trial in London in 1766.

INTRODUCTION

The British who conquered Canada in 1759 set up the machine for military rule in the capitulation agreement which was signed by De Ramezay, French Commander in Canada. A similar agreement was signed in Montreal the following year by Vaudreuil, the Canadian Governor for the defeated French colonists in Canada. This completed the arrangement for military rule in French Canada while awaiting the actual peace treaty which was signed eventually in 1763.

According to the terms of the capitulation agreement, the British not only permitted, but actually aided those among the conquered French Canadians who wished to return to France. According to General James Murray, first military governor of Quebec, not more than 270 men, women and children took advantage of this generous gesture;¹ most of the people having their roots too deeply embedded in the soil of New France, and having few, if any, ties left in the home country.

Among those, however, who left were the natural economic leaders of the people. Their departure created a need for merchants, which need immediately began to be supplied

¹P.A.C., MG II, Q Series, Vol. 2, "Murray to Lord Halifax," Quebec, 21st August, 1764, p. 170.

INTRODUCTION

2

by Englishmen who came in the wake of the conquering army. These merchants found the economy devastated. The problem in this thesis, therefore, is to study to find out who were the English merchants involved, where they originated, and how they got along with the Governor and others with whom they had dealings.

The depletion of the natural leaders of the French left the Quebecois in need of other economic leadership. General Murray has left an account of the distress causing this need. Apart from the usual ravages to be expected in the actual fighting, settlements were burned as an example of what the inhabitants might expect if they disregarded the proclamation advising them to remain quietly at home and offer no more resistance to the victorious army.² We have General Murray's own account of how he felt compelled to burn a settlement near Sorel. In his letter to Sir William Pitt, Prime Minister of England, concerning this destruction, Murray states the hope that he would not be forced to this type of punishment again since it was against all his better feelings.³ In spite of this, we have a manifesto in French published by Murray when he felt obliged to repeat the

²William Henry Atherton, Montreal, 1535-1914, The S. J. Clarke Publishing Company, Montreal, 1914, I, p. 433.

³R. H. Mahon, Life of General the Hon. James Murray, A Builder of Canada, London, John Murray, Albermarle Street, W., 1921, p. 260.

INTRODUCTION

3

punishment and burn the houses at Pointe Lévis because the inhabitants had concealed a French military party.⁴

This action on the part of Murray had the desired effect of forcing the submission of those among the French Canadians who might otherwise have caused continued trouble by their opposition. It likewise had the effect of adding to the already great distress of the countryside.

Another acute problem at this time was a financial one. Governor Murray, in need of money for the troops, published an ordinance in November of 1759, requesting that any persons having cash on hand use it for the service of the country. This they could do by turning it in and receiving in exchange promissory notes which would be redeemed in six months time, or earlier if money arrived from England before that date. To induce people to help out, he offered five percent interest and the further enticement that their names would be inscribed and sent to Britain, so that the Home Government should know who were its loyal subjects.⁵

These facts all indicate that the economic situation in Canada at the time of the Conquest was very bad. France had left in the colony over eight million dollars of inflated

⁴P.A.C., MG II C.O.5, Vol. 64, "Journal of Quebec," 2nd Part, 26th February, 1760, p. 74.

⁵P.A.C., MG 23, G II I, Vol. L, General Murray's Letters, 1759-1760, "Proclamation by Murray," p. 12.

INTRODUCTION

4

paper money, which was only partially redeemed years after the Conquest. Merchant and farmer alike were ruined; Quebec was practically destroyed after two months of bombardment,⁶ leaving a sorry picture which has been described by Captain John Knox in his Journal:

It would be impossible to delineate the miserable state of this city; near one-third of the houses were reduced to ruins, and what remained were so perforated by our cannon during the first siege,⁷ that very few of them were fit to be inhabited.

The fact is, nevertheless, and this is quite evident from the documents of the time--Murray Papers and others--that the British rulers did their utmost to protect the inhabitants from the exploitation which is a normal follow-up by a conquering army.

It must be realized, however, that this first period of English rule in Canada was under military auspices and, moreover, there was no certainty that Britain intended to retain the colony. This fact aggravated various difficulties already inherent in such a situation.

⁶Mason Wade, The French Canadians, 1760-1945, The MacMillan Company of Canada Limited, 1955, p. 48.

⁷Arthur G. Doughty, ed., An Historical Journal of The Campaigns in North America, by Captain John Knox, Toronto, The Canadian Champlain Society, 1914, Vol. II, p. 444.

CHAPTER I

MILITARY REGIME

At the Conquest of Canada in 1759, the three areas into which the colony had been divided under the French Regime were retained, with General James Murray being named as Governor of Quebec, Brigadier General Thomas Gage, Governor of Montreal, and Brigadier General Ralph Burton, Governor of Three Rivers. Murray held his post for the period of the Military Regime, 1759-1763, and the years afterwards when he was faced with the task of establishing civil government in Canada.

Murray's first year as Military Governor of Quebec was especially difficult because of the war which still dragged on and because of the lack of any definite instructions from the home government. This situation was in large measure due to the changes in ministry and to the instability of government in England following the accession of George III. Murray could not be sure of the policy which Britain wished him to follow. In a letter to General Amherst, Commander-in-Chief of the British forces in America, November 1759, he says that until he receives specific orders to the contrary, he will do his utmost to help the conquered French

MILITARY REGIME

6

Canadians.¹ Instructions from Lord Egremont, Secretary of State after Pitt, to Sir Jeffrey Amherst in December 1761 give an unqualified approval of this course:

Nothing can be more essential to His Majesty's service than to retain as many of the French subjects as may be. ... Employ the most vigilant attention and the most effective care that the French inhabitants be ... humanely and kindly treated, and that they do enjoy the full benefit of an indulgent and benign government.²

These instructions from Britain came more than a year after the Conquest and had to pass through the hands of a third party--Sir Jeffrey Amherst.

With all the good-will in the world, Murray's personality and character, the product of his early years, had not fitted him for the duties of government which were now his. He was by training a military man with little if any understanding or experience of legal or commercial affairs which now came under his jurisdiction. Indeed Murray, himself, realized this. In a letter to Samuel Martin, Secretary to the Lords of the Treasury, he stated that he "was left entirely to Act as appeared to me most for the Publick

¹P.A.C., MG 23, G II I, Volume 1, General Murray's Letters, 1759-1760, "Murray to Amherst," November (no date), 1759, p. 5.

²A. L. Burt, The Old Province of Quebec, p. 30, taken from Series B, Haldimand Papers, Vol. 37, "Egremont to Amherst," London, December 12, 1761, p. 10.

MILITARY REGIME

7

Service, and am not ashamed to own my utter Ignorance (sic) of all the Forms of Office at that time."³

Perhaps, on the other hand, the experience of his early life may have contributed to his sympathetic attitude towards the conquered French Canadians. He had grown up with straitened financial means, a need for patronage, and a long story of divided allegiance in his family, along with disappointment and frustration in his chosen career. This attitude was not to serve him well among his fellow countrymen.⁴ Gage and Burton were also military men, and like Murray, lacked training in civil law and government. For this reason, perhaps, as well as because they wished to keep the French Canadians contented under their new rulers, these governors seem to have found it expedient to leave the country, in large measure, under the French law and government already existing in the colony. This situation was welcomed, naturally, by the French Canadians, but it engendered much dissatisfaction among the English merchants and traders.

Meanwhile an English merchant class was gradually growing in the colony. The majority of the English in the

³P.A.C., MG 23, G II I, Murray Papers, Vol. 3, Letters to and from Murray 1759-1789, Bundle III, "Murray to Samuel Martin, Secretary to the Lords Commissioners of the Treasury," Quebec, 28th August, 1761, p. 105.

⁴R. H. Mahon, Life of General the Hon. James Murray, A Builder of Canada, London, John Murray, Albermarle Street, W., 1921.

MILITARY REGIME

8

province were ordinary people interested in making a living. They lived quietly and caused no trouble. Burt says that most of the noise was made by a small group who were rather aggressive. Since this clique controlled the economy of the colony, and since its members seem to have had good connections with the big business firms in London, they cannot have been mere riff-raff. The fact remains, however, that there was serious trouble between them and the Governor, as also between them and the members of the army.⁵ Controversy arose between Murray and this merchant group. Murray insisted that his laws were necessary for the good of the colonists in general. The merchants rebelled because they felt that their commerce was impeded.

Disciplinary problems were a cause of much trouble in the colony. Strict injunctions were issued to those living within the town regarding the carrying of lights, the leaving or entering the town, and the settling of minor disputes.⁶ Murray reported that all this was for the protection of the townspeople, that both Indians and Canadians were being mistreated by crews from trading vessels and by those from the King's ships as well. The source of another

⁵A. L. Burt, The Old Province of Quebec, p. 111.

⁶Can. Archives Report 1918, Appendix B, "Ordinances, Proclamations, etc. Issued by the Military Governors, By His Excellency James Murray," Nov. 15, 1759, p. 2-3.

MILITARY REGIME

9

difficulty was the fact that civilians had to be tried by martial law since no civil courts had as yet been established. Murray was opposed to having civilians brought before military courts, as he felt that this would seriously undermine his efforts to break down the French Canadian prejudice against the British.⁷

One of the early "bones of contention" between Murray and the merchants and traders of Montreal had to do with the restrictions on the Indian trade. Following the policy of the Proclamation of 1763, Murray permitted that the trade of the western country, hitherto closed by reason of the Indian War, be re-opened. This trade was subject to certain very specific regulations, to ensure the observance of which, "the trader had to give bond double the value of the goods to be sold."⁸

The merchants and traders at once protested on the grounds that they had already suffered enough because of the war, without having to submit to restrictions in time of peace. They felt that the security demanded was exorbitant.

⁷P.A.C., MG II, Q Series, Vol. I, "Correspondence with General Murray," Quebec, January 28, 1761, p. 3-5.

⁸R. A. Humphreys, Ed., "Governor Murray's Views on the Plan of 1764 for the Management of Indian Affairs" in *The Canadian Historical Review*, Vol. 16, No. 2, June 1935, p. 164.

