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LISTE DES ABREVIATIONS

APC : Archives publiques du Canada.

DCHC: Documents relatifs à l'histoire constitutionnel-
le du Canada.

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INTRODUCTION

Il n'existe pas, à ma connaissance, d'ouvrages spécialisés au sujet de Robert Prescott. La plupart des renseignements biographiques concernant le gouverneur ont été tirés de l'oeuvre "Biographies of Celebrated Canadians" de Morgan ainsi que du dictionnaire du Père Lejeune. Il y a bien quelques oeuvres¹ qui ont traité du problème majeur de son administration, c'est-à-dire celui de la concession des terres. Mais rien n'a été fait sur la façon avec laquelle il a envisagé les problèmes canadiens au cours de son triennat comme gouverneur du Canada.

Il nous sera possible de circonscrire l'administration du gouverneur Prescott. Bien que son mandat de gouverneur général du Canada n'ait été révoqué que le 29 août 1807, Prescott devait quitter le pays en juillet 1799 en raison d'un conflit avec le Conseil exécutif au sujet du problème des terres. Les dix volumes de la série Q. de même que les vingt-sept tomes de la "série Prescott" nous apparaissent comme des sources de toute première importance pour traiter le sujet de cette thèse.

1 Il existe, tout particulièrement, un ouvrage de Norman Macdonald, "Canada, 1763-1841, Immigration and Settlement", de même que celui de l'Abbé Caron, "Colonisation de la province de Québec, 1791-1815".

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Robert Prescott naquit en 1725 dans une localité du comté de Lancashire.² Sa famille, qui possédait de vastes propriétés dans cette région, avait tout perdu en raison de son opposition à la révolution de 1688.³ On a très peu de renseignements sur les premières années de sa vie. S'étant engagé jeune dans l'armée, il était promu capitaine en janvier 1755.⁴ Il prit part aux expéditions contre Rochefort en 1757 et contre Louisbourg en 1758. L'année suivante, le général Amherst en fit son aide de camp et l'affecta avec son régiment dans les rangs de l'armée de Wolfe devant Québec. Le 22 mars 1761, il était promu major et le 10 novembre 1762, il devenait lieutenant-colonel. C'est en 1761 en effet qu'il avait rejoint le général Robert Monckton lequel avait mission de soumettre la Martinique. Prescott était bien loin de se douter qu'il deviendrait un jour le premier gouverneur de cette île.

2 Il m'a été impossible, après consultation de tous les ouvrages biographiques reconnus, de trouver le jour et le mois précis de sa naissance.

3 H.J. Morgan, Biographies of Celebrated Canadians, Québec, 1862, p.129.

4 Voir Père Lejeune, o.m.i., Dictionnaire général du Canada, tome II, 1931, p.464-465.

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Durant la guerre de l'Indépendance américaine, il se distingua à Long Island, aux engagements du fort Washington en 1775. Il fut un de ceux qui prirent part à l'expédition contre Philadelphie en 1777 de même qu'à la bataille de Brandywine. En 1778, on le nomma premier brigadier général dans l'expédition contre les Indes Occidentales françaises. Le 6 juillet 1789, il devint colonel du 28^{ième} régiment.

En octobre 1793, il reçut l'ordre d'aller prendre la direction de l'île de la Barbade et en février 1794, il prenait la Martinique sans rencontrer trop d'opposition. Après avoir réduit les habitants de l'île à capituler, le 22 mars 1794, il en était nommé gouverneur. Durant son mandat, il sut gagner l'estime et la sympathie des Anglais, des Français et même des Créoles.⁵ Le jugement de Morgan confirme tout spécialement l'estime qu'il recevrait des Créoles et des Français.⁶ La vie mouvementée de ces deux dernières années allait affecter sa santé l'obligeant à demander son rappel à Londres, le 15 janvier 1795.

5 Voir Père Lejeune, Dictionnaire du Canada, p.464.

6 H.J. Morgan, Biographies of Celebrated Canadians, p.129.

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Un an plus tard, soit le 21 janvier 1796, il était nommé lieutenant-gouverneur du Bas-Canada et le 15 décembre de la même année, une commission spéciale le constituait capitaine général et gouverneur en chef des provinces du Haut et du Bas-Canada. Au moment de son arrivée, le 20 juin 1796, lord Dorchester ignorait encore que Prescott venait le remplacer comme gouverneur du Canada.⁷ L'adresse qu'allait lui présenter le Conseil législatif, le 28 avril 1797, indique clairement la satisfaction des membres.

We His Majesty's most dutiful Subjects the Legislative council of the Province of Lower Canada beg leave to offer our most respectful congratulations to your Excellency on His Majesty's most gracious Appointment of you to be Captain General and Governor in Chief of his provinces of Upper and Lower Canada.

We have great reason to believe that the knowledge of your Military Talents evinced by a long series of faithful services in various climates influenced His Majesty in his late appointment of your Excellency to be Lieutenant Governor of this Province. From the short experience we have had of Your Excellency's civil Administration, we have seen every disposition to continue to us the enjoyment of our Rights and Liberties and at the same time a shady purpose to assert the Supremacy of the Law. We have seen encouragement given to Loyalty and peaceful demeanor with a marked determination to check every effort of Turbulance.

The Legislative council are therefore induced to place great dependance on the advantages to be derived from Your Excellency's military knowledge, and also to entertain the most lively hopes of the

7 H.J. Morgan, op.cit., p.129.

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growing prosperity of the colony under your civil Administration.⁸

Le mandat de Prescott devait durer officiellement onze ans. Mais en fait, il quitta Québec le 25 juillet 1799 pour retourner en Angleterre où il mourut le 21 décembre 1816 à l'âge de 91 ans.

Dans l'ensemble, les commentaires que nous ont donnés les historiens sur cet homme sont assez favorables. Morgan exprime l'admiration qu'avaient eu les Français pour Prescott alors qu'il était gouverneur dans les Indes Occidentales.

The French estimated Prescott's character so highly that, when storming of Fort Mathilda, at Guadeloupe where Prescott's house was situated, was contemplated, express orders were given that his life was to be spared.⁹

Quant à l'Abbé Ivanhoé Caron, il prend la défense du gouverneur dans sa lutte entreprise avec le Conseil exécutif: "C'était certainement un honnête homme. D'un caractère résolu et tranchant, il n'était pas facile de le faire changer d'opinion et de lui faire prendre une direction opposée à celle qu'il avait décidé de suivre."¹⁰ En commentant le

⁸ APC, Q.79-2:313-314, Adresse présentée à Prescott afin de le féliciter de sa nomination en tant que gouverneur du Haut et du Bas-Canada.

⁹ H.J.Morgan, *op. cit.*, p. 129.

¹⁰ I.Carón, Colonisation de la province de Québec, 1791-1815, Québec, 1927, p. 119.

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jugement sévère qu'avait porté le général Hunter sur Prescott,¹¹ à savoir qu'il "n'hésiterait pas un instant à déclarer qu'il est fou"¹², Norman Macdonald contribue à nous faire mieux connaître le personnage que nous sommes sur le point d'étudier.

To some he was the friend of the honest settler and the enemy of the mere speculator; to others he was a madman- but it was madness with method in it. He had already established a reputation for ability and tact in the Island of Martinique, before being called upon to administer the government of Upper and Lower Canada. To reduce to order that tangled maze of land petitions and claims was a delicate and difficult task. It required patience, great ability and a deep knowledge of the ways of man, which many denied to Prescott. Perhaps he had too much of the soldier's directness and abruptness to succeed peaceably in satisfying the speculative demands of those interested in the vacant areas of Lower Canada.¹³

Dans les pages qui vont suivre, nous étudierons le point de vue de Robert Prescott à travers sa correspondance adressée en grande partie au ministre des Colonies, le duc de Portland. Prescott lui transmettait d'ailleurs

11 Le général Hunter basait son jugement sur l'attitude nerveuse du gouverneur Prescott à la suite des derniers événements de 1799. Cependant, il faut ajouter qu'il ne l'avait vu à l'oeuvre que pendant le dernier mois de son administration.

12 APC, Q.286:464, Hunter à King, 24 juillet 1799.

13 Norman Macdonald, Canada, 1763-1841, Immigration and Settlement, Toronto, s.d., p. 80-81.

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les lettres échangées avec les personnes responsables dans la province. De plus, il sera question des réactions que ses décisions allaient susciter; c'est une façon d'apprécier l'influence qu'il a pu exercer sur le gouvernement.

Robert Prescott est un personnage dont l'étude contribuera à nous faire voir s'il fut vraiment un gouverneur inapte comme semble le prétendre Thomas Chapais en décrivant les qualités requises chez un gouverneur.

La maxime "le roi règne mais ne gouverne pas" n'avait pas encore complètement cause gagnée en Angleterre. George III régnait et entendait souvent gouverner. Il eut été étonnant que les gouverneurs nommés par lui eussent renoncé à cette prérogative. Mais sans admettre le principe de la responsabilité ministérielle, en vertu duquel les chefs de l'administration doivent avoir la confiance de la législature pour exercer leurs charges, il était possible d'adopter un moyen terme qui eût assuré pendant une assez longue période le fonctionnement harmonieux de notre constitution. Seulement, il aurait fallu pour cela des hommes supérieurs, ayant un grand discernement et un grand tact, de la modération et de la fermeté, les dons de sympathie et de persuasion, en un mot possédant éminemment l'art de gouverner. L'Angleterre nous a envoyé assez souvent de ces chefs d'exécutif, merveilleusement aptes à la mission dont ils étaient chargés. Mais après le départ de lord Dorchester, le gouvernement de la métropole n'eut pas la bonne fortune de discerner ou de trouver les fonctionnaires capables d'établir ici le *modus vivendi* acceptable que nous venons d'indiquer.¹⁴

14 T. Chapais, Histoire du Canada, 2:174.

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Dans un premier chapitre, le point de vue de Prescott concernant les menées séditionnelles de la France révolutionnaire contre le Canada, sera analysé. Ceci nous permettra de connaître ses idées sur les moyens de défense propres à assumer la tranquillité du pays. En matière de politique intérieure, Prescott manifestera un vif intérêt au sujet de la concession des terres. Après une tentative de solution pour régler un problème devenu complexe et confus, il confrontera ses vues avec celles du Conseil exécutif. En face des autres questions, notamment celles des Affaires indiennes, Prescott y apportera une attention spéciale. Enfin, dans un dernier chapitre, nous prendrons connaissance des vues du gouverneur en matières économique et sociale. En traitant de tous les problèmes qui ont piqué son intérêt, il est à espérer que cette recherche suscitera une meilleure connaissance de l'homme "whose stormy career as Governor has been the subject of keen controversy ever since."¹⁵

¹⁵ N. Macdonald, op.cit., p. 80.

CHAPITRE PREMIER

LES VUES DE PRESCOTT EN POLITIQUE EXTERIEURE

A l'arrivée de Prescott, en 1796, le Bas-Canada avait déjà vécu des heures troublantes à la suite des menées de quelques émissaires français au pays. Depuis le jour où la France avait déclaré la guerre à l'Angleterre, soit le 1^{er} février 1793, les autorités canadiennes devaient-elles craindre une action de la part du gouvernement français désireux de reprendre possession du Canada. Ces agents français n'avaient qu'un but: gagner les Canadiens français à la cause révolutionnaire et partant, susciter un mécontentement toujours plus vif des habitants à l'égard du régime anglais. S'il faut en juger par l'état d'esprit de certaines gens dans le Bas-Canada en 1796, on doit admettre que cette façon de procéder avait donné de bons résultats. D'où la nécessité pour le gouverneur Prescott de s'occuper de ce problème.

1. Le Canada et la France révolutionnaire.

Au tout début de son administration, Prescott s'aperçut qu'une résistance presque hostile avait accueilli une nouvelle loi des chemins. Comment expliquer cette attitude des habitants de la région de Québec et de Montréal? Une lettre des juges de paix de Montréal allait lui en

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fournir l'explication.

From the best information we have been able to obtain, meetings of the People have been, and are still continued to be held, and the result has been that they are determined to resist any attempt of the civil Authority to enforce an obedience to the law.

To this end, Emissaries have been dispersed through the different parishes to foment the general dissatisfaction which has risen to such a pitch of popular frenzy, as to render, in our opinion, the Civil power insufficient to compel obedience by rigorous measures.¹

Prescott constatait déjà que les moyens de douceur employés jusque-là restaient inefficaces. Aussi, voulut-il agir fermement en donnant des directives précises aux juges de paix.

Ainsi s'exprime son secrétaire:

His Excellency is much concerned that the very lenient Measures hitherto adopted have been attended with no better effect; and he is persuaded the Magistrates will immediately take means for securing the Person...together with any other who has individually resisted the process of the Law, in order that the Supremacy of Civil Government may be asserted and supported: the Mode of doing this of course remain with their own prudence but, that the Laws may no longer be violated with impunity, orders are sent to the Officer commanding the Troops at Montreal to afford every Military Aid which the Magistrates shall deem necessary, but which of course will not be resorted to unless the civil Power should be found inadequate to the Purpose.²

¹APC, Q. 78: 10, Les juges de paix de Montréal à Prescott, Montréal, 13 octobre 1796.

² APC, Q. 78: 12-13, Ryland aux juges de paix de Montréal, Québec, 15 octobre 1796.

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Le 24 octobre, Prescott fit part de ses observations au Secrétaire des Colonies, le duc de Portland. Après avoir décrit la conduite séditieuse des habitants de la région de Québec et de Montréal, il s'empresse de lui annoncer les mesures prises à cet égard.

The Chief Justice concurring with me in the propriety of the measure, I have issued a new Commission of the Peace for the District of Montreal, in which some of the former Magistrates (who have appeared at least to connive at, if not to encourage the tumultuous meetings of the People) have been omitted, and Persons of more acknowledged Loyalty and firmness substituted in their room.³

Il faut mentionner que la faiblesse des juges de paix de Montréal avait en quelque sorte encouragé la résistance des réfractaires et que l'attitude de Prescott était pour le moins justifiée. A Québec, le problème ne s'était pas posé puisque quelques arrestations avaient rétabli l'ordre.⁴

Prescott ajouta sans tarder que la résistance à l'exécution de la loi n'était pas autre chose qu'un prétexte. Bref, il croyait, à l'exemple des juges de paix, que l'oeuvre des émissaires était à l'origine de ces désordres.

I must not omit to observe, that there is great reason to believe, that Emissaries from Mr. Adet, the French Minister in the United States,

³ APC, Q. 78: 7-8, Prescott à Portland, Québec, 24 octobre 1796.

⁴ Ibid., p. 8.

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have found their way into the Province; they have hitherto eluded every endeavour to discover them, and the Shelter which is afforded them shews but too plainly the favorable disposition of the lower classes of the People towards their cause. Mr. Adet himself has lately made a Tour on the Borders of the Province.

To these circumstances I may add, that the recent Intelligence of a French Squadron being on the Coast, was received with marked satisfaction by many People here and that it gave evident encouragement to the disorderly proceedings at Montreal.

D'où l'initiative de Prescott "not to call the Legislature together so early as usual, great hopes being entertained by the Promoters of disorder and sedition that the Assembly may be brought to serve their purposes."⁵

Un autre geste de Prescott fut celui d'émettre deux proclamations successives relatives à ce problème. Essentiellement, la première dénonçait l'action douteuse de ces émissaires.

Whereas divers evil disposed Persons have lately manifested seditious and wicked attempts to alienate the affections of His Majesty's loyal subjects... I have therefore thought fit with the advice of His Majesty's Executive council, to issue this Proclamation strictly charging and requiring all Magistrates in & throughout this Province, Captains of Militia, Peace, officers, and other His Majesty's good Subjects, that they do use their utmost diligence to discover all and every person who may hold seditious discourses or utter treasonable words, spread false news, publish or distribute libellous papers written or printed,

⁵ APC, Q. 78: 15, Prescott à Portland, Québec, 28 octobre 1796.

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tending to excite discontent in the minds or lessen the affections to His Majesty's government in this colony.⁶

A plus forte raison, insistait-il pour que l'on intervienne fermement contre les étrangers coupables de désobéissance à la loi.

And I do command that they [severely] do seize and apprehend, or cause to be seized and apprehend all & every such foreigners, being alien enemies as aforesaid, and who are and shall be found within the limits of the province to the end that by a vigorous execution of the Laws all offenders may be brought to such punishment as may deter all persons from the practice of like wicked and seditious purposes, perpetrated against the order and tranquillity of His Majesty's Government and the safety, peace and prosperity of his loyal and faithful subjects.⁷

Dans la deuxième proclamation, Prescott manifesta le désir de prolonger "l'Acte qui établit des règlements concernant les Etrangers et certains sujets de Sa Majesté, qui ayant résidé en France viennent dans cette province ou y résident." Cet acte donnait "pouvoir à Sa Majesté de s'assurer et détenir des personnes accusées ou soupçonnées de Haute Trahison, et pour l'arrêt et emprisonnement de toutes personnes qui peuvent individuellement par des pratiques séditieuses,

6 Gazette de Québec, 3 novembre 1796.

7 Gazette de Québec, 3 novembre 1796.

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tenter de troubler le gouvernement de cette Province."⁸

Plus précisément, il était statué que "toutes personnes quelconques étant sujets de France qui sont arrivées dans cette Province depuis le premier jour de Mai 1794 de laisser cette Province dans l'espace de vingt jours de la date..."⁹

Mais une lettre reçue de l'ambassadeur anglais aux Etats-Unis, Robert Liston, le préoccupa encore davantage. Il était dit que le gouvernement américain désirait conserver la neutralité dans le conflit opposant l'Angleterre et la France. Une telle attitude s'expliquait par le désir des Etats-Unis de ne pas détériorer leurs relations de commerce et d'amitié avec la Grande-Bretagne. Toutefois, Liston ajoutait que des agents français avaient manifesté leur intention de susciter une influence prédominante sur les Etats-Unis en utilisant la menace. Concrètement, il finira par annoncer à Prescott les projets d'Adet, soucieux de reprendre le Canada. C'est bien sur ce dernier point que le gouverneur était invité à la réflexion.

...How far the projects of Adet have been adopted in France I cannot pretend to judge: but there is no doubt that a Person nearly connected with him (a Frenchman by birth but who is said to speak English like a Native of Great Britain) is lately returned from a tour of several months

⁸ Gazette de Québec, 3 novembre 1796.

⁹ Ibid.

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through Canada, where some of the more indiscreet members of the Democratic Party say he met with considerable success in perverting the minds of the People. They go so far as to assert that three Deputies from the French Inhabitants of that Province are already on their way to Europe with a view to make proposals to the Government of their ancient mother country. The Person himself is also expected soon to set out for France with Dispatches from the Minister here. He is to communicate to the Executive Directory the result of his own Operations and of the speculations of Mr. Adet. I cannot answer for the perfect accuracy of all this Intelligence, and think it probable that Vanity has led the Adventure in question to over-rate the Effect he has had in Canada; but I think it my Duty to communicate to you what I know.¹⁰

Cette lettre de Liston ne surprendrait pas, à vrai dire, le gouverneur qui était déjà au courant de la situation, du fait qu'il possédait la déposition d'un dénommé Elmer Cushing. En effet, celui-ci avait affirmé connaître une personne¹¹ qui l'avait informé au sujet de l'agression méditée par les Français sur le Canada au cours du printemps suivant. De plus, cette même personne avait appris à Cushing qu'une flotte française paraîtrait dans le Saint-Laurent avec un corps nombreux de troupes et qu'elle aurait pour auxiliaires des troupes venues des Etats-Unis y compris

¹⁰ APC, Prescott Papers, I, 11: 8-9, Liston à Prescott, Philadelphie, 28 novembre 1796.

¹¹ Cushing avait refusé de dévoiler le nom de cet émissaire.

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quelques Canadiens. Enfin, Cushing avait donné un indice majeur en affirmant que la personne était un agent d'Adet.¹² C'est pourquoi, Prescott ne tarda pas à venir confirmer ce renseignement de Liston.

From some late occurrences in the District of Montreal, and from Intelligence which I have received from various Quarters, it appears extremely probable that the French minister to the United States has employed Emissaries to excite Disturbances in this province, and that attempts of a much more serious nature are intended should circumstances prove favourable for their Execution. Mr. Adet late Excursion to Pointe au Fer seems to have been connected with these Projects and I am persuaded you will excuse my soliciting your attention to them, in the Hope that your situation may enable you more fully to discover their Nature and Extent.

If, as it is reported, Mr. Adet purposes to collect a Body of Men on the Frontier, with a view of sending them into the Province either collectively or in detached Parties, his Intentions cannot long be concealed from the American government.¹³

Prescott pouvait donc conclure sur une note d'espoir. Il pouvait envisager une entente éventuelle entre les Etats-Unis et le Canada.

12 APC, Q.78:137-144, Déposition d'Elmer Cushing, laquelle sera envoyée à Portland le 17 décembre 1796. Toutefois, Prescott en prendra connaissance le 23 novembre 1796.

13 APC, Q.78:133-134, Prescott à Liston, Québec, 1er décembre 1796.

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Le 17 décembre 1796, Prescott écrivit à Portland afin de lui annoncer que David McLean était le principal agent d'Adet. De plus, il pouvait lui donner une meilleure idée de la situation, grâce aux dépositions reçues depuis le 1er décembre.¹⁴ William Barnard avait été invité par McLean à faire partie d'une conspiration contre le Bas-Canada.¹⁵ Un autre conspirateur, un dénommé Du Millière, était mentionné dans la déposition de Gabriel Sistare.¹⁶ Enfin Prescott n'ignorait pas, depuis le rapport du procureur général, qu'il y avait au Canada un espion envoyé par le Directoire français et qui faisait l'objet de vives recherches. De plus, Prescott avait appris que le Vermont était bien disposé à soutenir une agression contre le Canada et que Ira Allen avait acheté une quantité d'armes à Paris, vraisemblablement pour la milice du Vermont.¹⁷

¹⁴ APC, Q.78: 135, Prescott à Portland, Québec, 17 décembre 1796.

¹⁵ APC, Q.78: 149-152, Déposition de William Barnard, Québec, 1er décembre 1796.

¹⁶ APC, Q.78: 153-155, Déposition de Gabriel Sistare, Québec, 1er décembre 1796.

¹⁷ APC, Q.78: 159, Le procureur général à Ryland, Québec, 17 décembre 1796.

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Aussi, la réponse qu'allait lui faire Portland, le 20 janvier 1797, n'était qu'une invitation à poursuivre la lutte contre les émissaires.

...I need not point out to you the importance of using your best Endeavours to carry into effect the Proclamation which you have so properly issued, in consequence of the...outrages, and to discover by every means in your power, not only the Emissaries themselves which Mr. Adet had sent into the Province, but those Persons also who shall appear to act in concert with them or to aid their designs against His Majesty's loyal Subjects who are entrusted to your care.¹⁸

De fait, les signes d'inquiétude persistaient encore et Prescott se devait de maintenir le contrôle de la situation. D'ailleurs, il n'hésita pas à correspondre avec Liston afin de lui faire part d'importants indices.

It must be considered as a very bad Symptom of the Disposition of His Majesty's Canadian subjects, that no further particulars have yet come to light, and the discovery of any of the Seditious Papers has yet been made, although the actual existence of the Plot, and the circulation of such Papers, are so fully ascertained.¹⁹

Prescott ne manque pas de signaler sa satisfaction devant l'attitude du peuple américain en face de cette question des émissaires.

¹⁸ APC, Prescott Papers, I,8: 14-15, Portland à Prescott, Whitehall, 20 janvier 1797.

¹⁹ APC, Prescott Papers, I,13: 19-20, Prescott à Liston, Québec, 2 février 1797.

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Under these Circumstances it gives me peculiar satisfaction to learn that the People of the United States are beginning to entertain just Ideas of the ambitious Views, and perfidious Conduct of the French; and I am inclined to hope that they will soon see the necessity of making with us a Common Cause.²⁰

A Portland, il apprendra, le 18 février, les derniers événements relatifs à ce problème.

It deserves particular remark that the Proclamations sent in by Mr. Adet, have been traced, during the last week into no less than ten Persons hands, but not one of them can be obtained; the Persons who acknowledge the receipt of them declare uniformly, that they burnt them as soon as they saw what they were. Their not giving notice of them to a Magistrate, but observing on a point of so much importance a profound Secrecy, shews beyond dispute the real disposition of the People.²¹

Entre temps, Prescott allait apprendre la bonne nouvelle de la capture du navire, l'Olive Branch, avec plusieurs milliers de fusils, plusieurs pièces d'artillerie, des munitions et autres provisions de guerre. Mais un doute persistait chez lui quant au responsable de l'achat de ces armes.

...I should hope that you would find it no difficult matter to ascertain whether Allen was

²⁰ APC, Prescott Papers, I,13:20, Prescott à Liston, Québec, 2 février 1797.

²¹ APC, Q. 78: 234-235, Prescott à Portland, 18 février 1797.

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actually employed to purchase Arms for the Militia of Vermont: If he was not, there can I think remain no doubt as to the real Destination of the Arms in Question: And I persuade myself that, under present Circumstances, the American government will see it to be equally their Interest, as it is ours, to take every possible means for discovering and defeating the schemes of the French against this country.²²

Il est évident que Prescott mettait tout en oeuvre afin de découvrir les émissaires. D'ailleurs, il recevrait avec satisfaction la nouvelle de l'arrestation de David McLean, le principal émissaire d'Adet, de même que celle d'un Canadien nommé Frichet, un complice de McLean. Inutile de dire qu'il s'empresserait de communiquer la nouvelle à Portland le 13 mai 1797.²³ A Liston, Prescott annonça le sort réservé à McLean: "It is my intention to issue a Special Commission for his Trial, as the Evidence against him is very full, and the present Situation of things seems to render this measure particularly [adviseable]."²⁴

Quelques semaines passeront avant que Prescott

²² APC, Q. 79-1:122, Prescott à Liston, Québec, 10 avril 1797.

²³ APC, Q. 79-1: 3, Prescott à Portland, Québec, 13 mai 1797.

²⁴ APC, Prescott Papers, I,12: 24, Prescott à Liston, Québec, 22 mai 1797.

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n'apprenne à Portland l'arrestation d'un dénommé Butterfield ainsi que celle du frère de McLean dont les dispositions le rendaient tout aussi coupable.²⁵ Dans un message d'encouragement envoyé au lieutenant-gouverneur du Haut-Canada, Peter Russell, le 21 juin 1797, Prescott lui recommandait la plus grande prudence.

The steps you have taken in conjunction with the Officer Commanding the Troops of the United States for exclusion of suspicious Characters and for guarding as much as possible against the effects of the machinations of those who may wish to tamper with the Indians and the white people inhabiting the frontier of the United States, I cannot but highly approve, and recommend the greatest perseverance of vigilant measures, in order to secure a continuance of that Peace to the Country we so happily enjoy at present.²⁶

Bref, Prescott apportera au règlement de cette question toute son attention. D'ailleurs, ce texte qu'il fait parvenir à Portland donne une bonne idée du rôle qu'il voudra jouer en ce sens: "I have regularly communicated to Mr. Liston every circumstance which has come to my knowledge that could tend to develop, or counteract the Designs of our Enemies and I shall continue to pay the strictest atten-

²⁵ APC, Q. 79-1:119, Prescott à Portland, Québec, 27 mai 1797.

²⁶ APC, Russell Papers, I: 191, Prescott à Russell, Québec, 21 juin 1797.

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tion to your Grace's directions in this respect."²⁷ Le 7 juillet 1797, McLean était reconnu coupable de haute trahison et condamné à la pendaison.²⁸

Prescott continuait à croire que le climat était particulièrement tendu dans le Bas-Canada. A Russell, qui demandait du renfort dans le Haut-Canada, Prescott répliqua: "I am sorry to observe that the state of things in the Lower Province will not allow of my sending any additional Succour from here."²⁹ En effet, Prescott ne cacha point sa déception devant la crainte exprimée par le gouvernement de Russell, informé d'une attaque possible des Français et des Espagnols résidant tout près des frontières du Haut-Canada. De plus, Prescott craignait l'influence de ces émissaires sur les Indiens attachés au Canada. Enfin, il mettait en doute l'attitude du capitaine Brant. D'où la recommandation qu'il fit à John Johnson, susceptible de jouer un rôle important dans cette question.

27 APC, Q. 79-1: 145, Prescott à Portland, Québec, 24 juin 1797.

28 APC, Q. 79-1: 157, Prescott à Portland, Québec, 8 juillet 1797.

29 APC, Russell Papers, I: 225, Prescott à Russell, Québec, 22 juillet 1797.

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So critically circumstanced I feel myself obliged to desire you will without loss of time proceed to Fort George, where Captain Brant and the Chiefs of the Five Nations are invited to meet Mr. President Russell in Council, that you may assist in their deliberations, and by your presence and good advice convince them of their Error, and procure the reestablishment of their Friendship upon its ancient footing.

Under present appearances you must be convinced of the absolute necessity there is, that the Indians should not only be attached to us, but that they should see it their interest to be warmly and firmly so, and I entertain the firmest reliance on your exertions for that purpose on the present occasion.³⁰

Prescott écrivit également à Russell afin de lui faire connaître son désir de collaborer avec les Etats-Unis.

I should be exceedingly happy to give every aid in my power towards forming an arrangement with the United States of America for delivering up all Deserters, who may take refuge within the Territories of either Power, and have long since furnished His Majesty's Minister Plenipotentiary at Philadelphia with my ideas on the subject; but a Plan for that Purpose must be General, comprehending both Provinces of Upper and Lower Canada, and be concluded upon by the Government of the United States, to which I will readily acquiesce if I see any Inclination on their part to meet my wishes.³¹

Il allait se produire une période d'accalmie fort prolongée dans la province. Inutile d'ajouter la satisfaction de

³⁰ APC, Prescott Papers, I, 25: 69-70, Prescott à Johnson, Québec, 31 juillet 1797.

³¹ APC, Prescott Papers, I, 25: 84, Prescott à Russell, Québec, 11 septembre 1797.

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Prescott devant l'amélioration de la situation. Toutefois, à ses yeux, le problème n'était pas résolu pour autant.

I am happy to mention that for several Months past, this Province has enjoyed a State of perfect tranquillity but we cannot doubt that the Efforts of our Enemies will be renewed, and even encreased, if the war continues and though the fear of detection and punishment seems for the present to have overawed the disaffected amongst His Majesty's Subjects in this Quarter, it is not to be supposed that it has really reconciled them to his Government, or that they would neglect a favourable opportunity of renewing their Endeavours to overturn it.³²

D'ailleurs, il adopta la même attitude dans son discours du 20 février 1798, lors de l'ouverture de la session.

The unremitting spirit of animosity against the King, his subjects and Government, that is openly avowed by the present ruling Powers in France, calls upon you in the most forcible manner not to relax your Vigilance against their insidious attempts to disturb the Tranquility of this province. The beneficial Exercise of the powers vested for a period now about to expire in the Executive Government, having already been experienced, it will naturally lead you to consider whether it is not still necessary that the remedy should continue to be prompt while the danger is imminent. In the discussion of this subject, I have the firmest reliance that your measures will evince, how much you value the benefits of a mild and orderly Government, and confidently trust that you will exemplify its advantages by preserving in that Harmony, which has hitherto influenced your Deliberations.³³

³² APC, Prescott Papers, I,12:72, Prescott à Liston, Québec, 29 janvier 1798.

³³ APC, Q.80-2: 229-230, Discours de Prescott à l'ouverture de la session, Québec, 20 février 1798.

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Prescott pouvait donner l'impression d'être plus ou moins satisfait de la situation qui prévalait dans la province. Cependant, à la base de cette attitude, apparemment pessimiste, résidait une prudence qu'il voulait inculquer à tous et à chacun. Son désir restait le même: assurer un climat de tranquillité dans toute la province; c'est ainsi qu'il décrivait la situation à Portland le 11 mai 1798.³⁴ Quelques jours plus tard, il écrivit à Liston pour lui manifester sa satisfaction devant l'attitude des Etats-Unis.

I persuade myself that the general change in political opinions concerning France, which has taken place throughout the United States will greatly contribute to the Security and Tranquility of these Provinces, and I am confident that no Representations will be wanting on your part to the American Government for the purpose of shewing them how intimately their safety is connected with ours; for nothing can be more obvious and certain that their Independance would be at an end, were this Country to fall into the hands of the French.³⁵

Décidément, Prescott faisait preuve d'un sens des responsabilités accru. D'ailleurs, Portland lui-même sera en mesure de le constater.

The uniform care and attention which you have paid to whatever concerns the security of your Government, and the proofs you have already given

³⁴ APC, Q.80-2: 268, Prescott à Portland, Québec, 11 mai 1798.

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of your vigilance and alacrity render any comment on the circumstances stated in the Extract from Mr. Liston's letter, unnecessary. It is true that the present very friendly disposition, which subsists between this Country and the United States, will throw many obstacles in the way of such attempts as are stated by Mr. Liston to be in contemplation. At the same time you are too well acquainted with the nature of that spirit which characterizes the French System, to relax in your attention to every motion it may make.³⁶

De plus en plus, Prescott constatait un certain progrès, ce qui aurait pour effet de le rassurer. Néanmoins, il redoutait la présence d'espions dans la province, d'où son désir de contrôler les allées et venues de ces émissaires. Ainsi s'exprime-t-il à Portland vers la mi-août:

Lest Persons so employed on the part of the enemy should on some pretence or other get Passports from Mr. Liston, or make use of Passports granted by him to other Persons, whose names they might then assume. I have taken the liberty to suggest to Mr. Liston the Propriety of his favouring me, from Time to Time, with a Private List of the several passports he may from Time to Time grant to Persons desirous of visiting this Province, containing a brief description of their Persons as well as their names; and I doubt not but with due vigilance, I shall be able to secure our internal Tranquillity, unless a Force from Europe should be sent against this Country; A thing scarcely to be apprehended while His Majesty's Fleets have such a Superiority on the Ocean.³⁷

³⁶ APC, Q. 80-1: 124-125, Portland à Prescott, Whitehall, juin 1798.

³⁷ APC, Q.80-2: 319, Prescott à Portland, Québec, 13 août 1798.

Aussi, Prescott sera-t-il franc en disant à Liston la satisfaction que lui procurait la prise de position du gouvernement américain en cette matière. Toutefois, c'est avec une déception mal contrôlée qu'il voyait dans cette attitude une modération un peu excessive:

It cannot but afford considerable Degree of Satisfaction that the Congress have determined to resist the Proceedings of the French; but as you observe, it would in my opinion have been still much better had the wishes of the Federal Party, been attended to, in regard to making a formal Declaration of War.³⁸

Toujours dans la même ligne de conduite, Prescott sera très réticent sur l'admission des colons français dans le Bas-Canada.

I do not think that the admission of Settlers from the French Dominions into this province, would be either advisable or prudent. The same objections do not however exist, with respect to their settling in Upper Canada; provided the numbers wishing to settle there, should not bear a greater proportion to the other Inhabitants, than might in the opinion of Government, be thought prudent.³⁹

Toutefois, il fit une recommandation quant à l'établissement de ces colons français dans le Haut Canada:

Such however has been said to the Conduct

³⁸ APC, Prescott Papers, I,12: 105, Prescott à Liston, Québec, 16 août 1798.

³⁹ APC, Prescott Papers, I,12: 105, Prescott à Liston, Québec, 16 août 1798.

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of many of the Emigrants in other Countries, that I should consider it some what doubtful whether the Government of the Upper Province might think it prudent to admit them without the previous approbation of His Majesty's Ministers.⁴⁰

De tout ceci, il se dégage un sentiment de méfiance, certes basé sur la prudence. Car la tranquillité pouvait exister dans la province sans que pour autant Prescott en soit rassuré.

