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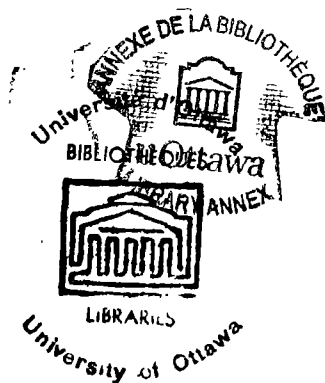
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(GOVERNOR JAMES MURRAY'S VIEWS ON THE PROBLEMS
OF CANADA DURING HIS ADMINISTRATION, 1760-1766)

by Ann McManus RSCJ

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



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CURRICULUM STUDIORUM

Mary Faustina Ann McManus, Mother McLanau RSCJ, was born July 26, 1918 in Memramcook, New Brunswick. She studied for her Bachelor of Arts, with major in history, at Manhattanville College of the Sacred Heart, New York, obtaining the degree in 1945. She studied history at the University of Ottawa during the period 1960-1963.

ABBREVIATIONS

MP	Murray Papers
PAC	Public Archives of Canada
PAR	Report of the Public Archives
DCH	Documents Relating to the Constitutional History of Canada, 1759-1791

TABLE OF CONTENTS

Chapter	page
INTRODUCTION	vii
I. - MURRAY'S VIEWS ON THE CIVIL PROBLEMS OF HIS ADMINISTRATION	1
1. 1759-1760	1
a. Security arrangements	1
b. Courts	2
c. Amherst's placard	3
2. 1760-1764	5
a. Murray's attitude	5
b. Courts	6
c. Care of the needy	7
d. Law and order	8
e. Regulation of trade	10
f. Taxation	11
g. The Acadians	14
h. Report of June, 1762	19
i. Difficulty of communications	25
j. Property disputes	28
k. Emigrants	29
l. Canadians in the west	32
m. Navigation of the St. Lawrence	33
3. 1764-1766	35
a. Plans of the British government for the colony	35
b. Murray's ordinances and proclamations	36
c. Reactions at home and in the colony	44
d. Subordinate Officials	49
II. - MURRAY'S VIEWS ON THE ECONOMIC PROBLEMS OF HIS ADMINISTRATION	60
1. Financial Policy	60
2. Duty on Spirits and Wines	76
3. Illicit trade	88
4. The Fisheries	95
5. The Fur Trade	101
6. The King's Posts	111
7. Agriculture and other natural resources	119
III. - MURRAY'S VIEWS ON THE MILITARY PROBLEMS OF HIS ADMINISTRATION	128
1. 1759-1760	128
a. The winter of 1759-1760	128
b. Battle of Ste. Foy, spring, 1760	132
c. Montreal campaign, summer, 1760	134

TABLE OF CONTENTS

Chapter	page
2. 1760-1766	138
a. Disputes with the parting French	138
b. Mutiny in Quebec, September, 1763	140
c. The Question of Supplies	141
d. Fortifications, Garrisons, Surveys	144
e. Rumours of Military Trouble	148
f. The Canadian Volunteers	153
g. Dispute about Military Authority	163
IV. - MURRAY'S VIEWS ON CULTURAL PROBLEMS DURING HIS ADMINISTRATION	177
1. The Catholic Church	177
2. The Church of England	198
3. Education	204
CONCLUSIONS	208
BIBLIOGRAPHY	215
APPENDIX 1 Governor Murray's Answers to Com- plaints, 13 April 1767	226
APPENDIX 2 Murray to Shelburne, 30 August 1766	284
APPENDIX 3 Murray's Answer to de la Fontaine, October 1763	291
APPENDIX 4 Gridley's Answer to Presentments of Grand Jury, October 1764	304
APPENDIX 5 Deposition of Philip Pavne	314

INTRODUCTION

vii

James Murray, the first British governor of Canada, occupied a position that was unique. The British empire was faced with one of the greatest problems, hitherto encountered, by the cession of Canada. By conquest the British had acquired a colony that was neither English nor Protestant and which had to be fitted into an empire which was both. The colony had belonged to France, Britain's hereditary foe. It contained from the beginning of the British occupation a small but vociferous English minority and was next door to a group of rapidly developing old English colonies¹. The French colony, moreover, was an ancient one with firmly established laws and customs as well as strong political and economic ties with its mother country. It was profoundly rooted in the New World.

Murray, after taking his part in the conquest, had governed Quebec for a full year, without the benefit of precise instructions from home. For four years more he had acted as military governor of Quebec in conjunction with two governors at Montreal and Three Rivers while awaiting the issue of the war and the plans to be made at the peace. Then there had devolved on him the task of establishing civil

¹ Burt, A.L., The Old Province of Quebec, Toronto, Ryerson, 1933, p.74-75.

INTRODUCTION

viii

government in the whole area and of carrying it on for two years in the face of increasing difficulties. Murray himself was fundamentally a soldier with the training, experience and outlook of a military man of the mid-eighteenth century. A glance at his life will show to what extent he was prepared to assume the responsibilities he shouldered at Quebec for a period of seven years. His well-defined personality was by no means a negligible factor in the genesis of the storm that eventually led to his recall.

Born at Fallencrief, 21 January 1721, old style, to Alexander, fourth Lord Elibank and the high-spirited Elizabeth Stirling, daughter of an eminent surgeon of Edinburgh, James Murray was the fourteenth child and fifth son of a family of fifteen. Educated in Scotland at Haddington and Selkirk, he began at the age of fourteen, a military career which led him to Flanders, England, the West Indies, Ireland and France before the expeditions to Louisbourg and Quebec. Captain at twenty, lieutenant-colonel at thirty, Murray had experienced the varied fortunes of war for twenty-four of his thirty-eight years by the time he commanded the left wing of the British army on the Plains of Abraham in 1759.

The first three quiet years of garrison duty in

INTRODUCTION

ix

Flanders were followed by three grim ones in the disastrous expedition against Cartagena where the young soldier of twenty bore with fortitude the strain of tropical heat, epidemics of dysentery and yellow fever, severe losses and ultimate failure. An interval in the "preventive service" against smuggling at Hastings on the English coast was followed by active service in Holland where Murray was severely wounded but not so severely as to prevent his taking part the following year, 1746, in an expedition against Lorient, the depôt of the French East India Company. An assignment in Ireland, 1749-1755, almost as long as his governorship of Quebec, was followed by the experience of a very feeble expedition against Rochefort in 1757, which ended in a court-martial of the commander, Sir John Mordaunt, James Wolfe acting for the prosecution and James Murray for the defence. Mordaunt was acquitted (unlike Admiral Byng who had been shot that very spring for his error of judgment in connection with Minorca the previous year). All Murray's experience so far had been of failure and defeat - at Cartagena, at Ostend, at Lorient and at Rochefort. His first taste of victory came at Louisbourg in 1758 and the following year at Quebec. Still, however disastrous the campaigns had been, his personal valour had merited the commendation of his

INTRODUCTION

x

superiors. Nevertheless, in 1759, he was not a substantive colonel and he had had the humiliation of seeing both Robert Monckton and Thomas Gage promoted over his head. Wealth and patronage played a part in military promotion as did ability and valour; in the former respect Murrav had not been so well favoured as in the latter.

During Murrav's childhood the family had not known wealth for Lord Elibank had lost heavily in the financial crisis of 1720, the year before Murrav's birth. Scotland was miserably poor at this time and Elibank had joined with others in founding the "Society of Improvers in the knowledge of agriculture in Scotland" in an effort to adapt to his difficult situation. Lord Elibank died in 1735 when James was fourteen and although the same year the marriage of the eldest son Patrick, fifth Lord Elibank, helped repair the family fortune to some extent, Murray was not at first to profit very much financially from this fact. Indeed he succeeded in alienating for a time his brother's affections by marrying into a Whig family of Hastings in 1748. This marriage to Cordelia Collier, daughter of John Collier, a justice of Hastings, and many times mayor of that town, was to secure some useful patronage for Murrav, helping him obtain his lieutenant-colonelcy in 1751 and to have his regiment, the

INTRODUCTION

vi

15th Foot, included in the Louisbourg, expedition of 1758. Collier was much esteemed by the Duke of Newcastle's party for his political influence. This patronage helped to offset the detrimental effect of the Jacobite tendencies of Murray's brothers Patrick, Lord Elibank, and Alexander. James' two other brothers, Gideon who became a canon of Durham, and George who retired as a rear-admiral in 1756 (his career having been interfered with by his impatient character), like James himself, had chosen the part of loyal subjects of King George. Possibly if Murray had been in Scotland in 1745 he might have wavered, but that very summer his regiment had been ordered to Flanders. The previous summer he had been admitted to communion in the Church of England and taken the customary oaths, apparently in connection with his duties in the coastal service².

In view of this background, it is not surprising to find Murray on the defensive throughout his career. However, his experience of moderate means, of the need of patronage, of divided allegiance in his family, of the pacification of the Highlands after the '45 (at least by hearsay), of the

² Mahon, R.H., The Life of General The Hon. James Murray, London, John Murray, 1921. For all biographical details.

INTRODUCTION

xii

effort to conform personally to the English standard, of a struggle against odds in his military career accompanied by disappointment and frustration in his quest for promotion, prepared him to understand better the plight of the conquered Canadians he was later to govern. On the other hand, his chosen profession had excluded him from experience in other areas which would have been invaluable to him in Quebec, namely experience of an administrative, legal and commercial nature. Military life too, had developed in him a mentality and a manner of procedure displeasing to the civilian.

The most active years of Murray's life ran parallel with the age of enlightenment in Europe. The spirit of progress permeated the minds of the educated classes, with the state figuring as the main instrument of progress. There was a great distaste for a whole complex of institutions called "feudalism", a growing religious toleration, an enthusiasm for the scientific and technical knowledge that was helping to make Europe the wealthiest part of the world, (with the gulf increasing between the very rich and the very poor). For the British and the French in particular, there was success in the commercial rivalry of the century to be accounted for by their high level of industrialization, their governments organized on a national scale, and their ability

INTRODUCTION

xiii

to advance and protect under mercantilist principles the interests of their merchants in distant countries. America bulked large in these interests. The great war of the mid-century involved France and England in a duel for colonies, trade and sea-power, but although England emerged militarily victorious, the peace terms were not unfavourable to the defeated. French trade with America grew as rapidly after the Seven Years War as before it and in 1765 was probably double what it had been in 1755. British trade had probably tripled³.

In this wave of commercial activity, prosperity and progress, there was little popularity for anyone still clinging to out-moded forms of government or ways of life. The small traders in Quebec, and much more so the merchants in London, were infected with this commercial enthusiasm and impatient of restraint.

An important factor in the background to Murray's administration in Quebec was the condition of political affairs in England during this period. The fall of 1760 saw the accession of George III whose intention "to be a king" made him look with disfavour on the powerful minister, William Pitt. The King wanted peace and wanted to be rid of Pitt, who, in fact resigned the next year over the issue of war

³ Palmer, R.R., A History of the Modern World, New York, Knopf, 1960, p.256.

INTRODUCTION

xiv

with Spain. Changes in the ministry continued during the following years as the King built his party which came to be known as "The King's Friends". The party politics of the period complicated the business of government. Their consequences were frustrating to a degree for a governor placed in such a novel situation as Murray's, where there was such great need for precise instructions and an imaginative colonial policy in confronting the civil, economic, military and cultural problems of Canada.

CHAPTER 1.

MURRAY'S VIEWS ON THE CIVIL PROBLEMS OF HIS ADMINISTRATION

1. 1759 - 1760

a. Security arrangements

The articles of capitulation of Quebec in September, 1759 granted such civil rights to the inhabitants of Quebec as being "preserved in the possession of their houses, goods, effects and privileges"¹. Murray's first official step to provide this measure of civil government was the issuing on 15 November 1759, of security arrangements for Quebec. These regulations demanded that the inhabitants carry a light in the streets after dark, obey the curfew at nine o'clock, notify the proper authorities of fire and of the arrival of strangers in the city. Disputes among the inhabitants were to be settled by Colonel John Young whom Murray appointed judge to hold court twice a week. Goods with the exception of munitions of war could be taken out of the town and the inhabitants were encouraged to bring in all kinds without exception. They were to appeal at once to the first guard-house at hand in case of injury or insult received from any soldier. Their complaints or favours were to be submitted in writing to the secretary who would hand them to Murray

1 DCH, p.5.

CIVIL PROBLEMS

2

twice a week to examine and answer. The object of these arrangements was to maintain discipline and to punish any injustice done to the inhabitants². They were in harmony with the note struck in a letter to General Jeffrey Amherst a fortnight before: "Untill I have the honour to receive your orders I shall follow the natural disposition of my heart, which dictates Clemency"³

b. Courts

On 23 January 1760, Murray noted in his journal:

As I thought it would be a means to retain the people on the South side in their Duty to Establish a Civil Jurisdiction among them, I divided that shore from Point Levi downwards in two jurisdictions, the upper and lower parishes and appointed Judges to whom I sent their Commissions⁴.

The commission to Judge Allier is dated 16 January 1760, and is couched in flattering terms⁵. There is more than a touch of diplomatic realism in this move on Murray's part.

The provision of courts of justice and police regulations is an essential function of government at any time.

2 PAR, 1918, p.35,36.

3 PAC, W.0.34, vol.4, fo.13, Murray to Amherst, 1 November 1759.

4 PAC, C.0.5, vol.64, p.65.

5 DCH, p.37.

CIVIL PROBLEMS

3

Another function that might be called essential for Quebec at this time was the regulation of business. Murray fixed the price of bread and meat and required licenses for butchers and bakers in order to prevent the exaction of exorbitant prices and the sale of unsatisfactory goods⁶.

c. Amherst's Placard

On 22 September 1760, Amherst issued a placard indicating the course to be followed by the governors of Montreal and Three Rivers, and by implication, by the governor of Quebec⁷. Amherst supplemented this the following day by a letter to Murray recommending the plan outlined in the placard and specifying that military law was to be applied in cases of murder and theft, but that in differences between the inhabitants their own laws and customs were to be taken into account within the limits of prudence⁸.

This letter must have been welcomed by Murray who had returned to Quebec and was feeling somewhat frustrated. He had told Amherst in a letter of 24 September⁹ that since all

6 PAR, 1918, p.41,43,45.

7 DCH, p.40-41.

8 PAC, C.O.5, vol.59, p.266-271, Amherst to Murray, 23 September 1760.

9 PAC, M.P., vol.3, p.69-70, Murray to Amherst, 24 September 1760.

CIVIL PROBLEMS

4

French civil officers were to be discharged and the country to be governed by martial law, he hoped he would receive directions with regard to the inhabitants and orders with regard to the troops. There was no money to pay the troops, many would have to be sent away to regain their health in a warm climate, others were claiming their discharges, thus leaving him short of men. He had ended on a despondent note: "indeed I wish to God you would come down yourself"¹⁰.

Murray's perplexity is easy to understand for he had already begun to give the country a measure of civil government and the idea of replacing this by unadulterated military rule was repugnant to him.

At the beginning of October Amherst was in Quebec and giving Murray written assurance that, having appointed Thomas Gage and Ralph Burton governors of Montreal and Three Rivers respectively, he now appointed him governor

over the remainder part of the Dependencies of the Government of Quebec, as well as over the Town of Quebec and all the Lines and Fortifications thereof: over which You Preside by Virtue of His Majesty's Commission¹¹.

Before Amherst left for Crown Point two days later, he was

¹⁰ Ibid, p.70.

¹¹ PAC, C.O.5, vol.59, p.273, Amherst to Murray, 3 October 1760.

CIVIL PROBLEMS

5

able to write to Pitt from Quebec on 4 October that "this country is as quiet and secure as any other province of His Majesty's Dominions"¹². That Amherst was able to make such a report less than a month after the capitulation of Montreal speaks as well for the effects of Murray's year of government in Canada as it does for the wise and conciliatory approach of Amherst himself. A new image of the British had been projected successfully before the eyes of the Canadians.

2. 1760-1764

a. Murray's attitude

Some words of a letter from Murray to Pitt about three weeks after Amherst's departure reveal the attitude with which Murray viewed his new duties:

As it is doubtful with me (the) fate of this Colony at the Peace I apprehend it is not my duty to point out to the inhabitants the natural advantages of their country & to put them upon improvements, But I am to do everything in my power to convince them how happy they would be under the influence of British laws & therefore nothing shall be wanting in me to exert that Justice & Humanity which I hope will ever continue to characterise the British government.

I shall by this means extinguish the prejudices the Canadians in general were taught to conceive against us, and I shall endeavour to cultivate close connections with such of them as hereafter may be of

¹² PAC, C.O.5, vol.59, p.156, Amherst to Pitt 4 October 1760.

CIVIL PROBLEMS

6

use to Us in case of another war & this country is restored to France¹³.

Uncertainty about the final outcome of the war as far as Canada was concerned was to colour the events of the next few years. At this moment it prevented Murray from urging the people to take greater advantage of the natural riches of their country which he had described with enthusiasm to Pitt in the earlier pages of the above letter.

b. Courts

This factor of uncertainty about the future did not interfere, however, with the other objective Murray mentioned - that of making British laws acceptable to the Canadians in order to remove their prejudices against the English¹⁴. During the last days of October and the first of November, five important announcements were made: on 31 October, a proclamation for the establishment of a court of justice, another on 2 November, announcing the composition of the court and the Superior Council, two public notices on 2 November, of the appointments of Jean Claude Panet as chief clerk and depositary of records of the court and Superior Council, of

¹³ PAC, C.O.5, vol.64, p.173-174, Murray to Pitt, 22 October 1760.

¹⁴ Ibid, p.172-174.

CIVIL PROBLEMS

7

Jacques Belcourt de la Fontaine as attorney general for the South Shore of the government and of Joseph Etienne Cugnet as attorney general for the North Shore. Both de la Fontaine and Cugnet were also entrusted with the care of the roads¹⁵.

Murray's attention in concerning himself at once with the very fundamental issue of courts of justice and his tact in appointing Canadians to several positions testified to his serious intention of providing the people not only with good government, but also, as far as he could, with "personae gratae" as officials. While his arrangements may not demonstrate a creative spirit¹⁶, they were calculated to please the Canadians.

c. Care of the needy

Murray's concern for the inhabitants extended to their physical necessities. Memorials from the curés of the Island of Orleans that the inhabitants were in great need of food, and of seed for the next crop evoked a response from Murray in the form of peas and oatmeal, which he reported to Amherst explaining that not only did they not have enough to pass the

15 PAR, 1918, p.59-65.

16 See Burt, A.L., The Old Province of Quebec, Toronto, Ryerson, 1933, p.33.

CIVIL PROBLEMS

8

winter but that they had no seed to sow in the spring¹⁷. Murray's action met with Amherst's approval¹⁸. It would appear that the morale of the colony was high at this time in spite of the physical distress, for when Murray wrote to Pitt at the beginning of December he painted a pleasant enough picture of the group as a whole: "nuns never before so comfortable", the inhabitants wanting "nothing but that plenty which the ravages of war have depriv'd them of to make them entirely happy" and the troops so well lodged and provided for that they are at present "healthy & likely to continue so"¹⁹. The regime established by Amherst and sympathetically carried out by Murray seemed to be having its desired effect.

d. Law and Order

However the law and order Murray was so anxious to maintain in the colony was being disturbed by outsiders. Early in January, Murray informed Amherst of the case of two Indians killed at Tadoussac by the captain of a New York

17 PAC, W.O.34, vol.1, p.15-24, Memorials, and, Murray to Amherst, 30 November 1760.

18 PAC, M.P., vol.3, p.111-118, Amherst to Murray, 6 March 1761.

19 PAC, Q.1, p.1, Murray to Pitt, 3 December 1760.

CIVIL PROBLEMS

9

schooner whose vessel was wrecked near that harbour²⁰. Later he was able to tell Amherst that the captain had been cleared and that the Indians of the vicinity had been placated through the good offices of the Hurons of Lorette. At a conference Murray held with the latter, they had begged that the traders be told that they were at peace and entitled to the King's protection. Murray thought this petition should be granted. After noting that both Indians and Canadians were being mistreated by crews of trading vessels and by those of the King's ships as well, Murray went on to point out an additional difficulty that arose in these cases. Civilians had to be tried by martial law, a disagreeable procedure. There were no civil courts established so there was no alternative except the hope of keeping good order without recourse to courts²¹. The brutality and avarice of the crews was particularly distasteful to Murray as it was calculated to undermine, if not to destroy, the task he had set himself of breaking down Canadian prejudice against the English²².

20 PAC, M.P., vol.3, p.49, Murray to Amherst, 1 January 1761.

21 Ibid, p.52, 11 January 1761.

22 PAC, Q.1, p.3-5, Murray to Pitt, 28 January 1761. Draft of this in M.P., vol.3, p.60-61. No date given there.

CIVIL PROBLEMS

10

As it was, the Canadians were facing a grim winter because of the scarcity of food. Murray wrote of their unhappy state to Amherst:

I formerly hinted the miserable situation of His Majesty's Canadian Subjects of the Quebec Province, to describe it is really beyond my power and to think of it is shocking to Humanity²³.

In spite of the generosity of the army and the merchants in making a collection of five hundred pounds and giving provisions as well, Murray feared a famine unless provisions could come from Montreal or from the other colonies²⁴. He had appealed to the governments of Montreal and Three Rivers. They had suffered little in comparison with Quebec, and Gage had given him hope that he would be able to help him²⁵.

e. Regulation of Trade

As the regime in Quebec was a military one, Murray consulted Amherst who was commander-in-chief in America, about all aspects of his government. He also reported to the government in England. In February 1761, he sent Amherst

23 PAC, M.P., vol.3, p.49, Murray to Amherst, 1 January 1761.

24 Ibid, p.50.

25 Ibid, p.61, Murray to Pitt. See note 22 for date.

CIVIL PROBLEMS

11

a memorial from the British merchants in Canada. Murray's only comment on the merits of their case was to remark that if it were well founded he was sure Amherst would be able to satisfy them²⁶. Amherst rejected the representation of the British merchants against the exportation of furs by the French and Canadians as being quite unreasonable in view of articles 26, 37 and 48 of the capitulation of Montreal²⁷.

f. Taxation

Another essential function of good government is an efficient method of taxation. Murray had studied carefully the King's rights in the colony and had, as he informed Amherst, communicated the results of his findings to Gage at Montreal as well as to the authorities at home. He told Amherst that he expected instructions from England with regard to the King's Domain in his government and that in the meantime he had asserted the King's claims in every respect. While little could be expected from the sale of fiefs or from exchanges of inheritance at the moment, he considered that the duty on spirits would be sufficient to pay for the

²⁶ PAC, W.O.34, vol.1, p.68, Murray to Amherst, 22 February 1761.

²⁷ PAC, W.O.34, vol.3, fo.73-76, Amherst to Murray, 20 March 1761.

CIVIL PROBLEMS

12

contingent expenses of government. He had not taxed wines for the sake of the officers who were the chief consumers, or dry goods, as that might have interfered with the sale of British manufactures. Careful records were being kept of all these proceedings²⁸.

While the news that began to filter into the colony from London and Paris in May of 1761, seemed to indicate that the Canadian colony was to be kept by its conquerors²⁹, definite instructions for the Governor of Quebec did not appear. In the absence of such instructions Murray was forced to fall back upon his own resources, for example, in the handling of British and foreign imports. He exempted British brandy from duty in answer to a petition from the merchants concerned and confiscated French and Spanish brandies brought in, out of deference to the wishes of the same merchants and of the traders within the colony. However he felt that the merchants who had brought in foreign spirits might have done it on the assumption that the laws made for the colonies were not binding in this new conquest and that

28 PAC, M.P., vol.3, p.63-68, Murray to Amherst, 27 March 1761.

29 PAC, W.O.,34, vol.1, p.153-154, Murray to Amherst, 25 May 1761.

CIVIL PROBLEMS

13

the orders of a military governor should not be binding on British traders. Consequently he had released the vessels themselves and the other cargoes. He hoped he would not be blamed for the lenity he had shown on this and other occasions³⁰. Murray felt, as these merchants did, that laws made for the old colonies were not binding in Canada, but even more keenly did he feel the absence of proper instructions from London:

If the Government means that the navigation and Plantation commercial laws should be strictly observed here, certainly instructions and proper officers should be sent for our assistance and information. hitherto I have done my utmost to encourage the fair trader, but I cannot distress those who from ignorance perhaps have incurred the penalties of laws made for the ancient Colonies which they, as I really do, think not binding for this new conquest³¹.

Murray went on to say that he did not think French goods should come into the colony as this would be prejudicial to the British traders and that henceforth he would allow no ship carrying French goods to enter the port unless cleared from the custom houses in England. He told Amherst that he had put this policy into practice³². The case of Philip

30 PAC, Q.1, p.11-13, Murray to Newcastle, 17 July 1761.

31 PAC, W.O.34, vol.1, p.294-295, Murray to Amherst 20 September 1761.

32 Ibid

CIVIL PROBLEMS

14

Payne³³ occurred at this time. Murray was convinced that he could prove that Payne carried on trade with France and that probably there were others like him: "I wish I had no reason to suspect other people, such a Crew of avaritious Vermin never were surely collected together as those now here stilling themselves Quebec Merchants"³⁴.

Making security arrangements, establishing courts, regulating trade, providing for the needy, protecting the rights of Indians and Canadians, establishing and collecting taxes had been among Murray's concerns during these first two years of his government of Quebec. By this time it was clear that his situation was to be complicated by the absence of adequate instructions from home and the vigorous trading aspirations of the merchant group in the colony.

g. The Acadians

A problem of a different nature from those already encountered called for Murray's attention in February 1761. It concerned a group of Acadians in the colony. Murray told Amherst that he had received letters from the Acadians at

³³ See chapter on economic problems, p.79. Also, Appendix 5.

³⁴ PAC, W.O.34, vol.1, p.297, Murray to Amherst, 20 September 1761.

CIVIL PROBLEMS

15

Restigouche asking leave to settle in Acadia, Cape Breton, the island of St. John or Canada. Murray was of the opinion that they should be settled in Canada³⁵. Amherst agreed that bringing them into Canada would be "the best means of keeping them, from either receiving or doing any harm at present"³⁶. Murray wrote again to say that with Amherst's leave he would "endeavour to learn what number of Acadians, if any, are still at Miramichi, now is the time to evacuate that country entirely of the Neutral French, and to make the Indians of it our own"³⁷. Amherst replied that he would write to Gage to provide supplies and shelter for any Acadians Murray brought from Restigouche, for, "to keep these People out of Scrapes & Mischief, it is necessary they should be settled under the Eye of Government"³⁸.

In July Murray received a list of the Acadians at Restigouche and along the shore, as well as letters from them asking to remain where they were for the winter³⁹. When

35 PAC, W.O.34, vol.1, p.68, Murray to Amherst, 22 February 1761.

36 Ibid, vol.3, fo.73, Amherst to Murray, 20 March 1761.

37 Ibid, vol.1, p.118-119, Murray to Amherst, 18 April 1761.

38 Ibid, vol.3, fo.88, Amherst to Murray, 27 May 1761.

39 Ibid, vol.1, p.301-328.

CIVIL PROBLEMS

16

Murray had sent someone to Restigouche to check on the number of Acadians in the vicinity he had found them fewer in number than he expected. Some had gone to Beausejour and Louisbourg "owing it may be supposed to the countenance and favour they meet with there"⁴⁰. Since such a development was opposed to Amherst's idea of settling them in the upper parts of Canada, Murray asked Jonathan Belcher, Governor of Nova Scotia if he proposed settling them again in that colony as he (Murray) intended moving them the instant the season would permit the next year. He remarked that Belcher must know best the consequences of settling them amongst his group as the very spot would recall all they had endured in the present generation to every succeeding generation and "perhaps alienate forever their affections from it's Government however just and Equitable it may be"⁴¹. The same day, 20 September, Murray wrote Amherst on the same subject saying that the officers commanding the men of war which had been in the Bay of Chaleur area all summer had given the Acadians passes to fish and to go to Louisbourg and Beausejour "by which the scheme of bringing them to Canada has been for this year frustrated"⁴². He told

40 PAC, Q.I, p.37, Murray to Belcher, 20 September 1761.

41 Ibid, p.38.

42 PAC, W.O.34, vol.1, p.291, Murray to Amherst, 20 September 1761.

CIVIL PROBLEMS

17

Amherst he had written to the Lieutenant Governor of Nova Scotia and enclosed a copy of his letter to him. He also asked for orders on the subject to be sent to him so that he could execute them as soon as navigation was open in the spring. It was too late to do anything that fall⁴³. Amherst replied that he had read all the papers Murray had sent him about the Acadians at the Bay of Chaleur and along the coast. He agreed that it was too late to do anything that fall. He approved of Murray's letter to Governor Belcher and said that when he heard from him he would write Murray that they might agree on the best way of settling the Acadians⁴⁴.

Murray's letter, of 20 September 1761, reached Belcher on 10 March 1762! He and William Foster had laid the contents before the Council of Nova Scotia and all were agreed that it would be unsafe to settle the Acadians in the province for the reasons that Murray had given. They would be better off in "the distant precincts of Canada ... if they should be permitted to remain in America"⁴⁵. They explained that those already in Nova Scotia had surrendered or had been brought

43 Ibid.

44 PAC, M.P., vol.3, p.94, Amherst to Murray 22 October 1761.

45 PAC, Q.1, p.39, Jonathan Belcher and William Foster to Murray, 25 March 1762.

CIVIL PROBLEMS

18

with Amherst's approbation and were awaiting His Majesty's pleasure as to their future destination⁴⁶.

Apparently Murray was unable to take further action in this matter to judge by a reference he made in a letter to Amherst in August 1762. At that time, with a view to the disturbed situation in Newfoundland, as well as with the intention of getting intelligence and preventing a surprise attack by the French on the coast, he had sent an armed sloop down the coast with orders to go no further than the Bay of Chaleur. He remarked that he had

never liked the Situation of the numerous Banditti there, and it will not be my fault if the Enemy at Newfoundland are now reinforced by the stragling french and Acadians who inhabit the Banks of the Gulph of St. Lawrence; I hope Sir you will do me the Justice to recollect that my proposals for their removal were early, and might have been long ago effected had not the Governor of Nova Scotia interfere'd⁴⁷.

It would seem that the Government of Nova Scotia, also, expected their Acadians to react violently when they

46 Ibid.

47 PAC, W.O.34, vol.2, no.28, Murray to Amherst, 1 August 1762. For Belcher's attitude towards the presence of Acadians in Nova Scotia, see: Fregault, Guy, La Guerre de la Conquête, Montréal, Fides, 1955, p.269-270. For the failure of the plan to remove the Acadians from the coast see letter of Governor Montague Wilmot (who became governor of Nova Scotia in May 1764) to Halifax, 22 March 1764, PAC, Nova Scotia A, vol.73, p.123-124.

CIVIL PROBLEMS

19

learned that the French were in possession of St. John's Newfoundland, for they decided to collect them and transport them to Boston in the summer of 1762⁴⁸.

Disposing of Acadians was still one of Murray's problems as late as the summer of 1765 for he wrote to the Lords of Trade that July:

The Examinations in the Council Book relative to the Bays of Gaspy and Chaleur indicate the expediency of having the Fugitive Acadians, now residing at Bonaventure, removed & placed more immediately under the Eye of Government: It likewise appears necessary to have a Detachment of Soldiers at Gaspy and Chaleur; Your Lordships directions relative to the first I shall expect, & for the second I shall make immediate application to the commander in chief⁴⁹.

Murray seems to have shared the general British suspicion of the Acadians, finding them troublesome, at least with regard to illicit trade, after they had ceased to be a positive military threat.

h. Report of June, 1762

Since, unfortunately, many of Murray's papers have been lost, it is not possible to ascertain his views from a

⁴⁸ PAC, C.O. Nova Scotia A, vol.73, p.125, Wilmot to Halifax, 22 March 1764.

⁴⁹ PAC, C.O.42, vol.3, p.5-6, Murray to Lords of Trade, 15 July 1765. See also RG1, E.1. vol.1, p.157-158, Legislative Council Book A.

CIVIL PROBLEMS

20

very large number of official documents. Probably the loss is not too important because those that remain are similar to the more numerous surviving documents relating to Montreal and Three Rivers⁵⁰. In any case Murray's voluminous report of 5 June 1762, has been preserved and indicates Murray's views on some of the more important aspects of government⁵¹. While most of the observations that follow his description of the former French government look backward, rather than forward, there are three or four in which he was looking to the future. He observed that the office of inspector of the high roads seemed highly necessary for the care and benefit of interior commerce. Since the Canadians seemed to be so fond of lawsuits, and their legal procedure geared to encourage this disposition, he suggested a short and well digested code of laws as a corrective. Changing the age of majority from twenty-five to twenty-one as it was in other British dominions and removing certain restrictions on where people could build and how much land they could occupy seemed advisable to Murray. The former arrangement would be acceptable to young people and the latter to the population in general. Murray expected that settlement would increase the

⁵⁰ See, Burt, A.L., The Old Province of Quebec, Toronto, Ryerson, 1933, p.36-37.

⁵¹ DCH, p.47-81.

CIVIL PROBLEMS

21

revenue from the tax called "Lods et Vents", which was negligible at the moment for few purchases were being made because of lack of money and uncertainty about the future. The tax on houses for the support of barracks in the city and suburbs of Quebec could not be levied because so much of the town was in ruins and the tax might discourage rebuilding. He suggested that the tax on dry goods not be levied and in its stead a tax be imposed on horses. The latter would also serve the purpose of restraining the people from indulging themselves in the luxury of owning more than one horse, and might prove to be a means of encouraging the people to increase their stock of horned cattle. This observation was followed by one which did not suggest anything openly but implied much:

Murray pointed out the fact that the small salaries allowed to government employees by the French had led to neglect of work as well as corruption in the form of an attempt to supplement salaries by cheating both the King and the people.

The report described the various Indian nations residing within the government on the north and south shores of the St. Lawrence. The most civilized, Murray said, were the Hurons settled in a little village called Jeune Lorette, about three leagues from Quebec. The Esquimaux he called the wildest and most untameable of all; the Montagnais, the

CIVIL PROBLEMS

22

mildest and most tractable. An indication of Murray's personal attitude towards the Indians appeared in a letter to his brother Admiral George Murray, two years later⁵². While his reflections in it on the virtues of the savage are obviously intended to emphasize the vices of the civilized, from the latter of whom, Murray was at the moment suffering, still it is clear from the letter that he had observed the Indians with sympathy, and perhaps, with a touch of admiration. The scope of the report of 1762 was extended in 1764 to include yet another group of Indians: the Micmacs. The unflattering picture given here⁵³ of the savages helps to correct any false impression created by the letter to Admiral Murray, as does a remark in a letter to Amherst with reference to the Indians fighting in the west in Pontiac's rebellion: "they certainly are a cowardly race"⁵⁴.

With regard to population, Murray felt that probably the next twenty years would see a great increase. He grouped the actual population into four classes in his report: the

52 PAC, M.P., vol.2, p.158-159, Murray to Admiral Murray, 20 September 1764.

53 PAC, C.O.42, vol.1, p.361-365, Account of the Micmacs, Murray to Lords of Trade, 27 June 1764.

54 PAC, W.O.34, vol.2, no.104, Murray to Amherst, 15 September 1763.

CIVIL PROBLEMS

23

gentry or nobility, the clergy, the merchants or trading group, and the peasants or "habitants".

His picture of the nobility was not flattering: poor in general, but able to amass great fortunes at military commands at distant posts; vain; contemptuous of traders, but not scrupling to engage in trade themselves; tyrants to their vassals. They would not relish British government since they could not expect the favours and employments from it that they received from the French. The traders, if French, were wholesale dealers for the most part; if Canadians, retailers. He did not expect that those who had much money in France, would remain in Canada. The habitants, Murray found healthy, virtuous and temperate but ignorant and credulous. Prejudiced against the English formerly, they had by now altered their opinion and Murray felt their greatest fear was that they might meet the fate of the Acadians and be expelled from their country⁵⁵. Even before the report, Murray had written Amherst of the harmony which he felt existed in general between the Canadians and the troops ever since the conquest⁵⁶.

The paternalistic tone of the military government

55 DCH, p.75,78-81.

56 PAC, W.O.34, vol.1, p.430, Murray to Amherst, 9 March 1762.

CIVIL PROBLEMS

24

seems indeed to have suited the Canadians but this very fact was a sign perhaps that the Canadians were not yet ready for the representative form of government usual in British colonies. Murray did not say this in his report but in a letter to the Earl of Egremont, 7 June 1762, he made the following significant comment after his description of the former government:

how the new one should be formed was too nice a Subject for me to undertake, and have left the same to the determination of my Superiors: one thing only I shall observe, that the people here do not yet seem ripe for such a Government as prevails in our other Colonies⁵⁷.

Six months after the report, on the occasion of the birth of the Prince of Wales, Murray sent to England addresses from the King's British and Canadian subjects with the comment that "the latter are highly sensible of the mild and Generous Treatment they have Received, and feel the Advantages of returning affluence, after having suffered the Extreme of Misery and want"⁵⁸. The Canadians in their address to Murray called him "plutôt nôtre Père, Que nôtre Gouverneur"⁵⁹, while the British merchants ended theirs on a warm

57 PAC, Q.1, p.22-23, Murray to Egremont, 7 June 1762.

58 PAC, Q.1, p.56, Murray to Egremont, 17 January 1762 but endorsed 1763.

59 Ibid, p.59.

CIVIL PROBLEMS

25

note in his regard⁶⁰. While such addresses do not tell the whole story these indicate a certain measure of satisfaction with the government Murray had provided to that date.

In December 1762, Murray knew of the preliminary articles for the peace and that according to them Canada was to be kept by England. He presumed that there would be one governor and that Gage would have that honour, which Murray said he did not wish to dispute with him⁶¹. In February 1763, Murray still did not know whether Gage was to be governor or not but he wrote very plainly now of his own desire for the position and of the efforts he had made to prepare himself for it. Moreover he felt that

his Majesty could not employ anybody who would be more agreeable to the people, because in their great distress, I had opportunities of ingratiating myself with them, which may never happen again to any man⁶².

i. Difficulty of communications

Communications were not rapid in Murray's day. Letters and other documents issued in London might not reach

60 Ibid, p.63.

61 PAC, W.O.34, vol.2, no.74, Murray to Amherst, 22 December 1762.

62 Memorials of Oswald, Edinburgh, Constable, 1825, p.353-354, Murray to Oswald, 26 February 1763. (The Right Honorable James Oswald of Dunnikier was a patron of Murray).

CIVIL PROBLEMS

26

the governor until four, six or even ten months later. For example, Murray's commission as governor dated 21 November 1763 and his instructions dated December 1763⁶³ did not actually reach him until August 1764⁶⁴. Yet he had heard in October 1763 that he was going to be appointed governor⁶⁵. The ten months' delay in this case was particularly exasperating as it complicated considerably Murray's relations with the governors of Montreal and Three Rivers as well as with Gage, the new commander-in-chief. An extract from a letter to Governor Burton who had replaced Gage at Montreal gives some idea of the situation:

There is nothing I will not do, & Submit to for the good of the King's Service & that of the Publick. but since I waved the powers which my military Commission as Govr. of Quebec & all its' Dependencys gives me and in Compliance with Mr. Gages Orders, Allowed Other people to Sign Provincial Commissions, in what has been declared part of these Dependencies, by His Majestys proclamation, it Cannot be supposed that I shall interfere with Mariages, Corn or any other thing, (unless Necessity Obliges me,) within the Districts of Montreal & Trois Riviers untill my Patent is produced on the Spot⁶⁶.

63 DCH, p.173-181.

64 PAC, C.O.323, vol.18, p.25, Samuel Holland to the Secretary of the Board of Trade, 20 August 1764, announcing his arrival in Quebec bearing Murray's commission.

65 PAC, M.P., vol.2, p.6, Murray to Ross, 23 October 1763.

66 Ibid, Murray to Burton, 18 April 1764.

CIVIL PROBLEMS

27

Apart from the length of time involved in the exchange of correspondence, Murray experienced other drawbacks in connection with the postal service. Apparently the sacred character of the mail bag was not fully understood. Murray referred to this in a letter to Governor Frederick Haldimand of Three Rivers in November 1763 when sending him the Act of Parliament and instructions regarding the Post Office establishment. Apparently the Quebec merchants had affirmed that mail from Quebec had been opened at Three Rivers⁶⁷. In December 1763, Murray accepted with alacrity the offer of the Lieutenant Governor of New York to take care of and forward his letters which were sent via New York because the unpardonable curiosity of the people at different civil or military posts had almost cut him off from correspondence with his friends: "of twenty letters which are wrote to me I am sure I do not receive one"⁶⁸. Amherst had noted complaints about the New York Post Office long before this⁶⁹ and at the time of the establishment of civil government in Quebec

67 PAC, B 6, p.102, Murray to Haldimand, 3 November 1763, see also PAC, M.P., vol.2, p.37-38, Murray to Burton, 25 December 1763.

68 PAC, M.P. Vol.2, p.41, Murray to Cadwallader Colden, 25 December 1763.

69 PAC, M.P., vol.3, p.115, Amherst to Murray, 6 March 1761.

CIVIL PROBLEMS

28

regulations concerning the postal service were sent from England⁷⁰.

Besides the problems of a civil nature already dealt with, Murray encountered others before the establishment of civil government, notably: property disputes, the passage of emigrants to France, the situation of the Canadians in the territory set apart for the Indians and navigation in the St. Lawrence.

j. Property disputes

One dispute about property was the affair of Simon Mackenzie and Charles Crockatt, an intricate matter in which a large property was the subject of dispute. Murray took the view which he had taken in similar cases: "I referred it, as Indeed I have allways hitherto done in such cases, to a Board of Merchants, part of my own Appointment, the others nominated by the Respective Parties"⁷¹. Apparently the method was successful in this case, for Murray when transmitting to Halifax the documents relative to the case could say: "the parties since have come to a mutual agreement and believe it

⁷⁰ PAC, C.O.5, vol.65, p.91-92, 11 August 1764, Circular Letter from Halifax to the governors of the colonies.

⁷¹ PAC, Q 2, p.139, Murray to Egremont, 27 June 1763.

CIVIL PROBLEMS

29

was the wisest measure they could pursue"⁷².

Other property disputes concerned Canadians or Frenchmen: the Marquis de Rigaud de Vaudreuil⁷³, Gilles Hocquart⁷⁴, and Jacques Belcourt de la Fontaine⁷⁵. Murray considered that Hocquart's and Vaudreuil's claims were of doubtful authenticity because they had not been registered with the Superior Council at Quebec. He feared that allowing doubtful titles would lead to their being invented in order to get good land into French hands. In the case of de la Fontaine, Murray pointed out once more the difficulty of trying civil cases before a court martial.

K. Emigrants

While article IV of the Treaty of Paris gave the Canadians freedom to emigrate from Canada at any time during

72 Ibid, p.14, Murray to Halifax, 13 February 1764.

73 PAC, Q 1, p.121-122, Egremont to Murray, 13 August 1763. PAC, M.P., vol.2, p.91-94, Murray to Halifax, 5 March 1764.

74 PAC, Q 1, p.41-43, p.45-47, Murray to Egremont, 7 September 1762. The second was a private letter.

75 Ibid, p.186-207, de la Fontaine to Secretary of State. 23 October 1763. PAC, Q 2, p.108, Murray to Lords of Trade, 24 April 1764, p.111-125, Murray's answers to de la Fontaine's accusations. See also, Appendix 3.