Dissatisfied with promise of help from Murray, they devised their own procedures--by which they complained to the home government. The conflict spread. "Civil and military officials attacked the character of the traders. Merchants and traders attacked the character of the regulations."⁹ The English merchants in the colony had the added advantage of having as their agent in London, Fowler Walker, brother of the notorious merchant Thomas Walker, who was one of the foremost in instigating trouble. This London brother presented a memorial on behalf of the merchants presenting their grievances. This was a lengthy and detailed account of the situation in Canada. Mr. Fowler Walker enumerated everything concerning which his clients were dissatisfied.¹⁰

A letter from Murray to the Lords of Trade at this same period, indicates that this conflict also involved a certain amount of smuggling. He promised to do his best towards controlling this practice, even though he felt it would be a matter difficult to accomplish.¹¹

Murray's plan of reconstruction was hampered during the early part of the Military Regime by the uncertainty as

⁹Ibid., p. 165.

¹⁰P.A.C., MG 21, Hardwicke Papers 35915, B.M., Add. Mss., "Memorial on the State of the Province of Quebec by Fowler Walker," March 1, 1766, p. 21-44.

¹¹P.A.C., MG 11, C.O.42, Vol. 1, Part 1, "Murray to the Lords of Trade," Quebec, 26th January, 1764, p. 293-294.

to the future of the colony. Would Britain confirm its hold on the country or merely, at the peace settlement, hand it back to France? Once this question was definitively settled, the Governor did all in his power to help the New Subjects towards economic prosperity. This he did by teaching them improved farming methods, by helping them rebuild their homes and by ensuring, to the utmost of his power, that the French Canadians and Indians not be taken advantage of by the English merchants who were settling in the colony.

For this purpose laws were passed controlling every phase of economic life:

January 15th. 1760. Both Bread and Meal having been brought to an Excessive price, to the great Detriment of both Garrison and Inhabitants, published a Regulation for the same in French and English, Fixing it at a moderate Rate and obliging the Vendors to take out Licences.¹²

These regulations regarding trade and prices, and others, imposed severe punishments for infractions of the law.¹³

Such **restrictions**, while having as their object the greater good of the people, were the source of some of the Governor's troubles throughout his tenure of office.

¹²P.A.C., MG 11, C.O. 5, Vol. 64, "Journal of Quebec," 1st. Part, Jan. 15, 1760, p. 63.

¹³P.A.C., MG 23, G II I, Murray Papers, Vol. 3, Letters to and from Murray 1759-1789, p. 215. Also Public Archives Report 1918, Appendix B, Ordinances of Governor Burton, p. 77-79.

We thus find that the period of the Military Regime in Canada was one of controversy and of difficulty for all, especially for General Murray who had the chief responsibility. Although Murray was by nature and by training not equipped for other than a military life, still his innate sense of justice and of humanity made him try to rule well the people who were under his influence. His very efforts to conciliate these French Canadians, to bring them to appreciate British rule, brought upon him the opposition and the enmity of the British merchants. These merchants were strong enough and had sufficient influence in England to have Murray recalled in 1765 to stand trial at home.¹⁴

¹⁴A. L. Burt, The Old Province of Quebec, p. 111.

CHAPTER II

MERCHANTS

A. ORIGIN AND CHARACTER OF THE MERCHANTS

It is now expedient to investigate further the situation of the rising merchant group. One contributing cause of their strength was the decline of the seigneurial class at this time. Because of the Conquest and because Britain was prepared to help any French Canadians who so desired to return to France, a certain number of these left Canada. Most, however, elected to remain. Those who took advantage of the opportunity were for the most part the governing body and the moneyed class.¹ Although many of the seigneurs remained, a number of the higher nobility left. The colony was left, therefore, without many leading French Canadian businessmen or merchants. British traders soon filled the gaps.

A number of English merchants were among the followers of the army, arriving in its wake from Albany and the surrounding New England settlements in 1759. Governor Gage of Montreal asked that the troops be paid in New York

¹P.A.C., MG II, Q Series, Vol. 2, "Murray to Lord Halifax," Quebec, 21st. August 1764, p. 170.

MERCHANTS

14

currency, "as most of the Troops were indebted to Merchants and sutlers from that province."² Many others came from a wider area in the southern colonies as a result of General Amherst's invitation of 1760. The Commander sent word to their governors inviting merchants and traders to come to Montreal, as the people there were very much in need of all kinds of supplies as a result of the war.³ These merchants formed the nucleus of the English-speaking group in Montreal. A small number continued to trickle in from the British Isles in the following two or three years as it became more evident that the colony would remain in British hands. According to Amherst, they hoped to be able to make their fortune as a result of the vicissitudes of war.⁴ This attitude led to a series of difficulties in the colony.

As early as 1760, Gage, the Governor of Montreal, complained in a letter to General Amherst:

The Merchants here make no scruple to truck their Goods for skins; no doubt know the New York price too well, to be losers by their Traffick; I believe

²P.A.C., MG 12, Series B 60, W.O. 34, Vol. 5, 1760-1764, Part I, "Gage to Amherst," Montreal, Nov. 3, 1760, p. 4.

³Documents Relating to the Constitutional History of Canada, 1759-1791, "Placard from His Excellency General Amherst," Montreal, the 22 September, 1760, p. 33.

⁴P.A.C., MG 12, Series B 62, W.O. 34, Vol. 7, 1760-1763, Part I, "Amherst to Gage," 9th. November 1762, n. 248.

MERCHANTS

15

... that the Albany People only acted a cunning part, which is very frequent with them.⁵

Again we find Gage complaining of the sale of gun powder to the Indians. This was forbidden and Gage accused the merchants of smuggling it into the country in spite of all laws to the contrary.⁶

In 1761 Gage had already found it necessary to issue ordinances against the merchants who, without the necessary permission, went to sell their goods and intoxicating liquors in the rural areas.

The Governor of Montreal reported more trouble, this time in connection with the Indians. He complained that the regular Montreal merchant trade was being infringed upon by other English traders who were selling rum to the Indians, thereby securing their better skins. "The People who are named for this Illicit Trade are: Scuyler, Stevenson, Everarht Wendal & Company. All of them Albany People."⁷ He had reported them and hoped that a stop would be put to all their interfering. Many stories of a like nature could

⁵P.A.C., MG 12, Series B 60, W.O. 34, Vol. 5, 1760-1764, Part I, "Gage to Amherst," Montreal, Nov. 14th, 1760, p. 8-9.

⁶Ibid., Montreal, April 9, 1761, p. 89.

⁷P.A.C., MG 12, Series B 60, W.O. 34, Vol. 5, 1760-1764, "Gage to Amherst," Part II, Montreal, October 12, 1762, p. 218.

be cited indicating that there was not exactly complete harmony between the merchants and those in control.

The picture is not entirely black. To illustrate this we have the story of William Grant, a British merchant in Canada at this time. Grant was a clever and enterprising young businessman who loaned money and supplies to many French Canadians and bought up considerable land in Quebec and Montreal from those returning to France. One transaction in Montreal brought him unexpected publicity. In 1764 he had bought a house with the lands, animals, attached, from a Louis Charly de Saint-Ange, agreeing to make regular payments at specific times. The first payment went through on schedule, but Charly died in France, and it would seem that Grant did not make further remittances to his heirs. The widow appealed to the Minister of Foreign Affairs for redress, stating how difficult it was to follow things and get justice when one was not on the scene. The Minister of Foreign Affairs wrote to the French Ambassador in London, asking his intervention. Madame de Saint-Ange also wrote to the Archbishop of Tours asking him to intervene.

When investigated in Montreal, the situation did not look so hopeless. Mr. Cramahé, Lieutenant-governor at Quebec, reported that there had been no complaints there by Madame de Saint-Ange's agent, and that any delays in payment were due to certain irregularities in the powers of this

agent. He also reported Grant to be an honest man, one who would certainly acquit himself of his obligations; one who had frequently shown pity for the misery of the poor French Canadians. He had often loaned them money--had even helped financially a nephew of Madame de Saint-Ange. This young man spoke to his aunt of his obligations towards Grant--how Grant had even kept him from being thrown into prison for debt. It seems, therefore, that Grant was one English merchant in Montreal not interested in taking advantage of the French Canadians. Grant, nevertheless, acquired wealth and later became the Seigneur of Saint-Roch. We find his name affixed to various documents along with those of several other English businessmen.⁸

In October 1764, lists prepared by Governor Murray, "show that there were exactly two hundred 'Protestant housekeepers' in the towns of Quebec and Montreal."⁹ And a year later "there were ninety-nine male Protestants, not necessarily householders, then resident in the town of Montreal, and thirty-four in all the rest of the upper half of the

⁸ ... "Mr. William Grant, Homme d'Affaires" in Nova Francia, Volume II, No. I, 24 Octobre, 1926, p. 123-132.

⁹ A. L. Burt, The Old Province of Quebec, p. 104.

MERCHANTS

18

province."¹⁰ Burt says that "of those living in the country, only two were entered as farmers; fifteen kept taverns. In the town, however, almost half were merchants..."¹¹ Not all these merchants were troublemakers.

The first English notary in Montreal, John Burke, is worthy of note. He was appointed to his position by Governor Gage as early as 1762. His name is attached to official documents from 1763 to upwards of thirty years. In 1783 we find a letter from him asking to have his licence renewed. He had mislaid his papers during the troubles occasioned by the invasion of the country by the Americans, and he wished to be re-certified. John Burke held many official appointments in the business world of Montreal between 1762 and 1794--such as notary, clerk of the peace, coroner for the District of the City of Montreal, and seems to have been held in good repute by the authorities.¹²

John Burke was appointed by Gage, but later when Murray had to choose other Justices of the Peace for Montreal in 1764, he found that the most eligible candidates were

¹⁰Ibid.

¹¹Ibid., p. 105.

¹²..."Le Premier Notaire Anglais de Montreal, John Burke," in Bulletin des Recherches Historique, Vol. XXIII, No. 8, Beauceville, Aout 1922, publie par Pierre-Georges-Roy, Levis, 1921, p. 237.

MERCHANTS

19

those among the merchants who had had trouble with the troops during the period of the Military Regime. Thus, as he did not have much choice, Murray felt obliged to appoint some of the Justices from their number, hoping that the responsibilities of their new position would make these men--among whom were Francis Noble Knipe and Thomas Walker--put their best foot forward and exert a better influence on the mercantile element. That the future might prove him wrong was a risk the Governor felt obliged to take.¹³

Some of these English Montreal merchants had come from England, Ireland, and Scotland towards the end of the Military Regime and later. There were, for example, Benjamin Price and Thomas Dunn from England, and Walter Murray of Scottish ancestry but born and educated in Ireland. Many more had come from the New England colonies, as had Thomas Walker, the cause of much trouble. These latter seem to have been disliked more than their colleagues probably because the authorities feared their aggressiveness and their desire for representative government. Since the army and the merchant class were proverbial enemies, perhaps it was an asset that for the most part, the regular army kept in Canada during

¹³P.A.C., MG 23, G II I, Vol. 2, Murray Papers, Letter Book 1763-65, "Murray to Fraser," Quebec, 11th. September, 1764, p. 204.

the Military Regime had in 1760 replaced many New England soldiers by British recruits.¹⁴ This was the period immediately preceding the American Revolution. The revolutionary spirit impregnated the whole area of the New England colonies. When merchants came to Canada from there, they brought this spirit with them. In this respect, then, the colonials were more militantly democratic than those merchants who came directly from the British Isles.

