FRENCH CANADA AND THE EARLY DECADES OF BRITISH RULE
1760-1791

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FRENCH CANADA AND THE EARLY DECADES
OF BRITISH RULE (1760-1791)

The Capitulation of Montreal (September 8, 1760), which as Professor
A.L. Burt remarks should be called the Capitulation of Canada, fulfilled
the hopes of the most ambitious leaders of the New England colonies and
of the British empire. After a ruthless struggle lasting more than seventy
years, the Anglo-Americans had triumphed. France and the Canadians
could not obstruct any further the expansion of British colonization in
North America.

Both in London and in the American colonies, great rejoicing welcomed
Amherst's victory. From that moment, the leading political figures, both
in the colonies and at home, worked to convince their compatriots and the
imperial government that it was vital to retain Canada. Certain British
statesmen and business men would have preferred the acquisition of
Guadeloupe. There were two opposing conceptions of the British empire:
that of a narrow mercantilism, according to which colonies only existed
for commerce, and that which envisaged the growth of new Englands
abroad, firmly linked to their metropolis. Those who dreamed of an
Anglo-Saxon North America defeated the mercantilists.

Military Occupation or the Return of Peace

Although the war had ended on the American continent, it still con-
tinued for some months both in Europe and in India. The conclusion of
the Family Compact between the different branches of the Bourbons —
French, Spanish and Neapolitan (1761) — encouraged some Canadians to
think that Spanish help would reverse the situation. These hopes were
quickly cut short. As early as the summer of 1762, although a few might
still imagine that France would recover the St. Lawrence Valley, the
majority seemed to have become accustomed to the idea that the British
would remain, at least for several years. However, the Canadians of the
first generation after the Conquest, while submitting to British rule, always
held the dream that France had not said her last word in North America.
When the hour of revenge came, their former mother country would be
able to rely upon them. Meanwhile, they bore their lot with resignation.

The judicious conduct of the British authorities greatly helped to re-
concile the Canadians to the new regime. Amherst, Murray, Gage, Burton
and Haldimand were prudent administrators, careful to reassure a popula-
tion which had expected the worst. Official French propaganda had repeatedly stated that defeat would mean terror. But the measures taken by the military commanders aided a rapid return to normal daily life. The militia captains continued to exercise their former functions, the tribunals established by the victors rendered justice according to the established laws of the colony, the clergy had freedom to attend to the spiritual needs of the faithful, trade regained its former vigour. The inhabitants of the colony had only one thought: to profit from the return of peace to repair the damages of war.

The long conflict had left behind it much destruction and a general apathy. The death of Bishop Pontbriand, four months before the Capitulation of Montreal, placed the clergy in a particularly delicate situation. Bigot's administration as Intendant had made the French regime very unpopular during its last years. The bankruptcy of Louis XV's government, which had only redeemed a portion of the paper money and bonds drawn on the public treasury, had increased the chaos and augmented the discontent of the population. The victors had before them an exhausted populace, ready to be governed. All circumstances and factors helped to render the establishment of British rule easy.

*The King is Dead – Long live the King!*

French Canadians showed in general no astonishment when they learned of the ratification of the Treaty of Paris. The clergy and the middle class hurried to acclaim the new king given them by the fortunes of war. At that period the prestige of monarchical institutions was of a kind that those living in the second half of the twentieth century find difficult to understand. For the Canadian leaders of the eighteenth century, the king was the source and symbol of all power. Society, they thought, could not exist without monarchy, which they believed sincerely to be the will of God. This idea formed part of the mental equipment of the principal societies of the North Atlantic world. Under such circumstances, the support of monarchy formed a rallying point and a bond between the leaders of all western countries. The historian must take this factor into account when he observes the behaviour and reactions of the clergy and the leading spokesmen of the Canadians on the morrow of the Conquest.

