Thesis Approved

By

George F. Donovan
Major Adviser

[Signature]

Dean
THE QUEBEC ACT

BY

SISTER MARY CLAVER McDERMOTT, B.V.M.

A THESIS

Submitted to the Faculty of The Creighton University
in Partial Fulfillment of the Requirements
for the Degree of Master of Arts
in the Department of
History

OMAHA, 1930
ACKNOWLEDGMENTS.

The number of persons who have, in one way or another assisted me in the preparation of this paper is so large that it is impossible adequately to acknowledge their aid, deeply and sincerely as it is appreciated.

I should be truly ungrateful, however, if I failed to take this opportunity to express my thanks to Dr. P. Raymond Neilson at whose suggestion the study was undertaken, who read and annotated certain passages and suggested revisions—all of which have been incorporated. The old adage, "one never appreciates his blessings until they have passed," does not apply here as I have ever appreciated Dr. Raymond Neilson's unfailing kindness, warm sympathy, and scholarly counsel.

For reading and criticism, grateful acknowledgment is due also to Rev. Peter Masterson S.J., and to Mr. George Donovan.

Many kindnesses and courtesies were shown by the officials of the libraries at Co-Bluffs, Iowa City, Omaha, and Chicago. Special thanks are due Mrs. Lucile Reynolds and her assistants at Creighton University library for their kindness.

Sister Mary Claver McDermott
INTRODUCTION.

The purpose of this thesis on the Quebec Act is to show that Religious Intolerance played an important role not only in the opposition manifested toward the act in England and America but also in the events that brought pressure to bear on the British Ministry, importuning them like the man in the gospel until the cry was heeded and answered in the "Quebec Act."

Special emphasis has been placed on the opposition of the colonies not only because of religious prejudice but also because it interfered with their land schemes, both motives were so closely interwoven with many of the colonists that it seemed difficult to draw a line and say what motive predominated.

In justice to the Colonists, it seemed necessary to cast a retrospective glance at the religious situation in America since the landing of the Puritans.

During my study I have had access to a number of primary sources. At the same time I have diligently used the results of trustworthy investigators wherever found.
My sources of information are stated in detail in the Appendix. The main study is based almost entirely on Shortt & Doughty's *Constitutional History of Canada*, and on Morison's *The American Revolution—Sources & Documents*. Secondary sources, Victor Coffin's *The Province of Quebec and the Early American Revolution*, and Dr. William Kingsford's *History of Canada*.

S. M. C.
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"A happier calamity never befell a people," wrote Francis Parkman, "than the conquest of Canada by British arms." The remark so far as it had reference to the misrule of the latter days of the French period, was true and just. But it does not mean, and was not intended to mean, that the conquest introduced into Canada an ideal state of affairs. Over a century was to elapse in Canada before a satisfactory form of government was evolved, or the problems arising from the government of a conquered people, complicated as they were by questions of religion as well as of race, reached a solution. And even today it cannot be said that problems arising out of conquest never appear.

After the fall of Quebec, Canada was governed for three years by military rule, under which, as the Duke of Wellington said, "the will of the commander-in-chief is law."

1. Parkman Francis, Old Regime in New France 401.
With the fall of Quebec, too, (1760), came to a close one of the greatest scenes in the history of mankind, the final act in the drama which gave the North American continent into the keeping of the English race instead of the French.

The Gibraltar of America was never more to salute the Bourbon lilies, and French empire in America ceased to be.

If the four or five hundred English adventurers who swarmed to Canada on the heels of the victorious army thought to batten on sixty-thousand defeated French inhabitants, the English generals Sir Jeffrey Amherst, and Murray, who succeeded him thought and decreed otherwise. "You will observe that the French are British subjects as much as we are, and treat them accordingly." ruled Amherst; and General Murray, who practically became the first governor of Canada on Amherst's withdrawal, at once set himself to establish justice. No more forced labor. No more carrion birds of the official classes, like Bigot, fattening on the poor inhabitants.

1. Laud, Canada the Empire of the North, 270.
British government in Canada from 1760-64, was under military rule. At Quebec, at Three Rivers, at Montreal, the commanding officers established martial law with biweekly courts; and in the parishes of the local French officers or seigneurs, were authorized to hear civil cases. By the terms of surrender the people were given their religious liberty; and the Treaty of Paris, which ceded all Canada to England in 1763, repeated this guarantee. The proprietary rights of the Jesuits, Sulpicians, Franciscans, were to remain in abeyance for the pleasure of the English crown, but the rights of the Sisterhoods were at once confirmed. The Treaty left a thorn of trouble in the flesh of England by reserving to France for the benefit of the Great Banks fishermen the islands of St. Pierre and Miquelon, as well as shore rights of fishing on the west coast of Newfoundland.¹

After the Conquest, Quebec was governed under the terms of a royal proclamation which, remarkable to relate, prescribed no definite forms of administration.

In October of 1763, a royal proclamation staked out the limits and the political future of the province; and, ten months later, a civil administration went into effect under it. The system was that of a crown colony minus the Assembly. A 'Captain General and Governor in Chief' headed the administration; and a Council, by whose 'advice and consent' he was supposed to act, supplemented his wisdom, though in fact it was often hard to get a quorum of the Council, and the Governor usually did as he pleased. Their ordinances were first published at the beat of drum by criers, and later read from the "Quebec Gazette" by the priests at the close of the Sunday service. Sitting also as a supreme provincial court, they were empowered to interpret the laws.  

Although Canada was fortunate in her British rulers there was not perfect harmony.

By the articles of capitulation, then, almost everything was left to the discretion of the Governor:

"...we have given power to the Governor to make, constitute and ordain Laws, Statutes, and Ordinances for the public peace, welfare and good government of our colonies,..."


2. Royal Proc., 1763. (Kingsford, Hist. of Canada, V., 142-145.)
General Murray proved himself a discreet ruler; but friction of some sort was almost inevitable in a situation presenting such conflicting interests and delicate problems and now trouble began for the Government, - that wrangle between English and French, between Protestant and Catholic, which went on for a hundred years and retarded Canada's progress by a century.

The friction came from those few hundred British settlers who wrongly supposed that their nationality gave them privileges over ten times their number of French fellow-subjects. ¹

Fortunately Governor Murray held no partisan views. These British-born subjects demanded that the Governor call an elective assembly. By the laws of England, Roman Catholics must abjure their religion before they could take office, and by the "Treaty of Paris" the Catholics of Canada had been guaranteed the freedom of their religion.

To grant an elective assembly now would mean that the representatives of the 500 English traders would rule over 80,000 French. Before the French Catholics are accused of remaining a 'solidarity so that they might wield the balance of power, it might be well to recall when and how the quarrel began.

¹. Kingsford, History of Canada, V., 156.
"One great fact stands out conspicuous in Canadian history,—the Church of Rome. More even than royal power she shaped the character and destinies of the colony. She was its nurse and almost its mother; and, wayward and headstrong as it was, it never broke the ties of faith that held it to her. It was these ties which, in the absence of political franchises, formed under the old regime the only vital coherence in the population. The royal government was transient; the church was permanent. The English conquest shattered the whole apparatus of civil administration at a blow but left her untouched. Governors, intendants, councils, and commandants, all were gone; the principal seigneurs fled the colony; and a people who had never learned to control themselves or help themselves were suddenly left to their own devices. Confusion, if not anarchy would have followed but for the parish priests, who in a character of double fraternity half-spiritual and half-temporal, became more than ever the guardians of order throughout Canada.

The English conquest was the grand crisis of Canadian history. It was the beginning of a new life. With England came Protestantism, and the Canadian church grew purer and better in the presence of an adverse faith. Material growth, an increased mental activity, an education real though fenced and guarded, a warm and genuine patriotism, all date from the peace of 1763. England imposed by the sword on reluctant Canada, the boon of a rational and ordered liberty. Through centuries of striving she had advanced from stage to stage of progress deliberate and calm, never breaking with her past, but making each fresh gain the base of a new success, enlarging popular liberties while bating nothing of that height and force of individual development which is the brain and heart of civilization; and now through a hard earned victory, she taught the conquered colonies to share the blessings she had won."

