

THE QUESTION OF RELIEFS

calibre, which three items alone weighed more than the whole equipment of a British linesman. But all at least were disciplined and brave, while the artillery was powerful and the transport ample. The composition of the force hardly concerns us, as we must resist any temptation to follow its gradually declining fortunes to the catastrophe of four months later and two hundred miles away that in effect decided the fate of North America and influenced the history of the world.

The leave-taking of the officers serving with Carleton seems, from some of their accounts, to have been an unusually warm one, and when he turned his back on the expedition that he ought to have led, and his face northwards, he had nothing to reproach himself with if he had much to regret. Removed from all touch with the stirring scenes to the southward, Carleton still had his hands full of details throughout the summer and autumn. Burgoyne, though in direct communication with Germain, made from time to time demands on Canada for detachments of men or animals. Carleton in his position had no authority for granting these reliefs, and was always pleased to remind Germain of that fact, though he forwarded them whenever possible. Carleton had been strongly against calling out too many militiamen, as the peasantry were still in a condition of uncertainty and suspicion. A dread of the old French military compulsion, awakened by agitators and quickened

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by the attempted musters of 1775, was still great within them.

For a further replenishing of Burgoyne's force after the latter had occupied and garrisoned Ticonderoga, in July, 1777, Carleton had been compelled to sanction a *corvée*, though with great reluctance, the *habitants* being just now in his opinion "more worthy of compassion than blame." His forebodings were right, for the few hundred militia that were raised with difficulty for Burgoyne deserted in troops as his prospects of success declined. Carleton's frequent warnings as to the temper of the Canadian militia had fallen on deaf ears, and the British government persisted in the delusion that as many thousand as were required could be raised by the simple method of proclamation. The Indians of whom many hundred started with Burgoyne were worse than useless, for with at least as much reason as the French militia they fell away before the impending disaster even more readily. Moreover, their employment, heralded by a somewhat injudicious and bombastic speech of Burgoyne's, gave a handle to the enemies of the government on both sides of the Atlantic that proved of inestimable value, and with more logic alarmed the potential Loyalists dwelling within the sphere of operation for the safety of their homes and families. It did not matter that the other party had enlisted their assistance when possible, as in the case of Arnold and Montgomery, and that in every North American

POWELL AT TICONDEROGA

war they had been a recognized and normal factor in the game, nor again that their interests were as much involved as those of the European races. Whether justly, or unjustly, their enrolment now could be represented with ease and plausibility as a heinous crime. Here, as elsewhere in this war, they were virtually useless, save as scouts, while the occasional outrages inseparable from their employment were trumpeted throughout the world.

Carleton had much correspondence just now with Hamilton and the officers holding the far western posts at Niagara and Detroit, for the distant turmoil of the war and the overtures of the agents of congress in those parts were bringing out the western Indians and forcing them to take a hand with whichever side made them the highest bid. By September sinister messages were coming to Carleton from Powell, who was commanding the force left at Ticonderoga, for a great part of his garrison was sick, the lines of communication with Burgoyne, now on the Hudson, were broken, and continuous attacks were being inflicted on his own post by Seth Warner, who had twice summoned him to surrender. Four companies of the 53rd had also been cut off and captured.

St. Leger had now returned from his repulse at Fort Stanwix on the Mohawk, and Carleton sent him on immediately to Ticonderoga, though as he says with a side thrust at Germain "without any power to do so." And so the summer and early

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autumn passed away. Domestic concerns were at a lull pending greater events, and the machinery of government was mainly occupied with military affairs. The news from Burgoyne grew worse and worse, till on October 11th Powell heard he had been defeated and was retreating. He then wrote urgently to Carleton, pointing out the hopeless condition of the fortress in event of a disaster to the southward, and begging instructions. Carleton replied he had no authority over him whatever, but if he had, seeing his own ignorance of Burgoyne's situation or intentions, he should leave the matter to Powell's own judgment, only reminding him that he should either work on the fortifications at once or abandon the spot before it was too late.

On October 20th the news of the surrender at Saratoga reached Powell, and three weeks later he was at St. Johns with his force and stores intact. Before abandoning the fortress every wooden building and defence was destroyed, and the brief but famous story of Carillon, as the French called it, was finished. Its walls and bastions sank into decay, though happily their fragments still survive among the trim scenes of modern life as the most suggestive object, perhaps, next to Quebec itself, in all these northern provinces of ancient and pregnant strife. Carleton would have been more than human had he not felt a qualm or two of bitter satisfaction at the retribution which Germain's flouting of himself had brought upon that fatuous

BURGOYNE'S RASHNESS

minister. But though opposition orators in parliament might openly rejoice at the humiliation of their country, Carleton was the last man to breathe one word of ill-placed censure on his supplanter, the lesser sinner, nay, rather the victim of this disastrous blunder, nor is there the least note of triumph in his laconic business-like despatches to Germain.

Almost every one who has dealt with, and probably every one who has studied, this period has indulged his readers or himself in some measure of speculation as to what might have resulted if the cool-headed Carleton with his intimate experience of local warfare and local conditions and topography, his wise caution and self-abnegation in critical moments, had been in Burgoyne's place, and above all had planned the campaign. Burgoyne was infinitely more sinned against than sinning, but he was without American experience and detailed heavily-accountred Germans, under officers who could not speak English, on difficult enterprises into remote forests where local knowledge and agility were the chief requisites. He perhaps thought more of his own reputation than of his country's when prudence should have warned him to retreat before it was too late. He refused to turn back when such a movement was still possible and many brave officers urged it as the wisest course, and when he did retrace his steps his movements were so dilatory as to ensure disaster. He had wasted time in the advance, he

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wasted more in his brief attempt to retreat, which was much worse, and his march was accompanied by a touch of personal frivolity and untimely luxury at his own headquarters which seemed to some of those about him to strike a jarring note at this moment of impending ruin.

Burgoyne, however, made a good case for himself, insisting that his instructions were explicit to march on Albany. Not only that, but he pictured Howe as advancing to meet him and felt that his own retreat might mean Howe's ruin; strict obedience to orders and chivalrous thought for a brother general were in fact his guiding motives. If Carleton had followed his own scheme none of these risks would have been run; even if he had followed Germain's will-o'-the-wisp one cannot imagine that he would have maintained so blind a faith in the Howe myth without some sign, or in any case that he would have allowed himself to be entrapped. Carleton had neither the contempt for the colonial troops, nor the exaggerated belief in effective Loyalist aid which the king, Germain, Burgoyne, and even Phillips were possessed of. These are, however, futile speculations. Perhaps Burgoyne's presence and Germain's fatuity were a wise dispensation of Providence in arranging the world's future. Carleton's interference might perhaps have left worse legacies for after generations. But in judging of current events so philosophical an attitude would be misplaced, and we must regard them from the

HALDIMAND NOMINATED

point of view of a British soldier of the time performing his duty to his king and country.

Carleton was now weary of his anomalous position. No fitting successor had as yet been found, till in October the news arrived that Haldimand had been nominated. It appears that the new governor when he reached London from Switzerland, his native country, heard much talk of Germain's unjust and foolish treatment of Carleton and requested that his own appointment should be cancelled. This was not accepted and Haldimand sailed in October, 1777, but baffled by contrary winds, was driven back into port and had to remain in England till the following season. There was, therefore, no choice for Carleton but to remain.

The legislative council had not met since its first session in 1775 had been dissolved by the alarms of war. The Quebec Act had not yet been put in operation and the courts of justice placed upon a proper footing. In 1775 Carleton had been compelled to nominate the judges himself, for the country had been left to chaos. No one certainly was calculated to make a better choice. He had appointed or maintained in their appointments, Mabane, Dunn, and Panet as the three judges at Quebec, while Fraser, Marteilhe, and de Rouville held like positions at Montreal.

A clause in the Quebec Act had annulled all appointments held prior to it, but Carleton regarded this as a mere form, though a useful in-

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strument for evicting any public servants who had failed in capacity, or in their duties. The home government, however, looked upon it as an admirable opportunity for foisting protégés on the Canadian establishment, and this division of opinion gave rise to a correspondence between Carleton and Germain as acrid as their letters on matters military and almost as entertaining. "I should have reproached myself with an abuse of power and trust if under the sanction of that clause I had turned out any of the king's inferior servants who had executed the duties of their offices with integrity and honour." "Two judges at Montreal," Carleton goes on to say, "have been turned out by his Lordship's nominees, Livius and Owen." Alluding to the former he continues, "'Tis unfortunate that your Lordship should find it necessary for the king's service to send over a person [Livius, shortly afterwards made chief-justice] to administer justice to the people when he understands neither their laws, manners, customs, nor their language, and that he must turn out of his place a gentleman who has held it with reputation for many years, well allied in the province and who had suffered considerably for his attachment to his duty both as a magistrate and a loyal subject." Carleton's judgment in this case is singularly endorsed by the fact that the ill-used gentleman went back to England and in no long time became master of the rolls and Sir William Grant. Livius, his supplanter, as a German-Portuguese with a legal experience

PLAIN SPEAKING

gained in New England, was not a happy appointment, though he was quite clever enough to make a good deal of disturbance about his fees and give Carleton great trouble, "greedy of power, more greedy of gain, imperious and impetuous in his temper, but learned in the ways and eloquence of the New England provinces, valuing himself particularly on his knowledge of how to manage governors."

Carleton, unlike Burgoyne, professed no exceptional powers of composition, but it must be admitted that he was roused at times by the performances of the colonial office into bits of English that it is a positive pleasure to transcribe. Plagued by the continual appearance of these placemen, generally the representatives of backstair influence, sometimes the inferior deputies of inferior men at home with political influence who took the lion's share of the salary, Carleton wrote at another time to Germain his dread lest the country "should produce what may be found in others; characters regardless of the public tranquillity but zealous to pay court to a powerful minister and, provided they can flatter themselves with a prospect of obtaining by this protection advantages under the Crown, are unconcerned should the means of obtaining them prove ruinous to the king's service." This, too, is plain speaking, but Germain was getting used to it by now and was to hear still worse things when Burgoyne, and more particularly Burgoyne's friends,

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spoke their minds in parliament at a later date. Monk, the solicitor-general in Nova Scotia, was among those nominated, to the exclusion of a well tried and deserving person. Monk, however, was in himself a fitting appointment, but Carleton objected to an equally efficient native of the province being passed by. Monk never forgot the quite just objections of Carleton, as will appear in a subsequent chapter dealing with much later events. Carleton's attitude in all these matters is the more worthy of confidence from the fact that he himself had nothing to gain in the way of favour or support. He considered that he had done with Canada and was only acting in the interests of the country and of the successor for whose advent he anxiously awaited. All this was the more irritating, as the clause in the Quebec Act annulling all present offices had been introduced with Carleton's approval for the express purpose of eliminating unworthy officers nominated by the pernicious system in vogue. Carleton's retention of efficient servants was in keeping with the spirit in which he intended the Act to be applied. Germain's interpretation of it, on the other hand, was for the perpetuating of those very abuses.

A militia bill was passed early in the session which made every able-bodied man liable to be called out in defence of his country. This was no hardship surely then or now, but the *habitants* regarded it with great dislike. It was ordained, moreover, that those

DREAD OF INVASION

not included in musters should perform the agricultural duties of those who were. After Burgoyne's surrender there was another invasion scare, as well there may have been. There were nearly four thousand regulars in the colony, but the Americans by now were in considerable part no longer raw militia, but hardened and experienced soldiers. The Canadian militia numbered on paper some eighteen thousand men. In the autumn of 1777, Carleton called out one-third of the force from the Three Rivers and Montreal districts under those zealous officers de Tonnancour, de Longueuil, and de Lanaudière. The muster was successful, but the immediate alarm of invasion passed away and the men were disbanded. Some half a dozen persons, too, were arrested this year for treasonable practices, and Livius who was sore at the strict limitation of legal fees which Carleton had managed to secure in the interests of a poor community, used some of these arrests as a means of airing his importance and retaliating on the government. Carleton had also nominated a few members of the council as a committee to work in immediate accord with himself during the period of strain and crisis represented by the years 1776 and 1777. It was a time of urgent peril calling for instant action. Many of his council were in the field, and some were prisoners in the States. Livius was not included, very naturally, seeing that he was a German-Portuguese who had recently come from New England as one of Ger-

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main's placemen. There was a kind of opening in the armour of the peace constitution of Canada for a pettifogging lawyer to assail, and Livius gave a good deal of trouble by carrying the matter to the privy council. After Carleton had arrived in England the matter was brought to a head when the council deprived Livius of his office.

Carleton's kindheartedness towards the American militiamen that fell into his hands is a matter of history. Here is an address he made to his prisoners at Quebec when he sent them home, which may be accepted as typical if not accurate to the letter: "My lads, why did you come to disturb an honest man in his government that never did you any harm in his life? I never invaded your property nor sent a single soldier to distress you. Come, my boys, you are in a very painful situation and not able to go home with any comfort. I must provide you with shoes, stockings and good warm waistcoats. I must give you some good victuals to carry you home. Take care, my lads, that you do not come here again, lest I should not treat you so kindly." In his last letter to Germain he told him that if the character of the men sent to Canada were of no consideration to his Lordship, the tranquillity of the people, and the security of so important a province, the dignity and the dominion of the Crown, he hoped, at least, would appear worthy of some attention. "I have long and impatiently looked out for the arrival of a successor. Happy at last to learn

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his near approach, that into hands less obnoxious to your Lordship I may resign the important commands with which I have been honoured. Thus, for the king's service, as willingly I lay them down as for his service I took them up—the most essential and in truth the only service in my power to render your Lordship's administration." These are Carleton's last words in closing this chapter of his history, and not unworthy ones.

Haldimand, Carleton's long-looked-for successor, arrived in Quebec on June 26th, 1778. Carleton returned to England on the same vessel after more than eleven years of service, and nearly eight of actual residence. He was the only British general who recrossed the Atlantic during this episode wearing the laurels of victory, and of all generals his task had been the hardest. He little thought then, that ten years later he would be called once more to the thorny seat of which he had now grown weary.



CHAPTER X

PREPARATIONS FOR PEACE

THE surrender of Cornwallis at Yorktown in October, 1781, proved to be the last military operation of any moment in the War of Independence. The thoughts of almost all Englishmen were now from different motives turned towards peace, those of the Tories slowly and reluctantly, those of the Whigs with a sense of relief in which an inevitable measure of humiliation was tempered by the sordid satisfaction of a party triumph. For then as to-day in England colonial problems, fraught with fateful issues and understood not at all save by a mere handful of Englishmen, were used as weapons of party strife and handled in debate with a complacent and conspicuous ignorance.

Parliament met two days after the tidings reached England. After a long series of fierce attacks and a gradually dwindling majority Lord North's government, in spite of its changing policy, succumbed upon March 20th, 1782. Further misfortunes had contributed to this. St. Eustatius, St. Kitts, Nevis and Montserrat, and worse than all Minorca, had surrendered one after the other to the French and Spaniards. The greater West Indian Islands were in imminent danger. The serious straits to which

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Washington's army in the north and Greene's in the south were respectively reduced were not realized in England, and perhaps fortunately so, since further bloodshed at this date could only have produced further calamities. Even prior to North's fall Shelburne, as secretary of state, had despatched Richard Oswald, a well informed and very diplomatic merchant, to sound Dr. Franklin at Paris with a view to terms. A week later Rockingham had formed a new cabinet with Fox and Shelburne as secretaries of state. Oswald was sent back to Paris and to Franklin, accompanied this time by Thomas Grenville, who was to treat with Vergennes for a peace with France on separate lines. This created some feeling between the French and Americans, and may therefore be set down to the credit account of British diplomacy. Germain was the only member of North's government who had resolutely set his face against concessions. So, bellicose as ever in council, he was transferred to the Upper House where open protest was made against the admission of a man who had been cashiered for cowardice in the field.

Clinton was now returning from his command at New York wearied by five years of work, worry, and disappointment, and Carleton was to go out and reign in his stead though with much wider powers; for it was now the season of propitiation, the promoting of peace, and the carrying out of such treaties as it was hoped would shortly be executed. By far the

CARLETON'S RETURN

most formidable item in a sufficiently complicated programme was that of the Loyalists, the colonists who had fought for the Crown, and the great number of non-combatants, incapacitated by sex or age from bearing arms but who had passively espoused the same failing cause. For these and other critical operations it was essential to send out a man of high integrity, of stainless honour, of wide experience, a man trusted by both parties and in both countries, and for once there was no hesitation and no cavilling at the choice. Once again Carleton set out to face a situation bristling with difficulties and to be the judge and arbiter of conflicting interests under the guns of a powerful and not yet conciliated foe.

He had spent three quiet years mainly on the estate he had bought in Hampshire, and now sailed for New York in the beginning of April, 1782. Deliberations of a tentative but hopeful nature were proceeding in Paris and the suspension of serious operations in America though mutually observed was quite informal. His commission was dated April 4th. "His Majesty's affairs," so run the instructions, "are so situated that further deliberations give way to the necessity of instant decision, and whatever inconveniences may arise we are satisfied will be compensated by the presence of a commander-in-chief of whose discretion, conduct and ability His Majesty has long entertained the highest opinion." Carleton was invested with extraordinary powers. He was a commissioner entrusted

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with carrying out the conditions of peace when these should be formulated and signed. He was also "general and commander-in-chief of all His Majesty's forces within the colonies lying in the Atlantic Ocean, from Nova Scotia to the Floridas, and inclusive of Newfoundland and Canada should they be attacked."