In many cases, though, it is difficult to differentiate between those two groups of merchants. We find lists of names attached to addresses, memorials, and such, which give a fairly accurate idea of who these men are, at least. As to their character and influence, some information can be derived from references to them by Murray, Gage, and Burton, as well as from a study of the documents to which their names are affixed.

In an address sent to King George III by the British merchants of the colony, on the occasion of the birth of the Prince of Wales, January 17, 1763, we find forty-one English merchants protesting their loyalty and submission to the Crown. Some of the same names appear as signatures to a

¹⁴A. L. Burt, The Old Province of Quebec, p. 26, from MG II, C.O.5, Vol. 59, Deposition of Troops in America, Oct. 4, 1760, p. 348-9.

petition in favor of men held for an outrage against Mr. Thomas Walker. Others whose names appear on but few petitions are much in evidence elsewhere. For example, Joseph Howard, merchant at Montreal, 1762, stands out in a dispute between the Deputy Quarter-Master General G. Christie and the Town Major Disney. This dispute concerned the sale of some of the King's stores at Montreal, which sale began on the 15th. April, 1762. In this altercation, Christie "accuses Howard, Merchant, Deputy to the Town Major Disney, of selling at a loss to the Publick Funds."¹⁵ Joseph Howard figures also in a quarrel of several merchants with Governor Burton in which indecent language was used and evident disrespect shown to the Governor. Burton felt obliged to dismiss Howard from his service of the Crown as Vendue Master.¹⁶

Another British merchant who was in trouble with Governor Burton in Montreal during the Military Regime and who continued in the same vein during the Civil Government under Governor Murray was the Jew Eleazar Levy. His name is to be found on almost every petition against Murray. Further elucidation of this point appears below.

¹⁵P.A.C., MG 12, Series B 60, W.O. 34, Vol. 5, 1760-1764, "Gage to Amherst," Montreal, 15th April, 1762, p. 123.

¹⁶P.A.C., MG II, C.O. 42, Vol. I, Part I, 1760-1764, "Burton to the Board of Trade," Montreal, February 1st. 1764, p. 331-336.

We have shown that some of the British merchants in Montreal came from the New England colonies and some from the British Isles. There is evidence that there were among these men some who were honest and interested in helping the French Canadians. The general picture, nevertheless, is that many of the merchants seem to have been a problem to the government and to have been chiefly concerned with their own liberty. They opposed the military government because the restrictions imposed by it appeared to them to hinder their trade and commerce. The struggle was one for freedom and some sharing in policy-making by an elected assembly which would have their interests at heart. This merchant class, then, was by nature and origin, aggressively democratic in spirit.

B. ATTITUDE OF MERCHANTS

i) TOWARDS THE MILITARY

That there was antipathy and dissension between the army officers and merchants in 18th Century North America is shown by the documents and correspondence of the time. The army tended to regard with a disdainful eye persons who engaged in trade, while the merchants looked upon the army as

a barbarous profession. They deeply resented the conscious superiority of the officers, and they profoundly despised the ordinary soldiers as inferior beings. In consequence the rank and file of the army sided with the officers against the merchants.¹

"At Montreal the Civil and Military are Inveterate Enemies, I am ashamed to say, from the most trifling Circumstances; ..."² This attitude existed between the two groups even before they came together in Canada. It was kept more or less under control, although there were frictions, during the greater part of the Military Regime because of the strict discipline exerted over the army. Both sides were at fault

¹A. L. Burt, The Old Province of Quebec, p. 106.

²P.A.C., MG 23, G II I, Vol. 2, Murray Papers, Letter Book 1763-1765, "Murray to Halifax," Quebec, 30th. October, 1764, p. 140.

MERCHANTS

24

in the various altercations between military and merchant groups. The military had the advantage, however, in that their leaders controlled the country, whereas the merchants felt that they could get no redress without having recourse to the Home Government. Complaints against the mercantile element in the colony on the other hand came from the military group. These two groups constituted the English population in Canada at the time.

A letter from Colonel Burton, then Governor of Montreal, to the Board of Trade in 1764 brings out very strongly the insubordination of certain businessmen in Montreal. The complaint is about several merchants in general who have insulted the Governor by refusing to pay the customary marks of respect on New Year's Day. Burton gives the reason behind this behaviour and lays most of the blame at the door of Thomas Walker. This merchant had presented a petition against one of his clerks, and when Burton ordered the affair to be tried before the Military Court, it came out that it had already been so tried under Governor Gage. Walker was dissatisfied with the result. Since he did not wish for a re-trial, evidently he had hoped that Burton would settle the affair without recourse to legal proceedings. This the Governor refused to do, feeling that he should have been informed of the first trial. Walker then showed his true colors and sent a second petition to the Governor using

MERCHANTS

25

the most insolent and offensive language against the Military Court.³

On investigation, Burton found that Walker's behaviour at the Military Court had been just as disrespectful and offensive. He re-heard the case, retaining part of the original decision and mitigating part. Walker had to be threatened by force before he comply with the decision.⁴

Walker's example exerted a strong influence on the British merchants in Montreal who showed their objections to the proceedings of the courts, and it encouraged them in their contempt of the Military Government. The merchants and traders of London found it necessary to present a memorial to the Lords of Trade in 1765, stating that

on the faith of the Royal Proclamation, several eminent merchants have settled in Canada, that the business done is very extensive, that circumstances compel them to give long credits, that they can do only so long as they have confidence of repayment, that several Military officers have imposed impractical regulations on traders, that the Military have indulged in violent proceedings against civilians. They set forth the facts of the assault on Thomas Walker, and the subsequent illegalities. They declare a Military Government

³P.A.C., MG II, C.O. 42, Vol. 1, Part I, 1763-64, "Burton to the Board of Trade," Montreal, February 1st. 1764, p. 182.

⁴Ibid.

MERCHANTS

26

to be incompatible with the spirit of commerce; and plead for a regular civil government with a House of Assembly.⁵

Another episode mentioned by Burton in his communication to the Board of Trade concerns a disturbance during a drunken riot of a few merchants. During this disturbance, members of the 27th Regiment became involved, in their effort to quell the riot. The "Captain was ill-treated, some Merchants were confined, released upon Bail, (sic) a General Court-Martial was ordered, the whole Body of Merchants took fire at it."⁶ The upshot of the whole affair was that the merchants were greatly embittered, and refused to pay their respects to the Governor according to custom on New Year's Day.

Some Merchants of the City of Montreal, having shewn their dislike to the established Government by neglecting to pay the King's Representative the Compliments of the Season in a Body, on the New Year's Day, as it has been practised here since the reduction of the Country. A mere form, in itself very immaterial, & not worthy of the least notice.

But, ...they will boast of their want of respect, in their letters ... approving what they may call their own steadiness, pretend that their behavior was a proper resentment for ill usage received, which report might gain Credit first with their Correspondents, & afterwards with others, if no one at home

⁵P.A.C., MG II, C.O. 42, Vol. 2, Part 2, 1764, "Memorial from Merchants and Traders of London, trading to Canada, to the Lords of Trade," London, April 18th, 1765, p. 109.

⁶P.A.C., MG II, C.O. 42, Vol. 1, Part 1, 1763-64, "Burton to the Board of Trade," Montreal, February 1st, 1764, p. 183.

MERCHANTS

27

was acquainted with the apparent reasons of their dissatisfaction, & thereby have it in their own power to contradict their assertions.⁷

It is as a result of this episode that Joseph Howard was dismissed from his position as Vendue Master.

Burton also brought out the Merchants' dissatisfaction at the measures taken to prevent their selling gunpowder to the Indians. He stated that their own aim was gain and that they were indifferent to the use to which this gunpowder would be put, if once in the hands of the Indians, showing their dislike and utter disdain of the order in question by removing the notice of it almost immediately after it had been posted.⁸

Another illustration of the bitterness between the merchants and the military is the case concerning Eleazar Levy and some members of the army, including Governor Burton of Montreal. Eleazar Levy had been appointed agent in Montreal in 1763 by the executors of the estate of Thomas Willson. One of Willson's debtors, Lieutenant Daniel Robertson, instead of paying his debts, put forth a claim against Willson's estate for money owed him for two years' rent on a house rented by Willson. The trustees in Quebec

⁷Ibid., p. 180.

⁸Ibid., p. 184.

MERCHANTS

28

advised Levy not to pay but to tell Lieutenant Robertson that his claim would be attended to with others when the estate was settled. Robertson then had recourse to a Military Court which ordered Levy to pay. Upon his refusal to do so, Lieut. Robertson applied to Governor Burton who issued a warrant for the seizure of Levy's goods which were to be sold at auction.

Levy appealed to Burton maintaining that he was merely an agent and not responsible for the debt in question. Burton then ordered the goods to be returned, but Levy refused to accept them back, hoping to obtain damages. Shortly afterwards, when the Civil Government was established, Levy sued Burton, Robertson and others involved. The case dragged on for years until finally in the end, Levy was awarded his damages. Although he won his case, he never received the amount awarded because by that time Burton was dead and the other defendants were out of the country, so that the verdict in his favor was practically worthless.⁹

In many of these cases it is somewhat difficult to determine where the actual blame lies. In all probability

⁹P.A.C., MG 23, I, 13, Sharp Papers, 1760-1772, "Memorial of Lieutenant Daniel Robertson to Hon. James Murray," (original undated), p. 286, and "Memorial of Daniel Disney, Town Major of Montreal & William Jones, Provost Marshall," (original undated), p. 289.

MERCHANTS

29

there was much fault on both sides, as both found it almost impossible to see the other's point of view.

