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AS FAR AS THE LAWS OF GREAT BRITAIN PERMIT: THE EFFECT OF BRITISH IMPERIALISM ON FRENCH CANADA, AND ITS EFFECT ON THE AMERICAN REVOLUTION

By

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“As far as the laws of Great Britain permit”: The Effect of British Imperialism on French Canada, and Its Impact on the American Revolution

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Introduction

On the eve of the American Revolution, when representatives from Britain's thirteen original colonies gathered to discuss the logistics of war and the value of independence, the newly conquered colony of Quebec stood apart. Isolated geographically, socially, politically, and religiously, Quebec was an anomaly in that it enjoyed an unprecedented level of autonomy. When the Quebec Act passed in 1774, the Québécois gained even more freedom as they were granted a tremendous amount of religious tolerance and political jurisdiction. Applied to a culture already accustomed to a more rugged frontier way of life, such freedom allowed for the Québécois to remain extremely politically divided. Under the council of Governor Sir Guy Carleton, members of Quebec's upper class and clergy confessed their loyalty to British Parliament while the peasants remained rather indifferent and unaffected. Altogether, unlike their neighbors to the south, the Québécois showed relatively little concern over notions such as taxation without representation.

After the passing of the Quebec Act, the other colonies felt rather ambivalent towards Quebec. Being the direct beneficiaries of an act, which was widely held in disdain by the other colonists, the Québécois were naturally scrutinized. The Continental Congress, however, could ill afford to marginalize the Québécois. With Lake Champlain proving a veritable super highway from Canada right through the heart of New England and New York, the Continental Congress was instead forced to sit back and anxiously await Quebec's political stance. Initially, in a Letter to the Inhabitants of Quebec on 24 October 1774, the Continental Congress expressed this anxiety. The Continental
Congress argued that Parliament was attempting to “confer on one Part the height of Power and Happiness, and to reduce the other to the extreme of Weakness & Misery” and that “the intent of good laws, is to oppose this Effort, and to diffuse their Influence, universally & equally.”¹ With British Parliament setting a precedent of reversing decisions pertaining to constitutional rights, the Continental Congress declared no rights to be “unalienable,” and that all was subject to the whims of “Ministers of this flagitious Temper” who “have dared to violate the most sacred Compacts & obligations.”² The letter goes on to describe these various constitutional rights, which the Québécois might have been ignorant of. The intent of the letter was to win Canadian allegiance for the coming war.

Throughout the following year, as the situation between Britain and the colonies became more severe, several more attempts were made to urge the Québécois to join in revolt. If nothing else, the goal was to stem a British advance down the Lake Champlain waterway. When Quebec refused to break neutrality, an invasion army was sent. After taking the fortifications of Ticonderoga, Saint John, and Montreal, the American army was ultimately halted at the walls of Quebec City on 31 December 1775. General Montgomery fell during this hopeless battle, precipitating a high level of desertion. The city, loosely held under siege by what remained of the colonial army for five months was ultimately reinforced by the arrival of a British fleet. The invasion would have been a complete failure, had Benedict Arnold not halted a British counter-invasion down Lake Champlain just before the waterway froze over for the winter.³

Over the course of the campaign, the Québécois responded in a variety of different ways. There were those who answered Carleton’s call by flocking to defend
the walls of Quebec City. Then, there were those who sympathized with the Bostonians, and actually fought alongside Arnold and Montgomery against their fellow countrymen. Many sold their services to the highest bidder, fighting only as hard as would get them paid. But the vast majority of the Québécois remained disinterested, even as the war was brought to their doorsteps. In an attempt to better understand the Invasion of Canada, the differing viewpoints of the Québécois colonists require specific research.

Through the tracing of the origins of the Quebec Act, this paper achieves a greater acumen of the British conquest of Canada as a whole, revealing the social and cultural significance that the American Revolution had upon the various Québécois classes. Most of the discussion on this topic by scholars of American history focuses on the stepping-stone mentality of everything as it relates to America achieving its independence. There is a generous amount of research from scholars of both British and Canadian history on the subject, unfortunately, this research also becomes problematic, as it tends to deal mostly with the political perspective of Britain losing the American Colonies. For instance, renowned Canadian historian Philip Lawson takes into account the imperialist perspective when he asks, “what effect the conquest of Quebec had on Britain,” and attempts “to treat the debate over Quebec on its own merits, as contemporaries did.” However, while Lawson’s historiography proves priceless to future historians, it speaks mostly to the political historian, leaving the social historian to find another avenue.

This paper seeks to give voice to the voiceless by paying particular attention to the Québécois citizens as the British conquest and Revolutionary War flipped their lives
upside down. By examining current historiography and digging through annals of primary documents, this paper looks to provide a greater understanding of the Canadian perspective of the American Revolution. To this end, I have employed in detail the contributions of Adam Shortt and Arthur G. Doughty, as their painstaking efforts of chronicling Canada's history through original documents proves the very foundation of all scholasticism on the subject. While the documents I employ are written primarily from the viewpoints of British officials and the merchant class, it is my intention to draw from them as many different perspectives as possible.
Chapter 1> “The right Administration of Government in Quebec is a matter of the greatest Importance”⁵: Britain’s Struggle with the Assimilation of Quebec.

When Quebec was ceded to the British Empire following the Treaty of Paris in 1763, British legislators were faced with a conundrum. An entire colony of French Catholics needed to be seamlessly worked into an imperial engine that had fervently disallowed any attachment to the Roman Church. Moreover, the Québécois colonists had for the previous century and a half been practicing a feudal style of civil law and administration completely contrary to the governor/assembly structure implemented by Britain throughout its North American colonies. The debates in Parliament over how best to administer government in Quebec spanned several years and encompassed a raft of conflicting viewpoints. While ultimately in 1774 Britain decided to pass the Quebec Act and concede to the Québécois their French civil law and Catholic worship, the eleven years prior saw Parliament unable to transcend the stigma of legislating for the benefit of conquered French Catholics. In order to understand how such legislation impacted the Québécois' role in the American Revolution, this chapter describes the political battlefield that was Quebec after the signing of the Treaty of Paris in 1763. In particular, this chapter explores the varying classes of Québécois, to better analyze the effects of Britain's legislation.

On 5 June 1762, Governor James Murray sent a letter to the King addressing the state of the government in Quebec. In it, Murray detailed every aspect of the French civil administration that permeated Quebec prior to British annexation. Having ruled for the previous two years as the Lieutenant Governor during the military occupation of
Quebec, Murray’s report pointed out corruption and civil injustices, which he attributed to unchecked abuse of governmental positions. Murray clearly showed early signs of the salesmanship that would come to characterize his term of office as he explicated the differences between France’s feudal administration, and the British assemblies. Breaking down the Québécois social structure, Murray detailed four distinct classes of French Canadians. Perched at the top of the social hierarchy, Murray claimed was “the Gentry, or what they call Nobility.” Next, he continued with the clergy, followed by “the Merchants or trading part.” Lastly, Murray listed at the bottom of the hierarchy “the Peasantry or what is here stilled, Habitant.”

In his analysis of the gentry class, Murray remarked “they are extremely vain and have an utter contempt for the trading part of the colony, tho’ they made no scruple to engage in it, pretty deeply too, whenever a convenient opportunity served.” Through such correspondence, it became clear from the start that Murray felt no shortage of prejudice towards the Québécois upper class. Murray described this upper class as “great Tyrants to their vassals who seldom met with redress, let their grievances be ever so just.” The gentry, Murray concluded, would “not relish the British Government from which they can neither expect the same employments or the same douceurs, they enjoyed under the French.” Instead, Murray strategized winning the colony’s allegiance through the other three classes.

In contrast to his appraisal of the gentry, Murray’s account of the peasantry or habitants was rather auspicious. Though he initially believed the peasants were brainwashed into believing the English “were worse than brutes” who “ruled with a rod of iron,” shortly after the conquest Murray found them to be rather open to British
occupation. Murray described the Québécois peasants' cohabitation with English soldiers during the first two years of British rule as "a harmony unexampled even at home." Through his correspondence, it is clear that Murray felt a deep appreciation for the Québécois peasantry. Declaring the peasants to be "virtuous in their morals and temperate in their living," Murray set a precedent of Québécois sympathy, which can be interpreted as the impetus of the Quebec Act. Murray went so far as to state that if "the free exercise of their religion will be continued to them once Canada is irrecoverably ceded by a Peace the people will soon become faithful and good subjects to His Majesty." It was Murray's belief that Quebec's potential worth lied in the hidden value of its peasantry.  

Quebec, as a colony was as disparate to Britain's other North American holdings as France was to England. To truly appreciate the difference between the colonies, one must understand the dissimilarities of their mother countries. In Quebec's case, before British conquest the government was mirrored on the feudal system of France, however, there were some distinct differences. Unlike France's ancient lineage of noble appointments, the various administrative offices held in New France were merit-based, and subject only to the King's approval, which worked ideally to ensure virtue and efficiency. As can be imagined, the subjectivity of such appointments seldom led to ideal officers. 

With New France being markedly different than Old France, a greater sense of freedom existed for the habitants. Quebec's peasant-class was comprised of colonists, who in the mother country held barely enough land to provide subsistence. Once transplanted to Quebec, the habitants were able to lease plots of over a hundred acres,
almost ten times larger than their holdings in France. The habitants also enjoyed certain privileges such as hunting and fishing, both illegal to peasants back in France. Such freedom provided greater financial opportunity to the habitants of Quebec than ever could be imagined in France. Seigniorial rent was modest, taxes light, and church tithes were greatly subsidized by the crown as incentive to keep the colony stable.⁹

Though the habitants proved the crucial cog to the Canadian cause long before Murray was able to praise their merit, there simply were not enough of them for New France to compete with British interests. By 1660, Quebec had held a population of just over three thousand, compared to the 58,000 English colonists who stretched from New England down to the Chesapeake. From its inception to the end of the seventeenth century, New France had expanded but not nearly at the rate the French crown would have liked. The difficulty for France in emulating Britain's colonial immigration success lied in a lack of French interest in trans-Atlantic passage. Due to the enclosure movement, which resulted in a monstrous rate of homelessness, Britain had no problems enticing impoverished and destitute subjects to gamble on a fresh start in the New World. Not being faced with the same unemployment dilemma, France needed to be much more creative with its incentive programs. As a stimulus, the French offered seigniorial fiefs to those who could transport their own settlers. Soon, a very unorthodox version of French feudalism predominated the social structure of New France. Initially based on a military design, the bureaucratic system of New France soon seemed just as efficient than that of the British colonies.¹⁰

Based on the functioning bureaucracy of England, the governmental structure of the British colonies also featured several key distinctions. Like in England, no
seigniorial system existed in the British colonies. Rather, based on the marriage of Parliament to the king, the British colonies enjoyed a three-tiered governmental system. Directly representing the king was the royally appointed colonial governor, whose job it was to protect the interests of British royal policy, and to ensure the colonies met their end of the mercantile agreement. Mirroring Parliament were the assemblies, elected by the people to provide representation for the people.