I am happy to acquaint you that in these parts of His Majesty's Dominions we enjoy perfect tranquility, more the consequence of fear than regard for the British Constitution- I have every reason to believe that the Canadians are more attached at present to France, than they were even before the Revolution, which change has no doubt been effected by secret Emissaries, who notwithstanding every vigilance on my part, have found means to introduce their Poison among them. The inlets to this Province being so numerous and distantly situated, that with the small force I have, it is impossible to watch them all, as effectually as I could wish.⁴¹

Le rapport de Jules Le Fer, un envoyé de Liston au Canada, allait confirmer dans l'ensemble les craintes de Prescott. Certes ce rapport était plus détaillé, mais il n'apprenait rien de neuf au gouverneur.⁴² Il était du devoir de Pres-

⁴⁰ APC, Prescott Papers, I,12: 105, Prescott à Liston, Québec, 16 août 1798.

⁴¹ APC, Prescott Papers, I,26: 184, Prescott à Fawcett, Québec, 5 septembre 1798.

⁴² APC, Q. 81-1: 21-26, Prescott à Portland, Québec, 1er octobre 1798.

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cott de communiquer avec Russell pour lui faire part des allées et venues du général Collot auprès des Indiens, qui pouvaient alors devenir une menace pour le gouvernement.

I received very lately confidential information, that a French General, named Collot went into the Western Country in the Summers of 1796 and 1797 to prepare the Indians to make an Attack on Upper Canada, at the same time that a French force should come into Lower Canada. When he (Collot) left that Country, he promised the Indians that he should return in 1799, and they expect him accordingly.

He was to sail for France in the beginning of July to assist in concerting measures for renewing the above Plan.

The above communication is to be depended upon and I take the liberty of handing it over to you, that, if possible you might discover what Tribes of Indians in the Western Country, have been tampered with by the before mentioned Frenchman, that measures may be taken to prevent the mischief intended.⁴³

Toutefois, Prescott n'était pas d'accord avec M. Le Fer, qui affirmait avoir constaté une faible inclination des Canadiens à l'endroit des Français émissaires au pays.

But of this I must confess I entertain considerable Doubts. That Disposition to insurrection which shewed itself in the autumn of the year 1796 ... induces me to suspect that a much greater number of them would be disposed to take arms in favour of the French than Mr. Le Fer imagined.⁴⁴

⁴³ APC, Prescott Papers, I, 25: 241-242, Prescott à Russell, Québec, 5 octobre 1798.

⁴⁴ APC, Prescott Papers, I, 13: 96, Prescott à Liston, Québec, 19 novembre 1798.

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Et Prescott basait ses vues notamment sur l'information reçue du docteur North, fort bien renseigné sur la situation américaine.

It appears from the information of Doctor North and others, that the Ideas I have for some time entertained respecting the Danger of admitting Emigrants from the French Dominions into this Province were but too just ... It is, it must be confessed a most painful consideration that in the present state of things the exercise of those acts of Benevolence and Humanity to which the heat of every well disposed Man must be inclined, should be attended with danger to the Public Safety and Security.⁴⁵

Prescott se référait aux émigrants français chassés de leur pays et qui, aux Etats-Unis, étaient devenus, pour quelques-uns d'entre eux, des émissaires sympathiques à la cause révolutionnaire. C'est pourquoi, il ajouta dans sa lettre à Liston: "It is to be lamented that the vigilance which these considerations render necessary, may now and then through mistake, be attended with unpleasant Circumstances to well disposed Persons."⁴⁶ Prescott restait cependant plus optimiste en face de l'action apparemment séditeuse des Indiens.

⁴⁵ APC, Prescott Papers, I, 13: 97, Prescott à Liston, Québec, 19 novembre 1798.

⁴⁶ APC, Prescott Papers, I, 13: 98, Prescott à Liston, Québec, 19 novembre 1798.

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The Indians in general have ever experienced from the Government such unceasing proofs of Bounty and favor, that I should hope they cannot be so totally lost to all sense of Gratitude, as to enter Generally into the views of the French - and less in the manner you seem to apprehend by falling upon you all of a sudden.⁴⁷

D'ailleurs, Prescott restait convaincu que le Haut-Canada possédait "more effectual means of resisting the attempts of the Enemy, than I have in Lower Canada where the Militia is composed of Canadians generally, with the exception of those only, who speak English Tongue, and they are comparatively few."⁴⁸

Le 12 décembre 1798, devant les appréhensions apparemment fondées de Russell, Prescott fit part de ses observations à Portland:

Although I consider it my duty to communicate Mr. Russell's apprehensions to your Grace, yet I consider it to be equally my Duty to observe, that I cannot, for my own part, think the Danger to be near so great as Mr. Russell appears to apprehend, unless it should so happen that the French should make, a serious attempt against this Province: should they do this, I should then indeed consider it to be exceedingly probable that some of the Western Tribes who may have been tampered with by Collot, might give assistance to their Schemes by making an attack

⁴⁷ APC, Prescott Papers, I, 25: 252, Prescott à Russell, Québec, 3 décembre 1798.

⁴⁸ APC, Prescott Papers, I, 25: 253, Prescott à Russell, Québec, 3 décembre 1798.

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upon Upper Canada; but I cannot think it likely that an attack would be made on that Province on any other principle than that of favouring a more extensive Plan of Operation on the part of the Enemy, for the Purpose of gaining Possession of this Country.⁴⁹

Quant à la présence de personnes suspectes dans les environs de Caughnawaga, on reconnut son attitude ferme: "I shall not fail to use every endeavour for frustrating their Designs and for discovering (if possible) the Persons concerned."⁵⁰ D'ailleurs, le conseil de Liston concordait parfaitement avec les vues de Prescott sur ce point.

...I cannot at the same time deny that the Government of Canada has great reason to be difficult in admitting Strangers into the Province, and that individuals may from time to time be subjected, an excess of caution is the better extreme, and ought to be borne without complaint by those who wish well to the interests of our King and Country.⁵¹

Le 4 février 1799, Prescott constate l'état de tranquillité de la province. Néanmoins, il demeure aux aguets.⁵² Pour

⁴⁹ APC, Q. 82: 29, Prescott à Portland, Québec, 12 décembre 1798.

⁵⁰ APC, Q. 82: 32, Prescott à Portland, Québec, 12 décembre 1798.

⁵¹ APC, Prescott Papers, I, 11: 68, Liston à Prescott, Philadelphie, 20 décembre 1798.

⁵² APC, Q. 82: 129-130, Prescott à Portland, Québec, 4 février 1799.

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Russell, qui pouvait craindre des soulèvements dans le Haut-Canada, Prescott se montrera très rassurant.

Upon most attentive perusal of your letters nos. 74 & 75, and their Inclosures, I cannot see the danger you apprehend at present - That Emis-saries have been among the Western Indians is not improbable - But, a French force ascending the Mississippi for the purpose of attacking these Provinces must of course pass through the American Territory, of which the Government of the United States would not fail to give His Majesty's Plenipotentiary at Philadelphia immediate notice, for our mutual information - nor have I any intimation whatever of an unfriendly nature, from the Officers Commanding the Upper posts.⁵³

Répétons que son attitude prudente expliquait bien son désir de voir les Indiens résister à l'influence des émissaires français.⁵⁴

Lors de l'ouverture de la session du 4 avril 1799, Prescott exprima sa satisfaction devant la tournure des événements en matière de politique extérieure.

Quoique le temps ne soit pas encore arrivé pour moi de vous féliciter sur le rétablissement de la Paix entre les Royaumes de Sa Majesté et les Pays sous la domination des personnes qui exercent les pouvoirs du gouvernement en France, néanmoins je ressens une sincère satisfaction de vous congratuler sur la sûreté et protection qu'ont éprouvées ces parties éloignées des Domaines de Sa Majesté, parmi les orages qui ont agité d'autres pays, et sur les Victoires Glorieuses et

⁵³ APC, Prescott Papers, I, 25: 269-270, Prescott à Russell, Québec, 21 février 1799.

⁵⁴ APC, Prescott Papers, I, 14: 3, Prescott à Liston, Québec, 4 mars 1799.

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importantes qu'ont récemment remportées les Forces Navales de Sa Majesté sur les flottes de nos ennemis, par lesquelles (quoique leurs efforts secrets pour semer la dissension parmi les sujets de Sa Majesté n'aient pu être ralentis) leur pouvoir de troubler notre repos par des hostilités ouvertes est beaucoup affaibli.⁵⁵

Devant "les artifices secrets qui ont été mis en usage dans tous les pays auxquels nos ennemis ont eu succès", Prescott fit une recommandation bien précise:

...Ces considérations exigent de notre part des soins et une vigilance particulière et continuelle pour le maintien de notre tranquillité intérieure: les provisions qui ont déjà été faites à cet effet pour l'"Acte pour la meilleure préservation du Gouvernement de Sa Majesté, tel qu'il est heureusement établi dans cette Province", étant limitées dans leur durée à la fin de la présente Session de la Législature, je crois qu'il est de mon devoir de recommander à votre considération la nécessité d'une prolongation ultérieure d'icelles...⁵⁶

Le 10 juin, Prescott pouvait annoncer la bonne nouvelle à Portland, quant à la menace non fondée des Indiens sur le Haut-Canada.

Although the contents of Sir John Johnson's Letter are not so perfectly satisfactory as might be wished; yet it cannot but afford a considerable degree of pleasure to learn that the apprehensions that were entertained in Upper

55 Gazette de Québec, 4 avril 1799.

56 Ibid.

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Canada with respect to an attack from the Indians were entirely groundless.⁵⁷

Sur le point de quitter le Canada, il s'adressa aux deux Chambres et l'on put facilement reconnaître celui qui pendant trois ans avait tout entrepris afin d'assurer la tranquillité de la province.

The general tranquility which at present happily prevails throughout the Province afford good reason to hope, that there will be little occasion for having practical recourse to those extraordinary Powers that have been thought proper to be vested temporarily in the Executive Government; and if, from the secret Machinations of the Enemy any instances should happen necessary to resort to those Extraordinary Powers, I doubt not but the vigilance of the Magistrates, actuated by Your Influence and Example, and supported by the zeal of His Majesty's faithful Subjects, will convince the Offenders to their Temerity, and give an effectual Check to their Designs.⁵⁸

A la suite de cet exposé des vues de Prescott sur les menées séditeuses des émissaires français au Canada, une impression très nette se dégage: sa politique dans le domaine des affaires extérieures se résume à un effort constant afin que le pays ne soit pas victime de soulèvements regrettables. L'opinion de Hugh Gillis mérite une attention spéciale:

⁵⁷ APC, Q. 82: 314, Prescott à Portland, Québec, 10 juin 1799.

⁵⁸ APC, Q. 82:330-331, Discours de Prescott aux deux Chambres, 10 juin 1799.

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It is obvious, however, that a French-inspired republicanism could have had no roots in Canada. In 1797, a judicial investigation was made into the whole question of alien interference with the colony. The evidence made it clear that no danger of a mass rising by the colonists ever did exist and that the activities which so worried some of the British officials were nothing more than instances of isolated sporadic hooliganism by a few irresponsible elements. Nor did the resistance to the Militia Act of 1794, or to the Road Act of 1797 point to the probability of revolution.

In spite of the Attorney-General's claim that the people could easily be led into rebellion by foreign agents, the time had not yet come when the mastery of Church and state could be questioned. Quebec was not a "little Boston" as some in Europe feared; years of agitation were necessary before any real threat to British supremacy could be raised within the colony.⁵⁹

Nous n'irons pas jusqu'à dire que "les craintes de Prescott avaient été sans fondement",⁶⁰ mais nous nous approchons fortement de ce jugement. En effet, aucun soulèvement majeur n'aura lieu au cours de son administration même si l'historien Burt admet que le danger ne s'estompera que vers l'automne de 1799.⁶¹ Et c'est à l'honneur de Prescott qui aura lutté durant trois ans pour éviter et enrayer les

⁵⁹ Hugh D. Gillis, Democracy in the Canadas, 1759-1867, Oxford University Press, Toronto, 1951, p. 95.

⁶⁰ Ivanhoé Caron, Colonisation de la province de Québec, vol. 2, Les Cantons de l'Est, 1791-1815, Québec, 1927, p. 83.

⁶¹ Alfred Leroy Burt, The United States, Great Britain and British North America, Toronto, 1940, p. 174.

cas susceptibles d'atteindre des proportions gigantesques. Nous avons souligné ses hautes qualités de vigilance et de prudence. Toutefois, Prescott nous a semblé consacrer beaucoup d'attention à ce problème, ce qui explique mal une telle agitation. Bref, il fut le type nerveux, soucieux d'assurer une fin heureuse aux événements. Nul doute qu'il ait réussi. Cependant, moins d'énergies et d'efforts de sa part auraient suffi.

2. L'état de défense du Bas-Canada.

Le contexte assez mouvementé dans lequel se trouverait Prescott allait l'obliger de s'occuper de la défense de la province. La question des émissaires français conservait toute son importance. De plus, le duc de Portland l'avait mis sur ses gardes vers la fin d'août 1796 à la suite de l'attitude équivoque de la cour d'Espagne à l'endroit de l'Angleterre.⁶² Pour cette raison, Prescott émit une proclamation.

...I have ...thought fit by and with the advice of the Executive Council, to publish this Proclamation and I do hereby accordingly make known His Majesty's said Determination to all His Subjects within this Province In His Majesty's name strictly forbidding them, to hold any corres-

62 APC, Q. 77: 81, Portland à Prescott, Whitehall, 27 août 1796.

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pondence or Communication with the King of Spain, his vassals or subjects, and requiring them in their several stations to do and execute all Acts of Hostility in their power, against the said King of Spain, his vassals and subjects, and to prepare themselves to oppose their attempts to distress and injure them by Sea & Land.⁶³

Surtout, se devait-il de prendre les dispositions nécessaires afin d'assurer une défense aussi forte que possible.

En septembre 1796, Prescott avait été, de plus, incommodé par un autre événement susceptible d'avoir des répercussions sérieuses. Les rumeurs voulaient qu'une escadre de vaisseaux français se soit emparée de Saint-Jean en l'île de Terre-Neuve.⁶⁴ En effet, cet incident pouvait influencer sur les forces armées du Bas-Canada. Aussi, s'empres-
sa-t-il de communiquer avec le duc de Kent, responsable de ces territoires de l'Atlantique.

However extraordinary these Particulars appear the Character of the Master of the Vessel who has brought them, and his return to Quebec, leave but little room to doubt that the Enemy has at least made good a landing on Newfoundland, and if so there is every reason to fear that their Fleet may have intercepted the Fall ships intended for this Posts; Such an Event will be more severely felt

63 La Gazette de Québec, 17 novembre 1796.

64 APC, Q. 78: 3, Prescott à Portland, Québec, 24 octobre 1796.

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by us on account of the failure of a considerable part of the supplies required for the Forces in Canada

I have therefore to request that Your Royal Highness will be pleased to give orders for immediately forwarding the Cargo of the Allison Transport, which was landed and received into store at Halifax, though addressed to the Commissary General here.

I cannot conclude without expressing my hope that the respectable state of defence in which I Understand your Royal Highness has put Halifax, will have secured it from any attempt of the Enemy, and also that ... you will have been able to detach such a Force, as effectually to dislodge them from the Island of Newfoundland.⁶⁵

Mais déjà, le duc de Kent, au courant de la nouvelle voulant que l'Espagne soit en guerre avec l'Angleterre, et de plus très songeur à la suite de cette tentative des Français sur Terre-Neuve, avait-il correspondu avec Prescott afin de lui demander son aide:

I am induced from this event, and the late audacious attempt of the French of Newfoundland to represent to your Excellency in the strongest terms, the very essential need we stand in, of reinforcements to this Garrison, if it is the intention to make us secure, against any serious attack which may be made upon us next season. A circumstance we are naturally led to look forward to, from the present state of affairs, as more probable than it has ever been before. The fort which is constructing as the first & principal defence of this post, is not above half finished, and it would require double the means, we have, to complete it effectually next summer. On this account I must request your Excellency to take it into our consideration whether it would not be in your power to spare me, when the River St. Lawrence

⁶⁵ APC, Prescott Papers, I, 25: 9-10, Prescott au duc de Kent, Québec, 3 octobre 1796.

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opens in the Spring one of the Regiments from Canada. Such a reinforcement would be most gratefully acknowledged, not only by me, but by every individual here, as it would at the same time add greatly to our confidence in case of an attack, and afford us the means of completing the works which at the present juncture becomes an object of the greatest importance.⁶⁶

Et en guise de conclusion, le duc de Kent exprimait toute sa confiance en son Excellence:

Your Excellency will of course enter so fully into my feelings at this moment, as to the necessity of means being afforded me, to defend the Post I am entrusted with, in a creditable manner, that it is needless for me to urge anything further upon the subject Should you therefore determine upon acquiescing with my request, I must solicit that at the same time some men from the corps of Royal Artillery may be permitted to accompany the Regt.⁶⁷

Répondant à la lettre de Prescott du 3 octobre, le duc de Kent voudra être plus précis en lui faisant constater l'état de défense plus ou moins précaire d'Halifax. Assurément, la protection de l'entrée du port était suffisante mais, du côté de la terre, Halifax serait à la merci des ennemis en cas d'un débarquement. D'où l'insistance faite par le duc de Kent pour que l'on envoie des renforts de troupes pour le printemps. De plus, fera-t-il part à Prescott de sa crainte

⁶⁶ APC, Prescott Papers, II, 50-51, le duc de Kent à Prescott, Halifax, 17 octobre 1796.

⁶⁷ Ibid.

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de voir une attaque sur le Canada, par les marines réunies de la France et de l'Espagne.⁶⁸ Prescott se vit donc dans l'obligation de donner une réponse négative au duc de Kent.

I am well aware how desirable, and even necessary it is, that a greater military Force should be stationed at Halifax, and I am the more concerned to find myself utterly unable to send a Reinforcement from hence, the Political State of this Province (to speak of no other danger) being such that I would neither answer for its safety or Tranquility were I to comply with your Royal Highness's Request in this particular.

I have already represented to His Majesty's Ministers the peculiar circumstances of this Province, which loudly call for additional means against internal as well as external Enemies.⁶⁹

Toutefois, Prescott laissait entrevoir un certain espoir dans sa lettre du 19 janvier 1797:

My letter of the 26th November last, will have shewn your Royal Highness the utter impossibility of my complying with your request of a reinforcement, from hence; but the very proper representation which you have made to His Majesty's Ministers, will, I hope, procure you the requisite additional means of defence.

I am of opinion with your Royal Highness, that the Officer Commanding in Newfoundland ought to have circulated the General Orders of the 1st and 6th of August last, among the Troops in Garrison there, agreeably to your Directions; and

68 APC, Prescott Papers, II: 55-58, le duc de Kent à Prescott, Halifax, 21 octobre 1796.

69 APC, Prescott Papers, I, 25: 13, Prescott au duc de Kent, Québec, 26 novembre 1796.

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I know of no ground upon which the Admiral could interfere to prevent him from so doing.⁷⁰

Concrètement, Prescott s'en tenait à une formule de politesse, n'ignorant pas que la défense de la province demeurerait dans un état précaire et que l'aide demandée par le duc de Kent s'avérerait donc impossible. D'ailleurs, ce mot de Prescott au duc, alors que ce dernier lui avait demandé de donner congé à un groupe de musiciens désireux de réintégrer leur fanfare, était fort significatif:

The weak state this Country is left in, in point of defence, obliges me to be particularly attentive, that our very insufficient numbers are not decreased, else I should be very happy to have permitted these musicians to leave their Corps without exacting an Exchange of man for man, which under present circumstances I am obliged to do.⁷¹

De façon positive, le Bas-Canada sera l'objet de préoccupations sérieuses en ce qui a trait à la défense. Prescott considérait l'extrême importance de ce territoire dont il était responsable et constatait que les craintes suscitées par les émissaires devaient être étouffées par une défense fort bien organisée. Prescott allait favoriser la

⁷⁰ APC, Prescott Papers, I, 25: 15, Prescott au duc de Kent, Québec, 19 janvier 1797.

⁷¹ APC, Prescott Papers, I, 25: 67-68, Prescott au duc de Kent, Québec, 22 juillet 1797.

construction de casernes pour permettre aux troupes qui arrivaient à Montréal d'être bien établies. Ainsi, s'exprime-t-il à Portland:

The State of both the Provinces and the hardships of the present mode of Quartering the Troops upon the Inhabitants in Lower Canada, render it in my humble opinion highly necessary, both in a Civil and Military point of view, that Barracks should be erected without delay.⁷²

Les derniers événements survenus à Montréal avaient obligé Prescott à agir promptement, même s'il n'ignorait pas les difficultés possibles.

In consequence of the late Proceedings at Montreal, I have ordered the 26th Regiment up there, the King's Own and the 24th Regiment have also been called into the Town.

The want of Quarters for the Troops occasions some difficulty, but it is proposed to take possession of the Recollet's convent, for which a reasonable compensation will be made to the Fraternity. This Building, with one which has been offered by Messrs Forsyth & Richardson will it is hoped afford a sufficient accomodation for the present.⁷³

Deux mois plus tard, Prescott reformulait à Portland la demande de l'envoi d'un ou quelques bâtiments armés afin d'assurer la sécurité de la province.

⁷² APC, Q. 78: 65, Prescott à Portland, Québec, 5 novembre 1796.

⁷³ APC, Q. 78: 65-66, Prescott à Portland, Québec, 5 novembre 1796.

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Your Grace will permit me ... to renew my Request that One or more Armed Vessels may be sent out as early as possible in the Spring and stationed at Quebec.

As our Enemies cannot well conceal from His Majesty's Ministers any preparations for a serious attack upon this Province, it is unnecessary for me to propose any other measures than such as appear requisite for our internal security; and in doing this I feel it my Duty freely to declare my opinion that a great Majority of the Canadians are disaffected to His Majesty's Government, and the loyalty of very few of them indeed is to be depended on.⁷⁴

Apparemment, Portland ne semblait pas très bien comprendre la demande de Prescott d'où la nécessité pour ce dernier de préciser:

In Your Grace's public Dispatch of the 20th of January you are pleased to approve of my proposal, that a small armed vessel should be stationed at Quebec, and you direct me to take the necessary measures for carrying it into effect. From this Paragraph I see that I did not express myself on this head with sufficient perspicuity: my Idea was, that an Armed vessel should be sent out from England early this Spring; as the occasion for one is immediate and urgent; and, not only the want of officers and Seamen, but the difficulty of procuring and equipping such a Vessel in this country would cause a Delay that must inevitably frustrate the End proposed.⁷⁵

Il allait insister, de plus, sur l'opportunité de construire des casernes, ce qui aurait pour effet d'éviter des incidents

⁷⁴ APC, Q. 78: 205-206, Prescott à Portland, Québec, 21 janvier 1797.

⁷⁵ APC, Q. 79-1: 56, Prescott à Portland, Québec, 27 mai 1797.

regrettables. Il donnait à Portland une explication fort claire:

In the present critical situation of Lower Canada, the troops should be quartered as contiguous to each other as possible. The billeting them upon the Inhabitants one or two in a house, may be attended with the most dangerous consequences to the King's service: as it renders it easy for their arms to be seized by the People with whom they are lodged. Such an idea, I understand, was very generally entertained by the disaffected at Montreal last Autumn.⁷⁶

Prescott complétait le tableau en lui apprenant que le fort de Saint-Jean était entièrement en ruines et que les approvisionnements militaires avaient été transportés à Québec.⁷⁷ Mais le 11 septembre suivant, Portland envoya de bonnes nouvelles à Prescott en lui assurant l'envoi de ce navire armé si la situation s'avérait désespérée.⁷⁸ A vrai dire, les moyens de défense dont disposait Prescott n'étaient pas des meilleurs en supposant toujours une attaque ou un soulèvement causé par les émissaires français. C'est ce qui explique cette crainte du gouverneur, constatée dans la première partie de ce chapitre. Le 22 août 1798, Prescott dut

⁷⁶ APC, Q. 79-1: 57, Prescott à Portland, Québec, 27 mai 1797.

⁷⁷ Ibid., p.57-58.

⁷⁸ APC, Prescott Papers, I,8: 55, Portland à Prescott, Whitehall, 11 septembre 1797.

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s'expliquer une fois de plus à Portland. Il est vrai qu'une atmosphère de tranquillité régnait depuis plusieurs mois, mais le gouverneur sentait le besoin d'assurer la défense de la province.

I have in Lower Canada only Three Battalions of Regular Troops ... besides the 1st Battalion of Royal Canadian Volunteers ...; on which Corps, from their being chiefly Canadians, I must confess that there can be but small reliance, in Case of an Attack from the French.

Quebec must be taken care of; and at Montreal a considerable Force must necessarily be stationed to give the Habitants of that Vicinity who have in more than one Instance evinced a refractory Spirit.

The Militia of Lower Canada cannot be resorted to in case of an Attack from the French, it would be even dangerous to arm them. The only dependance therefore that I can have for the Protection of Lower Canada, in case of reach, is, on the few Troops above Enumerated, and the few British Natural born Subjects resident in this Province.

Your Grace will readily conceive from the aforesaid statement that any circumstances which might lead to an Apprehension of Hostility in this Country must naturally induce me to look with some anxiety for the Arrival of the Regiment, which I had flattered myself with an expectation of receiving to augment the small Force now allotted for the Defence of these Provinces.⁷⁹

La défense du Bas-Canada étant dans un tel état, on peut comprendre aisément les raisons qui empêchaient Prescott d'aider la province voisine, le Haut-Canada:

⁷⁹ APC, Q. 81-1: 7-8, Prescott à Portland, Québec, 22 août 1798.

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"The forces now here may be considered sufficient to preserve the Internal Tranquility of this Province, but not sufficient to enable me to afford assistance to Upper Canada in case the schemes of General Collot should produce Difficulties in that Quarter."⁸⁰ Au moins voulut-il assurer de ses conseils les autorités de ce territoire. Au secrétaire militaire du duc d'York, il fit une recommandation bien précise quant au recrutement des régiments:

I request you will inform His Royal Highness Fieldmarshal the Duke of York, that among a number of Recruits for the 60th Regiment, just arrived from England in the Ship Caroline, there are several Frenchmen, reported to me, to have been lately Prisoners of War, and Inlisted into the service, after having contrived to escape from Confinement.

In order therefore to secure a continuance of Tranquility which has hitherto so happily existed in the Province, I feel myself obliged in the strongest terms to state to His Royal Highness, the absolute necessity there is, that measures should be taken without loss of time, to prevent Recruits of the above description being sent out in future to the Regiment stationed in this Country, and to the Sixtieth in particular, in the two Battalions of which there are several Canadians.⁸¹

Le mois suivant, Prescott revint à la charge quant à la nécessité de contrôler le recrutement.

⁸⁰ APC, Q.81-1: 27, Prescott à Portland, Québec, 1er octobre 1798.

⁸¹ APC, Prescott Papers, I, 26: 3-5, Prescott au lieutenant-colonel Brownrigg, Québec, 19 septembre 1796.

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The necessity there was for discontinuing the practise of sending Recruits of the above description to this Country, has since my formed letter been more strongly evinced, by the conduct of the Canadian Inhabitants, on the report of a French Squadron being on this Coast, that I have found it absolutely necessary to send the mentioned Recruits back to England, on board His Majesty's ship the Hind, Captain Bazely, now on the point of sailing from this Country with a Convoy.

I must again repeat my former request that no more Recruits of this Description may be sent to Canada, the tranquility of the Province absolutely depending on a total exclusion of all Frenchmen.⁸²

Devant la construction d'un poste militaire à Toronto, Prescott ne cacha pas sa surprise à Russell, considérant le coût d'un tel projet.

I must confess it was with a vast deal of surprise, Lieutenant Pilkingtons letter Inclosing an Estimate of the Blockhouses and other works you propose to construct at York, was communicated to me, the day before your letter arrived, by Colonel Mann; when I had reason to expect from that Officer an Estimate of the probable "Expence for erecting so many Hutts in addition to those already occupied, as would conveniently Lodge the Regiment" of Queens Rangers, as I had desired should be furnished for my further directions thereon.

The manner of Proceedings on this occasion, I shall no further comment upon at present, than to say that whoever has been pleased to direct the above-mentioned work to be executed, will defray the Expences thereof, with the exceptions of what it may cost to repair the old, and construct additional Hutts for the accomodation of the Rangers.⁸³

⁸² APC, Prescott Papers, I, 26: 7, Prescott à Brownrigg, Québec, 25 octobre 1796.

⁸³ APC, Prescott Papers, I, 25: 83-84, Prescott à Russell, Québec, 11 septembre 1797.

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Prescott voulait éviter une dépense excessive sachant bien que le budget militaire ne le permettait pas.⁸⁴

En conclusion, nous pouvons concevoir aisément son refus à l'endroit des autorités d'Halifax et de Toronto quant à l'aide demandée. Prescott n'ignorait pas les faibles moyens dont disposait le Bas-Canada en cas d'une attaque importante. Ainsi, se contentera-t-il d'encourager le duc de Kent et Peter Russell, ne pouvant accomplir davantage. Néanmoins, nous aurons été témoin du souci manifesté par cet homme afin de restreindre davantage les possibilités de soulèvements.

⁸⁴ APC, Prescott Papers, I, 25: 216-217, Prescott à Russell, Québec, 2 août 1798.

CHAPITRE II

LES VUES DE PRESCOTT SUR LA CONCESSION DES TERRES

Vers la fin du dix-huitième siècle, le Canada présentait encore ce caractère de colonie nouvelle, fondée sur un territoire fertile et étendu. Et un domaine où l'Etat pouvait exercer une action dont l'objet suscitait un vif intérêt pour tous était sans contredit celui de la concession des terres. De la qualité de l'action gouvernementale pouvait dépendre le succès ou l'échec de la colonisation future du pays.

Effectivement, des instructions détaillées sur la façon de distribuer les terres avaient été données à Lord Dorchester le 16 septembre 1791.¹ Une proclamation en date du 7 février 1792 reprendrait les principaux points. Son auteur, Allured Clarke, alors remplaçant de Dorchester, ne faisait qu'obéir aux directives de Sa Majesté Royale en exprimant les conditions requises pour "ceux qui désirent s'établir sur les terres de la couronne dans la province du Bas-Canada."²

1 Doughty A.G. et McArthur D.A., Documents relatifs à l'Histoire constitutionnelle du Canada, 1791-1818, Ottawa, 1915, p. 21-24.

2 Ibid, p. 61-62.

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Afin de saisir le problème auquel aurait à faire face le gouverneur Prescott à son arrivée en juin 1796, il nous semble important de révéler au moins l'essentiel du contenu de cette proclamation. Une première condition exigée des réclamants était leur aptitude à cultiver et à améliorer les terres incultes de la Couronne. En outre, devaient-ils prêter le serment usuel et souscrire à une déclaration où ils promettaient de défendre de toutes leurs forces l'autorité du roi. Ces terres concédées devaient faire partie d'un canton aux dimensions particulières selon qu'il fut situé dans l'intérieur ou contigu à des eaux navigables. Une autre clause importante consistait dans la proportion de chaque township réservée aux fins du clergé protestant et de la couronne, soit un septième respectivement. Ainsi, les cinq septièmes d'un canton pouvaient être concédés. Il était spécifié que chaque personne ne pourrait recevoir une quantité de plus de deux cents acres de terre. Toutefois, une quantité supplémentaire ne dépassant pas mille acres pourrait être concédée à la discrétion du gouverneur. Toute demande de terres devait se faire sous forme de pétition. Si la requête était agréée, les arpenteurs devaient, dans un délai de six mois, procéder à l'arpentage des terrains réclamés, après quoi la concession serait faite au moyen de lettres patentes. Les conces-

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sionnaires étaient exemptés de rentes ou de toutes dépenses, exception faite des honoraires pouvant être exigés par les fonctionnaires chargés de l'émission des patentes. Concrètement, cette proclamation avait été émise afin d'assurer le bon fonctionnement des octrois de terres et partant un plus grand essor de la colonisation. Ainsi, la Couronne pouvait espérer voir le pays grandir rapidement.

Toutefois, Prescott fut amené à faire une triste constatation quelques mois après son arrivée: "...I find the whole business of the Land granting involved in the greatest confusion and difficulty..."³ En effet, la proclamation de Clarke avait été éprouvée à plus d'une reprise depuis 1792. Les nombreux problèmes qui se présentaient au gouverneur allaient l'obliger à posséder une connaissance précise de cette question. Pour ne nommer que le plus important, Prescott avait à découvrir les raisons capables d'expliquer la mauvaise organisation qui régnait chez le comité des terres, organisme du Conseil exécutif, responsable de cette question. Sur ce point, il s'exprimait clairement à Portland: "To give Your Grace a faint idea of this perplexity, I may mention that there were considerably more than a thousand applications reported upon by

3 APC, Q. 78: 67, Prescott à Portland, Québec, 5 novembre 1796.

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the Land committee before I came to the Government and only one grant compleated."⁴ De plus, Prescott avait à exécuter les ordres de Portland sur deux points précis. Le premier consistait en l'adoption d'un droit additionnel sur chaque concession de terre afin de mieux pourvoir aux dépenses publiques de la province. Le deuxième point exigeait de Prescott la proposition de plans, afin de rendre plus profitables les terrains réservés aux membres du clergé protestant ainsi qu'à ceux de la Couronne. Aussi, "la patience, l'habileté et une profonde compréhension des gens qui allaient l'entourer"⁵ constituaient autant de qualités requises afin de trouver une solution à la fois intelligente et pratique.

La première partie de ce chapitre consistera à dévoiler les vues de Prescott sur les différents problèmes posés par l'application de la proclamation de Clarke de 1792. Il sera alors possible d'énoncer, dans une deuxième section, le nouveau système que Prescott voudra mettre en marche.

⁴ APC, Q. 78: 188, Le même au même, Québec, 24 décembre 1796.

⁵ N. Macdonald, Canada, 1763-1841, Immigration and Settlement, Longmans, Toronto, s.d., p. 81.

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1. Les vues de Prescott sur les problèmes posés par l'application de la proclamation de 1792.

Au moment de son arrivée, la concession des terrains était discontinuée. Lord Dorchester lui avait fait part, en effet, de sa décision qui datait du jour où il avait reçu du duc de Portland une lettre personnelle.⁶ La copie de la première concession de terre, enfin complétée, venait d'être envoyée à Whitehall. Dorchester avait alors reçu de son ministre une suggestion, à savoir qu'une somme additionnelle soit payée par les concessionnaires de terres, outre les frais d'arpentage de trois louis, six chelins établis depuis le mois d'août 1795 "afin d'avoir ainsi une meilleure classe de colons."⁷ Lord Dorchester n'avait pas tardé à répondre à cette suggestion en lui opposant les objections soulevées par les concessionnaires. Et depuis ce temps, point de réponse de Whitehall. Aussi, est-ce avec une certaine énergie que Prescott fit part de son intention à Portland, le 3 septembre 1796.

On my arrival here I was informed by Lord
Dorchester of his having transmitted to Your Grace,

6 D. Brymner, Rapport sur les Archives du Canada 1891, Imprimeur de la Reine, Ottawa, 1912, p. 110. Il s'agit de la lettre du 6 septembre 1795.

7 Ibid.

in February last, a copy of the first Grant of the Waste Lands of the Crown in this province, made in conformity to the Act of the Thirty first of the King, and to the Royal Instructions.

It was intended, upon this Grant, receiving the Approbation of His Majesty's Ministers, to proceed with all convenient speed, in carrying His Majesty's gracious intentions relative to the Waste Lands, into effect. But Your Grace's letter marked private, of the 6th of September last, which was received soon after the Completion of the first Patent, induced His Lordship to put a stop to this business, that, previous to its further progress, you might be apprized of the Objections to the Proposal of a sum to be paid by the Grantees, in addition to the established fees towards defraying the Public Expences of the Province.

I have to lament that neither the May or June mails, which reached Quebec a few days ago, have brought your Grace's determination on this subject.