His naval coadjutor, with whom it may be at once stated he worked in perfect harmony, was the Honourable Robert Digby, "Admiral and Commander-in-chief of His Majesty's ships and vessels employed in North America." It was left to Carleton's discretion, in case of attack by the Franco-American army, whether to fight or to make terms for withdrawal. The great importance of extricating the troops for His Majesty's service elsewhere, if compatible with honour, was duly insisted upon. Not often we fancy has a British commander been despatched on a mission at once so critical and painful in the execution and yet so barren of prospective glory. The Loyalist refugees were earnestly recommended by the king to Carleton's "tenderest and most honourable care," as well they may have been, and we may readily guess that a general who had earned such a reputation for humanity towards vanquished foes was not likely to fail in his duty towards gallant friends in their hour of trial and distress. The safe withdrawal of so large a body of troops was indeed of much consequence, for though peace was probable with the Americans it was less

A WISER GOVERNMENT

so with France, while Holland and Spain had yet to be reckoned with, the latter no mean antagonist in her still familiar and convenient battleground of the West Indies. "It was impossible to judge," wrote Rockingham's government to Carleton with a sane discrimination, rare indeed then and not universal now, "of the precise situation at so great a distance." In this case, at any rate, even though driven to it by despair, the British government may be credited with sending out the ablest and most experienced man at their disposal. It is also to their credit that they loyally maintained, though shaky and shifting among themselves, their admirable resolves. "The resources of your mind," wrote these now thoroughly sobered statesmen, "in the most perplexing and critical situations have been already tried and proved successful. At this perilous moment they give hope to the nation and entitle you to a most honourable support from His Majesty's ministers of which we are authorized to give you the fullest assurance."

Carleton arrived in New York on May 9th, 1782, and received the usual addresses of welcome and confidence, genuine enough no doubt in his case. The first despatches which reached him from England were full of fears for the safety of Halifax in view of French fleets supposed to be prowling on the Atlantic coast, and announced the deflection to Nova Scotian waters of Hessian recruits destined for New York. But the next told a different story, for while Carleton was on the ocean Rodney's great

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victory in the West Indies had altered the situation, and dismantled French battleships were making their way to Boston for repairs leaving other less fortunate consorts at the bottom of the sea.

Carleton had found the troops of his command occupying the city of New York, and the immediately adjacent districts within definite lines. Within the latter too, besides the provincial Loyalist regiments and that part of the civil population who adhered actively or passively to the Crown, were a great number of refugees from all parts of the northern and middle colonies, dependent for the most part on money and supplies provided by the British government.

Up the Hudson and in touch with his outposts lay Washington with the northern army and its French contingents. The entire open country was controlled by congress, its officials and its laws. Those who had befriended the Crown throughout the whole or part of the seven years of war had been either driven to one or other of the seaports held by the British or led the lives of pariahs as they clung desperately to the wreck of their property, hoping vainly for some turn of fortune. Of the large number of Americans in the rural districts, who, to use a homely modern idiom, "sat upon the fence" with judgment during the war and descended at the right moment on the right side, history can never take count. Military statistics give room for some approximate inference by the simple process of sub-

DISTRIBUTION OF FORCES

traction. The results arrived at seem in keeping with ordinary human nature and the sparsely settled condition of so vast a country.

Moreover, unlike most revolutions, this one had not been provoked by cruelty, suffering or oppression in the ordinary sense of the word. Such terms would be ridiculously inapplicable. The "chains and slavery" of Patrick Henry, "whose efficacy" said his rivals "was wholly seated in his tongue" were metaphorical. Nor was it wholly a war, as some would have it, of principles and ideals. There were substantial grievances, commercial mainly, and chiefly felt and resented by the propertied classes, a strong element of whom led the common people by whirlwinds of fiery and skilful eloquence.

Leslie at Charleston in South Carolina with Greene and the army of the South watching him, occupied a very similar position to that of Carleton in New York. Savannah, in Georgia, a province both new and weak and still subsidized by Great Britain, was occupied by a smaller force. The evacuation of both these places had been decided upon. St. Augustine again in East Florida was occupied by a British force, but was scarcely threatened, and indeed had become a resort of refugee settlers with loyal views till it passed to Spain at the peace and necessitated a second flitting.

All these posts and districts were under the command of Carleton, who was almost immediately confronted with an awkward incident, a legacy

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from Clinton's government, though no fault of his nor indeed of anybody but the obscure persons concerned in the outrage. For it so happened that a few weeks previously a Loyalist named Philip White of New Jersey had met a violent death at the hands of the rival party. This so enraged the Tories that, acting under the instructions of the associated board of Loyalists presided over, strangely enough, by Dr. Franklin's son, Captain Lippincott of the New Jersey corps captured and hanged one Joshua Huddy, a captain in the congress militia. They left him suspended to a tree with this inscription pinned on his breast: "We are determined to hang man for man while there is a refugee existing. Up goes Huddy for Philip White." This raised a storm among the Americans and in congress, and peremptory demands were made for the punishment of Lippincott. Neither Clinton nor Carleton, who found the dispute raging, attempted to extenuate so irregular a proceeding, whatever the crime that provoked it. Lippincott was tried by the highest jurists in New York, who found themselves powerless to convict him for sufficient but technical reasons irrelevant here. Washington now demanded that Lippincott should be handed over to him, and, being very rightly refused, caused lots to be drawn among the British officers on parole in Pennsylvania, which resulted in young Asgill, a lieutenant of nineteen in the Guards, being placed in arrest as a victim for retaliation. This unfortunate young man lay virtually under sentence

THE ASGILL CASE

of death for six months. It was another case of André, with the same intercessions from powerful quarters more painfully protracted though more happily terminated. It was, however, a civil case for congress, not, as the other, a military affair for Washington. Carleton, of course, sent the earliest remonstrances both to Washington, who truly replied that he was powerless, and to congress, who would be satisfied with nothing but the blood of either Lippincott or Asgill. The latter was well connected. His mother wrote pathetic and beseeching letters to many quarters, which may be read in the State papers to-day. In despair she wrote to the French minister Vergennes at Paris, and not only enlisted his active sympathy but that of the king and queen of France, who were melted, it is said, to tears. But congress cared nothing for kings and queens. Vergennes now tried more practical arguments, and pointed out to congress that Asgill was in effect as much the prisoner of the King of France as he was theirs, seeing that His Majesty's arms had contributed so greatly to the victory of Yorktown where he was captured. This was unanswerable, or at least savoured of a demand, and congress with a bad grace, for Washington had long since wavered, gave way. The same dilatoriness, however, distinguished their completion of this small matter as had driven Washington again and again to despair in greater ones, and it was October before the youth who had borne himself bravely, "a credit to the British

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army" as his colonel writes to Carleton, was actually released.

For a long time, even after Rodney's victory, Carleton and Digby felt much anxiety on the seaward side from some combination of uninjured or refitted French squadrons. Inland a curious, unofficial and even precarious armed neutrality held the two opposing armies. Carleton had been instructed among other things to make known to congress and the American people generally the pacific sentiments of the British government and House of Commons, to acquaint them with everything which could tend towards reviving old affections and extinguishing late jealousies, and to inform them that "the most liberal sentiments had taken root in the nation, and that the narrow policy of monopoly was totally extinguished, that a bill would pass the House after the holidays, the consequence of which would be a fresh commission to treat upon the most liberal terms of mutual advantage, and to propose an immediate cessation of hostilities." This must have been a slightly humiliating task even to a broad-minded man like Carleton, who had always deplored this war though he had done such yeoman service in it. His private opinions he might well have expressed, but to be the mouthpiece of a sovereign and government who had suddenly executed such a *volte-face* was another matter. However, he went through it with a good grace, and wrote admirable letters in the strain suggested, both to Washington and to

BRITISH PRISONERS

congress, who replied without enthusiasm but with suitable courtesy. It is interesting to note that Carleton's presence created some alarm among American extremists who feared that the memory of his lenient treatment of their released prisoners and his conciliatory tact might prove to their disadvantage in making terms. But though the sword was virtually sheathed by tacit consent, even Carleton could do nothing to diminish the gulf that had now yawned so wide between the two parties. Polite letters by the score, in connection with ordinary business matters, passed between the British commander on the one hand, and Washington, Livingstone, as president of congress, and Lincoln, as custodian of the British prisoners, on the other. But the noble sentiments and general expressions of goodwill expressed by one and all were almost invariably qualified by some reference to regrettable incidents by subordinates calling for prompt indemnification.

There were now two large bodies of British prisoners in America, besides several smaller bands captured on less notable occasions. The former consisted of the "convention prisoners" surrendered by Burgoyne at Saratoga, and those more recently taken with Cornwallis at Yorktown. Exchanges had slightly diminished the rolls of all, but there were still six or seven thousand prisoners chiefly in Pennsylvania, Maryland and Virginia. These, in connection with their exchanges, treatment and complaints, occasioned a vast deal of correspondence to

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Carleton, who made frequent protests on their behalf to congress and elsewhere. A steady stream of Loyalist refugees kept pouring into the British lines—sometimes widows and children of deceased Tories, sometimes men, the victims of an ever growing ferocity that was by no means always confined to the patriot side. The department of claims and succour was under the immediate management of Colonel Morris, a member of the council of New York and one of Braddock's aides-de-camp at the slaughter on the Monongahela seven years previously. This gentleman is also distinguished as the successful wooer of Mary Phillips, who had previously inflamed the heart but not reciprocated the feelings of Morris's fellow aide-de-camp, George Washington. Mary Phillips was a considerable heiress, sister-in-law of Beverley Robinson, of familiar name in Canada, and her property was the only woman's estate formally confiscated. Twenty regiments of Loyalists at different points were in Carleton's command. There were three battalions of de Lancy's brigade under Turnbull, three more of Jersey volunteers under Skinner, Pennsylvania Loyalists under Allen, and Marylanders under Chalmers, the Loyal Americans under Beverley Robinson, who also commanded a corps of guides and pioneers, while Fanning, of South Carolina, commanded the King's American Regiment, the Queen's Rangers raised and led by Simcoe and Carleton's noted British legion. The last three were afterwards placed on the

ASKS FOR RECALL

British establishment. The pay rolls of all these corps may still be read in the State papers for Carleton's period, thanks to his indefatigable secretary, Maurice Morgan, who has contributed to the shelves of the Royal Institution nearly forty stout volumes filled with the MSS. correspondence and accounts for the years 1782 and 1783.

Halifax was regarded throughout this first summer as the likeliest point of attack in Carleton's command, but the thoughts of the king's government turned now to recapturing the lost West India Islands, as well as to annexing those that had not been theirs to lose, and they were eager to get troops to those points from the American garrisons. In August Carleton heard that complete independence was to be ceded by the coming treaty, and he promptly requested to be recalled. It is worth noting that while the king and his ministers had blustered and vowed they would die rather than concede anything till the Americans were overcome, Carleton, whose views had been far more conciliatory while a hope remained of retaining the colonies, had firmly drawn the line at independence. His ambition had been to win back the colonists by every concession short of actual separation, and now his hopes were dissipated. He had no wish to stay longer in America. He had counted on his position there as a possible means of yet saving the situation from this uttermost calamity, and the chance apparently was not in his eyes a desperate one.

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Now, in the first blush of his disappointment, there seemed no more use for him. But it was not to be. Communications were tedious in those days. It was not easy to find a qualified successor, and it ended, as we all know, by Carleton being the last British commander to leave the American shore. He had been busy as usual with his own secret service, collecting by means of trusted agents the private opinions of prominent Americans throughout the colonies. A vast amount of interesting matter thus collected remains among his papers. To quote an example at haphazard—one member of congress wished to know whether, if relations were resumed on the principle of no taxation or customs regulations, the British government would put the American army on the British establishment!

Carleton through all this period had at least money and supplies. There was no question of half rations nor of deferred pay for his troops or his refugees. Washington's army on the other hand had no pay and was ill supplied, while Greene's troops who were watching Leslie in the south were, according to their general, nearly naked. In August the evacuation of Savannah was accomplished, in July that of Charleston was achieved without mishap, though there had been great irritation and some outpost fighting between the troops of Leslie and Greene. War in the Carolinas, where the Loyalist party was especially strong, had been proportionately ferocious. Leslie, however, got his people away

ROUTINE WORK

to the number of fifteen thousand, of whom about half were refugees. They filled sixty ships,—joyful soldiers sick of unsuccessful partisan warfare, and bound for other scenes and honourable service; despondent refugees ruined mostly and bound, some for England, others for a fresh start in life in the West Indies; negroes careless and excited, no doubt, some free, some accompanying their masters, some taken by self-constituted masters to be sold by auction in the West Indies and to raise future troubles between Carleton and congress.

In the autumn Carleton was ordered to Barbadoes and active West Indian enterprises, and then immediately counter-ordered. He had an enormous amount of miscellaneous as well as routine work on his hands, as his surviving papers show. Leslie's Hessians, eleven hundred strong, and seven hundred Loyalist soldiers, the remnant of seven regiments, now joined his garrison from Charleston. Occasional incidents due to the mutual hatred of provincial Whigs and Tories in or about the lines, once or twice threatened to bring Washington down upon him, while the chance of a French attack by sea seems never to have been quite absent, for Digby was weak in ships. But Carleton was at least not worried by the home government. "All we can do," wrote Townshend, "is to indicate objects and choose a fit man like yourself to carry them out." When the news of the proposed concession of complete independence reached New York

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the Loyalists were seized with despair and consternation. Petitions streamed in on Carleton. "If we have to encounter," ran one of them, "this inexpressible misfortune, we beg consideration for our lives, fortunes and property, and not by mere terms of treaty." These men knew the relentless spirit of their foes better than the British government. So by this time did Carleton, who replied that it was impossible not to sympathize with their fears, and that he would lay their urgent addresses with all speed before the king.

As the prospect of peace grew stronger and nearer there was much correspondence between Carleton and Washington, the former, with characteristic warmth, urging consideration towards the Loyalist, the latter replying in civil but entirely non-committal fashion. An intercepted letter from Adams expressed the sentiment that all Tories ought to be hanged. Another from Washington suggested that suicide was their only course. Such ebullitions of feeling give some idea of the situation. To the home government Carleton writes that some, no doubt, will try to make terms with the Americans, but others seem ready to submit to any extremity rather than to their foes. He is trying, he continues, to turn their thoughts towards other colonies, for this was already regarded as the inevitable solution of the problem, and Carleton had been for some time in active correspondence with Governor Parr and others in Nova Scotia regarding lands and

A COMMISSION APPOINTED

places for settlement. Haldimand wrote to Carleton that he was exchanging his prisoners with Vermont on easy terms, in view of the wavering sympathies of that martial and heady little province. The *amour propre* of this staunch and trustworthy old gentleman had taken alarm at some report that Carleton was coming to Canada, which meant the writer's temporary subordination, in which case he would certainly go home at once. Carleton soothed his fears by replying that he had not quitted that government with any thoughts of ever returning to it; an eminently unprophetic utterance!

In the meantime congress, ever bellicose and by this time somewhat decadent, had received the proposed terms of peace with a bad grace. They wanted to know the exact nature and extent of the independence proposed, and passed a resolution to the several states not to remit their exertions for carrying on the war with vigour. They could not be persuaded, however, to pay up the arrears due to the officers and men who had conducted it to the present successful stage. Still they went so far as to order Washington to appoint a commission for the exchange of prisoners. Carleton was at a loss to know whether all this meant that he was to be attacked; but in any case he appointed General Campbell and Mr. Elliott to meet Washington's commissioners and proposed to that general a definite agreement for the suspension of hostilities. Washington replied that Indian raids—alluding to

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the ever lively Johnsons on the Mohawk—and marine attacks that in a small way on remoter shores were not infrequent, must in that case be also stopped, which was only reasonable. Generals Heath and Knox were nominated as Washington's commissioners in the matter of cartels, and the four met at Tappan, between the lines. The meeting ended in speedy and farcical fashion, for the Americans opened the ceremony by presenting a big bill for the keep of the British and German prisoners. Campbell and Elliott were amazed. The negotiators were evidently at cross-purposes so all four returned to their respective quarters, the British rather sore at having, as they thought, been brought on a fool's errand, the Americans on the plea that the others were invested with no power to treat.

Carleton had now with him nearly eight thousand Germans, five thousand British regulars, and some seventeen hundred provincials. Nine thousand of the regulars were quartered at McGowan's Pass and about a thousand at Kingsbridge, Paulus Hook, Staten Island and Long Island respectively. The provincials were stationed within the city for obvious prudential reasons. The British regiments were the 7th, 22nd, 37th, 38th, 42nd, 48th, 54th, 57th and some artillery. The German prisoners captured with Burgoyne and stationed mostly in Pennsylvania were also a constant source of trouble to Carleton, though not through any fault of their own, poor fellows. But with the Americans food

THE PLIGHT OF THE GERMANS

was unquestionably scarce, and the prisoners suffered in consequence. The Germans could not be exchanged and some of the understrappers in the congress service had notions far removed from equity or military custom. Some of them certainly displayed a talent for mean and petty oppression and exaction that surely surpassed the low average of the Jacks-in-office of that day in most countries. The poor Germans, often doubtless for lack of other quarters, were confined sometimes in wretched gaols, sometimes in other squalid buildings, and their complaints were met even by superior officers with the retort that the British government was responsible because it would not pay for their keep! All such expenses may well be lumped in a general money compensation to the victor in a long war at a treaty of peace, but I know of no other case where an army still in the field was expected to liquidate the board bill of their comrades in captivity by quarterly remittances. At this distance of time, when all concerned have long been dust, and the Americans have earned a reputation for unexampled hospitality, we may be permitted to enjoy a little the humour of the situation.