CIVIL PROBLEMS

30

the eighteen months that followed the ratification of the treaty⁷⁶, Murray expected only a small number to leave⁷⁷. He was concerned lest their right to do so might be infringed upon at the time of the enlisting of volunteers to quell Pontiac's rising⁷⁸. When Governor Haldimand of Three Rivers seemed inclined to press the people for a decision about emigration, at about the same time, Murray advised him not to rush them since, as he said, many could not decide until they had heard what their prospects might be in France and would be in an embarrassing position if they had to declare themselves without the necessary information.⁷⁹

In view of the sympathetic attitude he had displayed towards the emigrants, Murray was surprised by complaints from the French, when Halifax sent him the Count de Guerchy's memorial stating that French passengers had been charged exorbitant rates. Halifax expressed his own surprise as well as his suspicion that the French request to send additional ships was intended as a means to increase the number of emigrants

76 DCH, p.115-116.

77 PAC, M.P., vol.2, p.128, Murray to Halifax, 23 April 1764.

78 PAC, Q 2, p.65-66, Murray to Gage, 5 March 1764.

79 PAC, M.P., vol.2, p.114-115, Murray to Haldimand, 9 April 1764.

CIVIL PROBLEMS

31

rather than to help any in distress⁸⁰.

Murray answered that he considered the memorial to be without foundation and that the number who intended to emigrate was too small to require additional ships. He agreed with Halifax in his suspicion about the motives of the French in wanting to send such vessels. As for his own attitude towards the emigrants, far from obstructing them, he had even allowed them to build their own vessel of about two hundred tons at the request of Monsieur Benoist, Captain of the Colony Troops⁸¹. In August Murray had given the number of emigrants and of available ships:

I take this opportunity to acquaint Your Lordships that there are not more than two hundred and Seventy Souls, Men, Women and Children who will emigrate from this Province in consequence of the treaty of peace, & that most of these are Officers their wives Children & Servants, & that there is no want of Ships for Six times the number⁸².

80 PAC, Q 2, p.5-6, Halifax to Murray, 14 January 1764.

81 Ibid, p.129-131, Murray to Halifax, 14 September 1764, See also: p.346 and p.424-428 for further details about this vessel.

82 Ibid, p.170, Murray to Halifax, 21 August 1764. For a discussion of the emigration, See: Brunet, Michel, "Les Canadiens Après la Conquête" in Revue d'Histoire de l'Amérique Française vol.12, p.170-207, and Roquebrune, Robert de, "L'Exode des Canadiens après 1760" in La Nouvelle Revue Canadienne, vol.3, no.1, sept. oct., 1953, p.9-17 and vol.3, no.2, jan.-fév., 1954, p.75-87.

CIVIL PROBLEMS

32

Murray must have felt a certain satisfaction at the small number of emigrants for it confirmed the judgment he had made two years previously in his official account of the new colony namely, that the mass of inhabitants would rather fear expulsion than desire emigration⁸³.

1. Canadians in the West

In the spring of 1764 Murray brought a problem of a different nature to the attention of the home authorities. This was the situation of the Canadians settled in the territories set apart for the Indians by the Proclamation of 1763. Murray's opinion was that if these Canadians were not attended to, or were required to move without proper provision made for them elsewhere, they might incite the surrounding Indians with whom they had great influence to continue fighting; or they might move as a body to Louisiana. As there were a thousand families in question, all descended from Canadians, Murray felt it would be much better if they were brought to Canada and proper provision made for them there, if removal were necessary at all. Such attention would have a good effect on the Canadians in Quebec who had unhappy memories of the fate

83 DCH, p.80.

CIVIL PROBLEMS

33

of the Acadians fresh in their minds. It would also deprive the enemies of the English in Quebec of useful propaganda material. While Murray realized that this matter was not exactly his affair he felt it his duty to offer any suggestions conducive to the public welfare. He was moved moreover in this case by a sense of humanity as well as zeal for the King's service⁸⁴. Halifax thought the representation of sufficient worth to refer it to the Lords of Trade⁸⁵ to whom Murray supplied further information⁸⁶.

m. Navigation of the St. Lawrence

Finally, the problem of navigation in the treacherous St. Lawrence was one that Murray had to consider. Canadians had served the English cause at different times as spies, pilots, artificers and clerks. Admiral Saunders had been so aware of the need of paying for the services of pilots that

84 PAC, Q 2, p.78-80, Murray to Lords of Trade 9 March 1764.

85 PAC, Q 55, p.2, Halifax to Murray, 9 June 1764.

86 PAC, C.O.42, vol.1, p.401-408, Murray to Lords of Trade, 8 September 1764. Also memoranda on Detroit and Illinois settlements. For a discussion of the position of these Canadians with regard to the Indians, see: Sosin, Jack, "The French Settlements in British Policy for the North American Interior, 1760-1774", Canadian Historical Review, 39, September 1958, p.194.

CIVIL PROBLEMS

34

he had left Murray a list of pilots' families to receive provisions from Murray while the fathers, brothers and husbands were serving in the King's Ships⁸⁷.

In the summer of 1760 Murray had appealed to Lord Colville, who commanded the British fleet in the area, for aid in settling fair rates for pilotage from the Island aux Coudres to Quebec⁸⁸. On 3 April 1762, Murray appointed Augustin Rabi and Pierre Savard to examine seventeen candidates for pilotage in the St. Lawrence from Cap aux Oyes to Quebec. Rules and regulations were issued on 24 June 1762 for masters of ships sailing up or down the St. Lawrence to Quebec, for the Branch Pilot and other pilots who had passed examinations and had been given certificates by Murray. Rates were fixed and inspectors appointed⁸⁹. A problem of importance to defence, trade and communications had thus been given careful attention.

87 PAC, M.P., vol.3, p.106, Murray to the Secretary of the Lords of the Treasury, 28 August 1761.

88 Ibid, vol.1, p.36, Murray to Colville, 9 June 1760.

89 PAC, Internal Correspondence of the Province of Quebec, R.G.4, Series A 1, vol.1, p.7-13.

CIVIL PROBLEMS

35

3. 1764-1766

a. Plans for the colony

The Treaty of 1763, the Proclamation of 1763, Murray's commission as governor and his instructions outlined the form of civil government he was to establish in the colony. Quebec became a royal province, with the commission and instructions forming the framework of its written constitution⁹⁰.

The combined effect of proclamation, commission and instructions has been summed up as a programme by which "an old French colony was to be remade into an English one"⁹¹, although Murray wrote of the proclamation at least, as giving "everybody great Content and Satisfaction"⁹². When the colonial government began to operate, the implications of the

90 DCH; p.97-127, 163-168, 173-181, 181-205.

91 See Burt, op.cit., p.82.

92 PAC, M.P., vol.2, p.62-63, Murray to Amherst, 24 January 1764. For a theory that such a program was, in view of the times, both natural and reasonable, see Burt, op.cit., p.83-86. For a theory that the proclamation was the result of blundering, see: Alvord, C.W., "The Genesis of the Proclamation of 1763", Proceedings of the Michigan Historical Society, 1908: The Mississippi Valley in British Politics, vol.1, p.174, n.p.212-213, as quoted by Burt. For the opinion that the British policy behind the proclamation was deliberately repressive, see Kennedy, W.P.M., The Constitution of Canada, London, Oxford University Press, 1922, p.39-41.

CIVIL PROBLEMS

36

documents became clearer and the confusion increased as the government found itself at grips with an extremely difficult situation while the governed grew more and more frustrated by what seemed to be deception or discrimination or both.

b. Proclamations and Ordinances of the Civil Government

During his twenty-two months of civil government, Murray issued twenty-six ordinances and six proclamations. The proclamations dealt with the appointment of justices of the peace, the opening of trade, the safeguarding of customs, grants of land, the disallowance of four ordinances and the liquidation of the Canadian Paper⁹³. The ordinances were concerned with the regulation of currency, the establishment of courts, the promulgation of laws, the assize of bread and regulation of weights and measures, the ratification of decisions of military courts, land law and age of maturity, passes to leave Quebec, the registration of titles to land, damages on protested bills of exchange, the forestalling of the market, the selling of rum to the Indians, the prevention of disorderly driving, the removal of debtor's goods, the summoning of juries from the whole province, fisheries,

93 PAR, 1918, p.401-408.

CIVIL PROBLEMS

37

soldiers and seamen, terms of court, firewood, abolition of militia captains, repairing of highways, as well as with the explanation and amendment of previous ordinances⁹⁴. Four more which were later disallowed dealt with public houses, the observance of the Lord's Day and the billeting of troops⁹⁵.

The proclamation about grants of land was made in order to encourage settlement in conformity with articles 44-52 in Murray's instructions⁹⁶. After formally making known the terms of the grants, Murray proceeded to describe with much enthusiasm the advantages of settling in Canada. With the object of removing certain prejudices, he pointed out the fertility of the land, the facility of transportation, the abundance of natural resources, the fishing and fur trade, the markets in the populous towns of Montreal and Quebec and the healthful climate of the province which is worthy of note "for in no Country do People live to a greater Age with more uninterrupted good Health"⁹⁷. Murray had this glowing description published in the newspapers of New York, Virginia,

94 PAR, 1913, p.45-80.

95 PAC, Q 3, p.58-98.

96 DCH, p.194-197.

97 PAR, 1918, p.403-405.

CIVIL PROBLEMS

38

Philadelphia and Boston at the expense of twelve pounds, York currency⁹⁸. However hopes for an influx of English settlers were disappointed. Had they materialized rapidly, perhaps the promise of an assembly could have been made good. At least, Murray might have been less frustrated in the choice of officials.

To take care of the administration of justice, Murray at first confined himself to issuing commissions of the peace, by a proclamation of 28 August 1764, which divided the province into two districts, Montreal and Quebec, as there were not enough qualified Protestants resident in Three Rivers to constitute that area a third district. A single justice of the peace could settle cases not involving more than five pounds, New England currency; two could do the same for cases not exceeding ten pounds. Three could hold quarter sessions and settle cases above ten but not exceeding thirty pounds, with right of appeal granted to both parties in the dispute. The justices were also to issue warrants to the captain and other officers of militia in the province⁹⁹.

Among the men chosen by Murray to be justices of the

98 PAC, C.O.42, vol.5, p.177.

99 PAR 1918, p.401-402.

CIVIL PROBLEMS

39

peace, were two Montreal merchants, Francis Knipe and Thomas Walker, the latter of whom turned out to be a particularly unfortunate choice. They called on Murray in early September and Murray's comments on Walker are significant in view of future events:

Walker and Knipe have been here with a very respectful address: I have had much Conversation and if any Confidence may be put in them we may hope to find the People at Montreal very tractable: to contribute to it I have made Walker and Knipe Justices of the Peace, the first is certainly a sensible Man and with proper Management may be kept within the Bounds of Moderation & made a useful Member of Society; the Man is proud and wants not perhaps more than a moderate Share of Ambition; to give a right turn or bias to such passions is to show we can govern properly the Direction produces the effects and if every tool is not put to its proper Use, the Workman may be deemed ignorant or negligent¹⁰⁰.

It is evident from this letter that Murray saw Walker's defects clearly when he chose him to hold an official position in Montreal and that he was selected in spite of these defects. (The man had ability, which Murray hoped he would be able to direct). Perhaps this choice was Murray's fundamental error but it must be remembered that he had few suitable candidates from whom to choose and he could not foresee the consequences of this particular choice.

¹⁰⁰ PAC, M.P., vol.2, p.203, Murray to Fraser, 11 September 1764. Captain John Fraser, a member of the Council had been made justice of the inferior court at Montreal.

CIVIL PROBLEMS

40

Meanwhile work had begun on the subject of the administration of justice and Murray told Fraser of the progress made:

The Commission for the Peace has been long finished as far as depended on the Council, the delay rests with the Attorney General who had orders to draw out a few instructions for the new beginners, he promises they shall be finished this week & by that time You will receive the Establishment of the Inferior Court of Justice, of which You are the Chief Justice with a proper Salary. This Court is modelled to my hearts Content it is calculated to please the Canadians & to prevent their being made a Prey to our upright Lawyers: It will give you pleasure & Satisfaction in every Respect¹⁰¹.

This inferior court of justice of which Murray spoke in his private letter to John Fraser as being "modelled" to his "hearts Content" was part of the system set up by the ordinance of 17 September 1764¹⁰². It established a superior court of judicature, or court of King's Bench to sit at Quebec twice a year, presided over by the Chief Justice with power to hear and determine all civil and criminal cases according to the Laws of England and the ordinances of the province and from which appeal could be made to the Governor and Council or the King and Council under certain conditions. All the King's subjects were admitted on juries in trials in

101 Ibid. p.204-205.

102 PAR, 1913, p.46-49.

CIVIL PROBLEMS

41

this court. The Chief Justice was to hold a Court of Assize and General Gaol Delivery once a year in Montreal and Three Rivers for the convenience of people in these areas. An inferior court of judicature or court of Common Pleas was established to determine all property disputes above the value of ten pounds, with right of appeal to the court of King's Bench in cases of twenty pounds or more. Trials here were to be by jury if demanded by either party. The court was to sit at Quebec at the same time as the Superior Court. Its judges were

to determine agreeable to Equity having Regard nevertheless to the Laws of England, as far as the Circumstances and present Situation of Things will admit, until such Time as proper ordinances for the Information of the People can be established by the Governor and Council agreeable to the Laws of England¹⁰³.

The French laws and customs were to be allowed in these courts in cases between the natives of the province which had arisen before 1 October 1764. Canadian advocates and proctors could practise in these courts. The ordinance provided for justices of the peace, repeating the proclamation referred to above¹⁰⁴, but adding that two of the justices were to sit weekly in

103 Ibid, p.47.

104 See p.38 in this chapter.

CIVIL PROBLEMS

42

rotation in the towns of Quebec and Montreal. The ordinance provided for the election of bailiffs and sub-bailiffs for every parish. They were to oversee the roads and bridges, arrest and apprehend criminals, decide disputes about the breaking and repairing of fences, and replace the coroner when necessary¹⁰⁵.

Murray sent with the ordinance his own explanatory observations¹⁰⁶. With regard to the clause admitting all the King's subjects to juries in the Superior Court, he remarked:

As there are but Two Hundred Protestant Subjects in the Province, the greatest part of which are disbanded Soldiers of little Property and 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 and 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 Point¹⁰⁷.

With regard to the Court of Assize at Montreal, Murray found,

105 DCH, p.208-209.

106 PAC, Q 62, A, p.500-510, also: DCH, p.206-208 and PAC, B.M., Add.MSS., Hardwicke, p.7-8, 35914 fo.29-34.

107 PAC, Q 62, A, p.500.

CIVIL PROBLEMS

43

which was not at first apprehended, that the Court of Assize proposed to be held at Montreal Twice every Year will be attended with too much Expense to the Crown and therefore that Establishment shall be corrected¹⁰⁸.

He pointed out that

the Court of Common Pleas is only for the Canadians; not to admit of such a Court until they can be supposed to know something of our Laws and Methods of procuring Justice in our Courts, would be like sending a Ship to sea without a Compass; indeed it would be more cruel - the ship might escape, Chance might drive her into some hospitable Harbour, but the poor Canadians could never shun the Attempts of designing Men; and the voracity of hungry Practitioners in the Law; they must be undone during the First Months of their Ignorance; if any escaped, their Affections must be alienated and disgusted with our Government and Laws¹⁰⁹.

With regard to juries for this court, Murray observed:

that the few British Traders living here, of which not above Ten or Twelve have any fixed property in this Province, are much dissatisfied because we have admitted the Canadians on Juries: the Reason is evident, their own Consequence is thereby bounded. But the Practitioners in the English Law have probably put them out of Humour with the Court of Common Pleas (which they are pleased to call unconstitutional)¹¹⁰

Regarding the clause allowing Canadian advocates and proctors to practise in the court of Common Pleas, Murray commented:

We thought it reasonable and necessary to allow Canadian Advocates and Proctors to practice in this Court

108 Ibid, p.502.

109 Ibid.

110 Ibid, p.503.

CIVIL PROBLEMS

44

of Common Pleas only (for they are not admitted in the other Courts) because we have not yet got one English barrister or attorney who understands the French Language¹¹¹.

The term "bailiff" was used in the ordinance "because the Word is better understood by the new Subjects than that of Constable"¹¹².

c. Reactions at home and in the colony

The explanatory notes that Murray sent with the ordinance of 17 September 1764 show that he and his Council appreciated the controversial nature of the ordinance. It was in fact to meet with adverse criticism at home and to arouse active hostility in the colony. While the presentments of the grand jury of Quebec, 16 October, attacked or anticipated other ordinances, they were aimed more particularly at the ordinance of 17 September. The jurors found it defective in allowing too many inferior courts and justices of the peace, too extensive a use of the jury system and the right of appeal; and in not providing qualified persons to preside over the courts. They added, without the knowledge of the Canadian jurors, further clauses objecting to Catholics

¹¹¹ Ibid, p.504.

¹¹² Ibid, p.510.

CIVIL PROBLEMS

45

on juries and to the number of military men exercising judicial authority. The Canadians issued an indignant protest on 26 October and in January 1765 sent the King an address relative to the establishment of the courts of justice and the presentments of the grand jury¹¹³.

Murray agreed with the Canadians' attitude towards the presentments in some respects. He wrote the Lords of Trade on 29 October in defence of the rights of the Canadians to be admitted to juries and to have judges and lawyers who understood their language. He also sent the Lords of Trade an answer to the presentments, prepared by Samuel Gridley, the chairman, in the name of the justices of the peace. It rejected many of the presentments and pointed out that those considered valid were already the subject of ordinances soon to be published¹¹⁴.

Among those rejected was the presentment against the ordinance of 20 September which ratified and confirmed the decrees of the courts of justice which had functioned before

113 DCH, p.212-229.

114 PAC, Q 2, p.233-236, Murray to Lords of Trade, 29 October 1764, p.251-262, Answer to presentments. See also Appendix 4. For a more sympathetic view of the presentments, see: Wallace, W.S., Ed., The Maseres Letters, Toronto, University of Toronto Library, 1919, Maseres to Fowler Walker, 2 April 1768, p.78-82.

CIVIL PROBLEMS

46

the establishment of civil government. Rights of appeal were to be allowed in cases over three hundred pounds sterling¹¹⁵. The jurors wanted appeals to be allowed for cases exceeding ten pounds. To have allowed this would have been to defeat the very purpose of the ordinance which was to prevent vexatious lawsuits. Two other presentments that were rejected were the 9th and 10th which reflected the jurors' desire for an assembly for they declared that since the grand jury was the only body representative of the colony it was to be consulted before any ordinance became law and it was to audit the public accounts.

The jurors had taken exception to the poor observance of the Lord's Day and recommended the suppression of gaming houses. The ordinances of 3 and 6 November were the reply of governor and council¹¹⁶. Criticism from London of the ordinance about public houses surprised Murray:

By the Ships lately arrived, we are told the People in London find fault with the Ordonnance, which allows the Justices to search for Spirits upon reasonable Suspicion, it is probably those Gentlemen are ignorant of our Situation, and of the necessity of extraordinary efforts to prevent the Debauchery of the Troops. Nobody here has Complain'd of this Ordonnance it has never been inforc'd, the possibility of inforceing it,

115 PAR, 1913, p.52.

116 PAC, Q 3, p.58-62, 77-82.

CIVIL PROBLEMS

47

has hitherto made it unnecessary, Besides, this Ordinance is not without a Precedent, which has had the Royal Approbation, For in Nova Scotia, that very Law is of four years standing, and by my Instructions, I am Directed to give particular attention to the Laws of that Provincell¹⁷.

The excessive issuance of tavern licenses was in fact one of the grievances of Canadians at this time along with two ordinances of the newly established civil government. In their petition of 10 March 1765, the Montrealers complained of the ordinances requiring the registration of grants and prescribing passes for persons leaving the province. They found the former too expensive and the latter vexatious because it interfered with business¹¹⁸. Thus their voice was added to the chorus of accusation and explanation which had been going on in London since the late fall of 1764.

In February 1765, the Lords of Trade were directed to consider the several papers transmitted from Canada, condemning Murray's government and to report their opinion¹¹⁹. By September their report was completed¹²⁰. They affirmed that

117 PAC, C.O.42, vol.2, p.305, Murray to Lords of Trade 24 June 1765.

118 PAC, B 8, 11a-11e, Petition of inhabitants of Montreal.

119 PAC, C.O.42, vol.2, p.115, order from the Court of St. James, 1 February 1765.

120 DCH, p.237-246.

CIVIL PROBLEMS

48

Murray and his Council had been mistaken in thinking the native Canadians could not be admitted as suitors and advocates to the Superior Court. They were not incapacitated in this respect by their religion nor had their laws and customs been entirely swept away. The report declared the inferior court unconstitutional.

In October 1765, Murray was told that in view of the disorders in the province he was to prepare to return to England to give an account of the state of the province. The same letter informed him that the King was displeased with both the presentments of the grand jury and their abuse of the good faith of the Canadian jurors. Murray was urged to give the utmost attention and consideration to all proper representations from the King's Canadian subjects¹²¹. Murray replied that he was confident

the disorders and Divisions which have taken place here, will be effectually cured: by your salutary letter signifying the King's disapprobation of the grand Jury at Quebec, and His Majesty's Resolution to cause to be removed every Grievance of which His Canadian subjects may have reason justly to complain¹²².

The King's Canadian subjects expressed their opinion

121 PAC, Q 2, p.464-465, H.S.Conway to Murray, 24 October 1765. Henry Conway was Secretary of State.

122 PAC, Q 3, p.27, Murray to Conway, 14 February 1766.

CIVIL PROBLEMS

49

of the state of the province in various addresses both before and after Murray's departure. They felt their disabilities keenly but they did not lay any blame on Murray; rather they spoke highly of him and wanted him retained as governor¹²³.

d. Subordinate Officials

One of Murray's great difficulties in establishing the civil government in Quebec was the quality of the officials appointed to assist him. He expressed his opinion on this subject in a letter to Shelburne after his return to England:

The improper choice, and the number of civil Officers sent over from England, increas'd the disquietudes of the Colony: instead of men of Genius and untainted Morals, the very reverse were appointed to the most important Offices, under whom it was impossible to communicate those impressions of the dignity of Government by which alone Mankind can be held together in Society. The Judge pitched upon to conciliate the minds of Seventy five Thousand foreigners to the Laws and Government of Great Britain was taken from a Goal, entirely ignorant of the Civil Law, and the Language of the people: the Attorney General with regard to the Language, was not better qualified: the Offices of Secretary of the Province, of Register, Clerk of the Council, Commissary of Stores & Provisions, of Provost Marshall etc, were given by Patent to Men of Interest in England, who Lett them out to the best Bidders, and so little considered the Capacity of their representatives that not one of them understood the Language of the Natives. As no Salary was annexed to these patent Places, the value of them depended upon the fees, which

123 PAC, Q 4, p.23-30, Petition of the seigneurs of Quebec, petition of the seigneurs of Montreal.

CIVIL PROBLEMS

50

by my Instructions I was ordered to establish equal to those in the richest ancient Colonies¹²⁴.

According to the terms of Murray's commission there were supposed to be Lieutenant-Governors of Montreal and Three Rivers¹²⁵. Murray did not have the assistance of such officials, as things turned out. The commissions were offered to Gage and Burton (though even at the moment of offering, Halifax expected Gage to decline)¹²⁶. In February 1764 Burton resigned the governorship of Three Rivers¹²⁷. Halifax informed Murray that Burton had been allowed to resign and that the office of lieutenant-governor was not to be continued either at Three Rivers or in Montreal¹²⁸. However the office of lieutenant-governor was referred to in the commission that arrived in August¹²⁹. Murray informed the Lords of

124 PAC, Shelburne Papers, MG 23, A 4, vol.64, p.104-105, Murray to Shelburne, 30 August 1766 (20 August in Haldimand Papers, B 8, p.1). See Appendix 2 for whole letter. The Chief Justice was William Gregory, the Attorney General was George Suckling.

125 DCH, p.174.

126 PAC, Q 1, p.182, Halifax to Gage, 12 November 1763.

127 PAC, Q 2, p.91-92, Burton to Halifax, 21 February 1764.

128 Ibid, p.134, Halifax to Burton, 14 July 1764, p.132, Halifax to Murray.

129 DCH, p.174.

CIVIL PROBLEMS

51

Trade that he had made temporary appointments of Colonel Irving to Three Rivers and Cramahe' to Montreal¹³⁰. He informed Halifax of this step shortly afterwards, saying that, while he was not being so presumptuous as to recommend them for these high offices, yet he did feel they would be agreeable to the people and would perform their duties with ability, zeal and integrity¹³¹.

To Murray a couple of good lieutenant-governors, or at least one suitable one at Montreal, were a necessity:

I beg leave further to represent to your Lordships that a Lieut.Governor at Montreal is absolutely necessary, that Town is in the Heart of the most populous part of the Province, it is surrounded by the Indian Nations and is one Hundred and Eighty miles from the Capitol, it is there that the most opulent Priests live, and there are settled the greatest part of the French nobless, consequently every intrigue to our disadvantage will be laid and hatched there, The expence of a Lieut.Governor will be a Trifle, I am positive for some years it will not exceed what will be necessary to procure intelligence in that District, This will be saved if a Man of Authority, Diligence and Observation is at the Head of it on the Spots and I do from the Zeal I have for his Majesty's Service and the conviction of my heart declare, that Mr. Cramahe' is the fittest man I know to fill that place; I am at least certain no body can be appointed

130 PAC, C.O.42, vol.1, p.394, Murray to Lords of Trade, 23 August 1764. Paulus Aemilius Irving and Hector Theophilus Cramahe' were members of Murray's Council.

131 PAC, M.P., vol.2, p.148, Murray to Halifax, 8 September 1764.

CIVIL PROBLEMS

52

who will be more agreeable to the new Subjects¹³².

Earlier in the above letter Murray had mentioned the main source of trouble in Montreal and elsewhere, namely, "the Licentious Fanaticks Trading here"¹³³. He did not mention, however, the other source of trouble - the military group, who might have been held in check by a strong civil official on the spot.

Murray would have been satisfied with Cramahé in Montreal and he was also sufficiently satisfied with the other men on his Council whom he had chosen himself: Captain Samuel Holland, Walter Murray, Dr. Adam Mabane, Benjamin Price, Thomas Dunn and Francis Mounier, as well as eight substitutes: Hugh Finlay, Samuel Gridley, John Grey, Captain John Brown, Captain John Fraser, Captain John Nairn, Sir James Cockburn and John Grant¹³⁴. Murray had commented on his list: "I have been tender of admitting too many merchants into His Majesty's Council least private views should

¹³² PAC, Q 2, p.233-235, Murray to the Lords of Trade, 29 October 1764.

¹³³ Ibid, p.233.

¹³⁴ PAC, C.O.42, vol.1, p.396-398, Murray to Lords of Trade, 23 August 1764.

CIVIL PROBLEMS

53

interfere with publick advantage"¹³⁵. Murray had explained at the beginning of this letter that the British subjects in the province were all military officers or merchants and that he considered the latter passengers only "because few have acquired property therein, and consequently cannot be supposed thoroughly attached to its Interests"¹³⁶.

Some of Murray's own choices for justices of the peace were less fortunate. In the summer of 1765 he reported to the Lords of Trade that he had had to remove two of these men from the new commission of the peace because one "is unhappily involved in Debt contracted in a most dishonorable way, and confin'd to His House for fear of the Bailifs" and the second was in similar difficulties. The justices were the only magistrates at Montreal. In Murray's opinion they should at least be honest men¹³⁷.

Although he was hampered by the small size of the population from which he could make appointments, Murray could hardly complain of the men of his own choice. However he was plagued as well by the poorly qualified officials appointed

135 Ibid, p.398.

136 Ibid, p.392.

137 PAC, C.O.42, vol.2, p.307, Murray to Lords of Trade, 24 June 1765.

CIVIL PROBLEMS

54

from England and by irresponsible patentees.

The poor quality of the men chosen to help Murray govern Quebec is perhaps best exemplified by Chief Justice William Gregory, who was finally dismissed in February 1766 and replaced by Chief Justice William Hey; and Attorney General George Suckling, whose dismissal occurred the following March and who was replaced by Francis Maseres¹³⁸.

In November 1764 Murray had written to Cramahé his impressions of both Gregory and Suckling: "Our Chief Justice gives every day fresh proofs of his want of Head & Heart" but at least he could say of Suckling: "The Attorney General seems to understand the Business he was sent here to do"¹³⁹. In March 1765, Murray told the Lords of Trade:

Two Circumstances greatly increase our misfortunes. our chief judge and Attorney General are both entirely ignorant of the Language of the Natives, are Needy in their Circumstances and tho' perhaps good Lawyers and men of integrity, are ignorant of the World, consequently readier to Puzzle and create Difficultys than remove them¹⁴⁰.

138 PAC, Q 3, p.1-4, Official to Chief Justice Gregory, 5 February 1766, to the Governor of Quebec 17 February 1766, to George Suckling 6 March 1766, Conway to Governor of Quebec 18 March 1766.

139 PAC, M.P., vol.2, p.189-190, Murray to Cramahé, 17 November 1764.

140 PAC, Q 2, p.378, Murray to Lords of Trade, 3 March 1765.

CIVIL PROBLEMS

55

By midsummer the integrity of Chief Justice Gregory at least was suspect, for Murray wrote:

The Minutes of Council, The Attorney Generals Memorial and Mr. Walkers Protests against Government will sufficiently point out to your Lordships the necessity of stoping Mr. Cunninghames Career, to publish all iniquitous conduct of that Pratitioner of the Law would too sensibly affect the Chief Justice, a point of which I am very tender of for obvious Reasons, of this Mr. Cunninghame was no doubt sensible, & therefore had confidence to demand a publick hearing, which has been refused untill your Lordships Pleasure is known¹⁴¹.

Towards the end of the letter Murray spoke of the Attorney General approvingly, however:

I cannot finish this Letter without testifying my entire approbation of the Attorney Generals conduct not only in the affair of Mr. Walker, but likewise for the assistance he has given me, on every occasion. I would not however have it understood that I approve of the publication he made of the Difference betwixt him and the Chief Justice, Disputes are ever to be avoided, in the case of these two Gentlemen they certainly should not have been made publick¹⁴².

With these two men as his chief props in setting up the civil government and without a suitable lieutenant in Montreal, it is not surprising that Murray was overwhelmed by his "sea of troubles".

¹⁴¹ PAC, C.O.42, vol.3, p.4-5, Murray to Lords of Trade, 15 July 1765. William Conyngham had been dismissed from acting as attorney in the Quebec courts for having taken down as notary Thomas Walker's protests of 14 March 1765.

¹⁴² Ibid, p.7-8.

CIVIL PROBLEMS

56

Certain of Murray's problems, in connection with subordinate officials in the government of the colony, arose from the fact that it was customary at the time to bestow colonial offices on certain individuals who in turn appointed deputies to carry out the actual functions of such offices.

One such problem in Murray's case had to do with the prerogative court he had established in the province. In April 1763, Henry Ellis had been granted a commission as secretary, clerk of the Council, commissary or steward general of provisions and stores, and clerk of the enrolments, with power to appoint deputies¹⁴³. He claimed the right as secretary of the province to name his own deputies, in this case, to the offices of surrogate and register of the prerogative court¹⁴⁴. Murray disputed this claim. He was concerned here not so much with the quality of the deputies whom Ellis might appoint, as with the right itself and with the consequences for the governor of Quebec were he to relinquish what he considered to be his personal power of appointment. Besides being deprived of these offices himself, and laying himself

¹⁴³ Maseres Letters, footnote, p.62. Henry Ellis (1721-1806) had been governor of Georgia, 1758-1760, and of Nova Scotia, 1761-1763.

¹⁴⁴ PAC, C.O.42, vol.5, p.76-77, Henry Ellis to Murray, enclosed in letter to Lords of Trade, 25 November 1765, p.80-81.

CIVIL PROBLEMS

57

open to the reproaches of his successor, he would give up "the only thing left by the Instructions to the Governor's disposal, a circumstance to be lamented as you know no doubt by experience that the power of rewarding is absolutely necessary not only to govern agreeably, but to govern effectively"¹⁴⁵.

This dispute about rights was not so vigorous as one that occurred when Ellis appointed George Allsopp as deputy Secretary, Clerk of the Council and Clerk of the enrolments. Murray would not allow Allsopp to assume these functions for reasons which he set forth in a letter to the Lords of Trade in April 1766. Murray considered that Allsopp was an unsuitable person because he had begun the dissension between civil and military groups in the colony; he, with others, had stimulated the first grand jurors to act as they did; and ever since he had attempted to revile and disturb the government¹⁴⁶.

When these charges were examined later by Chief Justice Hey and Attorney General Maseres, the latter reported that no one gave evidence in support of the third charge, though he had been told privately that there was much truth in it.

¹⁴⁵ Ibid, p.80-81.

¹⁴⁶ PAC, Q 55, p.232, Murray to Lords of Trade, 14 April 1766. George Allsopp was a Quebec merchant.

CIVIL PROBLEMS

58

With regard to the second charge, Maseres found it to be true only in respect to one presentment, that against the admission of Catholics as jurymen. The first charge was, in Maseres' opinion, a heavier one and better proved¹⁴⁷.

The problems involved in the setting up of civil government in Quebec had been many and varied. When Murray returned to England in the summer of 1766 to give the required account of the state of his province, he did so by making a report to Shelburne dated 30 August 1766. This report reflected his affection for the Canadians, his contempt for the mercantile group, his resentment of the pretensions of the military group, his disgust with the poor quality of the officials appointed to aid him, and his conviction of the rightness of his efforts to protect the King's new subjects. He referred also to the fact that he had given Shelburne his answers to the complaints made against his administration¹⁴⁸. When the time came for the hearing of these complaints, Fowler Walker, the agent of the Canadian merchants, declared that the papers sent over from Canada were never intended to come

147 Maseres Letters, p.78-81.

148 PAC, Shelburne Papers, MG 23 A 4, vol.64, p.101-105, Murray to Shelburne, 30 August 1766. Appendix 2.

CIVIL PROBLEMS

59

before the Council and he had no witnesses to support any of the charges against Governor Murray. On 13 April 1767, at the Court of St. James, the complaints and petitions against Governor Murray were dismissed as "groundless, scandalous and Derogatory to the Honor of the said Governor, who stood before the Committee unimpeached"¹⁴⁹. Thus Murray's integrity was vindicated. However, he did not return to Quebec.

¹⁴⁹ PAC, C.O.42, vol.6, p.179-180, At the Court of St. James, the King in Council, 13 April 1767.

CHAPTER II

MURRAY'S VIEWS ON THE ECONOMIC PROBLEMS OF HIS ADMINISTRATION

1. Financial Policy

One of the first problems to thrust itself on Murray's attention was the financial one. Cash was needed to pay for the troops' provisions, to pay for fuel, to pay for the labour of the Canadians, and cash was conspicuously absent in the fall of 1759 in the recently conquered city of Quebec. As things became more normal, the need of cash for daily business transactions became even more acute. Murray's first reaction had been to suggest the introduction of a paper currency to tide things through the winter. He recognized at the same time that it would require the assurance of being redeemed in the spring to give it credit¹. In the end he abandoned the idea. To have adopted it, he realized later on², would have made more difficult another task he felt incumbent on him, namely, that of discrediting the French paper money. The latter consisted of unredeemed Bills of Exchange and notes or "ordonnances" held by the Canadians in place of

1 PAC, C.O.5, vol.51, p.140, Murray to Pitt, 12 October 1759; M.P., vol.1, p.2, Murray to Newcastle, 12 October 1759.

2 PAC, C.O.5, vol.64, p.155, Murray to Pitt, 24 August 1760.

ECONOMIC PROBLEMS

61

specie. During the period between the Capitulation of Quebec 18 September 1759, and the Capitulation of Montreal, 8 September 1760, Murray aimed at discrediting this paper with the intention of discrediting the French Government as well. He forbade its use in November 1759 and characterized it as being of "no real value and a manifest Imposition on the Publick"³. He referred to it contemptuously in his proclamation to the Canadians in May, 1760, on the dangers of contumacy, and again in June, in his public notice, commenting on the circular letter from Vaudreuil and Bigot which included a promise of eventual payment by the Court of France⁴. By August he felt he could tell Pitt that it was now totally discredited⁵.

The cash that was actually circulating in the province was a source of confusion and disputes between French and English. There were three kinds of coins: English, French and Spanish, and there was no table of equivalents to guide the people in making payments. Murray set about the solution

3 Doughty, Arthur G., Report of the Public Archives for the Year 1918, Ottawa, King's Printer, 1920, p.37.

4 Ibid, p.47-51.

5 PAC, C.O.5, vol.64, p.155, Murray to Pitt, 24 August 1760.

ECONOMIC PROBLEMS

62

of this problem by his ordinance of 23 November which established a table of equivalents based on the Halifax standard. According to the ordinance, a dollar equalled five shillings, Canadian currency, or six French livres, or a French Crown. A Louis d'Or equalled a pound, a Spanish pistole equalled eighteen shillings and so on⁶. In sterling, however, a dollar equalled only 4s 6d, not 5s. Hamelin says that Murray was conforming here to a tradition which runs that "la majoration des monnaies est un remède efficace contre la pénurie de numéraire"⁷. In his opinion Murray's directives aimed at remedying the scarcity of money as well as at putting order into what was actually in circulation. Murray had the same object in mind a few days later when he invited subscriptions to a loan to the government which would be repaid with interest. He pointed out that people with cash would find it difficult to dispose of it otherwise now; that he himself could not get a supply elsewhere at this late season and that he would make known the public spirit of the subscribers⁸.

6 PAR, 1918, p.37, p.39.

7 Hamelin, Jean, "A la recherche d'un cours monétaire canadien, 1760-1777", Revue d'Histoire de l'Amérique Française, vol.15, No.1, juin, 1961, p.32. See also: Burt, The Old Province of Quebec, Toronto, Ryerson, 1933, p.23.

8 PAR, 1918, p.37.

ECONOMIC PROBLEMS

63

After the Capitulation of Montreal, 8 September 1760, General Jeffrey Amherst, the Commander-in-chief in North America, issued a placard which contained items bearing on Murray's financial policy up to this point⁹. The troops were to pay in specie for their purchases of goods and transportation services from the inhabitants. This would result in a welcome increase in the area. However the standard to be adopted was that of New York, not that of Halifax, which Murray had established in Quebec. This would lead to difficulties. Amherst, less than two months later wrote from Albany to Murray:

When I was at Montreal ... red the Payment to be made to the Troops, at the same rate as had been practised in this Government, as they then could be furnished by what the Merchants and Sutlers had carryed from hence. Mr. Barrow had then made application to me in regard to the Payment, as he thought a saving might be made to the Publick, after the Vessels came up to Montreal from Quebec, and the Troops of Montreal reaping the same advantage from the vessels which came up the river as those of Quebec, it appears to me very just that a Johannes should pass for as much at Montreal as it does in your Government, that it is very right to make a saving to the Publick, and I have accordingly wrote to M General Gage¹⁰.

9 Shortt, Adam, and Doughty, Arthur G., Eds., Documents Relating to the Constitutional History of Canada, Ottawa, King's Printer, 1918, vol.1, p.39.

10 PAC, M.P., vol.3, p.71-72, Amherst to Murray, 18 November, 1760.

ECONOMIC PROBLEMS

64

Nevertheless for the time being, the York standard prevailed in the Montreal Government. It was more convenient for the Montreal merchant in the bulk of his business dealings, which were with New York, via the Lake Champlain route¹¹.

Thus, three aspects of Murray's financial problem appeared in the first twelve months of his government of Quebec: British paper money, French paper money and the choice of a standard of equivalents for the currency of the district. The idea of a British paper money was discarded; the French paper, in Murray's view was discredited, and different standards were adopted for Quebec on the one hand and Montreal and Three Rivers on the other.

Murray did not abandon the idea of a British paper money entirely, however. Money was not minted in the colony and cash remained painfully scarce. It could be augmented only from the pocket of the soldier or merchant or from the hoardings of the inhabitants. On 18 June 1761, Murray told Amherst he did not think there were a thousand pounds in cash among the Canadians in the Government of Quebec. This comment, plus a sympathetic remark about the merchants, was prompted by the quantity of merchandise of all sorts that he saw being poured into Quebec and for which he felt there were no buyers.

¹¹ Burt, op.cit., p.49.

ECONOMIC PROBLEMS

65

"The poor people concerned must be undone"¹². A year later, reports were sent home by the three governors on the state of the colony in general¹³. It was about this time that Murray returned to the subject of a British paper currency. In his report he explained the nature of the French system. The Intendant gave out the "ordonnances" which became current. From September to October these were brought in, a receipt was given to the owners by the Treasury and they then drew Letters of Exchange for fifteen or twenty days till navigation was closed. The Letters of Exchange were payable in whole or in part within certain periods of time. At one time the part not paid in specie was given instead in card money. In October 1759, payment was suspended entirely although there was already much left unpaid from preceding years as far back as 1754. Burton did not refer to this problem in his Report on the Government of Three Rivers in April, 1762. Gage, however, in his Report of 20 March 1762, on the Government of Montreal, saw reason to comment on it. In his opinion one of the chief reasons for the Canadians' dislike of the English was their fear of losing their paper money. In a letter dated

¹² PAC, W.O.34, vol.1, p.178, Murray to Amherst, 18 June 1761.

¹³ DCH, p.47-81 Murray's report, p.81-87 Burton's, p.91-96 Gage's.

ECONOMIC PROBLEMS

66

two days after his own Report, Murray took up the subject of a British paper money with Egremont, Secretary of State for the Southern Department:

Whenever the Country is fully ceded, there will be much to be done; at present the Canadians labour under vast difficulties from the want of sufficient Circulation of cash, nor can the English Traders dispose of a great Part of their Effects on this account. If some means could be devised to throw in a Certain Sum to enable the one to stock their Lands and give a Vent to the Commodities of the others, it would quicken the industry of both, and give such Life to the Commerce of this Colony, as would be productive of many Benefits to Great Britain.

The following is a Proposal for this Purpose, it cannot however take Place before the Peace, or the Final Cession of this Country; whether it is adopted in the whole or part, or whether it is totally rejected, is most Humbly submitted.

I propose the Circulating a certain Sum in Paper Bills, to be current as cash within the Colony, suppose one Hundred thousand pounds sterling¹⁴.

Murray realized that the Canadians in view of their present difficulties with the French paper money would be dubious about similar offers on the part of their conquerors. To remove these doubts he suggested ways of establishing the credit of the paper: the sanction of government, the enlistment of the clergy's support, a practical gesture of conciliation to the British trader and a method of concurrent redemption of the bills. Murray has been accused of lack of imagination.

14 PAC, Q 1, p.24-25, Murray to Egremont, 7 June 1762.

ECONOMIC PROBLEMS

67

There was no lack of it here. By the time he had outlined his scheme fully, he had the credit of the paper so thoroughly established that it was to be in use for every purpose of government, was to make Canada flourish, and was to obviate the extraordinary aids from the Mother Country which other colonies had required in their infancy¹⁵.

The purpose of the above proposal for a British paper money had been to stimulate business. The fact that the Canadians had only an unredeemed paper currency was making business difficult not only for them but also for the British merchants who had dealings in Canada. The latter were openly concerned about the redemption of the French paper¹⁶.

It was partly with the hope of doing something about the French paper money problem that Murray made his next proposal concerning a British paper currency. His idea was to call in, in part, the "ordonnance" paper and card money, giving out British paper in exchange. Precautions were to be taken to establish the credit of the British paper and to prevent issuing too much of it at one time. The Letters of

15 Ibid, p.25-27.

16 PAC, C.O.5, vol.65, p.21-24, Memorial of British merchants, with accompanying letter, p.25, Chas. Crockatt to M. Robert Wood, 14 December 1762.

ECONOMIC PROBLEMS

68

Exchange were not to be included in the scheme¹⁷.

There are several points to remark about this letter and its proposal. It came too late to influence matters. Egremont received it on 10 May, and on 21 May, he told Murray that he would have seen by now the care the King had taken of the Canadians' interests in the definitive Treaty. Consequently, he did not refer to Murray's proposal of a British paper money¹⁸. However, the explanations Murray gave in the letter indicated the political aspect of his financial policy. His idea in substituting British for French creditors was to break a link between the Canadians and the French; his exclusion of the Letters of Exchange from the scheme, he justified by saying that these were held by French traders and Canadian noblesse whose departure was to be wished rather than regretted.