The *élite* of Canadian society showed a spirit of open collaboration with the victors. Immediately after the surrender of Quebec and Montreal, several young girls married officers of the victorious army. A few people were shocked but they represented the opinion of a minority. Canon Briand, grand vicar of the district of Quebec, ordered prayers to be said for George III at mass, even though the peace negotiations had not been concluded. To those who expressed astonishment at his decision he replied that the British “are our masters; and we owe to them what we owed to the French when they ruled.” The Treaty of Paris could only confirm
the leaders of Canadian society in their desire to collaborate with the British authorities. In any case, as long as they continued to live in the colony, they had no opportunity to do otherwise.

**Emigration and the Decapitation of Society**

Canadians of the upper class, who refused to submit to the victors, emigrated. They foresaw that their personal future was compromised in a colony where the principal channels of social promotion would, in future, be occupied by the British. The former administrators did not have to rack their brains overlong to discover who would succeed them. The most powerful businessmen understood that their enterprises would not prosper within the British commercial system.

It is true that some of these emigrants were forced to return to France in order to account for their administration and their scandalous fortunes. Nevertheless, only a few of those who left Canada were functionaries and traders guilty of embezzlement. The majority was drawn from honourable families who did not wish to suffer the humiliation of foreign occupation and who wanted to keep all the advantages which the French empire provided: royal pensions, access to public office, business relations with the capitalists of the metropolis, official protection, contracts with the government and so on. It has been calculated that at least two thousand Canadians left their native land during the ten years which followed the surrender of Montreal.

Can one speak about the loss of social leadership? Some historians, building upon the fact that the emigration of the ruling class was not overwhelming, maintain that Canadian society retained its form. Have they asked themselves what became of the former leaders who remained in Canada? Their fall, which was inevitable in a vanquished colony where a new body of administrators and executives of British origin was being assembled, is the most striking social phenomenon of the first generation after the Conquest. Canadian society no longer offered its most ambitious and dynamic members either the opportunity or the means to win prestige in public life. During the French colonial era, no career was closed to the Canadians. The French empire counted upon their help to continue and prosper. The situation was completely different under British rule. The administration, the army, the navy and external trade were all preserves of the British. The Canadians could not meet the competition of newcomers who came as conquerors. It could not be otherwise.

The Canadians had to learn to limit their ambitions and their horizons, which shrank to fit their diminished chances of social success. Deprived of the indispensable backing of its mother country, left to its own resources, submitting to the rule of a foreign upper class, French Canada lived in a state of subordination.
Hopes and Dreams of the Canadians

For the majority of the population there was no question of emigration. Faithful to the monarchical ideal, they recognized George III without protest as their new sovereign. However, in giving their allegiance to the king of Great Britain, the Canadians had no intention of renouncing the right to define and protect their own interests. The clergy, conforming to the traditional teaching of the Church, were ready to have Te Deum's sung to celebrate the peace and to do homage to "the legitimate authority". At the same time, they counted on the latter for the nomination of a bishop and the freedom to exercise their ministry. The seigneurs and the Canadian officers, to whom the defeat meant loss of prestige in the eyes of the habitants and the militia, deluded themselves into thinking that the British government, following the example of Louis XV, would have recourse to them for the administration and defence of the colony.

The Canadian business men, delighted by the departure of Bigot, his associates and favourites, hoped to improve their lot quickly. Had they not been told that the colony, thanks to its entry into the British market and to the freedom of trade which the English practised, would experience soaring prosperity? They had, for a few short years, the naïveté to imagine that they would be the principal beneficiaries of this upsurge of economic activity. They were soon to realize that their British competitors were basically the only ones equipped to benefit from it. Also, the middle-class Canadian traders who remained in the colony, influenced by the British business men who were coming in, had convinced themselves they would supplant the seigneurs in the social hierarchy.