There was a marked difference between the Parliament of England and the colonial assemblies. Because the colonies were clearly devoid of nobility, there was no need for a House of Lords. This lack of nobility throughout the 1600's allowed for the English colonists to mostly rule themselves, which provided the wealthiest of merchants the most power. Royally appointed governors technically had the last say in all matters, but feisty colonists constantly threatened rebellion if the governors challenged elected assemblies. As a check on the assemblies, and to further ensure the governors were not completely out-numbered, there was the governor's council, consisting of members appointed by the governor himself. The council generally handled matters of judicial nature, but also frequently managed to rouse public attention, and provided the basis for political parties in the New World. With the seigniorial system in New France leaving no room for a powerful merchant class, the French nobility in Quebec dominated all aspects of civil administration.11

The British colonies may have dwarfed New France in terms of population, but British geographical advances were constantly stymied by France's claim on the Mississippi River. Territory disputes frequently resulted in the form of four different French and Indian Wars. As thriving British colonies desired to push westward,
France's claim on the interior of North America was constantly challenged. With but a fraction of Britain's colonial population, New France was able to hold the Mississippi for over a century and a half. Finally, during the fourth French and Indian War, while France was preoccupied in Europe by the Prussian army, England managed to wholly dedicate itself to the conquering of North America. Britain ultimately overwhelmed New France and the result was the capitulation of Quebec in 1759.

After the signing of the Treaty of Paris in 1763, to the astonishment of many (especially the inhabitants of Quebec), France ceded Quebec in order to hold on to its islands in the West Indies. France was done fighting over a colony that offered little profit and a great deal of conflict. The Canadians became British subjects, but with the prejudices that came with being Roman Catholic. Any Canadian not wishing to be ruled by the British Empire was free to return to France, but few could afford it. Only 270 left the colony. As far as the British were concerned, Quebec was to be considered an investment. The Citizens in London scoured the newspapers for investment information dealing with the mercantile trade in Quebec, and the colony's economic speculation played a great role in the passing of early legislation. Many in London demanded as much information about Canada and its inhabitants as could be obtained. After all, the conquered colony was already established, all that was needed was a new direction.\(^ \text{12} \)

In his own letter to the King on the state of the government in 1762, Ralph Burton, Lt. Governor of Trois-Rivieres nearly echoed Governor Murray's opinion by praising the habitants. By stating, "the King's Rights and Privileges, as every other Branch of the Ancient Administration, has been the most powerful means of stopping the progress of this Colony,"\(^ \text{13} \) Burton's opined French Canada could be administered
efficiently once the seigniorial system was removed. Burton went so far as to suppose that the gentry were "the only People, who may perhaps Intend to Remove, if the Country should Remain under the Government of Great Britain." He further declared "they Chuse not to Speak upon the Subject, as they still flatter themselves with tacit & Distant hopes of the Country being Returned to its former Masters." The prevailing sentiment among Quebec's various governors shortly after the conquest was that the gentry needed replacing, while the habitants were the key to colonial success.¹⁴

In order to win over the French civil bureaucracy without alienating the habitants, Quebec's British governors realized the value of the Catholic clergy. Murray, specifically emphasized the importance of French priests and bishops; he suggested to the King "for the sake of keeping them in proper subjection, to nominate them himself or by those who act under his authority."¹⁵ It was his notion that the Québécois clergy was directly tied to the French civil administration, and that by emulating Quebec's design, rather than by forbidding Catholic practice, allegiance would be automatic. Being that the Articles of Capitulation signed on 8 September 1760 stated the Canadians were free to exercise their worship in the Catholic faith, Murray and the other governors anticipated a peaceable alliance with the clergy.¹⁶

Despite the wording of the Articles of Capitulation, and regardless of correspondence from the governors, British Parliament hesitated to guarantee any amount of religious tolerance to the Québécois. This is mostly due to the fact that the Treaty of Paris, signed in 1763 renegotiated the terms set by the Articles of Capitulation. While the treaty did offer some religious guarantees of its own, the updated wording was rather ambiguous. Parliament, clinging to the treaty's ambiguity, was able to justify
legally its denial of the Québécois' civil law and Catholic worship. After the treaty was signed, Parliament hurried through the Royal Proclamation of 1763, a piece of legislation described by Canadian historian Fernand Ouellette as “far too opposed to reality to withstand the test of time.”

While the French Canadian gentry, clergy, and trading classes fought for a place within the British imperial system, Governor Murray struggled with the changing of regimes in Parliament. Labeled as a minority sympathizer, Murray was disliked by a great many in London. During his administration, the prevailing thought in England was that Québécois society could be “molded into a mirror image of Britain.” Murray understood differently. He conveyed in a letter to the Lords of Trade that while “nothing will satisfy the Licentious Fanaticks trading here, but the expulsion of the Canadians who are perhaps the bravest and the best race upon the Globe,” the Canadians, “cou’d they be indulged with a few priveledges” could “become the most faithful and most useful set of Men in this American Empire.” With boasts like this, there could be no doubt as to Murray’s political stance on the Québécois. Regardless of the raft of optimistic reports on Canada’s future sent by Murray, Gage, and Burton, the opinions swirling around London were that Quebec had been a failure of a colony under French rule, and unless every aspect of the old administration was inundated with the proven British model, it held at best a blinkered future.

Such was the case in the mid 1760’s when policy makers such as the Earl of Shelburne sought to incorporate the French Canadians, while others argued for the arrant abolition of Catholic worship in Canada. Shelburne’s thinking was to avoid the possibility of a French Canadian uprising by disconnecting the Québécois from their
reliance upon the French Catholic hierarchy without forbidding them their sacred
practices. In doing so, Shelburne, like Murray proposed to create a new hierarchy in the
Canadian bishopric, one that would be subject to the jurisdiction of the King. Shelburne
argued, "that the Influence of Religion or rather Superstition is confined to a certain
latitude, and that Nothing is to be feared from its effects in America."21 The Québécois
were continually reported to be nothing if not submissive to British rule, especially while
under the impression their Catholic faith was to be tolerated. Though seemingly as
close of a sympathizer in London as Murray could get, even Shelburne's avowal would
prove inadequate. As Shelburne argued for the incorporation of the Catholic
Québécois, most of the British who travelled to Quebec for political power chose instead
to enact exclusionism.

While Murray certainly had his hands full in dealing with how to govern the
conquered Québécois political system, he found added pressure from the arrival of a
fifth class of Quebec citizen: the English merchants. As the pre-conquest French
merchants navigated the new administration with difficulty, they were eventually able to
increase in strength and influence. A French Canadian elite began to arise through a
Darwinistic elimination of the weakest elements. However, no matter how adaptable
certain French merchants proved to be, they always held the distinct disadvantage of
not being English. This played a gigantic role in most of the legislation that was passed
in the early years of the conquest. English merchants flocked into the newly acquired
colony like sharks that smelled blood in the water. All early indications were that
Parliament was going to legislate under the notion that French Catholics could only ever
maintain a second-hand citizenship with little rights, and no governing capacity. These
indications were of course true, but only to a certain extent. Sympathetic governors continued to fight for the rights of the Canadian, even when it spelled political suicide.²²

Murray lost almost all support from the Board of Trade in July of 1765 when his most powerful ally, Prime Minister Grenville was dismissed from office and replaced by the unsympathetic Marquis of Rockingham. The two years preceding the ministerial change saw Murray’s position on the rights of the French Canadians come under fire. Despite Murray’s support from the people of Quebec, within a mere two months, the new ministry had already taken action upon him. In a letter to the King on the handling of the “ecclesiastical affairs” of Quebec, the Board of Trade recommended Murray be removed from office and directed to return to England to stand trial. In Murray’s absence, the Board of Trade suggested a temporary Lieutenant Governor administer the colony’s governance.²³

Murray was officially called to England to answer for charges by English merchants in Quebec of favoring the interests of the French Canadian citizens. In Murray’s absence, the Québécois sent petitions to the King in supplication of his return. The seigneurs of Montreal thanked the King “for having given them as Governor, the honourable James Murray.”²⁴ They went on to ask of the King to “graciously continue to them this Worthy Governor whose clear-sightedness, Equity and wisdom continually afford him efficacious means for maintaining the people in tranquility and obedience.” Despite such petitions, Murray was not reinstated, and Sir Guy Carleton was named the new Lieutenant Governor of Quebec. With this changing of the guard, a new era fell upon the colony. Sent in by the Board of Trade as a replacement for Murray, Carleton’s primary duty was to calm the tensions between the original French inhabitants and the
empowered British merchants. Little could the Board of Trade realize at the time, Carleton’s administration would favor the French Canadians’ interests just as much as his predecessor Murray’s.25

In June of 1766, Lord Northington drafted a set of instructions for Governor Carleton concerning the rights of the Québécois, which would have reinstituted a form of French civil law. The instructions stated the Royal Proclamation never intended to “abrogate the laws and customs of Canada in matters of tenure, or the succession and alienation of real and personal estates.”26 The draft goes on to direct the governor to “issue a proclamation...explanatory of this our royal intention, in order to quiet the minds of our good subjects in respect of their local customs and usages.” Though they provided no allowances for the tolerance of the Catholic religion, these instructions would have been groundbreaking in their legal concessions. Unfortunately for the Québécois, these instructions were never officially sent to Carleton, instead the debate over French Canadian legal rights raged on in London. Neatby attributes this stunted legislation to the lobbying of the British merchants in Parliament.27

In any case, Governor Carleton found himself forced to pick up where Murray left off, in the midst of a people with no legal right to its own judicial system. At the time, French civil law was not the only hot topic of debate in Quebec. The Royal Proclamation of 1763 clearly stated the Canadian government was to erect an elected assembly. Since the English merchants were primed to be the only beneficiaries of this model, both Murray and Carleton fought fervently for Parliament to reconsider the judicial and legislative rights of the Québécois.
Chapter 2> “A just and humane piece of legislation”\textsuperscript{28}: Governor Carleton and the Passing of the Quebec Act