The subject of a British paper money does not appear again in Murray's correspondence but the French paper occupies his attention increasingly. He had estimated the amount in the colony to be about 22,000,000 livres of "ordonnance" paper and card money, and perhaps 20,000,000 more of Letters

17 PAC, Q 1, p.78-81, Murray to Egremont, 25 February 1763.

18 PAC, Q 1, p.87-88, Egremont to Murray, 21 May 1763.

ECONOMIC PROBLEMS

69

of Exchange¹⁹. That such a large sum would ever be paid by France to what were now British subjects seemed doubtful to Murray. However, he published in May 1763, the ordinance calling in the paper²⁰. The Governors of Montreal²¹ and Three Rivers²² followed suit. The ordinance contained a reference to the fact that people were speculating in the paper money. In fact, in November, the Earl of Halifax Secretary of State for the Southern Department, asked Murray to investigate a charge that the French ministry were buying it up, saying it would never be paid²³. Murray told Halifax, in February 1764, that he had found no evidence of this²⁴. In April, he declared positively that no agents had been employed by the Court of France to buy up any of the Canada Paper²⁵.

In December 1763, Halifax urged Murray to hasten the

19 PAC, Q 1, p.76-81, Murray to Egremont, 25 February 1763.

20 PAR, 1918, p.67.

21 PAC, Q 1, p.208, Gage to Egremont, 28 August 1763.

22 Ibid, p.217, Burton to Egremont, 30 August 1763.

23 Ibid, p.175-176, Halifax to Murray, 12 November 1763.

24 PAC, Q 2, p.35, Murray to Halifax, 14 February 1764.

25 PAC, MP, vol.2, p.128, Murray to Halifax, 23 April 1764.

ECONOMIC PROBLEMS

70

process of getting the French paper money declared, and instructed him to include French and English, men and women, and to give precise information for the Canada Bills, Papier Royal or Lettres de Caisses: nominal value, date and other particulars such as how the possessor got the paper in the first place. Any sold at low prices was to be accounted for in all three Governments: by whom, to whom, and at what price it was sold²⁶.

While Murray was indignant with the British merchants who were trying to traffick in the paper (some of whom were even so ill-advised as to offer him a share of his profits)²⁷ and while he warned the Canadians of the absurdity of parting with it at such low prices, still he did not throw caution entirely to the winds. In point of fact the value of the paper was uncertain as were the method, time and place of its payment²⁸. There was no uncertainty about his attitude to the speculators, however, and he himself realized, and affirmed later, that this attitude had won him their enduring enmity²⁹.

26 PAC, Q 1, p.184-185, Halifax to Murray, 9 December 1763.

27 PAC, MP, vol.3, p.231-232 Murray's Answers to Complaints.

28 PAC, Q 2, p.32, Murray to Halifax, 14 February 1764.

29 PAC, MP, vol.3, p.231-232, Murray's Answers to Complaints.

ECONOMIC PROBLEMS

71

He felt that the motives in these unfair transactions were greed on the part of the speculators and necessity on the part of the Canadians³⁰. This exploitation of the inhabitants was all the more galling in Murray's opinion because he considered that the British government had raised the hopes of the Canadians about the real possibility of payment³¹.

In November 1764, Murray passed an ordinance³² to settle another problem that had arisen in connection with Bills of Exchange which were being protested from Europe, from the other colonies, and from within the colony itself. The purpose of the ordinance was to ascertain damages on Bills that had been protested after 10 August 1764. The procedure was to be as follows:

Place	Damages	Interest
from Europe	12%	6%
other colonies	4%	6%
within the colony	—	6%

Murray encouraged the Canadians in their efforts to secure justice for themselves with regard to the Canada Paper. In November, 1764, he forwarded their address to the King

30 PAC, Q 2, p.35, Murray to Halifax, 14 February 1764.

31 Ibid, p.55, Murray to Halifax, 5 March 1764.

32 PAR, 1913, p.58-59.

ECONOMIC PROBLEMS

72

expressing their anxiety on account of the French King's "Arret" of 29 June 1764, excluding from payment the paper money remaining in Canada³³. The amount was large enough, for Halifax discovered from the registers of paper money that reached him in England the claim for an amount some 2,000,000 livres larger than the original claim³⁴. The financial position of the Canadians was steadily deteriorating. In May 1765, the most influential of the new subjects in the province of Quebec presented a memorial stating the extent of their financial distress: an annual debt of 2,000,000 livres, which meant the colony would be ruined unless helped by Great Britain. They suggested two ways of helping: the stationing of a sufficient number of troops in the province, or the building of frigates and other vessels at an annual expense of 3,000,000 livres to be issued in bills or paper money on the credit of the Government, payable in London³⁵.

In March 1766, Henry Conway, Secretary of State for the Southern Department sent Murray a copy of the convention

[1764] 33 PAC, Q 2, p.348, Murray to Halifax, 17 November
Address, p.352-356.

34 *Ibid*, p.201-202, Halifax to Murray, 8 December 1764.

35 PAC, Q 2, p.434-463, mémoire by the principal new subjects of Quebec.

ECONOMIC PROBLEMS

73

respecting the Canadian paper money. Murray's Proclamation of 27 May 1766, in conformity with Conway's instructions, told the people to send their paper to London before 1 October, and warned them, since the arrangement concerned Canadians only, to have nothing to do with French subjects who might send money to Canada to have it forwarded thence to England, under the pretence of its belonging to English people. Murray explained precisely how this would be prejudicial to the interests of the owners of genuine paper, for the more paper admitted the smaller the premiums granted³⁶. In attending to this detail Murray gave yet another proof of his genuine interest in the welfare of the Canadians. The story of the Canada Paper was not yet concluded but Murray was to leave Canada permanently a month after the above Proclamation and consequently would no longer be actively concerned in the problem³⁷.

With the advent of Civil Government in August 1764, the subject of currency standards came in for much discussion. On 8 September, there was a petition of Montreal and Quebec

36 PAC, 1918, p.407.

37 See Shortt, Adam, ed., Documents relating to Canadian Currency, Exchange and Finance During the French Period, Ottawa, King's Printer, 1925, vol.2, p.1055-1061, for a résumé of the Process of Liquidation of the King's Debt in Canada.

ECONOMIC PROBLEMS

74

merchants in favour of establishing the New England standard. On the 10th came a memorial by Quebec merchants against establishing New York currency. Also on the 10th, answers were given to the Quebec merchants who wanted Halifax currency continued and to the merchants of Quebec and Montreal who favoured New England currency, to the effect that the New England standard would be adopted³⁸. On the 14th Murray issued an ordinance establishing the currency of the province according to the New England rating. The ordinance declared that the rates would go into effect on 1 January 1765. The Louis d'Or which had been £ 1 became £ 1-8-0. The French Crown which had been 5 shillings became 6s 8d. The guinea which had been £ 1-3-4 became £ 1-8-0. The dollar which had been 5 shillings or 6 livres became 6 shillings or 6 livres. In other words 1 livre became 1 shilling whereas in 1759 it had been made only 5/6 of a shilling. The ordinance forbade cutting up dollars in order to make small change. To prevent the importation of copper in such abundance as to drain the country of its gold and silver all "sols marques", new or old, were to count as farthings according to certain specifications

38 PAC, C.O.42, vol.2, p.325-331.

ECONOMIC PROBLEMS

75

indicated in the ordinance³⁹.

The ordinance did not please all parties⁴⁰ and could not meet all needs. The need of small change continued to be felt and in October Thomas Dunn and John Gray, prominent Quebec merchants, proposed remedying the situation by a coinage of shillings and sixpence to the amount of about £ 2,000 sterling⁴¹. In February 1765, dissatisfied merchants and traders of Quebec presented a memorial asking that the currency be put on its former footing. A negative answer was given the same day⁴². The ordinance, moreover, had not provided for the payment of debts contracted previous to 1 January 1765. This was taken care of by another ordinance of 15 May 1765, which required such debts to be paid in New England currency but in proportion to their original value⁴³.

39 PAR, 1913, p.45-46, For the use of small due bills, later called Bons, for this same purpose, See, Shortt, Adam, "Currency and Banking, 1760-1841", in Canada and Its Provinces, Toronto, Glasgow, Brook and Company, 1914, vol.4, p.601.

40 PAC, MP, vol.2, p.277, Murray to Oswald, 11 November 1765.

41 PAC, C.O.42, vol.2, p.28, Murray to the Lords of Trade, 31 October 1764.

42 Ibid, p.319-321 memorial, p.333-334 answer to memorial.

43 PAR, 1913, p.69, See also, Short, Adam, The History of Canadian Currency, Banking and Exchange, Toronto, Journal of the Canadian Banker's Association, 1900-1902, p.7-8 where a serious disadvantage of the ordinance is pointed out.

ECONOMIC PROBLEMS

76

In February 1766, matters were still unsettled for an order-in-council at this time ordered Murray to regulate and establish the currency of the province⁴⁴. Murray, however, was to leave Canada that June and the settlement fell to other hands, for Murray had gone before the instructions relative to currency arrived⁴⁵.

Murray's financial problems stemmed from the lack of ready money in the colony, from the presence of a paper money of dubious value, and from the necessity for adopting a currency in the face of conflicting demands and interests. His attempts at solution were in keeping with the spirit of his times; his personal integrity and genuine concern for the interests of the new subjects, worthy of praise, although his appreciation of the merchants' financial problems was not too profound.

2. Duty on Spirits and Wines

Prominent among Murray's economic problems was the question of what duties were to be collected in the new colony. Since the King's interests were at stake, it was

⁴⁴ PAC, C.O.5, vol.24, p.1-4, Order-in-council, 17 February 1766.

⁴⁵ PAC, Q 3, p.173-174, P. Aemilius Irving to Lords of Trade, 7 July 1766.

ECONOMIC PROBLEMS

77

imperative that Murray explore the problem thoroughly, reach a decision and implement it to the best of his ability. It was essential to ascertain first what duties might be collected, and secondly, what arrangements must be made for their collection. Circumspection was necessary because the rights and interests of merchants and traders as well as the feelings of the public were involved.

In his report of 5 June 1762, Murray indicated what duties the French Government had imposed on liquors and stated that the proceeds for 1757 had been approximately £ 8,000. He noted, in his observations on the revenues of the French Government, his opinion that this duty on spirits should bring in a considerable sum, since the Canadians habitually consumed a good deal. He felt, too, that the Canadians were so satisfied with British spirits that it would be safe to tax the British product 6d per gallon and raise the duty on New England spirits and rum to a shilling in order to check the importation of the latter and favour that of the former. At the same time, he added that the fewer taxes imposed at present the better in order to conciliate the people and help them repair their losses⁴⁶.

46 DCH, p.54-66.

ECONOMIC PROBLEMS

78

In the spring of 1761, Murray had spoken optimistically about the duties on spirits in a letter to Amherst. Since the quantity of spirits the Canadians consumed was to him incredible, and since the merchants had ordered a great deal for Quebec, he felt the proceeds would defray at least the contingent expenses of government. However, at that time he thought it would be unreasonable to exact the duties on wines as that would be hard on the officers who were the only consumers⁴⁷. By the fall he was able to report that the duty on rum and brandy at 6d per gallon would exceed the sum of £7,000 since May. The same letter told of the difficulties attending the collection of duties. It was not enough to have Custom House officers from London in Quebec. The essential need was for civil courts in which to try the cases that arose. The Custom House officers present could in certain instances have seized ships as lawful prizes and sent them to Halifax for condemnation but it would have been at Murray's risk. Murray did not feel it necessary to imperil his private fortune to that extent as he did not intend to profit by the seizures as a governor was allowed to do⁴⁸.

47 PAC, MP, vol.3, p.64-65, Murray to Amherst, 27 March 1761.

48 PAC, W.O.34, vol.1, p.292-297, Murray to Amherst, 20 September 1761.

ECONOMIC PROBLEMS

79

There occurred at this time the interesting case of Philip Payne "the great Guernsey trader" as Murray called him⁴⁹. Payne's deposition, made before Chief Justice Gregory in December 1765 is to be found in the Sharpe Papers, along with that of George Gregory, the master of one of the sloops in question⁵⁰. They give the trader's side of the story which can be supplemented by Murray's comments on the affair in his "Answers to Complaints", made in April 1767⁵¹. These documents taken together give a vivid picture of the Governor and Mr. Payne and help to explain the bitterness in the merchants' opposition to Murray. They resented his harsh language and undemocratic procedure.

Murray was not unaware of public opinion on the subject of wines and spirits. He had noted the fondness of the Canadians for these articles, even to the extent of remarking their preferences and he returned to this subject in a letter to Egremont in February, 1763. He was presenting two requests

49 Ibid, p.297.

50 PAC, MG 23 L 13, p.203-210, 197-199. Appendix 5 for Payne's deposition.

51 PAC, MP, vol.3, p.220-222, Answers to Complaints against Murray's administration, made by merchants of Quebec and London. Appendix 1.

ECONOMIC PROBLEMS

80

of the Canadians, one dealing with the payment of their paper money and the other with the retrieving of their merchandise from France. While he could not approve of the latter, he did desire to make some gesture of conciliation in its place and hit on the following plan. The Portuguese, Spanish and Madeira wines that were imported were too expensive for the Canadians on account of the high duty on them and were also not so much to their taste as the French wines to which they had been accustomed. Why not let a certain quantity of French wines from the Islands of Jersey and Guernsey be allowed in? It would please the people, could be paid for in small furs and the duty on these wines while not prohibitive to the consumers would result in gain for the British trade⁵². This suggestion exemplifies Murray's tendency to combine, when he could, the interests of the new subjects with those of Britain in order to secure the attachment of the Canadians to their new mother country.

Murray was careful to send in accounts of his transactions with regard to the collecting of duties. He wrote to the Board of Trade in March 1764, drawing their attention to the fact that the duty he had laid on spirits in 1761, was

52 PAC, Q1, p.80-86, Murray to Egremont, 25 February 1763.

ECONOMIC PROBLEMS

81

merely a revival of the old duty paid in French times. This precedent was the basis for his action. He had ascertained what duties to collect, not through instructions from England, which, though requested, had failed to come, but through a study of what had been the King's rights under the former regime. With the present letter he enclosed an account of the proceeds of the duty for the years 1761 and 1762 and the use they had been put to. The duty for 1763 was not yet in. He asked for persons to examine the accounts. This would relieve his secretary and be satisfactory to everyone. He explained that the duty on spirits was trifling for the last two years compared to that of 1761, because of the quantity of British brandies poured into the province. There was no duty on these and he repeated that they could be taxed profitably, in his opinion. He complained of not receiving any answer to former suggestions he had made on this subject and in fact of not receiving any answers at all. He also noted the complaints the importers of spirits from the colonies were making about the duty on rum but he felt that British interests were being ensured by the method in force⁵³.

53 PAC, C.O.42, vol.1, p.410-412, Murray to Lords of Trade, 25 March 1764.

ECONOMIC PROBLEMS

82

The military as well as the merchants found the duty on rum distasteful, but when Colonel Gabriel Christie tried indirectly to evade it in favour of the King's "Bateaux" men, Murray replied with painful logic that of course the duty must be paid on forty hogsheads from New York; otherwise forty thousand might come in and the King be defrauded accordingly⁵⁴.

The question of what duties could be legally collected in the new colony was eventually considered at home. A report of the Attorney and Solicitor General on the Government of Quebec, 6 August 1764, stated that duties collected by the French Government could be collected by the English King but it was thought doubtful that any further sum could be collected by virtue of the King's prerogative⁵⁵. On 17 November 1764 Norton and De Grey told the Lords Commissioners of the Treasury regarding the duties payable at the time of the conquest, that they were "of the opinion that no other Authority from His Majesty is necessary to authorize and empower the Officers of His Majesty's Revenue to collect the said duties

⁵⁴ PAC, MP, vol.2, p.137-138, Murray to Paulus Aemilius Irving, 18 May 1764.

⁵⁵ PAC, MG 23, A 4, vol.64, p.67-68.

ECONOMIC PROBLEMS

83

besides what is generally granted for collecting Revenues of the like kind in other parts of His Majesty's Dominions"⁵⁶.

On the very same day in Quebec Murray was writing his opinion of the justice of the duties to the Lords of Trade. The discontent of the merchants about the duty on rum seemed unfounded to him. It was the consumer really who paid the duty. The merchants sold rum for 10, 15 and 16 shillings per gallon; the duty was only sixpence:

When such a profit was got would any body but a Jew scruple to contribute something to the publick expense? But it seems Eleazar Levy has made converts of a few of our Christian Merchants; I am really ashamed of some we have here from Britain and the antient colonies; I thank God the Canadian ones we found here, are very different in every respect; but they tremble least the efforts of Eleazar Levy and his associates shall prevail, and chace (sic) them from their Native Country; I assure them that there is no deanger (sic) and they will wait with Patience the Result of Mr. Cramahe's Embassy⁵⁷.

However there was danger for Murray himself and for John Gray, the man he had appointed to collect the duties. Murray's fear for himself is indicated by a sentence in the letter just quoted to the effect that he hoped that if the

⁵⁶ British Museum, Additional Manuscripts, 35913, folio 250.

⁵⁷ PAC, C.O.42, vol.2, p.36. Murray to Lords of Trade, 17 November 1764. E. Levy was one of the earliest Jewish merchants in Quebec; Cramahe, Murray's Secretary, has been sent to England, by Murray, to report on conditions in the province.

ECONOMIC PROBLEMS

84

collection of duties was decided to have been illegal, the loss would not fall on him⁵⁸. Gray who had collected by now several thousand pounds which he had turned in, except for his commission, wrote Murray on 16 November 1764, that he was being sued by several merchants, (Levy among them) from whom he had collected duties on imported spirits, and asked Murray for indemnification⁵⁹. Murray hastened to reassure him that he should be indemnified for every thing he did about collecting duty on spirits imported into the colony in consequence of Murray's warrant to him dated 1 October 1761⁶⁰.

Four months later Murray was still in ignorance of the decision of the previous November affirming the legality of collecting the duty. "I have ... expected in vain the decision of the Rum Dutys", he wrote to the Lords of Trade in March, 1765⁶¹.

Meanwhile the collectors of the duties were being prosecuted and Murray felt obliged by July to write explanations

58 Ibid, p.36.

59 Ibid, p.107, John Gray to Murray, 16 November 1764.

60 PAC, MP, vol.2, p.192, Murray to John Gray, 17 November 1764.

61 PAC, Q 2, p.395, Murray to Lords of Trade, 3 March 1765. In May he was able to issue a proclamation about the collection of duties. See PAR 1918, p.405-406.

ECONOMIC PROBLEMS

85

to the Lords of the Treasury in their defence. He had, he said, informed the Lords of the Treasury in 1761 of the continuance of the duties on spirits, the only ones carried over from the French period. He had sent in accounts of receipts and disbursements to the Treasury and as he had received no contrary orders he had presumed his arrangements were approved of. Now his instructions show that the Governor and Council are not to impose any duties and the merchants are prosecuting the collectors in the Superior Court. Murray has ordered the Attorney General to defend them. The money was spent for the public service. He must now draw on their Lordships for some £ 300 since "it is impossible without money to carry on the Kings service"⁶².

In August Murray wrote the Lords of the Treasury again to tell them he had had published in the Quebec Gazette the receipt of spirit duties since the Conquest⁶³, stating that his reason for doing so was that he had been told the sum had been represented in England as much larger than it really was⁶⁴.

62 PAC, MP, vol.2, p.224-225, Murray to Lords of Treasury, 20 July 1765.

63 Quebec Gazette, 18 July 1765, No.57, Supplement.

64 PAC, MP, vol.2, p.238-239, Murray to Treasury, 31 August 1765.

ECONOMIC PROBLEMS

86

Murray's position with regard to the collection of these duties was a decidedly difficult one, since his very authority to collect was in question and since no other source of revenue had been provided to carry on government.

After Murray's recall to England in June 1766, he made answer in court to the accusations brought against him by a group of traders and merchants and received a favourable verdict⁶⁵. He declared that he would have been justified in enforcing all the previous duties of the French regime whereas he had enforced only the one on spirits. It was not exorbitant, not so large as that paid in other provinces; it was calculated to promote the sobriety of the troops and the health and morals of the colonists; it did not seriously endanger the profits of the merchants and traders; it did not include British spirits and was thus an encouragement for the British trader and in the interests of the mother country. The home government had been kept fully informed of proceedings, had on no occasion expressed disapproval and was now advocating the collection of all the duties formerly imposed by the French⁶⁶.

65 PAC, C.O.42, vol.6, p.179-180, At the Court of St. James, The King-in-Council, 13 April 1767.

66 PAC, MP, vol.3, p.213-218, Answers to Complaints.

ECONOMIC PROBLEMS

87

The matter did not end here however because in February 1768 the merchants Finlay and Levy brought suit against Murray for payment of duties levied by Murray as governor of Quebec on the grounds that they were unlawfully levied. Murray's opinion about the legality of collecting was upheld by the decision, but since he had imposed a duty on rum slightly higher than that imposed by the French (though they had regulated theirs to encourage the produce of their own sugar colonies and Murray was already encouraging British brandies), it was decided that the plaintiffs should be repaid this excess⁶⁷.

Murray's policy with regard to the collection of duties on spirits and wines seems to have been in conformity with the spirit of the British colonial policy of the time. After the Seven Years War there was a movement of reform in colonial policy which for one thing meant a tendency to secure to the mother country the full advantage of the North American market⁶⁸.

67 PAC, Treasury Solicitor 11, General Series, Bundle 825, Finlay & Levy vs. Governor Murray, 1768. There is here a complete account of the subject of duties in a document entitled: "State of Facts and Proceedings relative to the duties collected at Quebec by the Direction of Governor Murray, on Account of which Actions were commenced against him in the Court of Common Pleas".

68 See, Beer, George Louis, British Colonial Policy 1754-1765, New York, Macmillan, 1907, chapter 9.

ECONOMIC PROBLEMS

88

3. Illicit Trade

The question of duties is closely associated with that of illicit trade or smuggling. Murray was familiar with smuggling in one form or another from the beginning of his stay in Quebec, when for one reason or another goods were illegally conveyed to the enemy⁶⁹. Illicit trade in the sense of the evasion of duties was a problem for later on.

When, in his report of 5 June 1762, Murray suggested certain duties on New England spirits and on rum, he immediately noted that if the revenue were not to suffer, measures would have to be taken to prevent smuggling by the lakes in both winter and summer and by the many bays, creeks and rivers of the Lower St. Lawrence. Murray called this smuggling detrimental not only to the state but also to the law abiding traders⁷⁰. The latter, Murray knew, would be quick to condemn any leniency in this regard which did not benefit them personally. His appreciation of this fact appeared in an explanation he gave Amherst in October 1761, of the case of a certain Mr. Purveyance of Philadelphia. Mr. Purveyance had smuggled

69 PAR, 1918, p.41, Proclamation forbidding unauthorized conveyance of merchandize from Quebec, 12 January 1760.

70 DCH, p.65-66.

ECONOMIC PROBLEMS

89

foreign spirits into the colony. Murray felt obliged to confiscate them because otherwise the English merchants who had brought in British brandy might have accused him of having accepted bribes from smugglers. The traders, he felt, were capable of saying anything base. They had even accused him of supplying the French with provisions in war time when what he had done was to send a small quantity of brandy to keep open intelligence and even now they were trying to smuggle out furs, with the three cartels of French officers who were to sail on 9 October, in order to take advantage of the better prices in France. This meant they must have had correspondence with France either by way of Holland, Jersey, or Guernsey. Murray felt they were capable of corresponding with hell for money⁷¹. Amherst supported Murray's decision about Purveyance⁷².

In June of 1762, Murray, in a letter to Egremont, brought up the problem of illicit trade considered from another angle. There had been question of moving some Acadians to Quebec and Murray drew Egremont's attention to the problem of where to settle them. He did not think that Acadians or

71 PAC, W.O.34, vol.1, Murray to Amherst, 7 October 1761.

72 PAC, MP, vol.3, p.109-110, Amherst to Murray, 20 September 1761. (Murray's decision had obviously gone into effect and been appealed before he wrote his account to Amherst in October).

ECONOMIC PROBLEMS

90

Canadians should settle within the Gulf of St. Lawrence. If any of its islands should be ceded to the French at a peace to give them place to cure their fish, illicit trade could be easily carried on between the French and the settlers on the mainland. Murray called Egremont's attention to this subject again in September when he felt that certain titles to land were being claimed in view of French interests in America. He had given the post at Mekatinat, for instance, to Jacques Belcourt de la Fontaine, not only for his services, (Murray does not specify what services) but also because he thought the persons holding it were too well disposed to the French cause. At least until Peace was concluded they could not be too careful⁷³.

Murray was not the only one, of course, to see the possibilities of smuggling between islands in the Gulf and the mainland. British merchants trading to Canada and other northern colonies presented a memorial to the British government in December 1762 about the prevention of smuggling between the mainland and the French islands of St. Pierre and Miquelon. They wanted all French and English fishing vessels in the Gulf, or that touched at St. Pierre and Miquelon to be subject to

⁷³ PAC, Q 1, p.28-29, Murray to Egremont, 7 June 1762, p.45-47, Murray to Egremont, 7 September 1762. (This was a private letter to supplement a public one of the same date).

ECONOMIC PROBLEMS

91

search and confiscation if engaged in contraband trade⁷⁴.

Regulations about the control of illicit trade reached Murray in the following July. Asked for his opinion on this subject Murray pointed out that while he considered that smuggling could be best prevented only by His Majesty's ships of war and that the distribution of the frigates seemed to him admirable, yet he would offer some suggestions based on his knowledge of the area. Small boats such as cutters and shallops would be needed to cruise in the river from Isle aux Coudres to the Island of Anticosti. The smugglers would come loaded with goods from St. Pierre and Miquelon, able to hug the shores in their small boats. The customs officers to be effective must use the same type of vessel. Moreover these vessels must be manned and officered by the navy, because the inhabitants would not be trustworthy in such a situation⁷⁵.

Murray also recommended that the King's sea officers be given the right to inspect the fishing posts in the lower St. Lawrence, and he even went so far as to ask for a law forbidding

74 PAC, C.O.5, vol.65, p.26-27. Chas. Crokatt to M. Robert Wood, 14 December 1762.

75 PAC, Q 1, p.156-157, Murray to Egremont, 27 September 1763. See Beer, op.cit., chapter 11, for discussion of reforms in the administration of the Laws of Trade, 1763-1765.

ECONOMIC PROBLEMS

92

the use of every French commodity in the colony, so intensely did he feel the difficulties of his situation:

Hitherto, with fear and Dread, I have done my utmost to prevent the Importation of any French Commodities, I say with fear and Dread, because 'till I had the Honour of your Lordship's last Letter, I was without Instructions of any kind. I am still without proper powers, for as my Commission as Governor of Quebec doth not Constitute me Admiral of the Coasts of the Government, I cannot appoint a Court of Admiralty, which Court, hitherto, has not been thought necessary at home tho' several Applications have been made for the same⁷⁶.

The letter was received on 4 November by Halifax who had replaced Egremont. His answer was written promptly and was encouraging. Murray was to have his cutters and shallops his inspectors of the fishing posts and a commission of Vice Admiralty⁷⁷.

In June 1764, Murray was still preoccupied with the idea of smuggling from St. Pierre and Miquelon. This time it was in connection with the Indians, the Micmacs, along the Coast of the Gulf of St. Lawrence and along the St. John River. If they were to have communication with the two French Islands

⁷⁶ Ibid, p.157-158.

⁷⁷ PAC, Q 1, p.172-174, Halifax to Murray, 12 November 1763.

ECONOMIC PROBLEMS

93

they would no longer buy British manufactures and they would be ready to stir up trouble in their district as formerly⁷⁸.

Evidently the measures taken to suppress smuggling were meeting with success. Murray wrote to Halifax late in October that after making very special inquiries into the matter of smuggling he could not discover that any suspected goods had been offered for sale that summer. It was possible that goods had been landed and would be distributed by sleigh overland in the winter. He mentioned an ingenious move on the part of French ships which was cordially received by the English colonials. The French schooners, not having succeeded in their fishing enterprise, had bought fish from the New England boats, paying for them in French merchandise, which the enterprising New Englanders would sell later on the continent. Murray got this information from ships from London that had called at St. Pierre. The passengers of these ships also informed Murray that every house they had been able to observe on the island was full of French goods⁷⁹.

In November the Collector of Customs seized two ships

78 PAC, C.O.42, vol.1, p.222-223, Murray to Lords of Trade, 26 June 1764.

79 PAC, Q 2, p.224-225, Murray to Halifax, 28 October 1764.

ECONOMIC PROBLEMS

94

for illicit trade which were condemned in the Vice Admiralty Court⁸⁰, but on the whole Murray's troubles with illicit trade continued to diminish. In March 1765, he had nothing new to say about contraband trade⁸¹. By November of that year, he could write confidently that he could assure the Lords of Trade

however it may have been represented, that we have no communication from this Province with the Islands of St Pierre and Miquelon, neither do I comprehend a possibility of carrying on a counterband Trade by means of the Posts on the Labrador Shore, I mean by the Inhabitants of this Colony: the Vigilance of the Kings Vessells, and the long avенew of the River St. Lawrence must render every attempt of that Nature impracticable⁸².

These words occur in a letter which Murray sent along with petitions to allow the inhabitants of Quebec to continue to fish during the winter on the Labrador shore⁸³.

As might be expected, Murray's efforts to repress illicit trade aroused the resentment of the merchants and traders concerned and the 7th Article of their accusations in the

80 Ibid, p.348, Murray to Halifax, undated, rec'd 21 March 1765.

81 Ibid, p.396-397, Murray to Halifax, 2 March 1765.

82 PAC, C.O.42, vol.5, p.13, Murray to the Lords of Trade, 11 November 1765.

83 Ibid, p.13-14.

ECONOMIC PROBLEMS

95

trial in April 1767 touches on these efforts, while Murray's reply to this article makes it clear that he felt that he was carrying out the law according to the wishes of the home government⁸⁴. In point of fact the court decision was in Murray's favour⁸⁵.

4. The Fisheries

Murray was greatly impressed by the possibilities of the Canadian fisheries. By October 1760 he felt sufficiently detached from military affairs to write Pitt an interesting account of his general impressions of the recent conquest. The first point to occupy his attention after the people was the River, (the St. Lawrence), which he called "the finest in the universe" with its banks producing hemp, flax, tar, pitch, masts, ship timber and iron enough to supply all Europe, with its possibilities for inexpensive docks at which ships could winter, and above all, with its fisheries of whale, cod, seal, herring and salmon. He felt that these latter could have been developed far more successfully under the French than had been the case since the country produced every article

84 PAC, MP, vol.3, p.220-222, Answers to Complaints.

85 PAC, C.O.42, vol.6, p.180, at the Court of St.James The King-in-Council, 13 April 1767.

ECONOMIC PROBLEMS

96

needed in such commerce. Every man could have been a fisherman, consequently a sailor, and the French far more formidable foes had they promoted the fisheries with as much eagerness as they had the fur trade. The fur trade lent itself to monopolies and corruption, whereas the fisheries, in his opinion, could have benefitted every individual and added to the strength and wealth of the mother country⁸⁶.

In November 1761 John Gray sent Murray his "Remarks on the Commercial State of Canada". While his sober report contrasted sharply with Murray's first enthusiastic reaction, Gray did give as his opinion that the oil and whalebone industry would be profitable⁸⁷.

When Murray sent in his report of 5 June 1762, he placed the cod fisheries in the Gulf and River St. Lawrence first in importance. He thought they could become in time an inexhaustible source of wealth and power to Great Britain. They would encourage settlement on the south side of the Gulf as well and thus open up and improve that area. The quality of the fish on the coasts and in the bays was better than that

⁸⁶ PAC, C.O.5, vol.64, p.170-176, Murray to Pitt, 22 October 1760.

⁸⁷ PAC, W.O.34, vol.8, p.293, Remarks on the Commercial State of Canada, Gray to Murray, 7 November 1761.

ECONOMIC PROBLEMS

97

of the bank cod and the fisherman's being on the spot would lengthen the season by a couple of months. He spoke of the whale and seal fishery next and the possibilities of salmon fishing in the rivers on the coast of Labrador⁸⁸.

Murray made grants of various posts and lands to encourage the fisheries even before the definitive treaty ceding the colony to Britain. For the whale fishing he made a grant to the Whale Fishing Company, 21 August 1761, of a tract of land on the north shore of the St. Lawrence for three years or until the King's pleasure should be further known. He made six separate grants for the seal fishery on the north shore of the St. Lawrence and on the Labrador coast, as well as two other grants not specifically for the fishery but both also on the north shore⁸⁹.

As was to be expected these grants did not go unchallenged. Murray wrote to Egremont in September 1762 to explain his conduct about the claim of a certain Mr. Hocquart to a piece of land in Canada. Murray was accused of having given it away to J.B. de la Fontaine. Murray explained where the

88 DCH, p.77.

89 PAC, MG 23, A 4, vol.64, p.64-66, Return of Posts or Lands Granted by Governor Murray in the Government of Quebec and dependencies thereof to 22 July 1763, inclusive.

land was: a great way below Anticosti and near the Strait of Bellisle, that it was suitable for the seal fishery and for trade with the Northern Indians only; that the agent could produce no title; the grant for life was never registered with the Superior Council at Quebec and that Murray did not approve of the persons who were farming it. The confirmation Hocquart had obtained of his grant showed that he too considered the original title defective and the confirmation came after the British were in full possession of Lower Canada. Murray had let the land to M La Fontaine for a year, and then to John Gray, a merchant for seven years until the King's further will could be known⁹⁰.

The boundary set by the Treaty of 1763 would leave some of the grants Murray had made outside the colony of Quebec, notably those east of the new boundary where Quebec merchants were engaged in the seal, whale and salmon fisheries. Murray was in sympathy with their distress and sent the memorial they prepared on the subject, not only to the Lords of Trade, but also to Halifax personally, saying that with his special patronage they hoped to become a useful and valuable colony to the mother country. The memorial begged Halifax to represent

⁹⁰ PAC, Q 1, p.41-43, Murray to Egremont, 7 September 1762.

ECONOMIC PROBLEMS

99

to the King the great loss the merchants were in danger of sustaining by exclusion from their fisheries, went on to explain the necessity of lengthy tenures to make the business profitable and finally pointed out that 300 to 500 people were kept employed in this way during the winter, when they could not be employed in any other way, which they held to be a circumstance of great importance to the welfare and trade of the province in particular⁹¹.

In August 1764, Murray recommended to the Lords of Trade the renewal of the grants he had made to Father J.B.L. Morisseaux and to M. Tachet of the posts of St. Augustine and St. Maudet respectively. He pointed out that Father Morisseaux was maintaining out of a very modest income three or four unfortunate families and that M. Tachet had a numerous family. He also drew their attention to the fact that both places were let to British merchants so that the indulgence he suggested would not be prejudicial to "our commercial interests"⁹².

With regard to the Labrador coast fisheries, Murray

⁹¹ PAC, Q 2, p.36-37, Murray to Halifax, 14 February 1764, p.49-53, the memorial.

⁹² PAC, C.O.42, vol.1, p.384-385, Murray to Lords of Trade, 25 August 1764.

ECONOMIC PROBLEMS

100

was in favour of the people of Quebec being allowed to continue fishing there after this coast came under the government of Newfoundland. In a letter in November 1765 to the Lords of Trade, he recommended a couple of enclosed petitions, one of which was from some residents of Quebec asking protection against the governor of Newfoundland:

The inclosed Petitions I have the honour to transmit to your Lordships: they assert Truths, and I sincerely wish it had been consistant with the Plan of Government to have allow'd the Inhabitants of this Colony the Right of Fishing, during the Winter, upon the Labrador Shore: I have already wrote a great deal to the Board upon this Subject, and I have now only to add that I foresee from this measure the loss of a great many hardy seamen, His Majesty's new subjects; they will now in spite of my best Endeavours remove to France, a thing I have hitherto strenuously endeavour'd to prevent, for obvious Reasons⁹³.

Murray's correspondence on the fisheries shows that he understood their economic value in the life of the colony. He was prompt in granting lands and posts to the enterprising British merchants who wished to engage in the business, the first of these dating as early as 21 August 1761. He did not ignore French claims but he did insist upon proof of their legality. He supported the merchants who felt they were being unfairly treated when they were in danger of being excluded from the Labrador area, and recommended their case to the

93 Ibid, vol.5, p.13-14, Murray to Lords of Trade, 11 November 1765.

Board of Trade. He saw the wisdom of the French system by which the oil posts had been granted for periods long enough to make the business profitable. Finally he appreciated the fisheries from the imperial viewpoint as a training ground for seamen and he realized their strategic importance from the point of view of military operations or ventures in illicit trade.

5. The Fur Trade

Murray expressed his opinion about the state of the fur trade under the French in his report of 5 June 1762. He felt that the French had given it their whole attention to the detriment of other branches of commerce such as the fisheries. Moreover the monopolies of the fur trade that were allowed by the French, were, in his opinion, damaging to the public interest. While the provinces of Philadelphia and New York would now share with Canada a great part of the trade formerly in the hands of the French, the part of it carried on with the northern nations would remain with Quebec and a great part of that with the Upper Country might be regained because of better transportation facilities. Murray expected even that the trade of the Upper Country would be much farther extended because of "the superior diligence and application of the British

ECONOMIC PROBLEMS

102

Traders"⁹⁴. The Traders had in fact wasted no time in setting to work. Money was going from Quebec to Montreal for furs as early as November 1759, as Murray noted in his journal⁹⁵. Montreal was, of course, the centre of the fur trade, and it was from Gage, the Governor of Montreal, that a full account of the trade was to be expected⁹⁶.

Before the establishment of Civil Government in August 1764, Murray's connection with the fur trade was limited to that carried on in the district of Quebec proper. With the advent of Civil Government and the arrival of his Commission and Instructions, Murray became responsible for the civil administration of the whole area, including Montreal and Three Rivers. According to the Proclamation of 1763, the Indians were to be protected in the possession of their hunting grounds but trade with them was to be open to all British subjects under certain conditions, namely, the acquisition of a license from the Governor and the giving of the required security. Articles 62 and 63 of Murray's Instructions urged him to see

94 DCH, p.76-78, For a discussion of the essential rivalry between these two systems, see: Creighton, Donald, The Empire of the St. Lawrence. Toronto, Macmillan, 1956, p.20.

95 PAC, C.O.5, vol.64, p.53, Journal of Quebec.

96 DCH, p.74, Gage's Report on Montreal.

ECONOMIC PROBLEMS

103

that trade with the Indians be carried on according to the regulations of the Proclamation and to do his best to improve this trade by making whatever regulations were most acceptable to the majority of the inhabitants⁹⁷. Because of the open warfare and continuing unrest in the Indian country, the opening of the trade to all subjects had had to be postponed and in late August Murray wrote to Burton at Montreal requesting him not to allow traders into the Indian country until peace had been firmly restored and instructions received from England⁹⁸. Passports were being asked for and Murray had to resist popular pressure in his refusals to grant them⁹⁹.

A plan for the future management of Indian affairs was prepared by the Board of Trade in the summer of 1764¹⁰⁰. Its object was

the regulation of Indian Affairs both commercial and political throughout all North America, upon one general system, under the direction of officers appointed by the Crown, so as to sett aside all local interfering

97 DCH, p.166-168, 200.

98 PAC, C.O.42, vol.2, p.129, Extract from a letter to Burton, 28 August 1764.

99 PAC, MP, vol.2, p.145-146, Murray to Burton, 7 September 1764.

100 Brodhead, John Romeyn and O'Callaghan, Eds., Documents relative to the colonial history of the State of New York, Albany, 1856, Weed Parsons, vol.7, p.637-641.

ECONOMIC PROBLEMS

104

of the particular Province, which has been one great cause of the distracted state of Indian Affairs in general¹⁰¹.

According to its provisions the Indian trade was to be placed under the supervision of two Superintendents, one for the northern and one for the southern district of America. Trade was to be engaged in only at certain specified posts, open to all who should take out licenses and give the security required. Means were to be taken to prevent frauds and abuses, for example, by carrying on the trade under the direction and inspection of the agents or superintendents; by establishing tariffs of prices at the different posts; by prohibiting the sale of rum or other spirits to the Indians, etc. The expense of implementing the plan was to be defrayed by a tax upon the trade itself¹⁰².

When Murray was asked, as were the other governors, to comment on the plan, he replied that

The Plan of a General System for regulating Indian affairs on this Continent, is a Thing in its nature most nice, and delicate and should be treated with great Deliberation and Circumspection. As I profess myself very Ignorant of the matter, I have been obliged to apply for information to the Traders, and French People, who are acquainted with these Nations, but as few mercantile men will speak Truths when inconsistent with the dictates of Self Interest, I

101 Brodhead and O'Callaghan, op.cit., p.634-635, Board of Trade to Sir William Johnson, 10 July 1764.

102 Ibid, p.637-641.

ECONOMIC PROBLEMS

105

with reluctance hazard any Opinion on this Subject; however as you desire it, I herewith send it enclosed¹⁰³.

Murray's opinions of the plan are headed: Governor Murray's Notions of the Plan for the Management of Indian affairs. He felt that putting the Indians under the sole government of a superintendent within the province was like "establishing a Power within another Power"¹⁰⁴. He considered the tariff to be a dangerous experiment. The trade was one exposed in a special way to danger, difficulties and losses and without the prospect of great gain would cease to attract traders. The tax was too heavy and the duty required he thought would be so considerable that it would as a matter of course encourage smuggling. He considered the idea of fixing only one post for the whole of the north side of the St. Lawrence as a dangerous expedient because the Indians had been up to now accustomed to four places and a particular set of men whose interest it was to treat them well; secondly because Chicoutimi and Tadoussac were separated from the other two posts at the Isles of Jeremy and Seven Islands by mountains and the Indians would thus be forced to come by the river

¹⁰³ PAC, C.O.42, vol.2, p.2-3, Murray to Lords of Trade, 26 October 1764.

¹⁰⁴ PAC, C.O.323, vol.20, p.2.

ECONOMIC PROBLEMS

106

where, finally, they would be exposed to the disorderly behaviour of the crews of the New England fishing vessels¹⁰⁵.

Murray followed up this criticism with his own proposals, according to which he would place the Indian tribes in the different provinces under the management of their respective provinces. He suggested a system of salaried supervisors under the provincial governments who would attend regular congresses at which decisions would be reached as to the way of dealing with the Indians. The results of these meetings would be reported to the Governor and Council of each province in so far as they were affected by them and they in turn could convey their objections if they had any to the Board of Trade. The officials at the established posts would be employed and paid by each province, but all subjects could go to all posts, provided they took out a license and provided the required security. At the posts would be a resident commissary to see to matters of justice with the help of two traders and two Indians, and to send in an annual report to the Superintendent on the state of the trade and of the Indians in their particular districts. With regard to the King's Posts in Quebec and also the Oil Posts on the North Shore and in Labrador, Murray believed that the best method to be employed was that of

105 Ibid, p.2-5.

ECONOMIC PROBLEMS

107

leasing them to the highest bidder:

After all that has been said above concerning the Indian Trade, the simplest and safest method perhaps would be to leave matters in the Upper and back Countrys as they are, only to place at the particular Posts on our Frontiers, such as Niagara, Detroit, etc:etc: for Governors of the Troops officers of sound Sense and Probity with a positive Restriction from any Trade themselves, encouraged by a sufficient Salary to support their Dignity and to attach them to their Situation, and to acquire that Knowledge of the Country and its wandering Natives which is so materially and essentially Necessary to the King's Service.

I had omitted to observe that instead of a Tariff, a regulation for inspecting and surveying the goods furnish'd by the Trader to the Indian may be a means to preserve the Credit of the Trade, to promote Cordiality between the two, and to remove every pretence of Quarrel¹⁰⁶.