The great advantage which must accrue to the Crown from the speedy selling of the Waste Lands in this Province is too obvious to require illustration; and as I cannot doubt from the manner in which you have expressed yourself in your letter of the 6th September to Lord Dorchester, that the opinions stated in His Lordship's answer will be decisive with your Grace, it is my intention to proceed on the Plan already laid down and approved in making such further Grants of the Waste Lands of the Crown, as the Council shall think advisable, confining myself however to such parts only as the faith of Government has already been pledged for to the Applicants.⁸

Prescott lui démontrait déjà son vif intérêt dans cette question de la concession des terres. Il rece-

⁸ APC, Q. 77: 207-208, Prescott à Portland, Québec, 3 septembre 1796.

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vrait, d'ailleurs, l'appui de Portland qui l'encourageait à aller de l'avant.⁹

Sans plus tarder, il vit à recueillir de meilleures informations sur cette question en vue de rendre possible l'adoption d'une somme additionnelle en sus des droits d'acte établis¹⁰ de même que l'adoption d'un moyen d'empêcher les empiètements sur les terres de l'Eglise et de la Couronne.¹¹

Sur le premier point, Prescott était d'accord avec Portland.

Had this object been in view at the first, a very considerable sum of money (several hundred thousand pounds in the whole) might unquestionably have been raised for the above purpose with as much Satisfaction to the Settlers concerned, as if the Fees were ever so small; And although this was not at that time attended to, yet I have the satisfaction to inform your Grace that I can discover no possible objection to the adoption of such new Fees and Regulations as shall produce that desirable effect in regard to those Lands for the Grant of which the Faith of Government has not yet been pledged. I am fully of opinion that had the Fees been set in the first instance at Fifteen pounds per Thousand Acres instead of three pounds six shillings and eight pence, no other effect would have been produced thereby excepting only that a greater proportion of the applicants would have been of the respectable and efficient classes of settlers, and a less proportion of them of the mean

⁹ APC, Prescott Papers, I, 8: 9, Portland à Prescott, Whitehall, 31 octobre 1796.

¹⁰ Portland en avait fait la suggestion dans sa lettre du 6 septembre 1795.

¹¹ Portland en avait fait la suggestion dans sa lettre du 3 août 1796.

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and inefficient classes. At this time the Fees would bear to be considerably higher than would have been advisable in 1792 when the business commenced; And after a few Millions of Acres shall have been granted and settled the future Fees might with much propriety be still further increased.¹²

Néanmoins, Prescott fit à son tour une suggestion sur cette question des droits additionnels.

Several Gentlemen of understanding and Abilities conceive it would be best "to put up the Whole of the Lands (excepting the Two sevenths to be reserved) to sale, in Parcels not exceeding Four or Five thousands and Acres each; To lodge the money arising from these Sales in the English Funds; and to apply the Interest thereof towards defraying the public Expences of the Province; which would be as it were a Tie on the Loyalty and obedience of the colony, in as much as the Province would lose, in the case of a Revolt, the annual Sums so arising from the Funds."

Respecting this Proposal I will beg leave to observe, that I am clearly of opinion that larger sums could be raised by this putting the Lands up to Sale, than could be raised by laying an additional Fee on the Grants; but whether it might be considered to be equally consistent with the Dignity of His Majesty's Government, is a point which your Grace is best qualified to determine.¹³

Toutefois, si le duc de Portland maintenait sa propre suggestion, Prescott n'allait pas être déçu pour autant.

D'ailleurs, le plan qu'il allait soumettre en est une preuve.

¹² APC, Q. 78: 189-190, Prescott à Portland, Québec, 24 décembre 1796.

¹³ APC, Q.78: 190-191, Prescott à Portland, 24 décembre 1796, Québec.

If the adoption of additional Fees should be judged by His Majesty's Ministers to be more eligible than putting the Lands up to Sale, I would submit the following arrangement to your Grace's consideration as a Plan that would in my opinion be perfectly satisfactory to all such Applicants as might be seriously disposed to carry the Settlement of the Lands into effect. vizt.

1st- That each Grantee should (if he desired) have Twelve hundred Acres, the same as in the Grant lately made by Lord Dorchester.

2nd- That the Applicants should be at liberty to petition either singly or in associated companies, and to have their Grants either in Severalty or as Tenants in common as they might desire. This would prevent Speculators from taking undue advantages of the People associated with them, which I find is attempted in many instances.

3rd- That the Fees to be paid on the Grants should be Twenty five pounds per Thousand Acres.

4th- That Persons who were entitled to particular marks of His Majesty's Favor in consideration of past Services or sufferings, and who had not yet taken up the Lands they were heretofore entitled to under His Majesty's former Instructions should be chargeable only with Half Fees or Twelve pounds Ten shillings per Thousand Acres.

Should this meet the Approbation of His Majesty's Ministers, there might be applied towards defraying the Public Expences of the Province, or towards raising a Fund for that end, Six pounds five shillings on every Thousand Acres granted to those who should be chargeable only with Half Fees, and Eighteen pounds fifteen shillings on every Thousand Acres granted to other Applicants. The remaining six pounds five shillings per Thousand Acres to be distributed among the officers concerned in passing the Grants, some of whom are not sufficiently rewarded for their Labour by the Fees in the present Table of amounting only to Three pounds six shillings and eight pence per Thousand Acres.¹⁴

¹⁴ APC, Q. 78: 191-192, Prescott à Portland, Québec, 24 décembre 1796. Portland ferait part de son approbation dans sa lettre du 8 juin 1798.

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En raison de cette augmentation des droits, Prescott considérerait comme justifiable la modification de la sixième clause de la proclamation de 1792 où il était dit que "dans toutes les concessions, (il) sera réservé à la couronne tout le charbon...ainsi que les mines d'or, d'argent, de cuivre, d'étain, de fer et de plomb."¹⁵ Ainsi s'exprimait-il:

In consideration of this Augmentation of the Fees I would likewise submit to His Majesty's Ministers whether it might not be advisable to give to the Grantees all Mines excepting those of Gold and Silver. The Iron and Coal Mines where there are any, might be of much benefit to the Settlers, but can never be of any advantage to the Crown, as is sufficiently evinced by the Iron works belonging to His Majesty near Three Rivers.¹⁶

En réponse à cette question, Portland appuyait entièrement les idées du gouverneur:

...I feel no hesitation in empowering you to carry into effect the Plan which you have transmitted to me for that purpose on all future Grants, which may be made of Crown Lands, and the more fully to enable you to proceed in conformity to it, an alteration will be made in the 34th article of His Majesty's General Instructions subjecting all future Grants to such Fees as shall from time to time be established, by an Instrument under His

¹⁵ D.C.H.C., p. 62.

¹⁶ APC, Q. 78: 192-193, Prescott à Portland, Québec, 24 décembre 1796.

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Majesty's Sign Manual, or by His Majesty's Orders signified through one of His Principal Secretaries of State.¹⁷

Toutefois, Portland spécifiait que ces nouveaux droits ne devaient pas être exigés de ceux qui, déjà, avaient réclamé des terres. Quant à l'orientation de ces sommes d'argent, Portland concluait qu'elles devaient être déposées dans le trésor de la province afin d'être utilisées à la place des Extraordinaires de l'armée, maintenant affectés aux dépenses de l'administration civile.¹⁸ De plus, Portland n'offrait pas d'arguments négatifs quant à la suggestion de procéder à la vente des terres.¹⁹ Enfin, il estimait que les honoraires proposés aux officiers du bureau des terres étaient considérables, d'où la demande d'une liste des officiers ainsi qu'une description des fonctions qu'ils remplissaient.²⁰

Quant au problème soulevé par l'emplacement des

17 APC, Prescott Papers, I, 8: 46, Portland à Prescott, Whitehall, 13 juillet 1797.

18 APC, Prescott Papers, I, 8: 46-47, Portland à Prescott, Whitehall, 13 juillet 1797.

19 Ibid., p. 47.

20 Ibid., p. 47-48.

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réserves de la Couronne et de l'Eglise, Prescott exprima son désir de voir ces terres situées "on such a footing as shall best secure them from encroachments and soonest render them profitable."²¹ Pour ce faire, il demande l'avis d'experts en cette matière. En effet, le problème de l'emplacement de ces terres était assez aigu.

I am sorry to inform your Grace that every information I have obtained on the Subject coincides in furnishing a very unfavorable opinion of the mode that has been adopted for locating those Reservations. It is the Opinion of many intelligent and well informed People, that it will be impracticable to secure them from Encroachments under the present Plan of locating them, without an Expenditure much greater than the Value of the Lands.

As the mode of locating the Reservations appeared to me to be a matter of great Importance to the future well being of the Province, I desired one of the Gentlemen with whom I conversed, and who appeared to me perfectly well informed in matter of this Kind to furnish me with his observations in writing together with two small Plans by way of Elucidation.²²

Effectivement, les deux plans soumis²³ précisaient les nouveaux emplacements de ces réserves. Ces plans permettaient une meilleure productivité des terrains, ce qui diminuait le risque de l'obtention de terres plus ou moins fertiles.

21 APC, Q. 78: 193, Prescott à Portland, Québec, 24 décembre 1796.

22 APC, Q. 78: 193-194, Prescott à Portland, Québec, 24 décembre 1796.

23 Voir les pages 54 et 55.

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PLAN NO. 1

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28
11	E			C				E			C				E			C				E			C			
10		C			E				C			E				C			E				C			E		
9			E				C			E				C			E				C			E				C
8	C			E				C			E				C			E				C			E			
7	E				C			E				C			E				C			E				C		
6			C				E			C				E			C				E			C				E
5		E			C			E				C			E				C			E				C		
4	C			E				C			E				C			E				C			E			
3		E			C				E			C				E			C				E			C		
2			C				E			C				E			C				E			C				E
1	C				E			C				E			C				E			C				E		

C: Couronne

E: Eglise

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PLAN NO. 2

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28
1					E	E					C	C					E	E					C	C				
2					E	E					C	C					E	E					C	C				
3					E	E					C	C					E	E					C	C				
4					E	E					C	C					E	E					C	C				
5					E	E					C	C					E	E					C	C				
6					E	E					C	C					E	E					C	C				
7					E	E					C	C					E	E					C	C				
8					E	E					C	C					E	E					C	C				
9					E	E					C	C					E	E					C	C				
10					E	E					C	C					E	E					C	C				
11					E	E					C	C					E	E					C	C				

C: Couronne

E: Eglise

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De plus, une telle distribution en augmenterait d'autant la valeur. Mais en raison de la simplicité qu'offrait le plan no. 2, Prescott préférerait-il ce dernier au plan no. 1. Il croyait, de plus, que la complexité du plan no. 1 pouvait produire plus d'erreurs et de fraudes que le second plan.²⁴ Toutefois, Portland ne penserait pas ainsi et c'est pourquoi, il arrêta son choix sur le plan no. 1.

The main objection to the original Plan which is stated in the Observations arises from the presumption of inaccuracy and fraud can affect the Reservation in the first plan; without equally affecting the Lots of Individuals throughout the whole Township. This objection moreover, although it may vary somewhat in extent and degree, appears to me to apply to these and all other Plans that may ever be formed. For such an Error in the Survey as is supposed, must interfere with the proposed Reservations in Plan no. 2 as well as in no. 1. The whole apprehension of the danger arising out of a supposition that the Officers employed in Surveying Grants, will be wanting in their duty; an inference hardly warrantable considering the various checks to which they are or may be liable; besides a further Security against any encroachments on the Crown and Church Lands, will be effectually obtained by granting in the manner which has already suggested to you, beneficial Leases of such Reserves on such terms and conditions as may be likely to render them most productive, in the shortest time, and which, by specifying the precise [scite] and quantity of each reserve, must create an immediate interest in each Lease to preserve the same against all encroachments.²⁵

²⁴ APC, Q. 78: 196-198, Prescott à Portland, Québec, 24 décembre 1796.

²⁵ APC, Prescott Papers, I, 8: 48, Portland à Prescott, Whitehall, 13 juillet 1797.

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Un autre problème, celui de la concession de ces terres, allait dorénavant occuper Prescott. C'était à la fois un problème important et complexe. Le gouverneur n'avait pas tardé à annoncer aux membres du Conseil que Whitehall lui permettait de continuer la concession des terres vacantes de la Couronne pourvu qu'il s'en tienne pour le moment, aux seuls cas où la parole du gouvernement se trouvait engagée envers les pétitionnaires.²⁶ Il s'agissait maintenant de connaître ces cas.

Prescott pria donc les membres du Conseil exécutif de vouloir bien donner leur avis sur ce point. Dans leur rapport, ils conclurent qu'aucun cas n'engageait la parole du gouvernement puisque les dites personnes ne s'étaient pas conformées aux conditions énoncées dans la proclamation du 7 février 1792, dans les avis du 10 et du 20 octobre 1794 et du 17 janvier 1795.²⁷ De plus, les membres du Conseil déclarèrent que c'était une erreur de croire que les pétitionnaires devaient recevoir 1,200 acres de terre. Ils prétendirent, en effet, que les instructions ne permet-

²⁶ APC, Prescott Papers, I, 8: 9, Le même au même, 31 octobre 1796; Q. 79-1: 136, Procès-verbal du 7 juin 1797.

²⁷ APC, Q. 79-1: 139-140, Procès-verbal du 7 juin 1797.

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taient pas de concéder plus de 200 acres et qu'on devrait s'en tenir là.²⁸ C'est avec surprise que Prescott apprit cette décision qu'il considéra comme injuste pour plusieurs pétitionnaires. Dans une lettre assez élaborée à Portland, il énonça ses vues à ce sujet.

The vast accumulation of Petitions that has been suffered to take place without any final decision being made upon them, has given rise to Difficulties which appear to me almost insurmountable. The number of Petitions is from Twelve to Thirteen hundred; but they comprehend Applications from upwards of Ten thousand Persons, a great Majority of whom, it may be remarked are of the lower orders of the People.

Great numbers have persevered from the first issuing of the Proclamation by General Clarke in the year 1792, and some of them have expended large sums in making improvements under the expectation of obtaining regular Grants: many have sold Lands under the Warrants of Survey which were then issued, but which were not followed by Patents; and many, I am sorry to add, after having sold their property in the United States, with a view of setting on the Waste Lands in the Province have returned back, disgusted and ruined by the delay which they met with in the course of their applications. This class of People are represented as being chiefly men of Property, good Farmers, and of tried loyal Principles; it is supposed that numbers of them would return on a certain prospect of succeeding in their object.

Under the circumstances above mentioned, it becomes highly necessary for the council to determine to whom the Faith of Government might fairly be considered as pledged, before the alteration now proposed in the Terms should be adopted. The Report transmitted in my Letter no. 45, contains the result of their deliberations on this Subject.

²⁸ APC, Q. 79-1: 140-141, Procès-verbal du 7 juin 1797.

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A List is preparing of all the Persons who have received orders from the Governor in Council for specific Portions of the Waste Lands which will show how far the Grants advised to be made will extend. It will not escape your Grace's observation that, except in the cases of Asa Porter and Nicholas Austin, no applicants for Townships are considered by the Council as having the Faith of Government pledged to them and their Associates for Tracts of this Description: But, though I am not without apprehension that the opinion of the Committee in this respect will be regarded as a severe one by many of the Parties concerned, I thought it incumbent on me to confirm it, being persuaded that the council will cheerfully concur in affording Redress if upon further Investigation of the numerous Cases, any of the Applicants shall appear to be entitled to equal favor with the Persons above mentioned.²⁹

D'où la proclamation qu'il émit au sujet de la concession des terres le 22 août suivant et qui fut publiée dans la Gazette de Québec afin d'en avertir les intéressés.

Whereas divers Persons, without any sufficient authority have possessed themselves of several Tracts and parcels of His Majesty's ungranted Land, situate, lying and being within the Limits of this Province of Lower Canada, and more particularly of certain Lots of Lands situate in various Townships in the said Province...Now, therefore I have thought fit, by and with the advice of His Majesty's Executive Council of and for the said Province, to issue this Proclamation and do hereby require and command all persons who without sufficient authority have possessed themselves of any of the said Tracts or Parcels of His Majesty's said Waste Lands or reserved Lots aforesaid or of any or either of them quickly to remove & depart from the same forthwith. And I do further strictly forbid all persons whoever to trespass in any manner or way whatsoever upon any part or parcel

²⁹ APC, Q. 79-1: 154-156, Prescott à Portland, Québec, 24 juin 1797.

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of His Majesty's said Waste Lands, and more especially upon any or either of the Lots of Land so as aforesaid reserved; hereby warning and giving notice to all persons whomsoever, that they shall answer for every Act by them committed contrary to the Tenor of this Proclamation and to the Laws of this Province at their peril. And I do hereby enjoin all Justices of the Peace, Sheriffs or other Civil officers, to be vigilant in their duty and attentive to the preservation of His Majesty's Interests, and require them to transmit to the Clerk Executive Council of and for this Province, the names of all Persons who now are or shall or may be found in the possession of any part of His Majesty's said ungranted Lands, or of any or either of the Lots so as aforesaid reserved, or who have or shall or may commit any Trespass thereon in any manner or way whatsoever, to the end that measures may be taken for the punishment of such offenders as the Law directs.³⁰

Il faut préciser ici que Prescott avait élevé la voix espérant que des ajustements seraient effectués dans le processus exigé pour la concession des terres. Il n'ignorait pas pour autant qu'en attendant ces ajustements, des objections vives pouvaient être formulées de la part des pétitionnaires. C'est ainsi que l'auteur Ivanhoé Caron va prévoir les réactions des réclamants face à ce document: "Cette proclamation provoqua un émoi facile à comprendre chez tous ceux qui avaient demandé des octrois de terre depuis 1792 et qui n'avaient pas encore obtenu des lettres patentes".³¹

30 Gazette de Québec, 31 août 1797.

31 I. Caron, op. cit., p. 92.

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Effectivement, Prescott reçut dans les premiers jours de décembre 1797 un mémoire dans lequel les intéressés exposaient leurs revendications en termes clairs et nets.³² Confiants, disaient-ils, dans la justice de leur cause, ils en appelaient au gouverneur de la décision du Conseil. Toutefois, ils ajoutaient qu'il ne leur appartenait pas de juger si le gouverneur avait le pouvoir de désavouer une décision du Conseil. En terminant, ils demandaient à Prescott de modifier l'avis du 22 août, de faire octroyer aux pétitionnaires qui avaient commencé à s'établir, les concessions qu'ils avaient demandées. Le ton résolu des requérants allait faire impression sur Prescott qui le 7 décembre faisait publier l'avis suivant:

Vu que plusieurs personnes qui ont obtenu des ordres du gouverneur en Conseil pour des portions spécifiques des Terres vacantes de la Couronne, dans les Townships spécifiés dans l'Avertissement de ce Bureau en date du 22e d'Août dernier, ont demandé que plus de temps leur soit accordé afin de pouvoir se conformer aux Directions contenues dans le dit Avertissement; avis public est donné par le présent aux dits pétitionnaires, que la période accordée dans le susdit Avertissement pour se conformer aux Directions y contenues, est prolongée jusqu'au trente et unième Jour du mois de Mars prochain.

Avis public est encore donné par le présent que les commissaires sont autorisés d'administrer

32 APC, Q. 80-1: 55-67, Mémoire de plusieurs milliers d'applicants pour les terres, Missisquoi, 29 novembre 1797.

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les serments à toutes telles Personnes qui ont reçu des ordres du Gouverneur en Conseil, pour des portions spécifiques des Terres vacantes de la Couronne, dans aucun des Townships spécifiés dans l'Avertissement du 22e Août dernier, les suppliants produisant une copie de tel Ordre, signée par le Greffier du Conseil

Par Ordre de Son Excellence le
Gouverneur en Conseil
H.W. Ryland.³³

Quant à Portland, il avait déjà répondu à Prescott qu'il ne croyait pas que les membres du Conseil avaient été trop sévères dans leur décision. Il insistait notamment sur un principe qui, disait-il, devait servir de guide à savoir que la parole du gouvernement ne pouvait pas être considérée comme engagée envers les pétitionnaires avant que ceux-ci aient rempli les obligations contractées envers la Couronne.³⁴

Pourtant, Prescott persistait à croire que de graves anomalies s'étaient glissées dans l'application de la proclamation de 1792. C'est pourquoi il voulut, dans un vaste exposé en date du 3 novembre 1797, résumer les principaux événements de cette période. Il espérait ainsi mieux renseigner Portland et conséquemment le faire changer d'avis.

33 Gazette de Québec, 7 décembre 1797.

34 APC, Prescott Papers, I,8: 56, Portland à Prescott, Whitehall, 11 septembre 1797.

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I had the Honor of enclosing to your Grace in my Dispatch no. 47 of the 24th of June, a Report of a Committee of the whole council relative to the cases in which the Faith of Government had been pledged. The Decision contained in that Report has, I understand, given great Dissatisfaction and Discontent, to very many of the original Applicants who are therein considered not to have had the Faith of Government pledged to them; and I must confess to your Grace, that, from what I have been since informed, many of them appear to me to have just cause of complaint:- I am however of opinion that there will be great Difficulty in removing the Obstacles that lie in the way of their being redressed, unless the Redress be pointed out under your Grace's particular directions.³⁵

En premier lieu, il s'appliqua à diviser en trois groupes bien distincts les personnes qui, au lendemain de la proclamation de Clarke, avaient été intéressées par son contenu. Le premier groupe comprenait les réclamants "who had been always attached in Principle to the British cause, and who, although they found it inconvenient to remove immediately after the Peace of 1783 were desirous of settling again under His Majesty's Government, as soon as an Opportunity should offer for that Purpose."³⁶ Prescott avait appris que cette classe avait été réduite.

Il définit le deuxième groupe de réclamants comme étant des personnes "who although they had been led

³⁵ APC, Q. 79-2: 352-353, Prescott à Portland, Québec, 3 novembre 1797.

³⁶ Ibid., p. 353-354.

astray from their Loyalty to His Majesty (in the time of the American Revolution), had been induced (by the Experience they had had of the Taxes and under their new Government) to prefer the situation of an English colonist, to that of an American Citizen."³⁷ Il déplorait que cette classe de personnes, à l'exemple de la première, ait été restreinte en raison des délais occasionnés dans la concession des terres.

Enfin, il classa dans le troisième groupe les spéculateurs "who had no other view than that of making money of the Lands they might obtain, without putting themselves to any trouble or Expence for the settlement or cultivation of them."³⁸ Il alla même jusqu'à dire que cette classe était au tout début plus considérable que chacune des deux premières. Enfin, il conclut que cette classe était "perhaps equal to both the former classes put together and it has since encreased as the former classes have diminished."³⁹ Prescott reprochait en quelque sorte aux respon-

37 APC, Q. 79-2: 354, Prescott à Portland, Québec, 3 novembre 1797.

38 Ibid.

39 APC, Q. 79-2: 354-355, Prescott à Portland, Québec, 3 novembre 1797.

sables de ne pas avoir pris les mesures qui s'imposaient afin de contrôler l'identité de tous les réclamants.

Ce qui étonnait Prescott, c'était la façon un peu irrégulière avec laquelle avait été appliquée la proclamation de Clarke.⁴⁰ Au début, tout avait semblé être dans l'ordre. Les réclamants avaient soumis leurs demandes à un organisme appelé comité des terres, et finalement celles-ci avaient été approuvées par ce comité. De là, ces demandes, avec le rapport du comité, avaient été déposées devant le gouverneur en conseil. Puis, les réclamants avaient dû demander un permis d'arpentage afin que l'arpenteur général délimite le canton demandé. A la fin, chaque pétitionnaire s'était vu octroyer 1,200 acres de terre. On avait ainsi accordé des permis d'arpentage pour 150 cantons, et les pétitionnaires, faisait remarquer Prescott, furent priés de se rendre le plus tôt possible sur leurs nouvelles terres. C'est alors qu'un nombre plus considérable de pétitionnaires de la première et de la deuxième classe vendirent les propriétés qu'ils avaient déjà aux Etats-Unis. A partir de ce moment, notait-il, tout avait commencé à mal fonctionner.

⁴⁰ Ibid., p. 355-366: Prescott fait la narration des événements touchant la concession des terres au cours de la période 1792-1796.

Aucune personne n'était encore nommée pour recevoir le serment d'allégeance de sorte que quelques-uns étaient retournés fort mécontents. Quant aux autres qui étaient restés, ils allèrent prendre possession des lots qu'ils s'étaient vu octroyer, ayant bien l'intention de prêter le serment requis aussitôt que des commissaires à cette fin seraient nommés, ce qui ne fut fait qu'en octobre 1794. Prescott faisait remarquer à Portland que les permis d'arpentage devaient être retournés dans les six mois qui suivaient la demande, temps requis par l'arpenteur pour exécuter l'ouvrage. Mais comme l'arpenteur général n'avait pu se procurer un nombre suffisant d'arpenteurs pour exécuter même la dixième partie du travail, la plupart de ces autorisations furent retournées avec la mention que l'arpentage n'avait pas été exécuté tel que demandé. Le gouverneur notait bien les effets d'une telle situation: "The Quantity of Land to be granted to each Person remained undetermined, as did likewise the Fees and the Duties to be performed by the intended grantees with respect to the Settlement and cultivation of the Land so to be granted."⁴¹ On devine la

⁴¹ APC, Q. 79-2: 358, Prescott à Portland, Québec, 3 novembre 1797.

déception et l'anxiété s'emparant de ces gens. Aussi, dans son rapport, Prescott fit ressortir les conséquences malheureuses d'un tel manque d'organisation.

These indecisive Measures operated on the Minds of Many of the above mentioned First and Second Classes of the Applicants as an unfavourable Presage of future Prosperity; A very considerable Proportion of them therefore (unwilling to waste their Time - in uncertainty) became reduced to give up their Intentions of settling again under His Majesty's Government but wishing nevertheless to have effectual Titles first took small Farms in the Neighbourhood of the Province Line, and continued their Preparations for settling on the Lands they had petitioned for, as soon as the Grants thereof should pass; and others of them went out on the Land upon Faith of the Encouragement they had at first received from Government, not doubting but that reasonably Liberal Quantities of their Improvements should fall within any of the Land to be reserved, they would be allowed to hold them on the same terms as should hereafter be granted by Government to other Occupants of the reserved Lands.⁴²

De plus, il fit remarquer à Portland que plusieurs de ces colons, qui avaient renoncé, à l'époque, à venir s'établir dans la province, avaient vendu leurs droits à d'autres personnes qui les avaient ainsi remboursés des dépenses effectuées. Quelques-uns de ces acheteurs, croyait-il, avaient réellement l'intention de venir s'établir dans la province et pouvaient attendre sans inconvénient les délais du gouvernement. D'autres réclamants, soulignait-il,

⁴² APC, Q. 79-2: 357-358, Prescott à Portland, Québec, 3 novembre 1797.

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n'avaient été de toute évidence que de purs spéculateurs.

En mars 1794, une décision du gouverneur en conseil avait ranimé les espoirs. Deux des pétitionnaires qui avaient obtenu des autorisations d'arpentage, Asa Porter et Nicholas Austin, avaient demandé à Dorchester de leur faire connaître le montant des droits d'acte qu'ils auraient à payer, la quantité de terre qu'on se proposait de concéder à chacun de leurs associés et les conditions d'établissement qu'on leur imposerait. On leur répondit que chaque associé pouvait se faire octroyer 1,200 acres de terre pourvu que les circonstances le permettent, et que chaque associé devait défricher deux acres de terre par cent acres dans les trois premières années suivant l'octroi et cinq acres de plus dans les quatre années qui suivraient. Cette décision fut dès lors considérée comme celle qui à l'avenir prévaudrait dans tous les cas. Prescott ne manqua pas de signaler qu'une telle décision avait donné "great satisfaction and received for a Time the Spirits of the Applicants who had retained their Intentions of Settling in this Province."⁴³

⁴³ APC, Q. 79-2: 360, Prescott à Portland, Québec, 3 novembre 1797.

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Toutefois, une autre mesure allait être prise au cours de cette même année et celle-ci réjouirait un peu moins les pétitionnaires.⁴⁴ Des commissaires avaient été nommés afin de faire prêter le serment d'allégeance aux futurs concessionnaires et des avis allaient être publiés invitant les pétitionnaires à faire connaître leur nom et celui de leurs associés. Les instructions données aux commissaires leur enjoignaient, souligna-t-il, de ne pas faire prêter serment immédiatement aux pétitionnaires. Plutôt, les commissaires recevraient les listes de noms et déposeraient alors au greffier du Conseil un rapport à la suite de renseignements obtenus sur ces réclamants. On devait ensuite leur envoyer des ordres indiquant à quelles personnes ils devraient faire prêter le serment. Prescott n'approuvait certes pas une telle mesure.

It appears to me to be highly proper that every Person coming to settle in the Province (Whether he be an immediate grantee of the crown, or not) should take the oaths and subscribe to the Declaration mentioned in His Majesty's Instructions: I cannot therefore discourse the Propriety of prohibiting the commissioners from administering the Oaths to any Person that might be voluntarily disposed to give such a Testimony of his attachment to His Majesty's Government. If

⁴⁴ APC, Q. 79-2: 361-362, Prescott à Portland, Québec, 3 novembre 1797.

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it should be objected that improper Persons might in that case conceive that the taking of the Oaths and subscribing the Declaration gave them a Right to a Grant of Land, however unworthy they might be; such an Idea might be easily prevented, by stating in a public Advertisement, or Proclamation that the mere circumstance of taking the Oaths and subscribing the Declaration would not be so considered, unless the Persons so taking them should likewise be deemed unworthy in other respects. In this case, few if any of the unworthy would take the trouble of coming forward. Besides, by the Applicants coming forward in Person, the Commissioners might form some Judgment of them; or be able to learn something respecting their character; but I do not see how it could be reasonably expected that they should acquire that knowledge from merely receiving Lists of their Names.⁴⁵

Prescott souligna, de plus, comment l'avis de janvier 1795 avait fixé comme limite extrême pour présenter les listes d'associés le premier août suivant, sans quoi les pétitionnaires seraient considérés comme ayant abandonné leurs prétentions. Quant aux octrois de terres demandés, ils seraient accordés à d'autres. Concrètement, fit-il remarquer, les apostilles sur les associés dont les noms étaient inscrits sur les listes ne concernaient que ceux établis dans le voisinage des commissaires connus personnellement d'eux. Aussi, bien peu de gens étaient favorisés parmi les nombreux loyalistes demeurés aux Etats-Unis et désireux cependant de s'établir dans la province. De ceux qui s'étaient vu refu-

⁴⁵ APC, Q. 79-2: 362-363, Prescott à Portland, Québec, 3 novembre 1797.

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sér le serment, il y en avait plusieurs selon Prescott qui pouvaient être considérés comme agissant de bonne foi. Aussi, comprenait-il leur déception.

The old Applicants (on being informed that the Lists of Names which they had given in, were rejected, and that other People had applied for the Land), were greatly alarmed; more particularly those of them who had put themselves to great Expence on the Land, and had suffered by the Delays that had taken place in the issuing of the Grants:- Sundry of these therefore preferred further memorials stating that they had earnestly intended and endeavoured to comply with all the Requisitions of Government according to the best of their knowledge; and had therein been at great **labour** & Expence (some in making Surveys and opening Roads, - some in clearing Lands, and some in building Mills in the Townships) upon the Faith of the Encouragement that had been given them; and praying that the Lands might not be granted away from them.⁴⁶

En transmettant à Portland le contenu de ces années mouvementées, Prescott désirait surtout décrire la complexité qu'entraînerait le règlement de ce problème. Prescott se trouvait en face de deux positions. D'une part, les membres du Conseil prétendaient que la proclamation de 1792 ne laissait pas supposer aux anciens pétitionnaires qu'on pût accorder plus de deux cents acres à chaque associé, comme règle générale. De plus, les pétitionnaires, en pré-

⁴⁶ APC, Q. 79-2: 365, Prescott à Portland, Québec, 3 novembre 1797.

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sentant leurs demandes, n'avaient pas rempli leur promesse d'amener un nombre suffisant d'associés aptes à assurer la colonisation des terres devant leur être concédées. Enfin, les membres du Conseil avaient conclu que le fait d'être venus s'établir sur les terres sans avoir obtenu antérieurement les lettres patentes n'avait que détérioré la confiance du gouvernement à leur endroit.⁴⁷ D'autre part, les pétitionnaires avaient prétendu qu'ils avaient eu raison d'espérer une concession dépassant les deux cents acres de terre et que l'article troisième de la proclamation de 1792 traitant de ce point s'appliquait seulement aux cantons déjà colonisés. De plus, les pétitionnaires avaient soutenu qu'une réponse favorable leur avait été donnée par les autorités à la demande d'une concession outrepassant deux cents acres. Enfin, les pétitionnaires prétendaient avoir été invités à venir s'établir sur les terres demandées et qu'ils avaient dès lors espéré que les lettres patentes leur seraient accordées.⁴⁸

⁴⁷ APC, Q. 79-2: 367-368, Prescott à Portland, Québec, 3 novembre 1797.

⁴⁸ APC, Q. 79-2: 368-373, Prescott à Portland, Québec, 3 novembre 1797.

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Depuis le début de son administration, Prescott s'était abstenu de proposer une solution, préférant s'en tenir aux idées du Conseil:

As the perplexity had grown to this State, prior to the commencement of my administration, I judged it more prudent to refer it to a Committee of the whole council, to report how far the Faith of Government might be considered to be pledged, than for me to interfere too far in it personally.⁴⁹

N'ignorant pas que la réponse du 7 juin avait causé un mécontentement général, Prescott crut qu'il était de son devoir d'imaginer de nouveaux moyens afin d'en arriver à un règlement.

2. Les vues de Prescott sur la solution à apporter pour l'avenir.

Se basant sur les principes de la justice distributive, Prescott manifesta dans la nouvelle solution qu'il apportait une intelligence et un jugement remarquables.

On contemplating the Encouragement that was held out by Government in the year 1792, the Sincerity of the Intentions of Part of the Applicants in regard to the actual settlement of the Lands they petitioned for, and the Motives of Speculation and monopoly which actuated others of them; as also, the circumstance of a great number of the Townships that had been petitioned for in 1792 and 1793,

⁴⁹ APC, Q. 79-2: 366, Prescott à Portland, Québec, 3 novembre 1797.

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having been petitioned for anew after the month of August 1795 by other applicants, part of whom were probably sincere in their Intentions of settling the Land and others not, together likewise with the evil consequence that might probably arise from omitting to quiet the minds of the Actual Settlers, and those who have put themselves to considerable Expence in the Business; It appeared to me, that the only mode by which the Principles of Distributive Justice could be practically applied, would be to proportion the Grants in some way or other to the Expences that may have been incurred by the Applicants.⁵⁰

Au fond, Prescott n'avait qu'une intention: manifester sa justice et son honnêteté tant à l'endroit de ceux qui étaient devenus des "victimes" du gouvernement que de ceux qui en avaient abusé.

In regard to the People who (after obtaining Warrants of Survey for the Lands they petitioned for) came forward and embarked their Property in opening Roads, surveying the Lands, Building Mills, and clearing Farms, on the encouragement that had been held out to them; It does not seem possible to entertain a doubt of the sincerity of their Intentions to carry on the settlement with vigour, [agreeably] to what appears to have been the then wish and expectation of Government: And I must confess it to be entirely inconsistent with my Feelings (and I am persuaded it would be equally repugnant to the feelings of Your Grace) that they should afterwards be told, that they had placed a greater Reliance on the Faith and Honor of Government than they ought to have done.

⁵⁰ APC, Q. 79-2: 374, Prescott à Portland, Québec, 3 novembre 1797.

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Those of the Applicants who, on the strength of the Encouragement held out to them, have put themselves to the Expence of Surveying and laying out the Townships they petitioned for into Lots, preparatory to the Settlement thereof: (but who have not opened Roads, or built Mills, or made other Improvements); may also, in my opinion, be fairly considered to have evinced the sincerity of their Intentions, at least, in a considerable Degree:- And, although it may indeed be doubtful how far they might intend to put themselves to any further Trouble or Expence for the advancement of the Settlement; or whether they might intend only to place a few miserable People thereon as Nominal Settlers, and to make a mere Merchandize of the Land after having thus ascertained the different Qualities of the different Parts thereof; Yet, in as much as they must have incurred a considerable Expence in doing what they have done, and as those Expences were incurred in consequence of the Invitations of Government, it would in my opinion be highly dishonourable to tell them that they need not have put themselves to that Expence; or to suffer them to be Losers for having so done.