Scholars of American history traditionally view the Quebec Act as the “attack on Protestantism”\textsuperscript{29} that helped to provoke the American colonists into revolt. Why wouldn’t they? Contemporaries of the Quebec Act tended to lump it in with the other “intolerable” or “coercive” acts, assuming its sole purpose was to punish the New Englanders for their obstinacy. The Continental Congress responded to the Quebec Act’s legalization of Catholicism by clearly resolving, “as men and Protestant Christians, we are indispensably obliged to take all proper measures for our security.”\textsuperscript{30} While it is not altogether uncommon for the American scholar to view the Quebec Act as a stepping-stone to the American Revolution, the act is done a great injustice when it is not also interpreted from a Canadian perspective. The Quebec Act ensured for the Québécois people the freedom to practice their Catholic faith, restored to them their French civil law, extended the boundaries of Quebec to encompass a tremendous amount of territory previously ceded to the Native American peoples as a reservation, freed the Québécois from the traditional oath of allegiance, which required the renunciation of Catholic beliefs in order to be granted all the rights and privileges of British subjects, and lastly established a government structure for the Québécois devoid of the general assembly that was promised by the English constitution. While it is true the Quebec Act infuriated a great many British subjects both in London and in North America, the true impetus of the act was the fair and equal treatment of the inhabitants of Quebec.
In furthering the overall understanding of British imperialism's role on the Québécois involvement in the American Revolution, this chapter specifically analyzes the Quebec Act's wide-ranging effect on the Québécois social classes, particularly the nobility and merchants. While Canadian historians such as Hilda Neatby and Fernand Oullet choose to focus on the Quebec Act from a political perspective, usually as a precursor to the Canadian Constitution, they wind up providing relatively little analysis of the act's cultural implications. In an attempt to step beyond the current historiography, this chapter analyzes the various social issues that surrounded Quebec from the time of British conquest in 1760 up to the passing of the Quebec Act. At the heart of these social issues lied the tension between Quebec's French Seignors and the growing British merchant class. This tension is neatly evidenced through various petitions to the King by both parties, as well as by Carleton's continued correspondence to London. Through the examining of these sources, particularly in regards to the legislation that led up to the passing of the Quebec Act, it is my intention to chart the changes in perspective on the governmental situation in Quebec beginning with the Royal Proclamation of 1763.

It is easy for historians to gloss over the Royal Proclamation as it pertains to the governing of Quebec. Historians such as W. J. Eccles have interpreted it as the document that "sought to avert the outbreak of hostilities between the Indians and the Americans bent on driving them off their lands by any means." Certainly, the Royal Proclamation was greatly concerned with relations between the colonists and the Indians, as it was hurried through Parliament in response to Pontiac's Rebellion. However, regardless of Britain's response to Indian rebellion, the Royal Proclamation
was also the document responsible for establishing the parameters for the governing of the newly acquired Quebec.

Leading to the eventual passing of the Quebec Act, the Royal Proclamation set the political stage in Quebec by effectively instituting British civil law and establishing the governor, council and assembly infrastructure as was practiced by the other North American colonies. It states "express Power and Direction" be given to the "Governors of our Said Colonies respectively," with directions for these governors "with the Advice and Consent of the Members of our Council" to "summon and call General Assemblies within the said Governments respectively." While the Royal Proclamation called for Quebec's government to be "as near as may be agreeable to the Laws of England, and under such Regulations and Restrictions as are used in other Colonies," it did offer the clause that "until such Assemblies can be called as aforesaid, all Persons Inhabiting in or resorting to our Said Colonies may confide in our Royal Protection for the Enjoyment of the Benefit of the Laws of our Realm of England." The importance of these instructions echoed over the next eleven years, as Quebec's Governors, Murray and Carleton both refused to call assemblies.  

The administration of the British North American colonies was logically based upon the Parliamentary structure outlined in the English constitution. This structure called for a governor as a direct representative of the king, the governor's council to aid him in legislation, and a general assembly to represent the colonists. For Quebec, the original proposal for the Royal Proclamation drafted by Under Secretary of State for the Colonies John Pownall omitted the assembly altogether. Pownall stated the Québécois were "under a legal disability of being admitted efficient members of the community so
as to act in any judicial or legislative capacity.” In essence, astute politicians such as Pownall realized the incompatibility of an assembly-based government in Quebec based on the Québécois’ republican inexperience. However, the notion of a government in Quebec devoid of an assembly struck panic and anger in the hearts of British legislators and merchants, and the Québécois, having had no conception of representative government showed little interest in an assembly anyway. Such being the case, it came as no surprise when Parliament disregarded Pownall’s advice, and chose instead to insert the assembly.\textsuperscript{33}

The decision to include an assembly in Quebec’s government would eventually become a key step towards the subjugating of the French Canadians, but only because of the oaths associated with the Test Acts. Dating as far back as the Reformation, the Test Acts were created to penalize recusants (those who refused to attend the Anglican Church). The acts required oaths of declaration and allegiance by all who were to hold office in Britain’s government and courts. The acts were directed primarily toward Catholics in response to the paranoia caused by the actions of James I and Charles I. With such an anti-Catholic hysteria prevailing in England in the late seventeenth century, oaths swearing against Catholic beliefs became universally accepted in England.

In 1763, when the Royal Proclamation successfully established Quebec as a British colony, Quebec’s first Governor, James Murray received a set of instructions, which accompanied his commission. Both documents worked together to lay out in specific detail how Quebec was to be governed. In his commission, Murray was directed to administer “to all and every such person and persons as you shall think fit,
who shall at any time or times pass into our said Province or shall be resident or abiding there” a Declaration against Popery as outlined in An Act for preventing Dangers which may happen from Popish Recusants.34 The act called for takers of the oath to declare “that there is not any Transubstantiation in the Sacrament of the Lords Supper, or in the Elements of Bread and Wine, at, or after the Consecration thereof by any person whatsoever,” in essence swearing a disbelief in the Catholic faith. The act stipulated that “all and every the person or persons aforesaid that doe or shall neglect or refuse to take the said Oathes” would be ineligible “to have occupy or enjoy the said Office or Offices Implyment or Implyments” of British government.35

The second oath called for in Murray’s commission was taken from An Act for the further Security of His Majesties Person and the Succession of the Crown in the Protestant Line and for extinguishing the Hopes of the pretended Prince of Wales and all other Pretenders and their open and secret Abettors. This oath declared the taker’s sworn allegiance to the protestant line of succession, and renounced James Stuart, “the Old Pretender” as the “Person [who] pretended to be Prince of Wales during the Life of the late King James and since his Decease.” This act also called for a similar “incapacity of office” by any who refused to take the oath. It stated any who abstain from the oath be “adjudged incapable and disabled in Law to all Intents and Purposes whatsoever to have occupy or enjoy the said Office or Offices Implyment or Implyments.”36

In effect, while the Royal Proclamation promised representative government for the Québécois, it was obvious no true representation would exist. Murray’s commission explicitly stated the assembly members “duly Elected by the Major Part of the
Freeholders of the respective parishes, or precincts... shall before their sitting take the oath mentioned in the said act... as also make and subscribe the forementioned declaration.” Thankfully for the Québécois, Murray acknowledged the subjugation such an assembly would create. He was therefore able to circumvent his order to call an assembly due to the clause in his commission, which allowed him to “call General Assemblies of the Freeholders and Planters, within your Government, in such; manner as you in your Direction shall judge most proper.” Murray took full advantage of his governor’s discretion despite constant appeals from British merchants.37

In 1764, the first year of civil government in Quebec, an idea that permeated in Parliament was that Québécois society could be molded “into a near image of that of Britain.” While the legislators in London built up unrealistic expectations for the conversion of Québécois society, Murray was left to deal with the reality; “stipulations governing the practice of the Catholic faith and law”38 left the majority of Québécois without a political voice. As this opened the door for power-hungry protestant merchants immigrating from Britain and the other colonies, Murray ardently defended the French Catholics at every turn. Arguing on behalf of the Quebecois, Murray constantly urged Parliament to make exceptions. In 1764 Murray stated, “I cannot be the instrument of destroying, perhaps the best and bravest race on the globe, a race, that have already got the better of every national antipathy to their conquerors.”39

Murray did have his own ideas on how best to handle the religious conundrum in Quebec. In his initial report on the state of Quebec on 5 June 1762, Murray urged the King to maintain the existing French Bishopric. Murray suggested to the king “for the sake of keeping them in proper subjection, to nominate them himself or by those who
act under his authority. It was Murray's contention that the French Bishopric, being closely tied to the civil administration under the French regime ruled over the Québécois clergy in a very effective manner. Murray argued Québécois allegiance would be automatic if the English simply emulated the French model in Quebec.

Murray had good reason to challenge his instructions in regards to religious toleration. The Articles of Capitulation clearly allowed for Catholic worship, stating the "free exercise of the Catholic, Apostolic, and Roman Religion, shall subsist entire." The Treaty of Paris, on the other hand included an escape clause. The treaty reads, "his new Roman Catholic subjects may profess the worship of their religion according to the rites of the Romish church," but only "as far as the laws of Great Britain permit." In 1763, with the passing of the Royal Proclamation, Murray was forced to watch with skepticism as the promise of freedom offered to the Québécois was officially revoked.

In a letter written by the Earl of Egremont, Secretary of the Southern Department just prior to the passing of the Royal Proclamation, Murray's fears were confirmed. That the king had established a religious tolerance in the Articles of Capitulation was acknowledged, however, Egremont cautioned the laws of Great Britain "prohibit absolutely all Popish Hierarchy in any of the Dominions belonging to the Crown of Great Britain, and can only admit a Toleration of the Exercise of that Religion."

Parliament's strict anti-Catholic legislature is aptly evidenced in the case of Quebec's courts. The proclamation ordered "Courts of Judicature and public Justice as may be agreeable to the Laws of England" to be erected for the first year of English civil rule. However, Murray continued to allow the French Canadians to practice law in their own language and custom. Murray believed the Canadians could be slowly
converted from Catholicism and the political ignorance of their feudal heritage, and
shaped into a legitimate British colony. Murray's concession that English civil law would
eventually prevail in Quebec was of little consolation to the merchants in Quebec or the
members of Parliament.

Trying to appease both sides, Murray penned his Ordinance establishing civil
courts on 17 September 1764 in which he finally established English civil courts in
Quebec. The ordinance refused the Québécois their feudal civil law, but it did include
modifications, which altered the traditional British court schema, evidencing an astute
awareness of Quebec's unique situation. Chief among these modifications was a
clause, which established "an inferior Court of Judicature, or Court of Common Pleas" where Catholics would not be excluded, as well as a proposal "to allow Canadian
advocates and proctors to practice in this court." Through his ordinance, Murray
clearly tried to find a compromise, which could appease all sides. Unfortunately, as is
illustrated by countless petitions to London, the English merchant class in Quebec
would settle for nothing less than the general assembly that was promised.