The lack of support or instructions which the Colonial Government experienced on the part of Britain, as far as these merchants were concerned, is evidenced in a letter from Murray to the Earl of Hillsborough, then President of the Board of Trade:

A Mr. Mackenzie, of whom I formerly made mention to Your Lordship has lately arrived from London. I was hopeful his travels there might have reformed him, but he is returned more absurd, and more turbulent than ever, and has the Impudence to say he is honored with Your Lordship's particular Protection and is to be one of the Council in the room of Somebody who is to be dismissed to make way for him; The people are weak enough to believe such Idle Storys, which sufficiently shews the necessity of fixing our Government as soon as possible, if any of the Cabal are encouraged it will be impossible to preserve order...¹⁰

Here we have one of the merchants putting the Governor in an embarrassing position. Mackenzie was demanding a position for which he claimed backing from London, and yet Murray has had no instructions concerning the situation.

Another merchant who early made his name known throughout the colony was George Allsopp from Bristol. In 1762 an order had been issued requiring all who were on the streets after ten o'clock to carry a lantern. Early in 1764,

¹⁰P.A.C., MG 23, G II I, Vol. 2, Murray Papers, Letter Book 1763-1765, "Murray to the Earl of Hillsborough," Quebec, 25th. July, 1765, p. 207.

George Allsopp, out after midnight without the necessary light, was accosted by a corporal who tried to take him into custody. Words were exchanged and a scuffle followed during which Allsopp ran off without his coat. He returned, retrieved the coat, and was marched off to headquarters by the corporal. There, he accused his guard of trying to steal his coat. He was freed and the guard thrown into prison. Later, he wrote a note exonerating the corporal, having him released. The whole episode, though seemingly of no consequence, was significant of the high feeling between the merchants and the members of the army.¹¹

Probably the most notorious of the feuds between the army and the mercantile element was that which centered around Thomas Walker. As has been seen, Walker had been appointed by Murray as one of the Justices of the peace in Montreal. With the advent of civil government in August of 1764, the magistrates and justices of the peace assumed some of the control formerly exercised by the army. It was particularly in the area concerned with the billeting of the troops, that these justices used their power to settle old scores with the military.

¹¹A. L. Burt, The Old Province of Quebec, 1933, The Ryerson Press, Toronto, p. 108.

MERCHANTS

31

It had been the custom in Montreal to billet the troops in private houses, where the officers and soldiers were entitled to enjoy some of the accepted comforts or necessities of the time. As soon as the merchants, acting in their capacity as justices of the peace, were able to exercise the power of billeting, they made it very difficult for the officers to obtain quarters, much less the comforts which had been customary in the circumstances. The whole affair seethed for a time and finally came to a head when a Captain Payne of the 28th Regiment was refused lodging in the house to which he had been assigned. When he insisted upon occupying the rooms, he was ejected and put into prison under a warrant signed by several merchants including Walker.

We find much correspondence to show that this was not an isolated incident. A letter from Lieutenant Schalck to Burton in 1764 complained of the treatment he had received in the matter of billeting. No bedding, firewood or candles had been provided as they should have been according to custom.¹² Another letter from Henry Merriot, Corporal of the Artillery, to Burton backed up Lieutenant Schalck's

¹²P.A.C., MG 11, C.O. 42, Vol. 2, Part 1, 1764, "Letter from Lieut. Schalck to Burton," Montreal, 21st. Nov. 1764, p. 226.

story and stated further that all these deprivations and other difficulties were according to Justice Walker's orders.¹³

Governor Burton then wrote to Murray complaining of the treatment accorded the soldiers by the inhabitants in this question of billeting, and asking that something be done to remedy the situation.¹⁴ Justice Walker himself was not slow in writing to Governor Murray to explain the situation and exonerate himself in the whole business. He stated that all the trouble was the fault of the army and was done to foment enmity between the Civil and the Military, and that the Military were obnoxious and demanding in the homes in which they were billeted.¹⁵

Burton wrote to Murray in Quebec that he would have nothing to do with helping out in the billeting problem. He considered it a civil matter and he had received instructions that he should in no respect interfere in civil matters.¹⁶ Bad feelings, recriminations, led to Murray's ordering Walker

¹³Ibid., "Letter from Henry Merriot, Corporal of Artillery, to Burton," (not dated), p. 227.

¹⁴Ibid., "Burton to Murray," Montreal, Nov. 22nd, 1764, p. 228.

¹⁵Ibid., "Justice Walker to Governor Burton," (not dated), p. 230-236.

¹⁶P.A.C., MG II, Q Series, Vol. 3, "Burton to Murray," Montreal, Sept. 23, 1765, p. 163.

MERCHANTS

33

and three other merchants to Quebec for an investigation. Things had reached such a pitch of animosity that a few days before Walker was to leave Montreal, his house was broken into, he was beaten up, and in the course of the struggle he lost an ear.

In the investigations which followed, it seemed quite clear that the blame could be laid at the door of some Army officers. It would seem as though the army refused to cooperate in the attempt to discover the guilty persons, since even though some arrests were made, the prisoners were able to escape. Burton, in a letter to Murray, agreed that the culprits should be punished. He said:

The cruel and bloody assault lately committed in the Town most assuredly deserves exemplary punishment, but that must only fall upon the Guilty; and the Troops are not to be insulted and provoked upon bare suspicions.¹⁷

The merchants made quite an issue of this whole affair and of the fact that no one was really punished for it, because of the machinations of a clever lawyer, William Conynham. This case served them well in their efforts towards having Murray recalled.¹⁸

¹⁷P.A.C., MG II, C.O. 42, Vol. 2, Part I, 1764, "Burton to Murray," Montreal, 13th December 1764, p. 148.

¹⁸Ibid., several letters; also A. L. Burt, The Old Province of Québec, p. 114-115.

MERCHANTS

34

The problem of billeting the soldiers was a serious one in Montreal, more so than in Quebec, which had several large buildings which could be utilized as barracks. Therefore, because of the strained atmosphere both before and after the Walker affair, the Government had large barracks built and equipped in Montreal in 1765. Just as these barracks were ready for occupancy, they were destroyed by fire, and the problem of housing the troops was again rendered acute.

A letter from John Carden to Murray, January 2nd 1766, informed the Governor of the fire and of the resulting plight of the soldiers.

It is with the utmost concern I now must acquaint you that when everything was just ready to receive the Troops ... a Fire broke out in the large Barracks, which entirely consumed it, and all the stores.

From the place it broke out, I think it is evident it must have been set on Fire by some evil-minded person or Persons: that part of the House not having any communication with any place where there was any fire, nor a chimney near it, and on the Ground floor ... I am sure it will be impossible to get any other House this winter, this accident will frighten the people so much from hiring their houses for the use of the Troops.¹⁹

Captain Carden had been commissioned by General Murray "to

¹⁹P.A.C., MG II, Q Series 3, "Carden to Murray," Montreal 2nd January, 1766, p. 125-26.

provide Quarters and Necessaries for the Troops. I flatter myself he will have your countenance and assistance."²⁰

On January 12, 1766, Murray wrote to Captain Carden in Montreal, expressing his concern and urging that the utmost be done towards accommodating the troops. He authorized Carden to supply wood to those of the inhabitants who would take in soldiers.²¹

Later Captain Carden informed Murray that there was considerable difficulty in getting the inhabitants to cooperate in billeting the troops. He said it looked like organized opposition.²² This would seem to be another example of the bitterness between the military and the merchants.

Other letters indicate that the source of the trouble was indeed the justices of the peace. These justices were merchants who had been appointed by Murray and who were now seemingly using the powers of their position for revenge against the army to whom they attributed troubles suffered under the Military Regime. Complaints were multiplying, of

²⁰Ibid., "Murray to Burton," Quebec, 9th October, 1765, p. 97.

²¹Ibid., "Murray to Carden," Quebec, 12th January, 1766, p. 127-128.

²²Ibid., "Carden to Murray," Montreal, 23rd January, 1766, p. 137-139.

MERCHANTS

36

soldiers being put out of homes, and of little or no co-operation from these justices who represented the civil authorities.²³ Murray notified Burton that he would do everything in the power of the Government to help out in this emergency.²⁴

In another letter, Murray urged Carden to rush the completion of a building to house ninety-two men. He wrote:

Measures will be taken without Delay to procure Houses to Lodge the Soldiers; and in the meantime you will endeavour to keep things as easy as possible, by putting the Men as fast as you can provide for them, in the House that will contain ninety-two.²⁵

This would relieve the situation somewhat by removing one of the causes of discontent.

We have discovered from the documents of the time and from the voluminous correspondence of Murray and Burton that there was not only dissention and bickering between the military and the mercantile element, but that there was real hostility between the two groups. This correspondence shows quite clearly the problems involved, as do also the memorials and petitions of the merchants to Murray, to the merchants in London, and to the Lords of Trade.

²³Ibid., "Burton to Murray," Montreal, January 30, 1766, p. 148-150; and "Captain Morris, Commanding the 27th Regiment, to Burton," Montreal, January 29th, 1766, p. 152-55.

²⁴Ibid., "Murray to Burton," Quebec, 2nd February, 1766, p. 156.

²⁵Ibid., "Murray to Carden," Quebec, 2nd Feb., 1766, p. 158

MERCHANTS

37

These cases show the attitude of the English merchants towards the military government in force at this period. These merchants succeeded in having Murray recalled in 1765. The French Canadians who were in favor of the Governor did not concur in this. Yet the English merchants, feeling that Murray had failed them in refusing to implement the elected assembly provided for at the peace treaty, sought a new governor whom they hoped would be more amenable to their demands.

B. ATTITUDES OF MERCHANTS

ii) TOWARDS ECONOMIC REGULATIONS

The conflict between the merchants and the military manifested itself also in the resentment of the former towards the government regulations concerning business and trade.

Many of the traders looked upon these laws as a hindrance and they tried to circumvent them whenever possible. General Amherst found it necessary to bring various infractions to the attention of Governor Gage of Montreal.

I have received several Reports & Complaints from the Officers at the Upper Posts, of the Traders from your Government being permitted to take up Rum, Brandy, & Spirituous Liquors, at a time that a Total Stop to that Pernicious Traffick is made on the other Communications; I must therefore desire you will be so good, to give the most positive orders that no Spirituous Liquors are suffered to be taken up the River St. Lawrence.¹

That the merchants and traders did not appreciate the military government in Montreal is evident from their address of welcome presented to Murray upon the latter's appointment as civil governor. In this address, signed by British merchants and traders of Montreal, Murray's

¹P.A.C., MG 12, Series B 62, W.O. 34, Vol. 7, 1760-1763, Part I, "Amherst to Gage," New York, 26th July, 1762, p. 211.