As to the lowest strata, that is to say the immense majority of the population, what did they think? First of all, there was a strong impression of having been betrayed by those in authority. The latter suddenly appeared as being unworthy of their honours, their privileges and their responsibilities. In all societies, the immediate consequence of an unsuccessful war is a loss of authority and prestige by the former governing class. This particular group, however, as well as having been defeated on the battlefield, had to suffer occupation by the victorious army and had to collaborate with it, and thus lost even the possibility of regaining popular support. But the Canadians had no other leaders to whom they could give their loyalty. Obedient to both their seigneurs and clergy, they echoed "Long live the king!" At the same time, they took refuge in a state of passive resistance. Both the British authorities and the Canadian leaders realized this when an attempt was made to raise a volunteer battalion to help suppress Pontiac's rising (1764). The militia, in spite of alluring promises, showed no haste to enroll. The people, although submitting themselves to George III, felt no obligation to serve the interests of their enemies and conquerors. Sooner or later, they thought, the "Londoners", the English, would be forced to quit the country.
The Failure of the Royal Proclamation

A royal proclamation of October 7, 1763, announced that Canada, along with other new British colonies, was to have an elected assembly and that its inhabitants could expect "the enjoyment of the benefits of the laws of . . . England". General James Murray, who had been military governor since October 1759, was appointed civil governor of the colony, now called the Province of Quebec. His instructions (December 7, 1763) provided for a council including, besides officials, eight of the "most considerable" residents of the colony appointed on his recommendation. Murray was instructed to honour the treaty guarantee of religious toleration, but not to allow any papal or "any other foreign ecclesiastical jurisdiction whatever". He was also to have vacant lands surveyed in townships and to publish regulations for granting land in English tenure, the grantees to pay quit-rents. Quebec, in fact, was to be remade into an English colony. This programme, intended to attract immigrants from the comparatively crowded English colonies to the south, simply did not face the fact that the Canadians formed more than ninety-nine per cent of the white population in the St. Lawrence Valley.

Murray, sympathetic to the Canadians but obedient and unimaginative, attempted to obey his instructions impartially. The result was the total disorganization of justice. The Canadians were delivered into the hands of judges and officials who were ignorant or contemptuous of their language and traditions, and some of whom exploited them shamelessly. The governor tried to set limits to the havoc by recognizing the right of Canadians to jury service and by creating lower courts. In them the judges were to take notice of French laws and customs and Canadian lawyers (who, being Catholic, could not practice in the Court of King's Bench) were allowed to represent their clients. The concession to the "natives", however, was stated to be only temporary.

Those who could legitimately regard themselves as the leaders of the Canadian community discovered, not without astonishment, that they had no public rights in their own country. The Test Act barred them, as Catholics, from careers in the administration, whether as councillors or as mere justices of the peace. They were totally ignorant of the English law which now replaced their own. Surely, they thought, their willingness to collaborate and their protestations of loyalty to the Crown merited greater consideration than this?

Murray, realizing that the number of British colonists was too small, decided to postpone the election of an assembly. This brought him the enmity of the group one can call the English party. The British merchants and adventurers who had come to Canada immediately after the Conquest expected, for the most part, to become its ruling class. They had been patient during the military regime, but they regarded the establishment of
civil government (which came into force on August 10, 1764) as the beginning of their triumph. They had expected to dominate the assembly which Murray now postponed and to control both the Canadians and the officials sent out from Great Britain. They expressed their disappointment in a manifesto of the Grand Jury of Quebec (October 16, 1754) and in petitions sent direct to Westminster. Murray, in response, moved closer to the Canadian leaders and defended them before the imperial government. At the same time, he was plagued by the hostility of the military commanders, who were themselves also at odds with the spokesmen of the British mercantile community.

Some members of the British minority were well-disposed towards the Canadians, and formed a political group called the "French party". The most influential of these advocates of paternalism was Adam Mabane, a Scottish surgeon who in 1764 was appointed a judge and a member of the governor's council. With this support and with Murray's, the Canadians demanded from the imperial government the redress of their grievances.