To sum up, Murray was opposed to both the tax on the trade itself and the system of fixed prices but was in favour of provincial control with a large degree of freedom for the trader, yet with safeguards for the Indians.

Within his own sphere at this time, Murray was concerning himself with one safeguard for the Indians. On 10 November 1764, he issued an ordinance to prevent rum and other strong liquors being sold to the Indians¹⁰⁷. In his account of the state of the King's Posts Murray described graphically the effect of the indiscriminate sale of liquor to the Indians.

¹⁰⁶ Ibid, p.6-8.

¹⁰⁷ PAR, 1913, p.60.

ECONOMIC PROBLEMS

108

This was indeed one of his strongest objections to allowing general trade in this area¹⁰⁸.

After the proclamation of 31 January 1765, for opening the Indian trade, had appeared¹⁰⁹, the merchants and traders of Montreal presented Murray with a memorial on the subject¹¹⁰. Dated 20 February 1765, presented 9 March and answered the same day it pointed out as two most objectionable features of the scheme: first, the enormous security demanded of the traders, and secondly, the absolute prohibition to trade out of the posts already established, or which would be later established by the King and garrisoned by his troops. They said the merchants would also be bound double, as the traders took the goods from the merchants, chiefly on credit. Also they could not winter at certain posts because of lack of provisions; wintering among the natives had formerly resulted in useful ties, and discontent among the natives was to be expected from the new policy as well as loss of trade to New

108 PAC, C.O.42, vol.6, p.123.

109 PAR, 1918, p.402, Trade could be carried on only at certain posts and the traders had to enter into bond for double the value of their goods as security that they would observe the government's regulations.

110 PAC, C.O.42, vol.2, p.362-366, Memorial of the merchants and traders of Montreal.

ECONOMIC PROBLEMS

109

Orleans. There was also reference in the memorial to the fact that the trader might use the excuse of difficulty with a commanding officer at a post to take advantage of the credit given him by a merchant. The memorial does not enter into details on this point; possibly an unlucky trader would blame his failure on interference by the commandant and thus escape reimbursing the merchant who had granted him goods on credit.

They suggested that confiscation of goods and possibly corporal punishment in some cases would be advisable for offenders against the regulations laid down.

Murray and his Council answered promptly saying that it was only the trader who went into the Indian country who was bound; the Proclamation bound no one else. The Council did not intend that the military officers at the posts should harm any honest trader. The latter's rights were carefully protected in fact. The suggested penalty in the memorial was exactly what the Proclamation prescribed. The Governor had no power to authorize the trader to go beyond the posts, nor had General Gage in Murray's opinion, but he would write to both Gage and the King to ask that this restriction be removed for he thought such a policy would be to the advantage of both the colony and the mother country¹¹¹.

¹¹¹ PAC, C.O.42, vol.2, p.368-369.

ECONOMIC PROBLEMS

110

Murray's reply to the Montreal merchants and traders evinced a certain sympathy with and understanding of their problems, particularly with regard to the requirement of the Proclamation that they be restricted to trade at certain posts in the Upper Country. Perhaps he was influenced to a considerable extent by the opinions of his advisers, as one writer suggests¹¹². In any case it was the view that he adopted officially and was at least one point on which he was not at issue with the merchants and traders. His preference of provincial to imperial control coincided also with that of Shelburne as expressed at the end of the latter's observations on the plan for the future management of Indian affairs: "on the whole, if the Management of the Indian Trade of each Province was left to themselves, subject always to control at home, it would seem preferable to this or any other General Plan which can be formed at this Distance"¹¹³. Provincial control, however, unless they themselves held the reins would not please the merchants and traders of the colony, nor should Murray's understanding of their point of view in a few isolated

112 Humphreys, R.A., "Governor Murray's Views on the Plan of 1764 for the Management of Indian Affairs", Canadian Historical Review, vol.16, June, 1935, p.164-165.

113 PAC, MG 23, A 4, vol.60, p.11.

ECONOMIC PROBLEMS

111

matters be interpreted as sympathy with their commercial policy as a whole¹¹⁴.

While the commercial paradise envisaged by the merchants might become a reality for the old subjects, for the new subjects who also happened to be small merchants and traders, conditions after the Conquest were increasingly distressing. The merchants who had formerly bought supplies in France now had to turn to England and here they were doubly handicapped by a strange language and lack of connections. The French traders in the interior had to find new sources of supplies with English merchants or with any French ones who had managed to adapt to the new situation¹¹⁵. There does not seem to be very much evidence that Murray acted to supply this need of the Canadians to the extent to which he endeavoured to protect their political and religious rights.

6. The King's Posts

114 For the policy and influence of the mercantile group in the colony, see: Creighton, Donald, op.cit., p.40-45, Reid, Marjorie G., "The Quebec Traders and Western Policy, 1763-1774", Canadian Historical Review, vol.6, March, 1925, p.15-32, Innis, H.A., The Fur Trade in Canada, Toronto, University of Toronto Press, 1956, p.169-180.

115 Innis, H.A. op.cit., p.169. For a discussion of the subordinate role the Canadian business men were forced into, see: Brunet, Michel, La Présence Anglaise et les Canadiens, Montreal, Beauchemin, 1958, p.58-86.

ECONOMIC PROBLEMS

112

The King's Posts were five ports, Tadoussac, Chicoutimi, Malbaye, Isles of Jeremy and Seven Islands, part of the King's Domain, and at the time of the British occupation, under an official called the Director General of the King's Domain. He furnished the posts with supplies for trade in furs or in products of the fisheries, and received the furs, oil, and fish for the King's account. Formerly the Posts had been farmed but the lease had expired in 1756. They were advertised but since there was no bid for them, the Intendant made the foregoing arrangement for fear of losing the trade altogether by the departure of the Indians¹¹⁶.

The Indians at the King's Posts had become dependent on the French supplies and when these were interrupted by the presence of the British fleet in the St. Lawrence during the Quebec campaign, they had been famished and had been obliged to abandon one of the posts, namely, Seven Islands. Murray, alarmed at this, but unable to attend to the business directly, had leased the Posts to some British inhabitants and made Thomas Ainslie the King's Agent. He told this to Admiral Colville in June 1760 and after explaining the procedure asked Colville to give Ainslie passports for himself and his vessel.

116 DCH, p.54, Murray's Report, 5 June 1762.

ECONOMIC PROBLEMS

113

and to give the navy instructions not to interfere or to allow anyone to interfere in the affair¹¹⁷.

Murray's arrangements and representations to Colville did not save the Posts from two severe raids by some British naval officers in June and July 1760. Father Coquart, the missionary at the Posts wrote Ainslie on the subject in July and again in August, begging that justice be done¹¹⁸. Murray intended to protect the King's rights in the matter as well as his own prestige, as his letter to Colville in October indicates clearly, "I cannot but look on this affair as an insult to the King's Government"¹¹⁹. Three weeks later Murray sent an account of the affair to Pitt, expressing his hope that henceforth "there will be such orders and laws established for this country that the inhabitants may depend upon the faith of the British Governor"¹²⁰.

117 PAC, MP, vol.1, p.41-42, Murray to Colville, 26 June 1760.

118 PAC, C.O.5, vol.64, p.184-186, p.177-180, Petition faite a Monsieur Thomas Ainslie, Agent des Affaires des Postes du Domaine, le 18 juillet 1760, le 6 août 1760, par le P. Coquart, missionnaire de ces postes.

119 Ibid, p.190, Murray to Colville, 2 October 1760.

120 Ibid, p.175, Murray to Pitt, 22 October 1760. For other instances of pillaging at the Posts see Answers to Complaints, p.222-224, Appendix, No.1.

ECONOMIC PROBLEMS

114

As early as the fall of 1761, Murray had adopted the French policy of letting the King's Posts to the best bidder¹²¹. Although he had not received definite instructions to do this, he felt it was to the government's advantage. This opinion was confirmed by a letter from James Oswald of the Treasury about a year later to which Murray referred when writing to Amherst in the fall of 1762¹²².

Some time ago I had a letter from Mr Oswald of the Treasury acquainting me that their Lordships of that Board, had sent orders to me to let the Posts of the King's Domain in the Government to the best bidder. I never have received any such order, but as I find the King is liable to be cheated, if the Posts are not let, I have from the above mention'd letter judged it best to let the Posts for one year, and I have reported the same to their Lordships of the Treasury¹²³.

Murray wasted no time after this decision for on 4 October, he wrote to Haldimand the governor of Three Rivers, that by order of the Treasury the posts in the King's Domain in Quebec were let for a year to Messrs. John Gray and Thomas Dunn¹²⁴.

121 Memorials of the Public Life and Character of the Right Hon. James Oswald of Dunnikier, Edinburgh, Constable, 1825, p.350-351, Murray to Oswald, 9 November 1761.

122 PAC, W.O.34, vol.2, p.58-59, Murray to Amherst, 3 October 1762.

123 Ibid.

124 PAC, B 6, p.88, Murray to Haldimand, 4 October 1762.

ECONOMIC PROBLEMS

115

The Proclamation of 7 October 1763 which opened the Indian trade to all the King's subjects¹²⁵, reached Quebec 24 January 1764¹²⁶. As soon as it was made public, persons hitherto excluded from the King's Posts cast envious eyes in their direction. However, Civil Government was not established until August 1764, and it was only in January 1765, that Murray issued a proclamation about the trade with the Indians in which he declared the trade open under the restrictions laid down in the royal proclamation¹²⁷.

In the summer of 1764, the Lords of Trade had informed Murray that the Proclamation of 1763 did apply to the King's Posts which must be open to all. This had alarmed the lessees who sent Murray a memorial which he in turn forwarded to the Lords of Trade. In it the lessees explained their difficult situation and begged to be left in possession until the middle of August 1765¹²⁸. Murray safeguarded their rights, for the Gazette published the fact that their petition not to be

125 DCH, p.168.

126 PAC, C.O.42, vol.1, p.176, Murray to Lords of Trade, 26 January 1764.

127 PAR, 1918, p.402-403.

128 PAC, C.O.42, vol.2, p.28, Murray to Lords of Trade, 31 October 1764, p.32-33 memorial.

ECONOMIC PROBLEMS

116

disturbed in their lease of the King's Posts till the last day of August was granted on 9 March 1765¹²⁹.

The story of what followed is told in a document entitled "State of the Posts of the King's Domain in Canada, with an abstract of the proceedings relating thereto since the reduction of that Country"¹³⁰. According to this account, several Quebec merchants, Alsopp, Chinn and Co., applied in October 1765 for a special permission to trade with the Indians of the Domain in particular, but received only a general permission in conformity with the conditions laid down in the Proclamation of 1763. The following spring the new Receiver General, Thomas Mills, supported the lessees in their possession of their lease for the time being. Alsopp, Chinn and Co., warned not to proceed with their plans of erecting buildings on the King's Domain, ignored the warning. Paulus Aemilius Irving, who was acting in Murray's place now, (August 1766), ordered the buildings removed. Guy Carleton, upon arrival in October 1766, suspended the warrant to do this and put Alsopp and his friends into possession with liberty

¹²⁹ Quebec Gazette, 14 March 1765, no.39.

¹³⁰ PAC, C.O.42, vol.6, p.117-127. It is enclosed in Anthony Merry's letter to Lords of Trade and Plantations, 11 May 1767, and certified by Murray to be a true state of the case.

ECONOMIC PROBLEMS

117

to trade with the Indians of the Domain. The matter did not rest here, however. Eventually, a decision was given against the claims of Alsopp, Chinn and Co.¹³¹.

Following the account of the state of the King's Posts is a series of remarks which Murray certified as coinciding with his own opinion. These remarks indicate that Murray was opposed to opening the Posts to general trade because he felt that far from causing a greater consumption of British manufactures as his opponents claimed, their policy would result in such a complete corruption of the Indians that trade would deteriorate, the Indians be reduced to destitution and white people in the vicinity endangered. Murray, on the contrary admired the methods which the French had used which had benefitted both the trader and the Indian¹³². Père Coquart's representation to Murray of the Indians' fears that they were going to lose their lands¹³³ had not fallen on deaf ears, for in a letter accompanying the account of the posts Murray pointed out clearly the nature of property rights in the King's Domain:

131 PAC, C.O.43, vol.1, p.351-355, Report to the Committee of Privy Council for Plantations, 2 June 1767.

132 PAC, C.O.42, vol.6, p.122-126.

133 PAC, Record Group 10, vol.625, p.41, Père Coquart to Murray, 12 March 1765.

ECONOMIC PROBLEMS

118

"The Lands of the King's Domain were never ceded to nor purchased by the french King, nor by His Britannick Majesty; But by Compact with the Savages inhabiting the said Lands, the particular Posts or Spots of ground, whereon the King's buildings are erected and now Stand, were ceded to the french King for the purpose of erecting Storehouses and other conveniencies for the trade, and the Savages residing within the limits of the Domain. & who resort to the said Posts of His Majesty at certain Seasons of the year, were adopted as Domicile Indians under the sole and immediate protection of the King, & so remained till the reduction of the Province, & a missionary was sent to reside constantly among them. - The Lands of the Domain therefore are to all intents & purposes reserved, as hunting Grounds to the Savages, of which they are ever jealous, on the least appearance of an encroachment even amongst themselves¹³⁴.

To have granted lands within the Domain under these circumstances would, in Murray's opinion, have been in direct contradiction to the Proclamation of 1763 which safeguarded the hunting grounds of the Indians¹³⁵.

Murray's views about the King's Posts, then, appear to have been those of a governor who grasped the economic importance of the posts from the beginning, who took prompt measures to retain the trade of the Indians at them, and who followed the French method of farming them to the highest bidder as being the most profitable way to advance the King's interests.

¹³⁴ PAC, C.O.42, vol.6, p.126-127, Murray to Lords of Trade, 26 May 1767.

¹³⁵ DCH, p.166.

ECONOMIC PROBLEMS

119

In the face of the importunities of merchants of the type of Alsopp, Chinn and Company, he felt that the rights of the lessees and of the Indians, as well as the King's interests, were at stake and his opinion of this group of merchants was confirmed by a court decision at home, in the particular case involving Alsopp, Chinn and Company.

7. Agriculture and other Natural Resources

Murray was impressed by the fertility of the Canadian soil. He remarked in his report of 5 June 1762 that all sorts of grain were easily produced in Quebec, and in great abundance. The inhabitants he considered inclined to laziness and not much skilled in husbandry, but they had, he felt, been subject to certain inconveniences under the French regime such as monopolies and the possibility of being called up for service in distant areas. These liabilities would be removed under a British administration. They had had moreover little incentive to produce beyond what they needed for their own consumption and here, too, the products of the farm were supplemented by fishing and hunting. He laid special stress on the possibilities of raising hemp and flax and the advisability of encouraging this as much in the interests of British manufactures, it would seem as in those of the inhabitants themselves.

ECONOMIC PROBLEMS

120

The women and children kept busy during the winter breaking and preparing the flax and hemp for exportation would be thus diverted from manufacturing their own homespun and encouraged to buy British manufactures¹³⁶.

Murray's attitude with regard to the improvement of agriculture once the British were established and once Murray was certain that he himself was to remain in the country, appeared in a letter he wrote to John Watts, in New York in early November, 1763:

As it is now certain I am to remain in this country, where I propose doing all the good I can, by exciting the people to industry and promoting the improvement of Agriculture by setting a good Example, I must most earnestly intreat your assistance, without servants nothing can be done, had I the inclination to employ Soldiers, which is not the Case, they would disappoint me, and Canadians will work for nobody but themselves. Black slaves are certainly the only people to be depended upon, but it is necessary I imagine, they should be born in one or other of our Northern Colonies, as the Winters here will not agree with a Native of the Torrid Zone¹³⁷.

He went on to ask for two stout young fellows accustomed to country work with young wives who could do the women's work about a farm and added that he would begrudge no price to get what he needed¹³⁸.

136 Ibid, p.74-75.

137 PAC, MP, vol.2, p.15-16, Murray to John Watts, 2 November 1763.

138 Ibid.

ECONOMIC PROBLEMS

121

Murray welcomed the idea of a friend of his, Sir James Cockburn, buying an estate in Canada, and wrote enthusiastically of the future peaceable campaigns they would engage in together, aided by Murray's library in which he had, he said, "every book which has been wrote on Husbandry since Virgil's time"¹³⁹. Murray had models of the farm machinery of the day from England: "as to Plows etc. we have models here, of all sorts from England"¹⁴⁰, and he may have had plans for improving the breed of his cattle as he had at least one English bull. An advertisement in the Gazette announced that two Canadian bullocks and one English bull had strayed from Murray's farm¹⁴¹. Moreover Murray was interested in hay and fruit trees, sending for what he wanted from New York. He wrote James Pitcher, Commissariat Officer at New York in February 1764 for "rye Grass, Clover and Timothy; and like wise as many Grafted apple Trees as will plant two acres of orchard to be sent by the first vessel from New York"¹⁴².

139 PAC, MP, vol.2, p.60-62, Murray to Sir James Cockburn, 26 January 1764.

140 Ibid.

141 The Quebec Gazette, 11 October 1764, no.17.

142 PAC, MP, vol.2, p.184, Murray to Pitcher, 23 February 1764.

ECONOMIC PROBLEMS

122

In the report on the State of the Province of Quebec that Murray sent to Shelburne in August 1766, there is no indication of his views about agriculture beyond the fact that he lists in detail the acres of arable land occupied (955,751); the minots of grain sowed in 1765, (180,300 1/2); the number of oxen, (12,546); cows, (22,724); young horned cattle, (15,039); sheep, 27,064); swine, (28,976); and horses (13,757), owned by the people. These numbers apply to the 110 parishes exclusive of the towns of Quebec and Montreal. These parishes contained 9,722 houses and 54,574 persons. (This was an average to a house of, roughly, 5 persons, 98 arpents of arable land, 18 minots of grain sowed in 1765, 1 ox, 2 cows, 1 1/2 young horned cattle, 2 sheep, 2 pigs and 1 horse). Murray did not pause over his figures, however, to make averages or comments; he merely hastened on to discuss the administrative difficulties in the province and his own conduct in that connection¹⁴³.

Murray's efforts to improve agriculture did not go unrewarded nor was his confidence in the value of good example ill-founded as the following examples given in an economic and social survey written in 1772 indicate:

¹⁴³ PAC, MG 23, A 4, vol.64, p.101-105, Murray to Shelburne, 30 August 1766.

ECONOMIC PROBLEMS

123

The Canadians within the last five or six years, have made great improvements in agriculture, from observing the manner of tillage practised by some English settlers, and stimulated by the certain profits arising from the Benefit of a free market for their superfluities. A few Instances will illustrate this proposition. In the winter of 1759 and beginning of 1760, they could not conceive what use our Troops in Quebec meant to make roots of Cabbages etc which they saw them preserve so carefully but were astonished in the spring to see those roots give the very first greens in the country, and that before their cabbage plants had made their appearances; Potatoes which were then only known to a few of the most curious, are now planted with great success on every Farm; in the small Island of Orleans alone in the year 1770, they raised more than 22,000 Bushels; this last improvement, they owe entirely to General Murray, who spared no cost nor pains to procure them seed and to teach them the manner of planting the same¹⁴⁴.

Murray's attention was drawn to other natural resources of the colony as well. In his report of 5 June 1762, he noted that ship's masts could be made more economically in Canada than in New England, principally because of the better transportation facilities by way of the River St. Lawrence. Murray felt, too, that the production of potash could be undertaken profitably because of the abundance of hardwood trees, the easy water conveyance and the number of unemployed men during the winter season who could be engaged to cut and haul the wood. Murray made brief reference in the report to the

¹⁴⁴ PAC, Dartmouth Papers, 6,2306, 9-21, as quoted in Innis, H.A., ed., Select Documents in Canadian Economic History, 1497-1783, Toronto, University of Toronto Press, 1929, p.572.

ECONOMIC PROBLEMS

124

mines already discovered and to mineral and sulphurous waters in many parts of Quebec from which he concluded that nature had been bountiful to Quebec in this respect¹⁴⁵. John Gray, in November 1761, had advised encouraging the trade in potash and also the production of masts and yards, but he did not think that Canada was properly adapted to the production of tar, pitch and turpentine¹⁴⁶, though Murray had been tremendously impressed in 1760 by the abundance of raw materials for all naval supplies along the St. Lawrence¹⁴⁷.

In 1762, Murray wrote to Haldimand to recommend a man employed by M. Amiotte of Quebec to build a vessel at Three Rivers¹⁴⁸ and two years later Caleb Carrington wrote Pownall a report on the nature and quality of the timber masts and deals lately imported from Quebec in which he said that the oak in square logs or thick planks of any length from 6 to 20 feet or more would be useful as would the fir timber and deals if they could be brought under the price of those from northern

145 DCH, p.74-78.

146 PAC, W.O.34, vol.8, p.294-295, Remarks on the Commercial State of Canada by John Gray.

147 PAC, C.O.5, vol.64, p.172, Murray to Pitt, 22 October 1760.

148 PAC, B 6, p.87, Murray to Haldimand, 20 September 1762.

ECONOMIC PROBLEMS

125

Europe¹⁴⁹.

Murray was not concerned directly with the iron forges at Three Rivers until the establishment of Civil Government. Immediately after this Haldimand wrote him to say that the forges were going on according to his orders¹⁵⁰ and in October in conformity with the 55th article of his instructions Murray wrote to the Lords of Trade recommending Simon Mackenzie who was to give them a report on the St. Maurice Forges. Murray said he believed Mackenzie's report about the Forges to be exact but he could not answer for it. He intended to learn about the subject during the winter. He said also that if it be thought expedient for the government to undertake the work at the Forges "which I by no means recommend" Mackenzie would be a good agent¹⁵¹. Murray did not say why he did not recommend the government's taking over the Forges. Perhaps his admitted ignorance of the whole business made him reluctant

149 PAC, C.O.42, vol.2, p.7, Caleb Carrington to Pownall, 1 December 1764. The demands of the English lumber market can be read in the Quebec Gazette, 12 September 1765, a copy of which is printed in Innis, H.A., Select Documents in Canadian Economic History, p.455-458. John Pownall was secretary of the Board of Trade.

150 PAC, B 6, p.163, Haldimand to Murray, 14 September 1764.

151 PAC, C.O.42, vol.2, p.127, Murray to Lords of Trade, 20 October 1764.

to say anything positive, beyond the recommendation of Mackenzie personally.

The interest Murray showed in improving agriculture and his hopes for the lumber and potash trade as well as his investigation of the situation at the St. Maurice Forges are all indications of a tendency in the direction of developing a more diversified industry in the colony which was a characteristic of the period after the Conquest, while a list of vessels entering and leaving the port of Quebec for even one year, such as 1764, and the variety of their ports gives some idea of the extent of external trade at the time¹⁵².

During Murray's tenure as governor a bitter antagonism developed between himself and the merchants of the colony, so bitter indeed that it led to a determined effort by the merchants to bring about the governor's recall. Some reasons for this antagonism have appeared in this chapter such as the enmity aroused in connection with speculation in the Canada Paper, discontent about the duty on rum and about the restrictions on trade with the Indians. To this should be added dissatisfaction with the regulation about the payment of debts

¹⁵² Innis, H.A., Select Documents in Canadian Economic History, p.431, 496-502.

ECONOMIC PROBLEMS

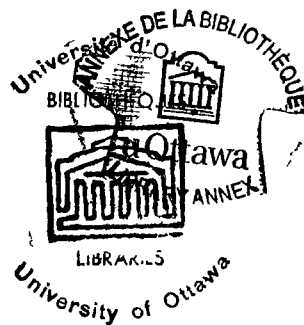
127

when the New England currency standards were adopted as well as the offence given by Murray's overbearing manner and harsh language when settling disputes. Besides these economic and financial grievances the merchants had or professed to have political ones as well. These are dealt with in the chapter on civil problems.

COVER FOR JAMES MURRAY'S VIEWS ON THE PROBLEMS
OF CANADA DURING HIS ADMINISTRATION, 1760-1766

by Ann McLean RSCJ

Thesis presented to the Department of
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CHAPTER III

MURRAY'S VIEWS ABOUT THE MILITARY PROBLEMS OF HIS ADMINISTRATION

1. 1759-1760

a. Winter of 1759-1760

On 18 September 1759, the French surrendered Quebec to the English in accordance with the terms of capitulation¹.

On 22 September Brigadier Robert Monckton issued a proclamation assuring the Canadians they could return unmolested to their homes².

On 12 October, Murray wrote to the Duke of Newcastle, First Lord of the Treasury:

General Monckton having honoured me with the Command of His Majesty's Troops left here, I take the first Opportunity of Assuring your Grace, that unequal as I feel myself to the Task, I shall with great Zeal and assiduity exert the utmost of my abilities to preserve to His Majesty this important Conquest³.

The maintenance of the conquest was to be Murray's pre-occupation during the next twelve months and he was already aware of some of the implications of such a program. He told

1 DCH, p.5-7.

2 PAR, 1918, p.33.

3 PAC, M.P. vol.1, p.2-3, Murray to Newcastle, 12 October 1759.

MILITARY PROBLEMS

129

Pitt, Secretary of State for the Southern Department, the same day, 12 October, that the fortifications of Quebec were inadequate, he was surrounded by enemies, firewood was going to be hard to obtain and he did not have enough money to pay his troops. However, his 6,000 officers and men were fairly well and had demonstrated their bravery. Some preparations had been made in case of a winter attack, and more would be undertaken to cope with the expected spring campaign⁴.

By the beginning of November, Murray was still optimistic, although surrounded by enemies. He told General Jeffrey Amherst of the miserable condition of the French troops and of the attitude of the Canadians towards them:

The few despicable troops they have left are in a miserable condition, destitute of necessaries, and ill-provided with provisions, and I believe ammunition does not abound - the Canadians under their Subjection are plunder'd, and oppress'd by them, hate & dispise them; in short unless an armament from Europe arrives before our own fleet gets up in the Spring every parish of Canada must submit before the month of July next. no little succors, or reinforcements they may be able to smuggle by landing near the mouth of the river can avail them; the disease is too far gone for such weak remedies to have any effect, & it will be difficult if not impossible even to administer these, I think myself master enough of the country to prevent them⁵.

⁴ PAC, C.O.5, vol.51, p.139-141, Murray to Pitt, 12 October 1759.

⁵ PAC, V.O.34, vol.4, folio 12-13, Murray to Amherst, 1 November 1759.

MILITARY PROBLEMS

130

The maintenance of the conquest, was to prove no slight task. The Canadians were fundamentally enemies and Murray did not hesitate to take severe measures to ensure their keeping their oath of fidelity⁶. Stern discipline had also to be maintained among the British troops and desertion, drunkenness and theft had to be punished⁷. Firewood and warm clothing were absolute essentials in the severe Canadian winter and both of these commodities were in short supply. The entries in Murray's journal indicate some of the problems in this connection⁸. He wrote Amherst cheerfully enough in January 1760⁹, but as the weeks wore on, difficulties multiplied and were complicated by the unreliable information supplied by the captains of militia and the increasing sickness among the troops¹⁰.

6 PAC, M.P. vol.1, p.8-9, Instructions to Colonel Hunt Walsh, 15 November 1759, p.15-16, to Captain Matthew Leslie, November 1759, p.10-11, to Major John Fussey, 20 November 1759, p.12, again to Major Fussey, 22 November 1759.

7 PAR 1918, p.35, 15 November 1759, Police Arrangements for Quebec, PAC, C.O.5, vol.64, Murray's Journal, entries for 13 November 1759, p.48, 16 November 1759, p.49-50.

8 PAC, C.O.5, vol.64, Murray's Journal, 1 December 1759, p.55-57.

9 PAC, W.O.34, fo.16-18, Murray to Amherst, 25 January 1760.

10 PAC, C.O.5, vol.64, Murray's Journal p.71, 17 February, 9 March 1760. April, see PAC, C.O.5, vol.64, p.25-26, Murray to Pitt, 25 March 1760. The whole of Murray's Journal, r.38-93, 18 September 1759 - 28 April 1760 is worth reading for the details of Murray's problems.

MILITARY PROBLEMS

131

The grim situation in the winter of 1759 was still vivid in Murray's memory in 1767:

I was left in that Town with Ten Battalions, Three Companies of Rangers one of Carpenters and Three of the Royal Regiment of Artillery - By the Capitulation the French Burghers were to enjoy their Houses and Possessions and to remain in the Town. It is well known we were destitute of Every necessary, Salt, provisions, Arms and Ammunition excepted; that the place was open, and no better than a very bad Cantonment, That Fuel for the preservation of our Lives, Fascines etc etc for that of the Fortification were to be procured by force of Arms - That Consequently a great Extent of Country, both above and below Quebec Sufficient to yield the Supplies we wanted, was to be maintained and kept in Subjection by the Establishment of Posts: in short that we had every difficulty to Struggle with which ever had been Experienced in the most severe Winter Campaign by an Inferior Army¹¹.

In such a situation information about the enemy's plans was of paramount importance. Murray devised a method of obtaining such information which is described below. However the scheme adopted led his enemies in 1767 to accuse him of having given supplies to the enemy during the campaign of 1759-1760¹². Murray replied:

In such a situation every Soldier will allow the Necessity of Intelligence, no one will venture to deny the impossibility of existing without it, And I think it will be not very easy to produce an Instance, where it was more Difficult to procure it. We had not a Friend in the Country, all were Enemys both within and without

11 PAC, M.P. vol.3, p.228-230. Answers to Complaints.

12 Ibid.

MILITARY PROBLEMS

132

the Walls, all Interested in our Destruction, all bound in Duty and Inclination to Contribute towards it; no Motion of Mine could be concealed from the French Generals, every one of theirs might have been hid from me; not only their Army; but every Peasant able to carry arms, might have been Assembled without my knowledge, had I not fallen upon the only method of Opening and keeping up an Intercourse with their Head Quarters.- This was by allowing some of the French Merchants to carry Spirits, wine and some dry goods to their Advanced posts, where at first they were stopt, but afterwards (to my great Joy) allowed to pass, I imagine from a perswasion, that the Merchants and Carriers being French would not betray their country¹³.

Murray went on to say that the scheme worked. Its results must have been a welcome supplement to the unreliable information supplied by the captains of militia.

b. Battle of Ste. Foy, Spring 1760

In the late spring of 1760, when threatened with an attack on Quebec by the French army under the Chevalier de Lévis, Murray adopted the view that it was a military necessity to evacuate the Canadians from the town in spite of the articles of the Capitulation. Consequently he issued a proclamation ordering them to leave, but followed it at once with another indicating his intention of protecting the goods they must of necessity leave in the town¹⁴.

13 Ibid, p.228-229.

14 PAR, 1910, p.47.

MILITARY PROBLEMS

133

Resistance to the French attack and to the siege that followed was the great problem that Murray faced that spring. Although he lost the Battle of Ste. Foy on 28 April 1760, (perhaps through an error of judgment)¹⁵, he managed to survive the subsequent siege until the appearance of the British fleet removed all doubt as to the issue of the struggle¹⁶. Murray seems to have felt that with proper naval assistance both the battle and the siege could have been avoided. He remarked to Amherst in his letters of 30 April describing the battle: "Had we been Masters of the River, in which it is Evident Ships may safely Winter, they would never have made the Attempt"¹⁷. He was also of the opinion which he expressed to both Amherst¹⁸ and Pitt¹⁹ that the attempt against Quebec was the last the French intended to make in Canada because of the

¹⁵ See, Frégault, Guy, La Guerre de la Conquête, Montréal, Fides, 1955, p.375-376 for a description of this engagement.

¹⁶ PAC, C.O.5, vol.64, p.18-24, Murray to Amherst, 30 April 1760; N.O.34, vol.4, fo.19-24, Murray to Amherst, 19 May 1760; C.O.5, vol.64, p.25-36, Murray to Pitt, 25 May 1760.

¹⁷ PAC, C.O.5, vol.64, p.23, Murray to Amherst, 30 April 1760.

¹⁸ PAC, N.O.34, vol.4, fo.22, Murray to Amherst, 19 May 1760.

¹⁹ PAC, C.O.5, vol.64, p.35, Murray to Pitt, 25 May 1760.

MILITARY PROBLEMS

134

lack of provisions and ammunition and the desertion of so many Canadians.

c. Montreal Campaign, Summer 1760

After the raising of the siege of Quebec on 18 May 1760, Murray's chief concern was the continuation of the campaign in accordance with Amherst's plan as outlined in his letter of 15 April. According to this plan, the British were to march on Montreal from three directions: from Quebec up the River St. Lawrence, from Crown Point by Isle aux Noix and from Oswego down the River St. Lawrence²⁰.

Before actually setting out for Montreal (which he did not do until eight weeks later in mid-July), Murray had several problems to solve with regard to the troops and the Canadians. It was important, with the horrors of the winter still fresh in mind, to make adequate provision for the following winter. He wrote several times to Governor Edward Whitmore of Louisbourg for any coal and grates which he could spare and there is an unmistakable note of urgency in the request, the fruit of bitter experience:

Whatever Expence, be it ever so great this may be attended with, as it is unavoidable, and that without i(t)

20 PAC, M.P. vol.3, p.79-82, Amherst to Murray, 15 April 1760.

MILITARY PROBLEMS

135

we may be hereafter reduced to dreadfull Extremities, you may be assured I shall most readily Answer²¹.

and again:

You know how dreadfull it is to be reduced to this Extremity in such a Clima(te) and were the men obliged to undergo the sam(e) Hardships next winter as they were the last, they would be certainly wore out²².

To influence the Canadians and divert as much help as he could from the French, Murray issued a proclamation shortly after the raising of the siege, 22 May 1760, warning the Canadians of the dangers of continuing the resistance and of the advantages which would be derived by peacefully submitting to English rule. This advice was reinforced by a Public Notice early in July depriving M. Antoine Tachereau Duchesnay, Seigneur of Beauport, of his property for having joined the French army. Finally before leaving for Montreal, Murray issued a brief but dramatic proclamation urging the Canadians to remain quietly in their homes and take no further part in the struggle which was moving towards its crisis²³. Apparently these declarations had the desired effect for Murray

21 PAC, U.O.34, vol.2, no.2, Murray to Whitmore, 9 June 1760.

22 PAC, C.O.5, vol.59, p.39, Murray to Whitmore, 27 June 1760.

23 PAR, 1918, p.49, 51, 55 and 57. See also, Frégault, op.cit., p.386, where the last mentioned proclamation is said to be "d'une violence sauvage", but the author has quoted only the harsh lines and omitted the kinder ending.

MILITARY PROBLEMS

136

reported that most of the parishes on the south shore had submitted and it was only at Sorel that he had had to resort to such severe reprisals as burning the people's homes because most of the inhabitants were in arms²⁴.

Murray felt he had accomplished a worthwhile mission by his advance on Montreal. He told Pitt that he felt sure General Amherst must have informed him

how fortunate the Garrison of Quebec were in reducing the French Army by obliging the Canadians to abandon it to a man, and how effectually we clear'd the Route for the junction of the three Corps, by taking post at Longueuil and driving Monsr de Lévis to the Island of Montreal before the other two corps were heard of; he will have acquainted you likewise, no doubt, that Mons^r Vaudreuil insinuated terms of surrender to me, which I rejected, and sent information thereof to the Commander in Chief, who was, at that time, three days march from Montreal²⁵.

Perhaps Murray has not been given sufficient credit for the part he played in this last act of the conquest of Canada²⁶.

24 PAC, C.O.5, vol.64, p.152-153, Murray to Pitt, 24 August 1760. For details of this campaign as well as for the winter in Quebec, see, Knox, John, An Historical Journal of the Campaigns in North America for the years, 1757, 1758, 1759, and 1760, Doughty, A.G., ed., Toronto, The Champlain Society, 1914-1916, vols. 2 and 3.

25 PAC, C.O.5, vol.64, p.163-164, Murray to Pitt, 7 October 1760.

26 See, Frégault, op.cit., p.384, and Knox, John, op.cit., vol.2, p.602 for footnote 2 by Dr. Doughty.

MILITARY PROBLEMS

137

The Articles of Capitulation by which Montreal and Canada were surrendered to the English were signed at Montreal on 8 September 1760. They served as a guide to procedure for French and English while they awaited the final treaty²⁷.

Possibly it was the uncertainty about the final outcome as well as war-weariness and the loss of leadership that accounted for the absence of major military problems involving the Canadians during the following years. Perhaps also the peaceful years of the military regime were due to the absence of provocation on the part of the conquerors who were, after all, in a rather delicate position: 3,500 soldiers and a handful of British merchants in the midst of a population of 65,000 people²⁸. Be that as it may, apart from raising Canadian volunteers for the Pontiac affair, Murray's military problems centered not around the conquered Canadians, but around such points as differences of opinion with the departing French, mutiny among the British troops, the placing of garrisons and making of surveys, rumours of military threats

27 DCH, p.7-24, translation p.25-36, For a description of reactions of various individuals and groups see, Fregault, op.cit., p.389-397 and DCH, footnote, p.7.

28 See, Groulx, Lionel, Histoire du Canada Français depuis la découverte, L'Action Nationale, Montréal, 1952, p.23. Also, Brunet, Michel, La Présence Anglaise et les Canadiens, Beauchemin, Montréal 1958, p.37-48.

MILITARY PROBLEMS

138

from without and finally (and above all) an increasingly bitter dispute with military authorities after the establishment of civil government.

2. 1760-1766

a. Disputes with the parting French

After the Capitulation of Montreal, Murray returned to Quebec where it became his duty to hasten the departure of the French troops and their officers. That this was not accomplished without a few "contretemps" seems evident from an exchange of letters between Murray and Amherst in the first of which Murray indignantly denied interfering with the embarkation²⁹ and in the second of which Amherst congratulated Murray on the departure of his "very troublesome guests"³⁰.

There was trouble too about the exchange of prisoners and Murray in January 1761 wrote to Amherst enclosing his answers to the various articles of complaint about himself in this regard³¹. Amherst professed himself satisfied with

29 PAC, M.P., vol.3, p.169, Murray to Amherst, 24 September 1760.

30 Ibid, p.71, Amherst to Murray, 18 November 1760.

31 Ibid, p.55, Murray to Amherst, 27 January 1761.

MILITARY PROBLEMS

139

Murray's answers as being very full and explicit and told him he had sent them to England along with those to be answered by General Monckton and himself³². Murray was confident that the French Generals were in the wrong and that they, rather than he, had infringed the cartel in the disputes between himself and them³³. Whatever difficulties Murray may have had with his "troublesome guests", they did not blunt his appreciation of human problems. He told Amherst in September 1761 that he had allowed three holders of the Croix de St. Louis to remain in Quebec³⁴. Two of them were old and infirm and the wife of the third was expecting a child. Amherst approved of Murray's decision and commented that Murray had been charitable in allowing them to stay³⁵. Murray's sympathy was also aroused on behalf of Canadian prisoners of war still separated from their families two years after the capitulation of Montreal. In September 1762, he sent Lord Egremont a list of Canadians supposed to be in the prisons of Great

32 Ibid, p.114, Amherst to Murray, 6 March 1761.

33 Ibid, p.59, Murray to Lord Barrington, 28 January 1761. Lord Barrington was First Lord of the Treasury.

34 PAC, W.O., 34, vol.1, p.289, Murray to Amherst, 20 September 1761.

35 PAC, M.P., vol.3, p.94, Amherst to Murray, 22 October 1761.

MILITARY PROBLEMS

140

Britain or Ireland and urged their return out of consideration for their families "whose good Behaviour hitherto strongly pleads in their behalf"³⁶.

b. Mutiny in Quebec, September, 1763

In August 1763, Amherst wrote Murray about an arrangement made by the Treasury that the pay of troops stationed at places where provisions were supplied to them by the Crown was to be diminished by fourpence sterling a day. Amherst admitted that he regretted that the deduction of pay was not being made more gradually. However the hardship involved would be diminished by the fact that the troops in America could supplement their rations by cultivating a bit of ground and by hunting and fishing³⁷.

The reaction of the Quebec garrison was immediate and violent. On 18 September, the fourth anniversary of the fall of Quebec, after receiving the order about the diminution of pay, they assembled, without arms at first, in front of Murray's house to protest. Some merchants standing by took them to task for their behaviour. The soldiers replied by

36 PAC, Q 1, p.48, Murray to Egremont, 9 September 1762.

37 PAC, M.P., vol.3, p.155-156, Amherst to Murray, 1 August 1763.

MILITARY PROBLEMS

141

throwing stones at the merchants. Some officers interfered, the troops rushed to their barracks for their arms and came marching back with drums beating, headed for St. John's Gate. They were eventually pacified but only after several days and a display of great energy and determination by Murray and his officers³⁸.

Murray's handling of the situation met with the King's approbation which Murray acknowledged in a letter to Lord Halifax, Secretary of State for the Southern Department³⁹. To Murray himself, the successful handling of the affair signified the regard the soldiers had for him⁴⁰. It was certainly an occasion which showed Murray's personal courage in the performance of his duty. Moreover, his report of the incident was generous in its praise of the behaviour of the officers under his command⁴¹.

c. Supplies

Among the routine problems of a military nature was the

38 PAC, Q 1, p.162-168, Murray to Egremont, 3 October 1763.

39 PAC, Q 2, p.12, Murray to Halifax, 13 February 1764.

40 PAC, M.P., vol.2, p.55, Murray to Ross, 26 January 1764. George Ross was Murray's agent in England.

41 PAC, Q 1, p.166, Murray to Egremont, 3 October 1763.

MILITARY PROBLEMS

142

supplying of provisions for the troops and the transfer of provisions and other supplies from Quebec to the posts beyond.

Soured by the memory of his first winter in Quebec, Murray was insistent on the necessity of providing the troops with blankets and clothing suitable for Canadian winters⁴². He was careful to report to Lord Barrington, Secretary for War, the happy effects of good lodging, warm clothing and proper nourishment⁴³.

The conveyance of supplies and provisions beyond Quebec gave rise to difficulties. Murray felt that it was more practical for these stores arriving from Europe to be transported inland by vessels from Quebec and Montreal than to be shipped aboard the ocean-going vessels which had brought them to Quebec. These vessels ran the risk of being laid up in Canada during the long winter season⁴⁴ because the voyage inland consumed considerable time, chiefly, because of the prevailing westerly winds in the shipping season. Moreover, the masters of these vessels were dissatisfied with the rates offered for

⁴² PAC, M.P., vol.3, p.43-44, Murray to Barrington, 23 October 1760.

⁴³ Ibid, p.59, 28 January 1761, For the subject of billeting, see farther on in this chapter, p.170.

⁴⁴ PAC, W.O.34, vol.1, p.151-153, Murray to Amherst, 25 May 1761.

MILITARY PROBLEMS

143

transporting the goods inland. In spite of these objections, Murray intended to press the masters of the vessels rather than let the service suffer⁴⁵.

In spite of Murray's efforts, delays in the transportation of stores occurred. He felt that these were unnecessary and could have been avoided if the governors of Three Rivers and Montreal as well as the officers along the route had exercised their authority and prodded the masters⁴⁶.

The quality of the provisions was often poor⁴⁷. It became a common practice to return them from Montreal and Murray found it necessary to order a court martial to examine the conduct of the people employed in handling the supplies⁴⁸. In May of 1764 he told Governor Ralph Burton that he suspected out and out dishonesty in the matter. He felt that it would be very profitable for people, who had been buying up wheat to supply the posts, to have the King's flour condemned⁴⁹.

45 *Ibid*, p.174, Murray to Anherst, 18 June 1761.

46 PAC, B 8, p.84, Murray to Haldimand, 4 August 1762; W.O.34, vol.2, no.44, Murray to Anherst, 26 September 1762.

47 PAC, B 6, p.87, Murray to Haldimand, 20 September 1762.

48 PAC, W.O.34, vol.2, no.120, Murray to Anherst, 17 October 1763.

49 PAC, M.P., vol.2, p.135-137, Murray to Burton, 11 May 1764.

MILITARY PROBLEMS

144

Murray's difficulties in the fall of 1763 had not been lessened by the fact that in spite of all his efforts he could not get a deputy commissary of stores appointed at Quebec⁵⁰.