Those of the Applicants who have only put themselves to the trouble and Expence of preferring Petitions, and of exploring the Lands they applied for, cannot indeed be considered to have done very much towards evincing the sincerity of their Intentions with respect to the Settlement thereof:- The Probability seems to be, that the object, which much the greater Part of these had in view, was a mere Land jobbing speculation; or a desire to enrich themselves from the encrease that would naturally take place in the Value of the Land by the Labour and Expence of the neighbouring Settlers; without putting themselves to any material Degree of Trouble or Expence in the Business- But, at this conclusion can by no means be drawn with respect to all the cases of this sort; and as an Expence, greater or lesser, must have been incurred in most of them, and that too in consequence of the Invitation of Government; it would not seem consistent with the Principles of Honour and Good Faith, to throw them out entirely.

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I have therefore endeavoured to inform myself what Quantums of Land might be likely to give a pretty general satisfaction among the respective applicants, whose cases fall under the above mentioned several Descriptions.⁵¹

C'est donc à la suite de renseignements obtenus sur les pétitionnaires des diverses classes que Prescott suggéra des règles établissant les quantités de terre devant être allouées à ces personnes. Il croyait que l'adoption de ces règlements

would give a very general if not universal satisfaction to all Parties excepting only to such Individuals as may have been actuated by motives of great Speculation and monopoly, inconsistent with His Majesty's Gracious Intentions, and equally inconsistent with the speedy settlement and Prosperity of the Country.⁵²

Le premier règlement accordait aux pétitionnaires, dont la sincérité ne pouvait être mise en doute⁵³, la concession d'un canton en entier de manière, cependant, que chacun des associés reçoive douze cents acres. Dans sa lettre du 7 février 1798, Portland apporterait une précision à ce

⁵¹ APC, Q. 79-2: 374-378, Prescott à Portland, Québec, 3 novembre 1797.

⁵² APC, Q. 79-2: 378-379, Prescott à Portland, Québec, 3 novembre 1797.

⁵³ Il s'agit de ceux qui déjà avaient entrepris la colonisation des terres réclamées c'est-à-dire les personnes de la première catégorie.

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premier règlement. Tout en étant d'accord sur la quantité de 1,200 acres devant être allouée à chaque associé, il inciterait Prescott à la prudence.

Such applicants, as have put themselves to the Expence of Surveying and making regular and substantial settlements on the Townships they petitioned for, from in every point of view, the Class most deserving a liberal Construction to be put on the Acts of the King's Government in Canada, in their behalf; A preference is therefore to be allowed to be shewn to Persons of this Class, by making them Grants to the Full Extent mentioned in His Majesty's Instructions ... But if the Grants be made to include the whole Township, I must presume that the number of such Associated Grantees, who have made regular and substantial Settlements (allowing at the rate of 1,200 Acres to each of them) is sufficient to occupy the number of Acres, of which such Township consists after deducting the Church & Crown Reserves; For by the most liberal Construction of their Petitions more than 1,200 Acres could never have been allowed to each associated Grantee respectively. If therefore any part of the Township remains after allowing at the rate of 1,200 Acres to each associated Grantee, such remaining part, if granted to them must be granted on the express condition of immediate Settlement, and of its being subject to the additional Fee for the Public Service; at the same time, a special care should be taken, on consulting with the Law Officers of the Crown, to introduce such a Clause, or Conditions, in all Grants, as shall effectually bring the Settlers who have placed themselves on the Church & Crown Revenues to hold the same upon such terms, as such Revenues respectively shall, at any time hereafter be holden of the Church or Crown. ⁵⁴

⁵⁴ APC, Prescott Papers, I, 8: 65, Portland à Prescott, Whitehall, 7 février 1798.

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Quant aux pétitionnaires de la deuxième catégorie, ils obtiendraient une quantité de terres équivalant à un demi-canton et cela dans les mêmes proportions (à savoir, douze cents acres à chacun des concessionnaires) à condition qu'ils les exploitent immédiatement. Par ce deuxième règlement, Prescott soucieux de rendre justice aux pétitionnaires, exagérerait peut-être un peu:

And in those cases where it shall appear to the satisfaction of the Governor, that the applicants for any Township falling within this description have been really a bona fide waiting for the Patent, in order to go on securely with the Settlement and have in Faith and good conscience been Sufferers by the Delays that have taken place, then, and in these cases, the said Applicants to receive Grants of the whole of the Township, in like quantities as above to each of the Associated Grantees, and on like condition of immediate Settlement.⁵⁵

Aussi, Portland allait-il s'opposer à tant de "libéralités" de la part de Prescott:

With respect to the latter part of the second Regulation by which the Grant is extended to a whole Township, in certain cases, in favour of the Class of Applicants therein described, it appears to me, to be neither proper or requisite, as no such Applicant can in any way, be considered as entitled to such a preference under any actual or implied Act of Government.⁵⁶

⁵⁵ APC, Prescott Papers, I,8: 66, Prescott à Portland, Québec, 3 novembre 1797.

⁵⁶ APC, Prescott Papers, I,8: 66, Portland à Prescott, Whitehall, 7 février 1798.

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Enfin, les pétitionnaires de la troisième catégorie, c'est-à-dire ceux qui n'avaient eu que la peine et les frais de solliciter et de visiter les cantons demandés, se voyaient accorder le quart du canton. Toutefois, Prescott faisait une mise au point en ce qui concerne les cas particuliers:

And in those cases where it shall appear to the Satisfaction of the Governor, that the Applicants for any Township falling within this Description did in Faith and good conscience make Arrangements and preparations for surveying and laying out the same, preparatory to the settlement thereof, but were discouraged from pursuing the same by the Delays that took place in the passing of the Grants; Then and in these cases, the said Applicants to receive Grants of the One half of the Township they so petitioned for; in like quantities to each associated Grantee, and on like condition of immediate Settlement, as in the former cases.⁵⁷

Là encore, Portland qui ne pensait nullement de cette façon essaya de modérer Prescott: "In no case and under no conditions therefore, should Grants of more than One fourth of a Township be granted to Applicants of this Class, who stand in the light of the petitioners merely, whose requests are under the consideration of Government."⁵⁸ Le quatrième

⁵⁷ APC, Prescott Papers, I,8: 67, Prescott à Portland, Quebec, 3 novembre 1797.

⁵⁸ APC, Prescott Papers, I,8: 67, Portland à Prescott, Whitehall, 7 février 1798.

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règlement prescrivait que les personnes, qui, désireuses de s'établir sur les terres, avaient acheté les prétentions des pétitionnaires découragés, soient considérées comme leurs remplaçants. Elles recevraient donc les concessions dans les mêmes proportions et aux mêmes conditions.⁵⁹ Même si ce point ne soulevait aucune objection, le duc de Portland termina sa lettre du 7 février 1798 en disant que la concession de douze cents acres à chacun des associés était une déviation, si non de la lettre, du moins de l'esprit des instructions royales. Elle ne pouvait être justifiée, ajoutait-il, que par la remarque de Prescott à propos de la première règle, à savoir qu'une quantité moindre de mille ou douze cents acres dans une contrée éloignée n'était pas suffisante pour encourager un cultivateur d'expérience à faire les dépenses nécessaires à une bonne exploitation de nouvelles terres.

Bref, Prescott s'était contenté d'exprimer ses propres idées sur les moyens de mettre fin à l'état d'embrouillement que présentait l'application de la proclamation de Clarke de 1792. Il est intéressant de constater que les arguments sur lesquels Prescott appuyait sa façon de voir étaient singulièrement mis en lumière par le témoignage

⁵⁹ APC, Prescott Papers, I,8: 67-68, Prescott à Portland, Whitehall, 7 février 1798.

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d'Isaac Weld, un Anglais qui visitait alors le Canada et qui cherchait à expliquer pourquoi on refusait de donner des titres légaux de possession aux nouveaux colons.⁶⁰ Weld imaginait alors certains motifs capables d'expliquer une telle attitude. Tout d'abord, il croyait que le gouvernement, en agissant de la sorte, désirait arrêter la spéculation qui avait été néfaste aux Etats-Unis. De plus, il disait que le gouvernement retenait ces titres légaux afin d'assurer la stabilité de certains colons qui autrement auraient quitté le pays. Enfin, le gouvernement, concluait-il, désirait assurer la tranquillité du pays et maintenir dans l'obéissance des gens dont la loyauté n'était pas assurée. Mais il croyait que c'était là de vains motifs, considérant "l'attitude du gouvernement comme inexplicable, de nature à retarder le progrès de l'agriculture et à causer un tort considérable à la province, qui perd ainsi un grand nombre de colons honnêtes et industrieux."⁶¹ Prescott n'aurait pas à endosser un tel jugement. Bien au contraire, il mériterait celui de Norman Macdonald: "Prescott's contention throughout the

⁶⁰ Isaac Weld, Voyage au Canada pendant les années 1795, 1796 et 1797, vol. 2, Paris, 1797, p. 124-135.

⁶¹ Ibid., p. 135

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whole dispute was that all who had invested their labour or money or both on the strength of the pledged faith of Government must be dealt with justly, and that new regulations could not be made retroactive in their case."⁶²

Prescott donnerait son avis sur un autre sujet qui l'intéressait beaucoup. En effet, il entretenait, depuis son arrivée, cette idée de la vente des terres.⁶³ Et c'est avec beaucoup de satisfaction⁶⁴ qu'il constata l'approbation de Portland à cet éventuel projet. Dans sa lettre du 3 novembre 1797, il suggéra, dans un cinquième règlement, la vente des terres jusque là non réclamées par les pétitionnaires.

The remainder of the Lands (except where Government may consider it proper to grant Lands to certain particular Persons by way of Favour, as Rewards for Services, or the like and except the Reservations for the Church and for the Crown) to be disposed of at Public Sale, at certain times and places to be notified, in quantities within the abilities of a Company of Four or Five (or at the most Ten) reputable and Industrious Farmers to purchase, i.e. In tracts of Five or Six (or at the most

62 N. Macdonald, op. cit., p. 83.

63 APC, Q.78:191, Prescott à Portland, Québec, 24 décembre 1796: Il émettait ses vues sur la vente des terres: "...I will beg leave to observe, that I am clearly of opinion that larger sums could be raised by this putting the Lands up to Sale, that could be raised by laying an additional Fee on the Grants..."

64 APC, Q. 80-1: 28, Prescott à Portland, Québec, 16 décembre 1797.

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Ten or Twelve) Thousand Acres whereby actual Farmers who are really disposed to make immediate Settlement there on, may stand an equal chance with other people, to obtain the Land in the first instance; It being conceived that if the Lands were as a general rule to be given by Government gratuitously the people who are actually desirous of settling thereon would stand little chance of obtaining them in the first instance on account of the spirit of Speculation and Monopoly which has of late years prevailed, and which is frequently cloaked under such plausible disguise, as to render it incapable of detection. It would likewise be a desirable circumstance to those who really intend to settle thereon, that the Sales of the Land should be made subject to certain reasonable conditions of settlement in order to prevent Rich Speculators from getting an advantage over Intentional settlers. The Quantity of Land that would thus be required to be granted, for satisfying the claims of the Applicants, according to the best Information I have been able to obtain, would fall considerably short of One Half of what has been covered by Applications and Warrants of Survey:- And I will beg Leave likewise to observe, that the circumstance of granting Half Townships and Quarters of Townships in the first Instance, will cause the remaining Parts of those Townships to sell for a better Price than would otherwise be obtained.⁶⁵

Dans sa réponse, le duc de Portland approuverait à nouveau une telle idée tout en invitant le gouverneur à la prudence en ce domaine:

The plan, here proposed, for regulating the Sales appear unobjectionable, and may be proceeded upon, always taking care to limit wherever it can be done, the Sales to the least number of Acres specified as affording the best Chance of the Purchasers becoming themselves, permanent Settlers;

⁶⁵ APC, Prescott Papers, I, 8:68-68A, Prescott à Portland, Québec, 3 novembre 1797.

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It is with this view also I approved the Sales being Subject, as proposed, to contain reasonable Conditions of Settlement, provided they are such, as are not found, in any material degree, to lower the price of the land, a circumstance which must be particularly guarded against.⁶⁶

Effectivement, c'est dans sa lettre du 16 décembre 1797 qu'il ferait connaître au duc de Portland l'ensemble de ses idées sur un plan propre à favoriser la vente des terres incultes. Tout d'abord, il lui exposait de nouveaux motifs capables de rendre un tel système si convaincant.

The more I consider the Subject, the more I feel convinced of the Advantage that must, in every point of View, accrue, from that mode of disposing of them, as a General Rule, in preference to the granting of them to Persons petitioning; not only with respect to the money that might be thereby raised for the support of Government, but likewise with respect to the more speedy Settlement and Cultivation of the Land, and the consequent Population and Prosperity of the Country.

The Practice of Petitioning in borrowed Names, (a Practice which cannot be prevented under the ancient system) gives every advantage to people who may be disposed to monopolize the Land for the Purposes of Speculation: Industrious Farmers who would wish to obtain a Grant for the Purpose of actual Settlement, but who cannot spend their time in tedious solicitation, stand little chance of obtaining it, compared with Speculators who can devote their Time to the attainment of of their Object.- By disposing of the land at Public Sale, industrious Farmers would have an equal Chance with any other Competitors; and, by making those sales subject to certain reasonable conditions

⁶⁶ APC, Prescott Papers, I,8: 68-68A, Portland à Prescott, Whitehall, 7 février 1798.

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of Settlement and Cultivation, the scale would be turned considerably in Favour of the Farmers whose immediate Views shall be actual Settlements of the Land.⁶⁷

Quant aux officiers et aux loyalistes qui avaient combattu durant la guerre américaine, il croyait que des octrois gratuits de terre devaient leur être accordés:

Such a Mark of His Majesty's Grace and Favour, would, I have the strongest Reason to believe, be considered in a very grateful Light by those who are the objects of it; and would, at the same time, impress all others with a high sense of the Benevolence of His Majesty's Government and of His Majesty's Gracious and continued Attention towards those who had suffered in consequence of their Loyalty.⁶⁸

Pour cette raison, ajoutait-il, on ne devrait leur faire payer qu'un demi-droit d'acte, d'après les normes qu'il suggérait lui-même dans sa lettre du 24 décembre 1796, soit douze louis, dix chelins par 1000 acres.⁶⁹ Sur ce point, Portland saurait lui recommander la prudence dans sa lettre du 8 juin 1798.

I am clearly of opinion, that the line of proceeding, which in His Majesty's former Instructions in favor of the disbanded Loyalists, should on no account be departed from, and that such an extension of them as you propose from the very wide and

⁶⁷ APC, Q. 80-1: 28-29, Prescott à Portland, Québec, 16 décembre 1797.

⁶⁸ APC, Q. 80-1: 32, Prescott à Portland, Québec, 16 décembre 1797.

⁶⁹ APC, Q. 80-1: 33, Prescott à Portland, Québec, 16 décembre 1797.

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general opening, which it would afford to all Claims and Pretensions howsoever unfounded and unwarranted, would rather diminish than give weight and effect to those very benevolent and gracious intentions of His Majesty, upon which those Instructions were grounded. At the same time I must observe, that the Spirit and Principles of those Instructions should on all occasions be respected, and consequently it will (as suggested by you) be exceedingly proper where the Persons, who would have been entitled to Grants under the said Instructions, have died without receiving the same, that their Widows or Children, if Applicants should be considered as standing in their situation.⁷⁰

Revenant à son plan proprement dit, Prescott offrait des conditions raisonnables aux colons qui, à l'avenir, achèteraient les terres.

The propriety of this is likewise obvious. And, from the best Information I have been able to obtain, I am of opinion that the clearing and cultivating of Five Acres in Proportion to every Hundred Acres that ~~shall~~ be fit for cultivation, would afford sufficient Time for Farmers to make all their necessary Arrangements and Preparations; and would at the same time, be a sufficient Barrier against such Persons as might have no Views to the Settlement and cultivation of the Land.⁷¹

Pour les personnes qui ne défricheraient pas les terres en leur possession, Prescott publiait un règlement très précis afin d'éviter tout ennui ou toute déception.

⁷⁰ APC, Prescott Papers, I, 8:85, Portland à Prescott, 8 juin 1798.

⁷¹ APC, Q. 80-1: 39-40, Prescott à Portland, Québec, 16 décembre 1797.

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I will likewise beg Leave to submit to your Grace's Consideration, the Propriety of making an Alteration in the Provisoe, commonly inserted in Grants of Land for the Purpose of making the Grantees attentive to the performance of the abovementioned condition. The usual Provisoe runs- 'That in Case of Neglect in the Performance the Whole of the Land granted, shall revert to the Crown.' It would, I have the strongest Reason to believe have an infinitely better Effect to say 'That in Case of Neglect therein, so much of the land shall revert to the Crown, as shall exceed the said rate of One Hundred Acres in Proportion to every Five Acres so cleared and cultivated.' The latter would be considered as a Thing in its Nature reasonable:- and, as it would be capable of being carried into Practice, (if Government should be so disposed) without actual Injustice, it would naturally be taken in a serious Light by the generality of the Grantees, whereas the Former would be taken (especially by speculators) as mere words without any serious meaning, or on Account of the Injustice with which the carrying it into actual Practice would generally be attended.⁷²

Prescott recommandait les deux premiers mois de l'année pour les ventes à l'enchère. Un avis serait donné dans les six mois qui précèdent la vente. Chaque concessionnaire devrait payer au moment de la vente un chelin et six deniers pour chaque louis du prix d'achat. Enfin, une période de temps assez considérable devrait être allouée aux fermiers afin de payer les terres, ce qui permettrait aux responsables de préparer les lettres patentes. Il prescrivait également qu'une quantité approximative de 5 à 600,000 acres de terres soit vendue annuellement car "too great a Quantity at a time, would naturally tend to throw the Land more open

⁷² APC, APC, Q.80-1: 40-41, Prescott à Portland, Québec, 16 décembre 1797.

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to improper Speculations, than it would otherwise be."⁷³

Aussi, est-ce avec optimisme que Prescott attendait la réponse de Portland sur le plan qu'il venait de lui faire parvenir:

And I cannot but entertain the fullest hopes that when I may be honored with Your Grace's Answer to my letter no. 67 of the 16th of December, containing my Ideas respecting the manner of conducting the Sales. I shall soon be able to bring into practical Effect, His Majesty's Gracious Intentions of raising, by the disposal of the Waste Lands in Future, an important Fund, towards defraying the Civil Expenditures of the Province.⁷⁴

Dans la lettre du 8 juin 1798 que Prescott recevrait à l'automne, il constaterait avec satisfaction que le duc de Portland avait donné une réponse affirmative à son projet.⁷⁵

Nous pouvons conclure, à la suite de ce plan transmis à son ministre, que le gouverneur Prescott était bien conscient des problèmes causés par l'application de la proclamation de 1792. En son nouveau système, il voyait une possibilité de mettre fin aux difficultés et aux abus qui avaient pu se présenter lors des années précédentes. De plus, il croyait qu'un tel système augmenterait les fonds de la province. C'est dans ce sens qu'il avait exposé sa nouvelle politique à

⁷³ APC, Q. 80-1: 44, Prescott à Portland, Québec, 16 décembre 1797.

⁷⁴ APC, Q. 80-1: 190, Prescott à Portland, Québec, 11 juin 1798.

⁷⁵ APC, Q. 80-1: 130-131, Portland à Prescott, White Hall, 8 juin 1798.

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Russell le 21 avril 1798:

It affords one much satisfaction to find that You so perfectly concur in opinion with me, as to the general Propriety of raising a Fund, towards the support of Government from the Disposal of the Lands; and that the settlers under such a System would be of better Condition.....

In this Province such a spirit of speculation and monopoly has manifested itself, in many of the applications for Land, and such means have been contrived for evading the true spirit and Intent of the Royal Instructions, particularly by petitioning under borrowed names with Intent That the Ostensible Grantees should afterwards convey the Lands to the Speculators, that persons who are desirous of getting Land for the actual Purpose of settling thereon, stand a much less chance of obtaining it, than they would do if the Lands were to be disposed of at an open and Public Sale.

In my letter to the Duke of Portland of the 24th December 1796, of which His Grace transmitted you Extract, I mentioned that the Disposal of the Lands by sale, appeared to me to be a much more advantageous mode, than to grant them on Petitions; the Plan of the additional Fees was proposed as a second consideration, in case the Disposal by sale should not be thought consistent with the Dignity of His Majesty's Government:- His Grace in his answer to that Letter besides approving of the Plan for the Additional Fee, expressed his approbation likewise of disposing of part of the Waste Lands by Sale, equal regard being had to the settlement and become more fully acquainted with the schemes that were in Practice, of petitioning in borrowed Names; for the Purpose of obtaining monopolies of the Land; whereby Farmers of Property and Respectability who would wish to obtain Lands for the Purpose of actual Settlement, would be entirely excluded, and prevented from coming in, unless by Purchasers from the Persons so obtaining the monopolies. - I therefore, on receiving the above answer from His Grace, considered the subject more fully in all its Parts; and the more I considered it, the more I became convinced that, with respect to Lower Canada, the Disposal of the Lands by open sale, as a General Rule, (subject nevertheless to certain exceptions in regard to the old Loyalists, and People entitled to Lands in consideration of their services,) would, in every

LES VUES DE PRESCOTT SUR LA CONCESSION DES TERRES 90

point of view, be infinitely more beneficial to the Public, than the granting of them to persons petitioning; not only with respect to the money that might be thereby raised for the Public Service, but likewise with respect to the speedy settlement and cultivation of the Country, and the consequent Population and Prosperity of the Province:- And I have in consequence lately submitted to the consideration of His Majesty's Ministers, a Plan for that purpose; to take place, if approved of, after we shall have cleared the way, by satisfying the claims and Pretensions of the former Applicants so far as they shall be founded in Reason, Justice and good Faith.⁷⁶

Bref, on peut affirmer que Prescott ne fut certes pas responsable des anomalies constatées par Lord Durham dans son rapport: "Every where needless delays have harassed and exasperated applicants; and every where, more or less, I am sorry but compelled to add, gross favouritism has prevailed in the disposal of public lands."⁷⁷ Macdonald qualifiait bien l'action de Prescott en ce domaine: "The difficulties of the problems did not prevent him ~~from~~ trying faithfully and forcefully to do justice to all concerned."⁷⁸

⁷⁶ APC, Prescott Papers, I,12: 87-92, Prescott à Russell, Québec, 21 avril 1798.

⁷⁷ C.P. Lucas, Lord Durham's Report on the Affairs of British North America, Oxford, 1912, vol. 2, p. 210.

⁷⁸ N. Macdonald, op.cit., p. 81.

CHAPITRE III

LES VUES DE PRESCOTT SUR L'ATTITUDE DU CONSEIL
EXECUTIF EN FACE DE LA CONCESSION DES TERRES

Si Robert Prescott avait été tenu fort occupé par ce problème de la concession des terres au cours des deux premières années de son administration, il le serait encore bien davantage au cours de cette troisième qui débutait sur une note assez grave. Ce n'était pas tout de vouloir remédier au problème déjà existant et de tenter ensuite une nouvelle solution pour l'avenir. Encore fallait-il que sa politique soit acceptée par les membres du Conseil exécutif¹ qui formaient une partie importante du gouvernement. Prescott aurait pu, de toute évidence, abandonner la solution d'un tel problème à son Conseil qui avait un comité des terres, tout en se contentant d'approuver passivement leur décision. Bien au contraire, il avait désiré mettre la main à la pâte. Par souci d'honnêteté envers les pétitionnaires, il s'était évertué à leur rendre justice. Qu'allait être l'attitude du Conseil exécutif à la suite de cette politique nouvelle suggérée par le gouverneur? Et devant une attitude négative du Conseil

¹ Portland avait prié Prescott, dans sa lettre du 7 juin 1798, d'agir de concert avec les membres du Conseil, dont les lumières pouvaient lui être d'un grand secours dans cette question.

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comment Prescott réagirait-il? Autant de questions qui nous permettront de circonscrire la pensée du gouverneur Prescott sur un problème qui l'avait tenu en haleine depuis son arrivée.

C'est le 11 juin 1798 que Prescott déposait devant les membres du Conseil exécutif les nouvelles mesures relativement au problème des terres.² Après avoir expliqué les quatre règlements devant s'appliquer aux anciens pétitionnaires³, Prescott définissait celui qui se rapportait à la vente des terres. En informant de la sorte les membres du Conseil, il n'avait qu'un désir:

...whether it might not be [adviseable] to give Public Notice of the Regulations and to fix a reasonable time for the persons to come forward and to take out their Grants; to the end that His Majesty's Gracious Intentions respecting the raising of a fund towards defraying the Public Expences of the Province, by the disposal of the Waste Lands in future, may be carried into effect with all convenient expedition.⁴

Dans leur rapport du 20 juin suivant, les conseillers allaient prendre une attitude absolument opposée aux opinions de Prescott. Le comité des terres, disaient-ils, "after the maturest consideration on the tendency of several essential

2 APC, Q.80-2:346-352, Procès-verbal du 11 juin 1798.

3 Il s'agissait de ceux qui avaient fait la demande de terres en vertu de la proclamation de Clarke de 1792.

4 APC, Q. 80-2:352-353, Procès-verbal du 11 juin 1798.

parts of the directions thereby communicated,... find themselves compelled to form a conjuncture...to the utmost."⁵

Les membres du Conseil affirmaient que c'était un principe reconnu dans tous les gouvernements à savoir qu'on devait repousser toute tentative d'acquérir des terres par le "titre robuste" de possession.⁶ Aussi, s'opposaient-ils à ce que les pétitionnaires établis sur des terres sans autorisation de même que les personnes qui avaient acheté les prétentions des anciens pétitionnaires se voient accorder cette faveur. A plus forte raison, insistaient-ils, pour que la publication de ces règlements ne soit pas faite.⁷ Ainsi commençait pour Prescott une troisième année qui promettait d'être riche en conflits de toutes sortes. Néanmoins, sa forte personnalité lui permettrait de demeurer confiant. Aussi, ne serait-il pas déconcerté par le refus catégorique manifesté dans le rapport du 20 juin.

Dans ses observations émises peu de temps après avoir pris connaissance de ce rapport, soit le 9 juillet, il admettait sa grande déception devant l'opposition aussi manifeste des membres du Conseil exécutif.

⁵ APC, Q.80-2:367-368, Rapport du Conseil exécutif, 20 juin 1798.

⁶ Ibid., p. 368.

⁷ Ibid., p. 371.

His Excellency then observed that nothing would afford him greater satisfaction than a coincidence of opinion between himself and the members of the Executive Council, wherever such coincidence could be consistent with what he considered to be his duty towards His Gracious Sovereign and towards the Province over which His Majesty had been graciously pleased to appoint him to preside. To the fulfillment of these duties, with Uprightness, impartiality, and integrity of Heart, so far at least as his abilities might enable him, he should certainly, if necessary, sacrifice every other consideration either of Pleasure or of Ease; And he was exceedingly sorry that in the fulfilment of them, he felt himself compelled, in the present Instance, to support a Doctrine materially different from that contained in the Report that had just been read to the Board.⁸

Surtout, Prescott essaierait de justifier sa prise de position en affirmant que ces règlements "were founded on what he conceived to be a very mature consideration of the proceedings of the Executive Government of this Province, under His Majesty's Royal Instructions of the 16th September 1791."⁹ Il demeurerait convaincu que les membres de ce comité ne collaboreraient pas avec lui en vertu du fait qu'ils n'avaient pas pris connaissance de ce qui s'était passé alors, ou qu'ils en aient perdu le souvenir. D'où son intention de leur faire connaître les motifs sur lesquels étaient fondés les règlements nouveaux.

Devant l'objection soulevée à savoir que ces règlements étaient de nature à encourager l'établissement sur les

⁸ APC, Q.80-2:373, Procès-verbal du 9 juillet 1798.

⁹ Ibid.

terres, sans titre légal, Prescott s'était empressé de répondre que ces mesures

were by no means framed upon a principle of giving encouragement to that procedure; they were, on the contrary, framed upon the principle of preventing those evils which must otherwise arise from the Encouragement that had been heretofore given to that procedure by the Executive Council; and upon the principle of administering a rational degree of distributive Justice towards those who had embarked their labour and property therein, in consequence of that Encouragement.¹⁰

Et afin de les persuader, Prescott faisait allusion au rapport présenté par les membres du Conseil à Sir Alured Clarke, le 11 octobre 1792. Il était évident, selon lui, que le rapport permettait aux pétitionnaires de s'établir sur les terres sans attendre les formalités prescrites puisque, dans le temps, les arpenteurs n'étaient pas en nombre suffisant pour effectuer tous les arpentages demandés. Il expliquait, alors, que plusieurs, munis d'une telle permission, étaient venus s'établir après avoir fait de grandes dépenses.¹¹

Devant l'objection des membres du comité qui voyaient dans la proclamation du 22 août 1797¹² une contradiction aux règlements émis par son auteur, une réponse bien précise leur fut donnée.

10 APC, Q.80-2:375, Procès-verbal du 9 juillet 1798.

11 Ibid.

12 Voir chapitre II, p. 59-60.

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Could His Excellency have thought that any person would have considered it as an order for those persons to depart, who had originally embarked their Labour and Property, upon the Encouragement formerly held out to them under His Majesty's Authority no consideration could have induced him to sign an Instrument, to be interpreted in a manner so derogatory to the Honor, the Dignity, and the good Faith, which ever has so conspicuously reigned in the Breast of His Royal Master and it afforded him much satisfaction to learn that the Proclamation had been generally thro' perhaps not universally understood by the bettermost sort of people in the Country, in the same light as he himself understood it at the time he signed it.

His Excellency was as averse to any attempt of acquiring Lands by the robust Title of Occupancy as any member of the Committee could have been when the Report now on the Table was drawing up; but he could by no means conceive that people who had originally embarked their Labour and Property in settling Lands in consequence of such Encouragements as had been given in this Province; and who had been year after year humbly petitioning for the Grants which they had been originally taught by Government to expect, he could, he said, by no means conceive that people of this sort could be considered as having attempted to acquire the Lands by the robust Title of Occupancy.¹³

Selon Prescott, il s'agissait de modifier une seule expression dans le langage courant des membres du comité pour que ces derniers soient en accord avec les règlements qu'il avait suggérés.

The principal danger, His Excellency said, to which the carrying on of a Settlement upon such encouragement as was given in this Province may be liable, is, that it may happen, thro' some accident or other, that the Legal Title may finally be granted to several persons from those who had made the Settlement; and who together with the Occupancy, may be said to possess a pretension of Right under the Encouragement that had been so given. His Excellency, used the term 'Pretension of Right' in contradistinction to 'legal

title'. Wherever a Government shall have given such Encouragement, it certainly behaves it to take special care, in forming such Regulations for the issuing of the Grants, as shall concentrate the legal Titles with the above mentioned pretensions of Right, and vest them both in one and the same person. Were the legal Titles and the pretensions of Right to be in different persons, there would undoubtedly be great danger that such a clashing of the one with the other would produce Civil Commotions, but if they are vested in one and the same person, the danger is entirely avoided.

It would be tedious, His Excellency said to discuss the Causes which produced those Civil Commotions alluded to in the Report, that had heretofore taken place in the neighbouring States. It would be sufficient to observe that they arose entirely from legal Titles being vested in one set of Persons, while Pretensions of Right existed in another. But altho' it was not now necessary to discuss that subject, yet His Excellency nevertheless thought it right to inform the Board, that those Commotions, together with the causes from which they flowed, and the Effects which resulted from them, were duly weighed and considered, when the Foundation was laid, on which the Regulation communicated to the Board on the 11th Ultimo were built; and the Regulations were in His Excellency's opinion so framed, as to preclude (if faithfully carried into execution) those dangers of similar Commotions to which this Province might otherwise be exposed.¹⁴

Reste à savoir si le comité du Conseil allait accepter de modifier un terme sur lequel reposait l'ensemble de leurs arguments. Pour l'instant, Prescott se préoccupait d'insister sur la précaution et la prudence dont il avait cru devoir faire preuve en émettant de telles mesures.

His Excellency observed to the Board that although the position on which the Report of the Committee is built (to wit- that Applicants who have proceeded to the Settlement of the Lands without having obtained legal Titles, ought to be considered as Intruders) appears to have been taken as an Axiom,

1798. 14 APC, Q.80-2:384-385, Procès-verbal du 9 juillet

in its nature so evident as to be entitled to universal Assent; yet, it had appeared to him from the moment he arrived in this Government and was informed of the manner in which the Land Business had been conducted, To Wit- That since the conclusion of the American War, many Public Invitations had been given for people to settle in this Province. That several hundred Families had embraced those Invitations, and that many Thousands would gladly have followed their Steps; but that during the whole length of time only one grant had passed the Seal; It appeared to him, His Excellency said, from the moment he arrived, and learnt this to be the case, that no position could be safely taken, without first examining with great care and attention, all the parts with which it might be connected, as well with respect to Circumstances consequent, as those present, and those antecedent.

On his making still further and further enquiries, His Excellency said, he found that the opinions entertained by different people, were so extremely wide, and often time so diametrically contrary to each other, that the subject appeared to him to be of infinitely too great magnitude to be decided upon in this Country. He therefore thought it his Duty to lay before His Majesty's Ministers, a brief historical narrative of the proceedings, in the Order of Time, in which they took place, and as they stand recorded in the Books now upon the Table. This he accompanied with a True and Faithful (tho' brief) Statement of the Positions and Arguments that had been set up, both for and against the Applicants, and submitted the Issue, so joined, to the decision of His Majesty's Ministers.¹⁵

Et en guise de conclusion, Prescott souhaitait que cet exposé puisse, à la fin, donner au comité une toute autre opinion des règlements.

His Excellency could not but flatter himself that the Explanations he had made, would induce the Board to entertain a very different opinion of the Regulations, from that entertained in the Report of the Committee. His Excellency likewise flattered himself with hopes that the Board would coincide with

¹⁵ APC, Q.80-2:391-392, Procès-verbal du 9 juillet 1798.

him in opinion (especially when it was considered that the Applicants who were the objects of His Majesty's Royal Benevolence had already laboured in suspense during six long years) that it would be proper that His Majesty's Gracious Intentions should be in some way or other made known to them without delay, to the end that their long and painful anxiety might cease; and that they might come forward with gratitude and Cheerfulness of Heart, to take out their Grants, according to the proportions prescribed in the Regulations; preparatory to the carrying into Execution His Majesty's further Gracious Intentions, of raising by future disposals of the Waste Lands, a fund to be appropriated by His Majesty towards defraying the Civil Expences of the Province.¹⁶

Ses observations, quoique fermes, ne respiraient pas la menace. Prescott croyait, en effet, que les conclusions des membres du Conseil se modifieraient maintenant qu'ils connaissent le fameux document du 11 octobre 1792. Aussi, allait-il leur demander que le rapport du 20 juin et les remarques qu'il avait jugé à propos de faire sur ce rapport, ne soient pas consignés dans le registre des procès-verbaux mais soient plutôt réunis sous forme de dossiers spéciaux à l'usage du gouverneur et des membres du Conseil. Par cette requête, il avait voulu tout simplement éviter que les fausses représentations des membres ne soient connues du public. Mais il allait essuyer un revers de la part du juge en chef, William Osgoode, alors président du Conseil, qui avec une impertinence "not easy to be described"¹⁷ s'opposerait à sa demande.

¹⁶ APC, Q.80-2:394-395, Procès-verbal du 9 juillet 1798.

¹⁷ APC, Q.80-2:407, Prescott à Portland, Québec, 1^{er} août, 1798.

Cette décision du juge en chef Osgoode allait être lourde de conséquences. La patience de Prescott à l'endroit du Conseil ferait place désormais à l'adresse et à la brusquerie¹⁸ dont il était capable.