The Germans were told, however, that they might liquidate their maintenance account and at the same time secure their liberty by a payment of eighty dollars. As few of them had eighty pence the proposition offered small consolation. It proved, however, only a forerunner to a more practical suggestion;

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for plenty of farmers it seems were willing to pay the bonus in return for a three years' indenture of the liberated soldier and his services. An alternative proposition was also pressed upon them with all the eloquence of a rival scheme, the recruiting sergeants being empowered to offer them their liberty and a bounty besides on enlistment in the service of congress. From our modern point of view it seems quite curious how few of these poor men took advantage of either, and with what indignation the great majority repudiated both offers. These German mercenaries are often written of to-day and were then, among the Americans, usually regarded as oppressed peasants, torn unwillingly from their homes by petty princes who fattened on the proceeds of their nefarious bargain with the British government. Much of this arises and arose from ignorance of the military conditions and customs of Europe in that day—an irrelevant subject here. But one gets from the attitude assumed and the answers given by these much pitied mercenaries, a curious glimpse of how strong among them was the pride of military caste. Some of the meetings between groups of these people and the American officials were vividly described by one or other of their number and forwarded by way of protest to Carleton, and may still be read among his papers. They scorned the notion of doing menial work as an indentured servant or "slave" to an American farmer. The recruiting sergeants quite approved of this and

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applauded the repugnance shown by men who followed "the glorious trade of war" to becoming "the slaves of farmers"—for this is how these unblushing republicans actually put it. But when the latter came forward with their bounty, less no doubt their own commission, and an offer to pursue the paths of glory in the continental line, these simple people found their duty to their own prince and oath of allegiance to King George an insuperable obstacle. "Though we are treated not like prisoners of war but like wretches fallen into the hands of barbarians," writes one of them, after they had been addressed on the subject of the above proposal, "we replied that every word was thunder in our ears and were struck dumb with such barbarous proposals." Such warmth of language to the modern Anglo-Saxon would appear quite overstrained, while to prisoners in durance vile the offers might seem tempting enough, and the transfer of allegiance at that moment may well have seemed a mere trifle to an American. But neither they at that time nor we at this can put ourselves in the place of a Hessian corporal of the eighteenth century with feudal superstitions, homesickness, and domestic affections tugging at his heart strings. The great number of private men, corporals, and sergeants counting fifteen and twenty years service strikes one as remarkable in these regiments. Their behaviour upon the whole throughout the war, whether in quarters or in the field, had been admirable.

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Early in the winter Carleton received permission to return home, so soon as Lieutenant-General Grey, appointed in his place, could relieve him. But peace now seemed so certain that Grey was withheld and Townshend wrote to Carleton, "Let me earnestly entreat you to remain at this important moment for the evacuation of New York and distribution of His Majesty's troops. So much less brilliant but none the less difficult and important; a great and complicated business, removal and distribution of troops, security and disposal of public property, liquidation and adjustment of accounts, the care, support and assistance of Loyalists, all claim your attention. The justice of your claims to return home are obvious. If His Majesty could find any man on either side of the Atlantic as much trusted he would not press this so urgently."

There is no space here for any catalogue of Carleton's manifold duties through this busy and anxious winter of 1782-3. Arrangements were being pushed forward in Nova Scotia, which then included New Brunswick, for the reception of Loyalist emigrants, and Carleton among other things protested with success against the saddling of uncleared forest lands with quit rents. At another time we find him restoring the bells of Charleston which some fervent refugees had included among their baggage, at another endeavouring to recover six thousand pounds worth of clothing which American underlings had appropriated on its way to the prisoners in Pennsylvania.

CESSATION OF HOSTILITIES

And amid these and innumerable other minor matters, outside the care of a large garrison, the bitter cry of refugee arrivals was always in his ears.

At the end of March, 1783, arrived the news that the preliminary articles of peace were signed. The opposing generals complimented one another, and Washington issued orders for an absolute cessation of any hostile acts. But the French government were ill pleased. The capture of American trade had been with them a leading object, and as one means towards it they hoped to secure terms so favourable for the Loyalists that they would remain in the country, assist in its progress, and look to the French as benefactors. Dr. Franklin and Oswald had upset all this and, what was more, the Loyalists now learned to their dismay that any hopes they still cherished of getting some reasonable guarantees in the treaty were dashed to the ground. Congress had no power, so it declared, to take any action in this matter. All it could do was to undertake that a recommendation should be made to the different states to show consideration for their late enemies. The British ministers, who, to do them justice, had struggled in vain for something better than this, hoped that even so much might have some mitigating effect. The wholesale confiscation of property at the close of a civil war fought out for a principle between neighbours of the same race, blood, and faith, was unknown among civilized people in modern times, certainly among Britons.

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But the Loyalists knew the temper of their people better and prepared forthwith to depart. On April 17th five thousand five hundred and ninety-three refugees were embarked for Nova Scotia as a first instalment. "Many of these," writes Carleton to Governor Parr, "are of the first families and born to the fairest possessions, and I beg therefore that you will have them properly considered."

On May 6th Carleton met Washington and Clinton, the governor of New York, at Tappan and discussed the exchange and liberation of prisoners. Carleton's vessels were in such demand that it was necessary to march the prisoners overland to New York, and the management of this business was entrusted to Colonel Alured Clarke, whom we shall meet again later in Canada. About six thousand altogether had to be thus brought by road, some from as far south as Charlottesville in Virginia. Those who have read Captain Anbury's journals may well fancy that they shook the red dust of that now delectable and always most beautiful Virginia district off their ill-shod feet with heartfelt relief. A week later proclamations were sent out by both governments dissolving the officers' paroles. By the terms of the treaty the British were to evacuate New York, the only spot in the country except the far western posts that they now held, with as much despatch as possible. Nothing was actually said about the Loyalists going with them; but Carleton to his honour determined to interpret the clause this way,

TRANSPORT DIFFICULTIES

and, as time went on and the bitter feeling towards them more fully revealed itself, his resolution in regard to this became immovably fixed and proof against the constant complaints of congress at the delay. His transport facilities were quite unequal to the great demands made on them. From the time that peace was proclaimed fresh refugees, who had made brief experiments at home of what peace meant, came thronging in. As fast as any new supply of transports gave promise of meeting the demand these refugees increased and occasioned further delay. The whole proceeding took over six months, and from July onwards Carleton was constantly importuned by congress to fix some precise limit to his occupation. He replied shortly, but always courteously, that he was quite as anxious as they were to finish the business, that it was purely a matter of transport, that in the collection of this his utmost endeavours were engaged and that no man could do more. To their objections that the Loyalists were not included in the agreement Carleton replied that he held opposite views. In any case he regarded it as a point of honour that no troops should embark until the last Loyalist who claimed his protection should be safely on board a British ship. He requested congress to appoint agents that they might see for themselves how zealous he and his officials were in their endeavours. By September, when there were still numbers to be moved, Carleton got rather short in his replies to these importunities,

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and at last on being requested to name an outside date he honestly declared that he could not even guess when the last ship would be loaded; but he was privately resolved to remain until it was. He informed them, moreover, that the more the uncontrolled violence of their citizens drove refugees to his protection, by so much the longer would his evacuation be delayed.

The American government were greatly concerned lest property belonging to their friends should be included in the Loyalists' baggage. By far the most difficult property to classify were the negroes, mostly refugees like the others. Who of these were bond and who were free, and if the former to whom did they belong and what course was the correct one to pursue, was a problem such as no fair-minded British commander, except Leslie at Charleston, has probably ever been confronted with. The Ethiopian's affidavit, then as now, was hardly reliable. For that matter few white men would be willing to swear away their liberty. Then again the question whether a negro escaping from a rebel master to a government at the time locally supreme and who had thus obtained his freedom should be returned as a chattel, which according to strict law and the treaty he should have been, was really a complicated question. It must be remembered that the British flag did not legally mean freedom in 1783 as Canada did half a century later. Carleton was utterly loath to send these people back

NEGROES

to masters who would not unnaturally receive them with more or less harshness of treatment. He requested, therefore, that commissioners should be appointed to take full particulars of every negro that was shipped, and wherever there was any case for compensation it should be registered for after consideration. This plan was adopted, and elaborate registers were made of all the identified negroes, describing their appearance, sex, age and owner. These may be read to-day among Carleton's papers, where they are described in hundreds as "likely fellows," "stout wenches," "likely lads," "incurably lazy," "stout fellows," and "wornouts." To any one familiar with southern life immediately after the late Civil War, as is the case with the present writer, these phrases have a curiously suggestive ring, though the Pompeys, Cæsars, Jupiters, Princes, and Dianas that figure in Carleton's lists had then almost wholly given way to less classical appellations.

Elaborate lists still remain to us of the officers of the Loyalist corps put upon half pay, and among the letters to Carleton from various provincial officers one is surprised to find that the custom of purchase apparently flourished even in these locally raised regiments, three hundred pounds being mentioned as having been paid for a company, and two hundred and forty pounds for the quartermaster's berth in a New Jersey volunteer corps. The most pathetic portion perhaps of Carleton's papers consists of letters from widows of Loyalists whose husbands had fallen,

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explaining their wretched circumstances in detail, and petitioning for pensions which seem to have been always allotted to them. Six Loyalist corps numbering about one thousand five hundred men were disbanded and settled in Nova Scotia, and several Hessian officers with small fortunes applied to Carleton for similar privileges, which were, of course, granted on the same scale of acreage as that allotted to British officers. But I must not drift into the affairs of the Loyalist refugees so voluminously set forth in the Carleton correspondence, and of such abiding interest to most Canadians. It will be enough to say that the bulk of these shipments went to the Maritime Provinces, including Cape Breton and Prince Edward Island, whose proprietors had made considerable, though to them profitable enough, concessions. A few went to both Upper and Lower Canada to swell the numbers that then and afterwards resorted thither overland, and these last included many Americans other than Loyalists frightened out of the neighbouring states by the bogey of taxation which was now provoking disturbances all over the country. The number of Loyalists whom Carleton actually embarked it is difficult to estimate with any accuracy. The number expected was twenty-seven thousand, but this was probably in excess of that which actually sailed. It was the end of November before the last British drum beat its farewell on the battery, and the last British red-coat filed into the boats. On November

THE LAST DESPATCH

29th Carleton wrote his last despatch on board the *Ceres* anchored in the harbour. It supported a final petition of Loyalist widows for pensions, and included the fact that "His Majesty's troops and such remaining Loyalists as chose to emigrate were successfully withdrawn on the 25th inst., from the city of New York in good order, and embarked without the smallest circumstance of irregularity or misbehaviour of any kind." Thus dropped the curtain on Carleton's second period of laborious and distinguished service to his country, as it also dropped on one of the most fateful and pregnant struggles in the world's history.

CHAPTER XI

DORCHESTER'S RETURN

AFTER two years spent in England, which, so far as we know, were uneventful ones to Carleton save that he was created Baron Dorchester, he was offered and accepted the chief-governorship of Canada at the beginning of 1786. With the sudden influx of Loyalist refugees variously estimated at from thirty to fifty thousand, a third of whom perhaps would be in Canada proper, the equilibrium, social, political and religious of that country, bade fair to be considerably upset. New cleavages, new issues and new difficulties were imminent within the province. Without it France was in a highly electrical condition, while one of the two great parties into which the United States was now divided was actively hostile to Great Britain, and sore at the failure to include Canada in their new republic. Indeed the immediate future of Canada promised to tax the capacities of the ablest ruler, and the British government at this crisis seems to have turned naturally to Carleton. Domestic legislation of a thorny kind and danger from without was the almost certain lot of the next occupant of the Château St. Louis, and it would seem that some pressure was put on Carleton in the matter and that he went out rather from a sense of patriotism and duty than personal inclination.

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However unemotional his temperament, the feelings of Dorchester, as we must now call him, may well have been stirred as he again beheld the spires and rooftrees and batteries of Quebec ascending from the water line to their high protecting fortress, and as he climbed once more the steep familiar streets, every turn of which he had such good cause to know. When eight years previously Haldimand had arrived to take his place, the two had met in brief interchange of courtesies. This time Dorchester had renewed Haldimand's acquaintance in London before sailing, and was received at Quebec by Hope, the lieutenant-governor, who had acquitted himself with sufficient credit in the interval. His government had been marked by comparative domestic peace, pending the advent of so renowned an arbiter of Canadian friction. "We must preserve Quebec even if we have to send Carleton himself," Shelburne had written with scant courtesy and, one might add, scant gratitude, to Haldimand, whose biographer in this series has freed the memory of that excellent official from a good deal of ill-judged and unmerited censure.

Events of incalculable significance to North America, and to the world for all time, had happened since Carleton left Quebec in 1778. A new nation had arisen to the southward and had thrown off inadvertently the germ of another. A new and invigorated Canada had been born, which through the crucial fever of racial discord was to emerge at last into a power of such proportions as few of its most

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ardent friends had ever dreamed of; but Dorchester was among those few.

He had now to face the incipient difficulties of this upheaval as it affected Canada. The shaggy wilderness along the Upper St. Lawrence and the north shore of Lake Ontario, that had been in his former reign but a forbidding barrier cutting him off from the western posts, was now gradually opening to the light before the axes of the first United Empire Loyalists. Dorchester's trouble with the earlier handful of British Americans in their inequitable claims to a monopoly of power must have recurred to him as he looked over the correspondence relating to thousands of these men, whereas before there had been only hundreds. But the latter, by no stretch of imagination, could have been regarded as picked men. These others Dorchester, from his New York experience no doubt, knew well were persons for the most part of another calibre, and yet this very fact may have seemed to make the future problem of Canadian government the more difficult.

That Dorchester had to report his reception as a warm one goes without saying. His reputation had probably increased in his absence, not only by that automatic process by which time enhances the virtues of the virtuous and the vices of the vicious, but by comparison with other rulers who even if misjudged and underrated were at any rate not Carletons. He had, moreover, a host of old friends

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in the country, or perhaps having regard to the popular governor's temperament, admiring acquaintances would be the better word. The "friends of congress," or those advocating the most exclusive Anglo-Protestant pretensions were doubtless not so enthusiastic in their greeting.

Dorchester had come out with wider powers than any previous governor. He was not only the ruler of Canada, but had chief authority, when called upon to exercise it, over Nova Scotia, New Brunswick, and Prince Edward Island. The latter, hitherto under an administrator directly responsible to the Crown, was now, though vastly increased in population through United Empire Loyalist immigrants, under a lieutenant-governor. New Brunswick, just created a province, was for the same cause similarly administered. The Loyalists in the district of Montreal and those already at Kingston on the shores of Lake Ontario numbered from five to ten thousand and were steadily increasing. There was not now to be another Livius, for this time Dorchester had brought out his own chief-justice, William Smith, son of a New York judge and himself once chief-justice of that important province. Taking the loyal side he had retired to England with Carleton who held him in high regard. Both of them had been much in conference while in London with Lord Sydney, now a secretary of state, as to the future conduct of Canada, and Dorchester's after correspondence with that nobleman bears small

LEGAL CHAOS

resemblance in tone to the perfunctory and peppery despatches that went back and forth between Germain and himself.

Dorchester was at once confronted with the old difficulty of the French and English laws in Canada, which the Quebec Act had theoretically settled by giving the criminal courts to the one and the civil courts to the other. Some, however, of the ordinances of the Quebec Act were not final, and had to be renewed every two years, which in such cases gave rise to much discussion. But though the English criminal law commended itself to all, English litigants in matters not affecting land constantly rejected the French code. This, being a mixture of the old French and Roman law, with much that custom alone had improvised and sanctioned, presented a Herculean labour for the English advocate to grapple with. French justices it was complained still followed French, and English justices English law, precisely as they chose, to the confusion of all litigation. Smith showed his predilection at once for a loose interpretation of the Quebec Act, and a leaning towards the royal proclamation of 1763, and gave official utterance to it in reversing a judgment of the Common Pleas that came to him early in his first term. Indeed the confusion had become so great that one of Dorchester's first acts on calling the legislative council together was to appoint a committee to inquire into the matter and report upon it.

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Committees were also nominated to report on the commerce, the police and the education of the province. Commerce was almost wholly represented by Montreal and Quebec, both now about the same size, and each containing about eight thousand souls. Their merchants, being mostly British, drew up a report on the confusion of the existing laws, which Dorchester's committee in turn strongly recommended to his "most serious consideration and reflection." Trial by jury in civil cases had, since Dorchester's former rule, been introduced with the limitation that it was optional with the litigants. Smith now brought a new bill into the council continuing the ordinance in all civil affairs, and establishing trial by jury between "merchant and merchant, and trader and trader," as well as in the matter of "personal wrongs" proper to be compensated in damages, "with certain other clauses intended to cure some of the disorders now prevalent in the courts." This, however, was rejected by the committee. The opposing party now brought in a fresh bill, but in the words of one of the others it merely retained the name of jury lest the advantages derived from that "glorious institution" should be wholly lost. The merchants prayed to be heard by council against the bill, and were so heard through the mouth of Attorney-General Monk for six hours. In his peroration Monk exposed such a confused state of justice that he "astonished the whole audience." These disclosures moved Dorchester to ap-

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point a committee under Chief-Justice Smith to investigate into the past administration of the laws as well as into the conduct of judges in the courts both of Appeal and of Common Pleas. Every leading person was examined, and such a state of anarchy and confusion was shown to exist, says a legal chronicler who was living at the time, as no other British province ever before laboured under, "English judges following English, French judges French law, and what was worse some followed no particular laws of any kind whatsoever."