In August 1761, Daniel Wier, Commissary of Provisions, had returned to England⁵¹ and apparently his place at Quebec had not been filled. Murray thought the omission was due to pettiness on the part of Robert Leake, Commissary of Stores, for he wrote to the latter rather querulously:

What doth it signify in the present affair whether Mr Wier did right or wrong in going to England? What we want here is somebody to take his place. to be revenged of Mr Wier I hope you do not mean that the King's Service should suffer, if you do not authorise somebody to act in his place it must, for I neither can or will⁵².

In the face of the obstacles attendant upon the supplying of the posts beyond Quebec, Murray seems to have shown a proper zeal for the interests of the King's service.

d. Fortifications, Garrisons, Surveys

Murray gave an account of the state of the fortifications

⁵⁰ PAC, M.P., vol.2, p.135-137, Murray to Burton, 11 May 1764, p.8, Murray to Leake, 25 October 1763, Ibid, p.11-13, Murray to Amherst.

⁵¹ Ibid, vol.3, p.105-108, Murray to Samuel Martin, Secretary to the Lords of the Treasury, 28 August 1761. The letter gives details which show the difficult nature of Murray's position that first winter, 1759-1760.

⁵² Ibid, vol.2, p.8, Murray to Leake, 25 October 1763.

MILITARY PROBLEMS

145

of Quebec in his report of 5 June 1762⁵³. He found the fortifications defective in many ways and suggested the building of a citadel:

I . . . am of the opinion that if his Majesty shall think proper to be at the expense of strenthening Quebec, the most effectual method will be to erect upon the rising ground of Cape Diamond, a Citadel which will answer every purpose of the Towns being strongly fortified, may be defended 4 months at least by a small garrison, awe the Inhabitants, whose fidelity in case of an attack we cannot for some years rely on, and secure our Magazines⁵⁴.

Murray sent Captain Holland's plan of a possible citadel with the report, taking the occasion to recommend him highly here⁵⁵ and also in a letter to Pitt:

If this country is ceded to Britain by Treaty. a Survivor General of Canada or indeed of North America will be found absolutely necessary. No man certainly is fitter for that Employment than Mr Holland who will be satisfied with a very small sallery, and if he is allow'd to inspect and direct the publick works will save immense sums annually to the Crown for it is inconceivable what abuses are committed in this Business⁵⁶.

53 DCH, p.48-51.

54 Ibid, p.50, See also, PAC, MC 23, A4, vol.64, p.60-63. Project for building a citadel at Quebec by Samuel Holland, Captain of the 60th Regiment, and, PAC, U.O.34, vol.2, no.72, Murray to Amherst, 6 December 1762, for further mention of the citadel project.

55 Ibid, p.50.

56 PAC, M.P., vol.3, p.120, Murray to Pitt, 9 September 1762.

MILITARY PROBLEMS

146

It would seem that the sending of the Survey did not lack a note of human interest for on 26 September Murray told Amherst that John Montresor, an engineer officer, had erased Holland's name from the Survey sent to Pitt and "is consequently not held in the greatest esteem here" and in fact, "A more Southern Climate will agree better with him"⁵⁷.

Having given an account of the defences of Quebec, Murray turned to the smaller fortifications. He reported that, in his opinion, the small fortification on Cap Santé commanding the Jacques Cartier River was of no use to the English at the moment as it did not command the St. Lawrence at any point. On the other hand he favoured fortifying "the point Des Chambeaux" situated "about four leagues above the Jacques Cartier", pointing out its strategic value in controlling the avenue from lower to upper Canada on the north side of the St. Lawrence⁵⁸.

The prospect of war with Spain in the spring of 1762 had prompted Murray to suggest to Amherst the advisability of

⁵⁷ PAC, W.O.34, vol.2, no.44, Murray to Amherst, 26 September 1762. See DCH, p.50 for relative positions of Holland and Montresor on Murray's staff: the latter, engineer, the former, assistant.

⁵⁸ DCH, p.50-51.

MILITARY PROBLEMS

147

repairing the fortifications of Quebec⁵⁹. Amherst agreed to any necessary repairs of small expense but did not think there was any likelihood of Murray's capital being attacked or any part of his government invaded⁶⁰.

With regard to the disposition of garrisons within his government, Murray had merely to execute Amherst's orders and later Thomas Gage's when he replaced Amherst as commander in chief in the fall of 1763⁶¹.

The troubles with the Indians in the west in the summer and fall of 1763 had necessitated the shifting of garrisons in Quebec towards the more exposed areas of the colony. By December Murray felt that such measures were being carried to extremes. He voiced his opinion in a letter to Burton saying that he felt that he could not spare any more men from Quebec. It would be more reasonable to take them from Three Rivers where there were five companies who would simply be exposed to massacre in such an unfortified spot in case the warfare spread to that area. He continued: "A Volume might be wrote

⁵⁹ PAC, W.O.34, vol.1, p.431, Murray to Amherst, 10 March 1762.

⁶⁰ PAC, M.P., vol.3, p.139-140, Amherst to Murray, 9 April 1762.

⁶¹ PAC, C.O.5, vol.63, p.1-2, Gage to Egremont, 22 October 1763.

MILITARY PROBLEMS

148

on this Subject but as there is a Commander in Chief who should know all that can be said upon it, he now doubt will give the necessary orders"⁶².

The ironical reference was to Gage who, having been Governor of Montreal, of course knew the relative strength of the three towns; the note of bitterness sprang from the resentment Murray bore towards this man who had now become his military superior in America.

The problems Murray had with regard to supplies, garrisons and surveys are of no special significance though they do cast some interesting sidelights on the man himself and on his situation. They also foreshadow to a certain extent the very bitter quarrels that were to come.

e. Rumours of Military Trouble

Murray did not anticipate serious trouble of a military nature from the Canadians after the capitulation of Montreal (although he was still trying to disarm them completely in May 1761)⁶³, nor does it appear from his correspondence that he envisaged much from other quarters. In fact, he seemed to find

⁶² PAC, M.P., vol.3, p.36, Murray to Burton, 25 December 1763.

⁶³ PAC, W.O.34, vol.1, p.155-156, Murray to Amherst, 29 May 1761.

MILITARY PROBLEMS

149

life in Quebec rather dull and wrote hopefully to Amherst in the spring of 1762:

This War with Spain opens a wide field, and makes the peaceable remote Situation of Quebec not the most desirable to a man at my time of life (he was 41) in ⁶⁴ full health and Most ambitious to follow your Fortune.

He was not worried about the Spanish attacking Quebec, or being a menace by sea ⁶⁵ and, while in August he took precautions against both possible dangers, he was not unduly alarmed:

I have no idea that the Enemy will enter this River, I nevertheless am prepar'd⁶⁶ you may depend upon every thing being done in my power to frustrate any attempt which may be made⁶⁶.

He had taken trouble, however, to keep a good intelligence service in operation and could say confidently: "I do not find that the Canadians expect an invasion and I am perswaded that nothing has been concerted with them for that Effect by the Enemy"⁶⁷. On 4 August, Murray repeated that he was still of the opinion that no concerted action had been planned by the Canadians and the enemy. If an invasion took place, moreover, he felt that the Canadians able to bear arms could be assembled and marched to Montreal or elsewhere to avoid any

⁶⁴ Ibid, p.461-462, Murray to Amherst, 1 May 1762.

⁶⁵ Ibid, p.463.

⁶⁶ Ibid, vol.2, no.28, Murray to Amherst, 1 August 1762.

⁶⁷ Ibid.

MILITARY PROBLEMS

150

fighting. He felt sure no more would be asked of them: "I think it would be as imprudent, as it would be cruel to insist upon their taking arms against their Countrymen"⁶⁸.

Governor Frederick Haldimand of Three Rivers seems to have shared Murray's opinion of the indifference the Canadians would feel to the arrival of the French. He wrote to Amherst towards the end of August after the news of the taking of Newfoundland, saying it had produced no disquieting effect. Moreover, he could say:

Je suis persuadé. . . qu'ils seroient au desespoir de voir arriver une Flotte des Troupes Françoisse dans ce Pays en quel Nombre qu'elles fussent; sentant très bien qu'ayant une communication aussi facile avec nos colonies; ils en seroient les seules victimes & en general les Canadiens commencent trop a gouter le prix de la liberté pour être la duppe des François dans un pareil cas⁶⁹.

The arrival of a number of French officers of the Troupes de Colonie in the summer and autumn of 1763, ostensibly to look after their personal affairs, did not alarm Murray unduly though he admitted it had alarmed others⁷⁰. Burton appeared to be uneasy about their arrival but Murray

68 PAC, W.O.34, vol.2, no.32, Murray to Amherst, 4 August 1762.

69 PAC, B 1, p.216, Haldimand to Amherst, 25 August 1762.

70 PAC, M.P., vol.2, p.34, Murray to Amherst, 4 December 1763.

MILITARY PROBLEMS

151

merely suggested that he attend carefully to their conduct⁷¹. Nor was Murray upset by an alarm given by Governor Sir Francis Bernard of Massachusetts that French ships bearing warlike stores were in the St. Lawrence. Murray dismissed this rumour as groundless if Bernard referred to the river, since Murray felt that he would have more access to information regarding the river than would Bernard. In the river Lord Colville's squadron cruised from Bic to Cape Rosiers until late in the autumn and there were private vessels constantly coming and going from the oil posts until the navigation was completely closed. Murray could not speak for the Gulf; it was possible that the French might mean to supply the western or Nova Scotia Indians⁷².

Relations with the Indians do not seem to have offered any serious military problem. At the time of the Pontiac rising in the summer of 1763, the Canadian governors were advised to take precautions lest the unrest should spread into their districts⁷³ but as it turned out they had no unfavourable reports to make in this respect. Murray's report in July was

71 Ibid, p.32, Murray to Burton, 17 November 1763.

72 Ibid, p.75, Murray to Gage, 16 February 1764.

73 PAC, W.O.34, vol.7, p.287, Amherst to Murray, Gage and Burton, 12 June 1763.

MILITARY PROBLEMS

152

distinctly favourable: "I think I can assure you the Indians in this Government will remain peaceable"⁷⁴. When the newspapers spread the idea that the Indians were making trouble around the Strait of Belle Isle, Murray sent a categorical denial of the story to Shelburne and added that he thought it might have been fabricated by "some of the New England people, to conceal their shameful Depredations, on their own Fellow Subjects upon that Coast, and in the Gulph of St. Lawrence"⁷⁵.

In June 1764, Murray sent the Lords of Trade an account "of the Micmack nation inhabiting the River St. John's and the Coast of the Gulph of St. Lawrence", expressing the hope that

proper measures may be taken to prevent the french at St Pierre and Miquelon having any communication with these people; if these are neglected, you may be assured the Micmacks will consume no British Manufactures, and that they will be ready to call up, as heretofore, his Majestys Colony of Nova Scotia, and the British Subjects, settled in Gaspy and the lower parts of the Province⁷⁶.

However, while Murray's account gave an unflattering

74 Ibid, vol.2, no.93, Murray to Amherst, 2 July 1763.

75 PAC, C.O.42, vol.1, p.74-75, Murray to Shelburne, First Lord Commissioner of Trade and Plantations, 14 September 1763. (Murray had written to Amherst and Bernard about these "depredations" and was preparing a judicial inquiry).

76 Ibid, p.222-223, Murray to Lords of Trade, 26 June 1764.

picture of these Indians as troublesome and deceitful and potential smugglers, it also indicated that they were not war-like and posed no military threat to the English. In fact, 100 to 150 men would be enough to destroy half of them and reduce the rest to a choice between surrender and starvation⁷⁷.

f. The Canadian Volunteers

A more authentic problem than rumours of trouble claimed Murray's attention at the time of Pontiac's rising. While the story of this revolt belongs to American rather than to Canadian history⁷⁸, yet the disturbances of the spring, summer and fall of 1763 had their repercussions in Canada. Amherst warned the Canadian governors to take care lest messages be sent to the Indians of their governments to stir them up⁷⁹. Sir William Johnson wrote Amherst of Captain Daniel Claus' mission to the Canadian Indians in which he was "to use all his Endeavours amongst the Indians in Canada to engage some in our assistance"⁸⁰, and later commented to

77 Ibid, p.361-365, enclosed account of the Indians.

78 Burt, A.L., op.cit., p.61.

79 PAC, W.O.34, vol.7, p.287, Amherst to Murray, Gage and Burton, 12 June 1763.

80 PAC, C.O.5, vol.63, p.268, Sir William Johnson to Amherst, 8 July 1763. Johnson was superintending Indian affairs.

MILITARY PROBLEMS

154

Amherst on the friendliness of the Canadian Indians. He pointed out the necessity of maintaining trade with the friendly Indians to prevent their becoming disenchanted⁸¹ with the British. In the same letter he mentioned the activity of the French in stirring up the Indians against the British⁸². Gage was able to report that the Indians in his vicinity were well disposed towards the British and that he had taken measures to reward them⁸³. Murray's report was reassuring also⁸⁴ and Haldimand gave no disquieting news.

Murray, however, felt that white men might be directing the Indians' strategy to some extent when he heard of such details as "intrenchments, occupying of Houses to cut off the retreat, etc. etc."⁸⁵, and he had his own theory that these white men might include Canadians from Quebec, Montreal and Three Rivers.

Many Canadians inhabitants of this gouvernement, who were sent to the Posts above, have never since the Capitulation of Montreal been heard of, the numbers for that

81 Ibid, p.556-559, 14 September 1763.

82 Ibid, p.558-559, See Burt, op.cit., p.64, for part played by French in inciting the Indians to revolt.

83 PAC, Q 1, p.152, Gage to Egremont, 31 July 1763, p.209-212, 28 August 1763.

84 PAC, W.O.34, vol.2, no.93, Murray to Amherst 2 July 1763.

85 Ibid, no.104, Murray to Amherst, 15 September 1763.

MILITARY PROBLEMS

155

situation from the other two governments far exceed those from ours; It is impossible to bring the absentees home, but I shall take care to prevent any reinforcements from the Quebec district, for I think it as necessary to look after the Jeunes Gens, as the Savages⁸⁶.

It was Amherst's opinion, however, that the white advisers of the Indians were few⁸⁷.

Still, in view of the above, it was obvious what an effect might be produced by a body of Canadians in the West, fighting, not for the Indians, but against them. Amherst felt that such a body of men could be raised as he told Halifax in January 1764⁸⁸. He enclosed a letter from Major James Abercrombie of the 78th Foot, who reported that many Canadians were not convinced that Canada had been ceded to Great Britain. This opinion had been conveyed by these Canadians to the Indians who were not averse to playing off one European nation against the other thus having two sources for presents. The raising of a corps would change both these attitudes, please the Canadian noblesse and make things more secure for the neighbouring colonies.

The idea of raising a Canadian corps and the obvious

⁸⁶ Ibid.

⁸⁷ Ibid., vol.3, fo.205, Amherst to Murray, 6 October 1763.

⁸⁸ PAC, C.O.5, vol.65, p.49-54, Amherst to Halifax, 14 January 1764.

MILITARY PROBLEMS

156

benefits to be derived from it looked relatively simple on paper. In fact it became a rather difficult feat to accomplish. Murray informed the other two governors of the order from Lord Halifax to raise the corps⁸⁹ but since his commission as Governor of Canada had not arrived he could only consult with them and not issue orders⁹⁰. He hoped that all three would agree on a procedure to follow. Lack of agreement might appear strange, even ridiculous, and perhaps be prejudicial to the service⁹¹.

Murray supposed that Gage did not intend him to draft the men, but rather to assemble volunteers commanded by Canadians. The fourth article of the Treaty of Peace had allowed a period of eighteen months during which the Canadians could decide whether or not they intended to remain in Canada⁹². These eighteen months were not yet concluded and to oblige men to serve before the end of the period might be construed as an attempt to invalidate that article of the treaty. His own intention was to raise volunteers but unfortunately Gage

89 PAC, B 6, c.121, Murray to Burton, 10 February 1764.

90 PAC, B 2, p.65, Murray to Gage, 5 March 1764.

91 Ibid, p.73, Murray to Burton, 6 March 1764.

92 DCH, p.116.

MILITARY PROBLEMS

157

had not left enough time for him to get further directions before the hour set for the rendez-vous⁹³. Earlier Murray had remarked that he wished Gage had fixed the amount to be paid to the Canadian soldiers. Gage's instructions had been to put them on a footing with other provincial troops but provincial standards varied. Murray had decided to pay them on the same scale as the New York troops were paid⁹⁴.

Apparently Gage had intended that the Canadians be drafted⁹⁵ and thought that Murray had tried another method out of his desire for the welfare of the Canadians⁹⁶. Haldimand had been favourable to a draft under certain restrictions⁹⁷ although he agreed to follow Murray's method⁹⁸. Burton was opposed to drafting any men⁹⁹. Murray finally had to draft

93 PAC, Q 2, p.66-67, Murray to Gage, 5 March 1764.

94 PAC, B 6, p.119-120, Murray to Gage, 5 February 1764.

95 PAC, B 2-1, p.134, Gage to Haldimand, 22 March 1764.

96 PAC, B 2-2, p.16-17, Gage to Haldimand, 24 April 1764.

97 PAC, B 6, p.129, Haldimand to Murray, 6 March 1764.
Ibid., p.132-133, 9 March 1764.

98 PAC, B 2-1, p.130-131, Haldimand to Gage, 9 March 1764.

99 PAC, B 6, p.146, Murray to Haldimand, 2 April 1764;
 M.P., vol.2, p.120-121, Murray to Gage, 14 April 1764.

MILITARY PROBLEMS

158

ten in Quebec and excused this to Burton by saying that he did not think it right to give up entirely the right to order the militia on service¹⁰⁰. Moreover those drafted were idlers who had declared themselves the King's subjects. Murray was careful to avoid giving the impression that the English would impose oppressive military services. He managed later to have these men replaced by volunteers through Haldimand's assistance¹⁰¹.

The whole operation was proving difficult and the difficulty was not lessened by the fact that Murray was thoroughly dissatisfied with the instructions Gage had given. Far from concealing his sentiments on the subject Murray did not hesitate to pour them forth¹⁰².

All three governors had difficulty obtaining volunteers¹⁰³. Murray had been convinced that he could easily raise a large

100 PAC, M.P. vol.2, p.109-110, Murray to Burton, 2 April 1764, p.111, 8 April 1764.

101 Ibid, p.120-121, Murray to Gage, 14 April 1764.

102 Ibid, p.95, Murray to Haldimand, 9 March 1764; p.109-110 Murray to Burton, 2 April 1764, p.121-122, Murray to Burton, 14 April 1764; p.120, Murray to Gage, 14 April 1764.

103 Ibid, p.101-102, Murray to Haldimand, 11 March 1764; Ibid, p.103, Murray to Burton; Ibid, p.105, Murray to Haldimand, 22 March 1764; PAC, B 6, p.142, Haldimand to Murray, 25 March 1764; Ibid, p.143, Murray to Haldimand, 26 March 1764; Ibid, p.144-145, Haldimand to Murray, 30 March 1764; PAC, B 2, p.97-98. Haldimand to Halifax, 18 April 1764.

MILITARY PROBLEMS

159

number in Quebec and had imprudently told Haldimand, who was having trouble in Three Rivers obtaining his recruits, not to worry as he, Murray, could easily get a thousand more than he wanted in Quebec¹⁰⁴. Burton and Haldimand reminded one another of these unfounded anticipations in an exchange of letters a month later¹⁰⁵, perhaps not without a certain satisfaction in Murray's discomfiture!

The reactions of the Canadians to the whole affair were interesting. Murray's proclamation of 6 March 1764, invited them to associate themselves with the British troops who were marching to "faire revenir a La raison quelques Nations sauvages"¹⁰⁶. All conditions were carefully detailed - clothing, pay, arms, ammunition, victuals and a chaplain were to be provided. They were to be commanded by their own countrymen and their service would end with the campaign¹⁰⁷.

Murray wanted Monsieur Repentigny to take the command

104 PAC, M.F., vol.2, p.101, Murray to Haldimand, 11 March 1764.

105 PAC, B 9, p.61-62, Haldimand to Burton, 11 April 1764; p.64, Burton to Haldimand, 12 April 1764.

106 PAR, 1918, p.68.

107 PAR, 1918, p.69 & 71; also, PAC, B 27, p.73.

MILITARY PROBLEMS

160

but he refused to Murray's chagrin which he expressed quite candidly in a letter to Repentigny on 17 March¹⁰⁸. Instead Jean Baptiste de Bergere Rigauville was appointed major and commandant of the five companies¹⁰⁹.

The Canadians at Three Rivers at least were not unimpressed by the pay offered. Haldimand speaks of the calculations they had made of the money they would receive for bounty and six months' pay¹¹⁰. However, nowhere did the Canadians flock to the colours and Murray issued an indignant letter to the captains of militia on 22 March. His invitation to the Canadians to form a corps of volunteers "to go to conclude Peace with the Indians" had not met with the expected response. Consequently the captains of militia were warned that if necessary Murray would draft the number of men required, would deprive every one else of arms and would refuse the previously offered bounty to the conscripted soldiers¹¹¹.

On the same day, Murray told Burton that apparently

108 PAC, M.P. vol.2, p.97-98, Murray to Repentigny 6 March 1764, p.103-104, 17 March 1764.

109 PAC, Dartmouth Papers, MG 23, A 1, vol.5, p.9-10, 6 March 1764.

110 PAC, B 6, p.153, Haldimand to Murray, no date, but after 9 March 1764, for he refers to his letter to Gage of that date.

111 PAR, 1918, p.71,73.

MILITARY PROBLEMS

161

the people had a strange notion in their heads about paid military service:

At first our Recruiting went on briskly, but latterly the people have got it into their heads, that by taking money, and Voluntary inlisting, they were lyable to remain Soldiers while they Lived, from this Reasoning I shall with difficulty be able to compleat our two Company¹¹².

Haldimand wrote in the same strain to Murray¹¹³, also to Gage¹¹⁴ and to Halifax¹¹⁵. Fowever Murray recognized that the Canadians had other reasons for not enlisting. They felt that the fighting would not last long and Murray believed 'they would rather Sell to, than fire powder and Ball at the Savages'¹¹⁶. Both he and Haldimand were aware of an undercurrent of feeling among the people which Haldimand referred to as the "insolence" of certain parishes¹¹⁷ and which Murray called the unwillingness

¹¹² PAC, M.P., vol.2, p.104-105, Murray to Burton, 22 March 1764.

¹¹³ PAC, B 6, p.142, Haldimand to Murray, 25 March 1764.

¹¹⁴ PAC, B 2-2, p.6-7, Haldimand to Gage, 25 March 1764.

¹¹⁵ PAC, B 2, p.97-98, Haldimand to Halifax, 18 April 1764.

¹¹⁶ PAC, M.P. vol.2, p.108, Murray to Gabriel Christie, 26 March 1764.

¹¹⁷ PAC, B 6, p.144-145, Haldimand to Murray, 30 March 1764.

MILITARY PROBLEMS

162

of the militia to do anything for the service unless coerced¹¹⁸.

In spite of the difficulties over enlistments, on 23 April, Murray was able to report to Halifax that the volunteers were on their way to Montreal¹¹⁹. The same day he issued an order that the Quebec provincials be paid out of the extraordinary expenses of the army¹²⁰. Although Murray had shown concern for the Canadians in the manner of enlisting them and had insisted upon their being dismissed early enough in the autumn to return home¹²¹, there is no evidence of his having attended to any gratuity or recompense for the officers then dismissed. There is a letter from Gage to Rigauville thanking him for his cooperation, asking him to thank the officers who had served under him and to promise them his protection¹²², all of which was cold comfort when what they had

118 Ibid, p.146, Murray to Faldimand, 2 April 1764. See Brunet, Michel, "Les Canadiens Après la Conquête", Revue d'Histoire de L'Amérique Française, vol.12, p.180-195, for an opinion on the fundamental reason behind the unwillingness of the Canadians to volunteer.

119 PAC, M.P., vol.2, p.128, Murray to Halifax, 23 April 1764.

120 PAC, B 23, p.5.

121 PAC, Q 2, p.55, Murray to Halifax, 5 March 1764.

122 PAC, Dartmouth Papers, LG 23, A 1, vol.5, p.68, Gage to Rigauville, 5 February 1765.

MILITARY PROBLEMS

163

apparently expected was to be put on half pay at least¹²³.

Murray's experiences in trying to raise the corps of volunteers should have made one point rather clear to the British, namely, that the mass of Canadians would be a dead weight in any movement where English interests were the chief concern, a point that should hardly have needed to be made.

3. The Dispute about Military Authority

Some aspects of the episode of raising the Canadian corps at the time of the Pontiac rising underline an unpleasant situation among the military officers in the colony at this time. Murray's openly-expressed dissatisfaction with Gage's handling of the raising of the corps¹²⁴ and his intimation to Burton of his idea of the extent of his own authority as governor of Quebec¹²⁵ are evidence of this.

With the establishment of civil government this dispute over civil and military authority took on new proportions until it reached a climax in the summer of 1765. The principal

123 PAC, . 11, p.290-291, Guy Carleton to Gage, 4 February 1775, (where dissatisfaction about treatment received in 1765 is given as the reason for the unwillingness of Canadians to command the militia in 1775).

124 See p.158, in this chapter.

125 PAC, . 2, p.73, Murray to Burton, 6 March 1764.

MILITARY PROBLEMS

164

causes seem to have been the personal ill-feeling among Murray, Gage and Burton, as well as the fact that the military and civil authority were not vested in one person. Murray claimed more jurisdiction than Gage and Burton were prepared to acknowledge, while the latter did not miss any opportunity to dispute these claims. Where jurisdiction overlapped as in the matter of billeting and impress warrants there was much room for bickering. Besides this there was a quarrel going on between the military group and the merchants as well as a third feud between the merchants and Murray. The Walker incident involved all three groups and was used by the merchants as a means for hastening Murray's recall¹²⁶.

Murray certainly resented Gage's military promotion and clung to his own seniority. He wrote to Amherst in March 1761 about affairs in Canada and assured him that he would always value his advice and authority but, he said,

I shall hardly consult Mr. Gage, & as to Authority I dare say it is not meant, he Should have any over the Governor of Quebec until we meet in the field, & then I know his Brigadiership must take place, tho I am his Senior Col: in America¹²⁷.

¹²⁶ For these quarrels, see: Scott, S. Morley, "Civil and Military Authority in Canada 1764-1766", Canadian Historical Review, vol.9, no.2, June 1928, p.117-136: Burt, A.L., The Old Province of Quebec, p.102-127.

¹²⁷ PAC, M.P., vol.3, p.64-65, Murray to Amherst, 27 March 1761.

MILITARY PROBLEMS

165

Perhaps Murray's sensitivity was rendered more acute at this precise moment by the fact that Gage had taken credit for discovering the King's rights in America although he had in fact received this information from Murray¹²⁸.

Murray was the only one of the three military governors of Canada who had a commission from the King and when he realized that at the cession of Canada one governor would be appointed and that Gage was trying to obtain this position, he shrank from the possibility of another humiliation: "to be superseded by him a second time will be too much for my philosophy"¹²⁹. Murray felt quite sincerely, too, that he was definitely "persona grata" to the Canadians because "in their great distress, I had opportunities of ingratiating myself with them, which may never again happen to any man"¹³⁰. He wanted to serve in Canada, but only under certain conditions:

It, therefore, must be very agreeable to me to continue my endeavours to serve his Majesty in this country, but, if my authority is to be lessened by what I have pointed out above, they will neither be

128 Ibid, p.64.

129 Memorials of the Public Life and Character of the Right Hon. James Oswald of Dunnikier, Edinburgh, Constable, 1825, p.352. Murray to Oswald, 26 February 1763.

130 Ibid, p.353.

MILITARY PROBLEMS

166

pleasing to myself, nor effectual for the King's interest¹³¹.

From the above quotation it appears that Murray felt his level of efficiency would be lowered if he were required to serve under Gage. In one instance, at least, this was not the case. Murray had been very dissatisfied with Gage's instructions with regard to raising the Canadian Volunteers and had complained openly of them, yet he had raised the corps to a man and marched them off to their rendez-vous on time (to his own unconcealed satisfaction): "I am well pleased you have what You Asked from this Province, & that, in time, to go up with the Batteaus", he wrote to Gage¹³².

Murray's letters to Burton throughout the spring of 1764 were friendly enough and he seemed anxious to avoid disputes of any kind with him¹³³ but a more formal note had crept in by August, when Murray announced that he was sending the two senior councillors to Montreal and Three Rivers "as neither Genl Gage nor you doeth think proper to accept of the Lieut

¹³¹ Ibid.

¹³² PAC, M.P., vol.2, p.120, Murray to Gage, 14 April 1764.

¹³³ PAC, 2 2, p.72-74, 6 March 1764; M.P. vol.2, p.111-114, 3 April 1764; Ibid., p.117-118, 11 April 1764; p.121-122, 14 April 1764; p.125-127, 18 April 1764.

MILITARY PROBLEMS

167

Governments"¹³⁴. By September, the friendship had virtually come to an end, Murray not hesitating to attribute motives of jealousy and ambition to his former friend. He wrote to Captain John Fraser, a member of the Council, who had been sent to Montreal to be judge in the inferior court:

By this Time no doubt You will be a little master of the Chart du Pais and I am much mistaken if You do not find that the poor Mercantile Devils at your place have hitherto been hardly dealt by. For my part I think moderation a good Rule and to observe it we must set out divested of all Prejudices: former Quarrels and heartburnings should not influence our Conduct. When the Prospect of being Civil Governor was totally lost, there still remained hopes of being appointed a Brigadier on the Staff, hence an Affectation of Popularity with the Troops & hence perhaps may be derived all the idle feuds, disputes & Oppressions. You know very little Encouragement will produce strange Effects in certain Things with Irish Officers¹³⁵.

In view of the above letter, it is clear what discomfiture Murray must have experienced when Burton did receive the brigadiership which gave him the command of the troops in the northern district. Burton had written Haldimand that he had resigned this lieutenant-governorship of Montreal and was going home although he had received the command of the troops in the district of Montreal. Two days later a second

¹³⁴ PAC, M.P., vol.2, p.144, Murray to Burton, 20 August 1764.

¹³⁵ PAC, Ibid, p.203-204, Private letter from Murray to Fraser, 11 September 1764.

MILITARY PROBLEMS

168

letter to Haldimand announced that he had heard that he was appointed a brigadier-general on the American Staff and that he had decided to stay¹³⁶.

Meanwhile, Murray had been engaged in writing vehement letters in defence of his military authority which he had no intention of letting slip from him¹³⁷. In a long letter to his brother, Lord Elibank, Murray exposed his main motive in struggling as he did to retain his military command - good government, (i.e., effective civil government) was impossible without it in the existing circumstances in Canada where the very inadequate magistracy required the full support of the military arm¹³⁸. If, as Murray argued, good civil government was impossible without his retention of military authority, then he seems to have been justified in clinging to it, particularly as the position of the military commander "vis-a-vis" the governor was not yet clearly defined and also, since he insisted on asserting it only until the King's will to the

¹³⁶ PAC, B 9, p.102-103, Burton to Haldimand, 7 October 1764, p.106, 9 October 1764.

¹³⁷ PAC, M.P. vol.2, p.142-144, Murray to Gage, 20 August 1764; Ibid, p.152-153, 16 September 1764; p.161, 7 October; Ibid, p.162, Murray to Burton.

¹³⁸ PAC, M.P. vol.2, p.154-155, Murray to Elibank, 16 September 1764.

MILITARY PROBLEMS

169

contrary should be known¹³⁹. A month later, Murray wrote Halifax a letter repeating this argument and pointing out the personal disgrace deprivation of the command would entail for him¹⁴⁰. His motives were not unmixed.

Murray had contended that good government was going to suffer as a result of the disputed military authority and he supported his argument with facts two weeks later when he described to Halifax the ill-feeling in Montreal between civil and military and hinted at the consequent neglect of military discipline¹⁴¹. The Walker incident in December in which several soldiers assaulted one of the merchant magistrates of Montreal, Thomas Walker, was the climax of the dispute between civil and military authorities in that town. This affair was to give Murray endless trouble and was at least in part responsible for his recall¹⁴².

139 PAC, M.P. vol.2, p.152-153, Murray to Gage, 16 September 1764.

140 PAC, Q 2, p.206-209, Murray to Halifax, 15 October 1764.

141 PAC, M.P. vol.2, p.180-181, Murray to Halifax, 30 October 1764.

142 For a discussion of the affair and its effect on Murray's career see: Burt, A.L., "The Mystery of Walker's Ear", Canadian Historical Review, vol.3, no.3, 1922, p.233-255, "Governor Murray and the British Government", Transactions of the Royal Society of Canada, vol.22, 1928, section 2, p.49-56.

MILITARY PROBLEMS

170

In March 1765, Murray wrote a full account of the situation in Canada as he saw it. He pointed out the difficulties arising from the fact that the army was composed of the same people who had conquered the country and had governed it for five years. Burton, for example, as governor during the military regime had been in complete control where now he merely commanded a few troops¹⁴³. Three months later, Murray wrote in the same strain to Halifax and proposed two things as absolutely necessary to prevent more quarrels between the troops and the inhabitants of Montreal: "a Change of all the Regts and Officers who were quartered in the Country before the Establishment of Civil Government; & Barracks for the Troops in every part of the Province where they may be thought necessary"¹⁴⁴. Murray had proposed barracks long before this to Amherst in August 1763¹⁴⁵. At that time and all during the military regime the problem of billeting had been settled by placing the soldiers in private houses

143 PAC, Q 2, p.379, Murray to Lords of Trade, 3 March 1765.

144 PAC, Q 2, p.424-425, Murray to Halifax, 24 June 1765; and a month later on the same subject: PAC, C.O.42, vol.3, p.5-6, Murray to Lords of Trade, 15 July 1765.

145 PAC. W.O.34, vol.2, no.101, Murray to Amherst, 27 August 1763.

MILITARY PROBLEMS

171

where there were no public buildings available. Orders to this effect had been given by the army authorities but with the establishment of civil government the authority to issue these orders passed to the new civil magistrates, some of whom saw in this an opportunity to pay off old scores against the military. A billeting incident in the fall of 1764 affecting Captain Payne was investigated by Thomas Walker, one of the magistrates at Montreal and was followed by the famous assault on Walker in which he had the unpleasant experience of losing a portion of his ear. In spite of investigations the true culprits were never found. In fact the only man to be punished for it was Murray himself¹⁴⁶.

Murray tried to provide billets by ordinances¹⁴⁷, but these ordinances were revoked and the question was settled only by an Act of Parliament of 1765 which required colonial governments to provide quarters for the troops within their borders¹⁴⁸. Misfortune dogged Murray's footsteps, however, for in February 1766 he had to report to the Lords of Trade that the barracks prepared in Montreal as a result of this

146 Burt, A.L., The Old Province of Quebec, p.114-115.

147 PAC, Quebec Legislative Council, vol.A, p.124-130, 135-138.

148 Burt, op.cit., p.511, note 38.

MILITARY PROBLEMS

172

arrangement had been burned with all their stores just when the troops were ready to occupy them¹⁴⁹ and that the fire was suspected to be of an incendiary origin¹⁵⁰.

Another point at issue between Murray and the military was the question of impress warrants. It is here that Murray's appreciation of wider issues at stake than purely military ones appears to advantage. During the military regime it had been customary to impress the inhabitants for bateau service to convey the supplies up the St. Lawrence to the Upper Posts. The service was a necessary one undoubtedly and the procedure convenient, but after the establishment of civil government it was not legal. Murray pointed this out to Burton in a long letter in October 1765. He reminded Burton that the magistrates had no power to impress men except for services specified in the Mutiny Act and the bateau service in question did not come within the act. He had given a limited warrant to Captain John Fraser the previous winter to supply whatever was needed but Colonel Gabriel Christie, the deputy quartermaster general had not made proper use of this channel.

149 PAC, Q 3, p.123-124, Murray to Lords of Trade, 3 February 1766.

150 Ibid, p.125, John Carden to Murray, 2 January 1766. Captain Carden was supervising the arrangements for barracks.

MILITARY PROBLEMS

173

What was more, Christie had made improper use of the power he had had during the military regime to impress men and material and Burton himself had told Murray of the bad character of the man¹⁵¹. The attorney general George Suckling had declared the press warrants illegal because they were "inconsistent with the Liberty of Subjects in time of Peace and inexcusable at all times, when the most urgent necessity is not incontestable"¹⁵². Murray went on to underline the fact that since they were in a time of profound peace, Burton could even regulate the time of his convoys so as not to interfere with seed time, harvest and tillage of the ground: "You know the Subsistence of the Canadians depends upon a punctual attention to and Strenuous industry during these Seasons, and that these Seasons are too short here to admit of any interruption of Agriculture"¹⁵³. He said the business should be conducted by contract and then the burden would be more evenly distributed and not fall only on the Canadians who should be treated in a way to conciliate them and not to turn them

151 PAC, M.P., vol.2, p.258-263, Murray to Burton, 9 October 1765. See also a letter in the same vein: PAC, C.O.42, vol.4, p.129-130, Murray to Gage 1 July 1765.

152 PAC, M.P. vol.2, p.261, Murray to Burton, 9 October 1765.

153 Ibid, p.261-262.

MILITARY PROBLEMS

174

against their new government¹⁵⁴. Writing to the Justices of the Peace at Montreal the same day and on the same subject Murray urged

an affectionate concern for the New Subjects, Ignorant as they are of our Laws and Customs, Justice will require great Patience and Humanity will plead for Infinite Tenderness, with regard to them¹⁵⁵.

Murray had to suffer personal affronts as well in this dispute. He complained to Burton of Christie's unrestrained conversation, saying that the Canadians must inevitably be influenced by constant disparagement of "a Governor who is to be recalled immediately"¹⁵⁶. He was refused entry into his own capital by order of Major Arthur Brown, the officer commanding the 28th Regiment in Quebec. Brown boasted openly that his conduct had the approbation of Gage and Burton¹⁵⁷. A long letter to Lord Adam Gordon, a friend of Murray in England, listed other details of Burton's efforts to embarrass Murray in various ways when he was in Quebec to review

154 Ibid, p.262.

155 PAC, M.P. vol.2, p.264, Murray to the Montreal Justices of the Peace, 9 October 1765.

156 Ibid, p.266-267, Murray to Burton, 17 October 1765.

157 Ibid, p.251-254, Murray to Secretary at War, 27 September 1765.

MILITARY PROBLEMS

175

the troops: giving orders to Murray, demanding accounts from Murray's staff and entertaining Murray's enemies. This was all the more galling to Murray because he felt that Burton was enjoying the fruits of his former recommendations of him¹⁵⁸.

From this study of Murray's correspondence it would appear that the "narrow-mindedness" Scott condemns in Murray¹⁵⁹ was possibly even more prominent in Gage and Burton. Concern for the country as a whole was admittedly wider than concern for the military interests of the country. Moreover, in a country at peace concern for military prestige is not so urgent a matter as concern for the liberty and rights of the civilian population. The situation was a difficult one. The authority of the military had to be maintained, for as Murray himself argued, the Canadians were military-minded and this factor had weight with them. This was precisely why he wanted the military and civil authority vested in one person, the governor of Quebec¹⁶⁰. Perhaps the frustrating, and occasionally petty, dispute served a useful purpose for the error of divided authority was not repeated when Carleton succeeded

158 Ibid, p.271-273, Murray to Gordon, 11 November 1765.

159 See Scott, S. Morley, op.cit., p.136.

160 PAC, Q 2, p.207-208, Murray to Halifax, 15 October 1764. Also Shelburne Papers, vol.64, p.102, Murray to Shelburne, 30 August 1766.

MILITARY PROBLEMS

176

Murray¹⁶¹. Murray himself had the satisfaction of the King's personal approval of his claim in an audience after his return to England in the summer of 1766: "I hinted at the necessity of the governors having the command of the troops: he said he now saw that necessity"¹⁶².

161 See, Scott, S. Morley, op.cit., p.135, footnote 4.

162 Memorials of Oswald, Murray to Oswald, 26 September 1766.

CHAPTER IV

MURRAY'S VIEWS ABOUT THE RELIGIOUS AND CULTURAL
PROBLEMS OF HIS ADMINISTRATION

1. The Catholic Church

The articles of capitulation of Quebec and Montreal together with the treaty of 1763 guaranteed a certain degree of religious liberty to the Canadians. Murray's instructions, however, and a letter from the Earl of Egremont in August 1763 made it clear that this freedom was a restricted one. Much would depend upon the practical interpretation of the theory thus enunciated.

While there are indications in Murray's correspondence of his attitude towards religious matters before he wrote his report of 5 June 1762, it is in this report that he presented his considered views based on an experience of approximately three years in the colony¹.

After a factual account of Church government, covering the Bishop, the chapter of Quebec, the parish of Quebec, the Hotel Dieu, the Ursulines, the General Hospital, the Congregation nuns and the parishes, Murray made certain general observations. He found the Canadians to be very ignorant and extremely tenacious of their Religion, so much so, that the

1 DCH, p.1-31, 97-126, 181-205, 168-169, 66-80.

RELIGIOUS AND CULTURAL PROBLEMS

178

best way to win their loyalty in his opinion would be to convince them that nothing would be changed in this area. (Both Burton and Gage agreed with Murray as to the importance of the religious factor in negotiations with the Canadians²). In the past the higher positions in the Canadian Church had been filled by Frenchmen. To prevent this procedure from being continued, it would be necessary to encourage Canadians to enter the priesthood

which cannot be well done, except the See is filled up, as without a Bishop there can be no ordination: some difficulty will attend this, as it is unendow'd tho' hereafter means may be found of making up this deficiency³.

There would be the same difficulty in relation to the Chapter though the number of members could be reduced simply by not filling vacancies. He felt that government assistance in the reconstruction of the church in Quebec would be a means of making the new government popular with the Canadians.

The Jesuits were not generally loved or esteemed by the Canadians and their removal would not offend the populace. Moreover the Jesuits' estates would help provide for the Chapter and the Bishop. Murray reported that the Recollets had exerted themselves to be agreeable to the people because

2 Reports on Three Rivers and Montreal, DCH, p.87,95.

3 DCH, p.71.

RELIGIOUS AND CULTURAL PROBLEMS

179

they depended on them for alms but that the order might find the inhabitants less generous now and would perhaps move elsewhere to find their living. He felt that since the Seminary educated youth and prepared them for the priesthood, its work should be encouraged although it was the only religious house that did not receive support from the French King. The religious communities of women were greatly esteemed and respected by the people. Their poverty might lessen the number of applicants and the government might make use of this fact to fix the dowry and age of taking vows, which measures "would probably soon reform the worst abuses of such institutions"⁴.

Murray referred to the presence of French Protestants in the country and recommended that they should receive encouragement from the home government in the hope that more of their brethren might come to Canada and bring about a reformation of the Catholics or at least a vindication of Protestant morality.

In the section of the report dealing with the Indians, Murray referred to his admiration of the manner in which divine service was performed by the Hurons at Jeune Lorette "at which all the Savages assist with a punctuality and decorum

⁴ Ibid.

RELIGIOUS AND CULTURAL PROBLEMS

180

worthy of imitation by more enlightened people"⁵.

Murray attributed a decrease in the population of the colony over the past twenty years, not only to the effects of the wars, but also to religious restrictions:

The strictness with which marriages within a certain degree of consanguinity were forbidden except by dispensation, the obliging strangers inclined to engage in that state previously to prove their not being married before, and the prohibition of intermarriages between protestants and Roman Catholics were so many bars to the propagation of the Species, these difficulties are now in good measure removed⁶.

One wonders which "difficulties" Murray had in mind and why he felt they were "now" removed!