Governor Murray would have no elective assembly under existing conditions; and he put a summary stop to the English practices of seizing lands for debt at a time when money was scarce, of summoning the debtor simultaneously to two different courts, then charging such outrageous fees that the debtor's land had to be sold to pay the fees.\(^1\)

When Murray opposed the clamor of the English minority, they petitioned the home government for his recall. In the light of the fact that there were no schools at all in Canada except the Catholic seminaries; that of the five hundred English residents only two hundred had permanent homes in Montreal and Quebec, it is rather instructive to read as another one of their grievances, "That the only teachers in Canada were Catholics."\(^2\) They ask the appointment of a governor acquainted with other maxims than those furnished by military life; for the establishment of a house of representatives to be chosen as in other provinces; that is, composed of Protestants only, without, as they said, "burthening them with such oaths as in their present mode of thinking they cannot simultaneously take." Their petition was signed by only 20 persons.\(^3\)

1. Ibid, 313.
3. Idem.
It was not dated, but was evidently written in 1765, about a year after Murray assumed office. He was accused moreover, of having enacted vexations, oppressive, and unconstitutional ordinances, injurious to civil liberty and the protestant cause; of discountenancing the protestant religion by neglecting to attend church; and failing to provide protestants with a place of worship.¹

Murray was recalled but the policy inaugurated by him of treating the French Canadians with justice and consideration was accepted by the British government.² It became the established policy of his successor Carleton. It was the leading principle on which the Quebec Act was framed. Moreover, after reaching England, he was retained as Governor for eighteen months, during which time Carleton served as lieutenant-governor.²

"Murray's administration can only be regarded as honest and enlightening. He was guided by the one desire of performing his duty. He was truthful and straightforward. His theory of good government was that it should be administered with strict justice, and his opponents were hard pushed when they included among his striking demerits that he failed to attend church. There is no record against his memory of personal ill doing or of any disregard of social morality or decency."³

¹ Kingsford, Op. cit., 184
² Ibid., 185.
³ Idem.
Murray vindicated the character of his own government and described the nature of those who had been prominent in assailing him in his celebrated letter to Lord Shelbourne.¹

In 1763, Sir Guy Carleton, a fellow soldier and friend of Wolfe in the great war, came as governor. He followed in Murray's footsteps, stood like a rock for the rights of the French. He ordered debtors released from jail, fees reduced, and stopped the forced land sales. The land jobbers were bitterly disappointed, as they had looked for a partisan in Carleton.

Trouble enough soon engaged his anxious attention—trouble over the Indian trade, the rights and wrongs of the Canadian Jesuits, the wounded dignity of some members of the Council.

Carleton heard so many complaints, that he examined into the abuses which were disgracing the British name. In reporting them to Hillsborough, March 28, 1770, he said:

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"This, my Lord, is but a very faint sketch of the distresses of the Canadians and the cause of much reproach to our National government... There was not a protestant butcher or publican that became a bankrupt that did not apply to be made a justice. They cantonered themselves upon the country and many of them rid the people with despotic sway, imposed fines that they used to their own profit and in a manner looked upon themselves as Legislators of the province."

The petition of 1765, for Murray's recall had included the demand for the establishment of a house of representatives. At that date the spirit of intolerance was in full force. It was the exhibition of this desire to ignore the political existence of the French Canadains, that induced Murray to write:

"...I glory in having been accused of warmth and firmness in protecting the King's Canadian subjects, and of doing the utmost in my power to gain to my royal master the affections of that brave, hardy people, whose emigration, if ever it shall happen, will be an irreparable loss to this Empire."

Carleton's arrival did not silence the advocacy of this project of an assembly. Se, too, decided that the creation of an assembly which would exclude the Canadians would be ridiculous. The question dropped into abeyance but it was again brought into prominence in 1768, by a petition of the English speaking members.


Cf. Ante.
The upper classes of the French Canadians declared themselves decidedly adverse to the measure, and kept aloof from it. In 1773 another attempt was made to induce the French Canadains to join in movement for an Assembly. The French Canadains as a body were unwilling to co-operate.

The British residents then sent a petition to the lieutenant governor. It recapitulated the conditions of the proclamation of 1763. It asked that an assembly be called on the ground that it would promote industry, agriculture and commerce, it would create harmony and good understanding between the old and new subjects; its constitution differed from that previously advocated. The first petition distinctly set forth that it should be composed of protestants. This demand was now modified; it was evident however, that the same desire predominated. The phraseology was simply changed to quiet the fears which the French Canadians might entertain. Had the petition asked that no religious tests be enacted, had the desire been plainly shown that the Roman Catholics should obtain admission to the assembly, the Canadians would doubtless have joined in the request;
The petition simply asked that

"the house be in such manner and of such constitution...as in the royal wisdom, should seem best adapted to secure peace, welfare and good government." 1

It might have foreseen that the Canadians would not accept such a condition, for it was subscribing to their political extinction.

The whole difficulty lay in the religious question and it may be briefly stated. While in Canada, the exclusion of Roman Catholics from an assembly would have been impossible; their admission would have been at variance with the strong prejudice felt both in the mother country and throughout the more southern provinces. It was the first point on which the world was to learn toleration, and at that date, if the English speaking minority had used moderation it would have given a great impetus to the lesson. Many, however, were affected by the spirit which pervaded New England, the desire to obtain control of the government. They were sensible of their own numerical weakness and refused to act with the French Canadians, except on their own conditions. They would in no way cooperate in the demand for a house of assembly from which religious tests should be excluded.

1. Canadian Archives, q. 10, pp. 46, 51, 56.
The Canadian Catholics, however, did not remain idle. In December 1773, they sent a petition to the king which was presented February 1774. It acknowledged the consideration which they had received since the conquest, complained of the inconvenience of English law, asked that they be granted their ancient laws, privileges and customs; that Canada be restored to its former limits; that they be given the full privileges of British subjects. It was accompanied by a memorial asking to participate in civil and military employment. 1

Recapitulated, the situation in Canada from 1760 to 1774 is easily comprehended. In August, 1764, the military regime was ended, and a civil administration substituted. By the terms of the proclamation marking this change, the supreme executive powers were placed in the hands of a Governor-in-Chief, appointed by the Crown, and supported by a council with whose advice and consent he was expected to act. The proclamation of 1763, established English civil as well as military laws; required an oath of loyalty and a declaration against transubstantiation of all who would seek

office or exercise the franchise; it professed
to hope for the establishment of a representative
form of government "as soon as state and circum­
stances of the said colonies will admit."¹ To
Carleton and Murray the execution of this last
suggestion was obviously impracticable so long as
the civil disabilities remained to disqualify
Roman Catholics. In 1764 a representative system
of government in Canada would have meant that a
government in Canada would have meant that a
few hundred English Protestants would have elect­
ed representatives to legislate for more than
70,000 Catholic Canadians.² Impossible as such a
condition would have been, the British traders of
Montreal and Quebec continually demanded the ful­
fillment of this promise, and kept the colony in
a state of turmoil for many years.³

In spite of the best efforts of Governor
Murray and later of Sir Guy Carleton, to adminis­
ter justice to all classes in the community, con­
ditions grew steadily worse during the decade
following 1764. The clergy were displeased by the
abolition of compulsory tithing; the power of the
nobles was shattered by English civil law.

3. Cf. ante., pp. 5, 7, 8, and passim.
the British citizens clamored for representative government; the habitants, disturbed by the general unrest, felt a logical dislike for their foreign conquerors. They disapproved such radical innovations as trial by jury. ¹ So unsatisfactory was the whole situation that Carleton finally returned to England, and by persistent effort succeeded in securing a new code, "The Quebec Act."

"It must not be supposed that England all this time, 1763-1774, had been unmindful of her subjects or had turned a deaf ear to their petitions.

CHAPTER II.

EFFORTS OF THE BRITISH MINISTRY TO PROVIDE A SUITABLE GOVERNMENT FOR QUEBEC.

Just what definite steps had England taken to rectify her error of 1763? The error was not in keeping Canada as Pitt feared when he remarked:

"Some are for keeping Canada, others Guadaloupe. Who can tell me which I shall be hanged for keeping?"

But the error was in the Proclamation of 1763: which attempted to establish English civil as well as criminal law. At the same time, it prevented the French Canadians from serving in the very assembly which it professed a desire to establish.

For ten years, the government of Canada was in a very unsatisfactory condition. It was, moreover, an added thorn in the side of the British ministry who were worried by the conditions in the old colonies, then in a revolutionary ferment.