The committee called to take evidence on the schools and education of the province, and to form an opinion as to founding a university, produced no definite result, like the others, in view of the great general changes involved in the division of the country by the Canada Act of 1791. But it produced a pretty controversy between Hubert, the Bishop of Quebec, and his coadjutor Bailly, who was a highly polished cleric, a *persona grata* at the Château St. Louis, and had gone back to England in 1778 as tutor in Carleton's family. Their respective replies in answer to questions make instructive reading. It need only be noted here that the bishop was in favour of an improved education in theory only. He enumerated the various seminaries, such as that at Quebec for the higher education mainly of priests, and the other at Montreal which was merely a large free school—besides its college. The bishop proceeded then to mention the various convents,

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such as the Ursulines, and the nuns of the General Hospital who gave education free or otherwise to girls. It seems clear from his manner of reply that virtue and respect for religion were the main things imparted to the young ladies at these teaching centres, which he considered more than adequate. He certainly gives the impression that he thought nothing else much mattered. But this was not what the committee were sitting for. Neither any lack of virtue or religion had caused concern to the governor and his council, but rather the want of educational opportunities for all classes. When the bishop was asked if it were true that only three or four persons in each parish could read and write, his Lordship repelled the insinuation as "a wicked calumny started by bad men" which had even reached his own sacred ears. Thirty, he declared, was more like the average number, but anticipating perhaps some measure of scepticism on the part of the committee, about half of whom were French, he qualified the estimate by admitting the larger portion of these select ones to be women. "The country curés," he protested, "do their utmost to spread education in their parishes." With regard to a university presided over by men of unbiased and unprejudiced views he opined that that sort of men had generally no views of any kind on sacred matters. As to the demand for a university, he thought that the farmers with so much land to clear would prefer, until that was accomplished, to keep their sons at home to help

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to clear it, rather than spend hard-earned money in sending them to gain education at Quebec.

M. Bailly, the coadjutor, who for various reasons was on the worst of terms with his ecclesiastical chief, but who was an abler and broader-minded person, then proceeded to demolish the bishop's statements in relentless fashion, under the specious pretext that some malevolent person had foisted the paper on the committee as the bishop's with design to injure him. He sarcastically depicted the bishop as arguing that till Canada was cleared up to the polar regions the education of its inhabitants must be left in abeyance. His further enthusiasm for non-sectarian education is eloquently expressed and covers several pages. It was pointed out by him and others that the new provinces of Nova Scotia and New Brunswick would contribute students to such a university increasingly as time went on.

The finding of the committee was under six heads, which in general terms may be described as in favour of free common schools in every parish and a secondary school, to use a modern phrase, in every town and district, and lastly of a non-sectarian college from which religion was to be rigorously excluded. As regards the last proposition, this committee of 1787, judged by the light of the intervening period, may be regarded as a singularly sanguine body.

As a Canadian historian has well said, these gen-

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eral inquiries on commerce, law and education, if they served no other purposes, succeeded in illustrating in a high degree the passions and prejudices that distinguished the province at that day. The income of the Jesuit estates was regarded by most people as a natural source of revenue for any fresh educational enterprises. Four aged members of the fraternity alone survived, and at their death the property passed away from the order. The balance of the income, after their frugal wants had been supplied, had been hitherto devoted to the maintenance of the seminary. But another claimant had to be considered, for the estates had been either granted or promised to Amherst about the time of the conquest, and he now urged his rights. Perhaps these had not been formally established or defined; in any case the Canadians, as was natural, in view of the scarcity of money and lack of educational facilities strenuously objected and presented a petition to the Crown which Dorchester forwarded early in 1788. The weakness of Amherst's claim, if otherwise valid, lay in the fact that the Jesuits held the estates in the light rather of trustees than of owners, and that the property was originally given for the education of Indians and Canadians. The matter was not finally settled for more than forty years.

Other interests, however, were moving. In his first year Dorchester was approached by the Vermonters in the person of Silas Deane, who had been mooted the subject in London, in regard to an outlet for

THE INDIAN QUESTION

their trade by the St. Lawrence. Vermont, not admitted as a state till 1791, as readers of Haldimand's life will know, had been prompted by various reasons during the war to coquet with British rule through the medium of Quebec. Now, however, it was a commercial matter and all above board. Free trade with Canada had been suggested long before and the Green Mountain men were now anxious to combine with the British province in circumventing the rapids of the Richelieu between St. Johns and Chambly—for this was then their natural trade outlet—by a canal. Dorchester, who had already discussed the matter in London, was favourable to the scheme. It seemed feasible and would have promoted friendly relations, a motive always powerful with Dorchester. But this also fell through, and was not achieved for fifty years.

What gave the governor most concern, however, was the critical state of the Indian question in the far West. The moment he landed this was pressed upon him by letters from Sir John Johnson who was in charge of the western districts. These posts, stretching southwards from Detroit to the Ohio and northwards up the shores of Lake Huron to Michilimackinac, had been retained by Great Britain as security for certain concessions on the part of the United States to the Loyalists. The Indians had been ignored altogether in the treaty of peace through timidity, or oversight, or a feeling of helplessness, and those whose hitherto recognized

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territories were being invaded right and left by adventurers over whom an inevitably weak congress had no control, were loud in their protests. The forts were feebly garrisoned, the Indians were losing faith in British compacts and friendship, while something approaching war on a considerable scale and of a quite lawless kind was setting the West on fire. The Alleghany frontiersmen, who mainly composed the vanguard of these new Ohio settlers and would-be settlers, were a fine and virile race with a prevalent strain of Ulster or Scotch-Irish Presbyterian blood. The defenders of the Sault-au-Matlot at Quebec in 1775 had felt their courage, and the sentries on the walls had suffered much from their deadly aim. But they had their failings, chief among which perhaps was an impatience of outside control and a contempt for distant governments, natural enough to men who had not merely to carve out, but to fight for their own homes. Historians and contemporary despatch writers speak of them as Virginians and Pennsylvanians, but such a definition is purely technical and due to the fact that they lay at the back of and within the parrallels of these and other states. They bore indeed slight resemblance to the normal Virginian or Pennsylvanian, had little intercourse with them, and flouted both them and their governments whenever it suited. For the weak authority of the much harassed congress they had no regard whatever, unless it was backed by sufficient troops. Some acquaintance with

ALLEGHANY FRONTIERSMEN

their descendants still living rude lives in the wilder portions of their ancient haunts helps one to realize how hopeless it would have been, except by force, to impress upon such people the equity of distant treaty rights and above all the rights of Indians, whom they held as vermin, though they respected them as warriors. To hold back men of the type of Boone or Brady, of Clarke or Logan, of Shelby or Sevier, to cite familiar names, from the edge of a boundless wilderness by parchment documents, was a practical impossibility even if such treaty rights had been clearly defined. Behind these born frontiersmen followed clouds of only less hardy and reckless settlers from the eastern provinces, and soldiers lately disbanded from Washington's forces. The Indians' territory was invaded at all points on the upper Ohio and to the south of the lakes, and sanguinary skirmishes were of constant occurrence. St. Clair, who had commanded and evacuated Ticonderoga before Burgoyne's advance was sent as governor to the new territory, and did his best for peace, but the Indians told him that they could no more restrain their young men than the Americans could hold their own wilder spirits. The British agents in the meantime could give no advice or assistance, while the small British garrisons on the edge of the struggle were weak to futility.

The Indians were clamouring to know whether the British posts were to be given up to "the Yankees," and threatened to visit Dorchester at Quebec,

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and get to the root of the matter. Indeed these unfortunate people may well have fallen into a state of bewilderment as to who was now their "Father," a third claimant having appeared as candidate for this disinterested relationship. In the meantime they continued to interchange scalps with the western frontiersmen who burnt their villages and council halls, till the American regular troops were called into the field to the number of two thousand three hundred and received one severe defeat at the hands of as many Indians. But this was not till 1791.

It was no desire of wounding British susceptibilities or infringing British rights that prompted this forward movement on the American frontier so far as the government was concerned. On the contrary, there was a general appreciation of the advantages of English over-sea trade after its long cessation, and the trans-Alleghany people saw that their only outlet was by the Mississippi through Spanish territory. There was, therefore, a strong feeling that this magnificent waterway must be opened to them willingly or unwillingly. The backwoodsman's views on foreign politics were crude and are sometimes only less so now. The feelings of Spain would not have been much considered had the power been theirs, as the darker schemes of Aaron Burr and Wilkinson and their unfortunate dupe Blennerhassett a few years later give ample evidence.

It was natural for every reason that Dorchester should wish to visit his sub-governments of Nova

PATTERSON'S HOBBY

Scotia and New Brunswick as soon as possible, having in view the interesting situation and rapid development brought about by the Loyalist refugees. Almost immediately on landing he informed Parr, the lieutenant-governor of the former province, that he hoped shortly to be with him, and to include the islands of St. John and Cape Breton in his tour. The former, at that time scarcely giving promise of the importance it has since attained as Prince Edward Island, was under a lieutenant-governor named Patterson, who on being superseded by the home authorities in the autumn of Dorchester's arrival, refused to give up his post to his successor, Fanning, whom they had sent out. He writes his reasons to Dorchester, which were in effect that the island had been his hobby. He had given it its laws, its roads, its inhabitants, its separate legislature. He had made his home there and his interests were such that they could not be managed by another. He could not go to England to answer charges of which he knew nothing, as when he was in Europe he obviously could not collect evidence in the island. At present he was condemned unheard and for what he did not know, so he proposed to remain until further light was shed upon the matter. His people were apparently with him, so Mr. Fanning's immediate prospects of administering the fertile little island were poor, though that well known Carolina Loyalist and the majesty of the law prevailed in the end. This incident is a fair illustration of the enor-

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mous difficulties which the size of the country presented to its administrators of that day.

Nova Scotia, before its division and the Loyalist influx, had contained about fifteen thousand inhabitants. In a couple of years over thirty thousand had been added to them. A monthly mail packet was established from Halifax to England, and Dorchester set to work to organize a land express from Quebec to the winter ports. It sounds strange now that the most effective method of transit was found to be on foot ! Speaking generally there were two distinct waves of Loyalist immigration. The influx of 1783 has already been alluded to. It was the immediate result of the close of the war and included disbanded Loyalist regiments as well as people of all sorts and conditions for whom a residence in the new republic was either impossible, unsafe or unpalatable. Later arrivals consisted of those who might have gone in '83 but were deterred not merely by the reported rigours of the climate and infertility of the soil, which was a common impression to the south, but by their fears of the Quebec Act and of strange laws, and the absence of representative government. All the Loyalist and militia corps were of course in the first batch, over six hundred for instance having been settled by Butler and de Peyster at Niagara, and about five hundred on the Crown seigniories of Sorel, and others near Montreal, Chambly and St. Johns. Nearly four hundred, of whom a considerable part were Loyalist soldiers and Rangers, were provided for

LOYALIST SETTLEMENTS

in the district of which the modern Kingston is the centre. It was quite obvious that ex-American colonists would not be satisfied to hold land under seigniorial usage, and it was necessary to go outside the line of the seigniories. There was little difficulty in finding land in the Richelieu country and to the west of Montreal, and of course, none whatever in the virgin wilderness up the St. Lawrence towards Lake Ontario or on the Canadian shore at Niagara, nor for the few score families who settled as far down the St. Lawrence as Gaspé and the Bay of Chaleurs. That this large nucleus of settlement soon manifested an impatience of those French laws which still perplexed was not unnatural. Settlers also kept dropping in from the States, where there was much friction and discontent, and swelled the cry for constitutional changes and above all for that elective assembly which they had been accustomed to regard as the one thing essential to the happiness of all freeborn men, except colonial governors.

Dorchester recognized all this to the full, and warned the home government that fresh concessions in this direction were inevitable. But he confessed himself at a loss for a plan, so complex had the matter now become. "In a country," he writes, "where nine-tenths of the people do not yet understand even the nature of an assembly, any such scheme should be fully explained to them and they should be given ample time to digest it."

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The organizing activity of the Kingston Loyalists was early astir. For while they were still petitioning Dorchester for another supply of provisions pending the gathering of harvest, they prayed that the English and Scottish Churches might be established among them, and that they should be assisted to erect a schoolhouse in each neighbourhood. They also petitioned for a supply of clothes, and it must be remembered that scarcely any of these people, gentle or simple, were able to bring much more with them than they could carry upon their backs. The story of their fight with poverty and the primæval forests, with the plague of insects, which then made life almost intolerable during the summer months, with sickness beyond reach of doctors or drugs, is both a pathetic and a noble one, above all when one remembers the physical comforts and social distinction which had been the former lot of so many of them. But all this has been told elsewhere many times. Dorchester did what he could. He sent them food and clothes and such medical assistance as the province, itself poorly provided in that respect, could spare. He eventually went to see them himself, though his visit was delayed for a season by the arrival of Prince William Henry.

He found them, however, the following year, progressing favourably. Settlers were shortly expected on the American shore of the St. Lawrence and Lake Ontario, and the United Empire Loyalists were influenced by a not unworthy ambition to show them

THE LAND DIFFICULTY

that they were finding material as well as sentimental consolation beneath the British flag. The land tenures, however, were still giving much anxiety, for the owners of seigniories French and English, of which last there were now a few, objected to the government selling wild lands in free and common socage. It contrasted too favourably with the position of their own *censitaires* and would thereby tend to depreciate their own estates. But the division of the province was already in the air, and settlers from the south were flocking steadily into it, some attracted by the easy terms of land, and others the objects of ill usage at home; for the soil of Upper Canada had proved fertile beyond expectation, and all could now see that the idea of a virtually homogeneous French Canada under British rule was shattered. The Quebec Act, which in any case was not regarded as final, would soon need amendment under the pressure of developments due to peculiar causes that no human eye could have foreseen at its enactment.

Still, even a division of the province would by no means dispose of the land difficulty. The British-American settlers on the Richelieu and Lake St. Francis already numbered some thousands and would absolutely reject the French method of tenure and inheritance, as they had already substituted the acre for the *arpent* and the square survey for the narrow strip wherever possible. The Eastern Townships of Quebec to-day still in part illustrate the

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contrast between the two races in their ideas of survey and settlement. Nor again is it realized in Great Britain, and not fully perhaps even in Canada, what a large admixture of German blood went in with these United Empire Loyalists. One entire German Loyalist regiment settled in the Kingston district, and on the roster of another corps one finds a thick sprinkling both of Dutch and German patronymics.

As already mentioned, in the August of 1787 Dorchester's intended visit to the Maritime Provinces was postponed by the arrival of Prince William Henry, the future King William IV. in command of H. M. S. *Pegasus*. With Judge Prowse's¹ entertaining account in mind of the cheerful and popular manners of the sailor prince during his long stay in Newfoundland, one can well believe that he repaid the enthusiasm with which the Canadians greeted him in hearty fashion. De Gaspé tells us what despair he caused Lady Dorchester at her balls by choosing his partners where he listed rather than where ceremony required. On his way up from Quebec to Montreal, whither the governor preceded him, he stopped at Sorel where government had encouraged the beginnings of a town and shipyards. The leading inhabitants were so delighted with the friendly young man that they violated their past and exchanged the old name of the place for that of William Henry. But

¹ Prowse's, *History of Newfoundland*.

FIRST BISHOP OF NOVA SCOTIA

time had its revenge. Sorel, if but a mushroom townlet then, had graven its name deep in the story of two wars and after a few years only officials in public documents remembered its second baptism, till even they wearied of the farce.

A French marquis on his travels was soon afterwards sent to Dorchester with introductions from leading Englishmen, but the governor privately begged that these visits of foreigners should not be encouraged, for the political state of the country made them embarrassing. But a more useful arrival now put in an appearance, namely, an Anglican bishop for British North America; the first of a long line of distinguished prelates that have served that Church on both sides of the border. This was Charles Inglis, who was to take his title from Nova Scotia and reside there, but to have jurisdiction over Anglican Quebec. He had distinguished himself in New York both as an earnest churchman and evangelist, while later as a zealous Loyalist and rector of Christ Church he had aroused the enmity of the patriot party by his inconvenient eloquence. He left New York with Carleton at the evacuation and proceeded to Halifax, where his abilities gave him the first claim to the new see. In 1789 the bishop visited Quebec and ascended the river to Montreal, warmly welcomed everywhere by officials and Anglicans. The latter at Montreal had hitherto been indebted to the courtesy of the Récollets for the use of their church. Dorchester now granted and had restored

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for them the derelict church of the suppressed order of Jesuits. In this same August the first Episcopal conference of the Protestant Church and the first confirmation was held in the Récollets' church at Quebec.

It is curious in Sydney's official letters to Dorchester to read of a notion prevalent in England that America was going to apply for a monarch of the House of Hanover! The minister also deprecates any idea of contracting a commercial treaty with Vermont and represents the London merchants trading with Quebec as greatly annoyed at the want of gaols in Canada for the confinement of debtors. In short the *Coutume de Paris* seemed to the British merchant a monstrous anachronism. The British minister, however, writes that he does not see why the Canadians should not have their own laws if they chose.

Dorchester in this same year (1788) sent back the 29th, 31st and 34th Regiments and received instead the 5th, 26th and the first battalion of the 60th, so he had now, in view of possible complications with the United States, some two thousand troops spread over one thousand one hundred miles of frontier, and an extremely unreliable militia. The late success of the Americans had undermined British prestige in the eyes of the Canadian masses. The Canadian militia, now grown more than ever averse to thoughts of war, would feel that the regulars supporting them were not infallible and were at any

POSTAL ARRANGEMENTS

rate under a cloud. During 1788, however, Dorchester did his utmost to give efficiency to this service, and instructed the lieutenant-governors to have the forces of their several provinces set in order, for even if peace were maintained with their neighbours, war with France might break out at any moment. He sent to England for thirty thousand stand-of-arms and other war material, which Sydney promised him by the following spring. The postal arrangements too were completed at the same time, and it is curious to find, even in these early days, Halifax and St. John worrying Dorchester with their rival claims as open ports for a quick passage. This was to be made twelve times a year by a sailing packet and the Quebec letters were to be delivered by a walking postman till roads could be cut! The dispute was settled by dividing these substantial favours alternately between the rivals, and Finlay of Quebec as postmaster-general had to see them carried out.