The British ministers had begun to doubt the wisdom of their policy towards His Majesty's new subjects in the Province of Quebec. Since they had no intention of persecution, deportation or liquidation, they were forced, while guarding the fundamental interests of the British empire, to take into account the presence of the Canadians. They were willing, for example, to accept a bishop recognized by Rome and consecrated in France. Canon Briand, who had been one of the vicars-general chosen to govern the diocese after Bishop Pontbriand's death, was allowed after several months' waiting in London to seek consecration discreetly. In June 1766 he returned as the head of the Canadian clergy. In the same month Murray, who had been recalled, left Quebec.

Under the Benevolent Rule of Carleton

The Canadians had thus scarcely found a protector when he was removed. Sir Guy Carleton replaced him. Carleton was ambitious, able and intent upon demonstrating his administrative capacity. From the beginning he sought, by both force and flattery, to impose his authority on all parties. Authoritarian by nature but pliable when necessary, he was soon in control of the situation. He succeeded in convincing all parties that he was their ally and all agitation ceased. The lieutenant-governor - he did not become governor until the beginning of 1768 - decided almost immediately that the royal proclamation and the instructions written for his predecessor were inapplicable. He was shocked by the chaos in the administration of justice. He found the pretentions of the English party unacceptable. He thought it impossible to govern the colony without recourse to the services of the Canadian leaders. Thus he proposed to re-establish at least French civil law, to maintain the seigneurial system, to
give legal recognition to the tithe and to include Canadians in the conduct of public affairs. He took care, however, to state that they should play only a secondary role. There should be no elected assembly; all legislative power should lie with the governor and his council, whose members would be appointed by the Crown. Some Canadians would be named to it. This policy was finally implemented in the Quebec Act of 1774.

Carleton’s paternal despotism fulfilled the dreams of the principal Canadian leaders. In particular, Carleton received the enthusiastic support of the higher clergy, who in the circumstances of the moment were the most influential representatives of the Canadian community. A personal friendship grew up between Bishop Briand and the governor.

Some Canadians, it is true, recognized and mistrusted the way in which Carleton’s programme led to enhanced personal power for the governor. These critics were accused of envy for their compatriots whom the governor had honoured with his confidence. They were reproached, too, with falling under the influence of the English party. The British merchants were still demanding an assembly, but they were now willing to accept one elected by the whole population, and containing some Canadian members. For the Canadian community, the choice was thus between the paternalism of the governor and that of the English minority. The Quebec Act definitely instituted the former.

The Era of Mutual Disappointment

In Carleton’s view, the vital problem was to build confidence between the Canadian population and the British authorities. It was necessary to end the misgivings and disorder arising from the royal proclamation, the sudden introduction of English law, the exclusion of Canadians from the administration and the agitation of the English party. Carleton knew that this could only be done with the support of the clergy and the seigneurial class. How else could a foreign power establish itself in a country except by ensuring the co-operation, or at least the neutrality, of its former leaders? By the Quebec Act, Carleton won the confidence and obtained the co-operation of the Canadian élite.

It appeared at first as if he had hoped to get even more than this. While he was formulating his programme for Quebec, the thirteen American colonies had been moving towards rebellion. As a soldier, Carleton wanted to make his province a secure base for a British army if it should have to re-establish order in the American colonies. Further, he imagined that the Canadian militia would contribute to the defence of imperial authority, or at least protect the St. Lawrence valley from rebel attack. The seigneurs and the higher clergy encouraged his hopes. They did not realize, or would not admit, that the bulk of the population offered a kind of passive resistance to the British occupation.
When the American invasion came, Carleton and the Canadian leaders suffered a bitter disappointment. In general, the people refused to take up arms, despite the authoritative appeals of bishop, clergy and seigneurs. The Canadians took the occasion to show their hatred of or indifference to the English and their mistrust of those who co-operated with them. On the other hand, the Americans had nothing to offer; while the rudimentary equipment and poor organization of their forces did not escape notice. Most of the population adopted a prudent neutrality.