MERCHANTS

39

administration in Quebec is lauded, as well as the work he had done towards improving the economic situation in that city. From there the address goes on to say that because of all these accomplishments in Quebec, the British in Montreal "are induced to believe that our Commerce will revive, and that an effectual Stop will be put to all arbitrary Imprisonments, ...and to the numberless Exactions, of Persons in Publick Office, in Defiance of the Law."²

The publication of this document immediately brought forth a statement from Governor Burton of Montreal and his staff in which the comment mentioned above was quoted and categorically denied.

We...deny the allegations of mercenary views, or exactions in any one Instance during our Service in America, and think such Publick accusations ungenerous to be printed, and a Bad Reward to Officers, who have always discharged the Trust reposed in them with Honor and Integrity ... With respect to Arbitrary Imprisonments, ... Nothing arbitrary ever was done in this Government, by Individuals stretching Power, but upon the decision of Judges properly Authorised, who might mistake the Law, but kept as near to Equity as Conscience and Honor pointed out, without Fee or Reward ...³

²P.A.C., "Address of British Merchants and Traders of Montreal to the Honorable James Murray," Montreal, August 22, 1764, published in The Quebec Gazette, Thursday, Sept. 20, 1764.

³P.A.C., "Statement signed by R. Burton, G. Christie, J. Bruyere," Montreal, September 26, 1764, published in The Quebec Gazette, Thursday, October 4, 1764.

MERCHANTS

40

So much did the merchants and traders of Quebec and Montreal feel that they needed some protection of their interests, that they appointed for themselves an agent in London. This agent was Fowler Walker of London, invested with the authority to attend to all business interests of "the Merchants, traders and principal inhabitants of the Citys of Quebec and Montreal..."⁴

Here it is interesting to note that the Montreal merchants were becoming more independent of the Quebec traders and protested against an appointee of Quebec. They felt that the Quebec traders had acted in too high-handed a manner and they addressed a memorial to the Lords Commissioners of Trade and Plantations in which they expressed their discontent with this appointment: "Your Lordships Petitioners from this unprecedented Manner of appointing an Agent, are justly alarmed for the Freedom of Trade, from so partial and undue election of him who by his Office is in all respects their Representative."⁵ This petition was signed by the following:

⁴P.A.C., Hardwicke Papers, (British Museum), Add. Mss., 35914, MG 21, "Bayne and Mackenzie to Fowler Walker," London, 19th April, 1765, p. 2.

⁵P.A.C., MG 11, C.O. 42, Vol. I, Part II, 1764, "Memorial from Merchants & Citizens of Montreal to the Lords Commissioners of Trade and Plantations," April 1st, 1764, p. 201-203.

MERCHANTS

41

Richard Livingston	Walbron & White	Will Haywood
John LeQuesne	William Patterson	John Neagle
David Vanderhayden	Windsor Brown	Nickola Bezzo
Jacob Vanderhayden	Edward Chinn	Eleazar Levy
G. Young & Partner	Richard Dobie	John Crozier
Levy Symonds	Forrest Oakes	John & Robert
Stephen Graesbeck	Barron & Neagle	Stenhouse
John Myndener	Thomas Walker	Alexander Campbell
Todd & McNeal	John Wellis	James Crofton
Jenkins Tyre & Co.	B. Comte & Co.	John Blake
James Stanley	Edward Harrison	Delisle & Simonson
Goddard	Thomas Brayshay	John Livingston
F. N. Knipe	Joseph Howard	Joseph Torrey
William Abbott	Samuel Holmes	George Knagg
Tobias Isenhont		John Burke, Notary Publick ⁶

Several other documents are available to show the discontent of the English merchants of Montreal with the economic regulations imposed on them. One such shows these merchants presenting their complaints about the trading posts and the regulations restricting the trade. In this exposé, from the Hardwicke Papers, the merchants of Montreal asked the help and intervention of the merchants of London who had financial interests in colonial business. The Montrealers were asking for a free trade open to all, for wintering privileges which they considered essential and of which the Government did not approve. They maintained that French traders from the Mississippi otherwise would do business with the Indians and the English would suffer

⁶Ibid., p. 203.

MERCHANT

42

severe loss of revenue.⁷ This document carries the signatures of over thirty English merchants as well as of some French merchants. The English names affixed are:⁸

Isaac Todd	Sam ^l Mathers	John Crozier
John Grant	Benj. Torrey	Thos. Lynch
John Stenhouse	Thos. Barron	Joseph Winter
Alex Patterson	Lawrence Ermatinger	Mich ^l . Wade
James Morrison	Philip Jacobs	Edward W ^m . Grey
Rich ^d . Dobie	James Porteous	Nicholas Bezzo
Matt ^w . Wade	Randle Meredith	James Crofton
John Livingston	Edward Chinn	W ^m . Patterson
Levy Solomons	Forrest Oakes	David Clunie
Robt. Stenhouse	John Lilly	James Finlay
Joseph Torrey	James Price	John Neagles
	John Porteous	

It is interesting to note that about one-third of these names also appeared among the signatures previously quoted.

In this same connection there is a memorial of the merchants to Murray, asking for a removal of the difficulties hindering the fur trade. In this document, the traders complain again of the security demanded. They state that it is much too high, that traders in general do not have that much ready money, that they usually get their goods on

⁷P.A.C., Hardwicke Papers, (British Museum, Add. Mss., Vol. 35915, MG 21, "English Merchants of Montreal to Merchants of London," (No date), p. 288-232.

⁸Ibid.

MERCHANTS

43

credit and pay at the end of the season. They reiterate their request for permission to winter with the Indians.⁹

On the part of the government, we find Murray writing to Burton in Montreal approving Burton's stand in not granting passports to all and sundry for trade in the "Upper Country." Murray contended that this trade was forbidden by the Proclamation of 7th October 1763, unless security was given by the merchants that they would comply with the rules and regulations laid down for trade with the Indians. Murray, at this time, expressed the hope that news would soon arrive from England with these rules spelled out more specifically.¹⁰

In the meantime, Murray was apprehensive concerning the English in Montreal, as he found them complaining too much to the Lords of Trade about possible inconveniences. He considered their charges groundless and felt that they were thus rendering any future accusations ineffectual.¹¹

⁹P.A.C., MG II, C.O. 42, Vol. 2, Part 2, 1765, "Memorial of Merchants and Traders of Montreal to Murray," Montreal, 20th February, 1765, n. 362-366.

¹⁰P.A.C., MG 23, G II I, Vol. 2, Murray Papers, Letter Book, 1763-1765, "Murray to Burton," Québec, 8th April, 1764, p. 80.

¹¹Ibid.

MERCHANTS

44

This letter also contains a subtle reproach to Burton, when Murray said "I enclose a Copy of this pretty performance, which you certainly have not seen, otherwise I think you would have mentioned it to me."¹²

The merchants were also objecting to paying the required duties on wines and liquors which the colony was imposing. This was the only tariff which the Governor had insisted on continuing from the period of the French rule on through the Military Regime as a means of helping to finance the Government.¹³ All the money collected in this way was given into the hands of Murray's secretary, Captain Cramahé, and the accounts were diligently kept and sent to the Lords of Trade.

In 1764 Murray received a letter from John Gray asking his help concerning this money.¹⁴ Gray had been appointed by Murray in 1761 to collect these taxes and now, three years later, he was threatened with prosecution for so doing, by several merchants, among whom was Eleazar Levy. Murray

¹²Ibid.

¹³Ibid., "Murray to the Lords of the Treasury," Quebec, July 20th 1765, p. 205.

¹⁴P.A.C., MG II, C.O. 42, Vol. 2, Part I, 1764, "John Gray to Murray," Quebec, 16th November, 1764, p. 107.

MERCHANTS

45

immediately wrote that Gray would certainly receive indemnity for all that he suffered in the execution of his office.¹⁵

There is a memorial from British Merchants to the Lords of Trade objecting strongly to the imposition of this tax on British liquors. It was alleged to be harmful to the business interests "of the Fair Merchant conforming to the Laws of his Country, and to the general Commercial Interest of His Majesty's Subjects...."¹⁶ They maintained also that French and Spanish products were being smuggled into the country.

This struggle continued after Murray had returned to England. P. Aemilius Irving, who temporarily replaced Murray, wrote to the Lords of Trade complaining of the difficulties encountered in collecting this duty.¹⁷ In another letter, Irving gave the names of the ring-leaders in this conflict: Levesque, Fluremont, Dupree, St. Moore, Eleazar

¹⁵P.A.C., MG 23, G II I, Vol. 2, Murray Papers, Letter Book 1763-1765, "Murray to John Gray," 17th November, 1764, p. 148.

¹⁶P.A.C., MG II, C.O. 42, Vol. I, Part I, 1763-1764, "Memorial from British Merchants Trading to Canada to the Lords of Trade," (Not dated), p. 109-112.

¹⁷P.A.C., MG II, Q Series 3, "Irving to the Lords of Trade," Quebec, July 21, 1766, p. 218-220.

MERCHANTS

46

Levy, Parras, Morin, Travers and Harrison. Again the name of Eleazar Levy appears.¹⁸

Another controversy among the merchants had to do with a large wharf in Quebec. It seems that one of their number, Thomas Ainslie, had made a petition to the Governor for a grant of this wharf, known as the King's Wharf, for the exclusive use of Ainslie and his associates. The general body of the merchants was immediately aroused and they protested at once. They maintained that this wharf was the one most used for business by the traders in general, and that the granting of it to any private interests would be extremely detrimental to the trade of the colony.¹⁹ These merchants argued that if the grant were contemplated as a means towards having the necessary repairs made, that they would willingly undertake this task in order to keep the wharf open to the public use. They ended their protest by begging Murray that he would "maturely consider a matter of so much Importance to the Trade of this Country and preserve to them the use of the said Wharf, in the same Manner as they have enjoyed it heretofore."²⁰

¹⁸Ibid., July 24, 1766, p. 221-222.

¹⁹P.A.C., Q. Series 3, "Remonstrance of the Merchants of the City of Quebec to Murray," 3rd September, 1766, p. 244-245.

²⁰Ibid.

MERCHANTS

47

It is thus evident that not only were the merchants quarrelling with the government concerning the carrying on of their business, but that they also had conflicts among themselves, into which they frequently dragged the Governor by their recourse to law. Among others we have the case of Mackenzie and Oakes as an example of this.