With regard to the character of the people, Murray said that the higher clerical posts were occupied by the French and that the Canadians in other positions belonged, in general, to the lower class. He expected the numbers of French would decline. He did not find the Canadians very clever but thought that once the clergy was entirely native they would be satisfied - satisfied presumably, with native talent. The clerical influence among the people was still great but since the conquest they seemed to be losing ground. In fact, the people were making use of an article of the

5 Ibid, p.73.

6 Ibid, p.75.

RELIGIOUS AND CULTURAL PROBLEMS

181

capitulation of Montreal to dispute the tithes with the clergy⁷.

Murray pointed out that since the curés were awed by the right of the Bishop to remove them from their parishes

It may not perhaps be improper to adopt the same Method, in case His Majesty should think right, for the sake of keeping them in proper subjection, to nominate them himself or by those who act under his authority⁸.

Murray suggested that the Jesuits might decide to dispose of their estates and retire from Canada since they could hardly expect better treatment from heretics than from those Catholic rulers who had rejected them. If they had difficulty finding purchasers, the government might profit by buying their lands at an easy rate and disposing of them for governmental purpose.

Finally, with regard to the peasants, as he called them, Murray thought that they might willingly become good subjects of the British crown if they were assured of freedom

7 Ibid, p.79, See Proulx, Georges-Etienne, "Les Canadiens ont-ils payé la dîme entre 1760 et 1775", Revue d'Histoire de l'Amérique Française, vol.11, no.4, mars, 1958, p.533-562, for an evaluation of this statement, which he accepts only conditionally.

8 Ibid, See, Trudel, Marcel, L'Eglise canadienne sous le régime militaire, 1759-1764, S 1, Les Etudes de l'Institut de l'Amérique française, 1956-1957, vol.2, p.216-221, for a discussion of the consequences of this idea.

RELIGIOUS AND CULTURAL PROBLEMS

182

to practise their religion.

While granting religious liberty to the Canadians might encourage their loyalty to their new rulers, it would have other effects which were not lost on Murray. The clergy would be free to exercise their influence and Murray felt that this influence would affect not only the Canadians but also the Indians. Moreover it might extend to the British soldiers who were living at such close quarters with the Canadians as well as to the maintenance of Canadian connections with France.

While Murray had not hesitated from the earliest days to make use of the services of the clergy and of the nuns⁹, his early opinions about the effects of the clergy's influence on the Canadians were not complimentary. In October he wrote to Pitt that

as the Canadians have had no communications with other nations, those of the Savages excepted, they are perhaps the most ignorant people under the Sun, hence the most superstitious, and entirely under the management of their priests¹⁰.

Apparently the clergy had not used their influence to remove ignorance or superstition, which the higher clergy might have

9 PAC, C.O.5, vol.64, Murray's journal, p.41, 14 October 1759. The services of the clergy were used in conducting a census of the parishes in 1759. p.46, The nuns cared for the sick.

10 PAC, C.O.5, vol.64, p.171, Murray to Pitt, 22 October 1760.

RELIGIOUS AND CULTURAL PROBLEMS

183

been expected to do since they were mainly Frenchmen and hence belonged to the most cultured nation of Europe. In the summer campaign of 1760 Murray had spoken harshly even, of the priests, on the occasion of a harangue he addressed to a group of inhabitants who were taking the oath of neutrality. He had turned to a priest in the group and had said

The Clergy are the source of all the mischiefs that have befallen the poor Canadians, who they keep in ignorance, and excite to wickedness and their own ruin. No doubt You have heard that I hanged a Captain of militia; that I have a Priest and some Jesuits on board a ship of war, to be transmitted to Great Britain: beware of the snare they have fallen into; preach the Gospel, (in italics in Knox) which alone is your province; adhere to your duty and do not presume directly or indirectly, to intermeddle with military matters, or the quarrel between the two Crowns¹¹.

Perhaps some of the asperity of these words may be attributed to the circumstances; even so it denotes a certain lack of enthusiasm for the Catholic clergy of the colony.

Murray's unfailing kindness to the nuns affords a pleasant contrast. It was shown, for example, in the matter of supplying their rations in the fall of 1760¹² and in that of following up the French King's obligations to them which

¹¹ Knox, op.cit., vol.2, p.474.

¹² PAC, C.O.5, vol.64, p.191, Murray to Robert Wood, 22 October 1760. Wood was to lay the matter before Pitt.

RELIGIOUS AND CULTURAL PROBLEMS

184

Murray represented to Egremont on their behalf¹³.

However, Murray appreciated the efforts of the priests to take care of the needs of the people and was careful to cooperate with them as in the case of Père Coquart's defence of the rights of the Indians at the King's Posts¹⁴ and the exposure by the curés of the Island of Orléans of the pitiful condition of their parishioners in the winter of 1760¹⁵.

On the other hand, Murray had requisitioned the house of the Jesuits or the greater part of it, for a storehouse upon entry into Quebec in September, 1759¹⁶ and in May, 1762, more than two and a half years later, he was still making use of part of it¹⁷.

One aspect of the clergy's activity that Murray viewed with suspicion was their work among the Indians. During the Pontiac rising when the Indian troubles were posing a serious

13 PAC, Q 1, p.19, Murray to Egremont, 8 March 1762.

14 PAC, C.O.5, vol.64, p.184-186, Père Coquart to Thomas Ainslie, 18 July 1760; Ibid, p.177-180, 6 August 1760.

15 PAC, W.O.34, vol.1, p.19-22, p.23-24, memorials of curés.

16 PAC, C.O.5, vol.64, Murray's Journal, p.39, 22 September 1759.

17 PAC, W.O.34, vol.1, p.467, Murray to Amherst, 6 May 1762. See Trudel, op.cit., p.214, for the opinion that this was one more instance of Murray's oppression of the Church in Canada.

RELIGIOUS AND CULTURAL PROBLEMS

185

problem, Murray told Amherst that he thought they would

never be quiet while the Indians are allowed Roman Catholic Missionarys, I wish this affair was consider'd, and that the Jesuites were order'd out of the Country they are the only Order who study the Language of the Savages, should any others endeavour to supply their places it will be easy to prevent it & consequently, I believe to maintain Tranquillity¹⁸.

In spite of this attitude towards the missionaries, Murray forwarded to Amherst a report of Father Girault, missionary at Lorette, which showed the Catholic missionary in a more favourable light since Father Girault had made strenuous efforts to keep his Hurons from becoming involved in the unrest and had also retailed to Murray an account of the good services rendered by Father Du Jaunai to the British in the West¹⁹.

Amherst called the missionary's account "very naif"²⁰, and in a later letter, he said he agreed with Murray about the advisability of withdrawing the priests from among the Indians: "To keep them the Quieter hereafter I am of your Mind, that the Priests might be as well taken from them"²¹.

18 Ibid, vol.2, no.93, Murray to Amherst, 2 July 1763.

19 Ibid, no.97, Murray to Amherst, 10 July 1763.

20 Ibid, vol.3, fo.203, Amherst to Murray, 20 August 1763.

21 Ibid, fo.197, Amherst to Murray, 30 July 1763.

RELIGIOUS AND CULTURAL PROBLEMS

186

Murray saw possibilities of an evil influence being exerted by the priests even in the way the troops were billeted in private houses during the military régime:

The present method of Cantoning the Troops in a new conquer'd Country, the Inhabitants of which, are of a different Religion from the Conquerors, and are of all the People upon the Earth the most ignorant, Superstitious, and Bigotted, consequently the most influenced by the Priesthood, seems to me very imprudent²².

Accordingly, he urged that barracks be built, "by which the Discipline and preservation of the Troops will be insured"²³.

In September Murray returned to the subject of the disadvantages of having Catholic missionaries among the Indians. While he did not suggest refusing priests to Indians who were already Catholics, he did think it inadvisable to encourage their making new converts²⁴. In the instance he was describing - a visit of Indians from the Bay of Chaleur who were Catholics and wanted a missionary - he put off the petition with the excuse that there was a scarcity of priests to serve the parishes, but that he would inform Amherst of their request and in time a means of supplying them with a priest might be discovered. Amherst told Murray he had ordered

22 Ibid, vol.2, no.101, Murray to Amherst, 27 August 1763.

23 Ibid.

24 Ibid, no.104, Murray to Amherst, 15 September 1763.

RELIGIOUS AND CULTURAL PROBLEMS

187

missionaries away from Indians in the West and did not mean to allow them to return and spoke approvingly of Murray's policy: "Your treatment of the Savages from the Bay des Chaleurs, is the Method that should be pursued in the treatment of all the Tribes"²⁵.

Tomah, the chief of the Penobscot Indians had requested that a priest be sent to serve among his people. Murray told the chief that he had no objection to a "Fryar's" going from Canada to live with them. However Tomah would have to persuade one to go and Governor Bernard of Massachusetts would have to grant permission²⁶. Bernard tried to send them a Church of England minister instead. The nobility of these Indians who told Bernard that it would not be right for them to change their religion as often as the government of the country changed, contrasts strongly with Bernard's alternative suggestion to Halifax of sending them a fallen-away Catholic priest instead²⁷.

Lord Egremont's letter of 13 August 1763²⁸, warning

25 Ibid, vol.3, fo.208, Amherst to Murray, 6 October 1763.

26 PAC, C.O.323, vol.30, p.66, Murray to Chief of Penobscot Indians, 26 June 1764.

27 Ibid, Extract of a letter from Bernard to Halifax, 29 September 1764.

28 PAC, Q 1, p.117-123, Egremont to Murray, 13 August 1763.

RELIGIOUS AND CULTURAL PROBLEMS

188

Murray of the possibility of the French making use of the religious liberty granted to the Canadians to keep up their connection with them, was reinforced by one from Amherst to the same effect²⁹. Amherst underlined the importance of the matter and made a flattering reference to Murray's understanding of the situation:

Lord Egremont writes to you so fully on this Subject that it is Impossible for me to Add any Cautions to what his Lordship so justly sets forth, at the same time I know it would be Unnecessary in me to mention any Precautions You should take, or any Measures you should pursue in Executing the Orders agreeably to the King's gracious Intention in an Affair that is so essential to the future good Government of Canada, & of which you have so thorough a Knowledge³⁰.

Murray wrote a long letter to Lord Halifax (Egremont had died in the interval)³¹, in which he acknowledged the importance of the matter in question. He admitted the need for tact in handling the affair because the Canadians, while a "good honest people", were "much attached to their religion and full of respect for their Priests"³². He spoke of their

29 PAC, W.O.34, vol.3, fo.212-213, Amherst to Murray, 11 October 1763.

30 Ibid.

31 PAC, Q 1, p.251-257, Murray to Halifax, 23 October 1763.

32 Ibid., p.251.

RELIGIOUS AND CULTURAL PROBLEMS

189

fear that their children would be the ones to suffer if no means could be found of filling up vacancies in the priesthood. Although he had refused to transmit Etienne Charest's address to the King on this subject, he recommended him personally as "a worthy good man, tho his Zeal for the Religion, in which he has been educated, rather inclines to Bigotry"³³.

Murray felt that the Canadians would be willing to do without a bishop if some other means could be devised to educate their youth and continue their priesthood. He proposed that the seminary at Quebec should continue to educate youth for the priesthood and that when they were sufficiently prepared they should be sent abroad to some friendly country to be ordained and then returned to exercise their functions in Canada. The expenses might be paid out of the Jesuits' Estates after the surviving members had been provided for. The seminary at Montreal, if obliged to break off connections with St. Sulpice in Paris, could unite forces with the Quebec seminary. The government of the Church could be carried on by the three Vicars General, one of whom would be appointed Superior of the seminary by the King and reside there. Had these suggestions been carried out, the Catholic Church might

³³ Ibid, p.252, Charest carried a petition to the King that fall in the name of the citizens of Quebec, Montreal and Three Rivers.

RELIGIOUS AND CULTURAL PROBLEMS

190

have been effectively controlled by the government but it is at least doubtful that they would have been able to "give universal satisfaction, and make the Canadians in time forget their former Connexions"³⁴.

In any case, the struggle to obtain a bishop continued until it met with success in the consecration of Bishop Briand whose arrival in the colony coincided with Murray's departure, 28 June 1766³⁵. Murray's influence in the choice of this bishop had been a decisive one.

Lord Egremont had written Murray two letters on 13 August 1763, in the second of which³⁶ he had put him on his guard against the Dean of Quebec, Abbé la Corne, who had gone to England and to France to negotiate some settlement of the ecclesiastical problem in Canada. Egremont said that no settlement would be made without prior consultation with the Governor of Quebec.

When Murray answered this letter³⁷, he told Halifax that he had written Lord Shelburne in July on the subject of Abbé la Corne and now enclosed an extract from that letter

³⁴ Ibid, p.254.

³⁵ PAC, Q 3, p.173-174, Irving to the Lords of Trade 7 July 1766.

³⁶ PAC, Q 1, p.129-132, Egremont to Murray, 13 August 1763.

³⁷ PAC, Q 1, p.251-257, Murray to Halifax, 23 October 1763.

RELIGIOUS AND CULTURAL PROBLEMS

191

for his perusal. The picture given was very unfavourable to Abbé la Corne. Murray named another candidate for the episcopacy of whom he also disapproved, Monsieur Montgolfier, Vicar General of Montreal. Murray had written Shelburne in September, an unfavourable opinion of Montgolfier, of which he enclosed a copy for Halifax. Murray had his own candidate, the Vicar General of Quebec, Monsieur Briand, whom he had recommended highly to Shelburne in his letter of 22 July, and again in that of 14 September. Murray had pointed out Briand's candour, moderation and delicacy as well as his disinterestedness. It has been said that Murray preferred Briand to the others, especially to Montgolfier, because he felt he could control Briand more easily than the others, and could thus establish more effectively government control over the Church in the colony³⁸. The British government certainly hoped to control the Church and such control would be exercised through the governor. It was reasonable therefore for the governor to seek the appointment of a man with whom he could most easily work out a modus vivendi. To what extent Murray might

38 Trudel, Marcel, L'Eglise Canadienne sous le Régime militaire, 1759-1764. Les Etudes de L'Institut d'Histoire de l'Amérique Française, 1956, p.309-324. Trudel devotes the whole of chapter 5, p.195-241, to show that Murray enslaved the Canadian Church. The chapter is entitled: L'Eglise Canadienne soumise à la servitude du Gouverneur Murray.

RELIGIOUS AND CULTURAL PROBLEMS

192

have interfered with Monsieur Briand as Bishop is a matter of conjecture, not of history, since Murray departed the day Bishop Briand arrived. In any case, Murray did help the Canadians to obtain a bishop even though the candidate in question was not the clergy's first choice and was not appointed so early as the clergy would have desired. Murray could have made matters much more difficult, had he opposed not only the clergy's candidate, Monsieur Montgolfier, but the very idea of having a bishop at all. Perhaps compromise was the essence of the situation and the thing immediately at stake was not the independence of the Church in the colony, but her survival.

The letter of congratulations that Murray left for Bishop Briand at Quebec made reference to the trouble Murray had taken to obtain the position for him:

I did everything in my power to contribute to it both by my public letters to the Kings Ministers, & my private solicitations to my friends some of whom particularly the Arch Bishop of York and my Brother the Preband of Durhame³⁹.

Murray also referred to the results he expected for his successor, Guy Carleton:

The choice His Majesty has made of Mr Carleton to

³⁹ Rapport des Archives de Québec, 1929-1930, between p.64 and 65, Murray to Briand, 20 June 1766.

RELIGIOUS AND CULTURAL PROBLEMS

193

command in my absence pleases me much I am sure he will be glad to have it in his power to do every thing which can satisfy you, & I know you in return will do what you can to render his government easy and agreeable to him⁴⁰.

While Murray sought in various ways to protect Catholics in Canada, he did not lose his innate suspicion of such groups as the Jesuits, nor did he scruple to make all the use he could of less worthy members of the clergy such as Father Roubaud.

In the summer of 1764, Murray was asked by John Gray to lay a military attachment on the effects of the Jesuits to secure the payment of bills of exchange in Martinico on the Jesuit General in Paris. M. LaValette was the Superior of the Jesuits in Martinico, Père deLacey in Paris was the agent and the amount of money in question was 294,536 Livres⁴¹ Tournois. Murray refused, for several reasons. First, he felt he had nothing to do with the connections of Jesuits in other places; second, he thought that if the debt were just it should be recovered in France or in Martinico where the Jesuits had sufficient property to meet the claim; third, the Jesuits' lands in Canada had been given for certain purposes which were now non-existent and they would revert to

⁴⁰ Ibid.

⁴¹ PAC, C.O.42, vol.1, p.366-369, John Gray to Murray, 11 June 1764.

RELIGIOUS AND CULTURAL PROBLEMS

194

the King on the death of the last members of the Order in Canada. Consequently, Murray felt it was his duty to watch over the King's interest in the lands in the meantime. The case could, of course, be brought before the civil courts when they were erected⁴². Murray really seems to have suspected that this was a Jesuit scheme to draw their money out of Canada for he writes in this sense to the Lords of Trade, enclosing for their perusal his letter and John Gray's on the subject⁴³.

Father Roubaud was connected with a scheme Murray was ruminating in the summer of 1764. Father Roubaud had come to Quebec from Three Rivers in the fall of 1762, had lived first with the Jesuits and then in the summer of 1763 had been invited to live in the governor's house⁴⁴.

The following summer, Murray wrote of him to Halifax;

The Père Roubaut a Jesuit of the College of Quebec will have the honor to put this into your hands, this Gentleman is worthy of your notice he is a Man of extraordinary parts, and great learning and as Eloquent as Cicero he is possessed of a thorough knowledge of the Views, Sentiments and Facultys of the popish Clergy of this province and perfectly sensible of the errors of their Doctrine, he proposed publickly renouncing the

42 *Ibid*, p.371-374, Murray to Gray, 14 June 1764.

43 *Ibid*, p.380, Murray to Lords of Trade, 22 August 1764.

44 See Trudel Marcel, *op.cit*, p.145-155, for sketch of Roubaud's career.

RELIGIOUS AND CULTURAL PROBLEMS

195

Roman Catholick Religion here, but such a renunciation would rather frustrate, than promote my schemes for the reformation of the inhabitants of this Colony for that reason I send him to London where he may be useful and cooperate with me under the immediate direction of his Majestys Servants, in the great task I undertake of converting a great part of the Canadians, I think I am not too sanguine in my hopes I am at least sure my attempt cannot be attended with any bad consequence, because nothing but mild and persuasive measures, the very reverse of persecution shall be used⁴⁵.

This policy of avoiding persecution came up again in a letter of Cramahé to Dartmouth in August 1765. Cramahé noted that if the Canadians "cannot be won over by gentle means, Experience teaches, that Compulsions or Restrictions will only be Apt to River them in their Ancient Opinions"⁴⁶. It occurred once more in Murray's report to Shelburne in August 1766⁴⁷. Here Murray remarked that the Canadians' veneration for their priesthood would decrease as they became more enlightened, for

the Clergy are very illiterate and of mean Birth; & as they are now debarr'd from supplies of Ecclesiastics from France, that order of men will become more & more contemptible, provided they are not espos'd to

45 PAC, N.P., vol.2, p.139-140, Murray to Halifax, 26 June 1764.

46 PAC, Dartmouth Papers, vol.5, p.87, Cramahé to Dartmouth, 24 August 1765.

47 PAC, Shelburne Papers, vol.64, p.101-105, Murray to Shelburne, 30 August 1766, (20 August in microfilm of Haldimand Papers).

RELIGIOUS AND CULTURAL PROBLEMS

196

Persecution⁴⁸.

Murray personally made some financial provision for Father Roubaud in England. He instructed his agent, George Ross, to pay Roubaud ten pounds sterling a month till further notice⁴⁹. The fact that Murray was so impressed by such a man as Roubaud and really expected that he could use a renegade priest of his calibre, profitably, in carrying out "a reformation of the greatest part of the inhabitants of the Colony" does not reflect much credit on his judgment. Murray may have been more correct, however, in thinking that Roubaud could give useful information in England about the colonists and the Indians⁵⁰. According to one of Roubaud's biographers, Roubaud had, for example, stolen from his confrères "des cartes précieuses, qui révèlent toute la géographie du continent"⁵¹.

Murray's rather fantastic dream of converting the Canadians did not blind him to their great need of having their civil rights protected. When they were openly attacked

48 Ibid, p.103.

49 PAC, M.P., vol.2, p.139-140, Murray to Halifax, 26 June 1764.

50 Ibid, p.138-139, Murray to Hillsborough, 26 June 1764. Wills Hill, Earl of Hillsborough was President of the Board of Trade.

51 Trudel, op.cit., p.151 and footnote 13.

RELIGIOUS AND CULTURAL PROBLEMS

197

by the presentments of the Grand Jury of Quebec in the fall of 1764⁵², Murray's indignation poured forth:

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 wt Rigour in Canada, for God's Sake procure my Retreat . . . as I cannot be Witness to the Misery of a people I love and admire⁵³.

Two days later, Murray told the Lords of Trade that very little would content the new subjects in Canada but that nothing could satisfy the "Licentious Fanaticks Trading here" except the expulsion of the Canadians who, if granted a few privileges denied to Roman Catholics in England, would become good subjects. If these privileges were not granted, he feared a wholesale emigration of the Canadians⁵⁴.

The problem of the civil rights of Catholics in the colony was submitted to legal authorities in England, Attorney General Fletcher Norton and Solicitor General William DeGrey. In June 1765, they submitted their opinion that Catholics in Canada were not subject to the penal laws of England⁵⁵.

52 DCH, p.214-215.

53 PAC, M.P., vol.2, p.171, Murray to Eglinton, 27 October 1764.

54 PAC, Q 2, p.233-234, Murray to Lords of Trade, 29 October 1764.

55 DCH, p.236. Kenney, op.cit., p.452, refers to this decision as the first break in the anti-Catholic penal code of the British Empire.

RELIGIOUS AND CULTURAL PROBLEMS

198

In theory, and to a certain extent in practice, Murray's views on religious problems seem to have been those of the British government, which hoped to assimilate the new subjects, felt revulsion for the errors of Catholicism, suspected the machinations of the papal court, feared that the French might use the religious connection with Canada to win it back and yet wished to observe treaty obligations and show a friendly indulgence to Canadians⁵⁶.

2. The Church of England

According to Murray's instructions, the Church of England was to be established both in principle and practice⁵⁷.

When the Grand Jury of Quebec had made their presentments in September, 1764, they had commented on the poor observance of the Sabbath. They indicated also the qualities desirable in a Protestant clergyman, among which they had specified that of being bilingual. Moreover they wanted proper regulations for establishing a Protestant school and poor house and for suppressing gaming houses⁵⁸. In his answer to the presentments, Samuel Gridley affirmed that the justices

⁵⁶ Kenney, James, op.cit., p.446-448.

⁵⁷ DCH, p.191.

⁵⁸ Ibid, p.212-213.

RELIGIOUS AND CULTURAL PROBLEMS

199

of the peace for the district of Quebec were in full agreement with the grand jurors on the points mentioned⁵⁹.

Towards the end of October, Murray proceeded to take action with regard to obtaining a suitable Protestant clergyman. Writing to Reverend Doctor Daniel Burton, Secretary of the Society for the Propagation of the Gospel in Foreign Parts, Murray specified the qualities he hoped to find in any missionaries the Society might send to Canada. He wanted men who could speak French, who were of great moderation and who led exemplary lives. He was not at all satisfied with the Reverend John Brooke, chaplain to the garrison at Quebec and the only Protestant clergyman at that time in the province. Brooke did not understand French and did not possess the qualities which Murray felt were necessary in a missionary⁶⁰.

In a letter to Burton in December, Murray recommended the Reverend Robert McPhearson, formerly chaplain to the 78th Regiment, to be the missionary for the care of Montreal⁶¹, because if

59 PAC, Q 2, p.255-256, 257-258.

60 PAC, M.P. vol.2, p.182, Murray to the Reverend Dr. Burton, 30 October 1764; also with reference to Mr. Brooke, Ibid, p.184-185, Murray to Cholmondeley, Auditor General.

61 Ibid, p.199-200, Murray to Dr. Burton, 6 December 1764.

RELIGIOUS AND CULTURAL PROBLEMS

200

learning, Strong Parts, prudence, morality and a Sweet Obliging disposition, with a thorough knowledge of the French language are Qualities requisite for a protestant Clergyman in this Country, I know Mr McPhearson possesses them all to an Eminent Degree⁶².

In the following August, Murray's secretary, Cramahé, who was in England at the time, proposed to the Earl of Dartmouth, President of the Board of Trade that, while any compulsion in the matter was to be avoided.

the establishing a Protestant Ministry in this Province, is certainly a very proper measure, but it will be highly expedient to be careful of the choice that is made upon this occasion; the subjects pitched upon for this purpose, should be prudent, sensible, moderate, understanding well the French Language, and a Provision made to enable them to live in their respective Stations with a becoming Decency.

Two at Quebec, two at Montreal, and one at Trois Rivières would be sufficient for the present, and further increased as Occasion Required - the Cathedral of Quebec might be rebuilt at the publick expence, and serve both the Protestants and the Catholics⁶³.

That Murray took an interest in the question of supplying suitable Protestant missionaries is clear from the above letters. What is rather ironical, in view of the qualities demanded in such missionaries is the type of man actually selected in some cases such as the former Recollets, Michel Houdin

62 Ibid, p.200.

63 PAC, Dartmouth Papers, vol.5, p.87-88, Cramahé to Dartmouth, 24 August 1765.

RELIGIOUS AND CULTURAL PROBLEMS

201

and Léger Veyssière⁶⁴, the latter of whom was not appointed until after Murray left Canada.

To find a place for Protestant worship was a problem, solved at first by making use of Catholic chapels⁶⁵. This temporary expedient continued for some time. In 1764, the Quebec traders included a reference to the lack of proper facilities in their complaints about the Governor, accusing him "of leaving the Protestants to this Day destitute of a place of Worship appropriated to themselves"⁶⁶. They also referred to his "discountenancing the Protestant Religion by almost a Total Neglect of Attendance upon the Service of the Church"⁶⁷.

Murray resented attacks on his personal beliefs and indignantly affirmed his sincere belief in the Divinity of Christ in a letter to George Ross⁶⁸, in reply to a public attack on him as a blasphemer. In his "Answers to Complaints"

⁶⁴ Trudel, Marcel op.cit., vol.1, p.185. The whole of chapter 4, p.175-193, deals with the establishment of Protestantism in Canada. See also vol.2, p.152.

⁶⁵ Ibid, vol.1, p.175-180.

⁶⁶ DCH, p.234.

⁶⁷ Ibid.

⁶⁸ PAC, M.P. vol.2, p.290-291, Murray to Ross, 4 December 1765.

RELIGIOUS AND CULTURAL PROBLEMS

202

in April 1767, he referred ironically to this previous accusation in view of the one being made at the moment - that he had made trouble between the King's Canadian and British-born subjects, by "frequent Declarations in favour of the Roman Catholic Religion"⁶⁹.

I am surprized that Mr Walker who assumes the Title of agent for the People should now produce this Accusation He formerly endeavoured to convince Lord Dartmouth that I was an Atheist and a most notorious Blasphemer; now he will have me a staunch Roman Catholic But I suppose all he means is, that I could not be prevailed upon to persecute His Majesty's Roman Catholick Subjects in Canada, If so I plead Guilty⁷⁰.

Murray's response to the grand jurors' comment about better observance of the Lord's Day was an ordinance on this subject which forbade most kinds of work and play on Sunday and even fined people who did not appear in church over a period of three successive months, unless they could provide satisfactory excuses as "real sickness, or other unavoidable necessity"⁷¹. However the ordinance was disallowed later along with several others⁷², though not before warning the

⁶⁹ Ibid, vol.3, p.241.

⁷⁰ Ibid, p.241-242, Fowler Walker was the agent of the merchants of Canada who wanted Murray recalled.

⁷¹ PAC, C.O.42, vol.3, p.77-82.

⁷² Ibid, vol.5, p.165, Murray to Lords of Trade, 14 April 1766, acknowledging receipt of orders disallowing several ordinances, among them that concerning the Sabbath.

RELIGIOUS AND CULTURAL PROBLEMS

203

cockles of some body's heart for in a letter in the Quebec Gazette the writer noted that he had so far read nothing in the Gazette that gave him more satisfaction than the ordinance about observing the Sabbath. He was shocked to hear that there were some people who said they could escape its regulations by spending the day in the suburbs or going into the country! The letter was signed, "Christian, The Religious"⁷³.

Murray's parting gesture to the Church of England was to make a gift of chapel plate and furniture to be kept for the use of the Episcopal Church of the Parish of Quebec and to be delivered to the church wardens when such an establishment should be set up⁷⁴.

A great influx of Protestant settlers might have stimulated Murray's efforts to do more for the promotion of the established religion in the colony. However, he did establish connections with the Society for the Propagation of the Gospel in Foreign Parts, as well as keep before the eyes of government some very practical recommendations about the qualifications of prospective missionaries.

73 Quebec Gazette, 7 February 1765, no.34.

74 PAC, Q 3, p.208, Minutes of Council, 30 June 1766.

RELIGIOUS AND CULTURAL PROBLEMS

204

3. Education

With regard to education, Murray's instructions urged him to give all possible encouragement to the erection of Protestant schools⁷⁵. From the beginning of the English occupation of the colony, even as early as August 1760, little English girls had gone to the Ursulines for their schooling. A list of their pupils, running from 1760 to 1764, included such names as "Marie et Jeanne Brooks", apparently the chaplain's daughters; Judith Irving, Peggy Goldfrap and others⁷⁶.

A school of sorts had been organized for Protestant children by September 1761⁷⁷. In a letter to Reverend Philip Bearcroft, Dr Burton's predecessor as secretary of the Society, Murray recommended John Brooke as missionary for the Protestants in his government. He added

Tis proper the Society should be informed that in compassion to the necessitys of a numerous body of poor children, I have appointed a Schoolmaster of Competent sufficiency & good Carracter, for the Care of their instruction. I have assigned him a proper

75 DCH, p.192.

76 Trudel, op.cit., p.224-225.

77 SPG Records, Series "C", Box 1, Murray to the Society for the Propagation of the Gospel in Foreign Parts, 1 September 1761.

RELIGIOUS AND CULTURAL PROBLEMS

205

Room and Dwelling, but shall want the Society's assistance as well to make him a sufficient Salary as for Books etc. Mr Brooke will acquaint you with Particulars⁷⁸.

Mr. Brooke informed the Society that Murray had appointed Sergeant John Watt of the Royal Americans to be school-master, saying

he bears a universal good character in the Regiment, reads very distinctly without tone or provincial accent, is well skilled in arithmetic (of his writing the Society will judge by the enclosed specimen) and is sober & diligent of a temper proper for his present undertaking: very constantly attends his School⁷⁹.

Brooke reported that there were at least 80 children ready for school, 30 of whom were girls. The latter had perforce to be sent to the nuns

for want of a Mistress to instruct them in needle-work . . . not without danger of being perverted, notwithstanding all the care he can take & the solemn promises of the lungs not to make any attempts upon them as to Religion⁸⁰.

This school was discontinued, because the sergeant had grown remiss in his duties and the parents of the children had neglected to send their children, according to a notice inserted in the Quebec Gazette by Mr. Brooke in September,

⁷⁸ Ibid.

⁷⁹ SPG Journals: vol.15, p.164. Original is in SPG Records, Series 'C' box 1, Brooke to the Society for the Propagation of the Gospel, 1 September 1761.

⁸⁰ Ibid., p.165.

RELIGIOUS AND CULTURAL PROBLEMS

206

⁸¹
1764 Brooke had made this reply to complaints about the lack of school facilities which appeared in an earlier issue of the Gazette⁸². Apparently a school was carried on for some time after this by a John Fraser for there was an announcement in the Gazette in September 1765, that John Fraser, schoolmaster, wanted to pay his debts and be paid as he was leaving the garrison in twenty days⁸³. A week later, the Gazette carried the following announcement

With the approbation of his Excellency the Governor there is a School opened in the Jesuits College by Patrick M. Clement where he teaches English in the best method, with writing, Arithmetic, vulgar and decimal, the Extraction and Use of the square and cube Roots, Book-Keeping, Mensuration of all Manner of Superficies and Solids, Land Surveying, etc. etc. All Persons that will favour him by sending their children, may depend on their being carefully instructed, upon reasonable Terms. Attendance will be given from 9 o'Clock till 12 Forenoon, and from 2 o'Clock till 4 Afternoon. N.B. he will attend young Ladies and Gentlemen at their Houses, after 4 o'clock, if desired⁸⁴.

Thus Murray managed to keep a school going in the colony and he had informed the Society for the Propagation of the Gospel of the educational needs of the Protestants in

⁸¹ Quebec Gazette, 13 September 1764, no.13.

⁸² Ibid, 16 August 1764, no.9.

⁸³ Ibid, 5 September 1765, no.64.

⁸⁴ Ibid, 12 September 1765, no.65.

RELIGIOUS AND CULTURAL PROBLEMS

207

Canada. At a time when education was a matter of church or private concern, Murray probably felt that he had fulfilled his duty in the matter. Under these circumstances, his concern for the education of the Canadians was even more remote⁸⁵. Apparently he was satisfied to leave it in the hands of the seminary and the convents.

⁸⁵ See Groulx, Lionel, L'Enseignement Français au Canada, Montreal, Librairie d'Action Canadienne Française, 1931, p.47, p.57-58.

CONCLUSIONS

An attempt has been made in this thesis to describe and evaluate Governor Murray's views concerning the civil, economic, military and cultural problems of his administration.

During the military regime, Murray recognized the importance of providing government based on clemency and realistic in its effort to enlist the aid of the Canadians wherever possible in the carrying out of government. He considered there was a special need for justice and humanity in order to break down the prejudices of the Canadians. He judged correctly that the foundation of the taxes to be levied was the system in force under the former government but that the altered circumstances would necessitate adjustments in the system. He estimated accurately the reactions of the population to the conquest - the difficult position of the clergy and seigneurs, the withdrawal of the wealthier merchants, the acquiescence of the mass of the people. He saw from the beginning the impossibility of calling an assembly and attempting to rule the colony as the other English colonies were ruled. He felt keenly the drawback of having to settle disputes between civilians by court martial and substituted a board of merchants to settle certain property disputes. He viewed with suspicion claims made by the French after the

CONCLUSIONS

209

conquest to land of strategic value. He estimated correctly the small number of Canadians who would emigrate after the treaty. He saw the necessity of providing safe navigation of the St. Lawrence, the main highway of the colony, vital for defence, commerce and communications. He perceived the possibility of the Canadians in the interior becoming a problem for the government but perhaps he overestimated this possibility and a somewhat similar one in the case of the scattered groups of Acadians.

In setting up the civil government, Murray felt it was incumbent on him to place the interests of the vast majority of the population before those of the minority and interpreted his instructions to some extent in this light. Here he failed by defect rather than by excess in the eyes of the home government when it reached the point of giving a decision in the matter, but the contrary was true in the eyes of Quebec and London merchants who felt the governor to be an obstacle that must at all costs be removed. Murray saw the need to encourage the rapid English settlement that was supposed to justify the program of the British government. He made a distinct effort to do so but this influx of settlers was not forthcoming. Murray recognized the fact that one great source of his difficulties was the absence of suitable

CONCLUSIONS

210

candidates for the magistracy. Another immense drawback was the fact that the government had not provided him with competent legal advisers in the province nor had it at least supplied him with precise and frequent instructions by mail.

In the financial and economic area, Murray toyed with the idea of a British paper money but finally discarded it. He felt that the rights of the Canadians in respect to the Canada bills, however, had to be protected, even at the cost of arousing the permanent enmity of the speculating merchants. He saw the necessity of establishing standards of currency and although he had adopted the Halifax standard early in his administration he yielded to the demand for the New England currency at the beginning of the civil government. This may have been the best decision but it was accompanied by a serious error as the document contained a clause which altered the value of preceding contracts made without reference to any specific currency. This was fiercely resented by the merchants for it interfered with the collection of just debts in the province. In the collection of duties on spirits and wines, Murray conformed to the spirit of the British colonial policy of the time, endeavouring to safeguard for the mother country the advantage of the colonial market. The legality of his procedure was questioned, and he was further hampered by the

CONCLUSIONS

211

absence of instructions for a considerable length of time. Murray was aware of the possibilities for smuggling along the coast and correct in estimating that the surest remedy would be the services of the navy rendered by suitable crews in suitable craft. Murray was industrious in suppressing illicit trade but his substitution of personal reprimands for conventional fines and imprisonment as well as the uncontrolled language in which they were couched earned him the bitter resentment of many a merchant. Murray saw the value of the seal, whale and salmon fisheries and the importance of protecting as far as he could the rights of Quebec residents in this field. With regard to the fur trade Murray conceived it his duty to enforce the policy indicated in the proclamation of 1763 even at the expense of his own popularity. In the matter of opening the King's Posts to trade he had the interests of the Indians at heart as well as those of the Crown. On the other hand he appreciated the difficulties imposed on the merchants and traders by the plan for managing Indian affairs and voiced his disapproval of the plan in the report he sent in. Murray recognized the need to raise agricultural standards in the colony and insisted on the value of providing the example of well-run estates to achieve this purpose.

CONCLUSIONS

212

At the outset of his career in Canada Murray's role was primarily military and had for object the maintenance of the conquest. He interpreted his role correctly and, with the exception of the Battle of Ste Foy, carried it out successfully. He managed, for the most part, to combine realism and humanity in his dealings with the conquered Canadians, while he insisted on severe discipline among the troops. The friendly relations that persisted between the troops and the inhabitants after the cessation of hostilities as well as the handling of a mutiny in the garrison bear witness to his good management. (The mutiny was caused by a general regulation for the army in North America, not by any local grievance). Murray took seriously the faithful observance of the capitulations and the terms of the final treaty, although his conduct in the cartel dispute was not above reproach, in spite of his protests to the contrary. Once civil government was established, Murray showed a similar respect for civil rights, in the face of what he considered military encroachments. Murray recognized the weakness of Quebec as a fortified city and recommended the construction of a citadel as a means of strengthening it. He kept himself so well informed of what was going on in his district that he anticipated no serious military threat from Canadians or Indians

CONCLUSIONS

213

during such troubled periods as the Pontiac rising and the Spanish war. During the former period however his judgment of the Canadians seems to have been at fault for he supposed incorrectly that a large body of volunteers could be raised easily, whereas the contrary was true. The military problem of his administration, the dispute over civil and military authority, emphasized both a weakness and a strength in Murray's outlook. He appeared in it as intensely personal and attached to his own prestige, but at the same time concerned about the common good as opposed to the more particular military good defended by his opponents.

In religious matters, Murray showed that he fully realized the deep attachment of the Canadians for their religion and their clergy, while at the same time he deplored the ignorance and superstition of the people and blamed it precisely on the clergy. He proposed strict government control of the clergy and hoped to set on foot a program to convert the Canadians to the Church of England. His practice on the whole contradicted any such theory, for not only did he recommend concessions to the Canadians to win their loyalty but he helped ensure the perpetuation of the Catholic clergy by the part he played in the election of a bishop and he worked to safeguard the civil rights of Catholics,

CONCLUSIONS

214

identifying himself with their cause to the extent of bringing stinging accusations upon himself. He considered it his duty to establish the Church of England in the colony in accordance with his instructions and to provide for the education of English children.

The storm of protest that was raised against Murray and that resulted in his recall indicated that he was clearly out of tune with the mercantile spirit as it functioned in the colony. Yet the stand he took on several leading issues was eventually sanctioned by the home government and formed part of the policy of his successors.

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216

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217

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APPENDIX 1

GOVERNOR MURRAY'S ANSWERS TO COMPLAINTS, 13 APRIL 1767

Source: PAC, Murray Papers, vol.3, p.211-245; B 8, p.19-55 and f.f.

After the Intire Territory of Canada had been reduced by his Majestys Arms, I took into Consideration the Revenues it had yielded to its former Master with a view to exact such for the benefit of the Crown, as the Attention due to the then Distressed situation of the Country, the Commercial Laws of Great Britain, and the Interest of the British Trader resorting there would admit of. The Ancient Revenues arose from the following Articles -

1st

Rents of the King's Posts at Tadousac, Chicotimi Isles de Jeremi and Sept Isles, which never Amounted to more than £ 291 " 13 " 4 Sterling p. Annum. They have been since let for £ 400 Sterling p. Annum

2d

Duty on Liquors Imported Vizt

Wine by the Hogshead	£ " 10 "
Rum by D ^o	1 " - "
Brandy p. Gallon	" . 6
Ordinary Wine bottled p. Bottle	$\frac{1}{2}$

APPENDIX 1

227

Bottled Sweet Wine p. D^o 1 $\frac{1}{2}$
 Eau de Vie de Liqueur 5
 These several Duties produced in the Year 1757 £ 8018.2.3
 Sterling

3d

Lots et Ventes arise from the Sale of Houses and Lands En
 Roture upon those in the Kings possession, the purchaser pay-
 ing him a Twelfth as to his immediate Lord or Seigneur. This
 in the year 1757 produced $\begin{matrix} \text{£} & \text{s} & \text{d} \\ 921.13. & 11\frac{1}{2} \end{matrix}$

4th

Cens et Rentes or Ground Rents of Houses Built on the Kings
 Lands in the City and Suburbs of Quebec - These were collec-
 ted in the year 1758 For Twenty nine years together and pro-
 duced no more than £ 93.2.9 Sterling.

5th

Duty on Dry Goods Imported which produced in 1757 $\begin{matrix} \text{£} & \text{s} \\ 3363 & 18 \end{matrix}$
 $\begin{matrix} \text{d} \\ - 3\frac{1}{2} \end{matrix}$

6th

Duty on Dry Goods Exported which produced in the year 1757
 $\begin{matrix} \text{s} & \text{d} \\ \text{£} 1601 & 15 \end{matrix}$ - $\frac{1}{2}$

7th

Duty on the Exportation of the Skins of the Moose Deer which
 produced in the year 1757 £ 56 - 3 - 4

APPENDIX 1

228

8th

Every House within the City and Suburbs of Quebec, for Repairing the Barracks and keeping the same in order, paid an Annual Tax. This in the year 1757 produced £ 572 "11 " 6.

The produce of the above Articles in the year 1759 Including only 1/29th. part of the Cens et Rentes Vizt. £ 3 " 4 " 2³/₄ Amounted to £ 14829 "1 " 11¹/₄ Sterling.

All these Dutys and taxes were Imposed by the King of France's Edicts; I had no doubt of the Right of the King of Great Britain to every one of them - The Laws of Conquest and the Law of Nation, I flatter myself will justify this Opinion and notwithstanding all I have heard, I am not yet convinced that the Laws of Great Britain can take place in any of its Conquests, untill the War with the power from which the Conquest was made is actually finished and the Country by Treaty annexed to the Crown; Civilians must decide this, Grotius must be consulted Cook upon Littleton etc. are out of the Question if otherwise why is there not a Lawyer General appointed to attend every Invading Army - The Law of Nations should be the Study of a Soldier and when he Errs against those of Arms he is highly reprehensible. If any part of my Conduct ^{*}as Indicated want of Tenderness to the Conquered, or of a proper regard to the Interest of the

APPENDIX 1

229

British followers of the Army under my Command, I have Erred against Humanity: If I failed to report to my Superiors the State of the Conquest committed to my Care I erred against the Rules of War; If I did not send regular Accounts of Receipts and Disbursements let me be condemned for wilfull neglect; and If I imposed any of the Duties above recited inconsiderately, and Inconsistant with the Situation of the Inhabitants, let me be blamed for Ignorance and Imprudence.