Le 1er août 1798, dans une lettre personnelle au duc de Portland,¹⁹ Robert Prescott faisait la lumière sur l'esprit qui animait les membres du Conseil. Certes, aurait-il voulu reléguer aux oubliettes leur comportement mais son intégrité lui dictait le contraire: "...their late Report... relative to the Regulations received in Your Grace's Dispatch no. 15 of the 7th February last, for administering Redress, in the Degrees therein mentioned, in consequence of the Encouragement heretofore given...might lie in Oblivion."²⁰ Tout d'abord, Prescott faisait part de sa stupéfaction devant la façon d'agir du Conseil exécutif dans cette question.

I had not been many weeks in this Government before I discovered, in part, the schemes and designs

18 Norman Macdonald, op. cit., p. 81.

19 APC, Q.80-2:401-410, Prescott à Portland, Québec, 1er août 1798: En post-scriptum (p. 410), il émettait une précision: "I have judged it best to write this letter with my own hand, on account of the observations which I have thought necessary to lay before Your Grace respecting the Chief Justice, and which I consider improper to be contained in Public Despatches."

20 Ibid. p. 401.

that had been laid by some of the members of the Council connected with other persons of Property and Influence for the purpose of monopolizing immense quantities of the Waste Lands; but it was some time before I had any suspicion (and still longer before I could really believe) that they had it in view to extend their schemes so far as to comprehend within their Grasp, the Township that had been actually settled on and rendered valuable at the labour and expence of the former Applicants, in consequence of the encouragement given them for that purpose, nor could I even for a long time after I had made these discoveries help entertaining too high an opinion of the honour and Integrity of other members of the Council, to suffer myself to suppose it even possible, that so great a Majority of them could be capable of being influenced under any views whatever to give their support to schemes so diametrically repugnant to His Majesty's Royal Instructions, so derogatory to the principles of Honour and good Faith, and so dangerous as they must evidently be to the Peace and Tranquility of the new Settlements- But the good opinion I had so entertained, reasonable as it was, was ill founded.

For a considerable time after my arrival in this Government, I found it necessary to apply myself much to the study of what had been heretofore done in the Land Business, previous to my Undertaking to say anything that could be in any tolerable degree satisfactory either to myself or to Your Grace, in answer to the several earnest passages contained in Your Grace's Dispatches relative to that important subject.

The time that was necessarily taken up in these occupations, appears to have been considered by several Gentlemen of the Council to have been spent in a mere inattention to Business; and they appear from thence to have considered me capable of being easily imposed upon by any Representations (or Misrepresentations) they might think proper to make.²¹

Le gouverneur n'avait qu'à appuyer cette dernière observation par le rapport du Conseil en date du 20 juin, dans lequel le président Osgoode avait écrit que les anciens

²¹ APC, Q.80-2:401-403, Prescott à Portland, Québec, 1er août 1798.

pétitionnaires ne devaient pas être considérés, du fait qu'ils ne possédaient aucun titre légal. Prescott allait écrire à l'endroit d'Osgoode de tels mots, qu'il est facile de comprendre pourquoi il avait voulu écrire cette lettre de sa propre main:

I am exceedingly sorry that my duty to His Majesty obliges me to inform Your Grace that the Chief Justice, Mr. Osgoode, from whom I had flattered myself with high expectations of Veracity and Candour, is among the very foremost of those, who thus endeavour to misrepresent and conceal the actual state of Facts; disgracefull and destructive as such Representations must inevitably be, were they not contradicted, and their efforts counteracted to the Honour, the Justice, and the good Faith of His Majesty, and to the Tranquillity and future security of His Government.

The supposition which appears to have been entertained by some of the members of the Council as mentioned above, To wit- that the time which I found it necessary to spend in investigating the former Proceedings, had been spent in an Inattention to business appears to have induced them for a great while to believe, that they would be able to carry everything with regard to the Disposal of the Waste Lands, according to their own pleasure, without difficulty or control especially if they could attach the Chief Justice (in whom I entertained much confidence till I found myself disappointed in my Expectations of his knowledge and Candour) to their Party: This they appear to have completely effected by flattering his vanity with an idea that the Civil Business of the Province was entrusted entirely to him.

The unconquerable aversion of the Chief Justice to that kind of labour and application which is necessary required for the ascertainment of Truth when enveloped in confusion and perplexity (which has long been the case in the Land Business) led him to take for granted the Representations of those who flattered him; and the invincibility of his temper and disposition not to acknowledge himself to be in an error, makes him the more petulant and obstinate, the more he becomes convinced of his being in the wrong.

I must, however, do Mr. Osgoode the justice to say that I have hitherto seen no reason to suspect him of being in any other degree connected with the intended monopolists than merely by his flattered vanity, although truth requires me at the same time to say, that I have for many months past fully believed that the opinion entertained by my predecessor, Lord Dorchester, respecting his character & disposition was but too well founded: Nor do I believe that his Lordship was less right in the opinion he entertained of the character and disposition of the other Chief Justice.²²

Dans ses observations du 9 juillet faisant suite au rapport du Conseil du 20 juin, Prescott avait déjà laissé soupçonner aux membres du Conseil qu'il connaissait effectivement les causes expliquant les abus commis sur la question des terres. Toutefois, il n'avait osé aller plus loin croyant qu'il n'était pas encore nécessaire de le faire:

Were those Causes to be laid fully open, His Excellency said, many of the people whom there was reason to expect might undertake long Journies upon that errand would be found to merit Commiseration, not reproach. His Excellency hoped he might never find it necessary to enter into an Explanation of those Causes; he certainly never would explain them unless it should become necessary, and, he had the fullest reason to hope, and to believe, that by faithfully carrying into Execution the directions he had received through His Majesty's Secretary of State, as communicated to the Board; and by disposing of the Waste Lands in future (except in certain case) at open and public sale, every possible Evil that might otherwise be apprehended, would be effectually avoided.²³

²² APC, Q.80-2:404-406, Prescott à Portland, Québec, 1er août 1798.

²³ APC, Q.80-2:391, Procès-verbal du 9 juillet 1798.

Mais il avait cru que le duc de Portland devait en être immédiatement informé. Puis, il s'élevait contre les membres du Conseil qui étaient disposés

to have the Records of the Proceedings in the Land Business kept secret; in direct violation of an old standing order which requires (conformably to His Majesty's Royal Instructions) that they should be open for the information and satisfaction of all persons concerned.²⁴

On comprend, dès lors, l'idée assez nette qu'il se faisait de leur attitude en ce domaine. Enfin, il reprochait au Conseil de vouloir susciter des jalousies et des protestations parmi les différentes classes de pétitionnaires. Sur ce point, il croyait cependant qu'il en sortirait vainqueur: "But so far as I can learn and I believe I am well informed in that respect The Public Favour which the Council intended to have gained to themselves, has fallen entirely upon me; and the censure which they intended for me, has fallen upon themselves."²⁵ Tout en assurant Portland de la satisfaction des gens devant les nouveaux règlements, Prescott omettait évidemment d'inclure les membres du Conseil "who were actuated solely by views of monopoly, entirely inconsistent with His Majesty's Royal Instructions and equally inconsistent with the speedy settlement and Prosperity of the

²⁴ APC, Q.80-2:407, Prescott à Portland, Québec, 1er août 1798.

²⁵ Ibid., p. 408.

Province."²⁶

Dans une dépêche subséquente, en date du 13 août 1798, Prescott devenait plus explicite. En plus de révéler les procédés utilisés par les spéculateurs, il apportait les preuves capables de démontrer comment certains membres du Conseil exécutif avaient été à l'origine d'un tel plan.²⁷ En effet, les spéculateurs, désireux d'obtenir des quantités de terres excédant la limite de 1,200 acres, s'étaient fait donner des concessions au nom de personnes étrangères. Ces dernières s'engageaient à leur remettre ces dites concessions aussitôt que les lettres patentes seraient émises et cela, sous paiement, comme récompense, d'une somme allant de six à dix dollars ou d'une petite concession de 200 acres.²⁸ De plus, affirmait-il, de leurs représentants avaient été chargés de visiter les terres convoitées, alors qu'au même moment des agents parcouraient les Etats voisins afin de recruter des associés fictifs. Ces derniers devaient éventuellement prendre la place des premiers pétitionnaires qui, n'étant pas reconnus comme propriétaires légaux de ces terres,

²⁶ APC, Q.80-2:408, Prescott à Portland, Québec, 1er août 1798.

²⁷ APC, Q.80-2:277-293, Prescott à Portland, Québec, 13 août 1798.

²⁸ Par cette récompense de 200 acres, les spéculateurs retenaient 1000 acres de chacune de ces personnes qui en avaient reçu 1,200.

devraient se retirer. Enfin, ces associés n'étaient même pas agriculteurs et ne possédaient pas en propre le quart de l'argent pour acquitter les droits d'expédition des patentes.

D'où la conclusion émise par Prescott:

It is clear therefore that the people could only have been employed by other persons who stood behind the Curtain, and to whom they had lent their names, for the mere purpose of eluding His Majesty's Royal Instructions, and for accomplishing a projected monopoly.²⁹

En envoyant à Portland les pièces révélant de telles procédures, Prescott confirmait du même coup l'observation qui lui avait été faite à son arrivée et qui voulait que quelques membres du Conseil exécutif "were not only deeply concerned in these intended Monopolies, but were, in fact, at the bottom of the Plan."³⁰ Un premier document consistait en une copie des lettres écrites par le président du comité des terres, Hugh Finlay, à feu M. Ruiter, commissaire chargé de faire prêter les serments d'allégeance aux personnes réclamant des terres. Ces lettres autorisaient Ruiter à envoyer recruter dans les Etats voisins des gens qui joueraient alors le rôle de concessionnaires fictifs, et qui pour cela,

²⁹ APC, Q.80-2:284, Prescott à Portland, Québec, 13 août 1798.

³⁰ Ibid., p. 280.

recevraient une récompense de 200 acres.³¹ De plus, Prescott lui faisait parvenir une copie des instructions données par Ruiter à Lévi Presbrey, un des individus employés à ce recrutement.³² Egalement, Portland pourrait prendre connaissance d'une copie des annonces publiées dans plusieurs journaux du Vermont et des Etats voisins par Presbrey et Amos Lay, autre agent de Ruiter.³³ Enfin une déposition de Simon Watson, arpenteur employé par les spéculateurs, révélait comment il les avait quittés en découvrant que leur dessein était de se procurer les terres réservées aux premiers réclamants, à l'insu de ces derniers ou sans leur consentement. D'où le jugement de Prescott sur ces personnes encouragées par certains membres du Conseil à agir de la sorte:

It indeed appears that none of the Persons Whether high or low to whom the conducting of the out-a-door part of the Business was entrusted were in any tolerable Degree equal to such a Task:- they seem to have depended altogether on their having sufficient Weight and Influence at the Council Board, to overcome any and every obstacle that might be opposed,- whether founded on Principles of Honor in respect to His Majesty's Government,-of Justice either towards the former applicants or toward those whom they were soliciting to become New Adventurers,- or of Policy in regard to the Future Tranquility and Security of the Province.³⁴

31 APC, Q.80-2:313.

32 APC, Q.80-2:317

33 Ibid.

34 APC, Q.80-2:288, Prescott à Portland, Québec, 13 août 1798.

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En somme, Prescott, impatient de voir le Conseil exécutif se raidir devant des règlements susceptibles d'améliorer la colonisation des terres de la province,³⁵ s'était vu dans l'obligation de révéler à Portland le rôle plus ou moins édifiant joué par cet organisme dans l'application de la proclamation de 1792. A preuve, les instructions données par le comité du Conseil en août 1795 aux commissaires chargés de recevoir les serments d'allégeance.³⁶ Là encore, Prescott n'omettrait pas de faire la lumière sur un tel comportement.

It is required by His Majesty's Royal Instructions that every Applicant for Land, shall take the Oaths and subscribe the Declaration to the Government, previous to ~~any~~ other step being taken:- the Propriety of this is self-evident:- But the Commissioners are prohibited by their Instructions, from administering the Oaths to any person or persons, without an Express Permission for that purpose from the Council Office.- These have Instances of old Loyalists who, after petitioning and at length obtaining Orders of the Governor in Council for Specific Quantities of Land, on the implied condition of their taking the Oaths to His Majesty, have come upwards of Two Hundred Miles for that purpose, and have been refused by the Commissioners, for the Want of the above mentioned express Permission from the Council Office, although they produced to the Commissioners the Order of the Governor in Council in their Favour. As I consider it to be impossible for Your Grace to believe this, without actual Demonstration, I beg leave to enclose a copy of a Document exactly in Point, except only that the Person mentioned in the enclosed Document lived in this Province,

35 Le rapport du 20 juin 1798 démontre bien en effet l'attitude adoptée par le Conseil exécutif.

36 Voir chapitre II, p. 69-70.

and therefore had not to take so long a Journey to get his refusal from the Commissioners.

The pretence for this Prohibition was 'to prevent improper persons from coming to settle in this Province': It must however be evident to every one who considers the Subject, that the only effect which this Prohibition can have, in respect to persons coming in to settle, must be that those who come in to settle (by purchase) on Lands previously granted to others, must be prevented from taking the Oaths of the Government; although it is certainly as necessary for the safety of the Government, that such persons should take the Oaths, as that the immediate Grantees of the Crown should take them.- I must confess to Your Grace, that the only actual Uses I can discover, in respect to prohibiting the Commissioners from administering the Oaths, is, that it might operate towards precluding any other Persons from having a Chance of obtaining Grants of Land from the Crown, excepting only such as will come into the Terms of the intended monopolists, who might be connected with some of the members of the Council.³⁷

Bref, il démontrait, par cet exemple, que le Conseil avait interprété à sa façon les instructions de Clarke sur l'obligation d'exiger le serment. C'est pourquoi, Prescott considérait qu'il était urgent d'appliquer le seul remède recommandable: faire justice aux anciens colons qui avaient des griefs et vendre les terres non réclamées aux enchères. Serait-il possible d'agir de la sorte alors que le Conseil avait déjà montré son entêtement à l'endroit des projets du gouverneur? A en juger par le rapport substantiel du 9 août 1798 qu'il faisait parvenir à Prescott³⁸, il était facile de

³⁷ APC, Q.80-2:288-290, Prescott à Portland, Québec, 13 août 1798.

³⁸ APC, Q.81-1:65-95, Rapport du Conseil exécutif, 9 août 1798.

prévoir une lutte encore très vive entre les deux partis.

Il s'agissait pour le Conseil d'explicitier ses vues sur le problème des terres, considérant que les observations du gouverneur, contenues dans les minutes du conseil du 9 juillet, n'étaient pas très favorables à leurs opinions.

Le premier point en litige, soulevé par le Conseil, touchait le fameux document du 11 octobre 1792. En effet, William Osgoode s'évertuait à démontrer qu'un tel écrit était sans valeur. Ce document, expliquait-il, traitait du recrutement des arpenteurs dont les dépenses seraient défrayées à la fois par le gouvernement et les pétitionnaires. Néanmoins, le Comité faisait remarquer que le gouvernement était revenu sur sa décision de ne plus défrayer les dépenses, considérant que le fait de concéder les terres supposait déjà suffisamment de libéralité de sa part, sans compter qu'une telle procédure allait à l'encontre des instructions royales. D'où le jugement apporté par le Conseil:

From this period the Document in question has been looked upon as a dead Letter- As an Authority to justify the proceedings alluded to, it is null, because it was made under the prevalence of a temporary mistake, and is in direct contravention of His Majesty's Instructions.³⁹

Evidemment, Prescott qui avait fait de ce document la base de son argumentation, n'abondait pas dans le même sens.

³⁹ APC, Q.81-1:68-69, Rapport du Conseil exécutif, 9 août 1798.

The Extract from the Minutes of Council cited by the Governor on the 9th July last, contains explicit and irresistible evidence, that the Applicants were de facto invited, encouraged and advised by the Executive Government to come in and settle upon the Lands they had petitioned for without waiting for any of the further forms prescribed for issuing legal titles: That the then immediate object was to procure a supply of Surveyors is there; but the Record contains the most express and incontrovertible Evidence of the causes from whence the want of that supply of Surveyors arose. To wit, the invitations and assurances that had been given by the Executive Government to the Applicants, encouraging them to come on and settle; and the expectations entertained by the Executive Government, that they would so come on, upon the faith of those Invitations and assurances.

How such a piece of written evidence of matters of Fact, solemnly given and delivered by two Committees of the Executive Council, and solemnly and deliberately recorded by the Executive Government itself, in Council convened should after the People had so come on and settled be considered as a nullity and looked upon as a dead Letter quite surpasses the Governor's comprehension.

How far the Executive Government of that day might have laboured under the prevalence of a temporary mistake, the Governor does not think it decent in him, at this day, to enquire; But it would afford him pleasure that the Executive Government of the present day should not labour under the prevalence of temporary mistakes.⁴⁰

Bref, cette divergence de vues entre les deux partis reposait davantage sur l'objet du document en question.

De plus, ce rapport justifiait la politique adoptée par le Conseil exécutif à ses débuts. Osgoode soulignait qu'en 1794 le comité des terres avait été reconstitué et qu'il

⁴⁰ APC, Q.81-1:125-126, Remarques du gouverneur devant l'assemblée de tous les membres du Conseil, 20 septembre 1798.

s'était proposé, à partir de ce moment, d'appliquer de façon stricte la proclamation de 1792. Prescott se rendait bien à l'évidence qu'une telle politique ne tenait pas compte de la situation spéciale dans laquelle se trouvait les pétitionnaires des années 1792 et 1793, alors qu'ils avaient dû faire face à toutes sortes de difficultés. Aussi, allait-il s'élever contre un tel raisonnement de la part du Conseil.

Every principle of common reason and common justice, as well as every principle of honor and good faith, unite together, is forbidding the Governor to admit that the former proceedings, containing the encouragement and assurances given in the name and on the behalf of His Royal Master, were (on account of any or every of these delays or defects in conduct of his Servants) rendered, "Null". The former proceedings can be "null" only with respect to those who did not evince their acceptance of the encouragement and assurances held out to them: Any Person who would be guilty of such a violation of His Majesty's sacred Honor and good Faith, as to harbor even for a moment within his Breast, a desire that the former proceedings should be "null" with respect to such as had embarked their Labour and property upon the faith of the Encouragement and assurances so given would ill deserve His Majesty's Royal favor or Protection.⁴¹

Le rapport affirmait en outre que le nombre des pétitionnaires ayant réussi à se conformer à l'avis du 17 janvier 1795⁴² était de 550. D'où l'insistance d'Osgoode afin de démontrer comment s'expliquait l'attitude autoritaire du comité à l'endroit de ceux qui n'avaient pas respecté

41 APC, Q.81-1:130-131, Remarques du gouverneur...

42 Voir chapitre II, p. 70-71.

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l'avis.⁴³ Il était facile de deviner sa conclusion: le gouvernement ne devait se sentir nullement engagé à l'endroit des pétitionnaires qui n'avaient pas rempli les conditions requises par la proclamation et appliquées par la suite par le comité des terres. Toutefois, Prescott possédait des informations bien différentes à celles du rapport. Aussi, est-ce avec fermeté qu'il attaquait dans ses remarques, ce point soulevé par le rapport du Conseil.

The Governor will not conceal from the Board the Surprise and astonishment he felt, at being told, in the Report of the Committee that at the expiration of this period it appeared from the Schedules annexed and the Returns of the Commissioners, that of upwards of three hundred Leaders and ten thousand proposed Associates, the number of those who had complied with the directions did not exceed five hundred and fifty. And that the rest had neglected to comply with the terms of the notice and were therefore subject to the penalties thereby announced. The Governor assures the Board that the number of Applicants comprehended in the Returns actually received from the Commissioners, and referred by the then Governor (with the Commissioners Report thereon) to that Committee of Council, prior to the above mentioned first day of August, exceeded two thousand: on the third day of August it exceeded three thousand: on the 25th day of August (which is certainly not an unreasonable length of time to be allowed for the Commissioners to make their Enquiries and Reports, and for the same to be received at Quebec) it exceeded four thousand: and many others were received and referred afterwards- More than one third part of the above number (over and above the cases of specific quantities in which the faith of Government was considered to be pledged, by the Report of the Committee of the 24th of May 1797) were recommended by the Commissioners as persons of good character, and approved of as such by the Committee of Council: the

⁴³ APC, Q.81-1:77, Rapport du Conseil exécutif, 9 août 1798.

characters of the rest were reported to be unknown to the Commissioners, but this could certainly amount in Justice only to a temporary suspension, not to a rejection in respect to those whose characters were so reported to be unknown.

The Governor would not however be understood to mean that he considers all the persons mentioned in those Lists to have had an intention of settling on the Land, conformably to His Majesty's Royal and Gracious Intentions; on the contrary he considers it to be very probable that a part of them might have been, people who had only lent their names to others for the purposes of monopoly; what proportion this part might bear to the rest, the Governor cannot undertake to say; but be this as it might, the rest could not, on any possible principle of Reason or of Justice, be in the remotest degree affected thereby; their giving in the Lists of their names was all that the above mentioned Advertisements required of them; then, but not till then, were any of them (not even those who had actually settled upon the Land in consequence of the former invitation of the Executive Government) allowed to testify their Loyalty and attachment to His Majesty, by taking the Oaths and subscribing the Declaration of fidelity to His Government, although their so taking the Oaths and subscribing the Declaration was a sine qua non of their obtaining the Grants that had been so long promised them: instances are not wanting of persons taking long journies for that express purpose, and being refused; And yet, notwithstanding all this they are considered by the Committee as having neglected to comply with the terms of the notice and as being subject to the penalties thereby announced. The Governor cannot help remarking that it would redound more to his Majesty's Service, and much more to the honor of the Committee, if the more active Members thereof (in whom the less active must necessarily place a Confidence) were more correct in their Statements and more just in their conclusions.

The Governor has the fullest reason to believe that the circumstances stated by the Committee with respect to the Settlements made on the Lands by Intruders, are a good deal similar in point of correctness, to the statements noticed above; although he would not be understood to suppose that the new Settlements in this Province were so entirely different from those in any other Province, as to be without any instances at all of that sort; these instances,

however, do not come within the benefit of the Regulations lately communicated to the Board.⁴⁴

Dans le dixième point de son rapport, Osgoode considérait que les règlements suggérés par Prescott devaient être appliqués exclusivement aux colons qui, en plus de s'être adonnés à la culture de leurs terres, s'étaient conformés aux avis du Conseil exécutif.⁴⁵ Prescott qui se réjouissait, certes, de voir le Conseil favorable à cette classe, s'empressait néanmoins de souligner que les exceptions étaient rares:

Those of the Settlers who do not, on the clearest principles of reason and of Justice, come within the class which the Committee have thus declared in favour of, are so few in number that no material difficulty can arise therefrom, unless Gentlemen should be disposed to create difficulties where none in reality exist. The Governor has already observed that obtrusive settlers (by which he means, such as are neither connected with any known and acknowledged Association, nor have any order of the Governor in Council in favor of themselves individually) do not come within the Regulations; so that the difficulty, which the Committee represent themselves to labour under with respect to knowing whether such Settlers are to partake or be excluded from the Benefit of the Regulations, is removed.⁴⁶

Les membres du Conseil ne pouvaient davantage admettre qu'une autorisation pour l'arpentage d'un canton

⁴⁴ APC, Q.81-1:133-136, Remarques du gouverneur...

⁴⁵ APC, Q.81-1:79, Rapport du Conseil exécutif, 9 août, 1798.

⁴⁶ APC, Q.81-1:139-140, Remarques du gouverneur...

constituait une prétention de droit, en faveur de qui que ce soit :

Apprized as the Committee are of the innumerable frauds that have already been practised, of which they could produce abundant proof; as well as of the frauds which are daily practising, respecting the Waste Lands of the Crown, with all the drawback of uncertainty avowedly attending the speculation, it being well known that three Patents only have been issued; the Committee almost shudder at the deluge of iniquity with which they must be overwhelmed, should the traffic of Pretensions be confirmed; and finding that ordinary language is too feeble to express their apprehensions, they will dwell no longer upon the subject, than seriously to implore a further consideration, how far it may be expedient to authorize a proceeding tending to confound possession with right and to encourage those loose notions of property which in these days are but too prevalent.⁴⁷

Sur ce point, Prescott allait répondre tout aussi directement que sur les points précédents.

By carrying the Regulations into immediate execution, that "Deluge of iniquity", as the Committee express it, in the traffic of pretensions, will be at once put an end to: A further and (the Governor may add) an infinitely greater "Deluge of Iniquity", fraught with the most dangerous consequences to the tranquility of the Province, as well as repugnant to the sacred Honor, Dignity, and good faith of His Majesty, namely the Endeavors of one set of people to obtain Grants of the Townships which another set of People have (in consequence of the encouragement heretofore given them by the Executive Government for that purpose) transformed from a wilderness into a state of habitation, would likewise be put an end to by the same stroke. But the longer the issuing of the legal titles shall be procrastinated, the more may these "Deluges of Iniquity" be expected to increase. When the Governor considers the repeated public invitations that have been given by the

⁴⁷ APC, Q.81-1:84-85, Rapport du Conseil exécutif, 9 août 1798.

Executive Government, since the conclusion of the American War, for people to come into this Province to settle on the Waste Lands, when he likewise considers that many Hundreds of Families embraced those Invitations, and that the System of practice adopted and pursued by the Executive Government was such, that

although the people were thereby authorized and encouraged to enter into immediate possession yet, until the year 1796 there was not one single instance of a legal title being issued, notwithstanding their continual Applications to obtain regular Grants; When the Governor considers these things, he cannot but feel astonished at the manner in which the Committee (several of whom were members of the Executive Council during the whole time) now express themselves with respect to "loose notions of property". Which tend to confound possession with right; nor can the Governor's astonishment fail to be increased when he considers that in the midst of their disapprobation of those "loose notions of property", which so tend to confound possession with right (And which were de facto created by the practice adopted and pursued by the Executive Government itself) the Committee should still remain desirous, that the issuing of the legal titles, the only possible remedy which the nature of the case can admit of, should be still longer procrastinated whereby those very evils, which they so emphatically complain of, must of necessity be prolonged and increased.⁴⁸

Une telle réponse ne plairait certes pas aux membres du Conseil qui constateraient la résistance que pouvait avoir le gouverneur. Au fond, c'était plutôt du sarcasme qui perçait dans ses observations, puisqu'il concluait dans l'attitude paradoxale du Conseil exécutif: après avoir invité les pétitionnaires à venir s'établir sur les terres de la province, voilà que le Conseil se refusait maintenant de reconnaître les droits de ceux qui effectivement s'y étaient établis, en déclarant que les nouveaux règlements ne sauraient être

⁴⁸ APC, Q.81-1:148-150, Remarques du gouverneur...

mis à exécution sans que de graves difficultés puissent en résulter. De plus, Prescott allait, dans ses remarques, les informer des manoeuvres exécutées par les spéculateurs sans pour autant porter des accusations directes;⁴⁹ ainsi espérait-il les convaincre de sa profonde connaissance du problème. Il était temps, observait-il, que la confiance dans le gouvernement soit de nouveau rétablie:

The Fact is, that from the manner in which the Land business has been conducted, the Faith of His Majesty's Government in Lower Canada, has long been equally proverbial with the Punic Faith of ancient story. It is high time that His Majesty's sacred honor and good faith should be rescued from such a Stigma.

.....
In the years 1792 and 1793 the Applicants from the late Colonies (exclusive of those who might be denominated mere Speculators, and who had no view to the actual settlement of the Lands) were represented to be what would seem unquestionably natural, composed in a very considerable measure of two classes of people, which, in all Revolutions of Government, ever were, and ever will be numerous and respectable. The first consisting of people whose hearts and affections were always attached to their former Sovereign; and the second consisting of people, who having departed for a time from their former Allegiance, because afterwards induced by a little experience to consider their former situation preferable to their new one: and were therefore desirous of returning to it again. These (while the Lands were considered to be of no value) were represented by the Committee as "skilful and industrious farmers", who would be as it were a gold mine to the Province, and who merited every encouragement that could be given them, to come in and settled, and when by the exertions of their "Skill Industry" they had rendered the Land somewhat valuable, their characters it would seem, in the opinion of the Committee, had become so entirely changed, as

49 APC, Q.81-1:152-158, Remarques du gouverneur...

to amount to a transformation of them from "skilful and industrious farmers" meriting every encouragement to come in and settle, into a "lawless and obtrusive Race", meriting only to be driven out as it were with a Scourge. This want of consistency cannot be but exceedingly unpleasant.⁵⁰

Attaquant un dernier point, mais non le moindre, Osgoode avait fait part, dans son rapport du 9 août, du mécontentement des membres du Conseil en apprenant que le gouverneur avait décidé, malgré leur opposition,⁵¹ de révéler au public le contenu des nouveaux règlements.⁵² Effectivement, il avait permis à certains particuliers de consulter les registres officiels et de prendre des copies des nouveaux règlements. Prescott, inébranlable, répondrait qu'il avait le droit d'agir ainsi, puisque le 38e article des instructions générales de Sa Majesté⁵³ obligeait le gouverneur à faire connaître aux partis concernés les ordres du roi. D'ailleurs, n'avait-il pas fait part de son intention à

50 APC, Q.81-1:162-168, Remarques du gouverneur...

51 Voir chapitre III, p. 93.

52 APC, Q.81-1:92-95, Rapport du Conseil exécutif, 9 août 1798.

53 D.C.H.C., p. 23: "Et c'est Notre volonté et plaisir que toutes les instructions précédemment données à vous de même que celles que vous pourrez recevoir par la suite relativement aux concessions de terre,...soient consignées dans le registre pour la satisfaction des intéressés et leur servir de gouverne".

Portland⁵⁴ d'être ferme sur ce point ? Prescott irait même jusqu'à dire qu'il appartenait à lui seul de juger quelles parties des instructions royales il devait communiquer au Conseil.

Of this, the Governor must be in this respect his own Interpreter of the Instructions he receives from his Royal Master: The Governor could not (as he has observed already) consider it to be consistent with his Duty to refer to the consideration of the Committee, whether it was proper that the Commands of His Royal Master should be obeyed: He referred only for the consideration of the Committee, what might be the most ready and satisfactory steps to be taken for rendering obedience to these commands. If the Committee, either by extending into matters which the Governor may not consider it consistent with his duty to refer, or by taking positions different from the actual facts, shall thereupon build advice which the Governor may not consider to be consistent with his duty to follow, and the Committee after being so informed, shall claim to have that advice entered upon public Record; the Governor can by no means consider himself blameable, if in any such instances, they should become lessened in the public esteem: However sorry he may be (and sorry he really is) that it should so happen.

Whatever Justification the Governor's conduct might in general receive, from its being founded on the advice of the Council, it could receive no degree of justification therefrom, in cases where from the Governor's own Knowledge of the actual state of facts, he should find that advice to be founded on a mistake. It is the Governor's duty to examine, as far as he may be able, into the actual state of facts; upon which the advice he receives may be founded: were it his duty (as the Committee would seem to imply) to follow the advice of the Council without any consideration on his own part, the Governor would be merely a Man of Straw: this he would wish the Committee to believe, is by no means the case.

⁵⁴ Voir chapitre III, p.104, lettre du 1er août 1798:407, Prescott à Portland: "But my Duty to His Majesty would not allow me to suffer His Royal Commands to be disobeyed."

The Governor cannot suppose it possible that the Committee would really believe that the Statements made in the Report new on the table in support of the position on which the Report of the 20th June last was founded, could contribute in any the smallest degree towards supporting that position: the Statements likewise made by the Committee in regard to the number of Applicants comprehended in the Returns of the Commissioners in pursuance of the notification from the Council Office of the 17th of January 1795, their statement respecting the Quantity of ungranted Lands on the South side of the River St. Lawrence, and many other parts of the Report now on the table, do not seem totally, so exactly with that attention and regard which the Committee are pleased to express for the honor and Interest of His Majesty's Government, and that zeal which they are pleased to express for the credit of the Governor's administration as might be wished. However justifiable such statements might from custom be considered, when made by professional Gentlemen in support of a bad cause between parties at law; they do not seem to be altogether so, from a Committee of His Majesty's Council, whose Duty it is to advise the Governor according to the best of their abilities, for the interest and honor of His Majesty's Government. If the Committee did not really know before hand, how the truth in those cases actually stood, they had not the smallest occasion to mention them, as they did not appertain to the point in question.

If the Committee felt disposed to say anything thereon, for the purpose of giving the Governor real information; any one of the members might, in a very few minutes, have satisfied himself so far, as to be sufficiently convinced that those statements were entirely erroneous.

The Committee complain that no Governor of this Province had heretofore paid so little regard to the advice of the Council, as was paid to the Report of the Committee of the 20th of June last. This the Governor conceives may be very true; But the Governor believes it to be equally true, that no Council ever before built their advice upon so great an Error, in regard to actual facts; these circumstances therefore balance one another.

Any disesteem which the Committee may labour under on that account, is yet retrievable and the Governor would willingly hope that it might be retrieved. It would be retrieved at once by acknowledging (what every body knows to be the truth) that the Report of the 20th June last was founded on a mistake; and by

giving a cheerful assistance in carrying His Majesty's Gracious Regulations into Execution.

It is infinitely more honorable in every station of life to acknowledge an Error (all men being at times liable thereto) than to endeavour to defend it: Should the Governor at any time fall into a similar error, he would only desire the same means of retrieving it.

If the Committee shall choose to do this, all will yet be well: But if, on the contrary, they shall persist in endeavouring to support one error by running into another, the Governor will not consider himself blameable for any disesteem to which they may thereby be reduced; nor will he in that case hold himself answerable that such errors may not become exposed to the world.⁵⁵

Décidément, l'opposition entre le gouverneur et le Conseil prenait de nouvelles dimensions:

This aroused further opposition from the council and changed the issue from the land question, on which the governor seemed safe, to a more doubtful constitutional question of the right of the governor to control the entry of minutes of council.⁵⁶

Prescott s'appuyait sur les faits; les membres du Conseil voyaient leur réputation dangereusement compromise.

Prescott était bien conscient de la fermeté de ses observations mais il avait ses raisons:

I was willing...to suppose, apparently at least, that the misrepresentations in their Report of the 20th of June were owing merely to mistake; and my observations on that Report contained in the Minutes of 9th of July were therefore mild: But on receiving their Report of the 9th of August (which they kept back till the 16th during which time the Fleet for England had left the Port) I thought it my Duty to

55 APC, Q.81-1:173-178, Remarques du gouverneur...

56 Shortt & Doughty, Canada and its provinces, 3, British Dominions I, 1913, p. 155.

show, with a degree of Firmness, my disapprobation at their Endeavours to mislead me by such Misrepresentations: My Remarks on that Report therefore contain in some degree a Reprehension of such proceedings. I cannot but hope that my Conduct therein will meet His Majesty's Gracious Approbation.⁵⁷

Quelle ne fut pas leur stupéfaction lorsqu'ils constatèrent, au cours du mois de septembre, que les procès-verbaux des assemblées du 11 juin et du 9 juillet avaient paru en brochure.⁵⁸ Après avoir essuyé un dur coup, à la suite des remarques sévères de Prescott à leur endroit, on imagine facilement sur quel ton ils lui adressèrent leurs mémoires du 22 et du 29 septembre. Accusés, disaient-ils,

of dissimulation & Falsehood the first impulse of the Undersigned was, that if their conduct, be such as to render them even justly suspected of this heavy charge, they were unworthy to sit at His Majesty's Council Board- and that it would become then to withhold their attendance till this Imputation be moved; but as they have a Duty to discharge to their Sovereign, they are willing to sacrifice their personal feelings to their public Trust; though

57 APC, Q.81-1:45-46, Prescott à Portland, Québec, 23 octobre 1798.

58 I. Caron, *op. cit.*, p. 128. De plus, APC, Q.81-1:47-48, Prescott à Portland, Québec, 23 octobre 1798: "The Proceedings of the 11 of June and 9th of July have been printed by some of the Applicants: the Effect has been, that the honor and good Faith of His Majesty's Government, which... was become nearly extinguished in this Province, is now again beginning to be restored. I have the honor to enclose a couple of the Printed Copies herewith; from the Preface of which, Your Grace will observe, that the Editor was actuated at least in part, by a desire of rendering Respect and Gratitude to His Majesty and His Ministers."

at the same time they solemnly assure Your Excellency, that should these unfounded Imputations be repeated, they will have immediate recourse to His Majesty for Protection.⁵⁹

Le différend entre le gouverneur et son Conseil entrainait dans sa phase décisive. A la suite des mémoires du Conseil qui à la longue pouvaient faire une mauvaise impression sur Portland, Prescott ne voyait pas d'autre alternative que celle de s'expliquer. Déjà inquiet de l'état d'esprit des Canadiens à la suite de cette propagande des émissaires français, Prescott restait convaincu que la manière irrationnelle, avec laquelle le Conseil avait réglé la question des terres, diminuait d'autant l'appui de ces personnes en cas d'une attaque de l'extérieur.