Simon Mackenzie and Forrest Oakes were in partnership. Oakes had made a "Bill of Sale" of all their effects to Edward Harrison, acting for Mr. Charles Crockett of London, in consideration of a debt owed by the partnership to Mr. Crockett. Others to whom the firm was also indebted objected. This sale had been made without the knowledge or consent of the other business partner, Mr. Simon MacKenzie. Mackenzie, on discovering the fact, questioned its legality. An appeal was made to the Governor. Murray considered that he did not know all that was involved, so he set up a board of nine merchants, some of the members appointed by him, the others nominated by the parties concerned. This board was to investigate the business and report their findings to Murray.²¹

Two reports were submitted. One, a minority report, signed by four of the merchants: Thomas Dunn, Benjamin

²¹P.A.C., MG II, Q Series I, "Correspondence with General Murray 1761-1763, Murray to Egremont," Quebec, 27th June 1763, p. 139.

MERCHANTS

48

Price, John Collins, and John Martailhe. They gave as their findings that the transaction by Forrest Oakes on May 7th was valid, but added that since there was disagreement on the subject, that someone should be appointed to dispose of the effects belonging to the firm, and to deposit the amount received until the case should be settled.²²

The other report was signed by the remaining five merchants: Hugh Finlay, George Fulton, Will. Mackenzie, Edward Forbes and John Grant. This report declared

That it is contrary to the custom of Merchants, appears from its having been Executed by one Partner, not only without the consent, but even in direct opposition to the Inclination and opinion of the other: If this step be thought warrantable, it must of course be allowed, that the clause of concurrence, expressed or understood in all Indentures of Co-partnership, and positively specified in theirs, is of no force or efficacy.²³

The report further stated that the firm, Mackenzie and Oakes, was being pressed by creditors who would suffer unjustly from this transaction. It was even hinted that Mr. Harrison, agent for Mr. Crockat, had not acted in the most straightforward manner concerning this bargain.

²²Ibid., "Minority Report re affair of Mackenzie and Crockat," Quebec, 13th June 1763, p. 143.

²³Ibid., "Report to Murray of other Merchants," 13th June 1763, p. 145.

MERCHANTS

49

The merchants who signed this second report suggested that the property of the firm be put under proper trustees and that the money received be deposited until it was decided where the just claims actually lay.²⁴ Governor Murray had been informed by Lord Halifax that Mr. Charles Crockat was a merchant highly regarded in London. Halifax also took the trouble to recommend Harrison's integrity and his cause to the Governor's protection.²⁵ Murray sent a full report of this dispute to Lord Halifax in February of 1764 in which he was happy to announce that the affair had been settled by mutual agreement.²⁶

Another dispute among the merchants had to do with the regulations concerning the King's Posts. These were five trading posts of the "Upper Country." They were situated at Malbaye, Tadousac, Chicoutimi, Iles Jérémie and Sept Iles and had been administered as public property by the Government in the French Regime. Due to the nature of these posts and the Indians who frequented them, Murray continued the same policy towards them and appointed Thomas Ainslie as

²⁴Ibid., p. 147-148.

²⁵Ibid., "Lord Halifax to Murray," St. James, November 12th, 1763, p. 178.

²⁶P.A.C., Q Series 2, Correspondence with General Murray, 1764-1765, "Murray to Halifax," Quebec, 13th February, 1764, p. 14.

MERCHANTS

50

agent in charge of the King's Posts.²⁷ This arrangement proved profitable enough to prompt Murray to write to London asking permission to lease these Posts. Accordingly, in September 1762, Thomas Dunn and John Gray obtained a lease, for a certain number of years, of the King's Posts.²⁸

In October 1763 with the King's Proclamation that the trade with the Indians be free and open to all, Murray announced this freedom subject to certain stated restrictions of the Proclamation.

In October 1765, the partnership Alsopp & Co., of which Joseph Howard and Edward Chinn were members, applied for a pass to trade. This was granted on condition they keep away from the Posts of the King's Domain.

Later in the year, Dunn and William Grant (another of the lessees) presented a memorial to the committee charged with investigating these posts, stating that in spite of the instructions given Alsopp & Co., that Mr. Edward Chinn and Joseph Howard had gone to the complainants' posts and traded there without permission.²⁹

²⁷A. L. Burt, The Old Province of Quebec, p. 24-25.

²⁸P.A.C., MG II, Q Series 3, Correspondence with the English Ministry 1766, "Memorial of Thomas Dunn and William Grant to the Committee charged with the King's Domain," Quebec, 22nd October 1766, p. 318-325.

²⁹Ibid.

MERCHANTS

51

In June the Governor and Council forbade Alsopp & Co. to put up any buildings on these lands, and in August, a warrant was issued ordering Peter Stuart, agent for Dunn and Grant, to destroy any such buildings. Alsopp & Co. obtained a counter-warrant to prevent the execution of the first.

Dunn and Grant, thereupon, appealed to the Governor stating that they had enjoyed their lease between 1762 and 1765, that they had not considered that the Government had planned to annul their lease, and they asked for a clarification of the whole issue.³⁰

The battle about this whole affair continued and it was even fought out in London. As a result of it Dunn and Grant were left in possession of the Posts for the duration of their lease which expired in 1781.³¹

More trouble among the merchants was brought out in a letter from Murray to Burton which shows that there was controversy between the merchants at Montreal and those at Quebec concerning the shipping of goods. Montreal claimed that much time and money were lost by their ships having to be cleared from Quebec. Murray contended that as these

³⁰Ibid.

³¹A. L. Burt, The Old Province of Quebec, p. 418.

MERCHANTS

52

vessels must stop at Quebec in any case to take on a pilot, that the delay was not so serious as it was made out to be.³²

A couple of weeks later, Murray showed that he had been made aware that there was more involved in this dispute than the time element and that it had to do with commerce to and from Quebec and Montreal. The Merchants charged that an unfair advantage was being taken of them inasmuch as the assessment of their goods changed drastically from Quebec to Montreal. The example cited concerned a shipment of flour. This shipment had been examined in Quebec and declared, under oath, to be good. On arrival in Montreal, the same flour was declared to be unfit for use. Murray suggested that someone was pocketing a profit on this transaction and desired to have Mr. Porteous, the Montreal surveyor, come to Quebec and choose for himself what was to be sent.³³

The destination of this flour was the Upper Posts to supply the troops stationed there. Now if it was declared bad in Montreal, the implication was that the Montreal merchants would thereupon send the required stores from their

³²P.A.C., MG 23, G II I, Vol. 2, Murray Papers, Letter Book, 1763-1765, "Murray to Burton," Quebec, 18th April, 1764, p. 89.

³³Ibid., Quebec, 11th May, 1764, p. 98-99.

MERCHANTS

53

own supplies, hoarded for this purpose. This could only be done if the government's supplies were condemned.³⁴

It seems difficult not to see in this anecdote, and in the other instances discussed, examples of the self-interest of the merchants. This led to friction among themselves and to disobedience to the law in the matter of selling liquors to the Indians, to their objecting to the regulations restricting their trade, and to the duties on wines and liquors. Apparently they would go to great lengths to increase their own revenue, even to the point of circumventing the law by perjury.

It is evident from these examples that although their own monetary interests were of prime importance to them, still this controversy brought about the commercial improvement of the colony. Even in their business relations, there was an alienation from the paternalism of the French Regime and progress towards a democratic development of law-making in the realm of business.

³⁴Ibid.

B. ATTITUDE OF MERCHANTS

iii) TOWARDS POLITICAL REGULATIONS

While much of the trouble between the merchants and the government, which we have been discussing, had indeed been of an economic nature as well as something of a class struggle, military versus civil, still we must not lightly dismiss the political aspect. It was this which simmered all during the Military Regime and finally erupted with all its bitterness during the early days of the Civil government.

During the Military Regime, French laws were in force in Canada, which comprised at the time Quebec, Montreal, and Three Rivers. This measure was quite efficacious in keeping the French Canadians happy, but as far as the British traders were concerned, these laws were obstructing them in their methods of carrying on trade and commerce. For this reason, the merchants had petitioned the Home Government for the establishment of a representative assembly in the country. They felt that as British subjects they should be governed by British laws which assured their own assembly. Murray, on the other hand, strongly opposed this measure as being unjust to the French Canadian majority because of religion. British law forbade Roman Catholics to

MERCHANTS

55

participate in public office of any kind. This then automatically excluded the colonists from participating in a general assembly.

To be just to the French majority, General Murray, taking things in his own hands without proper authorization, permitted all, French and English alike, to sit on the jury. He made it quite clear, however, that he considered this but a temporary measure until further instructions and clarifications arrived from Britain. His ordinance on the subject stated:

As there are but two hundred Protestant Subjects in the Province, the greatest part of which are disbanded soldiers, of little property & mean capacity, it is thought unjust to exclude the New Roman Catholic Subjects to sit upon Juries, as such Exclusion would constitute the said two hundred Protestants perpetual judges of the lives & property of not only Eighty thousand of the New Subjects, but likewise of all the Military in the Province: Besides if the Canadians are not to be admitted on Juries, many will Emigrate: This Establishment is therefore no more than a temporary expedient to keep things as they are, until His Majesty's Pleasure is known on this Critical and difficult point.¹

Murray also established the Court of Common Pleas for the French Canadians to settle civil cases involving

¹P.A.C., Hardwicke Papers, MG 21, Add. Mss. 35914, "Ordinance for regulating and Establishing Courts of Judicature, etc. in the Province of Quebec," Sept. 17, 1764, p. 7.

MERCHANTS

56

only small sums of money. This he did for two reasons, first to give the Canadians the chance of learning, by practice, how English laws operated, and secondly, to help them to obtain justice more readily, since there were no English barristers or attorneys who understood the French language.²

Later Murray explained to the Lords of Trade his action in thus establishing the Courts of Justice, knowing full well that the "popular clamours" against it in England would carry some weight. He said:

I am confident ... my Royal Master will not blame the unanimous Opinion of his Council here for the Ordonnance establishing the Courts of Justice, as nothing less could be done to prevent great numbers from emigrating directly, and certain I am, unless the Canadians are admitted on Jurys, and are allowed Judges and Lawyers who understand their Language His Majesty will lose the greatest part of this Valuable people.³

When it came to appointing members of his Council, Murray felt himself hampered again in having to exclude the French Canadians because of their religion. He was thus obliged to choose from the British--military or merchants. He wrote that he was "tender of admitting too many (traders) into His Majesty's Council least private Views should

²Ibid., p. 396.

³P.A.C., MG II, Q Series 2, Correspondence with General Murray, 1764-1765, "Murray to the Lords of Trade," Quebec, 29th October, 1764, p. 234.