By the time Murray's ordinance took effect, a rift had already existed in Quebec
between the French Seigniors and the recently emigrated British merchants. The
Seigniors clung to their noble status and social entitlement, while the British merchants
sought a complete overhaul of the political hierarchy in Quebec. The tension was only
exasperated by the power imbalance that the newly formed, anti-Catholic government
created. In a petition to the King, a group of British merchants accused Murray of
favoring the French Québécois over His "Majesty's most faithful and loyal subjects,
British Merchants and Traders." The petition stated, "The Governor instead of acting
agreeable to that confidence reposed in him by your Majesty, in giving a favorable Reception to those of your Majesty's Subjects, who petition and apply to him on such important Occasions as require it," responds with "a Rage and Rudeness of Language and Demeanor, as dishonorable to the Trust he holds of your Majesty as painful to those who suffer from it." The petition continued by accusing Murray of displaying "most flagrant Partialities" such as "taking measures to keep your Majesty's old and new Subjects divided from one another, by encouraging the latter to apply for Judges of their own National Language." The merchants finished by stipulating Murray has made "your Majesty's loyal British Subjects, in the Province so very unhappy that we must be under the Necessity of removing from it, unless timely prevented by a Removal of the present Governor." 

Responding to the British merchants' position, several of the French Seigniors penned an Address of the Principal Inhabitants of Canada to the King, Relative to the Establishment of Courts of Justice, and the Presentment of the Grand Jury on 7 January 1765. Under the guidelines of the administration set forth by the Royal Proclamation, French Canadians were ineligible to serve on a jury so long as they practiced the Catholic faith. This address begged the King to recognize such a discrepancy and reconsider the courts of justice, which were comprised of English jurors representing "about thirty English Merchants, of whom fifteen at the most, are settled here," while the French Canadians were "ten thousand Heads of Families who feel nothing but submission to the orders of Your Majesty." The address began by asserting, "the true Glory of a Victorious King consists in assuring to the vanquished the same happiness and the same tranquility in their Religion" that existed prior to their
defeat. The major concern was the practice of exclusionary representation based upon religious faith or practice. That the English jurors were not "submissive to the wise decisions of the Governor and his Council" was the Québécois' primary subject of discontent. By illustrating their conformity to the Governor's rule, the plan of the French Seigniors was to appear docile and willing subjects to the King. The Seigniors maintained English Merchants displayed no respect for the law or the administration, and showed interest only in capitalizing on the disproportion of power.\textsuperscript{49}

Debate raged in London through the mid 1760's over whether or not to incorporate French Catholics in the government of Quebec. By claiming the French Québécois, "cou'd they be indulged with a few priveledges" might "become the most faithful and most useful set of Men in this American Empire,"\textsuperscript{50} Murray's political stance left room for little doubt. Initially, Murray seemed to have an ally in the Earl of Shelburne, who while serving as president of the Board of Trade argued for a British control over rather than abolition of the Catholic institution in Quebec. Shelburne, like Murray believed the incorporation of the Catholic Québécois was the key to successful administration in the colony. Shelburne maintained, "the Influence of Religion or rather Superstition is confined to a certain latitude, and that Nothing is to be feared from its effects in America."\textsuperscript{51} The Québécois were continually reported to be nothing if not submissive to British rule, especially while under the impression their Catholic faith was to be tolerated. Shelburne seemed as close a sympathizer in London as Murray could get. However, even his avowal would prove inadequate. As Shelburne argued for the incorporation of the Catholic Québécois, most of the British who travelled to Quebec for political power chose instead to enact exclusionism.
Murray lost almost all support from the Board of Trade in July of 1765 when his most powerful ally, Prime Minister Grenville was dismissed from office and replaced by the unsympathetic Marquis of Rockingham. The two years preceding the ministerial change saw Murray’s position on the rights of the French Canadians come constantly under fire. Despite Murray’s support from the people of Quebec, within a mere two months, the new ministry had already taken action upon him. In a letter to the King on the handling of the “ecclesiastical affairs” of Quebec, the Board of Trade stated of Murray “that we are humbly of Opinion... that... Your Majesty’s Governor... return to this Kingdom... and that in the mean time a proper person should be authorized to administer Government there.”

Murray was officially called to England to answer for charges by English merchants in Quebec of favoring the interests of the French Canadians. In Murray’s absence, the Québécois sent petitions to the King in supplication of his return. The seigneurs of Montreal thanked the King “for having given them as Governor, the honourable James Murray.” They went on to ask the King to “graciously continue to them this Worthy Governor whose clearsightedness, Equity and wisdom continually afford him efficacious means for maintaining the people in tranquility and obedience.” Despite such petitions, Murray was not reinstated, and Sir Guy Carleton was named the new Lieutenant Governor of Quebec. With this changing of the guard, a new era fell upon the colony. Sent in by the Board of Trade as a replacement for Murray, Carleton’s primary duty was to calm the tensions between the original French inhabitants and the empowered British merchants.
In June of 1766, Lord Chancellor Robert Henry, the Earl of Northington drafted a set of instructions for Governor Carleton concerning the rights of the Québécois, which would have reinstituted a form of French civil law. The instructions stated the Royal Proclamation never intended to "abrogate the laws and customs of Canada in matters of tenure, or the succession and alienation of real and personal estates." The draft went on to direct the governor to "issue a proclamation... explanatory of this our royal intention, in order to quiet the minds of our good subjects in respect of their local customs and usages." Though they provided no allowances for the tolerance of the Catholic religion, these instructions would have been groundbreaking in their legal concessions. Unfortunately for the Québécois, Northington's instructions were never officially sent to Carleton, instead the debate over French Canadian legal rights continued in London. Due mostly to the lobbying of the British merchants, this stunted legislation proved Parliament was not yet ready to act against its own racial bias.

With the ascension of Guy Carleton, optimism abounded among the British merchants in Quebec. Believing Parliament responded by replacing the obstinate Murray with a more favorable candidate, the merchants could not have predicted Carleton's political response. In fact, Carleton's specific orders were to find a compromise that could peaceably unite the French and British interests in Quebec. In June of 1767, Shelburne declared to Carleton in a letter "the right Administration of Government in Quebec is a matter of the greatest importance." Carleton was asked to produce "every Information which can tend to elucidate how far it is practicable and Expedient to blend the English with the French Laws in order to for His Majesty's Old
and New Subjects, in order to the whole being confirmed & finally established by
Authority of Parliament.”

Like Murray before him, Carleton understood the complexities involved with the
governing of a French majority. Carleton also realized there was not enough interest in
Canada to encourage proper British immigration. In a response to Shelburne in 1767,
Carleton stated, “there is not the least Probability, this present Superiority should ever
diminish,” Carleton declared that “on the contrary ‘tis more than probable it will increase
and strengthen daily.” Carleton’s argument was based on the spreading throughout
England of the notion that Canada was a frigid wasteland, along with the fact that the
Québécois people naturally increased at an astonishing rate. With the unlikelihood that
British subjects would ever outnumber the French in Quebec, Carleton saw no
alternative to the reinstating of French civil law.

Carleton held no hope of a true representative government in Quebec. The
English civil law and assembly structures that were so effective in the other British
colonies would only work to subjugate an entire race of people. Carleton openly
declared English law in Quebec as incompatible in a letter to the Earl of Shelburne by
stating, “that it cannot long remain in Force, without a General Confusion and
Discontent.” He went on to suggest a repeal of the “Ordinance [of 17th Sept. 1764]... and for the present leave the Canadian Laws almost entire.” Carleton intimated timing
was the key issue with the Québécois, and that rather than overhauling the entire
French feudal governmental system, slight “Alterations might be made in the old and
those new Laws Judged necessary.” Carleton’s alternative suggestion called for such
alterations to be published "as a Canadian Code, as was practiced by Edward the First after the Conquest of Wales."  

Having efficiently picked up where Murray left off on the debate over Quebec's government, Carleton pushed even harder against the British merchants. Carleton called for the reinstatement of the pre-British conquest Seigniorial system of government. In a letter to Shelburne on 24 December 1767, Carleton wrote "This System of Laws established Subordination, from the first to the lowest, which preserved the internal Harmony, they enjoyed until our Arrival, and secured Obedience to the Supreme Seat of Government from a very distant Province." Carleton argued that the Proclamation of 1763 completely overturned this very effective mode of governing the Québécois, and introduced instead "A Sort of Severity, if I remember right, never before practiced by an Conqueror, even where the People, without Capitulation, submitted to His Will and Discretion."  

Because the French feudal system contained absolutely no form of republican representation, British merchants' continually pleaded for the promised assembly. In a letter to Shelburne on 25 November 1767, Carleton maintained Quebec will "to the end of Time, be peopled by the Canadian Race, who already have taken such firm Root...that any new Stock transplanted will be totally hid, and imperceptible amongst them." Carleton used this logic to strengthen his stance, stating "the better Sort of Canadians fear nothing more than popular Assemblies, which, they conceive, tend only to render the People refractory and insolent." The French held no hope at representation under the Test Acts, and the British law gave all power to the minority.
By 1768, Carleton had hoped that finally the British merchants were relenting in their requests for an assembly. In a letter to Shelburne, he stated “I imagined, they had laid aside all Thoughts of the Kind, till lately one John McCord, a local merchant “who wants neither Sense or Honesty,” started an uprising. Carleton described McCord as disgruntled, having opened up sheds near the barracks, where he “placed poor People to sell his Spirits to the Soldiers.” When McCord’s profits were “checked, by inclosing the Barracks to prevent the Soldiers getting drunk all Hours of the Day and Night,” he “commenced Patriot, and with the Assistance of the late Attorney General, and three or four more, egged on by Letters from Home, are at work again for an Assembly.”

Carleton’s disdain for British merchants such as McCord appears later in the letter when he asserted “It may not be improper here to observe, that the British Form of Government, transplanted into this Continent, never will produce the same Fruits as at Home, chiefly, because it is impossible for the Dignity of the Throne, or Peerage to be represented in the American Forests.” It was Carleton’s conclusion that the French Seigniors were the closest thing to an honorable class of people that would ever inhabit Canada; therefore they should be accommodated, not submitted to the will of the merchants, whom Carleton loathed.

Like Murray before him, Carleton refused to call an assembly, and like Murray, he was repeatedly petitioned. By 1770, the English merchants in Quebec were beginning to grow desperate. In a petition, the merchants contended they were the economic backbone of Quebec, claiming to “carry on three fourths of the Trade of this Country.” The merchants continued by warning the king that “if a General Assembly is not soon order’d by Your Majesty... Your Petitioners have the greatest reason to
apprehend their own ruin as well as that of the Province in general." The merchants asserted that with no assembly, the colony could not properly "make and enforce due obedience to Laws for encouraging Agriculture, regulating Trade," and "discouraging such Importations from the other Colonies as impoverish the Province." Should the king not force the governor's hand, the merchants maintained, the colony would meet with decay.

In the same year of 1770, another petition found its way to London. The wealthier merchants and Seigniors decided to finally and formally request the reinstitution of their French civil law. Making the case that exclusion from offices in Quebec had been "painful and at the same time... humiliating," The Canadians requested of the king a reconsideration. It was the Québécois' contention that their exclusion from public office simply because of their religion "seems to have made of us a reprobate nation." The efforts of Governors Murray and Carleton empowered the Canadians to finally ask London for the direct restoration of their laws. As Oullet contends, both governors were able to effectively ride the line between French Canadian interests and British racial legislation to "perpetuate Quebec's traditional society in opposition to the 'mercantile spirit.'"