The entry of France into the war on the side of the Americans (February 6, 1778) created a particularly delicate situation. The majority of the people expected, hopefully, that their former mother country would re-conquer the colony. The Canadian leaders lived through several months of anguish. While they hoped spontaneously for the defeat of British arms, prudence recommended that they show themselves submissive to the government of George III. Haldimand, who succeeded a disappointed and frustrated Carleton in 1778, had good reason to be nervous and suspicious. Neither the Canadians nor the British administrators knew, at this point, that the French government had no intention of demanding the return of Canada. In 1783, many Canadians considered the Treaty of Versailles a further betrayal by France. It was difficult for them to understand why she had not used her victory to return and continue her work of colonization in the St. Lawrence Valley. Their reaction sprang both from a completely natural attachment to the country which would always remain in their eyes the mother country and from anxiety concerning their continued existence as an ethnic entity. It did not take into account the demands of international politics which France had to heed.

The Quebec Act on Trial

Once they had accepted the fact that Quebec was to remain a British colony, the Canadians questioned their collective lot more sharply and concluded that it ought to be bettered. The Quebec Act had not fulfilled the hopes of its Canadian supporters.

In the administration and in the council the Canadians formed a feeble minority whose influence was strictly limited. The few who were in a position to benefit from official protection had little prestige in the eyes of their compatriots. English wealth dominated the economy of the province. The English business men had prospered during the war years and the arrival of the Loyalist immigrants had increased their opportunities. Several Canadian merchants had failed or retired, or had merged with their British competitors.

The Church lacked priests and was forbidden to recruit them in France. The clergy knew themselves to be under constant surveillance. This
weighed upon them more and more heavily and several began to complain openly. The diocese of Quebec no longer drew from France the revenues which it had enjoyed before the Conquest. The bishop, whom the government considered as one of its officials and to whom it paid a small annual salary, lived very poorly. His clergy, too, lived in straitened circumstances. If he was able to retain a certain financial independence it was due to a small pension, voted by the assembly of the French clergy, which the king of France sent on to him without the official knowledge of the British government. This pension continued until 1792.

The institutions of learning, which the French government had always generously supported, stagnated. The closure of the College of Quebec and the confiscation of the Jesuits' property appeared to the Canadian leaders as most unjust measures, leaving no fund for education. The most far-seeing leaders of the Canadian community were alarmed by the extent to which the education system had deteriorated in a single generation. Immediately after the Conquest attempts had begun to bring over teachers from France and to obtain the re-opening of the College of Quebec. They were unsuccessful. English reproaches of Canadian ignorance thus added insult to injury. In a memorandum to Judge William Smith (1789), Bishop Hubert remarked that parents might be more enthusiastic about the education of their offspring if more Canadians were employed in public administration. The government, he complained, too often gave preference to "old subjects and even foreigners". When a number of English people in the colony took an interest in the progress of education amongst the Canadians, for the most part it was with some motive of anglicization.

The Quebec Act had not even succeeded in making the administration of justice efficient. The re-establishment of French civil law and the support of the seigneurial regime had given rather more security to Canadians. Most of their leaders agreed on this point. But several pointed out that the colony was developing a hybrid judicial system that bordered on anarchy. The judges, several of whom lacked competence, had established a jurisprudence where the principles of French and English law inter-mingled. Permanent strife existed between the Court of Appeal and the lower courts. The ordinances of the council, where the members of the "French party" and the English faction fought openly, left confusion worse confounded. Every kind of influence and of conflicting interest tended to corrupt the administration of justice. The inquiry conducted by Judge Smith 1787 brought this into the open.