We might indeed [ere] now have been in a much more respectable and secure state in this respect, if the Business of settling the Waste Lands of the Crown with His Majesty's Old Subjects from the late Colonies, under His Majesty's Royal Instructions of September 1791, had been conducted in any rational manner.

But the private View of some of the Council for monopolizing the Land to themselves and a few other Persons connected with them, (as sufficiently appears from the Inclosures I had the Honor of transmitting to Your Grace in my Dispatch marked separate and private of the 13th of August last, and from the General Tenor of their late conduct) have hitherto deprived the Province of the strength and security that might have been derived from that source; which is in Truth the only considerable source, on which the security and Prosperity of this Province can have to depend, beyond the Protection of the Regular Troops that may be stationed here.

⁵⁹ APC, Q.81-1:332, Mémoire du Conseil exécutif, Québec, 29 septembre 1798.

These considerations lead me to say a word or Two respecting the Reasons which induced me to submit to Your Grace, that Place for the future Disposal of the Waste Lands, which was contained in my Dispatch no. 67 of the 16th of December last.- But before I proceed to state those Reasons, I must request Your Grace will do me the Honor to believe that my motive herein is by no means to put my judgment or Opinion in competition with those of Your Grace, to which I shall always consider it my Duty faithfully to adhere; but merely to them that in submitting that Place to Your Grace's consideration, I was actuated by the most perfect purity of Intention from a Contemplation of what appeared to me to be for the real Interest and security of His Majesty's Government, as well as the Prosperity of the Province; which I cannot doubt, will be accepted by Your Grace, as an effectual excuse, for any error that may have happened in my Judgment therein.

It has long appeared to me that one of the most essential things to be aimed at for the security of His Majesty's Government in this Country, would be, to obtain in as easy and expeditious a manner as the nature to the case might reasonably admit, by the settlement of the Waste Lands, a respectable Militia of Yeomanry, that might (as well from Interest as Inclination) be depended on in case of need; which I have long seen, is not to be expected from the Canadians; and in the contemplation of this Important Object, It the more clearly appeared to me, the more I considered it, that this, and the further important object heretofore recommended by Your Grace of raising by the future disposal of the Waste Lands, a Fund to be appropriated by His Majesty toward defraying the Civil Expenditures of the Province, might, by a well contrived Place, be combined and united together as perfectly and as effectually as if the two objects were in reality but one.- In every Part of the Plan therefore, which I took the Liberty of submitting to Your Grace's consideration, the combining and uniting of these two important objects, was a material Part of my Intentions and Endeavours.⁶⁰

De plus, Prescott expliquait comment les règlements adoucis

⁶⁰ APC, Q.81-1:27-30, Prescott à Portland, Québec, 1er octobre 1798.

à l'endroit des Loyalistes n'avaient été suggérés que par la considération à laquelle ils avaient droit.

Another circumstance likewise contributed, in addition to the above considerations, to induce me to suggest to Your Grace's Consideration, the Extending of the Grants upon Half Fees to those who had served or suffered by their attachment to Great Britain, during the late Revolution in the Colonies, and who (from the delays and difficulties which took place in the issuing of the Grants) had been prevented from obtaining Lands as they otherwise might have done.

At the time I had the Honor of suggesting that measure, it was understood to be in contemplation in the American States to give a further extension of the Bounty of their adherent to the Congress during the revolution. An Act for this purpose has since been passed by the Congress, a Copy of which I have the Honor to enclose herewith.

It had long been a matter of complaint made use of to the discredit of the British Government in this Province, that the People who had suffered in consequence of their attachment to Great Britain during the late revolution (particularly those who were so circumstanced as to be unable to bring forward the Proofs of their Losses within the Time limited, of which there were a considerable number) were neglected and forgotten, while the cases of those who had taken the opposite side, were duly and reasonably attended to, by the Government to which they had adhered; and as the manner in which the Land business had been conducted in ~~this~~ Province furnished but too much Reason for such unpleasant Reflections it appeared to me that the removal thereof would tend greatly to the Interest (as well as the Honor) of His Majesty's Government in this Country.⁶¹

Devenu plus familier avec la situation qui avait prévalu dans la province concernant la question des terres, Prescott suggérerait à Portland une nouvelle politique quant à la vente des terres.

⁶¹ APC, Q.81-1:30-32, Prescott à Portland, Québec, 1er octobre 1798.

When I first took the Liberty of submitting to Your Grace's consideration the propriety of disposing of the Waste Lands by sale, the mode of Proceeding which I then had in view, in case it should be approved of by Your Grace, was, - To receive the Proposals of the Parties in writing, and to declare the Person so making the highest offer, to be the Purchaser: as mentioned in Your Grace's Dispatch, no. 18 of the 8th of June last. But on considering the subject further, in a Practical Point of View, it appeared to me, that although that mode would be exceedingly applicable in cases where there might be only one, or a few Objects or allotments to be disposed of or in cases where the Commodity to be disposed of, in different Allotments, might be of the same Value, Quantity for Quantity; yet, as it happened in the present case that the objects or allotments to be disposed of would be numerous, and that the value would depend on the Quality of the Allotments which would seldom be alike; I thought it my Duty to consider the matter more fully, previous to my taking the Liberty of proposing the mode for proceeding therein.

In the course of my Considerations...it appeared to me to be essentially necessary, as well for the purpose of obtaining a Reasonable Price for the Land, as for the speedy Settlement and Prosperity of the Province, that Actual Farmers who can be Purchasers only of a single Allotment should always have it in their Power to become immediate Candidates for a second Allotment, in case the first which they might bid for should be disposed of to other Persons.- Without this, it appeared to me, that the Actual Farmers, whose abilities extend only to the Purchase of one single Allotment, must be in a great measure shut out; and, that Speculators and Land Jobbers, who would naturally be Candidates (either in their own or in borrowed names) for a great number of Allotments, would of course be, for most part, the actual Purchasers; in which case, the important object of encreasing the strength and security of the Province by a respectable and well disposed Militia of Yeomanry would unavoidably be retarded for very many years: For Experience has always shown, in Two or the Three Townships that have been granted, (and particularly in that one which was granted in February 1796) in which the greater part of the Land is owned by Persons who are not Farmers by Professions, and do not intend to reside personally thereon, that Persons of that Description are not inclined to dispose of the Lands to Settlers, without exacting such extravagant Terms, as create almost an invincible Bar to the

speedy settlement of the Country.

It was therefore with a View to enable actual Farmers, who can be Purchasers only of a single Allotment to become immediate Candidates for a second Allotment, in case the first they bid for should be disposed of to others, that I altered my first opinion of receiving the offers in writing, which appeared to me not to afford them an opportunity of so doing and submitted to Your Grace the Plan of conducting the Sales openly and publicly by commissioners, whereby the opportunity of their so doing; might be afforded to them in the fullest extent.⁶²

On peut affirmer, dès lors, que "Prescott was not merely a destructive critic, he was also a constructive thinker."⁶³

Néanmoins, Macdonald ajoute qu'une telle solution s'avérerait impossible en pratique:

Prescott favoured the principle of sale as being the most rational method of disposing of waste lands; he favoured a higher fee because it would defeat the speculator, secure an assured revenue for public improvements, encourage the progressive development of the country, and introduce a better type of settler. He was correct in theory but hopelessly wrong in practice.⁶⁴

En effet, il aurait à faire face à un groupe dont les vues tranchaient avec les siennes.

Et dans une autre lettre, il répondait par un long exposé. aux dissentiments du Conseil à son endroit à la suite de ses remarques faites à propos de leur rapport du 9 août:

Had their Misrepresentations been really owing to unintentional Mistakes to which all men at times

⁶² APC, Q.81-1:33-36, Prescott à Portland, Québec, 1er octobre 1798.

⁶³ N. Macdonald, op. cit., p. 83.

⁶⁴ N. Macdonald, op.cit., p. 215.

may be liable; no man would be more readily disposed to make allowances for them than myself: But on Examination it will be found that their Mis-statements were not owing to unintentional Mistakes; but were, on the contrary, clearly intended (on the part of some of the members at least, although I would not suppose all,) for the purpose of misleading; to answer the private views and Designs mentioned in my Letter to Your Grace marked Separate and Private of the 13th of August last.⁶⁵

Tout d'abord, il s'en prenait à Osgoode, puis aux autres membres du Conseil qui avaient été visés par ses remarques.

The Gentlemen who drew up the Address (The Chief Justice) is desirous of having it supposed that I put my Observations on the Report of the 9th of August in what he calls "the Desultory shape of Remarks" for the purpose of introducing Insinuation, Personal allusion, menace and direct Imputation." In this he labors under a great mistake: The Truth is, that (notwithstanding the manner in which the Reports, both of the 20th of June and 9th of August, were penned) I was actuated purely by a desire of pointing out to the Committee (with some degree of firmness indeed) the mistakes into which they had fallen; and by a desire of affording them an opportunity of correcting those Mistakes, and preventing them from being generally exposed. I cannot discover any "Insinuation" or "Allusion" which any of the Members of the Committee were under a necessity of applying to themselves: Those of the members who so applied them, must, I should conceive, have been thereunto led, either by their own Consciousness of such Applicability; or by the Interpretation of others to whom such Application might be just. Menace, there is certainly none; at least I cannot discover any; nor was any intended.

The Matters of Fact stated in the Remarks, do unquestionably amount, either directly or impliedly, to a charge, that the Committee were not so conversant with the actual state of facts, as their Situation and duty rendered it necessary they should be. But none of the Members of the Committee would have found any necessity of considering themselves as

⁶⁵ APC, Q.81-1:278, Prescott à Portland, Québec, 23 octobre 1798.

being thereby charged with wilful Mistakes, if they had not been assisted by their own Consciences in construing the Remarks, or aided by the Interpretations of others who felt that conciousness.⁶⁶

Prescott désirait apporter de nouvelles preuves quant au nombre de 550 qui, d'après Osgoode, s'étaient conformés à l'avis de janvier 1795.

In order to clear up this point, I thought it right (on account of the Chief Justices frequent Departures from actual Fact) to enquire into the Particulars: And I have the honor to enclose herewith an Affidavit of the Clerk, from the Tenth Article of which it appears, that the Chairman of the Committee refused to receive the Information offered him relative to the Point in Question, to wit, the number of Applicants that had obeyed the notices prior to the First of August 1795; and insisted on having the number that had taken the Oaths prior to that period, in the stead thereof; It is also evident, from the manner in which the 9th Section of the Report of the Committee is penned, that the Person who drew it up (the Chief Justice) endeavoured to confound the circumstance of obeying the notices, which required only the giving in the Lists of the names of the Applicants, with the circumstances of taking the Oaths, which (as will appear by the Notices themselves, Copies of which are herewith enclosed) the Applicants were not allowed to do, until further directions should be received by the Commissioners from the Council Office, after the Lists had been transmitted thither.

The Mis-statement therefore from which the members of the Committee desire in their Address "to stand acquitted" was evidently Intentional on the part of the Chief Justice: The other members do not appear to have examined into it at all, or else they might have seen at once that the Document referred to...which is said in the Address to be "the Regular Document to justify the Committee" is foreign from the point.⁶⁷

⁶⁶ APC, Q.81-1:279-280, Prescott à Portland, Québec, 23 octobre 1798.

⁶⁷ APC, Q.81-1:282-283, Prescott à Portland, Québec, 23 octobre 1798.

De plus, Prescott voudrait bien expliciter à Portland son affirmation à savoir que "la foi du gouvernement était devenue aussi proverbiale que la Foi Carthaginoise", affirmation vivement révoquée dans l'adresse des membres du Conseil.

The members of the Committee are desirous of excusing themselves, under a pretence of their apprehending danger from the Admission of People from the late Colonies: But the conduct of the leading members in sending into those Countries to get Associates who would resign all but Two hundred Acres apiece to the intended monopolists (as appears from the papers I had honor of enclosing to Your Grace in my Letter marked Separate and Private of the 13th August last) fully evinces that that pretence is altogether falacious, and that they did not entertain any such apprehensions. The simple Truth is (and the Council Books sufficiently show it) that the object which has been in contemplation by the leading and active members, since the period they speak of, has been, to supplant the former Applicants, and to get the Lands in monopoly to certain Persons, who had no other Intention than that of making money by the future disposal thereof, without putting themselves to any Trouble or expence for the Settlement or Cultivation of them.⁶⁸

Bref, le gouverneur laissait entendre à Portland que le Conseil exécutif s'obstinait à ne pas reconnaître les faits et qu'en agissant ainsi, il compromettait l'avenir du gouvernement.

Déjà le 11 octobre, Portland avait servi un avertissement solennel à Prescott. En termes non équivoques, le Secrétaire des Colonies affirmait qu'une telle opposition entre le gouverneur et son Conseil était néfaste et que rien

⁶⁸ APC, Q.81-1:293-294, Prescott à Portland, Québec, 23 octobre 1798.

ne tendait davantage à diminuer le respect que l'on devait avoir pour le gouvernement de Sa Majesté.⁶⁹ Portland se disait déçu de la façon avec laquelle le gouverneur s'était comporté dans cette question:

I was fully aware that there must be circumstances of a mere local nature for which I could not be prepared, and which my situation could not enable me altogether to guard against, but the confidence I placed in your observation and experience and the Assistance which I knew you could derive from the knowledge and abilities of Your Executive Council, left me in no doubt of every such omission being effectually rectified, and therefore it is with the greatest concern I observe, that you have not laid before the Council complete copies of the correspondence contained in your letter no. 65, and so much of mine no. 15 with its inclosures, as was an answer to it, by which means that Board would have been clearly and distinctly apprized of the regulations proposed for my consideration, and of my observations upon them, than by any general statement you could possibly make either of the one or the other, and would consequently have been able to have formed a more correct and better view of the whole design, and to have judged whether the errors were such, as their local knowledge and experience would have suggested a Remedy to, without departing from the general principle which forms the Basis of the Regulations.⁷⁰

Tout en reprenant les points sur lesquels il avait apporté déjà des précisions lors de sa lettre du 7 février,⁷¹

Portland le priait de réunir le comité du Conseil une fois

⁶⁹ APC, Q.80-2:423, Portland à Prescott, Whitehall, 11 octobre 1798.

⁷⁰ APC, Q.80-2:424-425, Portland à Prescott, Whitehall, 11 octobre 1798.

⁷¹ Il s'agit de la lettre où Portland faisait ses commentaires sur les règlements proposés par Prescott.

par semaine afin de régler le plus tôt possible les questions pendantes.⁷² En terminant, il lui demandait de soumettre à la considération du Conseil tous les documents concernant la question de la vente des terres.⁷³

Dans une autre lettre, celle-là privée et confidentielle, en date du 11 octobre 1798, Portland faisait appel au bon sens, à l'intégrité, au zèle du gouverneur et le priait de faire tout en son pouvoir pour que l'unité soit rétablie entre lui et son Conseil.⁷⁴ De plus, Portland insistait pour qu'il regagne la collaboration du juge en chef Osgoode qui avait, lui aussi, ses défauts comme les autres hommes. De toute évidence, Portland possédait une très haute estime pour cet homme dont il louait le caractère. Ces deux lettres étaient bien claires. Elles révélaient à qui il offrait son appui. Toutefois, Prescott ne devait les recevoir qu'en mars 1799 alors que tout espoir d'entente était déjà illusoire.

En effet, au cours des cinq mois à venir, le différend allait s'envenimer à un point tel qu'il ne resterait pas d'autre moyen de régler la difficulté que celui de donner un

⁷² APC, Q.80-2:425-430, Portland à Prescott, Whitehall, 11 octobre 1798.

⁷³ Ibid., p. 434.

⁷⁴ APC, Q.80-2:435-437, Portland à Prescott, Whitehall, 11 octobre 1798.

nouveau gouverneur au Conseil ou un nouveau Conseil au gouverneur. Sinon, le gouvernement de la province serait bientôt réduit à l'impuissance.

Tout d'abord, Prescott s'en prit à nouveau au juge en chef, William Osgoode. Une fois de plus, ce dernier avait refusé d'agréer à la demande du gouverneur en faisant insérer dans le registre des procès-verbaux du 20 septembre 1798 le rapport du Conseil en date du 9 août de même que les remarques que Prescott avait jugé à propos de faire sur ce rapport.

I was desirous... that their Misrepresentations should not be exposed: And I herefore proposed, as Your Grace will observe in the Minute of the 20th of September, that their Report and my Remarks thereon should not be Entered on the Records, but put on a Special File, to be open only to the Inspection of the Governor, and the members of the Council: But the Chief Justice again with his former Petulance, advised in the name of the Board, that they should be entered (with a desire nevertheless that they might not be open) notwithstanding my previously declared Resolution to perceive sacred and inviolate, the standing order for the Records to be open for the Information and Satisfaction of the Parties concerned, conformably to the Spirit and meaning of His Majesty's Royal Instructions. The late Proceedings are therefore open to Inspection, and the Council have thereby thrown an addition of the Public Esteem upon my Conduct, and an addition of Disesteem upon their own, in the minds of all that have seen the Proceedings.⁷⁵

Et devant la proposition qui venait de lui être faite d'imprimer les délibérations du 20 septembre, Prescott adopterait une attitude plutôt neutre:

⁷⁵ APC, Q.81-1:46-47, Prescott à Portland, Québec, 23 octobre 1798.

Of my hearing of it, I expressed a degree of Disapprobation, as far as I considered it to be consistent with my not actually interfering with the just Rights, and Privileges of His Majesty's Subjects, or the acknowledged Liberty of the Press. My objection to its being printed, was founded on the same principle as my objection to its being Recorded. vizt- A wish that the Misrepresentations of which the Council had been guilty might not be exposed: The Probability however is, that it will go on, for if one Person does not print it, Another will. There will however, at the Worst, be this Consolation, that although the Conduct of the Council may be viewed with disesteem (which their Misrepresentations unquestionably merit) the Honor and Good Faith of His Majesty and His Ministers will be viewed, by the Public at large, with the most sacred Respect and Veneration.⁷⁶

De fait, une nouvelle brochure, contenant les procès-verbaux de l'assemblée du 20 septembre, parut vers la fin d'octobre, à la surprise des membres du Conseil. Pendant que Prescott s'évertuait à fournir au ministre de nouveaux documents concernant la bonne foi des colons désireux de s'établir,⁷⁷ le Conseil était actif. Indignés, certains membres, dont Osgoode, adressaient au duc de Portland un mémoire⁷⁸ dans lequel ils disaient que les procès-verbaux, tels que publiés dans la brochure parue récemment, n'étaient pas conformes aux documents originaux. De plus, ils avaient constaté que leur mémoire du 22 septembre, en réponse aux remarques du gouverneur

⁷⁶ APC, Q.81-1:48-49, Prescott à Portland, Québec, 23 octobre 1798.

⁷⁷ Ibid., p. 50-51.

⁷⁸ APC, Q.81-2: 522-526, Mémoire adressé au duc de Portland par les membres du Conseil, Québec, 27 octobre 1798.

Prescott n'y était pas inclus et qu'à la place, avait paru un passage erroné. A la séance du 22 décembre, Osgoode proposait que le mémoire omis (celui du 22 septembre) soit inséré par écrit dans les procès-verbaux. Prescott expliqua, alors, qu'il n'avait pas jugé la pièce importante, d'autant plus qu'elle n'était pas rédigée de manière à ce que tout membre du Conseil désire qu'elle soit consignée dans les registres.⁷⁹ Néanmoins, il était consentant à se rendre à leur désir, pourvu que ses motifs, expliquant l'omission du mémoire, soient aussi inscrits. Ce qui fut ordonné sur motion des membres du Conseil. Mais à la séance du 5 janvier 1799, Osgoode revenait à la charge "declaiming on the uprightness and Integrity of the council, and exclaiming against some parts of the memorials that were entered, as attacking the moral characters of all the members of the Board."⁸⁰ Alors que le gouverneur, en réponse, proposait de rayer des procès-verbaux les parties qui déplaisaient aux membres, ceux-ci s'y objectèrent.⁸¹ Prescott, à son tour, s'objecta à sa propre motion et ordonna que le tout fût

79 APC, Q.82:68, Procès-verbal du 22 décembre 1798.

80 APC, Q.82:57, Prescott à Portland, Québec, 8 janvier 1799.

81 Ibid., p. 58.

conservé dans les dossiers spéciaux jusqu'à nouvel ordre.⁸²
 En expliquant en détail ce qui s'était passé dans les séances du 22 décembre et du 5 janvier, Prescott admettait ne rien comprendre à l'attitude du juge en chef.

The Chief Justice's Opinions and Representations are at different times so contradictory, that no dependence can be placed on them.

He was one of the first Persons who informed me shortly after my arrival in 1796 that I should meet with more difficulty in the Land Business than I was aware of, for that the greater part of the Acting Members of the Council were Land Jobbers:

But he now persuades the different members that General observation respecting the manner in which the Land Business has been conducted, ought to be considered as an attack on the moral characters of all the several members of the Board individually, and that they therefore ought to make it a common cause.⁸³

Il en profitait, de plus, pour porter un jugement sur d'autres membres du Conseil, dont le lord évêque, Mountain.

And I am particularly sorry that the Lord Bishop should have been prevailed upon a Misrepresentation to think it possible, even for a moment, that his Uprightness or Integrity of Heart had ever been in any the remotest Degree doubted of; or that his acquiescence in any of the measures that were not strictly just, had proceeded from any other cause than that the Facts were as they were stated to be, without actually examining whether they were so or not.

It appears pretty clear from the Documents I had the honor of transmitting to Your Grace in my Dispatches above mentioned, that the Information which the Chief Justice heretofore gave me, "That the

⁸² Il semble bien que les membres du Conseil aient voulu que l'ensemble des remarques de Prescott soient retirées des registres.

⁸³ APC, Q.82:59, Prescott à Portland, Québec, 8 janvier 1799.

greater part of the Acting members of the Council were Land Jobbers." - was but too true: But notwithstanding this Truth I am fully persuaded that had he not afterwards put himself at their Head there would have been no opposition worth mentioning.

Mr. Young might perhaps have offered a word or two, but nothing of any consequence.

Mr. Finlay, the Chairman of the Land Committee (the Impropriety of whose Conduct is more conspicuous than that of any other member of the Board,) has expressly declared to an acquaintance of his, who informed me of it, that he wished most sincerely, that the Regulations had been carried into execution at once: but the Chief Justice has so contrived the Coalition, that there is little probability of its breaking while he remains here.⁸⁴

Le 4 février, Prescott annonçait à Portland les intentions du juge en chef de former un parti à l'Assemblée.

Since writing the above I have received Information that some of the Gentlemen of the Council (and particularly the Chief Justice) are endeavouring to raise a party among the members of the House of Assembly, and to excite an opposition in that House at the ensuing meeting of the Legislature.

One of my Informants is a member of the Executive Council who has left the Chief Justices Party.

I have not learnt the particular objects to which such opposition is intended to be directed, but whatever they may be, I shall endeavour to be prepared. I should not be surprised if it should turn out to be a scheme on the part of certain Speculators for endeavouring to abridge His Majesty's Royal Prerogative in regard to the Disposal of the Waste Lands.

Were the disposal of the Waste Lands to be placed in the Legislature. composed as the Legislature is, the intended monopolists would probably find but little Difficulty in carrying their Designs into Effect.⁸⁵

⁸⁴ APC, Q.81:60-61, Prescott à Portland, Québec, 8 janvier 1799.

⁸⁵ APC, Q.82:133-134, Prescott à Portland, Québec, 4 février 1799.

Décidément, Prescott semblait résolu à convaincre son ministre de la mauvaise opinion qu'il avait du juge en chef. Encore une fois, allait-il revenir sur le même sujet en lui apprenant que ce dernier avait fait une nouvelle tentative pour faire inscrire dans les registres sa motion du 5 janvier.⁸⁶ Toutefois, Prescott s'empressait de rassurer le ministre sur la situation "apparemment" tendue entre le gouverneur et son conseil:

I must not however omit to assure Your Grace that the Dangers which appear to have been apprehended in regard to His Majesty's Government here being reduced to a situation of an alarming nature (in consequence of the Difference of opinion between me and the Executive Council) were so far from being real, that there never was a time in which a greater Confidence, Respect, and Veneration was entertained towards His Majesty's Government in this Province than at present, and during the last eight months.⁸⁷

Mais il était trop tard. Portland avait déjà reçu suffisamment de lettres du gouverneur et de mémoires des membres du Conseil pour pouvoir prendre une décision. Le 10 avril 1799, il envoyait à Prescott la dépêche suivante:

It is with infinite concern I have observed from Your Letters and the Memorials, which I have received from the Executive Council of Lower Canada, that the differences and disputes which have unhappily arisen between you and that Body, instead of abating, continue daily to increase, and threaten to bring on such a state of things as cannot but be attended with the

⁸⁶ APC, Q.82:251-253, Le même au même, Québec, 27 mars 1799.

⁸⁷ APC, Q.82:262-263, Prescott à Portland, Québec, 2 avril 1799.

most dangerous consequences to the character and even to the Existence of His Majesty's Government, if suffered longer to prevail within the Province.

In order to guard against the possibility of so fatal an event, and to restore Harmony to the Executive part of the Government, and a due subordination throughout the Province, your return to this Country is judged to be of the utmost importance and I am therefore commanded to signify to you His Majesty's Pleasure, that you forthwith prepare with as little delay as possible to return to this Country that by a personal communication with you, His Majesty's Servants may be the better enabled to decide on the measures, which it may be necessary and urgent purposes.⁸⁸

Certes, était-il plus facile de rappeler un seul homme, ce qui n'empêchait pas Macdonald de conclure: "unity of counsel had to be maintained even at the price of wrong-doing."⁸⁹

Prescott crut bon, néanmoins de s'expliquer:

Although I am unable to form such a conjecture respecting the representations that may or may not be contained in the memorials which Your Grace mentions to have received from the members of the Executive Council; Yet, I cannot allow myself to suppose that the misrepresentations and untruths that were pointed out in their preceding statements and assertions, could fail of raising in Your Grace's mind, great doubts of the truth of their other Representations and I cannot but hope that my Letter no. 101 of the 2nd April and the enclosures therewith transmitted, will have shewn Your Grace before this Time, that their Representations respecting the state of the Province, upon which Your Grace's Dispatch no.27 appears to have been founded, were, like their preceding Representations, entirely repugnant to the actual state of Facts: Nor can I suffer myself to entertain a doubt, but such a regular, strict, and impartial Investigation and Enquiry, into my conduct, and that of my

⁸⁸ APC, Q.82:2-3, Portland à Prescott, Whitehall, 10 avril 1799.

⁸⁹ N. Macdonald, op.cit., p. 84.

Opponents, will, by the Justice of His Majesty and His Ministers, be accorded to me, as my long and faithful services entitle me to claim and to expect.

On such Investigation it will be found, that my Opponents (who I may truly say are exceedingly few in number) have, by their unparalleled conduct, lost all Respect and Confidence in the Public Estimation.

That the unshaken Uprightness of the Governor's Conduct is every where respected and revered:- And that a more general Contentment throughout the Province has never prevailed, since it has been annexed to His Majesty's Crown.⁹⁰

Si les adresses sont un témoignage auquel on puisse se fier, la popularité du gouverneur Prescott était assez étendue.⁹¹

La lettre de Portland lui avait appris, en outre, que son successeur était choisi et que le major général Hunter prendrait désormais le commandement des troupes avec le rang de lieutenant général. Ce dernier verrait agir le gouverneur pendant un mois encore et son jugement rapidement formulé à son sujet n'infirme en aucune façon la conduite de Prescott.

Je n'avais pas, écrit-il, l'honneur de connaître le général Prescott avant que je le visse ici; mais si j'avais à en juger sur sa manière d'agir depuis mon arrivée, et plus particulièrement sur ses procédés à

⁹⁰ APC, Q.82:372, Prescott à Portland, Québec, 25 juin 1799.

⁹¹ APC, Q.83:158-187: Voici le compte des signatures:

Québec.....	6,845.
Trois-Rivières.....	215.
Montréal.....	737.
Boucherville.....	49.
Sorel.....	82.
Autres.....	33.
Total	7,961.

l'égard du gouverneur Milnes, je n'hésiterais pas un instant à déclarer qu'il est fou.⁹²

D'où le mot de Macdonald: "To some he was the friend of the honest settler and the enemy of the mere speculator; to others he was a madman."⁹³ Mais l'auteur s'empresse d'ajouter: "But it was madness with method in it." Quant à Brymner, il ne craint pas d'affirmer que le "nombre considérable d'adresses relativement à la population...doit porter à examiner de plus près la nature des démêlés de Prescott avec son conseil pour s'assurer si les faits justifient le mot de Hunter sur l'état de son esprit."⁹⁴

A la suite de cette étude, nous pouvons affirmer de concert avec Macdonald que les méthodes de Prescott "may not have been diplomatic enough to solve amicably so difficult a problem, but he had the facts on his side, and his hands were clean, his intentions honest. He was impatient of the casuistry of unscrupulous land speculators, and more so when they were found within his own household."⁹⁵ Certes, Prescott aurait pu ignorer les problèmes qui se posaient dans ce domaine pour s'occuper plutôt de la concession des

92 APC, Q.286:494, Hunter à King, Québec, 23 juillet 1799, Traduction Brymner, *op. cit.*, p. XLIII.

93 N. Macdonald, *op.cit.*, p. 82.

94 Brymner, *op.cit.*, p. XLIV.

95 N. Macdonald, *op.cit.*, p. 82.

autres terres jusque-là vacantes. Il aurait pu laisser le Conseil exécutif s'occuper des griefs mis à l'avant par les pétitionnaires. Mais précisément, son honnêteté l'en empêchait. Il avait en mains des documents précieux dont il pouvait faire part à Portland. Et son devoir le poussait à proclamer la vérité devant tant d'injustices. Prescott n'ignorait certes pas qu'il s'engageait dès lors dans une pente abrupte mais le risque en valait la peine. Du moins, c'est ce qu'il conclut à la suite de sa décision d'entreprendre une lutte acerbe avec les membres du Conseil exécutif. Une prise de connaissance des documents⁹⁶ nous permet de conclure qu'il agissait de bonne foi. Cependant, l'affirmation de Shortt and Doughty reste très révélatrice: "The situation in 1799 made it necessary that someone should be recalled; greater justice would have been done and future trouble avoided had Osgoode and not Prescott been made the scape goat."⁹⁷

⁹⁶ APC, Q.82:366-367, Prescott à Milnes, Québec, 26 juin 1799. Prescott procure au nouveau gouverneur les documents auxquels il a rattaché de l'importance au cours de son administration; tous ont été largement exposés au cours des chapitres II et III.

⁹⁷ Shortt and Doughty, op.cit., p. 156.

CHAPITRE IV

LES VUES DE PRESCOTT SUR LES AUTRES PROBLEMES
DE LA POLITIQUE INTERIEURE DU CANADA

Les autres problèmes qui ont retenu l'attention de Prescott dans le domaine de la politique intérieure sont au nombre de trois. Il y a tout d'abord cette pétition des habitants de Montréal portant sur la destruction des fortifications de leur ville; il voudra que cette pétition suive son cours. Dans un autre domaine, il s'efforcera de mettre à exécution le projet de construction d'un palais de justice pour les villes de Montréal et de Québec. Enfin, il donnera de l'importance à la question des Affaires indiennes. Il s'agira de connaître les vues de Prescott en ces matières ce qui nous permettra de constater dans quelle mesure il s'en préoccupe.

1. Les fortifications de la ville de Montréal.

Le 31 août 1796, lors d'une séance du Conseil exécutif, Prescott fit part d'une pétition des habitants de Montréal au sujet de l'état des fortifications de la ville.¹

1 APC, Q.78:25, Procès-verbal du 31 août 1796.

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Considérant que ces fortifications n'étaient plus en mesure de servir du fait qu'elles tombaient en ruines, ces habitants demandaient qu'elles soient détruites. Leur désir était d'occuper le dit territoire dont ils se disaient les propriétaires vu que cet espace avait appartenu de droit à leurs ancêtres. La pétition fut soumise à l'étude d'un comité. Prescott, désireux de faciliter leur travail, remit aux membres de ce comité un plan de la ville et des fortifications de Montréal.²

Dans leur rapport du 22 octobre suivant, les membres du comité apprirent à Prescott que le gouvernement Dorchester avait jugé bon de ne pas réparer ces fortifications. En dernière analyse, ils approuvaient la pétition des gens de Montréal:

Since that period the city and suburbs of Montreal have not only increased in population and extent but from the great intercourse with the United States of America under the late Commercial Treaty, it is probable they will be more considerably augmented, it therefore becomes every day more expedient to remove those obstructions to the security, health and convenience of the Inhabitants complained of in their Petition which the committee

2 APC, Q.78: 25, Procès-verbal du 31 août 1796.

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humbly submit cannot be more effectually performed than by granting the prayer of their Petition in the manner hereinafter suggested.³

En effet, les membres du comité considéraient que ces terrains, achetés par le roi de France, étaient désormais la propriété de la Couronne anglaise. De plus, ils connaissaient les suggestions du capitaine Mann, ingénieur en chef sous l'administration Dorchester, relativement à la disposition future du terrain. D'où la décision finale transmise à Prescott lors de cette séance:

The Subject thus referred to the Committee involves a variety of considerations. First - the disposal of a part of the Property of the Crown- Secondly- the ascertainment of the revisionary rights of many individuals- And thirdly the Public interest and advantage as connected with the general improvement of the City of Montreal. These objects the committee are humbly of opinion cannot be effectually obtained without the interference of the Legislature. And for that purpose they presume to suggest that your Excellency should, by message to the two Houses, signify your intention of receiving His Majesty's pleasure on the subject of discontinuing the Fortification and of relinquishing part of the ground lately occupied for military purposes for the general advantage and improvement of the City, which will afford a mean for the Legislature to take a full consideration of the Subject and to prepare a Bill adequate to the purposes aforesaid.

All which is humbly submitted to your Excellency's wisdom.⁴

3 APC, Q.78: 44-45, Procès-verbal du 22 octobre 1796.

4 APC, Q.78: 46, Procès-verbal du 22 octobre 1796.

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Prescott se rendit aux désirs des membres en faisant connaître, à l'ouverture de la session, le 26 janvier 1797, la volonté de Whitehall sur ce sujet.

C'est avec satisfaction que je vous informe que Sa Majesté, toujours attentive à promouvoir le bien-être et la commodité de son Peuple, a bien voulu accéder aux Pétitions de ses bons Sujets de la ville de Montréal, touchant telles parties du terrain qui sont occupées par le mur de cette Cité, qui ne seront pas trouvées par les objets de Fortification ou autres ouvrages publics.⁵

Il se référait à la lettre de Dundas à Dorchester du 16 juillet 1793 où le Secrétaire des Colonies avait alors donné son appui à la proposition de ne pas réparer les fortifications de la ville.⁶ Aussi, dans sa lettre à Portland en date du 18 mars 1797, Prescott lui fit connaître le message qu'il avait l'intention de transmettre à la Chambre d'Assemblée et au Conseil législatif. Il lui expliqua, en outre, les raisons qui l'incitaient à seconder la requête des pétitionnaires.