The expense of forwarding heavy packages may be gathered from the post-office charges of £28 16s. on the transport of a petition in a box from Montreal to Quebec addressed to Dorchester, which the latter refused to accept on the reasonable pretext that a continuance of so expensive a correspondence would be an intolerable burden on all concerned.

Adam Lymburner, a Quebec merchant, and described by Dorchester as "a quiet, decent man not unfriendly to the administration" had been already sent to England with a petition from the Quebec

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merchants for a change in the constitution. But the Loyalist influx had introduced silent arguments for this departure far more potent than the somewhat poor ones hitherto advanced by the old British faction in Quebec.

In the summer of 1788 the notorious and energetic Ethan Allen, whose ardour had been in no wise cooled by his long confinement in a mediæval British fortress, again approached in diplomatic form the personage who had captured him and had been the means of his unwilling visit to Europe. His brother had been Dorchester's correspondent in the previous year and his letters had merely related to the free shipment of goods from Vermont to the St. Lawrence, and those commercial affairs which Silas Deane, it will be remembered, had in hand. Ethan Allen certainly bore no malice, for this curious document is little short of a proposal to return to the British fold. His hatred of the new federal government, together with the commercial advantages of the British alternative, was no doubt the inspiring motive of Allen and the party he represented. Vermont had not yet become a state and owing to many causes a considerable party within her borders had no longer any wish that she ever should. Her proximity to Canada, wrote Allen, made her an object of suspicion and jealousy to the new government, but if the latter tried to force itself upon them there were fifteen thousand able-bodied Vermonsters more than equal to a similar number of

VERMONT'S PROPOSALS

United States troops. Their objection to joining the new confederacy was that it would expose them to the displeasure of Great Britain, ruin their commerce and involve them in debt, if not insolvency. The differences of the confederacy owing to diversity of climate and their licentious notions of liberty imbibed in the course of the revolution operated against successful combination in government. Allen urges Dorchester not to undervalue Vermont on account of her geographical limitations. Immigration adds to her strength, as the people continually coming in want "property not liberty."

During the last three years of the war Allen pointed out that there had been practically an alliance of neutrality between Vermont and the British. "If the latter," he declared, "could have afforded them protection at that time, the Vermonters would readily have yielded up their independence and have become a province of Great Britain. Should the United States now attempt to coerce them they would doubtless do the same if British policy harmonized with the idea. The leading men of Vermont are not so sentimentally attached to a republican form of government, yet from political principles are determined to maintain their present mode of it till they can have a better, or until they can on principles of mutual interest and advantage return to the British government without war or annoyance from the United States." Allen was an able, if somewhat unscrupulous, man. Schooled by a gene-

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ration or two of partisan warfare against the French-Canadians the Vermonters were the best irregular soldiers in the United States, with the exception perhaps of the Alleghany mountaineers.

While Lymburner was on his way to appeal to the British government and the House of Commons on the question of obtaining an elective assembly and diminishing the scope of French laws, a petition concluding with sixteen pages of French-Canadian signatures was presented to Dorchester protesting against the aforesaid appellant as professing to represent the new Canadian subjects as well as the old. The former, they declared, greatly demurred to any further change in their ancient laws, while as for a House of Assembly they rather objected to one than otherwise.

Dorchester's plan for overcoming the inefficient state into which the militia had subsided was to call out three battalions for two years service, replacing them at the end of the term by others, but retaining the officers in permanent commission to take over each fresh corps as it came up. Le Comte Dupré was at this time colonel of all the militia of the town and district of Quebec and we find him corresponding direct with Sydney, describing his efforts to put his men on a good footing and asking for flags, uniforms, etc., and also a salary for himself as an encouragement to other Canadian officers.

Through the whole of 1788 and 1789 Dorchester shows his keen interest in the curious drift of Am-

AMERICAN POLITICS

erican politics beyond the Alleghanies, in Kentucky, and towards the Mississippi. The links of the confederacy were just now dangerously loose, as the Vermont incident alone would illustrate, but greater issues seemed at stake in the south-west. The latest plan reported to Dorchester was for Kentucky to secede and join Spain, though it was suspected that her true intention was to declare independence of the union, seize New Orleans and then look to Great Britain for assistance. Letters from Kentuckians to Dorchester are extant speaking even then of the inevitable separation of the west from the east, the need of the former for foreign protection with the right of navigating the Mississippi and the alternative of an appeal to Spain or Britain. The latter country was advised to form connections with western men of influence and capacity. A few weeks later particulars are forwarded to Dorchester from Kentucky of a scheme to induce France to seize New Orleans with offers to put Great Britain in her place, to make Dorchester an active agent in the matter supplying in his turn arms and ammunition. Any objection on account of the present peaceful relations with Spain it was urged might fairly be waived, as that power had supplied money and material to the rebellious colonists of Britain. These matters interested Dorchester and he sent most of the documents to Sydney, stating, however, that he had declined to assist or even to give his opinion on the merits of the scheme. The French minister to the United States,

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Count Moustier, at this moment asked leave to cross the border at Niagara and make the round tour by Montreal and down Lake Champlain, but Dorchester with all politeness possible felt himself obliged to decline the honour for reasons politic.

At Christmas, 1789, Dorchester received from Grenville, who had taken Sydney's place at the colonial office, the first draft of a new bill for the better government of Quebec, the object of which was to assimilate the constitution to that of Great Britain so far as circumstances would allow. Consideration for the French, said Grenville, had received great weight in the adoption of the new plan for dividing the province. Dorchester himself thought that the few thousand Loyalists at present settled to the west of Montreal hardly justified immediate division. He seems to have underrated, which with his level head and wide experience is singular, the great influx there would be from the States so soon as the fear of French laws and customs was removed. Respecting the boundaries of the two provinces, they were to be left blank in the draft of the Act. Members of the legislative council were to be honoured with baronetcies, and perhaps higher distinctions, if sufficient wealth flowed in to sustain them. The view of the Quebec British is expressed in a letter from Finlay, the deputy postmaster-general, to the home government. He professes not to know Dorchester's private opinion. Indeed the latter's reserve was notable till he came to act ; but the writer gives a

THE WESTERN POSTS

receipt for converting the Canadians into Englishmen—a very old one it is true, and its possible efficacy at the time is still a matter of speculation, if a futile one, with some modern writers. The seigniors would certainly oppose any proposal to change the old system, and cherished, according to Finlay, mistaken ideas of their own importance.

Hope, the lieutenant-governor, was now dead, and Dorchester urged the need of a good sensible man of some rank to take his place. In answer to this Grenville offered the succession to Dorchester's nephew, now lieutenant-governor of New Brunswick, but if he preferred remaining there, which for somewhat obvious reasons he very sensibly did, Colonel Alured Clarke who had done well in Jamaica should be sent, as he ultimately was. Grenville approved of Dorchester's interest in the Kentucky movements. He commended his caution but suggested certain advantages that might arise from the threatened split in the confederacy. But the governor's interest in western matters was by no means an academic one, for the responsibility of the western posts, still held as a point of honour by Great Britain, to the resentment of the republic, lay heavily upon him. At any moment the American troops, traders and settlers, might become involved in a great Indian war. In such case the weakness of the posts would invite seizure by American forces heated with battle and exasperated with losses, and the seizure of the posts would inevitably lead to the

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very conflict from which Dorchester by all reasonable means was anxious to save the British government. Danger came too, in 1790, from another quarter, in the shape of what is known in the troubled history of Pacific coast treaties as the "Nootka incident." The enormous distance which at that period separated Quebec from Vancouver Island may well seem to have removed this affair completely from Dorchester's sphere of anxieties. But it had its bearing on the western posts from the fact that it nearly provoked war with Spain, and Spain, as we have seen, was somewhat closely involved with that westward movement of the Americans which President Roosevelt in his notable volumes on the subject has aptly and euphoniously termed, *The Winning of the West*. But Spain, who had seized British vessels trading from a British post on Vancouver Island and by refusing all demands for satisfaction had brought the two countries to the brink of war, yielded at the last moment when France, being in no mood or condition for a great war about nothing, refused her support.

CHAPTER XII

THE CANADA ACT

LYMBURNER in the meantime had arrived in England, during the summer of 1789, to represent the views of the British-Canadians and of a fraction of the French who were against partition and in favour of an elective assembly. He somewhat ignored the paucity of his French supporters in urging the wishes of his fellow-colonists on the British government, but otherwise was a sensible and clear-headed man. Reforms of some kind were impending and inevitable, and it was only right that his party should be heard, particularly as many of their claims had become reasonable through altered circumstances and unforeseen developments. How plainly one seems to see this old faction-riven Quebec in the voluminous correspondence of the time—sometimes preserved in the original handwriting, French or English, crabbed or ornate, scholarly or illiterate, of the men who so unconsciously tell us its story, interleaved here and there with criticisms on the enclosures or characteristic disquisitions by governors and lieutenant-governors on the state of the country.

As one follows the arguments of these various advocates and puts oneself for the moment in their respective situations, it is sometimes difficult to

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preserve a judicial twentieth century attitude and stamp them as the mere outbursts of prejudice or faction. Even those seemingly arrogant all-British fanatics that Dorchester so snubbed, and the congress sympathizers whom in duty bound he treated still more severely, had some justification. They were for the most part Americans, to use a convenient and significant designation. They were accustomed to democratic usages, such as had spelled prosperity for the communities that had produced them. Few of them had basked in the sunshine of those little vice-regal circles which had tempered the republicanism of a favoured group in each colony. They had been invited, under definite promises as they supposed, to Canada, a province that they had directly or indirectly helped to conquer with a great expenditure of blood and treasure. Eighteenth century conquerors had not attained to altruistic ethics, and they well knew that if the kings of France or their pro-consuls had been in a similar position might would assuredly have spelled right. We may recall Frontenac's merciless intentions towards New England and New York, if support of such an unanswerable argument were needed.

Their case would appear less offensive to us moderns if they had simply demanded that the colony should be administered by the governor and council in the interest of British settlers, till these last assumed proportions that should make popular government restricted to themselves seem reasonable

AN OPEN QUESTION

to current opinion. But it was the cant cry of popular government, where current figures made mockery of the term and only spelled the tyranny of an ill-instructed few in naked characters, that has put the would-be-legislators of 1763 and 1787 so hopelessly out of court with most historians even of their own race. The downright policy of forcibly anglicizing the colony would have been at least honest and logical and not out of harmony with those times, if distasteful to ours; but not surely under such a caricature of popular freedom as their scheme involved.

It is still sometimes argued, and indeed quite open to argument, that sixty thousand scattered peasants might have been turned into freeholders, to their immediate relief; that some thirty or forty seigniorial families (there were twenty-seven officially returned in 1787) of small rent rolls might have been made permanently happy or at least comfortable, whether as exiles or otherwise, for a trifling sum in commutation. Religion might have been left severely alone, with stringent precautions against external intrigue through its means—easy enough to effect in an isolated country with an unhampered government. British settlers, it is argued, would have poured in freely. In a few decades a Protestant parliament would have been at least as representative of the country as that Protestant assembly dissolved in 1800 was representative of Ireland, and for having deprived them of which Irish Catholics

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abuse England in such unmeasured terms. The effect of such a policy towards the Canadian peasantry firmly and benignantly administered by men like Carleton, or approximating to his likeness, might or might not have saved Canada from the racial friction that distracted and weakened her for so long, though at the expense of the French spirit and nationality which is nowadays such a factor in a peaceful land. It is quite easy to argue either its success or failure in convincing fashion. Putting political morality as we now hold it and race sentiment out of the question, it is an interesting if futile subject for reflection. Great Britain, to her credit, proved superior to the ethics of her day and in advance of the times—in advance indeed of her own offspring who held themselves to be the vanguard of political liberty. Happily the retort, possible at almost any other moment, that Britain in this generous action was influenced by fear of France is impossible, for in 1763 France was crushed, humiliated, and bankrupt, and her rival at the very zenith of her power. Nor does the more enlightened French view that Great Britain only did her duty, though in most creditable fashion, seem quite adequately to express the measure of her merit. Nor again should it be forgotten that her first viceroys, in the teeth of unceasing opposition, acted not only in the letter but in the spirit of their generous instructions.

But there were cleavages other than racial in this

CAUSES OF DISCONTENT

little dominion of Dorchester's, if not such violent ones. Conflicting views and interests stand out plainly in the current literature and correspondence of the time, and contribute to its history. Scarcely any one, it must be remembered, was rich ; nearly all were poor. A still infant trade was harassed by wars and rumours of wars. The incomes of *rentiers*, professional men and office-holders were small, and the struggle for place and position proportionately keen. Numbers of deserving people had lost much or all of their property in the invasion of 1775-6. The seigniors, as we have seen, had lost, as a class, their hold on the peasantry. A few of them, both before and after the conquest, had been extortionate in the matter of rents, to which there was no legal limit, and their *censitaires* proportionately irritated. Lan-audière, Dorchester's aide-de-camp, had offered his seignior of thirty square leagues to the government for settlement with freeholders, but the rest opposed all change in land tenure for reasons already stated. To the British such obstacles to the free purchase and exchange of land proved an irritation and inconvenience, but still more they militated against the development of the country. The seigniories had been devised to keep a docile peasantry on the land, to prevent restlessness, and to preserve discipline; and the seigniors themselves had been instituted as trustees for the common weal rather than as ordinary landowners.

A seignior could be sold only in bulk, but a fifth

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of the purchase money went to the Crown. A tenant again or *censitaire* could sell his holding, but was liable always to the annual rent of a few *sous* an *arpent*, the seigniorial mill rights and, what was more serious still as an obstruction to ready transfer, liable also to the *lods et ventes*—by which a twelfth of the purchase money went to the seignior, including of course a twelfth of the improvements. In the neighbourhood of towns these restrictions with many minor ones almost strangled the sale of land. A prosperous trader in Quebec, to give an example, could not buy a country place a mile or two out of town untrammelled by these curiously belated and un-American burdens. The inrush of Loyalist settlers could be accommodated only outside the seigniories, which not merely pressed them back with their improvements into less accessible regions but left a vast amount of available wilderness almost indefinitely wild. As free and common socage was the only tenure acceptable to these American or British newcomers, another set of land laws was required within the province. The complications were even greater than a modern reader might suppose, and there is neither space nor need to elaborate here the many minor details that now confronted the administration. When a thousand or two townsmen represented and seemed likely for some time to represent the British element, there would have been small wisdom in rooting up the Canadian land system, seeing that toleration of it had been tacitly accepted. But now fresh developments

IMPORTATION OF PRIESTS

compelled some modification of this archaic survival and created a situation which may well seem extraordinary in a vast and almost virgin country, carrying, even in 1791, but some one hundred and thirty thousand souls. The notaries, it might be added, by education and identity of interest and a natural preference for their own laws, were mostly with the seigniors in their attachment to the system.

The clergy appear to have outlived such little unpleasantness as the American sympathizers had stirred up between them and their flocks anent the legalizing of the dime. There had been some difficulty too about a supply of priests since the connection with France had been severed, the local supply qualified for the more important offices proving short. Importations from old France had been interdicted for obvious and sufficient reasons, while permission to introduce priests from the Catholic provinces of central Europe seems to have been little if at all utilized. Bishop Hubert indeed intimated to Dorchester that the plan was not agreeable, though he had recognized as reasonable the veto against the introduction of ecclesiastics from the dominions of the House of Bourbon. Those who most objected to the proposed partition of the province were naturally the British residents within what would be the limits of the old one, and who saw the recent and unexpected addition to their ranks, with the hopes thus raised, in prospect of being in great part wrenched away. Lymburner, as we have

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seen, was their eloquent advocate and pleaded their cause for many hours before a committee of the House of Commons. Dorchester's objections, already quoted, to the partition were less fervent and due to another cause, namely a distrust of the ripeness of so small a community for self-government. Perhaps his experiences of the British politicians of Quebec and Montreal had influenced his judgment.

In March, 1790, however, he sent home a list of suitable persons for seats in the legislative and executive councils of the two proposed provinces of Upper and Lower Canada. For the former he mainly relies on the judgment of Sir John Johnson, whose services entitled him to be its first governor. But before his letters were received in England Simcoe had been already appointed. It seems that the home government considered Johnson's private interests in western Canada as too considerable for the detachment of mind necessary to their representative in the new province. These details were arranged in the spring of this year, as it had been intended to pass the bill through during the session. Dorchester was anxious to go to London himself, both on private accounts and for the better conduct of a measure fraught with so much importance to Canada. But now as ever, placing his country's interests before his personal inclinations and convenience, he accepted at once a hint of Grenville's that it would be acceptable to the king if he would remain at his post while the state of the West continued so critical. It is true that

SIMCOE'S APPOINTMENT

his agents in the United States, who always kept him well informed, reported that no attack would be made on the British posts that year, but then the Spanish trouble over the Nootka Sound was brewing, and Dorchester foresaw complications on the western frontier should war break out with that power.