MERCHANTS

57

interfere with publick advantage."⁴ Thus the first Council appointed by Murray in 1764 showed a minority of merchants. The Councillors were: Adam Mabane, Chief Justice William Gregory, P. Aemilius Irving, H. T. Cramahé, Walter Murray, Samuel Holland, Thomas Dunn, Benjamin Price, and Francois Meunier.⁵ Of these, the last three named are the only merchants.

A list of the names of the members of the Council and of the justices of the peace for Quebec and Montreal was published in The Quebec Gazette, October 1764, showing a greater incidence of merchants. Among the justices appear such names as: John Fraser, Mitchelson, Gagy, Thomas Walker, Lamb, Livingstone, Goddard, Francis Noble Knipe,⁶ all of whom figured quite prominently in the disturbances centering around Thomas Walker, disturbances which resulted eventually in Murray's recall. On this list we also find William Cunningham as Clerk of the Peace and Coroner of the District

⁴P.A.C., MG II, C.O. 42, Vol. 1, Part 2, "Murray to the Lords of Trade," August 23, 1764, p. 398.

⁵Ibid., p. 396.

⁶The Quebec Gazette, Thursday, October 4, 1764, "Publication of the List of Names of the Honorable Council and Justices of the Peace for the Districts of Quebec and Montreal."

MERCHANTS

58

of Montreal. Emergence from military government to civil control brought with it increasing involvement of the merchants.

With the inauguration of Civil Government, the strife between the military and the business class became more violent. The merchants were insistent in their efforts to force Murray to call an assembly, and they even went so far as to raise money to send two of their number, Daniel Bayne and William McKenzie to London, to present their complaints to the British Government.⁷

Fowler Walker, their agent in London, in his memorial on behalf of the merchants, insisted strongly on the need for the assembly. He stated:

The prosperity of the province and its value to Great Britain will entirely depend upon the state of its trade. Trade will never flourish there nor will the credit of the country be ever properly established until a house of assembly be called. A British commercial colony will never thrive without one: it is essential to its prosperity.⁸

This is strong language. He then pointed out the differences in Georgia and Nova Scotia once they were given their assemblies. It is important to note here that both of these

⁷A. L. Burt, The Old Province of Quebec, p. 113.

⁸P.A.C., MG 21, Hardwicke Papers, 35915, Add. Mss., "Memorial on the State of the Province of Quebec by Fowler Walker," London, 1 March, 1766, p. 43.

MERCHANTS

59

colonies were English-speaking and predominantly Protestant, thus they were not faced with the same problems as existed in bilingual and bi-religious Canada.

Walker, speaking for the merchants, continued his demands for representative government and stated that:

British born subjects can never settle and carry on commerce in any degree with advantage to themselves & the Mother country in a country subject to the Crown of Great Britain under any form of government in which the people are not represented by persons chosen by the people.⁹

He suggested further that the British Government take measures to promote the settlement of many British people in the colony. This was a means of strengthening their influence there and of making this assembly, for which they were clamoring, more workable.

Murray was fully aware of this feeling against him and wrote to the Lords of Trade:

The few British Traders who are out of humour, because I could not make them Majestrates, nor allow them to oppress the New Subjects, continue to display all the malice and envy which the most bitter rancour can dictate.¹⁰

⁹Ibid.

¹⁰P.A.C., MG II, Q Series 2, 1764-1765, "Murray to the Lords of Trade," Quebec, 3rd March, 1765, p. 377.

MERCHANTS

60

He further described the merchants as being vain and avaricious and tried to show that the colony was not ready for the English laws for which they were pressing. He stated that:

the new Magistrates at Montreal eager to show their power forgot the Moderation recommended to them and with a view of finding fault, the Civil and Military were equally watchful of one another's conduct...¹¹

It is in this respect that the practice of billeting soldiers on private houses gave rise to so many disturbances.

The whole situation concerning the calling of an assembly, the forming of juries including French Canadians, and the appointments to Murray's first Council all seemed to add insult to injury in the eyes of the British merchants. To them the situation was infuriating. They naturally wanted a substantial voice in government. They could refer to the authority of the Proclamation of 1763 which promised an assembly. Murray did not feel he could implement this at this time.

Further evidence of the feeling of the English minority is shown by the list of "Queries" attached to a Church door in which certain questions were proposed for the consideration of the public. Some of these were:

¹¹Ibid., p. 381.

MERCHANTS

61

Whether Canada was conquered at an immense expense only to establish more Government & to put power into the hands of Military Officers?

Whether the extension and Security of Trade and Commerce was not an object more worthy of National Regard?

Whether or not they think a British Subject is vested with certain Rights and Privileges by Magna Carta?

Whether he forfeits those rights by entering a Garrison Town?¹²

From this we can gain some idea of the bitterness of the merchants towards the Government and their resentment at being denied what they considered their rights as British Subjects.

Moreover, that the British in the colony strongly resented the courts established by Murray for the French Canadians is evident from the Presentments by the Grand Jury of Quebec, 1764, in which they presented their grievances listed under fifteen points.¹³ They attacked these courts as being unnecessary and therefore an added expense to the colony; they attacked the number of justices of the peace appointed, as not being properly qualified; and finally they brought out as their "trump card" the whole question of

¹²P.A.C., MG II, C.O. 42, Vol. 1, Part I, 1763-64, "Queries humbly proposed to the Consideration of the Publick," (No date), p. 190.

¹³P.A.C., MG II, Q Series, Vol. 2, 1764-1765, "Presentments by the Grand Jury of Quebec," 16th October, 1764, p. 242-249.

MERCHANTS

62

religion. In this connection they stated that persons who acknowledged the supremacy of the Pope and who admitted Papal pronouncements as binding on their consciences, should not be permitted on juries.

We therefore believe nothing can be more dangerous ...than admitting such persons to be sworn on Juries who by the Law are disabled from holding any office Trust or Power, more especially in a Judicial Capacity with respect to which above all others, the security of His Majesty as to the Possession of His Dominions, and of the Subject as to his liberty, Property and Conscience is most eminently concerned. That by the Definitive Treaty the Roman Catholic Religion was only tolerated in the Province of Quebec as far as the laws of Great Britain admit.¹⁴

This document is a strong testimony of the feeling of the English towards allowing the French Canadians any say in the Government.

Some of the French Canadian members of the Grand Jury had signed this paper, and almost immediately they published a signed statement disavowing the Presentments stating that they had agreed to it without knowing what it was all about, and using this as an example of how necessary it was for them to be allowed the use of their own language in

¹⁴Ibid., p. 247-248.

MERCHANTS

63

courts of justice and on juries, and that they should not be excluded from all offices either because of religion or because of language.¹⁵

In this chapter we have tried to bring out the relationship of the English merchants and traders with the military, their attitude towards the various regulations which the Government found necessary to impose for the good of the colony. We have seen how the merchants "resented all restraints, from the order that everyone abroad on the streets at night must carry a lantern to the restrictions on trade at the western posts."¹⁶ We have also seen how frequently "personal quarrels flared between merchants and soldiers."¹⁷

In our next chapter we shall discuss some of the accusations brought against Murray by the merchants and we shall examine his answers to these allegations.

¹⁵P.A.C., MG II, Q Series, Vol. 2, 1764-1765, "The Disavowal and Remarks of the 7 Grand Jurors (26th October) on the Presentment of the Grand Jury," 1765, p. 272.

¹⁶Edgar McInnis, Canada, A Political and Social History, Holt, Rinehart and Winston, Toronto, 1964, p. 137.

¹⁷Ibid.

CHAPTER III

MERCHANTS' ATTACK ON THE MILITARY GOVERNOR

The feud between the merchants, who were the powerful businessmen of the colony, and the Governor, was bound to come to a head sooner or later. Thus we find that in 1765 so successful were the merchants, that through their agents in London, they succeeded in having Murray recalled to stand trial concerning his administration.

We propose, in this chapter, to examine the charges brought against the Governor in order to ascertain what value they had, and as a result, to find out something more about the English merchants who instigated these charges.

First of all, a petition presented in 1764 to the King by the Quebec traders, made it very clear that they were asking for nothing less than the removal of the Governor.¹ In this petition the merchants began by stating that most of them had been in the colony since the capitulation of the French colony and that they had done much towards contributing to the trade of the mother country and towards promoting and building up the economic interests of the colony. They

¹A. Shortt, and A. G. Doughty, eds., Documents Relating to the Constitutional History of Canada, 1759-1791, "Petition of the Quebec Traders," (No date), 1764, p. 168.

MERCHANTS' ATTACK ON THE MILITARY GOVERNOR 65

stated that they had worked, in this respect, under great difficulties caused by the Military Regime, which they had accepted knowing that Civil government would come eventually. They entertained great hopes of then having many of these difficulties removed.²

The petition pointed out that, with the inauguration of the new Civil Administration, instead of gaining the liberty, freedom and protection hoped, they found that the Governor "doth frequently treat them with a Rage and Rudeness of Language and Demeanor, as dishonorable to the Trust he holds of Your Majesty as painful to those who suffer from it."³

A further list of grievances followed in which the Governor's removal was again requested. A petition was presented for a House of Representatives to which only Protestants might be elected, but to which the new subjects could have the right to elect Protestants but none of their group.⁴ This document was signed by the following twenty-one English mal-contents:

²Ibid.

³Ibid., p. 169.

⁴Ibid.

MERCHANTS' ATTACK ON THE MILITARY GOVERNOR

66

Samuel Sills	Wm. Mackenzie	Thomas Story
Edward Harrison	B. Comte	Daniel Bayne
Eleazar Levy	Peter Faneuil	John Purss
James Shepherd	Alexander McKenzie	George Fulton
John Watmough	John Danser	George Measam
John Ord	James Jeffry	John A. Gastineau
George Allsopp	James Johnston	Ph. Payn

These merchants had also made their case strong enough to prevail on their London backers, with the result that another petition was presented by these latter to His Majesty, reinforcing the colonial complaints.⁵

Finally the Board of Trade itself presented to the King the state of discontent in the colony, bringing out as the chief complaint, the failure of the Governor to call the Assembly. The Board recommended that for the greater good of all concerned, the Governor return to England to give an account of his administration and answer the charges against him.⁶

While all this intrigue was going on against the Governor, Murray sent his Secretary, Cramahé, to London with directions to explain his actions to those in power. In a letter to England Murray said: "Cramahé will inform you of the intrigues of Brigadiers, Judges, Lawyers, and Fanaticks

⁵Ibid., "Petition of the London Merchants," p. 170.