I have now the Honor to enclose an Extract from the Council Minutes which contains a copy of the Message I shall send to both Houses on this subject, concerning which I beg leave to observe to your Grace, that it was judged the more expedient

5 Gazette de Québec, 26 janvier 1797.

6 APC, Q.78: 250, Prescott à Portland, Québec, 18 mars 1797.

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to bring the Relinquishment forward in this way, as well Interests involved in it, as because it was very well known that some Persons in the Assembly whose views were far from being upright, had calculated upon rendering it subservient to their own Purposes by introducing it as a matter for popular discussion.⁷

Décidément, Prescott craignait les gens avides de gains. Dès que le bill proposé serait adopté, Prescott n'aurait qu'un but: "I intend reserving it for His Majesty's Pleasure that every means may be taken for rendering it of real public benefit, and for securing it in the Rights and Interests of the Crown."⁸ Le message de Prescott se lisait comme suit:

His Majesty having been graciously pleased to signify his acquiescence to the Petition of his good subjects of the city of Montreal, praying to be permitted to repossess such part of the ground occupied by the Fortifications of that city as shall not be deemed necessary for military or other public purposes, the Lieutenant Governor feels great satisfaction on being authorized to communicate the King's pleasure to the Legislature council on that subject.

It having been suggested that the ground occupied by those Fortifications was taken up on condition the several Lots should revert to the original Proprietors or their Heirs or Representatives, when the same shall be found no longer necessary for public uses, and as adverse claims may possibly

⁷ APC, Q.78: 250, Prescott à Portland, Québec, 18 mars 1797.

⁸ Ibid.

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arise respecting such property, by which relinquishment thereof instead of being a public benefit according to His Majesty's Gracious intentions, may on giving occasions to ship and Litigation become a source of public detriment, the Lieutenant Governor recommends to the Legislative council to deliberate upon the adoption of some expeditious and effectual method of finally deciding all questions that may arise upon this subject.

As the present appears to be a suitable occasion for considering of such improvements, as may conduce to the Salubrity, convenience and embellishment of the Town, the Lieutenant Governor further recommends to the House the consideration of providing additional powers in case they should be found necessary for carrying these desirable objects into execution.

The Commanding Engineer will be desired to lay before the House a plan of the town and Fortifications as soon as the same can be prepared and to give to them the requisite information relative to the Reserves which it will be necessary to make on the part of the Crown for Public Uses.⁹

Portland lui donnerait son entier appui dans sa lettre du 13 juillet suivant:

Your Message to the Legislative Council and Assembly relative to the Petitions of the Inhabitants of Montreal, respecting the Fortifications of that City, is a measure perfectly judicious both in substance, and in the mode of bringing it forward. I must not omit such an opportunity as this of expressing the satisfaction it gives me to observe the ready & cordial assistance which His Majesty's Service derives from the abilities and exertions of the Chief Law Servants of the Crown.¹⁰

⁹ APC, Q. 79-2: 297-298, Message de Prescott aux deux Chambres, Québec, 21 mars 1797.

¹⁰ APC, Prescott Papers, I, 8: 50, Portland à Prescott, Whitehall, 13 juillet 1797.

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Même si le bill allait être reporté à la session suivante, Prescott fit parvenir à Portland l'ordonnance du 7 septembre 1726 se rapportant aux fortifications de Montréal:

An ordinance, of which I inclose a copy, has been found in the Provincial Secretary's Office, wherein it appears that the ground whereon the wall and Fortifications are erected, was purchased of the Inhabitants by the King of France, and should this prove to be the case the principal difficulties that were apprehended in the disposing thereof, will be removed. As nothing further can be done in this matter before the next Session, there will be full time for me to receive Your Grace's commands concerning it.¹¹

En réponse, le duc de Portland apportait une solution presque définitive au problème.

If it should be found that the ground, upon which the Walls & Fortifications at Montreal are erected, was originally purchased of the Inhabitants by the Crown of France, of which it should seem there can be little doubt from the Copy of the Ordinance you have transmitted to me, it is clear that it must of right belong to His Majesty; a Circumstance, as you properly observe, which removes the principal difficulties that were apprehended to exist in disposing of those Lands, but which in no way alters or lessens the Obligation you are under of being guided and directed by Mr. Secretary Dundas's letter of the 17th of July 1793, and of acting in precise conformity to the terms

¹¹ APC, Q. 80-1: 162-163, Prescott à Portland, Québec, 16 mai 1798.

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of your own Speech to the Legislature of the Province with respect to such parts of that Ground as shall not be deemed necessary for the purposes of Fortifications or other Public Uses.¹²

Le bill se rapportant à la destruction des fortifications fut approuvé au cours de la session qui prit fin le 3 juin 1799.¹³

Ainsi, Prescott réussit-il avec l'appui de son gouvernement et celui des autorités royales à satisfaire les habitants de Montréal.

2. Projet de construction de palais de justice et de prisons.

Le 15 avril 1797, Prescott fit part au duc de Portland des requêtes des juges et du grand jury, au sujet des palais de justice et des prisons des districts de Québec et de Montréal. Le gouverneur avait alors été mis au courant d'un sujet qui nécessitait une action prompte du gouvernement. En effet, le mémoire du juge en chef, William Osgoode, était précis.

¹² APC, Q.80-1: 183-184, Portland à Prescott, Whitehall, 1er août 1798.

¹³ APC, Q.82: 311, Prescott à Portland, Québec, 27 mai 1799.

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The Memorial of the Chief Justice and others...

Most respectfully sheweth

That the Place at present appointed for a Court House, and used for some years past for holding Pleas both Civil and criminal for the District of Quebec, is literally part of a Barrack, in which they are disturbed over head and on each side by Annoyances of various Descriptions so disgraceful to the Administration of Justice, that it would be unbecoming even to specify them.

That in Criminal Cases where Jurors have occasion to withdraw to deliberate on Questions affecting the Lives and their Fellow subjects, there is no Place allotted for them, and they are under the Necessity of retiring to a Room in a Common Alehouse.

That in consequence of repeated Charges from the Bench, it has been presented by several Grand Juries as a nuisance, but no effectual means have been suggested to procure a suitable [accomodation] for the administration of Justice.

That a Petition was laid before one of the Branches of the Legislature by the Inhabitants of the Town of Montreal stating a similar grievance and praying Redress, which has not been obtained for Reasons openly avowed, but which we are not at likely to repeat.

They therefore most respectfully request Your Excellency to take the Premises into Consideration and to afford such Remedy as in your Wisdom may seem met.

Signed,

Wm Osgoode

Thomas Dunn

I. Williams

P.A. De Bonne.¹⁴

Prescott reçut, de Montréal, un mémoire semblable en date du 10 avril 1797.

¹⁴ APC, Q.78: 305-306, Mémoire du Juge en chef du district de Québec.

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It is our Duty to hand to your Excellency a Presentment made by the grand jury which forcibly and truly represents the great inconvenience attending the administration of Justice, in this District, and which are sensibly experience in the Discharge of our duty. The insufficiency of a secure Place to deposit the Public Records, and a sufficient prison in this district, are objects of serious consideration to individuals and the good government of the Country, and we are sorry to add, that, since the last Resentment several Criminals have escaped from this Prison, at this time represented as an object of your Excellency's consideration.¹⁵

Il nous semble qu'à la suite de ces informations fort intéressantes de la part des juges, Prescott se devait d'agir immédiatement:

The Circumstances mentioned in these Papers, relative to the State of the Court Houses and Goals in the Two Districts, are such as render it unnecessary for me to enter more particularly into the Subject; but, under a full conviction that they are objects of the highest importance, and they merit the immediate attention of Government, I am desirous to receive Authority from Your Grace as early as possible, that measures may be taken for erecting the Buildings required both at Quebec and Montreal.¹⁶

Mais un autre problème, relatif à ce projet, existait toujours: celui du financement. Le revenu de la pro-

¹⁵ APC, Q.78: 307, Extrait d'une lettre du juge Monk, Montréal, 10 avril 1797.

¹⁶ APC, Prescott Papers, I,15: 117-118, Prescott à Portland, Québec, 15 avril 1797.

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vince s'était amélioré depuis 1795.¹⁷ Toutefois, le gouverneur devait faire preuve d'une compétence remarquable pour ne pas se servir du revenu provincial réservé à tant d'autres fins:

There is also another fund which I must not omit to mention, and which is generally considered here as peculiarly appropriate to the defraying the Expences of erecting Courts of Justice, and such other Public Buildings as the civil government of the Province may require: I mean the Quint payable upon Sales within the King's Domain. This Fine has not of late years been regularly exacted on the part of the Crown in Lower Canada, though all Lands held in Fief invariably continue to be brought and sold subject to the payment of it.¹⁸

Portland l'autorisa alors à satisfaire au bon vouloir des juges et du grand jury. Surtout, il approuvait l'idée de Prescott quant au financement du projet.

And I must add ...that His Majesty has great satisfaction in giving his countenance and sanction to whatever may tend the honour and welfare of the Province to increase the reverence and respect due to the Laws, and the general attachment of the People to the invaluable constitution, the Blessings of which they now participate in with the rest of His Majesty's Subjects.

¹⁷ APC, Prescott Papers, I,15: 117-118, Prescott à Portland, Québec, 15 avril 1797.

¹⁸ APC, Q.78: 302, Prescott à Portland, Québec, 15 avril 1797.

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I cannot conclude without expressing to you my Approbation of your intended mode of proceeding in regard to the Quint payable upon Sales within the King's Domaine & most sincerely congratulating you on the flourishing state of the Revenue.¹⁹

Le problème du financement étant résolu, il fallait maintenant élaborer les plans d'un tel projet. Prescott eut recours aux idées du colonel Mann, ingénieur en chef. Ainsi s'exprimait le greffier du Conseil:

Sir,

I have it in command from the Governor to inclose you a Copy of an address which was presented to His Excellency by the House of Assembly during the last Session of the Provincial Parliament, praying that he would be pleased to direct Plans and Estimates of Public Buildings or Halls for the sittings of the Courts of Justice in the cities of Quebec and Montreal to be prepared: I am also commanded to inclose you Copies of the Reports which have been made to His Excellency by the Chief Justices, and Puisne Judges of the Court of King's Bench relative to the nature and extent of such Public Building, and, as this Province is destitute of Professional Men in Civil Line, capable of preparing the Plans and Estimates required, His Excellency is under the necessity of troubling you for such Assistance as your Department can afford on this occasion.

I am to observe, that the Report of the Chief Justice of the Province, in conjunction with the Puisne Judges for the District of Quebec, is that upon which His Excellency would wish the Plans and Estimates to be principally founded, at the same time he thinks it highly proper that such reasonable latitude should be taken in preparing them, as may

¹⁹ APC, Q.78: 323, Portland à Prescott, Whitehall, 13 juillet 1797.

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appear best calculated to answer the ends proposed.²⁰

En prenant connaissance de ces plans, Prescott ne manqua pas de faire quelques remarques:

His Excellency thinks it advisable that such a Building only should be had in view as may effectual secure such Criminals or Debtors as shall be confined therein, affording at the same time a reasonable degree of [accomodation] to those descriptions of Persons, and the conveniences necessary for lodging the Goaler and his Family.²¹

Puis Prescott en informa les deux Chambres.

His Majesty has also been graciously pleased in his paternal regard for the welfare and Happiness of His faithful subjects in this Province to give His Royal Attention to the Representations that have been made relative to the Erection of proper Buildings for holding the Courts of Justice in the Districts of Quebec and Montreal, and to authorize the Governor to advance on the part of His Majesty the Sums, that shall be requisite for that purpose, to be replaced at such Time and in such manner as in the Wisdom of the Provincial Parliament may be found expedient.²²

En effet, l'Assemblée et le Conseil législatif approuvèrent.²³

Prescott, par son encouragement et son intérêt en la matière,

20 APC, Prescott Papers, I,9: 223-224, Ryland au colonel Mann, Québec, 15 janvier 1798.

21 APC, Prescott Papers, I,9: 264, Le même au même, Québec, 20 mars 1798.

22 APC, Q.82: 307, Discours de Prescott aux deux Chambres, 30 avril 1799.

23 APC, Q.82: 308-310, Réponse des deux Chambres.

permet la réalisation d'un projet important.

3. Les Affaires indiennes.

La question indienne retint passablement l'attention de Prescott. Une de ses préoccupations premières fut de mettre de l'ordre dans ce département. Tout d'abord, il lui fallait un agent-adjoint des Affaires indiennes pour le Bas-Canada. Soucieux de nommer un homme qui possédait les qualités requises pour occuper un tel poste, il arrêta son choix sur le major Bunbury:

This Gentleman is a long standing in the Army and has resided for a considerable time in the Upper Country where he acquired an intimate acquaintance with most of the Indian Chiefs to transact matters of much importance with them; on these, and many other accounts, he is particularly qualified for this appointment.²⁴

Alors que Peter Russell devenait chef du département des Affaires indiennes du Haut-Canada, Prescott voulut, tout en se soumettant à ses décisions, lui faire connaître ses vues. En lui apprenant la nouvelle de sa nomination, Prescott mentionna à Russell qu'il demeurerait "subject to the special orders of the Governor General of His Majesty's Province in

²⁴ APC, Q.77: 181, Prescott à Portland, Québec, 23 juillet 1796.

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North America."²⁵

A vrai dire, Prescott ne souhaitait que le bon fonctionnement des Affaires indiennes. Il s'en prit donc à l'inconduite de certains officiers du département. C'est avec une certaine fermeté qu'il édicta ses directives à Russell à leur sujet.

I am sorry to observe...that the Conduct of the officers of the Indian Department, has been actuated by very different motives, and that in some instances lately, their behaviour to the Officer Commanding has been highly improper, and even Insolent and Impertinent, when his duty has obliged him to insist on Orders and Regulations being complied with as appears more particularly stated in the Inclosures.

To put an end at once, to this very improper Conduct, and in order to correct the abuses which from causes unknown to me, have crept in among them, it is necessary you should inform the Deputy Superintendant General, (who in the absence of the Superintendant General is most undoubtedly at the head of the Indian Department, as far as the same related to Upper Canada) which I request you will do, that the Officers of the Indian Department at the several Posts are amenable to the Orders and directions of several Commanding Officers, in the same manner as the other Departments are, and that the Independent conduct they have lately arrogated to themselves shall instantly cease.

That the Instructions for the Government of the Indian Department remain in full force, and that all issues to Indians shall be exactly conformable thereto.

²⁵ APC, Prescott Papers, I,25: 28-29, Prescott à Russell, Québec, 26 avril 1797.

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That the Superintendent on the spot shall wait on the Commanding Officer, previous to any Presents being issued, and receive not only his approbation in writing of the quantities proper to be issued, but his orders also, for the hour of delivery, which delivery must be to the Indians personally present, in the presence of such Officers of the Garrison as he may think proper to send.

That, No Stores of any kind whatever, shall be lent, or exchanged with the Merchants--should Goods in any instance run short, other must be substituted of which there may be a greater plenty- and in the Requisitions are made out correct, there will be no necessity for Exchange and Traffick.

That such presents as the Indians make of Peltries, Sugar or other Articles, shall be delivered into the Deputy Commissary's charge, and reported annually by him, at such Period as may be judged most convenient that orders for the sale of them may be given, and the amount carried to account for the benefit of the Public, and not be converted to Private purposes.

That not a single yard of Ribbon or an ounce of Provisions shall be issued, without the Requisitions are previously approved by the Commanding Officer- and no Vouchers will be admitted as such on examination of the Deputy Commissary's and Storekeepers accounts, which are defective in this particular.²⁶

Ce n'était pas tout d' "instruire" Russell des règlements toujours en force concernant les Affaires indiennes. Prescott voulait également le renseigner au sujet de l'affaire McKee. Ce dernier était alors député surintendant du poste d'Amherstburg.

²⁶ APC, Prescott Papers, I, 25: 98-101, Prescott à Russell, Québec, 9 octobre 1797.

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I must also call your attention to Mr. McKee's situation; Officers holding Places of trust and responsibility with Salaries fully adequate, should attend personally to their duties, and not delegate the performance of them to persons who abuse their trust. I am certain if Mr. McKee resided at Amherstburg, instead of the Western extremity of the Province, all this improper and reprehensible conduct could not have happened.²⁷

Avant tout, Prescott tenait à assurer Russell de son entier appui:

I shall always be ready to afford you every support and advice in the management of the Indian concerns- and shall give such Special Orders for the Government of the Indian Department, as may benefit the service.

You will perceive that the Regulations above stated are calculated to frustrate improper speculations, with that view above I have made them, and I request you will Instruct those concerned to pay due obedience to them accordingly.

To the Indians I wish to be liberal, and they must be treated with proper attention. But I will insist upon it that every Article of Stores and Provisions required for them, shall be converted to their purposes bona fide, and to no other whatsoever.²⁸

Moins de deux mois plus tard, Prescott révéla ses inquiétudes à Russell au sujet de la mésentente de plus en plus évidente entre les officiers du département des Affaires indiennes et le capitaine McLean, commandant au poste d'Amherstburg.

²⁷ APC, Prescott Papers, I,25: 101, Prescott à Russell, Québec, 9 octobre 1797.

²⁸ Ibid., p. 102

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Captain McLean's conduct whilst conformable to orders must meet with my fullest approbation and support. His endeavours to correct the abuses in the issuing of Presents and Provisions are in obedience to my Orders- and as I am firmly determined that no King's Stores shall be issued, but upon such Vouchers and under these restrictions which the Regulations and orders for the good Government of the Indian Department establish, I can only refer you to these Regulations and my late Correspondence on the subject of Indian Affairs, to enable you to decide in the present instance.²⁹

Prescott pénétrait dans un domaine où des abus pouvaient facilement surgir. Résolu à ne pas encourir des dépenses qui ne seraient pas contrôlées, Prescott donna des directives bien précises.

I must add, that no Expences incurred by, or on account of the Indian Department will be paid, unless previously authorized by me, or such statement made as shall convince me of the real necessity to incur them.- The Public money entrusted to my care, I am answerable for, and it shall not be squandered away in unnecessary appointments, or for fanciful purposes, whilst I have the honor to Command.

From what is stated in the several Inclosures of your letter no. 34, I am well convinced the Duties of the Indian Department in Upper Canada would be carried on with more honor and Justice to the King's Interest, if some of the present Officers were dismissed from their situations.

The inclosed Extract from Capt. McLean's letters, will explain his motives for holding the Council at his house, without the participation of

²⁹ APC, Prescott Papers, I,25: 126-127, Prescott à Russell, Québec, 8 décembre 1797.

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the Officers of the Indian Department, of which they complain, and which are very different from those stated to you by Mr. Eliot.

In order to find out the number of Indians at the Chenail Ecarté settlement, Capt. McLean had been directed to furnish me with Exact Returns, each 24th June and 24th December...of the exact number of Men, Women and Children settled there at present; a return of the above nature Captain McLean required from Mr. Eliot the superintendant, who did not think proper to give it- consequently Captain McLean took such steps, as he judged best calculated to produce the information I had ordered- Why Mr. Eliot did not give it remains for him to explain- The result of Capt. McLean's enquiry is, that only One hundred and sixty seven Indians are actually at the Chenail Ecarté, altho' Mr. Eliot has the assurance to demand Provisions for Five hundred and forty three which Requisition Capt. McLean has very properly not complied with.³⁰

Dans une autre lettre à Russell, le 15 décembre suivant, Prescott fut encore plus explicite en parlant de la conduite de M. Elliot:

I now send you an Extract from Captain McLean's letter of 11th Nov. and Copies of a Correspondence between Mr. McKee and Capt. McLean, in consequence of the latter having discovered, that Mr. Eliot had imposed on him respecting the number of Indians on the Chenail Ecarté Settlement, by demanding "Provisions for Six Months for 543 Indians determined to remain there exclusive of occasional Visitors when their number actually amounted to no more than 67 Persons- the greater number of which, are since gone away to their hunting grounds.

Several attempts have been made from time to time by Mr. Eliot to draw Provisions profusely from the Stores, on account of Indians, but they have uniformly and with great propriety been resisted by

³⁰ APC, Prescott Papers, I, 25: 126-127, Prescott à Russell, Québec, 8 décembre 1797.

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Capt. McLean, which is the cause of the misunderstanding between them. Had Mr. Eliot, and the other Officers in the Indian department obeyed Orders and conformed to the Regulations nothing of the kind could possibly have happened.

Mr. Eliot's conduct for some time past, and in the above business more particularly, have been such, as to have considerably shaken the confidence, so very necessary to be reposed in Persons holding public Employments. I am therefore to request you will inform him that the appointment of Superintendent of Indians and Indians Affairs which he holds during my pleasure is forfeited, and that there is no further occasion for his Services in the before-mentioned Capacity.³¹

Il suggéra même qu'il soit démis de ses fonctions.³² De plus, il demanda à Russell d'obliger le capitaine McKee à retourner à son poste d'Amherstburg.³³

Ce qui irrita Prescott fut, de toute évidence, la façon dont s'étaient comportés les officiers du département des Affaires indiennes du Haut-Canada en apprenant que le responsable de cette province était Peter Russell.

His Majesty's late Instructions, which vests the management of the Indian Concerns in Upper Canada, in the Person administering the Government of that Province, was no sooner made known than the greatest Irregularities were attempted by the Officers of the Indian Department (who seem to think themselves relieved from all control,) and particularly by Mr. Eliot, in direct violation of the

³¹ APC, Russell Papers, 2: 43, Prescott à Russell, Québec, 15 décembre 1797.

³² Ibid., p. 43

³³ Ibid.

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Regulations established by Lord Dorchester, and which I have continued to enforce being convinced that they are highly judicious and necessary.³⁴

Le problème était bien réel à en juger par le rapport que soumit Prescott à Portland relativement aux abus commis dans la quantité des provisions envoyées aux Indiens.

I beg leave now to inclose a Return of provisions and Rum issued to the Indians at Amherstburg and Chenail Ecarté for Two Years ending the 24th of June 1798 by which Your Grace will perceive that in consequence of the Arrangements made for checking the Peculations in that Department, there has been an actual Saving to the Public within the last Twelve Months of no less than Twenty one thousand six Hundred and forty two Rations of Provisions- One thousand one hundred and ninety one Gallons & six pints of Rum- and Seven thousand two hundred and thirty eight Bushels of Indian Corn, amounting at the Quebec Prices to upwards of Three Thousand Pounds exclusive of the expence of Transport of the same from Quebec to Amherstburg; and yet, Captain McLean commanding there informs me that the Indians are not only perfectly satisfied, but that they have in reality received more this year than the last, unless it be in the article of Rum.³⁵

Il peut sembler étonnant que Prescott ait voulu porter une telle attention à la question. Mais il faut mentionner qu'il était vivement préoccupé par l'influence qu'exerçaient les émissaires français au Canada. Les Indiens influencés par

³⁴ APC, Prescott Papers, I,15: 207-208, Prescott à Portland, 27 décembre 1797.

³⁵ APC, Q.82: 8-9, Prescott à Portland, Québec, 13 novembre 1798.

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certaines attractions, pouvaient tout aussi bien s'opposer au gouvernement. D'où sa recommandation au surintendant général des Affaires indiennes, Sir John Johnson, qui succédait au capitaine McKee.

In the mean time I judge it indispensibly necessary for the good of His Majesty's Service, that you should repair without loss of time to Upper Canada, and there embrace things among the Indians, and by your Presence among them and good Council avert the impending mischief which tho' not of that magnitude, perhaps, apprehended by Mr. Russell, is yet of such a complexion, as to render your presence among them absolutely necessary.

I am therefore to desire that you will as soon as possible embrace the opportunity of the present favorable season for travelling, and proceed to York, the Seat of the Government of Upper Canada, for the purpose of consulting with the President upon the best mode for carrying the above intentions into effect- and from thence you will proceed to any other Point or Points of that Province, you may judge best calculated to assemble the Indians at.³⁶

Prescott s'empessa d'envoyer au capitaine McLean ses directives finales puisqu'il prévoyait quitter le Canada bientôt. Ainsi s'exprima-t-il à Russell:

Having received from Sir John Johnson a few days previous to the arrival of your letters now before me, Communication of the substance of the disagreements subsisting between Captain McLean and the Superintendent at Amherstburg, on the score of

³⁶ APC, Russell Papers, 3: 111, Prescott à Johnson, Québec, 18 février 1799.

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Issues of Provisions, to Indians resorting to that Post, I lost no time in writing to Captain McLean on the subject, and in a Letter of the 8th Instant ordered him to issue Presents and Provisions to the Indians in the manner customary at the Post previous to his Letter to Captain McKee on the 10th May last, and in conformity to the existing regulations.

I informed him also, that, whatever necessity there was under the Agency of the late Superintendent to correct the existing abuses in the Provision branch, it was never intended he should interfere, much less dictate to the present Agent, as to the mode or manner of conducting the business of the Department, as an assumption of such power must be productive of the worst consequences, adding, that he must not attempt it without your previous approbation, who, by the late regulations, conduct the Indian affairs of Upper Canada, as Administrator of the Government of that Province.

I hope, I need not assure you that under the circumstances of necessity for reforming the abuses at Amherstburg, in the Indian Department, I have uniformly directed the Officer in Command at that Post, to be liberal to the Indians and careful that the King's Interest in that respect should not suffer, in any instance from too parsimonious an Exercise of those Regulations, it was necessary to adopt at that Post.³⁷

En conclusion, Prescott fut attentif à la bonne marche du département des Affaires indiennes.

Dans un autre ordre d'idées, Prescott veillera à la sécurité des Indiens. Tout d'abord, il voulut s'assurer de leur fidélité:

His Excellency is fully sensible of the value of the former services, and faithful attachment,

³⁷ APC, Russell Papers, 3: 277-278, Prescott à Russell, Québec, 18 juillet 1799.

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of the Indians of the Five Nations, to the British Government, and feels himself much inclined towards them, and willing at all times to evince his readiness to administer to their wants and necessities.³⁸

Un autre motif consistait à leur garantir une sécurité bien méritée.

There are in this Province several Villages of Indians who subsist principally by hunting on the Waste Lands and in proportion as these Lands are granted the Indians will stand in need of an Addition to their usual Allowance from Government, untill they shall turn themselves to some other occupations to obtain subsistence.

Some Tribes are in possession of certain Tracts, adjacent to their Villages under special authority from the Crown and they have frequently solicited permission to grant Leases for the purpose of raising a Revenue upon them; were this permission to be given it is to be feared the Indians would derive but little advantage from it, as their Ignorance of our Laws and customs joined to their rage for Spirituous Liquors, would subject them to the most gross impositions, unless it could be stipulated that the Rents should be paid for their use into the Public Coffers; and even in this case the amount would be too trifling to afford them as essential benefit.

But it appears to me that a very adequate Fund might be raised in the way I have proposed, with satisfaction to all Parties; and without saddling Government with any additional Expense, whilst at the same time it would remove all Jealousy on the part of the Indians on account of the Lands being granted to which, it cannot be denied, they have the first & strongest claim.³⁹

³⁸ APC, Prescott Papers, II: 160, James Green à John Johnson, Québec, 12 décembre 1796.

³⁹ APC, Q. 78: 219-220, Prescott à Portland, Québec, 21 janvier 1797.

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Effectivement, les Indiens des Cinq-Nations n'étaient pas encore assurés de conserver les terres que Sir Haldimand leur avait octroyées. L'opposition du capitaine Brant en était la cause. Même si ce problème relevait de la juridiction du lieutenant-gouverneur du Haut-Canada, Prescott tint à faire ses commentaires.

It appears to me as a first Principle "that all the Lands and advantages granted to those Indians by Sir F. Haldimand, ought in Equity to be confirmed to them; that their extent ought not on any pretence to be diminished, though it may be enlarged", and it is in my opinion extremely injudicious and improper that the Deeds of Concession granted to or by Indians, should be burthened with Fees of Office; I am not surprized that a Proposal to this effect should occasion such strong expressions of dissatisfaction as those contained in Brant's letter. I should hope that no Officer under Government would be biassed by a trifling Emolument of this nature to advise a measure so inimical to His Majesty's dignity in the eyes of the Indians, and to the immediate tranquility of the Province.

The inclosed extract of a Letter to Major General Simcoe, from the late Commander in Chief will shew the sentiments of my Predecessors, which perfectly agree with my own, concerning the Line of conduct most proper to be pursued with regard to the Lands in question.

It is doubtless highly proper that every Person holding a Grant under the Indians should subscribe the Declaration and take the Oath of Allegiance to His Majesty, as prescribed by Law, and on this head I conceive there can be no difficulty whatever.⁴⁰

⁴⁰ APC, Prescott Papers, I, 25: 70-72, Prescott à Russell, Québec, 31 juillet 1797.

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Alors que le problème semblait résolu à l'avantage des Cinq-Nations, Prescott reçut de Sir John Johnson une lettre dans laquelle il constata que l'opposition du capitaine Brant demeurerait encore très vive. Il crut bon d'en informer Russell qui semblait tout ignorer du comportement de Brant.⁴¹ Dans sa lettre du 22 août 1798 à Portland, Prescott analysait le curieux personnage qu'était Brant:

I am of opinion that the ill Temper of Brant derived its origin from the Delays he experienced on the part of the Government of Upper Canada in fulfilling the Provinces heretofore made to His Nation with respect to the Grant for their Land on the Grand River: but that cause being removed and he having declared himself to be satisfied with what was done for him in that respect, it seems difficult to ascertain what he can mean by the Conduct he has since evinced, unless it may be ascribed to an Insincerity in his Declaration of being satisfied with the Grant that was given.⁴²

Malgré sa résolution de ne pas se mêler de question dépassant sa responsabilité immédiate, Prescott tenait à donner des conseils. Ainsi, se mit-il en évidence dans une transaction de terrain effectuée en 1787 dans la région de Toronto. Alors que Russell ne doutait en aucune façon de la

⁴¹ APC, Russell Papers, 2: 61, Prescott à Russell, Québec, 11 juin 1798.

⁴² APC, Q.81-1: 4, Prescott à Portland, Québec, 22 août 1798.

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validité de cette transaction, Prescott lui répondit qu'au contraire l'achat

made from the Messissagua Indians at Toronto in 1787, is most undoubtedly in an awkward predicament at present, as the Blank Deed found in the Surveyor General's Office, does not express a single Boundary of the same, and might with as much propriety be applied to all the Lands they possess, as to those it ought to describe.⁴³

On peut deviner l'étonnement de Russell devant les éventualités que laissait entrevoir Prescott:

Should the whole of that Transaction be invalid... the King's right to any Part of the Land between the Rivers Etobicoak & Don, may become very doubtful; and our tenure of the intermediate Space (involving a great many well cultivated forms, as well as the Seat of Government) might consequently be at the Mercy of the Messissagues, who, if they were apprized of the Circumstance, might be induced to give trouble with a view of making their own advantage of it.⁴⁴

Russell devait trouver une solution au problème. En faisant part à Prescott de l'achat qu'il se proposait de faire dans les limites où avait été effectuée en 1787 ladite transaction, celui-ci l'incita à ne pas agir de la sorte.

The mode you propose of rendering the purchase of sufficient validity to all parties concerned, by

⁴³ APC, Russell Papers, 2, 137, Prescott à Russell, Québec, 9 avril 1798: Dans une autre lettre à Russell en date du 21 octobre 1797, Prescott fit état de cette possibilité.

⁴⁴ APC, Russell Papers, 2: 69, Russell à Prescott York, 21 janvier 1798.

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"purchasing a small Tract to the Eastward of the Northern Limit of the Toronto purchase, in order that a Recapitulation explanatory of the Courses and Boundaries of the Purchases in 1784, 1787, and 1788, may be introduced in the Preamble of the Deed which, if properly drawn up, may be perhaps as binding a Record of their respective Limits, as if the original Deeds of Purchase had not been lost, or they had been actually expressed in the Blank Deed," is a measure I cannot agree to; on account of its tendency to mislead the Indians, and would be productive of the most dangerous consequences to the King's Interest, as soon as they should discover, that they had not been openly dealt with. Management of that kind should never be attempted with Indians: the present juncture besides, is, of all others, the most inauspicious for such purposes.⁴⁵

Prescott alla même jusqu'à lui proposer une autre solution.

It would in my opinion, be preferable to renew the Purchase altogether, than to risk the consequences that would inevitably follow, if your Plan was put in practice. I should conceive, therefore, that to remedy the existing difficulty, and place the "many respectable Persons who have risked nearly their whole property within the limits of this Purchase, in peaceable possession of their Lands," it is absolutely necessary that a New Deed of the Purchase in question should be executed with the Messissagua Indians.⁴⁶

Ayant appris de Russell que Brant désirait prendre sous sa protection la nation Mississagua, Prescott confirma sa directive du début:

⁴⁵ APC, Russell Papers, 2: 137-138, Prescott à Russell, Québec, 9 avril 1798.

⁴⁶ APC, Russell Papers, 2: 138, Prescott à Russell, Québec, 9 avril 1798.

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By a late communication from Mr. President Russell, I learn that Brant wishes to take under his protection the Mississigua Nation, who have invited him to become their Agent and Attorney, to do, transact, and negotiate all such matters as they may have to transact, with the White People; declaring at the same time, that they will not dispose of their Lands, or take any steps in their Councils without his Advice and approbation.

To frustrate this Endeavour of Brant's, I have advised Mr. President Russell to lay aside for the present all Idea of threatening with the Mississagua's for the Purchase of their Lands; for I think it may be fairly presumed that an Intention of that kind has given rise to the application they have made to Brant to take the Management of their Affairs into his hands.

By a faithful adherence on the part of the Government of Upper Canada to the Directions lay down by Your Grace, any attempt of Brant to become the Head of the Messissagua Nation must fall to the ground: And I should willingly hope and trust from the favorable Disposition of the Americans that Mr. Russell will not have occasion to apply to me to strengthen that Government; more particularly as I cannot hesitate in giving my Opinions to Your Grace, that it would be highly imprudent to detach any part of the Forces from this Province, were there even Barracks in Upper Canada for a Greater number of Men than are Quantity there at present.⁴⁷

Portland approuva totalement les recommandations de Prescott à Russell:

It is but too evident, that Brant's intentions are to connect as many of the Indian Nations together as he can, and then to procure himself to be appointed to manage their concerns, under the character of a general Agent.

⁴⁷ APC, Q.81-1: 6-7, Prescott à Portland, Québec, 22 août 1798.

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It is no less evident therefore, that it is the duty of the Indian Department in both the Canadas to prevent his success in both these Designs.

When I consider the superior Advantages which the Officers in those Departments possess over Brant, the obligations, which his own Interests lay him under to continue on good terms with them and the various means they have of defeating his projects, if they are repugnant to the Public Service, and of gaining a compleat ascendancy over him in all matters, in which the Indians are concerned, it is a matter of no small surprize to me, that Brant, or any other Indian Chiefs, should be able to counter-act any measure, which can conduce to the improvement of His Majesty's Interests in the Canadas.⁴⁸

Le 6 septembre, dans une lettre à Russell, il se fit plus explicite au sujet de Brant.

From an attentive perusal of Capt. Joseph Brant's Letters to Lieutenant Givens, it appears beyond a doubt, that the cause for his interfering in behalf of the Mississaguas, and his present illhumour, proceeds from an apprehension that it was intended to purchase their Land for the purposes of Jobbing; and it is not impossible that some illdisposed Person or Persons may be urging him on to be thus troublesome to the Government of Upper Canada, in order to cover their own insidious views- To restore matters therefore to their usual situation I think it advisable, that the sooner Brant is undeceived the better; for if no purchases are in contemplation why not tell him so unequivocally.

I should conceive it might be a very easy matter to convince the Messissaguas, that they have nothing to complain of on the score of inattention, and that they need not entertain the smallest apprehension of losing their Lands, either by purchase or otherwise.⁴⁹

⁴⁸ APC, Q. 81-2: 518-519, Portland à Prescott, Whitehall, 6 décembre 1798.