Dorchester did not receive the news of Simcoe's appointment with complacency. The bill had been postponed in the session of 1790, and he wrote again to Grenville in September urging the claims of Sir John Johnson, his distinguished services, and the discontent which their non-recognition would arouse among the Loyalists of his country. He again urged that Johnson should be appointed governor of the new province and colonel of the militia, while Simcoe could with advantage take charge of the Indian department. The non-acceptance of Dorchester's views on this point was the key no doubt to the uneasy terms upon which he stood towards Simcoe when the latter eventually took office. The former's views, as communicated at length to the government, did not approve, as we have seen, of an immediate concession of popular government. He proposed that the four western districts should be placed under a lieutenant-governor, and that a firm and benevolent government should be established. He had always rejected the idea of high-sounding hereditary rank among the colonists. He had strong leanings, however, towards some sort of aristocracy for the new settlements, and made the proposal so often alluded

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to in modern times that the Loyalist immigrants should have the right and their children after them to affix the letters U.E. to their names. But he objected to all proposals for making the office of legislative councillor hereditary—knowing better than the home government the fluctuations of fortune in colonial life. This plan was adopted, however, and embodied in the Act, though common sense and experience endorsed Dorchester's views and kept it a dead letter. His notions of an aristocracy were of a wider and less conspicuous kind. He could not guess how completely Upper Canada, without the aid of any outward marks of distinction, would develop his theory, though not altogether perhaps upon the lines he would have approved of or with as much success as he anticipated.

The western boundary of the proposed new province also perplexed him not a little. To include the western forts, such as Oswego, Niagara, Detroit, and Michilimackinac, would be to encroach on territory ceded to the United States by treaty and provoke their hostility at once, while to leave them out of British jurisdiction involved complications. The result was that no definitions of the western and southern limits of the province were included in the Act at all. In general terms Dorchester held to the principle that had marked both periods of his administration. "A considerable degree of attention," he wrote, "is due to the prejudice and habits of the French inhabitants who compose so large a propor-

VIEWS OF THE CHIEF-JUSTICE

tion of the community, and every degree of caution should be used to continue to them the enjoyment of those civil and religious rights which were secured to them by the capitulation of the province, or have since been granted by the liberal and enlightened spirit of the British government." Every active mind had some suggestions to make at this important moment, and Dorchester's chief-justice, Smith, not always in agreement with his friend and superior, put his contribution to the literature of the movement in the governor's hands for transmission to England.

Smith heartily concurs in the partition of the province but would fain do more than this. As an old and leading member of the former colony of New York he dreads the weakness inherent in a group of democratic assemblies all pulling different ways in time of danger—for he knew well that nothing but the fortunate combination of a Washington, the French alliance and the Germain-Howe insanities, could have saved the revolting colonies from disaster. He had seen them recently, at the close of a successful war, doing their utmost to stultify its results by fatuous quarrelling, bickerings and jealousy of each other and of all authority. Smith, in short, was nearly a century before his time and advocated nothing less than a combination of all the British North American provinces, Newfoundland included, under a central administration and a federal assembly. "I am old enough," he writes, "to remember what we in the Maritime Provinces dreaded from this French

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colony and what it cost to take away that dread which confined our population to the edge of the Atlantic." He adds to a long and interesting letter, partly retrospective and relating to the origin of our colonial troubles, ten clauses embodying his scheme as additions to the new Canada Act. Upon the whole we may credit Chief-Justice Smith with the gift of foresight in no ordinary degree.

The introduction of the Canada Act had been deferred on account of the threatened war with Spain, whose territorial interests were so interwoven with American western progress. Throughout the first half of 1791, while the Act was passing through the British parliament, Dorchester remained in Canada, though he had been invited by the ministry to come over in March and assist in the completion of the bill. Faction and agitation were lulled by the impending change in the constitution, but it was a busy enough season for the governor, as his official correspondence plainly shows. Every matter of the smallest moment from Detroit to Gaspé seems to have come under his notice, and many matters also which were by no means small. The constant friction upon the western frontier, the appeals of traders and Indians, the reports of agents and officers—full of rumours, false and true, of war-like encounters between Indians and Americans—were always with him, while the various surveys, charters, grants, and the infinite minutiae inevitable to the settlement of thousands of people at widely

THE CANADA ACT

scattered points added to the complexity of his responsibilities. Clerical matters, too, had to come under his surveillance, both Catholic and Protestant, for the newly organized Church of England was now concerned with the building of churches and rectories and the acquisition of lands, while the chronic question of the Jesuits' estates was always in the front.

But we must leave Dorchester to these multifarious duties of no special moment to our story, and follow as briefly as may be the fortunes of the Canada Act in its by no means tranquil passage through the British parliament to the royal desk.

On March 7th, 1791, the bill was introduced in the House of Commons by Mr. Pitt, and on the twenty-third Mr. Lymburner made the long address to the members already alluded to. He opposed the bill in its present form. As representative of the British Quebec interest he pleaded for a total repeal of the Quebec Act and against the partition of the province. He told the story of inefficient judges and miscarried justice and the general confusion in all legal matters which Dorchester's commission, it will be remembered, exposed in somewhat dramatic fashion. He alluded to the proposed partition as a "violent measure," and thought that if the parts were separated any future attempts to combine them would be hopeless. He was also of opinion that the country beyond Niagara, which

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in no long time became the garden of Canada, could never be of much importance on account of the barrier to transport offered by the Falls. He was emphatic, where Dorchester was only doubtful, as to the difficulty of finding sufficient capable men who would leave the clearing of their farms for legislative duties. Lymburner being a Scot, not an American, failed to realize what experience and talent existed among the United Empire Loyalists. Having delivered these and many other destructive arguments, he then proceeded to the constructive theories of his party, modified in some particulars by concessions to the inevitable.

A House of Assembly was naturally in the forefront, though the admission of Catholics was at last recognized as unavoidable. Its sessions should be triennial. There should be a legislative council of life members. Hereditary seats in it, however, like every sensible man in Canada, he would have none of. He advocated the criminal law of England, together with the same code of commercial law and the *habeas corpus*, while in the matter of land, marriage settlements, dower and inheritance, the law of Canada might be retained so far as Quebec, Three Rivers, and Montreal were concerned. In the rest of the provinces the common law of England should prevail, and he argued that there should be power when petitioned for to accept the surrender of the feudal grants of a seigniorship and to re-apportion the land in free and common socage.

BURKE'S SPEECH

Soon afterwards the merchants trading with Canada presented a petition against the Act, on the ground that the measure would be damaging to the commerce of the colony. Fox spoke against the bill, urging that it was not sufficiently liberal. Towards the end of April it was in committee. The attendance, as usual in colonial matters of a peaceful nature, was scanty, and an adjournment was asked for and refused by Pitt. Burke took part in the debate to declare against the division of the province, and also to air his strenuous views on the French Revolution, and to provoke the famous quarrel and final breach between Fox and himself which here took place. Canada and her affairs were nearly lost sight of through the irrelevancy of Burke's peroration, which was made the object of outcries from the floor, and sharp reminders from the chair. Indeed, the colony seems to have been chiefly serviceable to the great orator in this debate as an excuse for indulging in sonorous adjectives that invited alliteration, though "bleak and barren" were not felicitous ones for a country of universal forest and considerable fertility. That, however, did not much matter in the House of Commons, nor perhaps would it now. The opinions of the numerous private members of parliament who expressed themselves with much complacency upon a question which was still a source of some doubt and perplexity even to Dorchester are of no consequence. Their votes were, however, of consequence, and the

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Act was carried through both Houses, and became law on May 14th, 1791.

The intention of the Act was to assimilate the new constitution of the two Canadian provinces as nearly as possible to that of Great Britain. The legislative council of Quebec, or Lower Canada, was to consist of not less than fifteen members, its elective assembly of not less than thirty, half of whom were to form a quorum. The minimum strength of the council and assembly of Upper Canada was fixed at seven and sixteen respectively. The preponderating wealth and intelligence of the British merchants was partly recognized by the allotment to the towns of Quebec, Montreal, Three Rivers, and Sorel of two members apiece. The provinces were to be divided into electoral districts based so far as possible on population, and not on geographical area. The qualification for both voters and candidates was liberal, providing they were of age, and either born or naturalized subjects. A forty shilling freehold, or its equivalent, was the qualification in the country, and in the town the ownership of a house worth five pounds a year or the occupancy of one producing twice that amount. The Crown withdrew all right to taxation except as regards such duties as it might be expedient to impose for the regulation of commerce, the net produce of the same to be applied in every case to the use of the province they were collected in.

There was provision, too, for the exchange of the

CLERGY RESERVES

seigniorial tenure into freehold on petition. It was by this Act, too, that one-seventh of the Crown lands was set apart for the "support of a Protestant clergy." This apparently comprehensive term was defined in another clause more precisely. This last empowered the erection of parsonages when required in each township of the English district "according to the establishment of the Church of England," and endowed them with the reserved lands of that particular township. In the long disputes which this measure gave rise to in after years, the first part of the ordinance was loudly quoted by the non-Anglicans without its supplement, which leaves no doubt of the intention of the Act, whatever its wisdom. The boundary between the two provinces was virtually the same as to-day. The western bounds of Upper Canada, however, were left undefined for good reasons, as we have seen ; those between Quebec and New Brunswick were deferred for local settlement. The Crown reserved to itself the fullest powers of veto and appointment. The governors of Lower Canada, however, still retained as before the suzerainty, to use a convenient term, over all the other provinces and their lieutenant-governors, Upper Canada of course included.

CHAPTER XIII

A NEW SITUATION

DORCHESTER sailed for England on August 18th, 1791, leaving Sir Alured Clarke, the new lieutenant-governor, in charge. Clarke had gained some reputation in the West Indies, and sustained it by his conduct in Canada. It was his privilege to inaugurate the first step in constitutional government, though perhaps of a more apparent than actual kind, the Act passing into effect with much ceremony and festivity on December 26th. The council remained much as before:—Chief-Justice Smith (Speaker), St. Ours, Finlay, Baby, Dunn, DeLongueuil, Panet, Mabane, DeLevy, Harrison, Collins, Lanaudière, Pownall, de Boucherville, John Fraser and Sir John Johnson, the first eight composing the executive. The House of Assembly did not meet till the following December, 1792, when fifty members took their seats, two from each district, or county. The names which Clarke applied to these newly created countries are not felicitous. Buckinghamshire, Hampshire, Bedford and Surrey had not been wholly inappropriate to the broad fields of the once Church and king-loving Anglo-Virginian squires, and, indeed, in due course acquired something of the very atmosphere suggested by

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these time-honoured names. But their sudden application to this northern land of French Catholic peasants is something of a shock even to the reader a century afterwards, though curiously characteristic of that inartistic side of the British character which covered the backwoods and prairies of the United States with embryonic classic cities. How these amazing designations fared at the hands of the *habitants* we may not know—still worse even than William Henry (*vice* Sorel) no doubt.

As Dorchester was absent and my space is dwindling, I must not linger over Clarke's two years of office; nor dwell further upon the still seething dangers of the West, with open war raging between the Americans and Indians, and disasters to the former, which increased his correspondence and kept him anxious and busy. Nor is it possible to draw any picture of this first mixed assembly of thirty-four French and sixteen British representatives of the people, with the lingual and other little difficulties, the one to be perennial, the others merely those of inexperience. It should be noted as a social incident that Prince Edward, our late Queen's father, arrived with his regiment, the 7th Fusileers, at Quebec just before Dorchester left, and as a political one that Simcoe, the first lieutenant-governor of Upper Canada, landed in November, 1791, on his way to his official duties. His first despatches, a business at which he was notoriously prolific, do not suggest much political acumen, for

DORCHESTER'S RETURN

he had formed the opinion that Hamilton was anxious for war with England, and he did not himself think much of Washington's character. But Simcoe was both an admirable man and a good administrator, as readers of these volumes know.

War had been declared by France against Great Britain and Holland some six months prior to Dorchester's return to Canada. When he landed at Quebec, after just two years of absence, on September 23rd, 1793, it was not before his presence was required. A new situation had to be faced, for no one could guess what the attitude of the French-Canadians would be when Great Britain and their own mother country were engaged in deadly strife. That the quarrel was with the government of the Revolution and not with that of the old régime might or might not mitigate the situation. Racial sentiment would be equally powerful in both cases, but the Church and upper classes would have been more dangerous in the former, the peasantry in the latter, as was soon apparent.

Quebec greeted its old and much loved governor with a general illumination. Bishop Jacob Mountain, too, arrived soon after Dorchester to be the first prelate of the Canadas, for hitherto they had been in ecclesiastical dependence on the but little older see of Nova Scotia. Dr. Mountain had been a fellow of Caius College, Cambridge, tutor and private secretary to Pitt, rector of a Norwich parish, and was now to imprint his name worthily and in-

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delibly on Canadian records. There were now about a dozen Anglican clergymen altogether in the two Canadas, but in Quebec neither church nor rectory, service being still held in the chapel of the Récollets.

The crisis of the Revolution and the fall of the French monarchy had occurred during Dorchester's absence. The American republic was quivering with excitement, further stimulated by French agents, and the ripples of the tumult were being felt in the heart of the French-Canadian parishes. The old adage that imitation is the sincerest form of flattery accounted, no doubt, for part of this exuberance. The wave of Gallican sentiment that swept over the Southern and Middle States is perhaps the most extraordinary and, in some ways, unaccountable movement in the history of the country. Carolina, Virginia and Maryland planters whose only acquaintance with privilege and tyranny was such as they had themselves exercised over their own negroes—who were not, by the way, included in this saturnalia of freedom and license—danced wildly about crowned with caps of liberty like emancipated slaves, and exchanged the modest courtesies of American democratic life for the fantastic crudities of French *sans-culottes*.

The notorious and impossible Genet had landed at Charleston, a few weeks before Dorchester left England, as minister of the French republic, and executed a triumphant overland progress to Philadelphia. The exuberant and exotic mummary which

GENET IN AMERICA

lined the country roads and dragged the chariot of this ridiculous Jack-in-office through the towns, brings a blush to the cheek of the modern American as he reads of it. Never, probably, did a sane and sensible people give way to such an exhibition of far-fetched and misplaced banality. Jefferson pulled the strings of his puppet till the latter's caperings broke them and left that vain and crafty demagogue cursing his own lack of discrimination. The leaders of the Federalists and all sensible men looked on aghast. Washington and Hamilton did more than look on, for Genet fitted out privateers in American ports and seized British shipping actually in American estuaries. Every one knows how the story ended, and how after insulting everybody all round, Washington and even Jefferson included, this unique specimen of a diplomat was sent about his business. Fearing to go home he became naturalized as an American, and died in the country forty years later.

With all his feckless effrontery, Genet had been dangerously active, during the few months he was at large, in his endeavours to drag America into a war with England. His agents were in every direction and were busy intriguing among the Canadians. The French Revolution was even a better card for such men to play than the two clauses of the Quebec Act utilized for the same purpose in 1775. Moreover, on this occasion it was Frenchmen appealing to Frenchmen, for many of these emissaries were Canadians who had deemed it prudent to leave the country after

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the 1775-6 troubles, and had gathered much worldly wisdom in the wider atmosphere of the American republic. A French Utopia, where everything was to be had for the asking and vexatious laws and burdens swept away, presented, moreover, at the hands of a French fleet or army, was a much more alluring programme than the more doubtful promises of the Bastonnais in 1775. France no longer represented the very mixed blessings that its re-adoption implied in the days of the monarchy. Seigniors, tithes, taxes, *corvées* and soldiering had no place in the new order, so they were told with more grain of truth than the Bastonnais Utopia had contained. One need not say what the priests thought of all this, nor yet the seigniors for whom a red republican army, even a French one, had small attraction. Some of the notary and doctor class, themselves derived from the peasantry and from whom alone in French Canada political adventurers could spring, seem, however, to have regarded the new gospel with less repugnance. Besides all this, one of the two great parties in America, that of Jefferson and Madison, crafty and ill-balanced leaders who had never themselves smelt powder, and the former of whom was sometimes even credited with a lack of normal physical courage, was breathing fire and slaughter against England and all belonging to her in senseless and suicidal fashion. The South, as the more ignorant section, formed the main strength of their party, while the provinces bordering on Canada supported

THE DUKE OF KENT

Washington, Hamilton and Jay in their efforts to maintain neutrality and their predilections for Anglo-Saxon ideals with a qualified friendliness for Great Britain.

Such was the highly charged atmosphere in which Dorchester once again found himself, and now, as ever, with but a handful of troops and an unreliable militia. One knows nothing definite of how he had passed his time in England, nor does it signify. He kept in touch with his deputy at Quebec and the British government, but otherwise, no doubt, was taking that well-earned rest which his advancing years and his labours past and to come made requisite; for he was now nearly seventy, and had lived a strenuous life. He had by this time, too, a large family, and so far as we know was a domestic man with no taste for staking his patrimony at Brook's, nor for the deep potations of Fox and Pitt. Nor, again, had his health in Canada been always of the best.

Prince Edward, afterwards Duke of Kent, was still at Quebec, and remained there in command of the 7th Regiment until the January following Dorchester's arrival. He had made himself extremely popular with all classes, and only left for active service in the West Indies. Kent House, above the Montmorency Falls, still serves to remind us of a prince who is chiefly interesting, perhaps, as Queen Victoria's father, though he has some special claim to notice from the fact that he held commands in

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British North America for seven years, the last four of them being spent at Halifax. Dorchester had on this occasion to reply to the many addresses of regret at the prince's departure which reached Quebec. The latter had left in a hurry to reach the scene of action, and while travelling on the ice over Lake Champlain the sleighs containing all his personal effects disappeared down an air-hole and were seen no more. At Boston we are told he had to ship in a small vessel of six guns, which ran the gauntlet of the French cruisers and only escaped by its fast sailing powers, though it received their fire.