The Old Whigs finally brought the policy toward Quebec to the dignity of a paramount issue. The Privy Council placed the investigation of

Canadian conditions under the direction of Lord Shelbourne.

In accordance with this resolution Lord Shelbourne ordered the governor, the chief justice, and the attorney general of Quebec to collect the required information, determine what was best to be done, formulate their conclusions into concrete ordinances, then send them to England to be passed by Parliament. Shelbourne sent to assist the local officials, his confidential adviser in Canadian Affairs, Maurice Morgan. The report of his Agent was made long after Lord Shelbourne was forced to yield the guidance of Canadian affairs to the hands of another, and after he himself had left the ministry, so that it cannot be known what his final plans for the civil government, the law and the law courts of the province would have been; but credit must be ascribed to him for initiating that careful investigation of existing conditions, the results of which were studied by his successors.

Shelbourne was, on the whole, very tolerant in religious beliefs; he found the plan of the Grenville-Bedford ministry with their attempt to drive the Canadians out of the Roman Catholic Church, not wholly suited to his purpose of winning new subjects from their old allegiance to France. He sent the plan of his predecessors with suggestions for changes to the Archbishop of York, who returned it with alterations in conformity to his ideas. The changes were all of a character to remove the Canadians' fear that their religion would be molested and that efforts would be made to force them into the Church of England. Instead of proposing that the revenues from the sequestered property of the Jesuits and other orders be granted the Society for the Propagation of the Gospel for extending the Protestant religion and schools, this revenue was to be applied "to such public uses as shall be directed by his majesty." 1 Under the Grenville-Bedford plan, all convents of women would have been abolished; under this plan the number would be limited. The full measure of equality with other religions or religious

beliefs would not have been secured, had Shelbourne's policy been inaugurated; but the appearance of toleration would have been supported from the payment of tithes by those who adhered to their faith. 1

The necessity of solving the problem of the province of Quebec became, in the beginning of 1768, the duty of Lord Hillsborough who had presided at the Board of Trade when the blunder of abolishing French law and introducing England was made; but he was always unwilling to take on himself or his former colleague any responsibility for the wrongs inflicted on the Canadians. In one of his letters to Governor Carleton he wrote:

"It was most unfortunate for the colony of Quebec, that weak, ignorant, and interested men, were sent over to carry the proclamation into execution, who expounded it in the most absurd manner, oppressive and cruel to the last degree to the subjects, and entirely contrary to the royal intentions." 2

Lord Hillsborough regarded the condition in Quebec as very serious and with that self-confidence so characteristic of him tried to correct them without waiting for the results of the

1. Privy Council (Colonial Acts.,) Vol. VI. p. 459
  (Letters dated Dec. 24, 1767, and Apr. 12, 1768, 201, 208.)
investigations which had been inaugurated by his predecessor. The occasion for definite action, however, was the receipt of a petition from the merchants of Quebec praying that a legislative assembly be summoned and that some Roman Catholic subjects be admitted to the council. This petition was referred on September 28, 1768, to the Lords of Trade who made a report in the following July.\(^1\)

The report, which was kept most secret, recommended the immediate calling of an assembly, the election to which should be so arranged that there should be at least fourteen Protestants to a possible minority of thirteen Catholics. Five Catholics should also be admitted to the Council. With a government competent to pass laws it was thought that the difficulties over the question of law would soon be removed. In regard to the law courts and procedure, the Board of Trade considered the additional instruction prepared under the Rockingham regime as most suitable to correct the other evils of the government. That is, the execution and legislature would be

\(^1\) Ibid., 263.
left as it had been constituted in 1763. A new civil code, based on general maxims and the French and English law, was devised. On the juries in criminal cases both the old and the new subjects were to sit. In case the trial concerned individuals of only one race, the jury was to be drawn from that race. French Catholics were to be admitted indiscriminately with the rest of the subjects, not only into the commissions of the peace, but also to the execution of all such offices, functions, and duties.1

The Privy council instructed Governor Murray, in February 1765, to pass an ordinance admitting the Roman Catholics to full and equal participation in the law courts. This was not done until July of that year.2

In ecclesiastical matters the Lords of Trade took their stand upon the plan that had been developed under the Grenville-Bedford ministry and endorsed by the Rockinghams. Consequently, the Grenville-Bedford benevolent policy of Toleration with its dash of conversion was left to the

1. Canadian Archives, "Dartmouth MSS., 1757-1772, I.

Old Whigs who feared to bring the question of toleration for Roman Catholics to an issue, lest their followers would be alienated. But their sense of justice, in regard to the Canadians was really touched. Edmund Burke in particular, pleaded with the Marquis of Rockingham in behalf of the newly acquired subjects, and his appeal did not fall on deaf ears. As a result of his plea the Old Whigs inaugurated part of the plan of their predecessors, although they kept their movement a profound secret. They appointed the Reverend John Oliver Briand "Superintendent of Clergy." Briand, who had been Vicar General of the diocese during the vacancy of the See; had urged the people through a letter to submit to the King and those in authority under him. He besought them to pray for their King, for their Governor, for all by whom justice was administered. Moreover, he instructed the people to keep up the prayers ordered by their late Bishop Briand for a speedy and durable peace.¹

¹. Correspondence of George III. I., No. 20., pp. 25-27
It was this zealous priest, who had labored as zealously for the welfare of his flock as had Father Felician in "Evangeline," that was permitted to go from Quebec to France where he was consecrated Bishop of Quebec. Returning to Canada in 1766, as "Superintendent of the Clergy," he was given a salary of 200 pounds. Thus we see the Old Whig Ministry took the first step towards religious toleration in Canada. If "coming events," as the proverb goes, "cast their shadows before," we might consider this as the foreshadowing of the Quebec Act.

No results followed the report of the Board of Trade, because the influence of Lord Shelbourne's investigation shortly afterwards started a movement which ended in the passage of the Quebec Act. Maurice Morgann, upon arriving in Quebec, began a painstaking study of conditions; but it was not until 1769, that he was prepared to lay before the ministry the result of his and his collaborators efforts. These were the chief justice William Hay, and the attorney general Francis Maseres. They had received their appointment from

the Marquis of Rockingham, but their characters had justified their continuance in office by successive ministers.

Morgan was not long in discovering that the ideas of the lieutenant governor and the attorney general were diametrically opposed to one another. Carleton's sympathies went out to the large French Canadian population he governed. He was expected to win their loyalty to England by permitting them to enjoy the forms of government, law and Church to which they had long been accustomed. In particular he looked to the seigneurs, though few in number, to lead the populace to an acceptance of the new rule; to that end he chose them for his advisors in his difficult task. On the other hand the Huguenot, Maseres, was biased by his fervid Protestantism and by his admiration for British governmental machinery. He found his natural associates among the few hundred English speaking subjects who were demanding English laws and an elective assembly. They were also protesting against the dangers of Roman Catholicism. 1

Maseres was a man of very positive convictions. He was very sanguine of finding a panacea for the evils he was. He drew up a bill for establishing the government of Quebec. His main purpose was to transform the French civilization of Canada in its social, economic, and religious aspects to the English as rapidly as possible. This, he knew could not be affected in a day, so he realized that, meanwhile, he must devise some form of toleration to Roman Catholicism. He did not approve of its introduction by the Old Whigs in a sort of secret underhanded way.

While the colonists were not ready for a legislative assembly, he felt that the governor and council must be empowered to make laws and raise money by taxation. He, too, urged the administration to bring the whole subject of the Canadian government and religion before Parliament in order that the necessary reforms be enacted.

Morgann and Maseres, in their interpretation of the existing evils, in their conception, of the remedy, typify the two contemporary parties

in Canada. These differences in the statement of facts are to be found in the histories of the province of Quebec from that day to this.¹

Morgann found that the orders of the administration had been anticipated. Governor Carleton had already instructed Francis Joseph Crignet, one of the most eminent French lawyers in Canada, to codify the law and practice as they had existed under the old regime. Five small volumes was the result. These were sent to London in manuscript and were published in 1772, and 1773, for the use of the administration.²

Hitherto, the learned jurists of Great Britain had spun their speculations upon the subject with very little knowledge of French law and with a total ignorance of Canadian practice.