By these Rules I flatter myself your Lordships will Judge of my Conduct in everything I am Accused of During the Military Government; by my Instructions and the Laws of the Land of any faults laid to my Charge after the Civil Government took place

Article 1st

That he has raised very considerable Sums upon his Majestys Subjects contrary to Law - Particularly by a Duty upon Rum and other Spirituous Liquors which was different to that which was normally paid by the Inhabitants of Canada before the

The 1,2,3,4,5 and 6th Articles of Charge against me for Imposing Taxes and Duties Contrary to Law. This was done during the Military Government. I have been well assured by Learned Gentlemen of the Law that had I enforced the

APPENDIX 1

230

Conquest of that Country -

Art 2d

That this Duty was Arbitrarily Imposed without any Instructions, and received without any Authority for so doing -

Art 3d

That it was not Claimed in his Majestys Name, or as of Right due to him, But the Enacting part of the Placard by which the said Duty was Imposed was in the following words "I have "thought Right to Establish and do hereby "Establish and Direct the following "Duty to be levied within the Extent "of the Government of Quebec -

Art 4th

That heavy Fines and Grievous Imprisonments were made

King of France's Edicts

imposing all the Dutys I

have recited I must have

been justified in any Court

of Law in this Country -

But I am Charged for having

only exacted Six pence

Hallifax Currency p. Gallon

on all Spirits Imported

from the Colonies: a Duty

which the Consumer and not

the Merchant paid; a Duty

on this Commodity not so

large as is paid in every

Province of his Majestys

American Dominions; a Duty

Calculated it must be al-

lowed to Preserve the So-

briety of the Troops, and

the Health and Morals of

the Colonists. Now if it

is proved that the Merchant

Sold new England Rum, for

which he paid no more than

APPENDIX 1

231

the penalties for the Breach
of the above Placard -

Art 5th

That a large sum was likewise
raised by a Tax upon horses
Imposed as aforesaid in such
Parishes only as were the
Objects of his Resentment

Art 6th

That the Payment of the said
Partial Tax was Enforced un-
der the penalty of Distress
of Goods Tho' a Tax upon
Horses had never been Imposed
before the Conquest of Canada.

This Tax of a Dollar for
each Horse was raised for In-
stance amongst others in the
Parish of St. François de La
Riviere -

*sic

Vid: Copy of the
Placard in the Appendix No 1.

Half a Crown pr Gallon at
Quebec, including prime
Cost, Freight and Insur-
ance, for Ten and Twelve
Shillings p Gallon he can-
not reasonably Complain of
want of Attention to his
Interest in the Establish-
ment of this Duty; and
when I inform your Lord-
ships that I exempted from
it all Spirits made in
Great Britain, as an In-
couragement to the British
Trader, to that of Naviga-
tion & with a View to the
Interest of the Mother
Country, I hope I shall
stand exculpated of Ignor-
*ence Imprudence and Incon-
sistency-

The Placard

Perhaps is Deficient in point of Form it is plainly however Expressed for what purposes the Duty was raised, Form in Civil Government is necessary the Kings Attorney General is to direct it. But in a Military Government perspicacity the necessity and the Intention of an Order is the Criterion-

The placard could not have been enforced unless Fines and Imprisonments had been made the penalties; I put my Accusers however to Defiance to produce an Instance of any man's having been Imprisoned or Fined for the Breach of it, tho' numerous were the Evident Frauds Committed by the Importers -

I have already declared that it is, in my poor Opinion, the

APPENDIX 1

233

Business of a Governor to Exact and Establish the Kings rights in a New Conquest, I reported those I found in the Governm^t. of Quebec to the Lords of the Treasury, at the same time their Lordships were Informed of the Motives for Discontinuing those which Appeared Burthensome to the Trader and the Colonist, and Inconsistant with the Interest of the Mother Country, I never received any order disapproving of what I had done; I annually sent Accounts of the Produce and Disbursements to the Treasury and the proper Officers - Silence in this Case must be construed Consent; and there not being to this day any Provision made by Parliament for the Support of the Government of Quebec, makes it

APPENDIX 1

234

*sic

evident that the Dutys raised by me were looked upon as a Fund to defray the Expence there until ways and means were thought off: And last year his Majesty in Council having thought it Expedient not only to Order his Receiver General to Exact all the Dutys and Taxes Imposed by the King of France but to resume the Posts of Tadousac Chicoutimi to which by his Royal proclamation had been laid open to the Public; one would think is a Sufficient Justification of my Conduct relative to the Duty of Sixpence p. Gallon on Plantation Spirits and French Brandy, and the Posts of the King's Domain -

How the British Merchants and Distillers can justify themselves in Persecuting me for

APPENDIX 1

235

laying on this Duty at a time when petitions to Governm^t they are lamenting the Total annihilation of their Trade to that Colony by the Discontinuance of it, is difficult to be conceived, I would gladly hope this behaviour of their proceeds from no ill will to me; as I never knew any of the gentlemen who back'd the petition of the Quebec Traders. I cannot have Personally offended them, I must therefore Impute their Efforts to Ruin my Reputation to Ignorance of the State of things in the Colony at the time they Signed the petition and to the Misrepresentation of their Correspondents there, who, from an Incapacity to make good their Engagements at London, loaded the Governor with the Cause,

APPENDIX 1

236

when it was really owing to
their own Extravagance, Folly
and want of Industry, The
Gentⁿ of London my Prosecutors
will hardly avow that from a
principal^{*} of Justice they mean
I should refund the Dutys to
Enable their Correspondants to
pay their Debts: I should
Argue, was I concerned, the
Trader has no right to the re-
fund, because the Consumer
paid the Duty; but if a Refund
is their^{*} Motive it is in vain
to Expect if^{*} from me, the whole
having been Accounted for to
the Treasury. They must seek
it there: all they can expect
of me is an Acknowledgement of
having Accounted for every
Shilling of it, and the Suppli-
ment to the Quebec Gazette of
the 3d of October following
will convince them, that not a

*sic

*sic

*sic

APPENDIX 1

237

Vid Resolution of the
Military Council in
Ap^x. N^o 2-

Farthing has been concealed -
The necessity of the Tax raised
upon Horses is Accounted for by
the Resolution of the Military
Council and the other Papers
Annexed; to say that it was
Imposed on such Parishes only
as were the Objects of my Re-
sentment, is the Blackest Cal-
umny that ever entered the Heart
of Man, and is of itself Suffi-
cient to show that my Accusers
have no reputation to lose, or
that they are determined to
Sacrifice Truth, Candour and
every Virtue to satisfy their
Revenge proceeding from disa-
pointed Ambition because I did
not make them Magistrates, and
protected those they thought
they had a Right to Distress -
Captain Gardner who was of the
Military Council will Inform
your Lordships of the Necessity

APPENDIX 1

238

of this Tax; Major Abercrombie will declare whether the Parishes in Question were or could be the Objects of my Resentment. The Canadians almost without Exception have behaved so as to Insure to themselves the Admiration and not the Resentment of Honest Men; the few Exceptions amongst them are all the little Dealers in the Towns of Quebec and Montreal who are at the Mercy of the British Traders their Creditors. The People who paid the Tax never complained because they were convinced of the Equity of it, and that it was applied to the Relief of their distressed Countrymen of the City, who having lost everything they possessed by the Destruction of the Town, which sustained two Sieges in one year, were still obliged to Lodge the King's

APPENDIX 1

239

Troops - The Parishes which paid this Tax had few or no Troops quartered upon them, they had not suffered by the Calamity of the War in comparison to the others, - had a Proportion of the Troops been Quartered upon these Parishes, the Burthen must have greatly exceeded what they paid in consequence of the Tax in Question: all that was Demanded was a Dollar for each Horse and the Sum Collected Amounted to about £ 600 Hallifax Currency, which was immediately Distributed to the most necessitous of the Burghers, as by Receipts and Disbursements ready to be produced may appear -

This was not an Annual Tax it was rather a Charitable and Equitable Donation: in Canada Horses are Esteemed Luxury, the Ground is Cultivated by Horned

APPENDIX 1

240

Cattle, the length of the Winters Enforces Frugality in the Article of Forage, and none can afford to keep Horses but the opulent: hence the reason of laying the Contribution upon the Possessors of Horses only.- Generals have been justly condemned for laying Contributions upon the Conquered for their own Emolument But I do believe I am the first Officer who has incurred the Censure of his Countrymen for an Act of Justice for the Relief of the Vanquished. By the Rules of War I must have been Unjustifiable to have charged the Expence of Quartering the King's Troops in a Conquered Country not yet ceded by Treaty, to the King's Treasury; and by those of Justice I should have been unpardonable had I not Impartially distributed every

APPENDIX 1

241

necessary inconvenience the Unhappy Inhabitants were liable to

Art 7th

That he has been Guilty of Injustice and Oppression by Seizing the Ships & Merchandize of Merchants and Traders, Detaining them in some Cases to their great loss & Detrim^t and not restoring them in others until the owners Complied with Terms imposed upon them by him without any Colour of Right or Lawfull Authority - And illegally imprisoning their Persons by Verbal Orders upon false and Frivolous pretences, the Parties not being convicted by any formal proceedings whatever particularly in the Cases

The 7th Article Charges me of Injustice and Oppression by Illegally Seizing the Ships & Merchandize of Merchants etc etc

I little expected that a very respectable Body of London Merchants would Blame me for doing my utmost to prevent the Smuglers of Guernsey, Jersey and the Isle of Man from supplying the Colony with French Manufactures and Commodities. I beg vour Lordships will allow an Extract of my Letter of the 7th Nov. 1764 Vid Ap^x No. 3, To the Secretary of the Treasury to be read to you; it Exposes the Motives of my Conduct in the Seizures Complained of, And I flatter myself the Mode of

APPENDIX 1

242

of Athanase the Indian
Chief Mr. Eli La Parre
Cap^t. Malcolm Mrs Hay and
Mr. Payne -

acting was not only Justifiable
but Tender, Humane and disin-
terested. Had I sent the Ves-
sels and Merchandize to
Hallifax in Nova Scotia, the
Court of Admiralty there could
not have avoided Condemning
them; the third part of the
Seizure in that Case was mine.
But allow the Condemnation to
be doubtful. I certainly had
a Right to send them there for
Trial without Incurr^s. any ris-
que or Damage, The Consequence
of the Legal procedure stating
it in the best light for the
Plaintiffs must have been worse
to them than the great loss and
Detriment complained of by my
obliging them to give Bond. If
any obstruction was ever off-
ered by me to the fair Trader
and to vessels cleared out re-
gularly from Great Britain, let

APPENDIX 1

243

me be condemned for Arbitrary oppression, But I expect applause for doing what in me lay to Enforce the Navigation Laws of Great Britain - This in Answer to Cap^t Payne's Complaint.-

Vid: in Appendix No.4

The annexed Paper sets forth the Business relative to Athanase the Indian Chief the Posts of the King's Domain Viz Tadousac Chicotimi Sept Isles and the Islands Jeremi; I reported to Gen^l Amherst and had his Orders to keep them on the same footing they were during the French Governm^t and to send an Officers Detachment there for that purpose. If the trespass committed by Athanase had been Winked at I should have disobeyed my orders, I should have Encouraged Licentiousness and given up the Authority I

APPENDIX 1

244

was bound in Duty to maintain. Had the Furr's and Merchandize seized been applied to my Use, the Act might be imputed to other motives than a Sense of Duty, but as the produce thereof was given to the Creditors of the Delinquent Athanase what is to be complained of. If Mr. Alsop had not his full proportion it was because I was Ignorant of his Claim untill after Mr. Werden had received his Demand.

The Affair of Mr. Eli La Parre stands thus. In the Winter 1759 he was Employed by me as a Spy; he had for that purpose a passport to go with some Trifling Merch^{ze}. to Montreal; when he returned he Acquainted me of the Enemies Intention to send a Detachment below the Town to procure Flour and

APPENDIX 1

245

Cattle. This Intelligence being confirmed by Spies I had more dependence upon, I desired La Parre and others to go to the lower Parishes and give me Information of the Enemy's Motions, for which purpose he (La Parre) had a passport to Traffick with the Inhabitants for Furs and other Commodities: But I never heard more of La Parre until I was at Montreal in Sep^r. 1760 when Mr. Ainslie, who I had appointed Director of the King's Domain, reported to me by Letter, that he had Seized upon La Parre and some Effects which he had taken from the Kings Posts by Virtue of an order from Mons^r. Deane former Director of the Domain for the King of France; upon my arrival at Quebec I Examined this matter and found he had procured

APPENDIX 1

246

my Passport with no other View than that of Executing Mons^r. Deane's Commands, and that he had thereby Effectually pil-laged the posts. I ordered Mr. Ainslie to Credit the King with the produce of the Seizure and was happy from the Surrender of the Colony about that time that I was not under the necessity of Hanging him (La Parre) for a Counter Spy. Some time after this Event La Parre presented a petition setting forth as well as I can recollect, that he had been drawn into the transaction I have recited very innocently. That some Effects of his had been Seized by the French Officers and sent to the Posts of the King's Domain, and that he had procured that Order from Mons^r. Deane to Indemnify him, that he had a very large Family

APPENDIX 1

247

and other moving Circumstances:
I ordered the Military Council
to Examine and Report upon this
Petition, and they were of
opinion that the Man might be
Innocent, and that he should
be satisfied for the Effects
Mr. Ainslie had taken from him.
I confess I was of a Different
opinion, I however ordered Mr.
Ainslie to refund, which He
Actually did. and showed me Mr.
La Parre's receipt in full of
all Demands. Some time after
this I rece'd a Letter from a
person in the Isle of Orleans
acquainting me that La Parre
was Building two vessels in St.
Paul's Bay, that he intended
to Arm them and to Seize the
English Trading Vessels in the
Spring, and to carry them to
France: The Circumstance of
Building the Vessels upon

APPENDIX 1

248

Examination proved True and made it necessary for me to Send for La Parre, and to keep him in Prison, I think about three weeks, untill he could give me Security for his good Behaviour, and likewise satisfy such of his Creditors as were apprehensive of his Escape - Cap^t Malcolm was a Sutler in the Army at the Siege of Quebec, he had a small vessel there, which he contrived to Load with plunder and provision, and Sailed from the Place some time after the Gross of the Fleet; in the Winter, when I had made myself Master of the Lower Parishes, I was Informed that this Man was sculking amongst the Inhabitants, I gave Orders to bring him to Quebec and upon Examination it appeared the man was out of his Senses that he

APPENDIX 1

249

was of an Abandoned Character, and had been banished from New England, the place of his Nativity; It was commonly believed he had sold his vessel to the Enemy, his remaining amongst them 'till he was brought up by my Order, Confirm^d this Suspicion. I confined him some days in prison, and afterwards sent him in Exile to the Island of Orleans, in my Situation I could not do less, the Example was necessary, perhaps I was at the time, & since have been blamed by many, for not Punishing him, Agreeable to the Rules of War, your Lordships know the Severity & necessity of these Rules, my Prosecutors seem Ignorant of them, they Accuse me in the most Critical Situation that ever Officer found himself in, for not acting in every

APPENDIX 1

250

respect consistant with their Ideas of the Laws of England, I would gladly know what these Gentlemen would think of a man, whose House was on fire if he Scrupled to throw water upon it, for fear of Spoiling the Valuable Furniture, The Laws of England I revere, but in the Field, in an Enemy's Country, nay even in our own there are times and occasions when it would be Criminal and Cowardly to regard them - Mr. Hay was likewise a follower of the Army: Repeated orders had been given to the people of that Class in the Winter 1759 not to sell Spirits to the Soldiers on Pain of immediate punishment: it is needless to Explain the necessity of that order, in our Situation; it is Sufficient to Assure your Lordships that the little attention

APPENDIX 1

251

given to it by the Sutlers, made an Example necessary; Mr. Hay was the first Delinquent after that Resolution had been taken, he was confined by the Town Major, and being a Man much beloved by the Officers, great Importunity was Employed in his Favour, it was represented he was a Scots Gentleman, and perhaps my own Relation; I replied they were bad Advocates, that Punishments being Inflicted to Deter others from Crimes, the higher the Example the better, And that Mr. Hay from their description, seemed to be the only person of his profession I could not Pardon; In short the Difficulty of saving Mr. Hay put a stop to the Disease I wanted to cure, but to make the Dose Effectual he was conducted to the parade, was

APPENDIX 1

252

stript and pardoned the punishment tho' not the Disgrace due to his Disobedience. I am sure Mr. Hay has not complained of any Injustice or Oppression in this Affair, there are several present who can declare that when I received the news of my being appointed Civil Governor I assembled the Merchants and after some Admonitions I addressed myself to Mr. Hay, assuring him of my intire satisfaction with regard to his Conduct since the Surrender of the Country, and that I often had regretted the necessity I was under to Treat him as I had done in the Winter 1759, the Man Generously replied that he was obliged to me it was not worse, for he knew he deserved it, as the preservation of the place

APPENDIX 1

253

depended upon the Sobriety of the Troops: That the Disgrace its true would have been unsupportable had he been singular, but as not one of the Followers of the Army were Exempted from the Crime, all their Backs were Exposed when his was Stript, and none of his Companions could therefore reproach him.-

The Inustices and Oppressions I am charged with, in the Cases of Capt^t Payne Eli La Parre Athanase the Indian Chief (who by the by is no Chief) Capt^t Malcolm and Mr. Hay happened during the Military Government. When necessity created Law in some Cases, Prudence, Justice, and Humanity, were to direct in everyone.

I have likewise been Accused of Supplying the Enemy with

APPENDIX 1

254

Brandy Salt and other provisions
from Quebec in the winter 1759
- the fact stands thus -

*sic

I was left in that Town with
Ten Battallions Three Companys
of Rangers One of Carpenters
and Three of the Royal Regiment
of Artillery - By the Cap^{*} tula-
tion the French Burghers were
to enjoy their Houses and pos-
sessions, and to remain in the
Town. It is well known we were
destitute of Every necessary,
Salt provisions Arms and Am-
munition excepted; that the
place was open, and no better
than a very bad cantonment,
that Fuel for the preservation
of our Lives Fascines, etc, etc,
for that of the Fortification
were to be procured by force of
Arms - That consequently a
great Extent of Country, both
above, and below Quebec Suffi-
cient to yield the Supplies we

APPENDIX 1

255

wanted, was to be maintained and kept in Subjection by the Establishment of Posts: in short that we had every difficulty to Struggle with which ever had been Experienced in the most severe Winter Campaign by an Inferior Army -

In such a situation every Soldier will allow the Necessity of Intelligence, no one will venture to deny the impossibility of existing without it. And I think it will not be easy to produce an Instance, where it was more Difficult to procure it. We had not a Friend in the Country, all were Enemies both within and without the Walls, all Interested in our Destruction, all bound in Duty and Inclination to Contribute towards it; no Motion of mine could be concealed from the

APPENDIX 1

256

French Generals, every one of them might have been hid from me; not only their Army; but every Peasant able to carry Arms, might have been Assembled without my knowledge, had I not fallen upon the only method of opening and keeping up an Inter-
course with their Head Quarters. This was by allowing some of the French Merchants to carry Spirits wine and some dry Goods to their Advanced posts, where at first they were stopt, but afterwards (to my great Joy) allowed to pass, I imagine from a perswasion, that the merchants and Carriers being French would not betray their Country.

The whole Campaign proved the Contrary the Enemy made several Attempts upon me which were evidently baffled by the timely notice I had of their Enterprizes and the Bravery and

APPENDIX 1

257

Alacrity of the Kings Troops;
in these we undertook against
them we had better Success.
Their posts were Surprized,
their Guards killed or made
prisoners, and their convoys
attacked and Seized: during
the Winter I did not lose a
Man, tho' I seldom had less
than a Thousand in the Woods
covering the workmen under the
Enemys Nose -

When their Army Assembled in
the Spring I had early notice,
and withdrew every post in Time
which I wished should retire,
every Body will allow I had
good intelligence, and the Lords
of the Treasury know, that no-
thing has been Charged for it;
It was procured by the Brandy
found in the Cellars of Cadet
the French Commissary. I gave
that Brandy and Pasports to dis-
pose of it as they pleased to

APPENDIX 1

258

Captains Barbut and Cramahé;
They spoke French as well and
as Fluently as English. I
therefore gave them the manage-
ment of the Spies, they were
indefatigable and gave proofs
of Incomparable address: every
Body knew that Mr. Barbut Sold
the Brandy to Messrs Tropé and
Bartholemy Martins for Eighty
Thousand Livres, for which they
gave Bills of Exchange for Dif-
ferent Sums to that Amount upon
their Banker a Mons^r Tourton at
Paris- I do not believe that Mr.
Barbut and Cramahé put much of
this Money in their Pockets. I
wish they had, for they are
both very poor and very deserv-
ing, I gave the Brandy to them
for Intelligence no man ever
had better, I am sure no Army
ever wanted it more - and that
no Nation ever paid less for it.

APPENDIX 1

259

Had Avarice been my passion
it might have been gratified
without Robbing the King of
Eight Thousand Gallons of
Brandy: The power given me by
the Treasury to Issue a Paper
Currency would have made one
Sufficiently Rich had I made
Use of it, but tho' I was left
with no more than six thousand
pounds for the Subsistance of
the Troops and the Contingent
Expences of the Army for Twelve
months, I forbore adopting the
French paper, or Issuing any of
my own, from the principal^{*},
that Money being the Sinew of
War, it was my Duty to do what
in me lay to discredit the
paper Currency, the only Sort
of Money the Enemy were posses-
sed off^{*}. L'Argent Sonnent was
what the Canadians were to Ex-
pect by the Change of Masters
the Lure to them at that time

*sic

*sic

APPENDIX 1

260

of Day, when a Hundred Livres of their Paper Sold for Two Dollars was not to be weakned by my adopting it, or issuing any of my own. A principle of Justice & Duty prevented me from Accepting the Riches offered me by Mr. Arnold Nesbitt the Contractor in the year 1762. To my behaviour in that Affair is to be ascribed the Rancour of the British Traders in Canada and of their Correspondents here - the Case is as follows -

This Mr. Nesbit wrote to me under Cover to his Correspondent Mr. Brymer at Quebec, that his Friend at Paris having acquainted him that the Canada Paper would have a better Fate than was imagined, He had determined to buy thirty thousand pounds worth of it, and was desirous that I should have half

APPENDIX 1

261

of the Profit; Before I rece'd this Letter I had taken much pains to prevent the Canadians from Selling their paper for Ninety p Cent. Discount to the British Traders; this Letter fortifying my Arguments, I was Eager to make use of it, and immediately sent for the principal Canadians, read to them Mr. Nesbits Letter and advertised upon it by every Argument in my power to hinder them from throwing away their paper money. The Effect was Immediate, the next day the Paper rose two hundred p Cent, none Sold indeed but the necessitous. The effects of such a Disappointment are easy to be conceived, I fear they never can be Erudicated^{*}, and are probably the Cause of the present Trouble to your Lordships and to your Humble Servant: It

*sic

APPENDIX 1

262

however sufficiently demonstrates,
that Duty, Justice and Humanity
got the better of the Avarice
my Accusers would lay to my
Charge -

By Suspending the Deputy
Secretary and refusing to
give him a Copy of the
Charge against him, where-
by he might be able to
justify his Conduct.- By
refusing to Licence an
Attorney (Mr. Hall) untill
he had first taken an Oath,
that he would not in any
respect Assist or have any
Connection in Business with
the person to whom he had
been Clerk and to whom the
Governor had taken a Dis-
like By obliging a Canadian
Gentleman (Mons^r. La
Fontaine) to make a con-
veyance of Lands which was

The Charge of Suspending the
Deputy Secretary is Answered
by my Letters of the 14th April
1766 to the Board of Trade and
Mr. Ellis the Patent Secretary
& the 24th Article of my In-
structions Vid No.5 Appendix

The Council Book sets forth
the necessity of preventing
Cunningham from Acting as an
Attorney Vid No.6 Appendix- If
Hall his Clerk had been allowed
to Act for him and in Conjunc-
tion with him, the Evil Conse-
quences to the Province of
Cunningham being an Attorney
would not have been removed and
the wisdom of the Council must

APPENDIX 1

263

desirous of possessing,
and who at the time he
Signed the Conveyance pro-
tested against his own
Signature, and Declared the
Conveyance was Extorted
from him by violence.

By ordering a Merchant to
depart the Province in Ten
days, for getting an Ad-
dress Signed in favour of
another Merchant who had
been Illegally Imprisoned.-

*sic

have been defeated.

This affair is falsely repres-
ented the Board of Trade pos-
sesses the whole Transaction,
the Complaint has been already
answered, and laid before his
Majesty some years ago.

This must allude to Mr. Franklin
who in the year 1760 poured in
much French Merchandize from
Guernsey, Jersey, and the Isle
of Man etc, was concerned in
all that shamefull Trade, and
when he presented a Petition in
favour of Captain Payne had the
Audacity to insist, not only
upon the Legality, but the pro-
*
perty of it; It is true I did,
for the reasons I have already
set forth to put a Stop to that
Trade, Order him out of the
Province, unless he would give
Security that he would not Cor-
respond with the Enemy, nor run

APPENDIX 1

264

French Commodities into the Colony, which he refused to do and Departed - This happened during the Military Government.

That the Merchants and Traders have at Different times been treated with the most opprobious^{*} Language, and Indecent manner by him -

*sic

Article 8th

I Acknowledge to have often severely reprimanded some of the Traders during the Military Government Vid: Extract of my Letter to the Lords of the^{*} Trade on that Subject No.7 Appendix - I am certain I have not made use of a Disrespectful Expression to one of them since the Civil Government commenced -

Article 9th

That having a Difference with his Majestys Chief Justice for the Province, in order to lessen his Influence and Authority, he declared that he would remit Fines Imposed by him

The Chief Justice Imposed in my Opinion a very unjust fine upon Mr. Gridley, the Custos Rotulorum, for omitting some form in the return of a Writ. Mr. Gridley in vain represented to him that the Error proceeded from Ignorance and not from Obstinacy or Neglect; that he

APPENDIX 1

265

hoped the Chief Justice would consider and make allowance not only for his want of a sufficient knowledge in the Laws and Forms but likewise for that of the other Justices of the Peace all inexperienced and without a possibility of Instruction, until the Copys of Burn's Justice arrived, which I had ordered to be sent from New York for their Information - Mr. Gregory was Deaf to these and many other reasonable remonstrances, upon which Mr. Gridley applied to me for Redress - I represented to the Chief Justice that I should be obliged to remit the Fine by Virtue of the Powers given me by my Commission, but that I would rather he did it from the Bench, which was done accordingly. What can My Accusers

APPENDIX 1

266

*sic

mean by such trifling things,
every one of which proves the
reverse of what the^{*} would insi-
nuate?

Art. 10th

*sic

That he obstructed the due
and regular Administration
Of Justice, by Ordering a
Court of Oyer and Terminer
to be Holden at Quebec for
the Tryal of Persons Im-
prisoned upon suspicion of
Committing an Outragious
Trespass upon a Magistrate
at Montreal, notwithstand-
ing he had promised in
writing that the prisoners
should be tried at Montreal
where the fact charged upon
them was committed, as is
prescribed for wise and
weighty Reasons by the Laws
of England.-

This affair has made much noise
and has been ill understood;
but it is singular that both
Mr. Walker, and the Friends of
the People accused of having
Assaulted him, should blame me
and the Council for partiality.
The Acts of the Council, Mr.
Walker's protest, the Attested
List of the Protestant Jurors,
and my Letters to the Lords of
Trade, will sufficiently shew,
that nothing was wanting in
Government to bring to Justice
the Perpetrators of a Crime
which dishonours humane Nature,^{*}
and that Mr. Walkers own Ob-
stinency^{*} and the Intrigues prac-
ticed upon him by Cuningham

APPENDIX 1

267

the Attorney, were the real Causes which saved the Delinquents from punishment Vid: App^x. No. 8.-

By sending for the List of Jurors and Insisted that the Jury should consist of persons named by him.-

I deny this Assertion: I remember after the noise made by the first Grand Jury, which I found had been named by Cunnigham the Attorney, I sent for the Deputy Provost Marshall and desired that for the future he would do his own Duty, and if possible contrive to have some British of Understanding and Moderation upon every Jury who spoke French, that the New Subjects of the Jury Might be Instructed by them; And the old ones, who did not understand French made Sensible of what any French Evidences might set forth; after this the Provost Marshall offered to shew me a List of the Jury, but I would not look at it, for, from

APPENDIX 1

268

By ordering the person acting as Provost Marshall to Discharge one whom he had in Custody by Virtue of Legal process in a Civil Action.-

his Connections, I really suspected he had a Bad design.

It is true that a Mons^r. Courteau was discharged from Bail by order of Council (as appears by the following Extract from the Council Books).

Council Chamber 4th Sep^r. 1765

"Upon reading the Petition of John Courteau "complaining that he had been arrested and "held to Bail by Beauparlant for the sum of "550 odd Livres contrary to an Ordinance for "confirming the Decrees of the Military Courts "for any sum under Three hundred Pounds; and "and it likewise appearing by said Petition, "that the present matter complained of has "been determined and Settled by a Decree of one "of the Military Courts of this province, It is "therefore Ordered, that

APPENDIX 1

269

the Writ issued against "the said Courteau be immediately taken off the "file, and that the Bail be immediately discharged"-

There were likewise some Soldiers discharged from prison in Consequence of the Ordinance of the 31st May 1765

Art. 11th

That instead of promoting Harmony and an Union between His Majestys British and Canadian Born Subjects to which both parties were inclined; the whole Terror of his Policy and Conduct has been to kindly animositys, and to raise Jealousies among them and to keep them Disunited.-

Your Lordships will Judge from the presentments of the first Grand Jury at Quebec whether or not the petitioners against me were inclined to promote Harmony and Union between themselves and the Canadians: I think it is plain they aimed at no less than the Expulsion of the Canadians, and that it was high time for the King's Governor to do every thing in his power to quiet their minds. If assuring the Canadians that the King would protect them in

APPENDIX 1

270

their Rights and Religion and not only secure, but Augment to them every priviledge they could claim from the Treaty of Paris, in proportion to the Zeal they shewed for his person and Government; if this was wrong I comitted the fault; if representing to them that the presentments of the Grand Jury were absurd and unwarrantable was kindling Animositys, I am Answerable for it; if declaring that the King would not only hear, but redress their Grievances, and reward all his Subjects without distinction was a Crime, I did it; I did more, I gave them leave to Assemble and draw up a petition to their Sovereign, which I sent home by my Secretary; They on the other hand presented Claude Panet a French Advocate as a Disturber of the

APPENDIX 1

271

peace for Assembling the new Subjects and drawing up the petition I mention, for a Copy of which and the Presentments of the first Grand Jury the protest of the Canadians who were upon that Grand Jury and the Representation of the Lords of Trade to his Majesty in Council relative to their Presentments-
Vid: App^x No.9

In short this same Grand Jury and their Arbitors did every thing in their power to convince the New Subjects, that they were condemned to Slavery, that Licenciousness was the Spirit of our Laws, and that Rapine was the priviledge of the Professors of it. They were not contented with betraying the few Canadians upon the Jury to Sign their own Condemnation in a Language they did not know, but they petitioned

APPENDIX 1

272

the King to remove his Governor, because he would not encourage them in such proceedings; I beg your Lordships will remark, that Twelve of the Twenty one who Signed the Petition on which I am now Tried were of this first Grand Jury Viz^t. James Johnstone foreman, John Purss, Peter Faneuil and his partner, James Jeffrey, Philip Payne, Daniel Bayne, Geo. Fulton his partner, William McKenzie, Thomas Story, Sam^l Sills, Alex^r McKenzie and John Dancer -

By frequent Declarations that if the Canadians Born Subjects Joined in any Representations with the British born Subjects, he would not Grant the former any favour or Relief, and ordering them to address and apply to him separately-

It is very true that I did declare that I never would receive a petition in English Signed by the French unless they understood English: what had happened to the Canadians on the first Grand Jury made me take this Resolution, and Induced me to advise, that when the British & Canadians thought

APPENDIX 1

273

proper to Join in a request or Remonstrance, it should be drawn up in Two Columns, one in English and the other in French, and that the petitioners should sign the Column in their own Language - that Rule was followed, I think it was a good one and very Different from the Allegation in the Charge -

By calling a kind of House of Representatives to consist of the Canadian Seigneurs only and in which none of his Majestys Protestant Subjects were capable of Sitting - This is pretended was done in Compliance with a petition from the Canadians, but it is charged that the petition was drawn in the Gov^{rs} House, in his presence, and

It is very Extraordinary that this Business should be thought Criminal, the most Sensible of the new Subjects had with regret seen some of their Countrymen the little Retailers in the Towns dependant upon the discontented English Traders, join in some of their Licentious Remonstrances and being terrified from what had happened to Mr. Panet, and desirous that the real sentiments

APPENDIX 1

274

by his direction. The bad policy of this measure was so glaring that a large and very respectable Body of Canadians wrote a public Letter to his Majestys British Born Subjects, disavowing the Acceptance of any Priviledges in which the Latter were not permitted to share.-

of the people might be known by Government in all Critical Matters which rewarded them.-

They Presented a Petition to me desiring leave to Assemble for these purposes, I told them the petition should properly be directed to me in Council, and the alteration was actually made in my House, and in my presence - Vid. Petition in Ap^X. No.10 -

The following Extract from the Council Book shews the result of that Petition -

April 25th, 1765.

"Ordered to be filed, and Resolved that the "petition be granted with this Restriction, that "they do prior to any such Meeting apply to this "Board for Leave to Assemble, naming the time and "place, and then not to be less than Two of the "Council present; who are to

APPENDIX 1

275

have power to dissolve "the said Assembly as they shall see occasion, and "Admittance also to be given to any Justices of the "Peace who shall desire it, and for that purpose "the Custos Rotulorum to have Notice given him "likewise prior to any such meetings, and such Assemblies to be held no where but at the City of Quebec"

The Factious and Licentious did all in their power to prevent their meetings; the Intention of them was to prevent what they wished to promote, Confusion and Disorder, A Capt^t Lieutenant Johnston did what in him lay at Montreal to disturb their meeting there, and the Factious at Quebec actually mobbd them before the Councellors were present I knew nothing of this untill it was over; If I had I should certainly have

APPENDIX 1

276

protected the Canadians and insisted upon their Meeting and Deliberating quietly -

This Ordonnance had the Royal Approbation.-

By the Ordonnance for Establishing Courts of Judicature, which was Established to perpetuate the Distinction between the Canadian and British Born Subjects, and prevent them ^{*}for considering themselves as one people.- By frequent Declarations in favour of the Roman Catholic Religion.-

*sic

I am Surprized that Mr. Walker who Assumes the Title of Agent for the People should now produce this Accusation. He formerly endeavoured to convince Lord Dartmouth that I was an Atheist and a most notorious Blasphemer; now he will have me a Staunch Roman Catholic But I suppose all he means is, that I could not be prevailed upon to persecute His Majesty's Roman Catholick Subjects in Canada,

APPENDIX 1

277

5th. By Infusing into
the minds of the Canadians
that their Interests were
Different from those of
his Majestys British Born
Subjects -

Art. 12th

*sic That persons who have re-
fused to Sign Addresses
presented to them by His
Agents, have been treated
with the most opprobious^{*}
Language by him, and
threatened to be Banished
the Province.-

If so I plead Guilty.-

5th. I Cannot Comprehend the
meaning of this, unless some
conversation is laid hold of
in which I may have Expressed
myself, that the Interest of
the Colonist (the Landholder)
and that of the Trader (the
Bird of Passage) was in many
Cases Diametrical opposite; I
am even unwilling to Answer
for my Conversation, but to
Judge of it, I beg it may be
Expressed in my own Words -

Art. 12th

By my Instructions and the Oath
I took when appointed Governor,
I was obliged to Study, and put
in Execution the several Acts
of Parliament relating to the
Trade and Navigation of Great
Britain, and the Colonies and
Plantations in America - That
of the 12 Cha^s 2^d for the En-
couraging and Increasing of

APPENDIX 1

278

Shipping and Navigation, absolutely forbids any Foreigner from Exercising the Business of a Merchant in any of the Colonies.- A Mr. Pellisier a Lorrainer and A Mr. Comte a Swiss both Merchants at Quebec, were sent for by me in Consequence of that Act of Cha^r 2^d. I told them I did not think I was safe in allowing them to remain Merchants in the province, and warned them to depart - I consulted the Attorney General, he gave a very doubtful opinion upon which I told Pellisier that he might remain untill I heard from England, as I should report his Situation, and that of others in like Circumstances, to the Lords of Trade:- A few weeks after this I received Orders to go to England -

I do not know that either the one or the other ever were

APPENDIX 1

279

asked to Sign an Address to me, I think it could not well be the Case. It was a maxim of mine to shun Addresses from the Traders, they wanted to make themselves of Consequence by Addresses, presentm^{ts} and Remonstrances; I discouraged such things from them, and upon all occasions consulted the men of property in the Colony, and did my utmost to gain the hearts of the Canadians, to Conciliate their Affections to our Governm^t by doing so I displeased the Little Protestant Traders who all, Quakers - Puri-

*sic

*tants, Anabaptists, Presbyterians, Atheists, Infidels, and even the Jews joined in Protesting against any consideration being paid to the poor Canadians, and were happy in finding an Opportunity of Insulting a Gentleman of the

APPENDIX 1

280

Country, those of them who had been honoured with the Croix de St. Louis were the particular objects of their hatred and Contempt- They knew well if they could drive the Gentry and people of Condition out of the Country that few of the lower Class would remain, that they would follow the Example of their Seigneurs, whose removal they would naturally Impute to the fear of being treated by us as the Acadians had been a few years before -

Art: 13th

That among the several Ordonnances Published by him, some were unconstitutional, Vexatious, Oppression Calculated to serve private purposes, Absurd and Unjust.

Art: 14th

That Billeting the Troops upon private Housekeepers

Art:13th

It is very extraordinary that I should be charged here for having made Ordonnances which have been approved of by his Majesty, and your Lordships of his Council -

Art: 14th

It is most shamefully misrepresented; how was it possible to

APPENDIX 1

281

was an Unnecessary Act of Oppression, as a Convenient Alternative was humbly proposed by the Inhabitants, but rejected, and their Memorial was unanswered.-

avoid Quartering the Troops on Private Houses in a Country where there are no Barracks, nor no Public Houses - It is true that Propositions were made by the Inhabitants of Quebec to fit up some of the Kings Houses for the Officers; the Propositions were ill digested, the Scheme was impracticable, at any Rate it could not have been put in Execution untill the Summer - This happened in October and the next April Pacquet brought us the Act of Parliament for Quartering the Troops in America - Can any thing therefore be more Frivolous, Vexatious & absurd than this Complaint -

Art: 15th

That notwithstanding the said Billeting Ordonnance was a General one; yet private Orders were

No Orders were given to Exempt any Person, but I did recommend to the Magistrates at Montreal not to Billet any of the

APPENDIX 1

282

given to the Magistrates not to Billet upon certain Persons, tho' the said persons were not excepted by the said Ordonnance.-

Art: 16th

That many of these Oppressive Ordonnances above ment^d. are directly contrary to his Most Gracious Majestys Instructions -

Art: 17th

That he refused to Obey his Majesty's Order in Council, Signified to him

Soldiers upon the Noblesse unless in Cases of the utmost necessity. This Distinction they had a right to Expect, decency and the regard paid to People of Family in all Civilized Countries required it; Can there be a greater Instance of the Turbulent Levelling Spirit of my Accusers, than this very Complaint? does it not plainly point out what they aim at, and from whence proceeds there Inveterate Rancour to me?

Art: 16th

I should be glad to know how my Accusers came to the knowledge of my Instructions.-

Art: 17th

I am Totally Ignorant of what is meant by this.-

APPENDIX 1

283

by the Secretary of State,
tho' frequently requested
so to do, by the person
who delivered to him the
said Order -

APPENDIX 2

Source: PAC, Shelburne Papers, MG 23, A 4, vol.64, p.101-105.
Murray to Shelburne, August 30, 1766

Report on the State of the Province of Quebec

My Lord

In Mr Secretary Conway's letter to me of the 24th of October 1764, I am ordered to prepare for my return to England, in order to give a full and distinct account of the nature and causes of the Disorders and Divisions which have happened in the Province of Quebec, and of my own Conduct and Proceedings in the Administration of the Government.

In Obedience to that Command I have the honour to Report as follows.

State of the Province

It consists of One Hundred & Ten Parishes, exclusive of the Towns of Quebec and Montreal. These Parishes contain 9722 Houses, and 54,574 Christian Souls: They occupy of Arable Land 955,751 Arpents: They Sowed in the Year 1765, 180,300 $\frac{1}{2}$ Minots of Grain; and that Year They possessed 12,546 Oxen, 22,724 Cows, 15,039 Young Horned Cattle, 27,064 Sheep, 28,976 Swine, and 13,757 Horses, as appears by the annexed Recapitulation of the Recensement taken by my Order in the Year 1765. The Towns of Quebec and Montreal contain about 14,700 Inhabitants. The Savages, who are all Roman

APPENDIX 2

285

Catholics, living within the Limits of the Province consist of 7400 Souls. So the whole, exclusive of the King's Troops, doth amount to 76,275 Souls; of which, in the Parishes, are nineteen Protestant Families; the rest of that persuasion, a few half Pay Officers excepted, are Traders, Mechanics, and Publicans, who reside in the two Towns of Quebec and Montreal: most of them were followers of the Army, of mean Education; or Soldiers Disbanded at the Reduction of the Troops: All have their Fortunes to make, and I fear few of them are solicitous about the means when the end can be obtain'd. I Report them to be in general the most immoral Collection of Men I ever knew, of course little calculated to make the New Subjects enamour'd with Our Laws, Religion, & Customs; far less adapted to enforce these Laws and to Govern. On the other hand the Canadians, accustomed to Arbitrary and a sort of Military Government, are a Frugal, Industrious, Moral race of Men; who from the Just and mild treatment they met with from His Majesty's Military Officers who Ruled the Country four Years untill the Establishment of Civil Government, had greatly got the better of the natural Antipathy they had to their Conquerors. They consist of a Noblesse who are numerous and who pique themselves much upon the Antiquity of their familys, their own Military Glory and that of their Ancestors. These Noblesse are Seigneurs of the

APPENDIX 2

286

whole Country, and, tho' not Rich, are in a situation in that plentiful part of the World where Money is scarce, and Luxury unknown, to support their dignity. The Inhabitants, their Tenanciers, who pay only an Annual Quit Rent of about a Dollar for One Hundred Acres, are at their ease and Comfortable: they have been accustomed to respect & obey their Noblesse; their Tenures being Military in the Feodal Manner, they have shared with them the dangers of the field, and natural Affection has been increased in proportion to the Calamities which have been common to both from the Conquest of their Country. As they have been taught to respect their Superiors, and not yet intoxicated with the Abuse of Liberty, they are shock'd at the insults which their Noblesse and the King's Officers have received from the English Traders and Lawyers since the Civil Government took place. It is natural to suppose they are Jealous of their Religion: they are very ignorant, it was the policy of the french Government to keep them so; few or none can read; Printing was never permitted in Canada 'till we got possession of it: their veneration for the Priesthood is in proportion to that ignorance; it will probably decrease as they become more enlightened, for the Clergy there are very illiterate and of mean Birth; & as they are now debarr'd from supplies of Ecclesiastics from France, that Order of Men will become more & more contemptible, provided they are not expos'd to Persecution.

APPENDIX 2

287

The State of the Roman Catholic Clergy I have already fully described in My Report to Your Lordship's Office in the Year 1763; it will therefore be superfluous to say more on that subject here, as no alteration has happened since that time.

I am really ignorant of any remarkable disorders which have happened in the Colony while I commanded there, the outrage committed on Mr Walker the Magistrate at Montreal excepted; a thorough detail of that horrid Affair I have already laid before the King's Servants in my letter to the Board of Trade of the 2d of March 1765. I have annexed a Copy of that Letter, in case it may not have fallen into Your Lordship's hands.