The first news Dorchester had to send home was the failure of the peace conference between the American commissioners and the Indians, including both those of the West and the Six Nations, who demanded that their territory as far as the Ohio should remain inviolate. On November 11th, he opened the second parliament of Lower Canada, with Panet as speaker of the assembly. He urged the necessity of passing laws for the administration of justice, and he laid stress on the inadequate means of defence against foreign enemies. The finances too came up, and may serve to show the extraordinary disproportion between revenue and expenditure, so great, indeed, as to throw four-fifths of the cost of government (which was about twenty-five thousand pounds a year, while the revenue was only five thousand pounds) on the Crown. This condition of things contributed to stultify the power

THE MILITARY PROBLEM

of the popular assembly. The veto of the upper chamber and the Crown could be exercised without any fear whatever of consequences. The one effective weapon of a parliament, namely, the withholding of supplies, was unavailable when the supplies were mainly furnished by the British government, while in regard to the legislative council, though its members held their seats for life, that very fact inclined them against popular departures and to sympathy with the governor. French influence, though not yet aggressively developed, was naturally in the ascendant from its great numerical preponderance. Both languages were used in debate, and the services of an interpreter were regularly employed. In this first session of Dorchester's, Panet was made judge and de Lotbinière was chosen speaker. In November Dorchester issued a proclamation in English and French requiring magistrates, captains of militia, and all good subjects to seek and secure persons holding seditious discourses, spreading false news, or publishing libellous papers. He turned his attention also towards improving the defences of Quebec, and passing a militia bill through the assembly.

Indeed, the military problem was upon him again in all its seeming hopelessness, and the dangers from within and without as imminent as ever. He issued orders for the embodiment of two thousand militia; but though the British, who were now more numer-

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ous than formerly, came forward "with alacrity," the *habitants* objected strongly to the service. French and American intriguers had played upon this string among others, and had succeeded in convincing the peasantry that to be balloted as a militiaman implied military service for life. "Nothing," writes Carleton, "is too absurd for them to believe." The first day they were called out to furnish their proportion of the two thousand to be enrolled for service they broke into a mob, and refused to be balloted for. Two were sent to prison for riot and the country parishes threatened to rescue them. The British proportion of militia was only seventy out of two thousand, and this, said Carleton, did not escape their observation.

Monk, whose voluminous correspondence with Nepean has been preserved, speaks of the alarm created among the merchants by Dorchester's speech in March. He, too, tells of the general spread of French principles, and speaks of the whole country as so infested with them that it was found on calling out the militia that there was scarcely a hope of assistance from the new subjects. Threats, he writes, were used by the disaffected against the few who were found loyal. "It is astonishing to find the same savagery exhibited here as in France in so short a period for corruption. Blood alliances do not check the menaces upon the non-complying peasants. These include the burning of houses, death, embowelling, decapitation and carrying heads

INTRIGUE

on poles, as the depositions show, besides throwing off all regard for religion." The intrigues were traced to Genet and the now numerous French consuls. Correspondence had been carried on between Canadians in the United States and the disaffected in Canada, and French emissaries had been sent in to prepare the people to follow the example of France. Monk thought that nothing less than five thousand troops in Canada till the war was ended would secure the country. An address entitled, *Les Français libres à leurs frères les Canadiens*, was read at a church door, and circulated as a pamphlet. In this the people were urged to "follow the example of France and the United States, and to upset a throne so long the seat of hypocrisy and imposture, despotism, greed, and cruelty. Their assembly is a mockery, and secret machinations are employed everywhere to upset its efforts at better laws. Canadians, arm yourselves, call your friends, the Indians, to your assistance, count on the sympathy of your neighbours and of the French." Everything in short was to be abolished, and the *habitants* would find themselves in the delightful position of an independent nation in league with France and the United States, and would immediately rise to the blessings of that liberal education and establish those institutions for science and the higher arts for which they had been pining, and the free prosecution of that ocean commerce to which their genius and inclinations were

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so inclined. Even the *habitant*, accustomed as he must now have been to broadsides of unintelligible bombast, must have rubbed his eyes at the burning ambitions with which he was here credited. The prospect, however, of getting everything for nothing was plain enough amid the cloud of verbiage, and to an illiterate peasantry this fact has seldom failed to appeal.

CHAPTER XIV

CLOSING YEARS

IN this war with the French republic the situation was in some respects more serious for British interests in Canada than it had been when the former country was actually allied with the Americans in the revolutionary struggle; for France was at that time still a monarchy, and her emissaries, even with the utmost exercise of casuistry, could hardly make much of the retrospective blessings of the ancient régime as a stimulant to Canadian discontent, while the seigniors and the Church, who might have been susceptible, had been attached to the British connection by practical, and to them beneficent, measures. Washington, too, in those days, as may be remembered, had been entirely opposed to a resurrection of French power in Canada. Now, however, France was a republic, and though war against Great Britain was never declared by the States it was regarded in 1793-4 as imminent, and it would have been promoted by a party that had an almost fanatical affection for its sister republic, short-lived though this affection proved.

Jefferson, Madison and Randolph were possessed of an insensate hatred of Great Britain and were

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followed in this by their fellow Southerners, the least instructed and most excitable portion of the republic in foreign affairs. Moreover, the indebtedness to Great Britain throughout this section was much greater than in any other, and the temptation to wriggle out of these debts by a war which would be much more keenly felt in the North was great to a population whose notions of financial morality make the speeches in the Virginia assembly of that day instructive reading. No people more profoundly ignorant of France and Frenchmen could have been found in the world than the noisy factions who were then clamouring for a warlike alliance with her against Great Britain. Dorchester thought war was certain, and at this moment he had occasion to harangue the Miami Indians in a speech which created considerable excitement in the United States. He remembered very well, he told them, the line they had pointed out three years ago, just before his last departure for England, as the boundary they desired between themselves and the States, and how he had promised to represent their situation and wishes to the king, and expressed his hope that all the grievances they complained of on the part of the United States would soon be done away with by a just and lasting peace. Dorchester went on to say that he had waited long but had not yet received one word of satisfaction from Americans, and from what he could learn of their conduct

SPEECH TO THE INDIANS

towards the Indians, he would not be surprised if the English were at war with them during the present year, and then a line must be drawn by the warriors. "What further can I say to you? You are a witness that on our part we have acted in the most peaceable manner and borne the language and conduct of the people of the United States with patience, but I believe our patience is almost exhausted."

The report of this address having been obtained by American sympathizers in Montreal, was forwarded to congress and published in the American papers. Jefferson's party made the most of it, and appealed to Hammond, the English minister, denouncing Dorchester's speech as "hostility itself." Hammond reported the matter to Dundas, the secretary, and Dundas wrote to Dorchester in a tone bordering on reproof, for the treaty which the Federal party were labouring to make with Great Britain was now in progress and Jay had made a favourable impression in London. Nothing was known, however, of these improved prospects on the western frontier in the summer of 1794. Reports had just come in that Wayne's army to the south of Lake Erie was two thousand strong, besides five hundred more in garrison. Forty dollars was being paid for scalps, and one thousand dollars was offered for Simon Girty's, a famous British scout who had cut some figure in the old French wars. War with Great Britain was regarded as in-

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evitable, and Wayne was only waiting to advance against the Indians till their corn was ripe. Dorchester replied to Dundas's letter expressing a wish to resign. In another letter, assuming some freedom of speech as the *doyen* of colonial governors, he replied that no secretary was long enough in office to acquire sufficient knowledge of a colony. He might well have said more, and to the effect that no minister in London was qualified to direct every movement and interfere in every detail in a distant country whose political, physical and social atmosphere was so hopelessly outside his vision. Such, however, was the deplorable custom of that time. But the Duke of Portland, taking alarm at the prospect of losing a man who for the apparently impending crisis was their only hope, wrote denying that any reproof was implied. On the contrary, he thought Dorchester had been quite right in the Miami matter.

This affair was by no means confined to Dorchester's oration, but included the rebuilding of a fort by Simcoe, with his approval, in the Indian territory some fifteen miles south of Lake Erie, on the Maumee. This had been done in the preceding spring. Indeed the station had been fortified and occupied by British detachments ever since the close of the war, but a year or two previously, trade having left it, it had been abandoned. But now with a fresh war impending, it was rebuilt as a defence to Detroit, and, under legal guise, as being in Indian territory

TROUBLE WITH VERMONT

not yet, at least, surrendered by treaty to the States. The action, however, made some little stir in the latter country as an invasion of territory. Dorchester had much trouble, too, with the posts on Lake Champlain, occupied just now by small detachments. The Vermonters, who at one time had professed such partiality for British rule, had changed their minds completely, and had given both Alured Clarke and Dorchester the utmost annoyance by petty insults and outrages on their small outposts. They had even made an offer to congress to conquer Canada unaided. It may be remembered that heady Vermonter, Ethan Allen, had undertaken to do the same with Montreal, and had found his way instead to a prison in Cornwall. American historians for the most part insist that the commander of the western British posts encouraged the Indians in their resistance to the United States! Well knowing that this meant a general war and almost certain destruction of these weak isolated forts as well as the probable conquest of Canada, we are asked to suppose that Sir John Johnson, Butler, Hamilton, McKee, Campbell, and above all the less prominent officers in lonely and remote commands, were nothing less than madmen. Dorchester's dread of war is conspicuous in all his western instructions.

The voluminous correspondence of his officers is eloquent of their precarious position should war break out. To allege that St. Clair's defeat had not given them satisfaction would be to write them down as

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less than human, but to picture them as stirring up a bloody war with France and the United States combined, is to suppose them men wearied of life, of liberty, of employment, even of patriotism. One can only suppose that American writers, who follow one another in such statements, have not read the redundant correspondence that for many years passed between the western posts and Quebec, and in these, at least, there was sufficient plain speaking. Young subalterns and captains may—nay, we know from these letters they did—reply to the bombastic defiance of irresponsible Kentucky riflemen under the walls of their own forts with spirit, but no responsible officer did, or could do, otherwise than dread a war which would almost certainly have landed them as prisoners in the United States. To do them justice, most of their contemporaries in rank on the American side kept well within the letter of their instructions, which was to refrain from all offence. But Wayne summoned Fort Miami to surrender as being a re-constructed post outside what he considered to be Canadian territory. Major Campbell, however, refused, and there was some acute correspondence between them. The former had just shattered the Indian resistance at Fort Recovery, though at a loss to himself of two hundred and fifty men.

Jay's Treaty was negotiated in the year 1794, though only ratified in the next, amid the uproar of the Jeffersonians, then known as the Republican party. Washington and Hamilton, his good political

AMERICA AND FRANCE

genius, if we may say so, were determined to keep on terms with England and avoid entanglement with France, whose wrath knew no bounds on publication of the treaty. That England was prepared to meet them at least half-way, the private correspondence of British ministers and their American and colonial representatives is better evidence than the noisy turbulence of provincial demagogues, politicians, and land-grabbers. Under the circumstances, France may be pardoned her ebullition of feeling, which sent the American envoys within her gates to the right about, and treated Americans and American ships with a harshness that would have provoked actual war if retaliation had been decent or prudent. But the Federal party, all the more that their gratitude to the France of 1778 was still strong within them, saw more clearly the drift of republican France, and amid the passions of virtual civil war could not forget that Americans were by race, blood and language, and every instinct that guided their political and domestic life, Englishmen and not Frenchmen. A sanguinary and domestic struggle could not change their flesh and blood, their traditions of centuries, nor ally them in anything but the mere link of friendly treaties to a nation stranger to them even than to the English of old England. Hamilton said Talleyrand was "the first American to divine Europe," and upon the rhodomontade of hot-blooded but intensely provincial Anglo-American farmers and planters, Hamilton looked with the

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disapproval and contempt of a cool-headed and far-sighted man.

In May, 1794, Dorchester succeeded without difficulty in getting an Alien Act passed by the assembly, for all sorts of people were coming and going in Canada. In spite of the threatened war, emigrants, from the States chiefly, were pouring in steadily, attracted by easy terms of land and favourable reports of its fertility. Many of these no doubt looked ahead and calculated that Canada in a short time and without much disturbance would be included in the republic. There was beyond doubt, too, an element, particularly in the Eastern Townships of Quebec, whose motives and sentiments, without being, perhaps, clearly defined, were widely different from those of the Loyalists. To this day the old British population of the Townships, in part at least, suggests that ancient affinity with the frontiers of Vermont from whose overflow it drew so many of its earlier settlers; men not at that time greatly concerned with flags, politics and boundaries, but with a keen eye for a stretch of alluvial river bottom and a slope of hardwood timber facing the sun.

The Alien Act was lengthy and elaborate. It will be enough to say here that it was enacted against the danger arising at this inflammable time from the settlement of persons not British subjects. Each captain had to give a list of foreigners on board his ship, while the passengers in their turn

PRECAUTIONS

had to prove their identity. In cases of treason or suspicion the Habeas Corpus Act could be suspended, and "assemblages of people, seditious discourses, false news" were to be carefully watched, and if needed the Act was to be suppressed. It was to be enforced for a year. The time was one of imminent peril, and no well-intentioned subject, French or English, was going to split hairs over such reasonable methods of precaution. They were not directed at such domestic matters as were then at issue, for these at the moment were not very acute and in any case had become of minor consequence. Indeed, the attitude of a large part of the peasantry had become so serious, not merely about Montreal, which was always the storm centre, but even in parishes adjoining Quebec, such as Charlebourg and Beauport, that prominent men of both nationalities formed societies for the public safety and sank their civic differences. Monk, who was very useful in organizing them, writes to Dundas that by the suggestions of Dumontier a number of officials and friends of government had been marked for assassination in case of a successful invasion.

Arrangements, too, had been permitted for settling refugees from France, and Dorchester found this used as a vehicle for introducing Frenchmen of another kind and with other objects. The distinction was not easy to draw. The Duc de La Rochefoucauld-Liancourt visited the colony in the summer of 1795 and remained for some time as

LORD DORCHESTER

Simcoe's guest in Upper Canada. But Dorchester felt it prudent to forbid him access to the Lower Province lest his presence should be taken for an expression of active sympathy on the part of France for the malcontents.

Dorchester kept in close touch all this time with the Maritime Provinces, and there was a good deal of correspondence going backwards and forwards between himself and his nephew in charge of New Brunswick, and with Wentworth, lieutenant-governor of Nova Scotia. In the former province a regiment of six hundred men was raised. In 1795 the cost of government for the year was, in round numbers, twenty-five thousand pounds, while the net revenue had risen to ten thousand pounds. The customs for both provinces were levied in Quebec, and the estimated proportion, one-eighth, due to the Upper Province was paid over to it. The crops for the above year, too, were very short, and it was necessary to call on England for grain, a proceeding quite unusual since the old French days when the necessity was almost perennial. By this year, however, things began to quiet down. A draft of Jay's Treaty had been forwarded to Canada and copies were circulated not only in the east but in the west. It had yet to be ratified, but still the mere fact of its being drafted had a good effect. The militia, however, were called out as a test and their reluctance to serve well justified the dread of war. It was not only the intrigues of outsiders that had

FEES AND PERQUISITES

brought about this insubordination. What Dorchester had written ten years before during the American invasion might have been repeated now with even greater force: "A people so disused to military service for twenty-seven years do not willingly take up the firelock and march to the frontier when their passions are not strongly agitated." The constitutional associations of the upper classes, however, had done much good, and Dorchester was able to report an improved condition of affairs. Moreover, in the course of 1795, Jay's Treaty was ratified, and it was definitely agreed that the western posts were to be given up in the following year, peace being made in the meantime between the Indians and the United States.

Dorchester had waged continual war against those fees and perquisites which he considered brought the officials of the province into disrepute, lowered the dignity of government, and created justifiable discontent. Osgoode, who had been made chief-justice of Quebec in 1794, received the appointment on the understanding that it no longer carried any of these emoluments. There was a great deal of official work going on, too, in connection with the allotment of lands to the new settlers, and the same opportunities occurred to unscrupulous officials in Canada as in a more wholesale and shameless way were being embraced on the other side of the boundary. These lapses, however, became more flagrant, and expanded into more open scandals,

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with their inevitable exposures, in the days of Dorchester's successor. Fees to the governor would seem to have been, formerly, quite usual in connection with land grants, but Dorchester voluntarily surrendered his, and was cordially thanked by Portland for so doing. He felt strongly, too, the iniquity of men in England being planted on a colony which they never saw, and having their duties performed by deputies. It was these absentees who were often the worst offenders, for they took no interest whatever in the work done by their deputies, but only an abiding one in the fees accruing therefrom. In a letter to Portland, Dorchester regrets that gentlemen in England should look to America for compensation for their petty political services. It had produced a sufficiently evil effect in the revolted colonies, and would have the same in those that were still left to the Crown. These persons, he ventured to suggest, should receive such remuneration in their offices as to place them above pecuniary speculation in the colonies, and Dorchester had earned the right, if any one had, to speak plainly on the subject. For though by no means a rich man, and with a large family, his long rule in Canada had been distinguished not merely by scrupulous honesty, but by a self-abnegation in money matters rare enough in those days.

The treaty with America brought on the question of settling large numbers of the Indians on British territory. The details of this distribution, however,

FRICTION WITH SIMCOE

fell to Simcoe and his officers, though Dorchester was insistent for information concerning them, and did not allow Simcoe to forget that his immediate chief was at Quebec and not in the British colonial office. This brings us to the misunderstanding between these two admirable and faithful servants of the Crown. It belongs, however, to Simcoe's story rather than to that of Dorchester, and has been treated at length by his biographer. A brief summary of the dispute, and the occasions that lead to it, is perhaps necessary, since it was partly owing to this unpleasantness that both of the parties to it resigned their posts, and left Canada almost at the same time. Neither conceived himself properly treated by the home government, but Dorchester's attitude was indifferent, and his views slightly contemptuous. Whether right or wrong they were based on the long experience of an elderly and well-tried public servant, who had no fear for his reputation, and was in any case weary of office and anxious for home and rest. Simcoe's feelings, on the other hand, were tinged with the disappointment and soreness of a man still full of work and in mid career. Dorchester had always been an advocate for a clearly defined amount of central authority. He considered that the American colonies had grown into the condition that encouraged rebellion by the careless manner in which they had been allowed to drift. The fact that when rebellion came this very aloofness proved their chief stumbling-block was not to the point.