Elaborate reports on the important phases of civil and ecclesiastical affairs were also prepared. In these, Maseres, on account of his difference of opinion, was unable to cooperate.

The first draft of the main report on the government and law was written by Morgann, revised by Hey, and rewritten from both by Carleton.

² Ibid., 258, footnote 1.
A report on the revenue and one on ecclesiastical affairs were prepared at the same time. All these papers were carried to England by Morgann who travelled in company with Carleton, (1770). The ideas of these two men were to be of great influence on the final decision concerning Quebec.

Lord Hillsborough upon receiving these reports wrote to Carleton that the data would pave the way for a speedy decision but the reverse was the case. The very complete information with its conflicting recommendations petitions made the problem of Quebec only the more perplexing.¹

William Knox, one of the under-secretaries of the Colonial department said that the reports of these learned gentlemen contained a great variety of propositions which clashed. Consequently, after all the pains which had been taken to procure the best and ablest advice, the ministers were in a great measure left upon their own judgment.²

Lord Dartmouth had now replaced Hillsborough, and it fell to his lot to press the work on the reform of the Canadian conditions. But the actual leader in the movement was Lord Mansfield, one of the ablest jurists who ever presided over a British court. He said, "he would real all the documents and do his utmost to procure a settlement." This was fortunate for he was not only liberal throughout his life, but he also exhibited the greatest liberality in matters of religion. In a speech in the House of Lords he said:

"Conscience is not controllable by human law, not amenable to human tribunals... What bloodshed and confusion have been occasioned from the reign of Henry IV, when the first penal statutes were enacted, down to the revolution in this kingdom, by laws made to force conscience. There is certainly nothing more unreasonable, more inconsistent with rights of human nature, more contrary to the spirit and precepts of the Christian religion, more iniquitous and unjust, more impolitic than persecution. It is against natural religion, and sound policy." 2

A few years later at the time of the Gordon riots, 1780, he wrote on toleration again:

"My desire to disturb no man for conscience sake is well known...I have no leaning to the Catholics...I have shown equal favor to dissenters from the established Church of all denominations...I shall ever be of the opinion that they, (the Roman Catholics), in common with the rest of his Majesty's subjects, would be allowed every possible indulgence consistent with the safety of the empire." 3

1. Ibid., 374.
2. Campbell, Lives of the Chief Justices, III.
3. Ibid., 435
It is not to be wondered that the Quebec Act should be tolerant when such a man influenced it. He gave no support to the effort to convert the Canadian people proposed by the Grenville-Bedford plan accepted by his former friends, the Old Whigs, nor would he rest satisfied with the partial toleration considered by Shelburne.¹

Another tenet of Lord Mansfield's belief was that law and law practices of each country had by a long process of evolution become fitted to the genius and character of its people. He thought it a dangerous and criminal procedure for a sovereign power to alter arbitrarily the customs of its colonies. When he first learned of the Proclamation of 1763, and of Governor Murray's Ordinance he wrote to Grenville and asked:

"Is it possible that we have abolished their laws, and customs and forms of judicature?...For God's sake learn the truth of the case, and think of a speedy remedy." ²

This belief of Lord Mansfield extended to trial by jury. Fitted as it was to satisfy the social mind of the English, it was so distinctly a product of its environment, so closely bound up with her

2. Grenville Papers., Vol. II., 476.
customs that it would not be transplanted without inflicting an injury among people of alien character and customs. The imperialistic party turned for advice to men who were most familiar with conditions existing in Quebec, to Governor Carleton, to Chief Justice Hay, and Mr. Morgann who were all in London; all three as we observed before used their influence to extend every possible advantage to the French population of Canada, General Gage's advice on the relation of the Old Northwest to Canada was opportune. The final form of the bill cannot, therefore, be ascribed to any one individual; it was the product of many minds.

On August 4, 1773, work on the Quebec Bill was begun in earnest. The conflicts in the advice offered in the papers drawn up by so many learned men made the task difficult. Finally, says William Knox, they found a recourse in precedent. The conditions in Ireland and Minorca were carefully studied. In the former, Roman Catholics were oppressed, in the latter granted full toleration. The Irish had not been reduced to docility

after generations of oppression whereas the inhabitants of Minorca had become by the employment of an opposite policy most loyal citizens.

It was while the ministry was in a tolerant mood toward the colonies, before the news of the Boston Tea Party and of the acts of the other colonies in regard to the shipment of tea reached England, that the ministry came to an agreement on the broad principles which should guide them in drafting the Quebec Bill. Although the details were still to be worked out, religious toleration, the establishment in part, of French law, the endowment of the council with legislative power, the extension of the boundaries so as to include the Illinois country had been determined upon by the North ministry. The "Quebec Act" was in its essence, therefore, the product of imperialistic thought and of kindly feeling toward the colonies.

When summarized the various attempts of the successive British ministries to solve the problem
of the West, show that there was little consistency in their acts. With the changing administrations composed of warring factions, no agreement was possible. The constantly shifting conditions of the West found the British mind unprepared to make a rapid readjustment as the reports of events followed each other in rapid succession.¹

The resulting decisions, therefore, were only compromises at best. The Granville-Bedford plan of imperial control was brought to naught when they attempted to tax the colonies for the necessary funds to carry it out. The Old Whigs were reinstated in the good graces of the people by repealing the Stamp Act, but as economy was then the watchword, they were unable to work out an effective policy. The logical consequence was Lord Barrington's plan for the prohibition of western settlements. After careful study, Lord Shelburne's solution if adopted might have won the hearts of the colonists. The debate in Parliament

¹ Van Tyne, *Causes of Rev.*, 403-410 and *passim*. 
compromise and the Townsend taxes and Shelbourne's plan for imperial control were both approved. Changes in the cabinet thwarted Shelbourne's plans, but left the taxes in force. Hillsborough's plan of 1768, another compromise, proved inadequate too, and Lord North's bold measure, the Quebec Act, was the last effort of British politicians to organize the territory acquired by the Treaty of Paris. It aimed to give imperial protection, at least in the Northern part of the Mississippi Valley, where the Indian reservation had been created.

One fact, however, was ever present in the minds of the various ministries—the necessity of some form of toleration. Each changing ministry focused its attention on the matter and watched its gradual evolution. They yielded an inch here, another there, until it became a whole step with the Old Whigs. The final outcome was a complete surrender under the North ministry. It did not prove, however, the hoped for panacea. Seeds of trouble were sown that grew as rapidly as the
mustard seed and great perturbation resulted.

On account of the violence of the attack, of its identity with the offensive measures passed at the same time, the Quebec Act has been most frequently misunderstood. Its benign purposes have been completely perverted by successive historians who have drawn their inspiration from the sources of the Old Whig and American revolutionary thought.
CHAPTER III.

THE QUEBEC ACT IN PARLIAMENT.

The first and last question asked of ministries between the years of 1763 and 1774 was what was to be done with the West and Canada. Every ministry realized that this was the most important of American problems, too intricate in fact for them to solve. It seemed that there could be no reconciliation between the various interests clamoring for consideration. The Indians' rights must be protected; the claims of various colonies to the west must be considered; the influence of the great land companies of different colonies must not be neglected. Moreover, the fur traders opposed western colonization and they were supported by British and American speculators in Eastern Lands who feared the effect of opening the West. Last of all, there was the imperial interests to be conserved. To these conditions lying in the very problem itself was added the chaotic state of the ministries composed as they were of groups or factions subjected to influences according to its personal interests in colonial affairs.
The efforts of the successive ministries whose work on this problem, culminating in the Quebec Act, have been traced.¹

The results of few legislative enactments have been more widely discussed, or more variously interpreted, than those which followed the promulgation of this Act in 1774. Its main purpose was to alleviate the wrongs of the French in Canada; but it also promulgated a new western policy.

By this Act the boundaries of Canada were extended to include all the lands beyond the Alleghanies coveted and claimed by the old English Colonies. Executive and legislative powers were placed in the hands of the Governor and a legislative council appointed by the crown; English criminal law was retained but the civil law of France was reestablished, thus doing away with trial by jury and habeas corpus. The Catholics were granted the free exercise of their religion and the clergy were granted their dues and rights. The oath of allegiance was so altered as to allow

L. Cf. ante. Chapter II.
Roman Catholics to sit on the Council—a condition not paralleled in England until 1829. ¹

The Quebec Act was the last effort of the British politicians to organize the territory acquired by the Treaty of Paris. They had hoped that by extending the boundaries of Quebec so as to include the Old Northwest they would be able to prevent the disorders of that region.