Even before Carleton's persuasiveness was able to burrow its way into Parliament's decision-making process, there were other influences at work. In 1766, in his Considerations on the Expediency of Procuring an Act of Parliament for the Settlement of the Province of Quebec, Baron Maseres, Attorney General of the Province of Quebec stated his opinions on many different facets of the governing of the colony. Among the more controversial topics that Maseres addressed was the question
of an assembly. Maseres declared if an assembly was to be erected with no Canadians being allowed to sit or vote “till they have subscribed the declaration against Popery, it would amount to an exclusion of all the Canadians.” Maseres continued by stating “An assembly so constituted, might pretend to be a representative of the people there, but in truth it would be” comprised solely of the 600 British merchants in Quebec, “and an instrument in their domineering over the 90,000 French.” Maseres then asked whether such an assembly could be “likely to produce harmony and friendship between the two nations?” He answered with “Surely it must have a contrary effect.”

Later in his Considerations, Maseres played devil’s advocate. He noted the danger inherent in admitting to the Québécois the power and freedom of representative government. Maseres declared the Québécois to be “Bigotted... to the Popish religion... and hitherto prejudiced against the laws and customs of England.” As such, Maseres contended the Québécois would be likely to “quarrel with the governor an council, or with the English members of the assembly.” Lastly, Maseres added the Québécois “are almost universally ignorant of the English language, so as to be absolutely incapable of debating in it.” So, while Maseres noted the civil injustice an English assembly in Quebec would create, he realized that opening up the assembly to French members could not be an answer. Thus, the only logical solution could be the institution of the oligarchy Murray and Carleton had been arguing for.

By 1770, Parliament was not only listening to arguments for a change in the governing of Quebec, the legislators were in discussion. Isaac Barré asserted to the House of Commons on 7 December 1770 that Quebec “has been exceedingly ill used. It has been neglected.” Barré challenged Parliament to rethink their Canadian policies
from a different viewpoint. He asked, "has any measure been taken, to please those new subjects, that you should have touched with delicacy? Have you tendered it to them, with a wise and prudent hand?" Barré concluded by advising his fellow legislators to enable the Québécois to take ownership and pride over their governing, and only then could they truly become valuable British subjects. Barré, a retired soldier who was present at the capitulation of Quebec was voicing a "common concern" over the lack of a policy resolution on the status of Quebec.

The year 1770 marked a watershed in Quebec's administration. Carleton travelled to London in order to lobby for the French Canadian interests. While it was easy for debaters in London to push aside correspondence from Murray and Carleton regarding the state of affairs in Quebec, to directly ignore Carleton's statements face-to-face would prove infinitely more difficult. The Reports of the Board of Trade from 1770 to 1773 provide ample documentation of the growing debate, particularly on the issues of Quebec's assembly and French civil law. While these reports differed in detail, progress was clearly evident, as they all seemed to agree in one way or another for the preservation of "some Canadian law."

The years following 1770 saw the debates in Parliament further solidify. By 1773, the decision was more or less finalized. During that year both the English merchants in Quebec and the Canadians each sent in one final petition, "the English asking an Assembly and the Canadians their 'ancient laws, privileges, and customs,' and both asking that the province be extended to its former boundaries." In the Canadian petition, signed by "Les Canadiens Vrais Patriotes," the French acquiesced to an acceptance of an assembly on the conditions that it be comprised of both "old and
new subjects,” and that “the boundary of the province should be extended in order to favour trade.” Though the actual author is anonymous, the most-likely author of this Canadian petition was Secretary to the Governor of Quebec François-Joseph Cugnet. Cugnet frequently acted as the voice of the Canadians, and referred to himself as “Le Canadien Patriote.”

Neatby credits these two petitions of 1773 as resulting in the meeting of "committees of English and Canadian merchants... to prepare a joint petition." In a letter to Maseres, which accompanied the joint petition, the English committee stated "It is now the general opinion of the people (French & English) that an Assembly would be of the utmost advantage to the Colony, tho' they cannot agree as to the Constitution of it." This joint initiative established a precedent of cooperation and serious concern for the future in the colony of Quebec that transcended the existing racial power struggle. The inhabitants of Quebec, both French and English were ready to be taken seriously by Parliament. If Carleton needed an extra push to sway the legislators in London, this petition was it.

In 1773, amid this cooperative revolution, three proposals for how to govern the Québécois were being considered, one previously referenced by Thurlow, another by Advocate General Marriott, and the last by Solicitor General Wedderburn. Of the three, which all made compelling cases, it was Wedderburn’s that was instrumental in Parliament’s writing of the Quebec Act. Wedderburn’s argument that “The safety of the state can be the only just motive for imposing any restraint upon men on account of their religious tenets” was very difficult to refute. While Carleton is commonly credited as the engineer of the Quebec Act, Philip Lawson reminds us “the labours of the
craftsmen such as Wedderburn now require acknowledgement and recognition.” In a most influential argument for the freedom of religion, Wedderburn contended that the state has more to fear from the restriction of religion than the toleration of it. Asserting, “there is no instance of any state that has been overturned by toleration,” Wedderburn reminded the legislators that the Québécois were passive British subjects, and no longer a foreign threat. Wedderburn concluded by stating, “True policy dictates then that the inhabitants of Canada should be permitted freely to profess the worship of their religion; and it follows of course, that the ministers of that worship should be protected and a maintenance secured for them.”

Thanks to the efforts of proponents such as Wedderburn and Carleton, by the end of 1773, the groundwork of the Quebec Act had been successfully laid. All that remained was the passing of the actual legislature. The timing, however, could not have been more problematic. Parliament had committed to taking action on Quebec’s governance in the fall of 1773, but the Boston Tea Party logically took precedence the following spring. The passing of the Quebec Act was delayed, which led to the controversial sequence of events that came to be known as the Coercive Acts. Regardless of historical interpretations, the truth is that Parliament had been making assurances of Quebec’s governmental overhaul since early in 1773.

The proposed drafts of the Quebec Bill resulted in a yearlong debate in Parliament. Throughout the discussion, the “most contentious issues were the use of Canadian civil law and the refusal of an assembly.” The topics of Catholic tolerance and the proposed boundary extension found their way into the hot seat as well. In the debates, Great Britain’s Prime Minister Lord North took the rhetorical helm; he is quoted
as stating the purpose of the bill was “undoubtedly to give a legislature to that country... but can a better legislation be given than that of a governor and council?” North added “the best way to establish the happiness of the inhabitants is to give them their own laws.” 80

While many in Parliament agreed with Lord North there were those who clung to the opposing arguments. Such opponents touted the principles of English law, and preached against the legalization of Catholicism, a concept very fervently fought since the Glorious Revolution of 1688. One such opponent, Colonel Barré responded by declaring the Bill “as bad in itself.” Barré explained that he foresaw “it will not contribute to the peace of the country for which it is intended; and that it carries in its breast something... dangerous to... our other colonies.” Renowned Whig and vocal advocate of representative government Edmund Burke stood in staunch defiance of the proposed Quebec Bill. Burke vehemently declared he would never give his “vote for establishing the French law,” and that he “should be sorry to see his Majesty a despotic governor.” Burke asks “am I sure that this despotism is not meant to lead to universal despotism? When that country cannot be governed as a free country, I question whether this can.” Burke’s contention was that the absence of representative government in Quebec was absolutely an indication of despotism. Burke maintained that if the British administration were to allow such a form of government to exist in one of its colonies, the door would be opened for the spread of further “despotism” throughout the British Empire. 81

Arguing against French civil law, Chief Justice Hey maintained that the Canadians as a whole would have been better off under English civil law. Stating while the “pride of a few haughty seigneurs may perhaps revolt at the idea of submitting their
conduct to the decision of a Rank of men they are too apt upon all occasions to
despise,” Hey argued that without an assembly, the other classes of Canadians
received no governmental representation. Voiced concerns over the well being of the
lower classes of Québécois such as Hey’s rarely appear in the archives. This lack of a
Canadian voice can be attributed to the fact that few Québécois were literate, and that
of “the clergy, especially, many whose views would have been interesting may have
thought it wiser not to express them in writing.

After a tremendous amount of debating in the House of Commons, the Quebec
Act was pushed through Parliament on 13 June 1774. In its final form, the Quebec Act
addressed every issue that was under debate. First, the territorial expansion of the
Province of Quebec was defined. In very concise terms, the act laid out the new
boundaries for Quebec, essentially establishing the colony to include the lands that the
Royal Proclamation had deemed Indian reserves in 1763. From the east, this included
all land from the Atlantic, down St. Lawrence and through its estuaries down the Ohio
River, as far west as the Mississippi River, and all the land north of that “to the Southern
Boundary of the Territory granted to the Merchants Adventurers of England, trading to
Hudson’s Bay.” The act did, however, ensure the provision that “nothing herein
contained, relative to the Boundary of the Province of Quebec, shall in anywise affect
the Boundaries of any other Colony;” meaning Parliament realized the act would offend
the other colonies, and was hoping to limit the outrage.

The second issue covered by the Quebec Act was the reestablishment of French
civil law as had been “protected, governed, and ordered, for a long Series of Years,
from the First Establishment of the said Province of Canada.” Such a concession
reinstated a legal system the Québécois could understand, and one that could be practiced in the language that they spoke. The Canadians no longer needed to fear trials where the jury was comprised solely of the English merchant minority. Rather, the Québécois could enjoy the liberty of a jury of their peers.85

The third issue was the revoking of the “Oath required by the said Statute passed in the First Year of the Reign of Queen Elizabeth.” Such a provision ensured the free practice of the Catholic religion in Quebec. This was a precedent not seen in the British Empire since the end of the sixteenth century. The only condition stated was that the québecois “may have, hold, and enjoy, the free Exercise of the Religion of the Church of Rome, subject to the King’s Supremecy.” A new oath of loyalty to King George was required by all Québécois, but since it made no mention whatsoever of religious faith, the compromise was welcomed.

The fourth issue addressed by the Quebec Act legalized the Catholic Church’s ability to collect tithes. It stated, “that the Clergy of the said Church may hold, receive, and enjoy, their accustomed Dues and Rights.” While the act guaranteed the right to collect tithes, it did maintain the condition “with respect to such Persons only as shall profess the said Religion.” Again, a precedent was set in the British Empire of religious tolerance not seen for almost two hundred years.

The fifth issue pertained to property and civil rights. The act clearly stated, that “all His Majesty’s Canadian Subjects, within the Province of Quebec... may also hold and enjoy their Property and Possessions... and all other their Civil Rights.” The act later added, that “in all Matters of Controversy, relative to Property and Civil Rights, Resort shall be had to the Laws of Canada, as the Rule for the Decision.” The provision
to this section of the act did state, however, “nothing in this Act contained shall extend, or be construed to extend, to any Lands that have been granted by His Majesty, His Heirs and Successors, to be holden in free and common Soccage.”