Another matter greatly perturbed the Canadian leaders: the influx of Loyalists. A census of 1785 gives the figure of 6,800 for those already established in the St. Lawrence Valley. These newcomers to the colony, who had left their native lands in order to remain loyal to the British Crown, were astounded to realize that they had to obey foreign laws. In particular, the seigneurial system was repugnant to them. They protested,
and accused the government of depriving them of their rights as British subjects. Invited to legislate in their favour, the council showed itself in no hurry to accede to their requests. The majority of Canadian councillors and of the "French party" had no sympathy for the Loyalists. The newcomers meant a series of new problems and the reinforcement of the English minority.

Towards Constitutional Reform

Both Canadians and colonists of British stock were in favour of a revision, either minor or major, of the Quebec Act. Even its most ardent Canadian supporters — whose support was not always disinterested — admitted the necessity for some kind of alteration and reform.

The aims of the Canadian leaders did not alter: to consolidate and to increase the influence of their community, which formed the largest part of the population. Naturally, this meant more prestige and power for those who had either the right or the ambition to become the spokesmen for the community. However there was a considerable lack of agreement as to the best means to achieve this end. Conservatives, who feared to set out on a new path, wanted to keep the Quebec Act as a charter of Canadian liberties. They contented themselves with a demand for greater Canadian participation in the government of the colony, in order to protect the established order against the introduction of English laws and institutions. The return of Carleton, who became governor for a second term in 1786, raised great hopes among the members of the "French party", whose influence had been declining during the past few years, and among the Canadian leaders who counted on his paternalism to uphold and extend their privileges. A few had even imagined that a Canadian would be named lieutenant-governor. This group dreamt of a colonial government created and maintained by the British Crown, but operated by Canadians.

Another group, whose origins can be traced to the period 1770-1774, did not put all their hopes in the benevolence of a governor backed by a council favourable to Canadian interests. Its members tried to understand what the benefits of a system of representative government would be for their compatriots. They were not afraid of the idea. On the contrary, since they realized that numbers would inevitably favour them, they concluded that an elected assembly should be adopted. The members of this reform movement represented a new wave of Canadian leaders, who dissociated themselves from the seigneurial and military class of the first generation after the Conquest. The majority belonged to what we would call today the middle class: small shop-keepers — very few among them had the stature or influence of big business men — notaries, lawyers, surveyors, book-keepers. A few seigneurs supported them. Several of the higher clergy sympathized with them and helped circulate their petitions among the populace. These reformers had no sympathy for the Canadian favourites of
Carleton, Haldimand and Hope (lieutenant-governor, 1785-86) They rejected, too, the tutelage of the remnants of the "French party". In fact, the Canadian community had discovered new spokesmen.

The Complaints and Plans of the British Merchants

The Quebec Act had never been accepted by the principal leaders of the colony's British minority. The royal proclamation of 1763 had promised them their rights as British subjects. The Act, they thought, abandoned and betrayed them. It placed them under French civil law and under a colonial government not supported by an elected assembly. Every other British colony in North America enjoyed representative institutions.

They considered the powers of the governor and council under the Act to be arbitrary. Conscious of the central role they played in the economic development of the St. Lawrence Valley, they were nevertheless confronted by a colonial government over which they had little influence. Their indignation reached new heights when they found that Carleton had concealed instructions to introduce some English commercial law, trial by jury in certain civil cases and the privilege of habeas corpus.

During the War of Independence, the British minority had to hold back its complaints. Several of its members had shown sympathy for the rebellious colonies before and in particular during the American invasion of Quebec. This, fully exploited by its opponents, had brought the English party into disrepute. With the end of the war, the need for cautious silence was over. The British minority had grown in numbers and could count on powerful friends and protectors in London. Post-war financial difficulties made the merchant community more aggressive. The Treaty of Versailles, moreover, limited the expansion of their trade in the interior. The coming of the Loyalists, whom they naturally sought to take under their protection, strengthened their position. In sum, the British merchants, like the Canadians, decided to indulge in an examination of the Quebec Act. In a petition of September 30, 1783, they asked for the immediate repeal of the Act and for a constitution that would make Quebec, at last, a true British colony.