The news of William Murray's illegal purchase of land in the heart of the Indians' hunting grounds reached England in the last days of November 1773. It seemed only too typical of western life and was the last sign needed to prove the complete failure of the policy of 1768. ²

Law was not being maintained any more successfully in the far West than in the upper Ohio Valley.

With Murray's act still in mind, it is not to be wondered that the ministers thought the Illinois country problem could best be solved by placing it under the government of Canada, especially since they recalled the century of discord and war that had preceded. They viewed in retrospect the four

¹. Quebec Act, Appendix 1-16
serious wars that had lighted their flames along the borders of their colonies leaving scarcely a village on the frontier of New Hampshire and Massachusetts unscathed. And when to these recollections both colonial and English writers added unfavorable descriptions of frontier society it was not strange that the British ministry should have been alarmed. The fact was stressed that members of the various rebellious organizations in Ireland had taken refuge in the hinterland. The fur traders were depicted as men of unscrupulous character, who practiced the lowest and meanest tricks on the Indians. The frontiersmen in general were painted in the most lurid hues. They were called "banditti" and "murderers," and these epithets seemed justified by such actual occurrences as the "Paxton Boys" episode in western Pennsylvania and the many other outrages in the backcountry of Virginia. Yet from this same country.

1. Smith, Justin, Our Struggle for the Fourteenth Colony.

Fiske, John, Essays Historical and Literary II., 118.
"sprang a group of men who for ability, character and purpose, outshone and have no precise counterpart in any other company of illustrious characters appearing in like space of time, and similar extent of territory. At almost the same point of time, historically speaking—within thirty years, to be exact—on the same spot, geographically speaking,—within a radius of a hundred miles—George Mason, James Madison, Patrick Henry, Thomas Jefferson, John Marshall, and George Washington were born. The life stories of these men largely make up the history of their country while they lived; and it was chiefly their words and works, their thoughts and purposes, that gave form and direction, on American soil, to those political and social forces which are still working out the destiny of the American people."

If their contemporaries had not taken cognizance of these men whom Beveridge so ably described and seemed only to have been impressed with the presence of the gambler, the escaped convict and the gunmen: if their contemporaries were so partisan, it is not surprising that Parliament should have hesitated to promote a population so completely given over to lawlessness.

"It is a curious fact that England immediately adopted toward her own colonies the policy of the very nationality she had ousted. From the date of the triumphant peace won by Wolfe's victory, the British Government became the most active foe of the spread of the English race in America...

In the Northwest she succeeded to the French policy as well as the French position. She wished the land to remain a wilderness, the home of the trapper and fur trader, of the Indian hunter and the French voyageur. She desired it to be kept as a barrier against the growth of the seaboard colonies toward the interior. She regarded the new lands across the Atlantic as being won and settled, not for the benefit of the men who won and settled them, but for the benefit of the merchants at home.

It was this that rendered the Revolution inevitable. The struggle was a revolt against the whole mental attitude of Britain in regard to America, rather than against any one special act or set of acts."

England noting that dissension was growing in the colonies, looked to lately conquered Canada and its Catholic inhabitants as a source and force of power against the Colonies in which the rebellious spirit was gaining the strength of an avalanche.

So, to conciliate the conquered Canadians, the King and Ministry determined to grant them religious, social and political concessions that would hold the clergy more firmly than obedience to authority might, and thereby gain the hearty support of the priests in controlling the people. Therefore England passed the Quebec Act by which she restored to the clergy the tithe right they had formerly enjoyed under old French laws.

It was, of course, not justice but policy which led the government to pass the Act; Lord Littleton, writing Lord Chatham, avowed the purpose to be: "to conciliate the affections of the Canadians and thereby induce them to assist the Administration to coerce America." The Imperial interest must be conserved.

The Old Whigs and the few faithful Pittites were bitterly opposed to the Quebec Act, but they were not alone. At no time during the American disputes did any single measure have such preponderance of opposing sentiment (as did the Quebec Act.) An abstract of the proposed bill appeared in the "London Chronicle," May 7, 1774, but not until the publication of another abstract

1. American Archives, 4-1, 1105.
2. Cf. ante., 34.
did newspaper discussion of it become prominent, The paragraphers called it 'infamous and despot­ic' the boldest stride to despotism...made by any set of men since the restoration'... The three most common objections to the bill were embodied in "The humb'l Petition of the Lord Mayor, Aldermen and Commons of the City of London in Common Council assembled," printed in "The Universal Magazine of Knowledge and Pleasure." The first objection advanced was that the Quebec Bill substituted French for English law in all civil cases, and took away trial by jury.

Second, they objected because by it the Roman Catholic religion would be the only established religion; and third, because it established arbitrary power in that, all legislators were appointed at the pleasure of the crown, and otherwise totally subverted the constitution.

Lord Mahon told the electors he would work to obtain the repeal of the Quebec Act by which "popery, arbitrary power, and French Laws" were established in so great a part of the empire. 1 A Popish army, it was reported, was to be raised in Quebec, and this step was denounced as illegal. 2

1. The Kentish Gazette, (Canterbury), Sept. 21, 1774.
Some objected because Quebec was so greatly enlarged "as to almost surround" the other colonies; and it was said that Quebec as constituted by it was larger than all the other colonies combined.

This was done intentionally, said one article, for as Canada covered New England on the north and west, the Popish subjects in it were well fitted to form a "corps de Reserve" to reduce the Bostonians. Many in England believed Quebec was held as a cudgel over the Americans, that the avowed purpose of the act was "to use Roman Catholics "to awe, if not imbrue their hands in the blood of British Protestant subjects." 3

The progress of the bill through Parliament was, however, steady though the King writes to Lord North. "I had thought the opposers to it (The Quebec bill) would not have been so absurd as to have debated again on the report, but I cannot think on the third reading that they can possibly give further trouble." 4

It should seem that the agitators in New England and their allies the Whigs in England had made up their minds that George the Third was

1. Ibid., July 16, 1774.
4. Correspondence of King George the Third.
another James the Second, and that the encourage-
ment of "popery" was a part of his machinery of
enslavement. The parallel would hold the more
strongly in Boston since James had, with ample
justification, cancelled the charter of Massachu-
etts by legal process, as George was now cancel-
ing it by Act of Parliament. James' action how-
ever, had been dictated by a project for unifying
the American colonies under one government, so
that they might effectively defend themselves
against the menace of the French in Canada and
that project had been promptly dropped by the
Whigs after the Revolution of 1688. It seems not
to have occurred to the Whigs that the denial of
religious toleration to Canada would have necessi-
tated the maintenance of a much stronger garrison
in the country and therefore of an increase to the
standing army.

Though the overwhelming bulk of the arguments
were against the Quebec Bill, many could be found
to fight for it on the broad grounds that, circum-
stances, being different in Canada, especially as
to religion, nationality and customs, the bill which would have been unjust in England was eminently just there. The new regulations were not only just, as they fitted the inhabitants who were used to French laws, but also entirely consistent with the articles of capitulation made between Lord Townshend and Count Ramtzey, in 1759, and were thus carrying out the sacred faith of national treaties.

"The Public Advertiser" of London said those who thought the bill was armed against the Bostonians were wrong, for it had been in agitation for years and actually had been framed many months prior to the time when the Boston Port Bill could possibly have been heard of. In spite of this, the people insisted that it was designed to get the aid of the Canadians against the other Colonists.

Impartial students admitted that in the main the bill was just. A favorite theme for letter writers during the whole pre-revolutionary period was alarm at the "progress of Popery."

3. Ibid., Jan. 9, 1775.
In short the Quebec Act touched the English people on an easily aroused set of prejudices, their religious prejudices, and called into play one of their fiercest passions. The other measures had perhaps violated their constitution, but, if so the violations were at a distance of three thousand miles. The Quebec Act, however, had certainly granted favors to Catholics, and though those Catholics were beyond the seas, Englishmen were keenly aware of Catholics at home, of whose power and position they were constantly suspicious. Many bitter struggles had England had over religion and many slumbering animosities survived. The Quebec Bill gave occasion for the enemies of Catholicism in England to fan these to a fiery heat. The pro-American sentiment over the Quebec Act was rather intolerant and illiberal toward Roman Catholicism than friendly or liberal toward America.