While the Quebec Act effectively reinstated French civil law, it left English criminal law intact. The act declared, “the Certainty and Lenity of the Criminal Law of England, and the Benefits and Advantages resulting from the Use of it, have been sensibly felt by the Inhabitants, from an Experience of more than Nine Years.” The act also maintained for the “Governor, Lieutenant Governor, or Commander in Chief for the Time being,” the ability to amend and alter the established English mode of criminal law, should unforeseen circumstances arise.

The last major issue of the debates of the Quebec Bill was that of the general assembly. The Quebec Act, in a last concession to Carleton and the Canadian petitioners specifically stated “it is at present inexpedient to call an Assembly.” In regards to the governing of the colony, the Quebec Act again set a precedent by calling only for the Governor and his council. The act did offer the stipulation that “nothing in this Act contained shall extend to authorise or impower the said legislative Council to lay any Taxes or Duties within the said Province.” In another provision, the act forbid ordinances touching on religion without “His Majesty’s Approbation.”

The Quebec Act essentially righted the political wrongs of the Royal Proclamation. Parliament’s idea to model Quebec’s government on Britain’s other successful North American colonies made perfect sense. Had only the level of British immigration to Quebec met expectations, the population balance would have allowed for a synchronous conversion. However, as power-hungry merchants seemed the only
British willing to transplant to the frigid colony, French Canadians were in no danger of
losing the population battle. With the Québécois effectively excluded from
governmental and judicial representation, the very meaning of the English constitution
was flipped on its head.\footnote{86}

Because the Quebec Act was not enacted until 1 May 1775, the eleven months
after its passing saw a raft of petitions and appeals for its rescindment. Opposition to
the act differed greatly in form. Most notably, Protestants, who like Burke carried the
banner of the Glorious Revolution, saw the religious concessions made by the Quebec
Act as an invitation to Catholic despotism. Supporters of the Act were labeled as
“enemies to liberty,” and blacklisted in the \textit{London Evening Post}.\footnote{87} In Quebec,
response to the act seemed somewhat muted, but equally varied. The seigniors
celebrated, having emerged victorious, while the English merchants continued to call for
repeal. In a letter that was drafted three times, once for each of the King, the House of
Lords, and the House of Commons, the merchants declared the Quebec Act as
depriving them their protection by the “English Laws so universally admired for their
Wisdom and Lenity.” Rather, the merchants state “the Laws of CANADA are to be
introduced to which we are utter Strangers.” Chief among the merchants’ complaints
was the loss of Habeas Corpus, which they claim subjected them to “arbitrary Fines and
Imprisonment at the Will of the Governor and Council who may at Pleasure render the
Certainty of the Criminal Laws of no Effect by the great Power that is granted to them of
making Alterations in the same.”\footnote{88}

The British merchant response to the Quebec Act was to be expected. However,
it was the intent of British legislators to win over the Canadians. After the passing of the
act, Carleton reported in a letter to the Earl of Dartmouth "I have had the Satisfaction of finding His Majesty's Canadian Subjects impressed with the strongest sense of The King's great Goodness towards them." Carleton went on to assure that "All Ranks of People amongst them vied with each other in testifying their Gratitude and Respect, and the Desire they have by every Mark of Duty and Submission to prove themselves not undeserving of the Treatment they have met with," reassuring Parliament of the legislative victory in Canada.89

Despite any initial reactions the Québécois might have had, the apparent victory was almost instantly soured, as the year following the enactment would call for direct action. Revolt broke out in New England, partly in direct response to the Quebec Act. With it, the Québécois’ loyalty to the British crown was instantly tested. Carleton and the political engine in Quebec fought feverishly to hold its newfound constituents as the American Propaganda machine was now in full swing, and in 1775, winning over the Québécois was a chief ambition for both sides.
Chapter 3> “Uniting with us in the defence of our common liberty”\textsuperscript{90}: Why the Americans chose to invade Canada, and why it failed.

The once formidable fortress of Ticonderoga, stationed on the south end of Lake Champlain served as the gateway either north into the St. Lawrence or south down the Hudson River, depending on which army controlled it. Prior to hostilities breaking out between the British and the New Englanders in 1775, Ticonderoga was a shambles of a fortress in the hands of the British. On 15 February 1767, Governor Carleton, upon contemplating the possibility of a war on the continent urged Major General Gage to see to the state of the “Forts of Crown Point, Ticonderoga, and Fort George,” which Carleton claimed were “in a very declining Condition, of which, I believe, Your Excellency is well informed.” Carleton used this communication to convey the notion that the defense of the province was “not only expedient, but indispensably necessary for the Interest of Great Britain, and His Majesty’s Service.” The danger Carleton perceived was of a possible “Faction or Party” of men “not thoroughly bound to their Duty” who might rise up in rebellion.\textsuperscript{91} Carleton’s premonition came true when, on 9 May 1775, Ethan Allen along with about two hundred of his “Green Mountain Boys” took the fortress easily. Allen is famously quoted as ordering the surrender of Ticonderoga “In the name of the great Jehovah, and the Continental Congress.”\textsuperscript{92}

From Ticonderoga, colonials, under the leadership of General Montgomery and Colonel Benedict Arnold went on to take the strongholds of St. Jean, Crown Pointe, and Montreal before marching to the doorstep of Quebec City. Canada had been invaded, and the Canadians, who were still recovering from the French and Indian War fifteen years earlier, were forced to choose sides. In the previous two chapters, I discussed
the cultural and political distinctions between the various classes of Québécois leading up to the Invasion of Canada. The Québécois, who had just benefitted from the passing of the Quebec Act when war broke out were now being asked to join in a revolt against the very imperial engine that had just conceded a great deal of liberty to them. This chapter will build upon the analyses of the previous two chapters in order to illustrate and comprehend the manners in which the various classes of Québécois responded to the Revolutionary War, especially to the Invasion of Canada in 1775. Integral to the understanding of the varying Québécois viewpoint, this chapter begins by analyzing the actions of both the Continental Congress and the colonial armies in order to pinpoint the various triggers of Canadian reactions throughout the early years of the Revolutionary War.

On 17 September 1774, three months after the passing of the Quebec Act, the Continental Congress met to discuss how best to respond to what they penned as the “Intolerable Acts”. Congress wound up putting forth a resolution denouncing those acts of Parliament. The preamble of which stated:

If a boundless extent of continent, swarming with millions, will tamely submit to live, move and have their being at the arbitrary will of a licentious minister, they basely yield to voluntary slavery, and future generations shall load their memories with incessant execrations.--On the other hand, if we arrest the hand which would ransack our pockets, if we disarm the parricide which points the dagger to our bosoms, if we nobly defeat that fatal edict which proclaims a power to frame laws for us in all cases whatsoever, thereby entailling the endless and numberless curses of slavery upon us, our heirs and their heirs forever; if we successfully resist that unparalleled usurpation of unconstitutional power, whereby our capital is robbed of the means of life; whereby the streets of Boston are thronged with military executioners; whereby our coasts are lined and harbours crouded with ships of war; whereby the charter of the colony, that sacred barrier against the encroachments of tyranny, is mutilated and, in effect, annihilated; whereby a murderous law is framed to shelter villains from the hands of justice; whereby the unalienable and inestimable inheritance, which we derived from nature, the constitution of Britain, and the privileges warranted to us in the charter of the province, is totally wrecked, annulled,
and vacated, posterity will acknowledge that virtue which preserved them free and happy; and while we enjoy the rewards and blessings of the faithful, the torrent of panegyrists will roll our reputations to that latest period, when the streams of time shall be absorbed in the abyss of eternity.

Clearly, the Continental Congress chose such carefully flourished language in order to defend their treasonous intentions. The Continental Congress’ resolution outlined the various offenses Parliament was said to have committed toward the colonies including the blocking of Boston Harbor and the altering of the Massachusetts charter. Specifically among such offenses was listed “the late act of parliament for establishing the Roman Catholic religion and the French laws in that extensive country, now called Canada,” which Congress claimed was “dangerous in an extreme degree to the Protestant religion and to the civil rights and liberties of all America.” There could be no denying that the colonies were of the impression the Quebec Act was passed in direct response to, and in punishment for the actions of the New England colonists.93

John Jay interpreted the Quebec Act as a way for Britain to mold the colony of Quebec into a weapon for use against the other Protestant colonies. By governing Quebec in a manner “as that by being disunited from us, detached from our interests by civil as well as religious prejudices,” Jay argued that Parliament was bent on making the colonists pay. Jay’s statement contending the Québécois were being primed as “fit instruments in the hands of power to reduce the ancient, free Protestant colonies to the same state of slavery with themselves,” supported the well documented and common notion that the Continental Congress perceived the Quebec Act as legislative punishment.94
Ironically, after so much racially-charged political propaganda, the Continental Congress came to the conclusion that they would do better to bring Quebec into the fold as a fourteenth colony, rather than risk it remaining a part of Britain, and therefore a stronghold from which to launch attacks on New England and New York. So it was that the Congress composed its first letter to the inhabitants of Canada, urging an alliance against the cruel subjugation, which they claimed was British imperial rule. The letter, penned again by John Jay asked the Canadians to set aside their religious differences, for, Jay proposed “we perceived the fate of the protestant and catholic colonies to be strongly linked together,” so Jay entreated the Canadians join the other colonies “in resolving to be free, and in rejecting, with disdain, the fetters of slavery, however artfully polished.” Contrary to the Québécois’ understanding of the Quebec Act, Jay maintained Parliament had established in Canada a “present form of government, or rather present form of tyranny” in which the Québécois “have nothing that you can call your own, and all the fruits of your labour and industry may be taken from you, whenever an avaricious governor and a rapacious council may incline to demand them.” Jay pointed out that if war did break out, the Québécois would be called upon to fight anyways, so they might as well fight for their liberty and freedom from oppression.5

While it was eloquently persuasive, the letter did not have the effect that the Continental Congress had hoped. This was due partly to the fact that the majority of French Canadian habitants, who were Congress’ best hope for sympathy in Quebec could not read in the eighteenth century, and needed the letter read to them. Of course, the letter could not sway the Québécois seigniors or French merchants, all of whom had finally just won their ten year political battle for the right to civil law and the freedom of
their Catholic faith. Rather, Carleton was able to stir up the upper class and the clergy into remaining loyal to the British crown, leaving the American rebels on their own. What Carleton was not able to achieve, however, was enough support among the Canadians to rally any sort of army capable of doing the American colonies any real damage.96

Long before the invasion, the Continental Congress did make other attempts at a peaceful alliance with Quebec. The mindset and perception of the Québécois was of the upmost importance to both the British and the colonials, and so propaganda poured in from both directions. In response to Carleton’s initial report of the Canadian fervor for the passing of the Quebec Act, the Earl of Dartmouth responded with some skepticism. Dartmouth did proclaim a satisfaction that Carleton “found His Majesty’s Canadian Subjects impressed with a just Sense of His Majestys Goodness to them,” and “with the Regulations adopted for the future Government of the Colony.” However, Dartmouth warned that as Carleton remained “silent as to the Sentiments of His Majesty’s Natural born Subjects in Canada respecting the late Act,” and thus that he was “not at liberty to conclude that they entertain the same opinion of it.” Dartmouth realized that Canadian loyalty could not be taken for granted. The Québécois might not be as fiery about the notion of liberty as the New Englanders, but their ambiguous nature left him unfulfilled. Dartmouth concluded to Carleton that after the Quebec Act had been in effect long enough for the Canadian subjects to understand its true intentions, “prejudices which popular Clamour has excited, will cease, and that His Majesty’s Subjects of every description will see and be convinced of the Equity and good Policy of the Bill.”
Dartmouth held high hopes of the Quebec Act's eventual success, but was keenly aware of the tensions of the immediate situation. While British legislators were preoccupied with the Québécois' allegiance, in September of 1774, General Gage ordered all regular British troops stationed in Canada to be dispatched to Boston in anticipation of the building conflict. This left Carleton in a very vulnerable position, having little in the way of an army to protect against the coming continental. By May of 1775, the Continental Congress had made up its mind. Quebec needed to join the rebellion, either willfully or by coercion. More attempts at a peaceful solution were made, but the Congress had grown impatient.