Both in Quebec and in Montreal, Citizens' Committees were formed to bring together all those in favour of constitutional reform. This involved an alliance between the English party and some of the more influential of the new middle-class Canadian spokesmen. The two parties to this alliance did not have the same motives. The Canadians intended to use British representative institutions to further their own collective interests. The British business men seem never to have been bothered by the risk they were inviting, that a Canadian majority in the assembly would swamp them. Underestimating the resources of their new allies, they confidently
expected to substitute their own brand of paternalism for that of the governor and the former "French party". The Citizens' Committees drew up a petition to the king in November 1784, substantially repeating the demands in the merchants' petition of the preceding September. Both they and their opponents held public assemblies to demonstrate their popular support. Actual political parties now faced each other and attempted to rally the apathetic majority. Their rivalry made the administration of the colony extremely awkward during the months immediately following Haldimand's departure (November 1784). In permitting all parties to express themselves, Lieutenant-Governor Hamilton definitely brought to an end the atmosphere of constraint that had prevailed during the war years.

Dorchester and Smith against Carleton

The hopes raised by the return of Carleton have already been described. Now elevated to the peerage as first Baron Dorchester, he arrived at Quebec at the end of October 1786. He might have united under his paternal yoke all the spokesmen of the Canadian community; but Dorchester no longer had the same ideas as Carleton.

In 1774 he had worked for the adoption of the Quebec Act because he thought it would serve the best interests of the British empire in North America. He had not believed that a British colony could be founded in the St. Lawrence Valley and had therefore not hesitated to ignore the claims of the British minority settled there. Its members, in his view, were simply adventurers come to seek their fortune in a newly conquered territory; he had even supposed that they would not stay long.

Twelve crowded years later, Dorchester brought a new perspective to his old post. There was now a British population in the St. Lawrence Valley, re-inforced by Loyalists, for whose welfare he had shown himself concerned while commanding the British troops in New York. It was now his mission to consolidate British colonial efforts in North America. There were some, their faith in the British empire unshaken by the War of Independence, who were determined to create a prosperous and dynamic British North America — one that might even make the Americans regret their break with the Crown, William Smith, lately Chief Justice of New York, was one of the most eloquent of such imperialists; he had won Dorchester's confidence and was appointed Chief Justice for the Province of Quebec. It was not long before his influence was felt in all parts of the administration. Dorchester wanted to correct, according to the advice of Smith, the work he himself had done as Carleton.

His freedom of action was however somewhat limited and he never rose to command circumstances as he had done during his first administration. The change in his conduct was the result of his personal dilemma. He was reluctant to break with his old allies and supporters, who counted
on him to defeat the reformers and the English party. At the same time, he recognized the necessity of reform. Realizing that the American continent favoured democracy, he nevertheless retained many aristocratic ideas on the proper distribution of power. Alive to the demands of the present, Dorchester thus remained to a certain extent a prisoner of the past. This, far more than the poor state of his health, explains why he lacked energy and decisiveness during the critical period 1787 to 1790.

In those years the struggle between the different parties — the “French party”, the seigneurs allied to it, those Canadians who wanted a slight improvement in the Quebec Act, those Canadians who wanted an elected assembly and the English party — became more intense. Acrimonious debates were raised by Smith’s interpretation of the Quebec Act in one of his first decisions as president of the Court of Appeal, by his criticism of the judges of the Court of Common Pleas, by the inquiries he started into the administration and by his proposed reforms, particularly in the field of education. Even within the Canadian community, public opinion was deeply divided. The advocates of constitutional reform, profiting from the confusion, acquired greater influence and new confidence. The Citizens’ Committees, which had spokesmen in London, redoubled their activity.