Lecky, however, remarks that the government in this instance represented the liberal, and the Opposition the intolerant side. The Quebec Act of 1774, establishing Catholicism in Canada would
a generation earlier have been impossible, and it was justly considered a remarkable sign of the altered condition of opinion that such a law should be enacted by a British Parliament, and should have created no serious disturbances.¹

There were, however, fanatics in 1774, just as there are today, and the war cry among the colonists seems to have been: "The Protestant Religion is in danger!"

They feared that the King would organize the Catholic Canadians into an army and coming down upon the "Protestant" Colonies would overawe the people, exercise arbitrary powers and impose "Popery" upon all.

Here then was a general—a universal "wrong" which aroused the Colonists unitedly and overshadowed, where it did not entirely destroy of suppress, all local causes of opposition. It in fact brought a second, a religious clause into the revolution.

This assertion seems to conflict with Roosevelt's statement, previously quoted.²

¹. Lecky, Eng., in 18th Cent., III., 545.
². Cf. ante., 40.
Such, however, is not its purport. It is generally conceded that public sentiment has ever played and continues to play an important role in the great movements and the American Revolution was no exception. The war cry of the fanatics aroused the dissenting ministers and they launched out sermon after sermon in defiance of this impious and insolent Act of the King and Ministry.

The guns were burnished up—the powder "kept dry," and off our Patriots marched, and suffered great distress and misery, to capture, or hold as neutral, the country they had but a few years before aided England in conquering from France—Canada.

Military reasons were assigned for this invasion of Canada by a people resisting wrong done them in their colonies, but hostility to Catholicity moved the hearts of many of those we now delight to honor as "Patriots"—they would not let Canada be the recruiting ground for England to organize a hostile force against them and force Popery on them. They would get there quickly and hold it themselves.
And, strange to relate, these invaders were welcomed by the Canadians; they had been preceded by Addresses—the one of October 26, 1774, adopted by Congress, unctiously declared:

"We are too well acquainted with the liberality of sentiment distinguishing your nation to imagine that difference of religion will prejudice you against a hearty amity with us. You know that the transcendent nature of freedom elevates those who unite in her cause above all such low-minded infirmities." 1

Yet Congress in its "Address to the People of England" declared the religion of these same Canadians,

"...one fraught with impiety, bloodshed, rapine, murder and rebellion in every part of the world and which had deluged England with blood." 2

So they implored the King "for the honor of Almighty God whose pure religion our enemies are undermining," to repeal the Quebec Act which gave these Canadians the rights the Church had under the French.

Thus we see that the bold measure of the North Ministry was hydra-headed. It took away the control lately exercised by Virginia, Massachusetts and

2. Ibid., 119.
Connecticut to the western regions which they claimed by their charters. It blighted the hopes of George Washington and of all the other land speculators who had claims in the Ohio country. The Ohio Land Companies, and every other Company that had claims in the Ohio or Illinois country were dispossessed. The fur traders saw their resources deflated. The Indians' rights were encroached upon, while even the efforts to conciliate the Catholic Canadians had not the desired effect, in fact, it sowed the seed for more trouble.

Thus, the climax of failure was reached at the same time in the East and West, and the enraged colonists were ready to take upon themselves the solution of the imperial problems affecting America.

The Quebec Act, however, proved most significant for it had introduced an era of growing toleration in England and had evidenced the broad statesmanship which many concede has attached Canada to the Empire. It was a secondary religious cause of the American Revolution, making ardent Puritans to a man supporters of the patriotic cause. It satisfied the French habitants and clergy, who, if anything, magnified American intolerance.

1. Cf. post., Chap. V.

2. Little, Geo. Wash. 65, 66, 67. Alvord, Miss Valley in British Politics, II., 249-5-
CHAPTER IV.

AMERICAN DISSATISFACTION: THE QUEBEC ACT INTERFERED WITH THEIR LAND SCHEMES.

Fierce as was the storm of antagonism stirred up in England because of the clause granting religious toleration to the Roman Catholics, it was as a gentle zephyr, as compared to the hurricane that swept over the "Thirteen Colonies." This agitation was not due solely to the toleration clause but because the Act extended the boundaries of Quebec so as to include much of their land.

Following as it did the Proclamation of 1763, it seemed an attempt to maintain indefinitely in the heart of the continent, the policy of monopoly and restriction, against which the colonists on the coast chafed so sorely. By the middle of the 18th century all the particularly desirable lands in many of the old colonies had been engrossed. The new comers were forced to cross the Appalachian divide in search of farms. 1

In the unbroken wilderness across the mountain the speculators were in advance of the actual homemaker. The historic muse has always delighted in

1. Turner, The Old West, 184.
singing of the daring deeds of the explorer wandering through the dark forest or paddling his canoe on the unknown rivers; even the homesteader, with family goods packed in his prairie schooner, has had his exploits chanted in majestic measures; but few have noted the fact that both explorer and homesteader were frequently only the advance agents of the speculator who dreamed of large enterprises in land exploitation—that the Daniel Boones of the wilderness were only the pawns of some Richard Henderson. From that distant date when Joliet and La Salle found their way into the heart of the great West, up to the present day "big business" has been engaged in western speculation. The Mississippi and Ohio Valleys have been explored, cleared, and settled in a large measure through the enterprise and financial boldness of moneyed men who have staked fortunes in opening up the successive lines of the American frontier.

Bold speculation was one of the characteristics of the eighteenth century. Many colonists allied themselves with British moneyed classes in
business operations which were limited by conditions and colonial laws to the sale of merchandise and land speculation.

The earliest attempts to form settlements in the West were due entirely to this speculative enterprise. Since Virginia had extensive charter claims in the region under consideration, naturally the first undertakings were conceived in that colony. Since these enterprises aimed to secure land in the Ohio valley, it would seem that a specific instance would suffice to show why the colonists so opposed the Quebec Act. Washington was a Virginian and one of the foremost revolutionists. In fact, Calvin Coolidge said:

"Washington was the directing spirit without which there would have been no independence, no Union, no Constitution and no Republic. His ways were the ways of truth. His influence grows. In wisdom of action, in purity of character he stands alone. We cannot yet estimate him. We can only indicate our reverence for him and thank the Divine Providence which sent him to serve and inspire his fellow men."

This same man was undoubtedly the largest as well as the best known individual speculator.

He was all the more interested because the claims of the officers and soldiers were jeopardized. He said in a letter to Botecourt, that he felt he was:

"the representative of the officers and soldiers who claimed the land under a solemn act of government, adopted at a very important and critical period." 1

While Washington was not one of the rabid colonists who opposed the Quebec Act solely because it granted toleration to the Roman Catholics of Quebec, neither could it be said that he was wholly unbiased. In fact, the Act had received so much attention that he was tempted, he said, to attend service at the "Romish Church" to see what, in addition to the loss of the Ohio country, it was all about. John Adams, "led by curiosity and good company," he wrote his wife, was present that afternoon too, and he thought the "entertainment was most awful and affecting; the poor wretches fingering their beads, chanting Latin not a word of which they understood." 2

But in his ardent antipathy to Catholicism, he did not forget the more congruous issue of colonial rights—especially the Ohio country.

2. Ibid., Letter to Mrs. Martha Washington.
Upon the eve of the Revolutionary War the vast stretch of country northwest of the Ohio—later divided into the States of Ohio, Indiana, Illinois, Michigan and Wisconsin—was a part of the British Province of Quebec acquired by the treaty of 1763. Like the French, the British ministry designed keeping the region as an enormous hunting ground for the benefit of the Indians and fur traders.

Efforts were being made to establish a new colony back of Virginia. The "Ohio Company" had been founded as early as 1748, by Thomas Lee, Lawrence Washington, and others, for the colonization of the western country. A grant had been obtained, from the crown, of five hundred thousand acres of land in the region of the Ohio, and the efforts of this company to open up a road into the western valleys precipitated the French and Indian war. Probably the proclamation of 1763 was partly designed to pacify the Indians by reserving for their use, under the sovereign protection of England, the land back of the Alleghanies and beyond the Ohio, but schemes for a new government in that region were being discussed in England as well as in America.