⁴⁹ APC, Prescott Papers, I, 25: 232-233, Prescott à Russell, Québec, 6 septembre 1798.

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Prescott se devait donc d'agir à l'endroit de Brant, celui même qui avait suscité une dispute au sujet des Cinq-Nations du Haut-Canada. Prescott avait aussi deux autres motifs d'intervenir. D'abord, Brant était prêt maintenant à accepter l'invitation de la tribu Mississagua, puis il était désireux de provoquer une querelle chez les Sept-Nations du Bas-Canada.

He seems disposed to commence à Quarrel with the Seven Nations of Indians of Lower Canada respecting some assertions they have made, that the Mohawks had sold a part of their Country situated within the Boundaries of the United States, and he invited the Caughnawaga Indians to Buffalo Creek to settle this Dispute. About the same time that he complained of the above, there appeared a Paragraph in a New York Paper of which the inclosed is a Copy stating that certain Indian Chiefs were gone to Philadelphia on that business.

I directed Sir John Johnson to enquire at the Caughnawaga Village what was meant by this, and to enquire if any of their Chiefs were absent; they denied any knowledge of the Affair, and they contradicted the Paragraphs in New York Paper, by inserting another in the Montreal Gazette; and wrote to Brant inviting him and the Chiefs of the Five Nations to come to Caughnawaga, there to settle the existing Differences, according to ancient custom, in the presence of Sir John Johnson in Council: a Copy of the Invitation I inclose.

The above Invitation they however declined to accept, conceiving that they should degrade themselves by coming to Caughnawaga.

In order to bring the matter to an issue without further delay, I have recommended to the Seven Nations of Lower Canada to send Deputies to Buffalo Creek and in presence of the Superintendant residing at Niagara to settle the Dispute: they have not as yet come to a Resolution on that Proposal. If they refuse I shall direct a more pressing Invitation to

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be sent to Brant and his People to come down to Caughnawaga.⁵⁰

Peu de temps après, il constata avec plaisir que la dispute était sur le point de se régler.

His Excellency is much pleased to find, that the dispute between the Five Nations and the Canada Indians is likely soon to be amicably settled- and requests that you will, either by Letter to Capt. Brant, or through Capt. Claus, as you may judge expedient, give him an Invitation to come to Montreal next Spring, with the persons he proposes to bring with him as Witnesses, in support of the assertion alluded to in his speech, respecting the sale of the Five Nation Lands, seven or eight years ago. Brant will then be convinced that your attachment to the Interest of the Indians, is as firm as ever, and that neither he, nor any of the Indian Tribes have the smallest reason to suspect the contrary, and the matter in contention between the Five Nations of Upper Canada, and the Seven Nations of Lower Canada, can be finally adjusted on that occasion.⁵¹

Une fois de plus, Prescott s'était fait l'ennemi de toute spéculation, de toute dispute, de toute opposition capable de détériorer les sentiments des Canadiens à l'endroit du gouvernement. Par ses conseils pratiques, il permit que des individus de la trempe de Brant soient mis à leur place.

Si Prescott désirait s'attirer la sympathie des Indiens, il n'espérait pas moins manifester son honnêteté

⁵¹ APC, Prescott Papers, I, 19: 145, James Green à Johnson, Québec, 13 septembre 1798.

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à leur endroit. A la suite de dommages occasionnés à un magasin indien, Prescott demanda que justice soit faite.

His Excellency desires you will please to take the necessary steps to bring the several Parties concerned in the abovementioned Theft of His Majesty's Indian Stores, to Trial by Civil Process- The General being of opinion the case is of such description as totally precludes cognizance being taken thereof, by any Military Court- and His Excellency trusts the business will be so managed, with the aid of the attorney General in Upper Canada, in whose possession the original papers are, that the Culprits may met due Punishment.⁵²

Lorsqu'un chef indien fut tué, Prescott déplora le peu de justice manifesté à l'égard des Indiens en général.

It is a circumstance exceedingly to be regretted at this Crisis, that the Indians should have any ground for declamation or complaint and I must equally regret that means were not found to being the supposed murderer of the Messissagua Chief in question, to a Public Trial. A similar circumstance happened a few years ago, as I am informed, at Kingston, when an Indian Chief of the same Nation was killed by a soldier of the 26th Regiment, but by bringing the supposed Culprit to trial, and burying the murdered body in a particularly distinguished manner, as well as giving the relations of the deceased some handsome Presents in public Council, the matter was settled and they satisfied. I cannot too strongly recommend pointed regard to be paid to the Indian Nations at present- particularly as it is known that evil disposed persons are tempering with them, and may endeavour to estrange

52 APC, Prescott Papers, II: 169, James Green au Major Shank, Québec, 11 mai 1797.

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their affections from the British Government and join its Enemies.⁵³

A l'endroit d'un Indien, du nom de Wakenhue, qui venait de commettre un crime dont il ne soupçonnait pas la gravité, Prescott se montrera conciliant. Il composa même un discours pour qu'il soit lu publiquement et solennellement par Sir John Johnson.

Children-

Upon my application on your behalf to your Father General Prescott, He has been pleased to remit a part of the Punishment which the Law inflicted upon Wakenhue, and He has ordered him to be discharged-- He is brought [hither to] be delivered up to you, because you asked for his discharge- This is a great instance of the attention of your Father General Prescott, to the request of your Nation. Wakenhue was guilty of a crime for which a whiteman would have suffered a very severe punishment, yet the Court were merciful towards him, and because he was an Indian He received a very mild Sentence- But even that Sentence mild as it was is not carried into execution- His Nation asked that it might be remitted and it has been done- This you must consider as a favor done to the Nation and not to Wakenhue- as a proof of the desire of Government to do every thing in its power to make you contented and happy.

Children-

Where a Government shews this disposition towards you, you owe it every return in your power- You should not only feel grateful, but you should demonstrate your gratitude- This you can prove by many ways, among others by advising your young men, to take example from the sentence pronounced against Wakenhue, by cautioning them not to insult, to offend or injure any Person, by as-

⁵³ APC, Prescott Papers, I, 25: 44, Prescott à Russell, Québec, 11 mai 1797.

sureing them, that if at any future day they should be tried and convicted for any offence against Government, they will be punished- and by restraining them from committing faults by your own good Example.

Wakenhue,

You may remember what was said to you by the Judge who pronounced sentence upon you. He explained to you the nature of your situation, the greatness of your Crime, and the necessity and propriety of your punishment. He convinced you, for you said to him in answer publicly. "You have done me a great kindness, you have shewn me the extent of the crime which I have committed which I didn't not know before-

I thank you for the Judgment pronounced against me and shall suffer my sentence with patient submission." This was your own Language, and it was very proper, for it showed you was sensible of your fault and that your heart was not hardened- This conduct and your former behaviour have led your Nation to intercede with the Governor, who on their solicitation has been pleased to pardon the rest of your Punishment.

You were sentenced to be imprisoned till the 6th day of March next- The Governor gives you your liberty from this day.

You were sentenced to pay a fine to Twenty shillings- this is remitted.

You were sentenced to give security for your good behaviour for two years, yourself in one hundred Pounds with two securities in Twenty five Pounds each- Your Nation have promised for your good behaviour, and therefore this also is remitted.

I hope this instance of mercy towards you will have its proper effect, and make you a good man for his Lenity- and to your Nation for their friendly intercessions on your behalf.⁵⁴

⁵⁴ APC, Prescott Papers, I,19: 190-191, Discours de Prescott aux Indiens.

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Malgré une telle preuve de bonté à l'endroit du peuple indien et tout particulièrement à l'égard de Wakenhue, Prescott fit une mise en garde:

Children,

Altho' the Governor has so readily attended to your request in this case, you are not to expect that He will be always ready to pardon Criminals when He is asked. He has done it now because He was willing to give you a proof of the great friendship he has for you, and because it was the first instance of the kind- In all future cases the Law will be suffered to take its course, as well against the guilty of your Nation, as against other guilty persons. This is necessary- You enjoy the protection of our Law, and you must therefore submit to it. If any whiteman hurts you, He shall be punished- I take this opportunity to tell you this, for the Information of your young men,- not to inform your old men, for they knew it before. It has always been the case, and always will be so.⁵⁵

Après avoir donné les vues de Prescott sur ces trois problèmes qui ont retenu son attention dans le domaine de la politique intérieure, on peut dès lors conclure qu'il a attaché une importance à ces questions dans la mesure où les responsabilités de sa fonction l'exigeaient.

⁵⁵ APC, Prescott Papers, I,19: 192-193, Discours de Prescott aux Indiens.

CHAPITRE V

LES VUES DE PRESCOTT SUR LES PROBLÈMES
ÉCONOMIQUES ET SOCIAUX

L'intérêt du gouverneur Prescott en matières économique et sociale reste bien minime. Aussi avons-nous jugé bon de grouper sous un même titre l'étude des problèmes, qui, dans ces différents domaines, ont retenu l'attention du gouverneur.

Les vues de Prescott sur les problèmes économiques touchent particulièrement les questions financières et commerciales. Au point de vue social, il attachera un intérêt particulier aux sentiments des Canadiens à l'endroit du gouvernement. Quant aux membres du clergé catholique, il voudra qu'ils se rendent conformes aux lois instituées par l'Etat.

1. La question financière.

a) le revenu provincial.

Avec l'établissement du gouvernement de 1791, il était facile de prévoir de nouvelles charges financières, surtout si l'on considère que dans un pays neuf, toutes les sources de revenus étaient à créer. Sous l'administration de lord Dorchester, les problèmes étaient fort nombreux. Une politique bien précise s'imposait de plus en plus: trouver un moyen d'augmenter le revenu afin de diminuer le plus possible le surplus des dépenses qui était payé à même les

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Extraordinaires de l'armée, c'est-à-dire le trésor de la Grande-Bretagne. L'Assemblée s'était rendue au désir de Dorchester en établissant en 1794 des droits nouveaux sur les vins et en imposant en 1795 des droits additionnels sur maints objets.¹ Une telle politique financière était apte à parer aux dépenses du gouvernement, même si en pratique il ne semblait pas en être ainsi.² Aussi, le duc de Portland avait-il proposé à Dorchester qu'une somme additionnelle, devant être payée par les nouveaux concessionnaires de terres, soit affectée aux dépenses publiques de la province. En effet, Portland prévoyait qu'un revenu fort intéressant pouvait être soutiré des terrains octroyés aux très nombreux pétitionnaires. En prenant connaissance de cette lettre, Prescott ne tarda pas à lui donner l'assurance de sa plus entière collaboration: "Your Grace may be assured that I shall ever consider it as an indispensable duty to give the most vigilant, constant and oeconomical attention to the public Expences of the Province as well as to its Revenues and whatever may tend to their stability or improvement."³ En traitant des vues de

1 I. Caron, op.cit., p. 253-254.

2 Ibid., p. 255

3 APC, Q. 78: 67, Prescott à Portland, Québec, 5 novembre 1796.

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Prescott sur la concession des terres, nous avons pu constater comment il avait réagi en proposant l'adoption d'un droit additionnel devant être affecté aux dépenses publiques de la province et surtout, en suggérant que ces terres soient mises aux enchères.⁴ Dans sa pensée, la vente des terres était le plus sûr moyen de se procurer une somme supérieure à celle que l'on espérait recueillir par l'augmentation des droits d'acte⁵ sur les terres.⁵ Évidemment, Prescott espérait que ces propositions seraient mises à exécution dans un avenir rapproché. On sait cependant comment le conflit entre le Conseil exécutif et le gouverneur au sujet de la question des terres rendit très difficile l'application de ces propositions, et partant, l'amélioration du revenu provincial. Entre temps, l'Assemblée imposa une fois de plus des droits additionnels sur maints objets ce qui le rendait pour le moment assez optimiste:

I cannot omit to remind Your Grace of the improving state of the Provincial Revenue, and of the additional Duties imposed by the last Provincial Revenue, and of the additional Duties imposed by the last Provincial Parliament. The total Amount for the year 1795 was £10,027, 3, 6 Sterling; and for the last year, £17, 077, 11, 9 Sterling,

⁴ Voir chapitre II, p. 46-52

⁵ APC, Q.78: 191-192, Prescott à Portland, Québec, 24 décembre 1796.

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and there is every reason to hope that it will continue to encrease so long as the Tranquility of the Province shall be preserved.⁶

De plus, Prescott eut recours à une autre source de revenu capable d'assurer la construction de certains édifices publics.

There is another Fund which I must not omit to mention, and which is generally considered here as peculiarly appropriate to the defraying the Expences of erecting Courts of Justice and such other Public Buildings as the Civil Government of the Province may require; I mean the Quint payable upon Sales within the King's Domain. This Fine has not of late years, been regularly exacted on the part of the Crown in Lower Canada, though all Lands held in Fief invariably continue to be bought and sold, subject to the payment of it. The Sums paid to the Receiver General on this account during the last year, amount to \$764, 13, 1; and I am advised that the enforcing payment of those which remain due cannot be considered as a hardship, it is my intention to take measures for this purpose, which, I understand will bring Four or Five thousand pounds at the least, into the Public Chest, in aid of the Civil Expenditure of the Province.⁷

Sans prétendre que Prescott prit des mesures exceptionnelles pour améliorer le sort financier de la province, on peut néanmoins affirmer que ses intentions en cette matière concordèrent parfaitement avec celles de Portland. Certes,

6 APC, Prescott Papers, I, 15: 118, Prescott à Portland, Québec, 15 avril 1797.

7 Ibid., p. 118.

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au moment de son départ, existait-il encore un déficit. Au moins, il y avait eu amélioration, d'où l'approbation du duc de Portland:

The Governor has the pleasure to inform the Legislative Council & House of Assembly that His Majesty has been graciously pleased to view with great satisfaction the zealous and liberal attention paid by the Legislature of his Province of Lower Canada to the Improvement of the Provincial Revenue since the Commencement of the present happy Constitution.⁸

b) Le "Consolidation Act".

Le 14 mai 1795, Dorchester fit parvenir au duc de Portland la copie d'un acte se rapportant aux impôts.⁹ Le gouverneur n'avait pas voulu que cet acte soit passé à l'Assemblée sans que Portland en ait pris connaissance. Cet acte, dit le "Consolidation Act", accordait des droits nouveaux et additionnels au gouvernement qui se les appropriait pour défrayer ses dépenses. Prescott promit à l'Assemblée que l'acte serait présenté aussitôt qu'il aurait reçu de Londres l'approbation requise.

J'ai lieu d'espérer une prompt communication du bon plaisir de Sa Majesté concernant l'Acte qui

⁸ APC, Q.82: 307, Copie d'un message de Prescott à l'Assemblée, Québec, 30 avril 1799.

⁹ APC, Q. 75-2: 368, Dorchester à Portland, Québec, 14 mai 1795.

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rappelle certains Actes, qui accordent des Impôts et des Droits à Sa Majesté, et qui accorde des Droits nouveaux et additionnels à la place des premiers, pour les approprier à défrayer les dépenses de l'Administration de la Justice, ainsi que le soutien du Gouvernement Royal dans cette Province, et pour d'autres objets y mentionnés, et je vous le ferai parvenir aussitôt que je l'aurai reçu.¹⁰

Dans sa lettre du 22 septembre 1797, Prescott mentionnait son désir de voir le "Consolidation Act" recevoir la sanction royale.¹¹ Portland répondit aussitôt que l'acte était sanctionné¹² mais Prescott reçut sa lettre une journée après la prorogation des deux Chambres, soit le 11 mai 1798. C'est à regret que Prescott se vit obligé de remettre à la prochaine session la présentation du bill.¹³ C'est alors que Portland insista pour que sous aucun prétexte le bill ne soit retardé.¹⁴ Effectivement, Prescott apprit à Portland que l'Acte de refonte des lois fiscales venait d'être passé à la Chambre.¹⁵ Certes, le gouverneur se réjouissait que l'Assemblée ait enfin réglé ce point.

10 Gazette de Québec, 26 janvier 1797.

11 APC, Q. 79-2: 322, Prescott à Portland, Québec, 22 septembre 1797.

12 APC, Q. 79-2: 335, Portland à Prescott, Whitehall, 4 novembre 1797.

13 APC, Q. 80-1: 163, Prescott à Portland, Québec, 16 mai 1798.

14 APC, Q. 81-1: 2, Dépêche émise à Prescott, Whitehall, 6 novembre 1798.

15 APC, Q. 82: 328-329, Discours de Prescott aux deux Chambres, Québec, 10 juin 1799.

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c) Le traitement des soldats.

Le prince Edouard était désireux de voir ses soldats de Nouvelle-Ecosse recevoir une augmentation de salaire. Mais il voulut passer par l'entremise de Prescott pour qu'il en fasse la demande à Portland.¹⁶ La réponse de Prescott au prince démontra bien l'ampleur d'une telle requête:

The measure appears to me of considerable magnitude, and demands to be most maturely weighed, should His Majesty be graciously pleased to adopt Your Royal Highness's proposed in its full extent it will greatly increase the soldiers emoluments.

Your representation of this matter shall also be transmitted to His Grace the Duke of Portland.

I must beg leave to observe that the Province of Lower Canada certainly affords vegetables and perhaps some other Articles of Provision in much greater abundance than can be had at Halifax, but the great quantities of Fish caught there, afford a relief which may be considered as fully equivalent to his advantage.

In Upper Canada every Article of Provision and other necessities are at most extravagant prices, as Your Royal Highness may remember, yet from that quarter there is no complaint.

The Soldier in this country generally makes a practise of exchanging one article of Provision for another, so as to make out seven comfortable meals in the week.

In this Province, it is of infinite regret to the Commanding Officers of Corps to witness the Inebriation of the men, on paying off their arrears monthly, agreeable to the new Regulations, a consequence not to be avoided, but a proof at the same time, that there is not a want of money among them.¹⁷

¹⁶ APC, Q.79-1: 193-194, Le prince Edouard à Prescott, Halifax, 30 juillet 1797.

¹⁷ APC, Q.79-1: 195-196, Prescott à Edouard, Québec, 5 août 1797.

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En daignant faire la demande à Portland au nom du prince Edouard, Prescott en profita pour faire une mise au point:

...although there is no ground of complaint on the part of the Soldiery in Lower Canada, of an insufficiency in their present allowances to render their situation comfortable, yet, if an augmentation should take place in the District of Nova Scotia, it will be necessary to extend it to the whole of the command on this continent or Disatisfaction and complaint will unavoidably ensue.¹⁸

Prescott promet au colonel Brownrigg que tous les soldats de l'Amérique du Nord, y compris ceux du Haut-Canada, profiteraient de cette augmentation si jamais Sa Majesté daignait agréer à la demande du prince Edouard.¹⁹ Comme Prescott pouvait s'y attendre, Portland refusa l'augmentation demandée.

2. Le commerce.

Par le traité de Jay, passé entre les Etats-Unis et l'Angleterre, le 19 novembre 1794, la liberté du commerce entre les colonies anglaises de l'Amérique du Nord et les Etats-Unis fut rétablie. Jusqu'à ce moment, le Canada

¹⁸ APC, Q.79-1: 187, Prescott à Portland, Québec, 10 août 1797.

¹⁹ APC, Q. 79-1: 197, Prescott à Brownrigg, Québec, 12 août 1797.

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en matière de commerce, s'était soumis aux lois générales du commerce et de la navigation de la Grande-Bretagne. Non seulement le commerce avec l'étranger devait-il se faire par des navires anglais, mais le trafic devait passer par les ports britanniques, et non directement d'un pays étranger aux ports des colonies. Toutefois vers 1785, le commerce par terre et par navigation intérieure fut permis, incitant Lord Dorchester et son Conseil à passer des règlements conformes aux instructions qu'il avait reçues à ce sujet.²⁰

En conséquence du traité de 1794, Dorchester, de concert avec les membres du Conseil exécutif, émettait une ordonnance en date du 7 juillet 1796 dans laquelle il déclarait nulles les restrictions apportées jusque-là au commerce entre les États-Unis et le Canada. Il n'y avait plus aucun obstacle à la liberté du commerce entre ces deux pays, même si sur certaines marchandises des droits d'entrée étaient exigés.

Prescott se préoccupa d'informer Portland sur l'action de l'Assemblée au sujet de ce traité:

20 I. Caron, op.cit., p. 237-238.

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An Act for making a temporary provision for the Regulation of Trade between the Province and the United States of America by Land or by inland Navigation was passed in the last Session of the Provincial Parliament for the purpose of meeting the stipulations contained in the Treaty with the United States.²¹

De plus, il apprit à Portland qu'un ordre avait été émis par le Gouverneur en Conseil "à l'effet de donner une opération efficace à cette partie du Traité d'Amitié, de Commerce et de Navigation entre Sa Majesté et les Etats-Unis d'Amérique qui concernait les provinces du Bas et du Haut-Canada."²²

Prescott se félicitait de cette décision heureuse:

C'est avec la satisfaction la plus vive que vous devez observer le champ étendu qui a été ainsi ouvert à l'industrie des habitants de cette Colonie et aux Etats voisins; et je ne forme aucun doute que nous recueillerons mutuellement les avantages les plus solides du Commerce libre et amiable auquel nous sommes encouragés.²³

A cette époque, les céréales constituaient un excellent produit d'exportation. Les mauvaises récoltes qui avaient affecté les pays d'Europe s'expliquaient en partie par les guerres qui sévissaient sur ce continent. L'Espagne,

21 APC, Q.78: 66, Prescott à Portland, Québec, 5 novembre 1796.

22 Gazette de Québec, 26 janvier 1797.

23 Ibid.

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qui ne faisait pas exception à la règle, avait fait du Canada son principal fournisseur de blé. Mais la situation se compliqua lorsqu'en 1796, l'Angleterre et ses colonies (dont le Canada) déclarèrent la guerre à l'Espagne. Comme Prescott désirait exporter des quantités importantes de blé à ce pays, il demanda conseil à Portland.

Spain having hitherto afforded the principal Market for the Wheat of this Country, it is probable that the greatest part of the present crop, intended for exportation, may still find a way to that Kingdom or to its foreign Settlements, through the medium of the United States unless measures are taken to prevent it. I request therefore to have your Grace's Instructions on this Subject, that if it shall be found expedient, such measures may be adopted before the opening of the Navigation next Spring.²⁴

Même si Portland l'incitait à ne pas exporter de blé en Espagne,²⁵ Prescott ne signifia pas moins ses intentions de voir le pays devenir prospère grâce à un commerce bien fructueux avec les différentes puissances étrangères. À en juger par la balance commerciale de \$153,000 au profit de la colonie pour la seule année 1797²⁶, nul doute que Prescott

²⁴ APC, Prescott Papers, I,15: 49, Prescott à Portland, 15 novembre 1796.

²⁵ APC, Prescott Papers, I,8: 21-22, Portland à Prescott, Whitehall, 27 janvier 1797.

²⁶ I. Caron, op.cit., p. 239 dans "Annual returns".

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se réjouissait de ce progrès. L'année 1798 allait s'avérer excellente du point de vue agricole. En conséquence, Prescott n'eut pas à commander les produits d'usage: "In consequence of a very fine crop this year, it is my intention to purchase the Flour & Peace in Canada; I have therefore to request that none of the ...Articles in the Requisition herewith transmitted to you may be sent out in the Spring."²⁷

3. Les Canadiens.

Le gouverneur Prescott se prononcera au sujet des Canadiens avec une certaine réticence. Il appert que la tension provoquée par les émissaires français au Canada pouvait expliquer sa méfiance à leur endroit. En apprenant à Portland la nouvelle de la présence d'une escadre française sur la côte de Terre-Neuve, Prescott lui fit connaître ses inquiétudes concernant les sentiments des Canadiens.

Your Grace will permit me here to observe, that the accounts which have lately been received concerning the French Squadron on the Coast of Newfoundland have produced a sensation throughout this Province which evinces a very decided partiality on the part of the Canadians to the French Cause; and considering that His Majesty's English

²⁷ APC, Prescott Papers, I,15: 293, Prescott à Charles Long, Québec, 22 octobre 1798.

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Subjects here (compared with the former) are not in a greater proportion than as Seventy to Two Thousand, I cannot but think it of the utmost necessity to prevent Frenchmen of every description from coming into the Province.²⁸

Quelques mois plus tard, dans une autre lettre au duc de Portland, il maintint son jugement sur le comportement des Canadiens en face du respect de l'autorité anglaise:

As our Enemies cannot well conceal from His Majesty's Ministers any preparations for a serious attack upon this Province, it is unnecessary for me to propose any other measures than such as appear requisite for our internal security; and in doing this I feel it my Duty freely to declare my opinion that a great Majority of the Canadians are dissaffected to His Majesty's Government, and the loyalty of very few of them indeed is to be depended on.²⁹

On peut comprendre dès lors les raisons qui le poussèrent à refuser l'entrée des immigrants français dans la province du Bas-Canada. Le cas du Sieur Podevin d'Anglebert et sa femme en est un seul exemple: "His Excellency at first was enclined to permit them to come into the province; but on further consideration he has determined not to swerve, in their favor, from the general Rule laid down with regard

²⁸ APC, Q.78: 14, Prescott à Portland, Québec, 28 octobre 1796.

²⁹ APC, Q.78: 205-206, Prescott à Portland, Québec, 21 janvier 1797.

to Aliens."³⁰ S'il tint à manifester ses craintes à l'égard des Canadiens, il n'omit pas non plus d'encourager ces derniers à demeurer les fidèles sujets de Sa Majesté. Tout particulièrement, il manifesta sa joie devant l'attitude des citoyens de la ville de Montréal. Ainsi s'exprima Samuel Gale (porte-parole du gouverneur) aux gens de Montréal:

Gentlemen,

I have the honor to lay before His Excellency the Governor your Letter and Enclosures of the 1st (July 1799), relative to rendering the voluntary Subscription lately commenced in the City of Montreal for the support of the War, more general through the District; and I am commanded to express to you the high approbation and satisfaction with which His Excellency is pleased to view the Loyalty and zeal thus manifested by His Majesty's faithful Subjects of the City and District of Montreal, in which, His Excellency has also the satisfaction to observe, the other parts of the Province likewise concur.³¹

On peut conclure que Prescott, bien que réticent au sujet de l'attitude des Canadiens envers le gouvernement, les encouragea dans leur fidélité aux projets élaborés par les autorités anglaises. Néanmoins, il n'incita pas les Canadiens à s'approcher de la fonction publique. Lorsqu'il dut combler les vides du Conseil législatif au tout début de son

³⁰ APC, Prescott Papers, I,9: 146, Ryland à Wm. Lindsay, Québec, 14 août 1797.

³¹ APC, Prescott Papers, I,10: 124, Gale aux citoyens de Montréal, Québec, 4 juillet 1799.

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administration, c'est en termes non équivoques qu'il fit part de sa constatation à Portland au sujet de l'incompétence des Canadiens à remplir un tel poste.

Since His Lordship's Departure the Return of Members to serve in the House of Assembly has been compleated: a great Majority are Canadians, and several, I am sorry to observe, of a Rank and Description but ill-suited to the situation. On this, and other accounts, it is of consequence to have a decided majority of English members in the Legislative Council.³²

Et au prince Edouard, le 26 novembre 1796, il entretint exactement les mêmes vues sur les Canadiens face à la fonction publique:

There are already several supernumerary Members in the Executive Council, and several Gentlemen have been recommended for Seats in the Legislative Council, concerning whom I have not yet received His Majesty's Pleasure. To which I may add, that under the present Circumstances of this Country it appears to me of the highest consequence, that in case it should be thought proper to encrease the number of either of the Councils, it should be by the addition of English Members alone.³³

Bref, les idées de Prescott à l'endroit des Canadiens correspondaient bien à celles de tout Anglais convaincu que les

³² APC, Q.77: 209-210, Prescott à Portland, Québec, 3 septembre 1796.

³³ APC, Prescott Papers, I,25: 11-12, Prescott au prince Edouard, Québec, 26 novembre 1796.

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siens méritaient les postes importants en vertu de la Conquête de 1760.

4. Le clergé catholique.

Les préoccupations de Prescott à l'endroit du clergé catholique se limitèrent à une opposition systématique aux prêtres voulant immigrer au pays. Une seule raison explique une telle attitude de sa part: le climat politique de la province. En effet, comme il l'affirmait à Portland,

it is but Justice to observe that the admission of any considerable number of the Emigrant Clergy into the Province, can hardly fail of interfering with the views of those Canadians who seek Ecclesiastical Preference for themselves or their Children and on this consideration alone were there no other, I should think it my Duty to recommend, that very few more than those who have already obtained Passports be hereafter admitted.³⁴

Toutefois, il était d'accord avec Portland pour affirmer qu'en pratique, il ne pouvait en être autrement.

In a political point of view I may add, it is perhaps to be apprehended (notwithstanding the present situation of Affairs) that the introduction of these Persons may become the means of forming a bond of connection between the Canadas and France; or, at least, that it will prevent the remembrance of their former Connection with that Country from dying away in the minds of the Canadians.

³⁴ APC, Q.79-1: 204-205, Prescott à Portland, Québec, 23 août 1797.

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I have thought it necessary to trouble your Grace with my Sentiments on this Subject, and leave it with your better judgment to determine how far it may be [adviseable] to comply with the wishes of the Roman Catholic Bishop: at the same time I think it prudent not to make known here, the objections which present themselves to my mind respecting the further admission of the French Emigrant Clergy into the Province.³⁵

En somme, Prescott désira éviter tout soulèvement et les règlements appliqués à l'endroit des immigrants français au pays furent maintenus tant pour les prêtres que pour les laïcs.

³⁵ APC, Q.79-1: 204-205, Prescott à Portland, Québec, 23 août 1797.

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Au terme de cette étude sur l'administration de Robert Prescott, nous constatons jusqu'à quel point son intérêt pour les problèmes canadiens s'est surtout limité à la question des émissaires ainsi qu'à celle des terres. Certes, a-t-il voulu prendre, en tant que général, une part active au problème posé par la venue de ces révolutionnaires français au Canada. Nous avons noté la détermination avec laquelle il s'efforça de parer aux menaces pesant sur la colonie. Ses inquiétudes en ce domaine furent-elles fondées? Avec le recul des années, il peut nous sembler en effet qu'une telle attitude pouvait être exagérée. Mais en se reportant au contexte de l'époque, il est plus facile d'expliquer et même d'approuver un tel comportement. Il était possible que la conjoncture des événements ait été modifiée depuis l'envoi des premières dépêches originales. De plus, Prescott savait qu'il s'attaquait à un problème encore brûlant à son arrivée. Aussi, insistera-t-il pour que le Bas-Canada puisse être doté d'une défense propre à en assurer la tranquillité. On comprend aussi pourquoi il fut réticent à l'endroit des Canadiens susceptibles de se détourner du gouvernement. A l'endroit des prêtres désirant immigrer au Canada, Prescott montrera la même fermeté. Et que dire des Indiens au sujet desquels des rumeurs relativement à leur adhésion prochaine à la cause française

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avaient circulé?

En effet, il s'assura que le département des Affaires indiennes soit des mieux organisés. Surtout, il voulut assurer les Indiens, tant du Haut que du Bas-Canada, de la sympathie que désirait lui apporter son gouvernement. L'adresse envoyée au gouverneur par les citoyens de la Cité et du District de Québec à l'occasion de son rappel illustre assez bien le souvenir qu'ils conserveraient de son administration en matière de politique extérieure:

Nous fidèles et loyaux sujets de Sa Majesté Citoyens et Habitants de la Cité et du District de Québec, pénétrés de la plus vive gratitude pour les bienfaits inestimables dont cette Province a été favorisée par la sagesse, l'énergie et la Justice de l'administration de votre Excellence, prions humblement qu'il nous soit permis d'exprimer le sincère et profond regret avec lequel nous considérons votre prochain départ.

Par la diligence des mesures les plus convenables que votre Excellence a efficacement poursuivies pour étouffer l'horrible germe de la sédition et déloyauté, dès qu'il fut industrieusement entrepris de le semer par des émissaires étrangers, ses fatales conséquences furent heureusement dissipées, et la sûreté et le bon ordre pleinement conservée dans la Province entière.

La Vigilance continuelle avec laquelle votre Excellence a rempli en toute occasion les devoirs importants de votre haute Station; vos veilles assidues pour le salut et les intérêts généraux de cette Colonie, et l'égard sacré pour les principes de Justice et l'intégrité qui illustre la pureté de la conduite de votre Excellence; tout sous votre Administration bienfaisante a essentiellement assuré au Canada une portion de tranquillité générale de bonheur et de prospérité qui n'est surpassé dans les

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circonstances présentes en aucune partie de l'Empire.¹

Toute adresse a sa part d'exagération et celle-ci ne fait pas exception à la règle. Néanmoins, elle résume d'une façon assez précise les principes et les qualités qui ont aidé Prescott à mener à bien les affaires gouvernementales.

Ajoutons à ses qualités d'habileté, d'énergie et de sincérité, celle de l'honnêteté, et il nous sera assez aisé de comprendre les raisons qui le poussèrent à clarifier cette question des terres. En effet, Prescott s'aventurait dans un domaine qui nous le fit connaître sous un jour nouveau. Ayant constaté qu'une seule requête avait été légalement confirmée depuis 1763 alors que plus de mille pétitions avaient été présentées, il ne pouvait être indifférent à cette situation pour le moins anormale. A plus forte raison, il ne pouvait pas demeurer inactif lorsqu'il fut mis au courant des démarches de certains membres du Conseil exécutif qui, par leur influence, avaient aidé ceux qui voulaient monopoliser des quantités immenses de terres videntes. Et que dire de l'attitude du juge en chef William Osgoode à qui Prescott s'opposa fermement? Devant la volon-

1 APC, Q.83: 93-95, Québec, 16 juin 1799. Cette adresse fut reproduite dans la Gazette de Québec, édition du 18 juillet 1799.

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té obstinée des membres du Conseil à garder des registres des procès-verbaux secrets, Prescott se vit dans l'obligation de tout rapporter au ministre et d'essayer de le convaincre qu'il avait raison.

Les méthodes de Prescott peuvent en un sens avoir manqué de diplomatie afin de régler à l'amiable un problème aussi difficile, mais il avait les faits de son côté. Nous n'hésitons pas à dire que ses intentions étaient droites. Il voulait que justice soit faite. A l'égard des pétitionnaires qu'il avait groupés en quatre classes, il voulut appliquer le principe de justice distributive, confirmant ainsi l'honnête homme qu'il était. En s'opposant d'une manière aussi vigoureuse aux membres de son Conseil, il n'avait en vue que le bien du gouvernement.

Portland approuvera un tel plan; néanmoins il censurera l'auteur. L'unité du Conseil devait être sauvegardée au prix du rappel d'un homme qui avait agi avec sincérité et honnêteté. En jetant un regard d'ensemble sur son administration, il peut sembler en effet que Robert Prescott n'a rien fait qui vaille. Dans le domaine de la politique extérieure, il s'est inquiété à la suite de menaces qui n'eurent pas de suite. Dans le règlement de la concession des terres, il élaborait un plan qui ne fut appliqué que partiellement sous l'administration de Milnes. De plus, ce plan expliqua le conflit du gouverneur avec son

CONCLUSION

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Conseil. En matière économique, ses vues sur les différents problèmes furent en somme assez minimes.

Sans prétendre que Robert Prescott fut un gouverneur exceptionnel, on peut affirmer en revanche que sa sincérité, sa droiture et son honnêteté lui valurent la sympathie d'un très grand nombre de personnes. Le malheur de Prescott fut de constater que l'opposition venait d'en haut, ce qui est plus grave.

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-Section MG (manuscripts)

MG 11, série Q , vol. 77, 78, 79-1, 79-2, 80-1, 80-2, 81-1, 81-2, 82, 83.

Cette source est la plus importante en ce qui regarde notre sujet. Elle comprend la correspondance du gouverneur du Bas-Canada avec le Secrétaire des Colonies ainsi que les dépêches du Secrétaire des Colonies au gouverneur.

MG 23, 17, Prescott Series, vol. 1-27 incl.

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Brymner, Douglas, Rapport des Archives du Canada, 1891, Ottawa, 1892, 182 p.

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