The Constitution of 1791 or the Confirmation of the Quebec Act

The imperial government, which had wavered for a long time, at last decided to amend the Quebec Act. Buffeted from all sides by contradictory demands and not very well informed on the real state of the colony, the ministry drafted the Constitutional Act. This piece of legislation did not reverse the Quebec Act. It provided a bicameral legislature: an appointed Legislative Council and an elected assembly. At the same time an order-in-council, signed on August 24, 1791, created the two separate colonies of Upper and Lower Canada.

The British merchants of Quebec, Three Rivers and Montreal, who for over twenty-five years had demanded their rights as British subjects, learned with stupefaction that the imperial government had upheld the major part of the Quebec Act and that it had separated them from the Anglo-Protestant population established in Upper Canada. They had not foreseen the division and had every reason to suppose that their interests, both as merchants and as an ethnic minority, would suffer from it. They tried, but failed, to prevent it. They persisted, nevertheless, in their usual expectation that the Canadians would accept their paternalism without much resistance. The more optimistic of them managed to believe that the assembly in Lower Canada, with a majority of Canadian members entirely ignorant of parliamentary institutions, would be easy to dominate. Although the “French party” had been defeated, the victory of the English party was incomplete.
As for the Canadian leaders, if one omits the seigneurs linked with the "French party", the few beneficiaries of government patronage under the Quebec Act and those who did not grasp the opportunities of the new constitution, they were largely satisfied. A few were even enthusiastic. French civil law remained in force, the clergy retained the rights acknowledged by the Quebec Act, some Canadians at least would continue to be appointed to public office. The franchise for the new assembly was wide, and those Canadians who had been involved in the Citizens' Committees were particularly well aware of what numbers would mean in a democratic regime. The division of the province was welcome, both for its guarantee of a continued Canadian majority and for the chagrin it caused the English party. The Canadians, particularly the new middle-class spokesmen, foresaw that the new constitution would confirm the rights already recognized by the Quebec Act; for it provided new and more powerful methods of collective action. It remained to learn their use. By undertaking a political apprenticeship, the Canadian spokesmen were able gradually to develop an effective opposition to the English minority and to British officials. A new era had begun in the history of French Canada and of British colonization in the St. Lawrence Valley.
**Manuscript Sources.** This booklet rests primarily on a re-examination of manuscript sources, both official correspondence and personal papers. These are preserved in the Public Archives of Canada (the B, C.O. 42 and Q series, and the papers of Dartmouth, Murray and Shelburne); the University of Montreal Library (the Baby Papers, of which the Public Archives have copies); the Archives of the Province of Quebec, of the seminary of Quebec and of the dioceses of Quebec and Montreal.

**Printed Sources.** Both the Public Archives of Canada and the Archives of the Province of Quebec have published, in their annual reports and inventories, a wealth of documents on the period 1759-1791. Other useful collections are printed in the *Bulletin des recherches historiques*, in *Mandements, lettres pastorales et circulaires des évêques de Québec*, Vol. II (Quebec, 1888), and in H.-A. Verreau (ed.), *Invasion du Canada*, 3 vol. (Montreal, 1873).

**Specialized Works.** Every historian of this period must acknowledge a special debt to A. L. Burt’s magisterial volume, *The Old Province of Quebec* (Minneapolis and Toronto, 1933), and to the series of articles in which Professor Burt rounded out his study. His research first clarified the main course of events during the years 1759 to 1791. His interpretation of the period, which has influenced a whole generation of historians, remains in part valid. His judgement of French-Canadian society, of its collective reaction to British rule and of the forces operating upon Carleton now seem in need of revision.

Two new books bring some fresh and very useful information on the period but their authors follow in the main, with the exception of a few distinctions of minor importance, the old interpretation: H. Neatby, *Quebec: The Revolutionary Age, 1760-1791* (Toronto, 1966); Fernand Ouellet, *Histoire économique et sociale du Québec, 1760-1850* (Montreal, 1966).