2. Ibid., 483.
In 1766, Benjamin Franklin was laying plans for a great land company, which was finally organized and called the Vandalia or Walpole Company. It was composed of thirty-two Americans and two Londoners. Franklin was really the moving spirit in the enterprise, but he persuaded Thomas Walpole, a London banker of eminence, to serve as the figurehead. The company petitioned, in 1769, for a grant of two and a half million acres of western land lying between the thirty-eighth and forty-second parallels of latitude and to the east of the river Scioto. It was urged that the company offered more for this grant than the whole region back of the mountains had cost the British Government, at the treaty of Fort Stanwix with the Indians, in 1768. The claims of the Ohio Company were also merged in this new scheme, but the report on it was delayed through the influence of Lord Hillsborough. A "new colony back of Virginia" was much talked of, however, about the year 1770. From a letter of George Washington to Lord Botetourt, and from subsequent correspondence between Washington and Lord Dunmore, Botetourt's successor

1. Ibid., 480.
of Virginia, it is perfectly clear that a new and independent colony was in prospect back of the Alleghenies.1

Indeed, a rival scheme, under the name of the Mississippi Company, seems to have been organized by Virginians, among whom Francis Lightfoot Lee, Richard Henry Lee, and George Washington were conspicuous. Walpole's petition, however, after a delay of three years, was, through the influence of Lord Hillsborough, unfavorably reported. He called the attention of the board to the fact that his Majesty had approved its decision immediately after the treaty of Paris to confine the western extent of settlements to such a distance from the seacoast, that they would be within reach of the British trade and commerce. It was hoped that by thus keeping the Colonies in subordination to and dependent upon the mother country, they would extend their commerce, and manufactures on the continent of North America. Moreover, they felt that the extension of the fur trade was dependent on the Indians being undisturbed in their hunting grounds. Franklin immediately prepared an answer, which is said to be "one of the

1. Ibid., 356, 360, II.,
2. Franklin, Works, IV., 250.
ablest tracts he ever penned, and in which he so utterly refuted the arguments of Lord Hillsborough that Walpole's petition was finally granted by the Crown, August 14, 1772.

Evidently, King George's Proclamation of 1763, could no keep American frontiersmen from crossing the Alleghanies and taking possession of the fertile valleys and plains drained by the West-flowing waters, than could the sun be turned from its course in the heavens.

In the Washington-Crawford correspondence, from 1772 to 1774, there are several allusions to the prospect of a new government on the Ohio. Washington in a letter dated September 25, 1773, desires to secure ten thousand acres of land as near as possible to the western bounds of the new colony, that is just beyond the Scioto. Lord Dunmore, in the summer of 1773, promised Washington to grant certain patents on the Ohio in case the new government did not take place, and he wrote to Washington in the most positive terms: "I do not mean to grant any patents on the western waters, as I do not think I am at present empowered to do so."  

2. Ibid., passim., 369-407.
3. Ibid., 375.
4. Ibid., 379.
The Governor of Virginia had no jurisdiction outside of his own province, but he had the right to grant from the King's domain two hundred thousand acres, in bounty lands, to officers and soldiers who had served in the French and Indian war, and who should personally apply to him for land warrants; To every field officer, five thousand acres; to every captain, three thousand; and to every private soldier, fifty acres. These grants could be made in Canada or Florida, or in the "Crown lands," (the lands back of the Alleghanies and beyond the Ohio.)

Private surveys in the above region had begun long before the time of Walpole's Grant, and the claims of the officers and soldiers had, to some extent, been brought up by speculators. Washington and his land agent, William Crawford, had been particularly active in seeking out good tracts of land in the western country. As a field-officer, Washington was entitled, under the proclamation, to five thousand acres of bounty land. He had secured surveys for over sixty-thousand acres, in the names of officers and soldiers, while he himself was the owner of, at least thirty-two thousand acres.
Apparently, the royal proclamation was as completely ignored by the colonists and officials of Virginia and Pennsylvania as though it had never been penned. Washington regarded the treaty as a "temporary expedient." He felt it endangered so little, his share of the two hundred thousand acre tract granted colonial soldiers in 1754, that he immediately began to buy up the claims of less optimistic soldiers and officers at ridiculously low prices. Ignoring the order which forbade the settlement of those rich lands beyond the Alleghanies, he wrote to a surveyor, William Crawford, to select about 2000 acres of the richest lands to be had there. He asked him, however, "to keep this whole matter secret" for more than one reason. It was he knew, quite definitely against the law, and then, too, if the scheme were known it might induce others to do the same and their interests might clash. As a result the whole affair might come to naught. There is a charming frankness in Washington's statement to William Crawford:

1. Washington, Works. (Jared Sparks ed.)
2. Ibid., 349.
"By this time it may be easy for you to discover that my plan is to secure a good deal of land. You will consequently come in for a very handsome quantity; and as you will obtain it without any cost or expense, I hope you will be encouraged to begin your search in time. I would choose, if it were practicable, to get large tracts as near your settlement of Fort Pitt as they can be obtained of good quality, but not to neglect others at a greater distance, if fine bodies of it lie in one place.... I will inquire particularly about the Ohio Company, that we may know what to apprehend from them. For my part, I should have no objection to a grant of land upon the Ohio, a good way below Pittsburg, but would first willingly secure some valuable tracts near at hand.

I recommend that you keep this whole matter a secret, or trust it only to those, in whom you can confide, and who can assist you in bringing it to bear by their discoveries of land. This advice proceeds from several very good reasons, and, in the first place, because I might be censured for the opinion I have given in respect to the King's proclamation, and then, if the scheme I am now proposing to you were known, it might give the alarm to others, and they might adopt the same plans before we could lay a proper foundation for success ourselves, thus set the different interests clashing, and, probably, in the end, overturn the whole. All this may be avoided by a silent management, and the operation carried on by you under the guise of hunting game, which you may, I presume, effectively do, at the same time you are in pursuit of land. When this is fully discovered, advise me of it, and if there appears but a possibility of succeeding at any time hence, I will have the lands immediately surveyed, to keep others off, and leave the rest to time and assiduity."

1. Ibid., 348, 349, 350.
In the light of these happenings, his offer on August 1, 1774 at a Fairfax County meeting, to equip 1000 men and send them to the aid of the inhabitants of Boston, was not entirely altruistic. It was a spectacular announcement, and, the convention showed its appreciation by electing him one of the seven delegates to attend the First Continental Congress at Philadelphia in September. What part the Massachusetts Bay Acts played in his decision and what part the Quebec Act, thwarting as it did all his plans for a vast property can only be inferred. He had always deeply resented anything that he considered injustice, and it is impossible to believe that he would give up, without a tremendous struggle, a land dream he had held for over twenty years. In fact, a letter to his friend Bryan Fairfax seems to give color to this argument. For although, he would not discuss with him the justice or injustice of the Massachusetts Bay Acts, there was one subject on which he felt that he and Fairfax, as great landowners, could agree: "pray," said he, "what do you think of the Canada Bill?"

1. Ibid., 399.
There was nothing discreditable to Washington in his land speculations. Rather, that far-sighted wisdom which so early discerned the importance of the western country, and that practical sagacity which was as great in affairs of private enterprise as it was afterwards in the affairs of state, is to be commended. It is certain, moreover, that in his business and undertakings, Washington contemplated "an extensive public benefit as well as private advantage," for he had begun a correspondence relative to the importation of Germans from the Palatinate to colonize his lands. Washington is the prototype of that public spirit and personal achievement which are so characteristic of Americans, and which constitute the life-principle of the American Republic.

These facts concerning the vast extent of Washington's landed interests reveal the practical and intensely American spirit of the Father of our Country. It does not detract from his true greatness for the world to know this material side of his character. On the contrary

1. Ibid., Letter to Crawford.

2. Ibid., 332-7.
it only exalts that heroic spirit which, in dis-
aster, never faltered, and which, in success,
would have no reward. To be sure it brings Wash-
ington nearer the level of humanity to know that
he was endowed with the passions of humanity, and
that he was as diligent in business as he was
fervent in his devotion to his country. While it
may seem less ideal to view Washington as a man
than as a hero or statesman, it is necessary to
remember that man lives for himself, as well as
in and for the state, and it is necessary to dis-
tinguish his individual from his patriotic motives.