After the taking of Fort Ticonderoga, Colonel Ethan Allen crossed the Canadian border on multiple missions to build a rapport with the Québécois. Allen's hope was to build sympathy for the American cause. In his journal of captivity, Allen spoke of his orders to advance into Canada with "letters to the Canadians, and to let them know, that the design of the army was only against the English garrisons, and not the country, their liberties, or religion." In the first such letter, Allen insisted that war between the colonies and Britain was inevitable, but he implored, was "it necessary that the Canadians and the inhabitants of the English colonies should butcher each other? God forbid. There are no controversies subsisting between us." In the letter, Allen recounted an occurrence of an American reconnoitering party being fired upon by a host of Canadians. Allen insisted that "special orders from the colonies were, to befriend and protect you...so that if you desire their friendship, you are invited to embrace it: for nothing can be more undesirable...than a war with their fellow subjects, the Canadians." Such a correspondence was an excellent illustration of the caution that
was taken toward Canadian relations at the time. A war with Canada was truly in no one's best interest, but ultimately, Congress could not allow the British an easy route into the heart of the colonies.

The Canadians, which Allen and other colonial emissaries came into contact with were described for the most part as being possessed of “politeness and civility,” such as those “poor Canadian peasants” that Isaac Senter and Benedict Arnold encountered once they began to close in on Quebec City. Of course, these particular peasants were located on the fringe of the colony and as such were less under the heavy influence of the Canadian clergy. Throughout the colony of Quebec, one of the most common problems the Americans encountered was the reliance the Canadian habitants had upon the clergy and seigniors to read and interpret Congress' letters. This naturally meant, as Canadian Prudent Lajeunesse explained to Congress, that all of their letters would be explained “in a way which would prejudice their hearers against the Americans.” Lajeunesse informed Congress “The same interpreters had read articles from New York royalist newspapers affirming that the rebels meant to suppress the Catholic religion and to appropriate the property of Canadians.” Thus the letters were only an effective means of communication with Canada's literate classes, all of which had proven to be the unswayable.

The only responders to Congress' letters provided little or no solace. In reply to those letters, four merchants from Montreal offered their empathy, but could not provide any sort of physical support. The merchants replied they were “more the objects of pity and compassion that yourselves, who are now suffering under the heavy hand of power.” The merchants declared themselves forced to remain mute under the
"unlimited power of the governor," who would strike "all opposition dead," forcing the Québécois to "groan in silence, and dream of lettres de cachet, confiscations, and imprisonments; offering up their fervent prayers" to the cause of the united colonies. The merchants continue by lamenting the fact that "the British inhabitants of this widely extended province, united in their sentiments...have neither numbers nor wealth sufficient to do...any essential service." The British merchants insisted that "the bulk of the people, both English and Canadians" wished the best for the rebellion, believing that if the united colonies succeeded, then Québec would be ceded as well. However, the merchants maintained they could do no good voicing or acting upon any support. They declared themselves "being of no more estimation in the political machine, than the sailors are, in shaping the course or working the ship in which they sail."103

Though the merchants professed their hopes for the rebellion's success, they assured the Congress the noblesse was not of the same opinion. Declaring the Canadian gentry as having no notion "of liberty, or law," the merchants claimed "the pre-eminence given to their religion, together with a participation of honors and offices in common with the English, not only flatters their natural pride and vanity, but is regarded by them, as a mark of distinction and merit, that lays open their way to fortune." Lastly, the merchants remarked that "it may not be amiss just to hint, that the idea the Canadians seem to have of this colony, at present is, that it is to be a French government, holding under the crown of Great Britain; from which they mean to exclude every Englishman, save the governor and lieutenant governor." The merchants, in attempt to convey their complete empathy to the united colonies concluded the letter by stating "we heartily wish our abilities to serve you were equal to our wills, and pray
Heaven to prosper your generous purpose; and are, with the utmost consideration and feeling for your distresses." Furthermore, in the postscript, the merchants begged, "that this letter may not be now published, for fear of bad consequences to the subscribers." Congress realized its challenge would be to peaceably win over the illiterate habitants, who comprised the majority of Quebec's population. Because Congress could find no way of reaching out to the bulk of the Canadian peasantry, it saw no other choice but invasion.  

When news that Montgomery was marching on Montreal had spread, Carleton, with the aid of his loyal supporters including prominent merchant Pierre Guy called up a militia. As Guy proclaimed, "the gentry, the clergy, and most of the bourgeois" exhibited "the greatest zeal and fidelity to the King's service, and exerted their best endeavours to reclaim their infatuated countrymen," however, the habitants did not rally to the call of their militia officers. Instead began a pattern in Quebec of the habitants either remaining neutral and abstaining from the fighting altogether or selling their allegiance to the highest bidder. In a letter to Dartmouth, William Tryon, the former governor of New York complained that Canadian habitants would march for Carleton only "on condition that a large enough troop of British soldiers could be assembled to support them if they were repulsed." Tryon implied the habitants would simply remain neutral otherwise.  

Hector Cramahe, President of the Council of Quebec, and Civil Secretary to Carleton exclaimed in a letter to Dartmouth that "No Means have been left untried to bring the Canadian Peasantry to a Sense of their Duty, and engage them to take up arms in Defence of the Province, but all to no Purpose." Cramahe was instrumental in
the Battle of Quebec in 1775 as he readied the city's defenses while Carleton retreated from Montreal. As such, Cramahe was able to assess the levels of loyalty and discipline held by the varying classes of Québécois on the eve of the attack. Cramahe remarked "Justice must be done to the Gentry, Clergy, and most of the Bourgeoisie, that they have shewn the greatest Zeal and Fidelity to the King's Service, and exerted their best Endeavours to reclaim their infatuated Countrymen." Cramahe's final assessment to Dartmouth was that "some Troops, and a Ship of War or two, would in all likelihood have prevented this general Defection." 107

Carleton similarly complained of the habitants' lack of patriotic duty. In a letter to General Gage, Carleton remarked of the habitants "ever since the Civil Authority has been introduced into the Province, the Government of it has hung so loose, and retained so little Power, they have in a Manner emancipated themselves." Carleton warned that though the Canadians were conceded a great deal in the Quebec Act, only time and strict management could extract from them the obedience and discipline that was expected from British citizens, especially during a time of strife or war. Carleton added that the Canadians had just begun the recovery process from the last war that tore their lives apart, and that they shouldn't be expected to be "pleased at being suddenly, and without Preparation embodied into a Militia, and marched from their Families, Lands, and Habitations to... all the Horrors of War, which they have already experienced." 108

Carleton recognized and understood the common impatience suffered by the typical Briton, especially with the situation in the colonies turning hostile, but he cautioned "the Act is no more than the Foundation of future Establishments," and that
as such “the new Commissions and Instructions, expected out, are not yet arrived, and that the Dissolution of the present Constitution, if it deserves the Name, and Establishment of the new one, are still at some Distance.” Carleton knew that by gaining the trust and allegiance of the noblesse, the clergy, and the French merchants it was only a matter of time. The peasants were unaccustomed to leadership. Their feudal upbringing had prepared them to exhibit the least amount of loyalty necessary to appease their seigniors. Carleton’s long-term plan called for a deep rebirth of society from the top down. Carleton quipped to Gage, “had the present Settlement taken Place, when first recommended, it would not have roused the Jealousy of the other Colonies, and had the appearance of more disinterested Favor to the Canadians.”

In any case, not enough time had elapsed for Carleton’s plan of allegiance to be realized. Simply put, the habitants were torn. Many Americans saw this lack of patriotic zeal as a golden opportunity, and so action was called for. In a letter forwarded to Major General Wooster in June of 1775, which comprised of notes from the New York Congress, various accounts of the state of Montreal were conveyed. Among these, one forwarded by Connecticut Governor, Jonathan Trumbull reported that in Montreal, a “number of Canadians have expected our army there, and are impatient of our delay, being determined to join us as soon as sufficient force appears to support them.” The report continues by declaring “that Gov. Carleton, by every art, can raise no more than twenty Canadians of the noblesse: that he threatens to burn Montreal, if the merchants won’t defend the city, in case of an attack.” The Continental Congress wasted no time in launching their attack.
After being informed of the aggressive acts of Arnold and Allen on the fortresses of Ticonderoga and St. John's, Carleton professed in a letter to Dartmouth the underwhelming response of the Québécois when asked to rally to their country's defense. Carleton referred to his "little Force" as being comprised mostly of the nobles who were meant to lead. The letter stated that after being ordered to call the habitants and Indians to the militia, "the Gentlemen testified great Zeal," but "neither their Entreaties or their Example could prevail upon the People." Rather, Carleton lamented only "a few of the Gentry, consisting principally of the Youth...formed a small Corps of Volunteers," while "the Indians shewed as much Backwardness as the Canadian Peasantry."¹¹¹