⁶Ibid., "Representation of the Board of Trade to the King's Most Excellent Majesty," p. 171-172.

MERCHANTS' ATTACK ON THE MILITARY GOVERNOR 67

I have to contend with ..."⁷ Here we see clearly that the Governor felt that everyone was in league against him, including Burton and Gage, with whom he had had differences of opinion during his administration.

In another letter, Murray showed how strongly he felt about the exclusion of the Canadians from the Assembly for reasons of religion:

If the Popular Clamours in England will not allow the humane Heart of the King to follow its own dictates, and the Popish Laws must be exerted with Rigour in Canada, for God's Sake procure my Retreat ...as I cannot be Witness to the Misery of a People I love and admire.⁸

The complaints against Governor Murray covered varied areas of interest. One of the complaints laid against him by the merchants was that he had unlawfully levied duties on wines and liquors coming into the colony. Part of Murray's answer to this charge is interesting:

How the British Merchants and Distillers can justify themselves in persecuting me for laying on this duty at a time when by petitions to Government they are lamenting the total annihilation of their Trade to that Colony by the discontinuance of it, it is difficult to be conceived.⁹

⁷P.A.C., MG 23, G II I, Vol. 2, Murray Papers, Letter Book, 1763-1765, "Murray to Lord Elibank," Quebec, Oct. 27th, 1764, p. 134.

⁸Ibid., "Murray to Eglinton," Quebec, 27th October, 1764, p. 131.

⁹P.A.C., MG 23, G II I, Vol. 3, Murray Papers, Letters from and to Murray 1759-1789, Bundle IX, "Murray's answers to the various Articles of Complaint laid against him," p. 217.

MERCHANTS' ATTACK ON THE MILITARY GOVERNOR 68

He pointed out that this duty was levied with the full knowledge of the Lords of the Treasury to whom all the accounts had been sent. Murray also stated in a letter to these Lords that as all accounts of receipts and disbursements in this connection had been sent to them, and that he had received no contrary orders, he took it for granted that what he was doing was approved of. He found out otherwise only through the instructions which he received when appointed Civil Governor. These duties he immediately cancelled and the Merchants seized this opportunity to cause more trouble. They prosecuted those who had collected the duties insisting that this money should be repaid.¹⁰ Murray defended his action and that of the collectors, recommending these latter to the Lords of the Treasury.¹¹

Another of the charges laid against the Governor was that "of injustice and Oppression by illegally seizing Ships and Merchandize, etc."¹² Murray stated that in this

¹⁰P.A.C., MG 23, G II I, Vol. 2, Murray Papers, Letter Book 1763-1765, "Murray to the Lords of the Treasury," Quebec, July 20th, 1765, p. 205-206.

¹¹Ibid., p. 206.

¹²P.A.C., MG 23, G II I, Vol. 3, Murray Papers, Letter from and to Murray 1759-1789, Bundle IX, "Murray's answer to various Articles of Complaint laid against him," p. 220.

MERCHANTS' ATTACK ON THE MILITARY GOVERNOR

69

instance he had indeed seized ships and merchandise, but that his action in so doing was not only justifiable but commendable, as he was doing his utmost to prevent smuggling. He felt that closer examination of the case would show that he was only doing his duty in enforcing the Navigation Acts.¹³

In another charge, Murray was accused by the merchants of having used "approbrious Language" to them and of having treated them without the respect due to them.¹⁴ This charge the Governor accepted inasmuch as he agreed that he had "often severely reprimanded some of the Traders during the Military Government,"¹⁵ but he denied having done so since the establishment of civil government. Murray further asserted that he had been represented as a man of violent, ungovernable temper chiefly because of circumstances. He maintained that during the Military Regime he did not wish to use the Military arm on civilians unless absolutely necessary, and therefore found himself substituting, instead of fines and imprisonments, reprimands which certainly did not add to his popularity. He then challenged his accusers

¹³Ibid., p. 221.

¹⁴Ibid., p. 234.

¹⁵Ibid..

MERCHANTS' ATTACK ON THE MILITARY GOVERNOR

70

to find anything of this sort in his conduct after the establishment of Civil Government.¹⁶

He was accused of having ordered a merchant out of the province for procuring signatures to an address in favor of another merchant who had been illegally imprisoned.¹⁷

This charge Murray connected with that concerning smuggling and held that the trader in question had been guilty of smuggling much French merchandise into the country in 1760 and that Murray had ordered him out unless he gave security that he would discontinue this trade. The man refused the terms and consequently was obliged to leave the province.¹⁸

At Murray's trial many other varied occurrences were made use of by the merchants to have him convicted. They even went back to the first winter in the colony when great severity had been necessary to keep the army and the inhabitants under control. In the winter of 1759, for instance, a law had been passed forbidding the selling of liquor to the soldiers under pain of severe punishment.

¹⁶P.A.C., MG II, Q Series, Vol. 2, "Murray to the Lords Commissioners of Trade and Plantations," Quebec, 24th April, 1764, p. 109.

¹⁷P.A.C., MG 23, G II I, Vol. 3, Murray Papers, Letters from and to Murray, 1759-1789, Bundle IX, "Murray's Answer to various Articles of Complaint laid against him," p. 220.

¹⁸Ibid.

MERCHANTS' ATTACK ON THE MILITARY GOVERNOR 71

The first infringement of this order was by a Mr. Hay, a man of considerable influence in the colony. He was arrested and sentenced, but because of the many who interceded on his behalf, the punishment due was remitted, but not the disgrace and humiliation attendant upon the circumstances. Mr. Hay, himself, recognized the necessity of his censure and from then on caused no more trouble. Murray declared that he was sure that it was not Hay who had lodged this complaint.¹⁹

Another case against the Governor went back to 1762 and had to do with the inflated paper money which the French had left in the country. The British Government had made arrangements with the French Government to have this redeemed gradually. Some British traders in the colony were trying to buy up this currency cheaply from the French Canadians in order to make greater profits on it for themselves. This had been forbidden by Murray at the time,²⁰ and now he was being accused of having benefitted himself

¹⁹Ibid., p. 226-226.

²⁰P.A.C., MG, G.II I, Vol. I, General Murray's Letters 1759-1760, "Proclamation by General Murray," Quebec, 23rd November, 1759, p. 11.

MERCHANTS' ATTACK ON THE MILITARY GOVERNOR

72

from this money.²¹ He had indeed received an enticing offer from Mr. Arnold Nesbitt which would have given him a sizeable profit. Instead of accepting this bait, he had called a meeting of the leading Canadians and had read Mr. Nesbitt's letter to them. This, naturally, had the effect of securing for the Governor the rancour and the enmity of the British traders in Canada. Part of Murray's defense expressed his awareness of this bitterness.

The effects of such a disappointment are easy to conceive. I fear they never can be eradicated, and are probably the cause of the present Trouble to your Lordships and to Your Humble Servant; It however sufficiently demonstrates that Duty, Justice, and Humanity, got the better of the Avarice my Accusers would lay to my charge.²²

Murray's accusers even went so far as to charge him with obstructing the regular course of justice. He had ordered the trial of Thomas Walker's alleged assaulters to be held at Quebec instead of at Montreal. These had been imprisoned under suspicion of having been guilty of the outrage on Thomas Walker. Murray believed that justice could be more easily achieved outside of Montreal where feeling ran high.²³ Murray contended that this whole case had

²²Ibid., p. 232.

²³Ibid., p. 236.

MERCHANTS' ATTACK ON THE MILITARY GOVERNOR

73

acquired much more importance than it actually warranted. He showed that all the reports on it indicated that "Mr. Walker's own obstinacy, and the intrigues practised upon him by Cunningham the Attorney, were the real Causes which saved the Delinquents from punishment."²⁴

In another article of complaint, Murray was accused of having been responsible for sowing discord between the British and the Canadian subjects, that his whole policy had been such as "to kindle Animosities and to raise Jealousies among them, and to keep them Disunited."²⁵

Murray was able to show, point by point, that these accusations stemmed from the desire of the accusers to rid themselves of him, the Governor, and to assume more control. It must be acknowledged that Murray, by his violent temper, especially during the Military Regime, however much he might have excused it, aggravated these difficulties, even when he was acting for the greater good of the general public. These charges form but a sampling of the many brought against Governor Murray on his recall to England. Most of these are concerning matters of minor importance and the fact that they could not stand up under Murray's

²⁴Ibid.

²⁵Ibid., p. 238.

MERCHANTS' ATTACK ON THE MILITARY GOVERNOR

74

refutations, indicates their groundlessness. That they were ever made at all would seem to underline the bitterness between the Governor and the English merchants, as well as the desire of the latter to do away with all constraints, political and economic.

CHAPTER IV

CONCLUSION

This thesis set out to study the English merchants in Canada at the time of the Conquest by the British and during the ensuing half-decade. It sought to discover the origins of these merchants and how they fitted into the picture of a conquered country; how they got along with the Governor, with the Army and with others with whom they had contact.

From the various sources at our disposal, it was found that most of the English merchants in the colony, in the early days at least, came from the New England colonies and from the British Isles. Many of these came from the British Isles by way of the American colonies. The Americans were imbued with an independent spirit and revolutionary ideas at that time, and the immigrants to Canada were of the same spirit.

It was this spirit of Independence which made them so insistent on what they considered their political rights and so demanding in their struggle to have a representative assembly. They disregarded the fact that this assembly would be anything but representative of the inhabitants since the vast majority of these were barred from

CONCLUSION

76

participating because of religious restrictions placed on them by the laws of Great Britain. These merchants likewise loudly protested measures imposed by the Government for the protection of the "new subjects" but restrictive to their (the "old subjects") various enterprises. We have indicated some examples of this.

We have also seen how the merchants, in many cases, did not always agree amicably among themselves and how they had to have recourse to the hated authority for the settlement of some of their difficulties.

This thesis evaluates this merchant group. Their activity was mostly in Montreal but their influence was widely felt throughout the country. They were the financial backers of the fur trading with the Indians in the West. They transacted the export business of the furs with the large business firms in London.

The activities of these merchants ranged throughout the colony. Some had their basis of operation in Montreal, others in Quebec, but most had agents in both cities.

This thesis has shown that these merchants were enterprising businessmen. They built up the economic stability of the colony even when their methods and motives may have been questionable. They raised the financial situation from the utter prostration of the war years to

CONCLUSION

77

the stability of a firm foundation of a commercial empire. They made of Montreal a thriving center of the economy of the country. Those who were to come later would build up on their beginnings one of the greatest cities in the world.

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