Disorders and divisions from the nature of things could not be avoided in attempting to Establish the Civil Government in Canada agreeably to my Instructions. The same Troops who Conquered and Governed the Country four Years remained in it: They were commanded by an Officer, who, by the Civil Establishment, had been depriv'd of the Government of half the Province, and who remain'd in every respect independent of the Civil Government. Magistrates were to be made, & Juries to be compos'd from four hundred and fifty contemptable Sutlers and Traders: it is easy to conceive how the narrow Ideas and Ignorance of such Men must offend any Troops, more especially those who had so long governed

APPENDIX 2

288

them, and knew the meanness from which they had been Elevated. It would be very unreasonable to suppose that such men would not be intoxicated with the unexpected power put into their hands; and that they would not be eager to show how amply they possessed it: As there were no Barracks in the Country, the Quartering the Troops furnish'd perpetual opportunities of displaying their importance and Rancour. The Canadian Noblesse were hated because their Birth and behaviour intitled them to respect; and the Peasants were abhorred because they were saved from the oppression they were threatened with. The presentments of the Grand Jury at Quebec puts the truth of these remarks beyond a doubt: the silence of the King's Servants to the Governor's Remonstrances in consequence of these presentments, tho' his Secretary was sent home on purpose to expedite an explanation, contributed to encourage the disturbers of the Peace.

The improper choice, and the number of the Civil Officers sent over from England, increas'd the disquietudes of the Colony: instead of Men of Genius and untainted Morals, the very reverse were appointed to the most important Offices, under whom it was impossible to communicate those impressions of the dignity of Government by which alone Mankind can be held together in Society. The Judge pitched upon to conciliate the minds of Seventy five Thousand foreigners to the Laws and Government of Great Britain was taken from a

APPENDIX 2

289

Goal, entirely ignorant of the Civil Law, and of the Language of the people: the Attorney General, with regard to the Language, was not better qualified: the Offices of Secretary of the Province, Register, Clerk of the Council, Commissary of Stores & Provisions, Provost Marshall etc, were given by Patent to Men of Interest in England, who Lett them out to the best Bidders, and so little considered the Capacity of their representatives that not one of them understood the Language of the Natives. As no Salary was annexed to these patent Places, the value of them depended upon the fees, which by my Instructions I was ordered to establish equal to those in the richest ancient Colonies. This heavy Tax, and the Rapacity of the English Lawyers were severely felt by the poor Canadians, but they patiently submitted: and tho' stimulated to dispute it by some of the licentious Traders from New York, they chearfully obey'd the Stamp Act, in hopes that their good behaviour would recommend them to the favour and protection of their Sovereign.

As the Council Books of the Province, and likewise my Answers to the Complaints made against my Administration have been laid before Your Lordship, it is needless I presume to say any thing further on that subject, than, that I glory in having been accused of warmth and firmness in protecting the King's Canadian Subjects, and of doing the utmost in my power to gain to my Royal Master the Affections of that

APPENDIX 2

290

Brave, Hardy People, whose Emigration, if ever it shall happen, will be an irreparable loss to this Empire; to prevent which, I declare to Your Lordship, I will chearfully submit to greater Calumnies and Indignities, if greater can be devised, than hitherto I have undergone.

I have the honor etc.

August 30, 1766
Rec'd 2d June 1767

APPENDIX 3

Source: PAC, Q 2, p.111-125

Governor Murrav's Answer to the Complaints Lodged against him by Monsieur De La Fontaine in his Letter to the Earl of Halifax Secretary of State dated the 23d October 1763 and in two Memorials therein Inclosed.

In a Respectfull Obedience to my Roval Sovereigns Commands, and Agreeable to the wishes of my own heart, I very chearfully deliver this publick replv to several matters of Complaint against me, as Stated by Monsieur De La Fontaine in a letter to the Earl of Halifax Secretary of State of the 23d October 1763, as well as in two Memorials therewith transmitted by said La Fontaine.

To do this with the greater Perspicuity, it is necessary to reduce the whole Accusation, very artfully blended by the Plaintiff under four principal heads of Articles, to each of which in as few words as the nature of the case will admitt, I shall give a distinct and Separate Answer, Supported by proper and undeniable proofs

First

That I hindered the heirs of Bissot and Jolliet to repair and Settle the Post of Mingan in the year 1761.

Answer

I do not recollect any applications having been made to me for that purpose. Mr. Tachet, the Widows Vederice and Volant,

APPENDIX 3

292

three of the Coheirs may be asked what they know of the matter but certainly no Canadian in this Town's ignorant, that the greatest part of the heirs of Jolliet and Bosset were absent in the year 1761, And that those present were incapable of the great expense requisite for the undertaking in Question. Had it been otherwise, I should probably have refused Permission to some of them to go below at that time 1761; Our Situation made it Necessary to allow none to Establish themselves in, or frequent those parts but such as we could Confide in.

Second

That contrary to their Inclination I made Mr. La Fontaine and Mr. Tachet give a Lease of the Post of Mingan to Mr. Isbister.

Answer

It never could have entered the Head of a Briton to order a Man to sign a Deed giving away his own property, but Mr. La Fontaine, to prove the Contrary, quotes a letter wrote to him by Mr. Panet. Mr. Panet's Evidence, I imagine, will set that matter in a clear light. Panet's Expression "J'av dressé par ordre de son Excellence le Bail du Poste de Mingan," proceeded from my having desired him at Isbister's request to get that affair settled and finished as soon as possible, that he Isbister might not by delays loose the Season: That it meant no more, will be evident from the other part of the

APPENDIX 3

293

letter, which the Court will be pleased to order Mr. La Fontaine to produce, as he Acknowledges in his: Memorial to Lord Halifax, that he is in Possession of it.

I declare I understood at that time, that Mr. La Fontaine was well pleased with the bargain, that it was what he had proposed himself, and that it was a most Advantageous one for him and the Coheirs, His own letter of the 10th August 1761 Seems to affirm this, and Mr. Isbisters Evidences may perhaps Corroborate it; As to the goodness of the bargain at the time, let it be considered and Determined on Oath by five of the most Creditable Merchants of the Place, Mr. La Fontaine to name two, Mr. Isbister two, and the Council the fifth. It will be proper to hear Mr. Tachet, if he chuses to speak all he knows of the matter, I shall be well pleased.

That I did recommend Mr. Isbister to Mr. La Fontaine and Mr. Tachet, as the most proper man for the Post of Ningam, is most certain; This Mr. Isbister had been long Principal Governor at Hudson's Bay, he came here in the year 1760 with a Wife and six small Children, had Merchandise to the amount of Nine Hundred Pounds, which were entirely calculated for the Posts below. Compassion, for he had no Recommendation to me, made me desirous to see this man in a way to get a livelihood, Good Policy made me wish to have him establish in the Posts below, as he had the Character of an honest Man,

APPENDIX 3

294

And was thoroughly acquainted with the Language of the Indians residing there, and prudence made it Necessary at that time of War, to be carefull who occupied the Posts in the Gulph and River St. Lawrence, and therefore Passports were necessary. Now if Mr. La Fontaine can even insinuate, And produce any Man French or English, who will Join in that Insinuation, that I or any person employed under me ever took a Shilling for Passports or Posts, it may create a Suspicion in his favor, and make the World believe that I had other motives in all this business of the Posts, thar those consistent with my Duty. In his reply if he chuses to make any, it therefore behoves him to produce and Support such insinuations.

Third

That I stripped him of his Property, and gave it to other people.

Answer

This should mean nothing but the Post of Grand Mekatinat, He long attempted to deceive me with Regard to this Post, but the Information of many honest Men regarding it, and some very unwarrantable behaviour of his, when he was employed by me at first in a Court of Justice for the Canadians, opened my Eyes and put me upon my Guard. However as I was well assured, that the Grant of the Gros Mekatinat to Mons^r-Hocquart was not a Legal one, as it had not been registered

APPENDIX 3

295

at the Conseil Superieur, I out of pure Charity for Mr. La Fontaine and his Family, gave him leave to occupy that Post, as is expressed in my letter of the Seventh September 1762 to the late Earl of Egremont in the following words" and (I) "gave Monsieur La Fontaine, a Person "in Indigent circumstances with a "Numerous Family, leave to Fish and "Trade there (at Mekatinat) for one "year only."

Had he behaved properly he might still have Possessed that Post, but that very Autumn 1761 in his way to another Post of his Nontagamion, his conduct confirmed every bad things I had heard of him, and in place of being his Protector, I ever after looked upon him as an enemy to the State, Mr. Ishisters' letter of March 1762 Supported by Ross, and Algeo's Affidavits, evince with how much Justice, and how faulty I should have been to have Countenanced such a man. This behaviour of Mr. La Fontaine's and the Intelligence we had that Winter of Privateers and Pirates, who Sheltered and Subsisted themselves by means of the Posts and in the Bay of Chaleur, made me think of highly necessary, at the Sollicitation of all the Merchants here, to Arm a Vessel for the Protection of their Trade, the Examination of the Posts, and likewise to redouble my Caution with regard to the People who were to Occupy the Posts in the Gulph and River St. Lawrence. It consequently became expedient to take the Post of Mekatinat from La Fontaine, and to give it to Mr. Gray in whom I

APPENDIX 3

296

could confide. I further declare, that could I have laid my hands on La Fontaine, I should have brought him to this place, not only to prevent the Mischief he was doing below, but likewise to answer the Complaints of his Creditors Lymburner and Mackenzie. The Officer commanding the Armed Vessell had Orders to Seize him, but those orders could not be executed, from an Accident which happened to the Vessell.

He says peremptorily in his Memorial to Lord Halifax dated the 23d October, that I had declared while I was Governor of Quebec, he never should be paid the Three per Cent from the produce of Mekatinat, but here is produced the minute of an Order by Mr. Gray, before his departure for Great Britain, upon the 13th of last September, to his partner for discharging the same, which has been accordingly executed, as Mr. Will^m Grant the said Partner is to prove. What Credit is to be given to any thing this man can say? when he spoke to me about the Post of Mekatinat last Autumn before Mr. Panet, I certainly said he should never have a Grant of it, while I was Governor of Quebec, if I could prevent it, but as to the three per Cent I would inform myself, and if I found he had a Just Claim, I would order Payment. Mr. Panet soon told me he was Assured of the equity of that Claim, and Payment was ordered accordingly. Mr. Cramahé is to be asked the Conversation he had with Mr. La Fontaine, which will show the man had no reason to be Alarmed, and send

APPENDIX 3

297

home such groundless complaints, and a Comparison of the Memorials he gave into Mr. Cramaché my Secretary, with those sent to Lord Halifax, will at least further demonstrate the Disingenuity of this unhappy Gentleman.

Fourth

That when he set forth his claims to the Posts of Mingan and Mekatinat, I gave him gross personal abuse, and pushed my Resentment so far, as to distress his Family, by taking away the Royal Pension from two of his Daughters.

Answer

Perhaps since the beginning of the World, nothing was ever more Artfull and more false, than Mr. La Fontaine's representation of those Circumstances.

That I called him "Scelerat, et "Monstre qui faisait honte a la Nature "Humaine", is certain that I desired him to go out of my house is as certain, that he deserved this Treament, and ten times more, I flatter myself will be allowed by all who are not dead to Virtue. Many Complaints had been Lodged by Lymburner & Mackenzie, two of the most considerable And Opulent Merchants of this place, Accusing Mr. La Fontaine of very unfair Practices in his Dealings with them, such as Mortgaging Estates to them which were the property of his Children, by which deception he would defraud them of their money, his Children of their Subsistence, and was still a large sum in their Debt, without any Visible means of

APPENDIX 3

298

repaying it.

These complaints having been examined, and found to be consistent with truth, part of his Estate was disposed of, and the Remainder Sequestered for the Payment of his Creditors, which however was by no means equal to their Just Claims. The Memorial of Mess^{rs} Mackenzie and Lymburner, my order thereupon, and the proceedings of the Council are hereto Annexed, and will answer for themselves. Mr. La Fontaine was at this time below at his Post and his Family which was here, was by this Act of Justice reduced to great Extremity; The two young Ladies, which I had before placed at their Brother in Laws house, where at my own expence Rooms were fitted up for them, found their Situation there disagreeable, and as he could not Maintain them for nothing, I prevailed upon Chaloux at Beauport to board them, I paid for their Board, out of my own pocket, the Sum Mr. La Fontaine mentions and gave some trifle to the Eldest to buy Necessaries.

At his return to Quebec last Summer, Mr. La Fontaine found his family & Affairs in this unhappy Situation. I sincerely pitied him, and could not prevail upon myself to Add to his Wretchedness by an Exposition of Isbister's Accusation supported by the depositions of Ross and Algeo, and I therefore prevented Isbister's prosecution. But he had not been here long, when I was told by every body French and

English that he loudly Complained..... of the Injustice which had been done him, with regard to Mackenzie and Lymburner, and by his Artfull insinuations was endeavouring to make the Canadians believe, that they were to expect no Equity from Englishmen, I then thought it Necessary to send for him La Fontaine, Mackenzie, and Lymburner, I heard them all three with Patience, and found I had not been deceived in the Reports made to me, I upraided him for Mortgaging his poor Childrens' Effects, and by his Extravagance reducing them to Misery. He immediately, replied, that Mr. Panet was the man to be blamed for that horrid act, for that he had deceived him, and said much more to this honest man's disadvantage. I sent for Panet who Vindicated himself, and before my face made Mr. La Fontaine acknowledge his uprightness. I then summed up his whole Conduct, and finished by saying as well as I can remember, You was not Sir contented with reducing your family to Beggary, defrauding your Creditors, falsely accusing the Justice of Government, and endeavouring to prevent that Confidence and Union so Necessary for the happiness of his Majesty's old and new Subjects, but you must labour to ruin a worthy honest Man, who by his Industry and Integrity can with difficulty Subsist a Wife and ten small Children, I will not send you to Goal as you deserve, but I pronounce you a wicked man, whose conduct is Monstrous and Shocking to humanity. Such is the language and

APPENDIX 3

300

such the terrible Injuries which he tells the Minister he suffered, when he was claiming his Rights to the Posts above mentioned. The Language I confess, but he must Allow the Application he has made of it to be unjust, for it was no more than a reprimand for the Injustice and calumny he had been convicted off which had nothing to do with the affairs of the Posts Lymburner, Mackenzie, Cramahe, Panet and Major Mills to be examined, and likewise Chaloux and Cugnet the son in law as to the attention I had to the Young Ladies.

It is not true that I withdrew my Charity from the Ladies after this Monstrous behaviour, the board of the Eldest was paid by me since, Madame Cartier will evince it, the Second I know is well provided for, tho' not at my expence. Mr. La Fontaine injures the Greatest King in the World by supposing the Charity of the meanest of his Subjects could be the Royal Pension, no body could have told him so, nor do such Pensions exist.

Mr. Dunn and Mr. Lymburner are to be asked, whether or not it was at my Recommendation that young La Fontaine was employed last Summer by the Whale Fishing Company. I recommended him too to Mr. Ross my Agent in London at the very time he carried home the Complaint against me, and begged him to endeavour to procure for him the Command of a Ship Trading to this Colony. Let Tachet be asked, whether or not he did pay to La Fontaine Six Hundred Dollars for the Post at

APPENDIX 3

301

Mekatinat, which I gave him, and then let all the Earth Judge, if I sought the Destruction of this man or his family. Let him get four honest intelligent Canadians to Subscribe to the Character, he has given of himself in the last part of his letter to Lord Halifax, and I will say I was to blame for calling him Scelerat and ask his Pardon in the Most Publick manner.

Upon the whole, it may really appear to His Majesty's Servants, that I have Bribed this man, to give me thus an opportunity of displaying my own Justice, charity and Moderation, but no Canadian will suppose so, they know the Man, who probably reasoned thus, Mr. Murray, (for so it was reported and believed here) is not to be Governor of Canada, Consequently is disliked at Court, any Complaint against him will be Relished by the Minister who has prevailed upon the King to Supersede him, now is my time to get a Grant of Mekatinat, a Pathetick Remonstrance of Injuries done me will procure me that Grant.

But Mr. La Fontaine is mistaken. The King who hears the Complaints of the meanest of his Subjects and does them the Strictest Justice, would not even in that Situation have Condemned Mr. Murray unheard.

Recapitulation

It is proved that all the Heirs of Bissot and Jolliet together were incapable of Equipping the Post of Mingan, and that

APPENDIX 3

302

no application for that purpose was ever made to me by any of them, it is likewise incontestably proved that of his own free will and Accord, and upon his own terms, the Post of Mingan was lett to Mr. Isbister by Mr. La Fontaine: And it is plain, that Panet's letter, quoted by La fontain to Lord Halifax, was designedly curtailed; had the whole been inserted, in place of proving the force Majeure, that letter of itself is Sufficient to demonstrate the Contrary.

In place of being Stripped of His Property, it was evident he Received Eight Hundred Dollars from Tachet for the Post of Mekatinat; a free Gift from me; which Mr. La fontaine chuses to forget; and he has the Assurance to say in his letter to Lord Halifax of the 23d Oct. that the Payment of the three p^r. Cent from the Post of Mekatinat, was peremptorily refised him: But it is proved, that orders were Issued in September to Mr. Gray, to Pay what was due on that Score.

The personal reprimand was for Injuries he had done to all the world, and most probably prevented his Creditors from Throwing him into Prison: It at least Exculpated me for Not doing it; to have winked at such behaviour must have injured the Publick, this Reprimand had no connection with his claims to the Posts, but he says it was for Attempting to Ascertain them; And thereby to destroy my handy works. In short the very manner of representing this Matter to the Minister, shows how richly he merited the epithets I gave him

APPENDIX 3

303

on that Occasion; his Ingratitude confirms every thing, for it is certainly proved that his family in place of being distressed, has been long Supported by me; By representing himself a man of dignity, and Much esteemed in the Province, he does injustice to the Canadians; They can distinguish better, And must be shock'd to hear that this Man has told the Minister, he was the Oldest Counsellor And that he had been ruined par le fleau de la Guerre; Monsieur Faucault, the Senior Counsellor, is here alive; sound in health, and Judgment, and Esteemed by all who know him: Mr. La Fontaine's extravagance, many years before the War, put it out of the power of fortune to ruin him, Such Idle deliberate falsehoods are Sufficient to debase the first blood in Europe, but when told seriously to the King's Minister, And that to the prejudice of his Majesty's Governor, they require a greater punishment, than I would Chuse should be inflicted, upon this Unhappy father of Eight Children.

Ja : Murray

Endorsed Governor Murray's Answer

to M. de la Fontaine's Complaint
against him
in Gov. Murray's of
24th April 1764.

APPENDIX 4

Source: PAC, Q 2, p.251-262

Mr. Gridleys answer to the presentments of the Grand Jury, Of October Sessions. - 1764, in which each Article is separately examined.

In Govr. Murray's Private of 29 Octr. 1764
We his Majesty's Justices of Peace for the District of Quebec, having maturely considered the Contents of a writing delivered to us in our Court of Quarter session on Saturday last, under the title of Presentments of the Grand Jury and read in open Court; are sorry to find it our indispensable Duty, not only to reject many articles thereof, as highly improper, assuming, and of the most pernicious tendency, but also to manifest in the Face of the Publick, our disapprobation of the spirit and manner in w^{ch} the whole seems to be conceived. We think it more our Duty, at this time; when the Eyes of the province are immediately turned on the proceedings of it's first Grand Jury, tho no more then Grand Jury of a Quarter Session of the Peace.

When we find that Publick, which expected to see wholesome remedys proposed, for real, tho' little Defects in our infant Police (the proper Objects if attention of such a Grand Jury) disapointed and amused with imaginary grievances which it never felt, and with the reveries of the heated imaginations of men, who are preposterously transplanting the

APPENDIX 4

305

Ideas of Milinarians into the Minds of Canadians, and tearing up the roots of all principles of Obedience and Submission to Publick Authority from the hearts of our new Fellow subjects.

If these Gentlemen led away by mistaken Zeal assume a character above their Sphere and propose themselves to the Publick as its Legislature, it can in no wise be imputed to Neglect on the Part of the Bench, the Objects of their present attention were clearly and fully pointed out to them from this Chair. It was not indeed at that time thought necessary to give in the Charge that part of the Church Catechism which reminds us of our Duty towards our Neighbour, particularly of that very essential part of it, respect and submission to our Superiors.

The piece now before us (for the form of Presentments, has been entirely forgot or neglected) this piece I say deserves a treatment very different from what we are going to give it, to witt, that of condecending to give it a second reading in this Court.

In doing this we hope to show that Moderation which becomes Magistrates and that Zeal for the Publick (detached from all private views) which should guide every good member of society. For at the same time that we condemn, what certainly deserves Condemnation, we shall be far from rejecting any particulars in it, which may seem to conduce to the

APPENDIX 4

306

Publick good; how ill soever recommended by the Dress and Company into which they are put in this angry remonstrance.

We are at the same time sensible that in doing so, we needlessly anticipate the Governor and Council, who are now doing (what we would recommend to you Gentlemen of the Jury for the future when you shall have any thing to offer to the Publick) coolly and Deliberately considering. Laws which may for a succession of years, bind His Majesty's good subjects of this Province.

Mr. Clerk of the Peace you'll proceed to read them and I shall make a few brief strictures at the most pointed articles, just to make known to the Publick mine and my Brethren's sentiments of them.

Article 1st There are fewer Courts in proportion, than in any other Province and no more we believe, than such as were ordered to be established from home. We profess we are not so clearsighted as to foresee any more dismal consequences from them here, than in any other part of His Majesty's Dominions, where they are thought necessary: The Government is in this article obliged to the Grand Jury for allowing it the intention of Administering Justice.

2nd They are as much as mistaken in this perplexed article as in the former, the number of Justices is far short of the proportion in other provinces, to my Knowledge. But men will always run into error in speaking, when

APPENDIX 4

307

they do not fix precise Ideas to the terms they use; The words Infant Colony have here been the stumbling Block. If we mean only the British Inhabitants or introduction of the British Laws, they are properly enough applied, but surely the Grand Jury will allow, there is a large Field for the Labour of the Justices amongst the Natives; if these be regarded this is not an Infant Colony but a respectable province, and as such, requires, we believe many more Justices. Could proper persons be found, we shall soon hear the Grand Jury intimate as much themselves.

3^d We have reason to believe these Gentlemen of the Grand Jury have not often attended Quarter Sessions of the Peace at home, else they would have seen the Bench filled, as this is, with persons who neither professed or arrogated any profound knowledge in the Law. We are now giving the Grand Jury a proof, that however Jury may be, We are not so easily misled.

4th We own ourselves at a Loss to know what the Grand Jury would be at, consistently with what they before advanced, then they were for reducing the number of Justice's, now they are for giving them more Business and of course would make an additional number requisite; We would begg to be informed in what part of Canada three Justice's can be found together (Quebec and Montreal excepted) the Legislature wisely foresaw this, and have left the Fate of any sum

APPENDIX 4

308

not exceeding Ten pounds to be decided by two, for this we refer them to the Ordinance of October the Fourth.

5th A good and proper presentment especially in regard to the Idlers.

6th We are greatly misinformed of some of those Batterys, Docks, or Wharfs, were not strongly solicited for by the Foreman himself, to be his private property, and if strong representations, were not made by him how useless the Ground was like to remain if not made private property.

7th We also recommend the exertion of the Laws of our Mother Country as far as the Legislature of this Province shall see them consistent with the present circumstances of the Province, and sincerely desire to promote a due observance of the Sabath and would be glad to encourage more than one such Gospel Minister as they describe for the Gospel is a Gospel of Peace and teaches good will toward men.

8th If they are resolved to persevere in their present spirit their Fellow Subjects are much obliged to them, But we must put the Grand Jury in mind of summoning them again, we shall also be under the necessity of fining them who absent themselves, tho we have the greatest Tenderness for scrupulous consciences, But we really think Men must have a strange sense of the nature of Jurors Oaths, who think those Jurors answerable for the ignorance of a Bench.

9th If we were at a Loss before to know in what

APPENDIX 4

309

character these Gentlemen were pleased to speak; and what pretensions they have to be exempted from serving as Jurors they now give us full information and announce to us that we must consider them the representative of the whole Province, and that they have a right to be consulted before any General Ordinances are passed into a Law. Now we dare tell this self constituted part of the Legislature, that we must not consider the Grand Jury of the Quarter sessions of one District as such and hope the present Grand Jury may never be consulted except in choosing Church Wardens neither can we conceive how a few Inhabitants, some newly arrived, can have either influence, interest in, or knowledge of, the Province, sufficient to consider themselves or be considered as its representative.

10th We wonder they have been so modest as only to propose after telling us in what light we must consider them, we may have expected to have heard them order the Acts to be laid before them.

11th Here the Grand Jury have forgot their lately professed Love for their Fellow Subjects and instead of quieting them in their possessions (w^{ch} the Legislature of this Province has wisely intended by this ordonnance) would plunge them into the just now dreaded Abyss of Appeals.

12th While the Grand Jury were content with their imaginary seats in the House of Commons we were able to

APPENDIX 4

310

understand them, but now they choose to Quixote higher, if we are able, we certainly are very unwilling out of regard to what may possibly be well intended.

13th These are very good Articles, We should however have been more obliged to the Grand Jury, if out of their great skill and knowledge in these matters, they had particularized some of the best measures to be taken. But we believe there will be no occasion, the Council has those regulations actually under consideration.

14th They are right here too, - But we are sorry they make this presentment from their own knowledge.

15th This is putting things in their proper channel, we too would be glad to have this order altered as far as the Governor shall find it consistent with the safety of the Garrison.

The Grand Jury need not have gone so far back as the time of James the 1st for a pobery Act; had they been seeking a Law against witchcraft, incantations, Conjurations and Charms. it would have been proper to have turned over the statutes of that Reign. We are surprized they did not recommend the famous Test Act, Tho this has been deemed by many good men, not wholly proper in England, and would be attended with great inconveniencies in other parts of the British empire, and particularly in this province in its present circumstances; as by it would be lost the service of many good subjects of

APPENDIX A

311

different persuasions and the weights of more Burthensome Offices thrown on the Jurors themselves, than they seem either able or willing to bear. How would people at a distance who read this remonstrance be surprized when they are told the whole number of Gentlemen of the Army and in actual service (amongst the great number of Justices of the district of Quebec just now complained of) amounts to One, and he Legaly Qualified to serve as a member of the House of Commons in his own country.

We cannot suppose they have any Objections to the half-pay Officers, now settled with large landed interest in the Province without whom or those in actual service qualified persons are not to be found except in Quebec and Montreal.

But Military Gentlemen, if they like for the Good of the Publick to continue in Office, may make themselves very easy, for the Grand Jury has not thought it proper to produce any Statute to this Point, and we think it would be a sort of ingratitude to disqualify them in Canada from Offices w^{ch} they are thought capable of filling in Britain.

We hope the Governor and Council whose Ordonances we are all bound to obey, think differently in this as well as in most other of the assertions, proposals, Recommendations, presentations and Representations of the Grand Jury. Whenever the Government of Great Britain thinks proper to have this Council aided or controuled we presume it will be done

by a General Assembly.

The Gentlemen of the Grand Jury should have remembered that instead of the Representatives of the Province they are Grand Jurors of the Quarter Sessions of the District of Quebec, that their presentments should be Denunciations drawn up in short notes of Offences enquirable in the Court whereunto they are presented. - They should have thought of highways and we should have been obliged to them had they pointed out means of remedying defects and removing nuisances. Had they confined themselves to this, they would at least have shewn they were willing to aid and Co-operate with the Justices for the Publick Good, but we fear it was not in such a spirit this remonstrance was made.

We are far from imputing private peak and resentment to so many honest and worthy Fellow Subjects who compose this Grand Jury but we know that ill informed Zeal will lead the best intentioned astray; and that want of experience will subject the best understanding to mistakes, We therefore dismiss this misentitled presentment but begg leave to acquaint the Grand Jury that we have the best Authority for declaring to the Publick that all those Articles that can properly be called presentments are already the subject of Ordonances, of w^{ch} we may every day expect a Publication; or are actually under the consideration of the Council, for whose thoughts upon them we think it will be decent for us and the Grand

APPENDIX 4

313

Jury to wait, especially as we hope they will soon have an Opp^t again of presenting any little matters which the Council may over look.

To conclude tis our earnest Wish, that His Majesty's Old Subjects would by their example recommend the wholesome Laws and Holy Religion of their Country, the most Christian like means of propagating it; We hope the New Ones sensible of the advantages of living under those Laws will continue to deserve the Blessings they enjoy and which we are sure the Government intends to maintain them in, We hope that no party distinctions of Old and New Subjects, Civil or Military will be heard and that the only contention amongst all, will be, who shall best deserve the Protection of the Laws of England.

Endorsed: Copy (The Chairman)

Mr. Gridleys answer to the presentments of the Grand Jury, of October Sessions. - 1764, in which each Article is separately examined.

In Govr Murray's Private of 29 Octr 1764

The Justices think it their Duty not only to reject many of the Articles as highlv improper assuming & of the most pernicious Tendency, but also to manifest to the Public their Disapprobation of the Spirit & manner in which the whole seems to be conceived - all those Articles that can properly be called Presentments are already the Subject of Ordinances, & are soon to be published.

Inclosure 4. in No. 3.

APPENDIX 5

Source: The Sharpe Papers, MG 23, I 13, vol.1, p.203-210

Province of Quebec
to wit

The Deposition of Philip Payn of the City of Quebec Merchant before me the Honorable William Gregory Esquire his Majesty's Chief Justice for the Province aforesaid who being duely Sworn on the Holy Evangelists deposeth & Saith.

That this Deponent did in the month of October 1760, make application to Hector Theophilus Cramahé Esqr. Secretary to his Excellency the Honorable James Murray Esqr. Governor of Quebec & desired that he would give him his Opinion whether he thought the Governor would have any objection to Vessels coming here the year following from the Islands of Guernsey & Jersey, that said Cramahé informed this Deponent that he could not tell the Governors mind but that he would ask him himself the first Opportunity, That some Days after this Deponent waited again on the said Secretary, who acquainted him that the Governor would have no objection to three or four Cargoes. That in Consequence thereof this Deponent wrote to his Correspondents advising them therewith.

That in the Month of November following this Deponent was informed that the Governor had told Mr. Michael Franklyn, a Merchant of this City, that he would suffer neither Brandy nor Rum to be Imported into his Government, That he would stave all that should arrive, That he would Publish his

APPENDIX 5

315

Resolution in the London Gazette, & in the Public Papers on the Continent, and that he had already wrote Mr. Pitt one of his Majesty's principal Secretaries of State on that Subject. This Account the Deponent wrote to his Correspondents aforesaid in the Islands aforesaid.

That on the twenty third Day of November aforesaid the Governor issued out an Order, that all Spirituous Liquors that should for the future be Imported into this Port should be Subject to a Duty of Six pence per gallon, of this likewise the Deponent acquainted his Correspondents, taking it for granted that as there was a certain Duty laid on these Articles that there would consequently be no Prohibition.

That on the Eighteenth day of May following being in the Year 1761 the Deponent received Intelligence of the Arrival in the River St. Lawrence of a Brigantine called the Young Isaac from Guernsey consigned to himself, that he Immediately acquainted the said Secretary therewith and produced a Manifest of the Cargo desiring him to ask the Governor if his Excellency had any Objection thereto & if he could be permitted to discharge the Vessel on her Arrival in this Port, but the Deponent received no positive Answer, till the twenty Sixth of same month on which day he personally Spoke with the Governor himself, who after much Conversation in the presence of the Secretary aforesaid ordered him to

APPENDIX 5

316

send for the Vessel up and to leave it to his Mercy, promising that he would not hurt him this Deponent. That Deponent hired a Boat and sent for Said Vessel and she arrived here the fifth of June following when the Governor caused a Guard to be sent on Board her & Ordered that her Cargo should not be discharged. That about Six Days afterwards he had Liberty to discharge all the Cargo except the Brandy which was conveyed to the Kings Stores, and for which the Collector gave a Receipt That the Deponent made a Tender of the Duty on the said Brandy of Six pence per Gallon on the same Day that the said Vessel arrived, but the Collector told him it was unnecessary to pay it immediately as he knew him, or words to that Effect. That the said Brandy was detained in the King's Stores for Several Months, & when delivered back to this Deponent there was a great deficiency in the Quantity.

That on the Seventh Day of September 1761, the Snow Issac & William George Gregory Master arrived in this Port from Guernsey consigned to Deponent her Cargo consisted mostly of Wines, and a small Quantity of French Dry Goods, for which the Master said - Gregory produced to Said Cramahé Secretary as aforesaid a Certificate under the Hands of the Governor Bailiff and Jurats of the said Island of Guernsey, certifying that the Wines and other french articles were Prize Goods, & had been Lawfully condemned as Such, by Order

APPENDIX 5

317

of the Lords of the Admiralty and that the remainder of the Cargo was of the Manufacture of Great Britain. That on the Ninth of the same Month, the Deponent had Liberty to unload all the Cargo except the Wines. That on the tenth following the Deponent petitionned for Leave to discharge the Wines, as the other Goods could not be got at without & leave was granted him accordingly. That on the fourteenth following in the Evening, as the Deponent was Standing on the Landing place the Governor being there asked him how he could tell every Body that he had given him Leave to Land all his Cargo. Upon which Deponent answered, that he had never said so, but that every Body could see he was Unloading it. The Governor then asked him if he did not intend to reship the Wines, the Deponent replied in the Negative, for that he had no Orders from his Correspondents for so doing, that thereupon the Governor grossly insulted the Deponent on the said Public Landing place calling him a damned Scoundrel & a damn'd Lyar & Ordered the Collector Samuel Morin who was present during the whole Conversation to Stave all the Deponents Wine the next Morning. The next morning the said Collector came accordingly and demanded of Deponent the Key of his Wine Vaults, which Deponent refused to give him, & asked him whether he had Orders from the Governor to demand them, the said Collector replied that he had not only an Order for

APPENDIX 5

318

that Purpose in his Pocket but also to put Locks on Deponents Vault Doors if he refused. That the Deponent then told him he was not obliged to take his word & that he should not comply with his demand till he saw the Governor's Orders, That the Collector then immediately put a Lock upon one of his Vault Doors, and went away, but in a short time afterwards returned and took the Lock of the said Door.

That on the Sixteenth following the Collector came with an Order from the Governor to Deliver the Wines that arrived on Board the William & Isaac. The Deponent considered with himself that Such order would be of no Validity in Case that he delivered Wines that came by any other Vessel and that it might been also intended as a Snare laid for him, therefore replied that as there was no Vessel of that Name arrived to his address, he could not comply with that Order, the said Collector then went away & returned again, & demanded the Key of one of said Vaults but Deponent refused to give it to him on which the said Collector told him, that he had better deliver it him for on his non compliance he should be obliged to break open the Door, Deponent replied that he had no power to hinder him, & that he might do as he pleased, the Collector thereupon went away again, & soon after returned with a Guard of Soldiers to the Vault Door, which Deponent expected they would have broke open, but while the Guard was there he was sent for by an Orderly Sergeant to go to the Governor,

APPENDIX 5

319

on his arrival, there, his Excellency asked him, how he dared to disobey his Orders? Deponent answered that he never had, & that if his Excellency had sent him a written Order he would have delivered him, not only the Wines but the Ship and Cargo. The Governor then (in the presence of Major Oswald, Captain Johnson and Lieut. Campbell) said to the Deponent. "I Order you to deliver the Key of your Vault to Mr. Morin, the Collector, and at your Peril refuse him" His Excellency then took Deponent by the Arm & turned him out of his House, and Sent an Orderly Serjeant with him, who saw him deliver the Key of his Vault to the Collector in which were a large Quantity of Wines, and other goods the Property of his Correspondents in England & the Islands of Guernsey & Jersey.

That on the Twenty first day of the said month of September at about Seven o'Clock in the Evening this Deponent was taken out of a Neighbouring House by a Serjeant and a file of Men with Screwed Bayonets & by force of Arms carried to the common Prison where Criminals are usually shut up & that no Crime was alledged against him. That a great Number of Merchants went to keep him Company in Prison, but they were all Ordered out of the Goal by the Officer of the Guard, and only his Servant allowed to attend him, but the said Servant was also turned out on the Morrow, & the Deponent was left alone. That the Deponent was refused the use of Pen Ink

APPENDIX 5

320

& Paper & no one Suffered to Speak to him after his friends were turned out of the Prison. That he was kept close prisoner till one o'Clock of the afternoon of the following Day when without any Tryal he was released from Prison, and conducted by an Orderly Serjeant to Mr. Cramahé the Governors Secretary who told him he was no longer a Prisoner, at same time delivering him an Order of Banishment of which the following is an exact Copy.

"Sir

Quebec 22 September 1761

"His Excellency Governor Murray has Ordered me to Signify to you "that as you have made a practice of Bringing French Commodities, into this "Colony notwithstanding his repeated Orders to the Contrary, & because you "have in other Respects treated with Contempt & had the presumption to disobey "his Commands, He hereby Orders you to depart this Government within twelve Days "from the date hereof, as you shall answer the Contrary at your Peril, I am "Sir

Your most humble Servant,

H.F. Cramahé, Sec'y.

"Mr. Phil Payn.

That shortly after this an advertisement was by Order of the Governor stuck up in different parts of the Town, charging the Deponent with having brought french Commodities into this Colony notwithstanding repeated Orders to the Contrary,

APPENDIX 5

321

and that he had in other Respects disobeyed the Governor's Orders, he was therefore Ordered by his Excellency for the preservation of good Order, the Maintenance of Justice to the Fair British Trader, & to prevent as far as in him laid any Correspondence being carried on between the Canadian Subjects to His Majesty, & the French, to Order the Deponent, to depart this Government within twelve days from the twenty Second September 1761, and all persons were strictly forbid to harbour or entertain him after the Expiration of the above time. That on the Twenty Eight day of September 1761, this Deponent waited on Hector Theophilus Cramahé (authorised by Governor Murray to Act as Notary Public in drawing and entering Protests, which he had Frequently done) in Order to Protest against his Excellency for the Causes above mentioned, which the said Cramahé refused to do.

That on the fourth of October following this Deponent Signed & caused to be delivered a petition to Governor Murray Setting forth That as the time limited for Deponents Stay in the Colony was to expire that Day, that his Concerns in Trade were so considerable the few days allowed him were utterly insufficient to adjust his affairs, which were then unsettled & in the greatest confusion, that Deponents connections were chiefly with great Britain, and that as the Brigantine Sally Thomas Wooder Master was to Sail in ten or twelve days for

APPENDIX 5

322

London in which the Deponent had ship't Several Thousand Pounds Value the produce of this Colony, the Deponent therefore prayed, that his Excellency the Governor would be pleased to grant him leave to remain in this Government till the Departure of the said Vessel in Order that he might take his Passage therein. That about Six o'clock in the Evening of the said Day, the Governor sent for Deponent who waited on him accordingly, That his Excellency told the Deponent that he had seen his Petition and would indulge him so far as to suffer him to go in the said Vessel, but that he would Order him on Board on the Morrow, and would put a Guard over him, that he might not come ashore any more, & also told him that he would not suffer any Body in his Garrison, that disobeyed his Orders, The Deponent thereupon told his Excellency that he never did disobey his Orders, & that he should always be redy to execute any Order that he might please to send him. The Governor then asked Deponent why he refused to ship the Wines on board the Issac & William, to which Deponent replied that he never had such an Order & if he thought they were to be reship't he should not have Landed any Part of the Cargo. The Governor then asked the Deponent, if he would reship the Wines again? to which the Deponent answered that if his Excellency would give him such Orders he would Comply with them. The Governor then said to Deponent. "God damn you,

APPENDIX 5

323

you want a written Order" -- but before these Gentlemen (meaning Major Irving, Captain Johnson, Captain John Brown and Major Mills Town Major and aid de Camp to his Excellency, who were present) "I order you to reship them". The Deponent then told his Excellency that he had not the Key of his Vaults, the Governor told him he should have the Keys, & asked him if he would ship them, the Deponent replied that he would do it as it was his Order.

The next Morning being the fifth of October, the Secretary sent for Deponent, & told him in presence of Mr. John Gray, that he had directions from his Excellency to Order him to reship the Wines, and to give him an Order to take off the broad Arrow from the Snow Isaac and William's Main Mast, and deliver'd Deponent the Keys of his Wine Vaults, & also told him the Deponent, that he should be reinstated in his Character and affairs after all the ships were gone. The Deponent replied that he insisted it should be done that day, that the former advertisements should be taken down, & others put in their room to contredict them.

That thereupon the said Advertisements which reflected on the Character of the Deponent were accordingly taken down and others contradicting them put up in their Stead, mentioning that the Governor had been misinformed respecting the Deponent, who was permitted to remain in the Government.

APPENDIX 5

324

That the Deponent agreeable to the Governor's Orders reship't the Wines on Board the Snow Isaac & William and when the Vessel was cleared & ready to Sail, the Governor sent for the Deponent and gave him liberty to reland the s^d Wines on Condition that he would take the following gentlemen Passengers to London in the said Vessel Viz. Major Oswald, Mr. Thomas Ainslie, Mr. Tarrant, Mr. Crossley, Lieut. Hay and Lieut. King, that accordingly the Wines were relanded & the said Snow Isaac & William was detained very late in the Season by her being seized, when the Cargo of Dry Goods was obliged to be relanded, then she was reloaded with the Wines which were relanded, and another Cargoe of Dry Goods taken in for London. That about the Ninth of November the said Snow sailed for London, & was on the fifteenth following lost in a Violent Gale of Wind on the Island of Orleans near Quebec, and the Deponent verily beleives that the Loss of the said Snow Isaac & William was occasion'd by her detention by Order of Governor Murray as aforesaid. That on the tenth of November being the day after the Departure of the Snow Isaac & William for London as aforesaid, there arrived in this port from Guernsey consigned to the Deponent a Brig called the Dolphin Laden with french Wines Brandies & other Goods for which the Master produced a certificate under the Hands of the Governor Bailiff & Jurats of the Island of

APPENDIX 5

325

Guernsey of their being french Prize and Lawfully condemn'd, which Cargo the Deponent could not get leave to unload till after the News of the Loss of the Snow as aforesaid, that thereupon the Governor gave the Deponent leave, to unload the said cargo on condition he would take into the said Brig the Passengers above mentionned, that were on Board the said Snow & carry them to England.

And this Deponent further Saith, that in the Month of November the Brigantine Post Henry Colton Master arrived at Quebec from Plymouth laden with french Prize Wines and Brandy regularly cleared and consigned to the Deponent. That he was informed by the said Master, that the Governor had ordered Mr. Zachary Thompson, Captain of the Port to bring the said Master and all his Letters and Papers to his Excellency. That among the said Papers there was a letter directed to the Deponent, which the said Master desired his Excellency would permit him to deliver, but the Governor replied that he would not & thereupon broke open the letter uttering these Words. "By the Power with which I am Invested I break it open".

That after the Governor had perused the said letter, he sent for the Deponent & said to him "I have caught you at last, this is one of your Smuggling Cargoes." That the Deponent replied he knew nothing about it, that the Governor then changed his tone of Voice, and delivered the Deponent his

APPENDIX 5

326

Letter, saying that he had opened it, & was glad he did not find him out, The Deponent perceiving two other Letters inclosed in the Letter the Governor had opened said "there is a Letter from my Wife, & another from my friend Seward, your Excellency might as well have opened them too" to which the Governor replied he was Satisfied.

And this Deponent Saith that there were many other ships arrived in this Port from Guernsey & other Places Laden with French Wines whose Cargoes were not Seized, nor the proprietors of the Goods treated like this Deponent, & that the Deponent did all his Business Fairly and Openly, that he never ordered any Cargoes but by permission from the Governor, for which Cargoes Certificates were produced, and they were always regularly entered in the Secretaries office and the Deponent knows of no Crime he was Guilty of, nor ever gave any cause for the gross abuse, Insults, Imprisonment, Injury to his Property and that of his Correspondents & other Oppressions he met with from said Governor Murray, and further this Deponent saith not.

Signed:

Ph. Payn

Sworn before me at Quebec

the 21st day of December 1765.

Signed. Wm Gregory - Ch. Justice

A TRUE COPY -

D.A.N.P.