The fact that Montgomery and Arnold were able to waltz right up to the walls of Quebec, ransacking all posts and fortresses along the way was evidence enough that Canada was in no state to participate in a war. Had Arnold and Montgomery not felt pressured into attacking when they did, mostly due to the fact that a great many of their soldiers' enlistments were soon to be expired, the battle of Quebec might have had a much different outcome. When Arnold's army, which marched up the Kennebec River using an incredibly inaccurate map and poorly crafted boats finally managed to reach Quebec City in November of 1775, it was at less than a quarter strength. Arnold's army suffered massive losses to disease and desertion during the grueling march. Isaac Senter, a physician and surgeon dispatched with Arnold's unit commented on the abhorrent conditions through which they marched. Senter described the troops' morale as having reached "the zenith of distress." According to Senter, as "several had been entirely destitute of either meat or bread," the troops had reverted to consuming "the
shaving soap, pomatum, and even the lip salve, leather of their shoes, cartridge boxes, &c.." In any case, by the time it reached Quebec City, Arnold’s force was not prepared for a full on attack, especially during a harsh winter storm.112

Montgomery’s army fared much better than Arnold’s en route to Quebec. Aside from the losses of Allen’s advance troop of Green Mountain Boys and scouts, Montgomery’s force was mostly intact by the time it reached Quebec City. In fact, as Montgomery’s army succeeded in sacking fort after fort, it picked up steam in the form of Canadian volunteers. When Montgomery took Montreal, he had some 500 Canadians in his ranks. Every American success was a political debacle for Carleton. The habitants, who were on the fence as it was, found very little motivation to join the militia; the Canadian peasants who did not participate in Montgomery’s march into the heart of the colony tended to sway instead toward neutrality. This basically ensured an open road to Quebec City.113

Carleton, realizing the futility of facing off against Montgomery’s superior force abandoned Montreal without a fight. Trois Rivieres followed suit, and Carleton instead focused all his efforts on a last stand at Quebec City. While Montgomery’s army was significantly larger than the force that defended Quebec City, what was lacking was artillery. Arnold’s shamble of an army could not help in that department; he was lucky to have successfully completed his march up the Kennebec at all. When the armies of Montgomery and Arnold finally converged outside the walls of Quebec in December, Montgomery was faced with a conundrum; many of his enlistments expired at the end of the year, and he knew there was no hope in persuading them to stay on through the harsh winter without first winning over the heart of Quebec. So it was that Montgomery
and Arnold foolishly attacked the great fortress city in the middle of a harsh winter storm on 30 December 1775. In the fray, Montgomery was killed and Arnold wounded. The American forces suffered heavy casualties, but Arnold refused to let up. Instead he held a siege on Quebec City that lasted until British reinforcements arrived the following May. During the long siege, Arnold was not only unsuccessful at keeping his own army intact (they suffered heavy losses to small pox and desertion), but as time elapsed; his ability to maintain any sort of Canadian allegiance dwindled. This is not to say the habitants rushed to the banner of Carleton, though some did, rather, the bulk of the Canadian peasantry reverted to its neutral state.114

The invasion of Canada was a failure, but not because the Canadians rallied to the defense of their capitol. In August of 1775, William Hey, Chief Justice of Quebec wrote to the Lord Chancellor on the state of Canadian affairs. In his report, Hey remarked that his opinion of the Québécois habitants had changed substantially. Hey admitted he was once a chief supporter of the quebecois citizenry, having professed their “Loyalty, obedience & Gratitude, of their habitual submission to Government, & their decent civil & respectfull demeanour to those who had the conduct of it.” However, after witnessing the turn of events leading up to the Battle of Quebec, Hey changed drastically changed his disposition. Hey remarked that while “time and accident have evinced that they were obedient only because they were afraid to be otherwise,” the withdrawal of the British troops in Quebec removed that fear, and with it was “gone all the good disposition that we have so often and steadily avowed in their names & promised for them in ages to come.” Hey, like Carleton did concede that timing was a factor, and that “temperate management and gentle methods of persuasion and
instruction may yet bring them to a sense of their duty & indeed their interest."

Unfortunately for Britain, that time could not be accelerated in order to rouse the sense of patriotic duty in the habitants that was necessary for the defense of the country. Fortunately for Britain, it did not matter in the long run, as the invaders defeated themselves, and Quebec was allowed the precious time it needed in order to convert the Québécois into the British subjects they were promised to be.
Conclusion

Parliament's idea to model Quebec's government on Britain's other successful North American colonies made perfect sense. Had only the level of British immigration to Quebec met expectations, the population balance would have allowed for a synchronous conversion. However, as power-hungry merchants seemed the only British willing to transplant to the frigid colony, French Canadians were in no danger of losing the population battle. With the Québécois effectively excluded from governmental and judicial representation, the very meaning of the English constitution was flipped on its head.\textsuperscript{115}

In retrospect, Attorney General of Quebec, Baron Francis Maseres observed in 1766 that while an assembly "might pretend to be a representative of the people there... in truth it would be a representative of only the 600 new English settlers,” as opposed to the 90,000 French Canadians.\textsuperscript{116} When the Royal Proclamation was conceived, it was thought to “attract English settlers in such numbers as would ultimately absorb the Canadians.”\textsuperscript{117} This doesn't mean the Proclamation was designed with the intention to subjugate the Québécois. Rather legislators believed a major influx of British interests in Quebec would lead to an Anglo-Saxon majority, therefore justifying the Proclamation's inherent racial discrimination.

Governor Murray dedicated a great deal of his administration to the protecting of Québécois' rights, but in the end, such efforts resulted only in his removal from office. Carleton picked up where Murray left off, and continued to work towards the restoration of French Canadian society in opposition to the traditional English mercantilism that had
been spread all over the globe. While ultimately, the efforts of Murray and Carleton prevailed in the form of the Quebec Act, the timing of its passing conveniently aligned with the many other actions of Parliament, which drove the united colonies to rebel. Carleton was able to hold Quebec together during the Revolution, but the Québécois’ status as British citizens was put to the test.

With the aid of retrospect, Carleton remarked in a letter to Lord George Sackville Germain, Dartmouth’s successor as Colonial Secretary in regards to “the Canadians, I think there is nothing to fear from them, while we are in a state of prosperity, and nothing to hope for when in distress.” Carleton found himself stuck in a political vise. He was forced to fend off a hostile invasion with no army of regulars. Rather, he was asked to defend his province with a militia comprised of newly conquered subjects, who, though they were conceded a great deal by contemporary standards, were themselves struggling to stay afloat, and weary to choose a side for fear it might turn out to be the losing one. Fortunately, in the end, Carleton’s faction was able to outlast the siege at Quebec City, and his Canadian subjects were not further tested for loyalty in combat. There is no telling what the result might have been. Carleton’s remarks to Germain summed the situation up nicely when he declared “I speak for the People at large; there are among them those who are guided by Sentiments of honour, but the multitude is influenced only by hopes of gain, or fear of punishment,” and the year of 1775 was a very uncertain time to be a Canadian, not knowing which side would prevail.\textsuperscript{118}
Notes for Introduction


2 Jay, *Letter to the Inhabitants*...


Notes for Chapter 1

5 Shelburne, *Shelburne to Carleton, June 20, 1767*, in *Documents Relating*... Shortt and Doughty, eds., 196.


7 All quotes from this paragraph are found in Murray, *Report of the State of Quebec*, in *Documents Relating*... Shortt and Doughty, eds., 59.

8 Murray's detail of the Quebecois habitants can be found in Murray, *Report of the State of Quebec*, in *Documents Relating*... Shortt and Doughty, eds., 60.


14 This set of quotes are from Burton, *State of the Gov't*, in *Documents Relating*... Shortt and Doughty, eds., 65.


16 Neatby, *Quebec*, 5.

17 Fernand Oulet, *Economic and Social History of Quebec: 1760-1850*, (Carleton University, Canada: Gage publishing, 1980), 1.

18 Lawson, *Imperial Challenge*, 43.


Representations of the Board of Trade, to the King's Most Excellent Majesty, 2 September 1765, in Documents Relating... Shortt and Doughty, eds., 171-2.

Petition to the King from the Principal People of Montreal, 3 February 1767, in Documents Relating... Shortt and Doughty, eds., 189.


Quotes in this paragraph are from Lord Northington, Draft of Instructions to the Governor of Quebec, June 1766, in Hilda Neatby, Quebec, 18.

Notes for Chapter 2


S. & D., 175.


S. & D., 175.

Lawson, Imperial Challenge, 43.

Murray to Lord Eglington 27 Oct 1764, in Lawson, Imperial Challenge, 48.

Murray, Report on Quebec, In Documents Relating... Shortt and Doughty, eds., 59.

Articles of Capitulation, Documents Relating..., S. & D., 25.

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S. & D., 168-169.

*Address of the Principal Inhabitants of Canada to the King, Relative to the Establishment of Courts of Justice, and the Presentment of the Grand Jury*. In *Documents Relating...* Shortt and Doughty eds. 164.


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S. & D., 196.

Carleton to Shelburne, in *Documents Relating...* Shortt and Doughty, eds., 284.

Carleton to Shelburne, 17 December 1767, S. & D., 201.


Shelburne to Carleton, 20 June 1767, S. & D., 196.

Carleton to Shelburne, 20 January, 1768, 295.

S. & D., 291.

S. & D., 293-295.


S. & D., 185.

S. & D., 185-186.


Neatby, *Quebec*, 27.


Address of Neatby, *Quebec*, 30.


S. & D., 490.

Lawson, *Imperial Challenge*, 123.

S. & D., 427.

Lawson, *Imperial Challenge*, 127.

Neatby, *Quebec*, 38.
Notes for Chapter 3

80 Debates in the House of Commons, 26 May-13 June, 1774, all of North’s quotes are found in Neatby, Quebec, 38.
81 Debates in the House, all other quotes are also found in Neatby, Quebec, 38-42.
82 Chief Justice Hey to the Lord Chancellor, 25 January 1774, quoted in Neatby, Quebec, 44.
85 ibid.
86 Fernand Oullet, Economic and Social History of Quebec: 1760-1850, (Carleton University, Canada: Gage publishing, 1980), 95.
87 Lawson, Imperial Challenge, 147.


102 Lanctot, Canada & the American Revolution, 127.

103 Inhabitants of Montreal to the Committee of Safety, in Journals of Each Provincial Congress of Massachusetts, 752.

104 Inhabitants of Montreal to the Committee of Safety, in Journals of Each Provincial Congress of Massachusetts, 752.

105 Pierre Guy, Baby papers, in Lanctot, Canada & the American Revolution, 64.

106 William Tryon, Letter to Dartmouth, in Lanctot, Canada & the American Revolution, 67.


108 Carleton to Gage, in Docs. Relating., 451


111 Carleton to Dartmouth in Docs. Relating., 453, 4.


113 Lanctot, Canada & the Revolution, 88-91.

114 Lancot, Canada & the Revolution, 92-136.

Notes for Conclusion

115 Fernand Oullet, Economic and Social History of Quebec: 1760-1850, (Carleton University, Canada: Gage publishing, 1980), 95.

116 S. & D., 195.

117 Neatby, Quebec Act, 10.

118 Carleton to Germain, in Docs. Relating, 675.