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Dorchester's mind travelled back rather to the origin of things, and in the matter of defence against foreign aggression his experience in the Seven Years' War was wholly in favour of his argument.

Simcoe found himself in a remote wilderness of a most promising nature. He was not hampered by the race question. His people were energetic and mostly loyal Britons. He himself was of a practical turn of mind, and took an immense and praiseworthy interest in the material beginnings of what was obviously destined to be a great province. He was a voluminous despatch writer, and inclined to forget in certain matters that Dorchester was his chief. Two or three Indian appointments were made, not merely without consulting the latter but with some attempt to sustain them in the face of his objections, and Dorchester was an extremely punctilious person, exacting in the support of his theories of a limited but firm centralization. He had never fallen out with lieutenant-governors in New Brunswick or Nova Scotia, but there was marked friction in Simcoe's case, though it was purely personal between the two men; nor were the causes of disagreement of a nature, as it so happened, to create material mischief. Simcoe thought a military post was the best nucleus for an industrial centre. Dorchester thought otherwise; nor could any one nowadays with the light of a continent's development to guide him hesitate as to which was right. Simcoe wanted

CAUSES OF FRICTION

to create a capital and centre for the western district of modern Ontario on the spot where London now stands. Dorchester favoured York (now Toronto), and insisted upon it. Simcoe thought the latter should be made the naval base of Lake Ontario; Dorchester considered Kingston as at that time the best point. It would be purposeless here to argue in favour of the foresight of one or the other. It is difficult for us nowadays to appreciate the arguments that would have operated in 1794 and 1795 with either of them. But a more immediate cause for friction lay in the question as to whether the larger force of troops was required in Upper or Lower Canada. Simcoe, in short, asked for more men and Dorchester would not spare them. They were a pitiful handful in all, some two thousand three hundred, to wrangle about. At one time Upper Canada was the most threatened point, but then at a desperate moment, like the one in question, Quebec was the key of Canada. So long as she remained unconquered the colony was not lost. This was a recognized axiom in North America and no one had better cause to know it and hold it than Dorchester. Simcoe though he had done gallant service in the Revolutionary War as colonel of the New York Loyalist regiment, the Queen's Rangers, had not been at quite such close quarters with the Quebec theory. But apart from these general arguments, at the moment when Simcoe was most sore about the refusal of men from Dorchester's

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slender stock, the danger from the Americans, which had seemed to lie on the lakes, was being greatly lessened by the attitude of Jay in London, unknown to Simcoe, while the danger from France was somewhat growing on account of the schemes she was concocting with that volatile factor, the state of Vermont, of which a few words later.

When the treaty with America was ratified, Dorchester's intention, as he wrote to Simcoe, was to bring down most of the troops to Lower Canada, the danger in the west being at an end, while the French danger in the east was growing, for reasons already given. But Simcoe with his pet theories of developing material prosperity by military posts, seems to have lost sight of the danger of foreign invasion in the more exposed parts of the colony. He had corresponded directly and voluminously with Dundas and somewhat overlooked Dorchester, to whose conspicuous personality, years, and long service in North America, was due perhaps something more than perfunctory official recognition. In November, 1795, Dorchester wrote to Portland that the enclosures turned on the question whether he was to receive orders from Simcoe or Simcoe from him, and that the latter must have had expectations of an independent command in the upper country and even beyond. The situation of Nova Scotia and its dependencies did not permit Lieutenant-Governor Wentworth to extend his control to Quebec, and according to Dundas's letter regarding Simcoe this

A LONG SERVICE

independence of his command was established. "All command, civil and military, being thus disorganized and without remedy, your Grace will, I hope, excuse an anxiety for the arrival of my successor, who may have authority sufficient to restore order, lest these insubordinations should extend to mutiny among the troops and sedition among the people." This is plain speaking enough. Dorchester, who had already taken umbrage at the reproof in the matter of the Miamis, felt that this tendency to ignore the central authority made it impossible for him any longer to retain office as governor and commander-in-chief in North America. It will be remembered, too, that he had been against the division of the provinces, which were to be re-united in 1841, only to be separated again when the federal authority had been established over the whole of British North America.

But the misunderstandings that led to Dorchester's retirement are of slight consequence. It was thirty years since he had first entered upon his task. He was weary and he was getting old, and had vastly exceeded in length of service any other Canadian governor before his day or after it. He felt, no doubt, that he was getting out of date, or rather out of tune, with certain phases of administration, and wholly disapproved of them. But his work was done, and there was no special reason for extending still further an already quite exceptional length of responsible public service. The crisis with

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America and the long strain, which his presence alone of living Englishmen had tempered on both sides of the Atlantic with some measure of relief, were over for the present. What might have followed had Jefferson been elected in 1797 one cannot guess, but his defeat by a solid vote of the Northern States showed unmistakably the sentiments of Canada's more immediate neighbours, sentiments which they never wholly abandoned, since the War of 1812 was resented by most of them, and was mainly the work of Jefferson's party and the South. There now remained only France to settle with, for Spain had proved innocuous as a source of strife between Great Britain and the States, the motives being conflicting, and the factor of sentiment as in the case of France being entirely absent; indeed, there seemed a fine quarrel brewing between France and the United States, as represented by the Federal party. The latter, soon to be committed to another period of power, had already begun to discover that thirteen states and an ungovernable West were a sufficiently restive team to handle, and had abandoned not merely the intention but even the desire to attach another partly hostile and generally uncongenial province by force of arms. They had come to the conclusion that Great Britain on the St. Lawrence was infinitely preferable to France, whose not unnatural schemes in that direction were looked upon with disapproval.

Vermont, however, had been always troublesome

VERMONT AGAIN

and restless. The water route from Lake Champlain to the St. Lawrence, her natural outlet as she regarded it, and soon to be improved by the canal that Vermonters had so much at heart, was a source of dispute which twisted her political sympathies this way and that, made her factious in her domestic, and unstable in her outside, relations. She was now a state. Her ostensible leaders, who had formerly been quite ready to play the part of Arnold towards the republic, were now the principal channels of French intrigue, and could they have done so would have dragged the neighbouring colonies into war with Britain, not, however, from political passion or from broad general principles such as are permissible to nations, however mistaken, but for mere purposes of local trade. The Southerners, who sported liberty caps and sang the "Marseillaise," to the edification of their own slaves, men who, to quote the words of an unknown historian, "could not have pronounced two French words correctly to save themselves from hanging," were inspired by ignorance and hatred of the mother country and a further hope of shuffling out of their debts to her people. The Vermonters, with Ira Allen at their head, were cool calculators. As the scheme of gaining their trade route by remaining British had failed, the alternative was to make Canada either French or American, and achieve their object in that way.

Adet, the French minister from the revolutionary government, was recalled soon after Dorchester had

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left Quebec. His methods and his manners had not helped the cause of France with the American government. But what is more to the point, he had set his heart on regaining Canada for France. He had engaged the whole new consular service of his country in this task, and we have seen the trouble his emissaries had caused Dorchester during these last years of his government. Though the latter sailed in July, 1796, he retained his office till the following April, when Prescott, his successor, was appointed, and it was during this winter of his administration that Ira Allen sailed from Ostend in the *Olive Branch* with twenty thousand stand-of-arms, besides artillery and ammunition. The ship was captured and brought into Portsmouth. Allen professed that this prodigal supply of arms was for the militia of Vermont, which it would have provided four times over; but certain people who were behind the scenes assured the Duke of Portland that they were designed for the invasion of Canada. Vermont at that time had certainly no other use for such a prodigious armament.

It is perhaps needless to state that the Federal government had neither cognizance of, nor sympathy with, such adventures. Adet, it appears, had himself written some of the proclamations with which Canada was deluged during Dorchester's last two years of office. These were supported by canards regarding French victories on sea and land and the immediate approach of French fleets. At

FRENCH INTERFERENCE

one time, the precise date at which the French troops would enter Canada had been injudiciously fixed. Though the ratification of Jay's Treaty removed these enterprises from the domain of such probability as they ever possessed, they produced a little crop of arrests in Prescott's first year and the dramatic hanging and quartering of a certain weak-minded McLane in the presence of the civil and military population of Quebec. A month after the expiration of Dorchester's government about forty French-Canadians were arrested, most of whom were convicted on light sentences. There were also attempts by French emissaries to stir up the Indians to an attack on Western Canada. A French agent, Jules de Fer, employed by Liston, the British minister at Philadelphia, a year later to sound the feelings of the French-Canadians, reported that there was a considerable sentiment in favour of being re-annexed to France, but that few would move unless success was quite assured by the landing of a large force. The emissaries of the directorate, whose ability for intrigue seems always to have far exceeded their judgment, reported to their government with characteristic exaggeration that the French-Canadians were burning to risk life and fortune in the cause. There is no evidence that any French-Canadians of education or influence felt anything but repugnance to a renewed connection with their mother country, as now remodelled.

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It is melancholy that two such faithful, and in their different ways capable, administrators as Dorchester and Simcoe should have embittered each other's closing years of office. Most of their correspondence is very acrid. Simcoe thought the Indian department should be in his immediate hands and not in those of a superintendent. The absence of the latter, Sir John Johnson, in England, no doubt aggravated certain abuses, usually financial ones, that created constant scandals in a service which afforded enormous temptations to dishonesty. The conflicting views of the two men as to the founding of provincial capitals and harbours and the methods of settling a new country have been alluded to. Simcoe writes: "Stations for the king's troops judiciously selected is, in my opinion, the only basis on which towns will arise to the great benefit of the service." Dorchester replies: "The impolicy of placing so many troops out of the way, and the enormous abuses in the public expenditure for twenty years are not the only objections to this method of encouraging settlements. The principle itself is erroneous, as evinced by the improvements in provinces where no extraordinary expenses were incurred nor troops were employed for civil purposes." Simcoe poured out his grievances to Dundas and Portland, while Dorchester curtly intimated more than once, as we know, that if a divided authority was to be the method of government in British North America it was time he took himself off.

SAILS FOR ENGLAND

Dorchester had met his last parliament on November 20th, 1795, and it had continued sitting till May 7th. Among its duties was the alleviation of distress, owing to a bad harvest, and the governor laid an embargo on the exportation of wheat. The last occurrence during his long term of residence was the withdrawal of the British troops in June from the western forts, which were to be formally occupied by the Americans in August. Dorchester sailed for England on July 9th, the lieutenant-governor, Prescott, also in command of the military forces, remaining his representative till the spring of the following year, when he formally took his place as governor-in-chief. Addresses of affection, respect and regret were presented to the departing governor by the people both of Quebec and Montreal, coupled with expressions of devotion to the Crown and "the happy government under which it is our glory to live." The high example set by the private lives of himself and his family were gracefully alluded to. Dorchester knew now that he was leaving never to return, and his feelings of regret mingled with the yearning for peace and rest inevitable to his now abundant years and the strenuous fashion in which most of them had been spent.

Guy Carleton must be judged mainly by his works. He has left no private correspondence to help us, for his wife destroyed it all after his death, nor has the contemporary gossip of Quebec sent

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down to us any very lucid pictures of the man in his hours of ease among friends or family. Happily his official correspondence, spread over sixteen busy years, reveals much of that side of his character which is most vital to the appreciation of a great proconsul. His jealousy for the honour of the British Crown and impatience of everything mean, dishonest or unjust that would cast a slur on it, was a leading note in his career. His kindness of heart was a byword, while his fair and liberal treatment of the king's new subjects, in accordance, as he thought, both with policy and justice, never wavered, though it often brought him temporary unpopularity with one side or the other. For this, however, or its opposite, Dorchester cared very little. Of strong personality and extreme independence of character, he was never swayed for a moment by what men might say or think of him; but his instincts were true and his heart was sound. Even those who suffered, as a rule justly, from the first never denied the second. Though distinctly a *grand seigneur* and with a reserved manner, his qualities of head and heart must have been all the greater to procure for him the large measure of affection and esteem with which he was generally regarded. And this reputation, it should be remembered, was steadily maintained through two long terms of eight years apiece, so widely sundered that they almost represented two different generations of Canadians. No cases of undeserved hardship or neglected merit seem to have been too insignificant

HIS CHARACTER

for Dorchester's attention, and when rebuke was required he cared little for the rank of the transgressor, as might be inferred from the candour of his communications even to secretaries of state.

Against jobbery, whether in the grasping of fees, or in that odious, and then too common, custom of foisting incompetent deputies on the colony while politicians at home shared the plunder, he waged incessant war. We have plenty of evidence that the Château St. Louis was, during Dorchester's tenancy, the centre of a graceful and dignified hospitality. He desired to be fair to the French-Canadians and thus frequently laid himself open to the accusation of a bias in favour of that nationality. But if he ever exceeded equity and prudence in this particular he was heavily punished by the ready surrender of the Canadian peasantry to the wiles of outside intrigue; for there is no doubt he felt it bitterly. He unquestionably modified his earlier views of the British trading community, probably from the fact that as time went on they justified his better opinion. They, no doubt, themselves acquired greater discretion and gradually absorbed from outside a better and wiser element. Above all, the trials of 1775-6 divided the sheep from the goats, and inclined a better feeling between the educated English and French who shared a common peril and fought side by side against a common enemy. It had been Dorchester's lot to govern Canada through periods of

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great political stress and in some moments of extraordinary peril. That he saved her to Great Britain in those years would alone entitle him to the perpetual gratitude of Canada and of the empire. But this achievement, conspicuous though it was, is very far from comprising the whole debt under which he has laid posterity. It was but a crowning incident in many years' record of less showy but valuable service. Mistakes he doubtless made, though it is not easy to put one's finger on them, amid the personal feelings and faction which distinguish that little nucleus of a coming nation over which he ruled and which fifty years later Lord Durham still called, "Two nations warring within a single state." Dorchester, however, had to face the further disadvantage that these domestic distractions were carried on under the very guns, either active or threatening, of two powerful enemies.

The frigate *Active*, which carried Dorchester and his family from Quebec, was wrecked on the Island of Anticosti, near the mouth of the St. Lawrence. Happily no lives were lost, and the party were conveyed by coasting vessels to Percé on the Gaspé shore. A ship was sent for them from Halifax, and they sailed direct for England, arriving at the end of September. Dorchester retained his governorship for six months longer, when Prescott succeeded him in the titular honours of office as he had already done in its actual duties. Dorchester was now seventy-two, and spent the remaining twelve years

HIS DEATH

of life left to him in rural retirement, first at Kempshot, near Basingstoke, and later at Stubbings, near Maidenhead, where he died suddenly on November 10th, 1808. These years, as may be imagined, were quite uneventful ones. Dorchester left a numerous family, and his title descended in the male line till 1897, when it became extinct. It was revived, however, in the person of the present Baroness Dorchester, a cousin of the last lord and descendant of the governor, and passes to her son, Dudley Massey Carleton. There are a great number of living descendants of the famous governor, and among these, it may be interesting to note, are several groups of a family directly descended from him, and well known to the writer, long settled in Virginia.

Stubbings, where Dorchester died, had been his first purchase. He bought Greywell Hill, near Winchfield, in Hampshire, which is now the chief home of the family, from the trustees of Lord Northington. Lastly, he bought Kempshot, near Basingstoke, where he himself chiefly lived, as has been stated, an uneventful life, interesting himself much in the breeding of horses, of which he had always been fond. Among other distinguished guests who occasionally visited him in his country home was the Prince Regent.

Six of Dorchester's sons died from wounds or disease on active service. The death of the eldest in 1786 was both singular and sad. Dorchester was actually on the sea, bound for his second term of

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office in Canada, when the youth landed at Plymouth on sick leave from the continent. Those were queer times, and though heir to a barony as he was, this young British officer seems to have been so friendless and hard put to it for clothes that he was nearly hanged as a French spy. However, he contrived to reach London, and being at once taken ill again with camp fever seems to have been quite stranded in the great city. The only person whose name he could think of was Mr. Pitt, and he applied to that minister, who secured him quarters in Westminster, where he died.

A picture of the siege of Bergen op Zoom, where Carleton, it will be remembered, was wounded, hangs in the dining-room at Greywell Hill. By a remarkable coincidence another son of Carleton's met his death there carrying the same sword with which his father had so distinguished himself on the former occasion. Among the other treasures here is the wooden bedstead with curtains which the general used in Canada and on all his campaigns, and on which he died. As it is scarcely more than five feet long, and was curtained all around, it is assumed that the owner, a tall man, must have habitually rested in a doubled-up position. There is also preserved a handsome carved horn, presented by the Western Indians to the governor while in Canada.

Lady Dorchester lived to a great age, and plenty of people not long dead remembered her perfectly. Though a small woman she was awe-inspiring to a

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degree in the extraordinary ceremony she observed and exacted, and the hauteur of her bearing, her own family being included in this attitude. When visiting her son-in-law, Lord Bolton, of Hackwood, so an eye-witness used to relate to present members of the family, her entry to the dining-room at meal hours was a prodigiously solemn affair and never occurred till all the family and guests were assembled. Her hair at this time, 1830, was lifted high up with lace and scarlet ribbons, her dress costly and elaborate. She wore scarlet shoes with very high heels and gold buttons, and carried in her hand an ebony cane. On entering she would bow graciously to the assembled company, and no one thought of sitting down till she herself was seated. Such was the lady who some fifty-five years before had come almost as a bride to preside at the Château St. Louis, Quebec.

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