The line of Washington's individual conduct
and the thread of his personal motive having been
traced, it is hoped that the question of land
claims, which is so interwoven with land grants
and land speculation, both public and private,
have been sufficiently elucidated.

All of the colonists who had property in-
volved protested vigorously through their dele-
gates at the Continental Congress, held September
5, 1774. Mr. John Sullivan, a member of the

Sub-Committee in his report said, in part, that they were united "in order that ... religion, laws, and liberties might not be subverted;" that they were entitled to such English laws as existed at the time of their colonization, also to all the immunities and privileges granted by their charters; that they were seriously considering the best means of asserting and vindicating their rights and liberties; that their property had been taken from them without their consent.

Reference is no doubt made here to Article V of the Quebec Act. But of all grievances suffered by the Americans the Quebec Act was the least valid. It was framed independently of the British policy dealing with English built colonies. It expressed the honest efforts of British statesmen to solve the difficult problem of governing the settled country taken from the French. However, the already excited New Englanders looked upon it as the fifth Intolerable Act, although it was adopted without reference to the repression

1. Ibid., 67.
2. Ibid., 69.
3. Ibid., 67.
4. Ibid., 119.
of the people of Massachusetts and it was altogether independent of the troubles which had led to the passage of the other four.

Fiske says:

"By the fifth Act, known as the Quebec Act, the free exercise of the Catholic religion was sanctioned throughout Canada, --a very judicious measure of religious toleration, which concerned the other colonies but little however it might in some cases offend their prejudices."

"In some cases offend their prejudices," "aye, there's the rub." In number ten of the Suffolk resolves which were read in Congress on September 17, 1774, this prejudice was voiced:

"The late act of parliament for establishing the Roman Catholic religion and the French laws in that extensive country, now called Canada, is dangerous in an extreme degree to the Protestant religion and to the civil rights and liberties of all America; and, therefore, as men and Protestant Christians, we are obliged to take all proper measures for our security."

This and other expressions of like nature were seized upon and made capital of by Samuel Adams, John Jay, and the other "Heflins" of the Revolution to stir up hatred and bigotry against the Catholic Church.

The Catholic Church in this country had begun her history long before the colonies were formed and men had looked to their temporary well-being. Her priests had been among the explorers of the coast, they had been pioneers of the vast interior, yet these men seemed to have lost sight of Marquette and La Salle. Parkman has written:

"America owes him (La Salle) an enduring memory; for in his masculine figure she sees the pioneer who guided her to the possession of her richest heritage." 

None of the Northwest missionary explorers ever gained the fame of Marquette, who with the fur-trader Louis Joliet crossed from Green Bay on Lake Michigan and reached the upper Mississippi. They explored together in a minute way the lands about the great river and bordering Lake Michigan and Lake Superior in 1673. No one perhaps has paid Father Marquette a higher tribute than ex-President Coolidge in his address given in Chicago in 1924, on the 250th anniversary of its founding:

2. The Jesuit Relations (edited Reuben G. Thwaites 73 vols.); Kenton, Edna (compiler) The Jesuit Relations and Allied Documents, 1610-1791;
"I like to feel that this great city owes its beginnings to the master explorer who was first a devout missionary of religion...I am glad...to add my little part to the tributes which the city is today paying to the memory of Marquette. Of the men who laid the foundation of our country he deserves his place among the foremost. His published articles and letters give, I believe, the earliest prophecies of the destiny that awaited this central valley of the vast lakes and rivers." 1

Yet these were explorers of the very region that was in question and they were Catholics. No more fitting conclusion could be added to this chapter than the words of Thomas Jefferson, a turning as it were, of the enemies' guns against themselves:

"Say nothing of my religion: it is known to God and myself alone; its evidence before the world is to be sought in my life; if that has been honest and dutiful to society, the Religion which has been regulating it cannot be a bad one." 2

1. Coolidge, Address on Anniversary of Founding Chicago. 1924.
CHAPTER V.

COLONISTS OPPOSE ACT BECAUSE OF ANTIPATHY AND FEAR OF ANY EPISCOPAL SYSTEM; BUT ESPECIALLY THE CATHOLIC RELIGION.

John Adams seems to imply when the British government forced the Dissenters to leave England and flee to America, it not only postponed for a century and a half, but it also removed to another scene the final struggle between the established Church and her opponents. This is intimated in a letter to Jefferson, where he says he felt the Revolution began with the first plantation of the country, that independence of Church and Parliament was a fixed principle of the Puritans in 1620, just as it was of Samuel Adams and John Jay in 1776. In fact, when the Massachusetts Bay Company moved their government to New England and John Winthrop, a Suffolk gentleman, was elected governor, they made an important contribution to American political life. It not only carried the officers of the Company so far from the king's jurisdiction that they could not be easily reached by royal writ, but it also identified the Company with the colony--thus taking one of the first definite steps, unconscious though it may have been toward American Independence.

Be that as it may, the Pilgrims and Puritans, imbued as they were with the philosophy of the seventeenth century, did not bring with them the conservative views of the divine right of kings, of monarchy, or of ecclesiastical tradition.¹ During the whole colonial period, controversies of a religious character had kept the colonists suspicious of encroachment by the Anglican Church. In other words, if the question of the establishment of bishops did not contribute a lion’s share in causing enmity to the mother country, it was involved in the struggle and deserves to be regarded as an important part of it. It was, at least, one of the causes tending to the alienation.

Whenever the flame was enkindled it was fanned and kept aglow by the English clergy of the eighteenth century, who occupied a position of peculiar influence and power in the life of their communities and of the several colonies.²

In colonial days, of few newspapers, fewer books and little travel, the ministers, who were graduates of Harvard or of Yale had as classmates

many young lawyers and merchants who were prominent in governmental affairs, whose friendship they afterwards assiduously cultivated. They were also a means of contact between their parishioners and the outside world. In truth, the dissenting clergy, especially the Puritans of New England, were among the chief agitators of the Revolution, and after it began they were among the most zealous and successful in keeping it alive.

They preached not only on Sunday but on many special occasions, prescribed by the churches or ordered by the colonial assemblies, such as days of fasting and prayer, and days of thanksgiving. If special news arrived, such as the death of the king, a defeat or victory in war, the minister was likely to make the most of it, and to his country audience a sermon on such a theme must have been especially welcome. Here was a fine opportunity to impress upon the community his own political views. General Gage refused the assembly when it requested him to appoint a fast day because he knew it would only afford an opportunity for sedition to flow from the pulpit.¹

Not only were religion and political sermons heard, but bits of important letters, decisions of ecclesiastical councils, proclamations, news of the army and so on were discussed from the pulpit. While the topics for their religious sermons were selected or suggested by the Old and New Testament, they drew on the writers of classical and late Roman days for some of their political ideas. Cicero and Aristotle were perhaps most frequently referred to, as were the philosophers and writers of the seventeenth century.

John Mayhew of Boston, for example, had read Locke's treatises on government, Milton's Eikonoklastes, and Sydney's discussion on government. Mayhew, moreover, who was a bold and passionate advocate of civil and religious liberty, played an important role in the trouble over an American Episcopate. He was also instrumental in having many books on government sent to Harvard and Dartmouth by his friend Thomas Hollis of London. Andrew Eliot, the successor of Mayhew, was also in the confidence and affection of Hollis. Thus by a constant interchange of books and pamphlets the Americans learned of English sentiment and sympathizers in England were kept in touch with America.

1. Tudor, Life of James Otis., 145; Adams, John
Works, I, 61, 63.
2. Franklin Works, IX, 104.
Hollis was vehement and persistent in advising first Mayhew and then Eliot to get control of the press as far as possible. It was through his advice that Eliot and others made arrangements for the regular receipt in London of American news and articles.  

Another minister who was among the first to oppose the English acts and whose influence was unusually great was Dr. Samuel Cooper, the friend and correspondent not only of Franklin, Samuel Adams, and other American statesmen, but of Europeans as well.

All this is pertinent since these ministers were disciples of Locke, Sydney, and Milton, all of whom were decidedly anti-Catholic. Milton was on the whole most tolerant. He, however, made an exception of the Roman Catholics. Nurtured as they were with much principles, is it any wonder that the colonists had their suspicions repeatedly aroused, when an effort was made to subject all corporate and proprietary governments to the direct control of the crown? The Anglican Church supported this plan with great zeal, as did the Society for the Propagation of the Gospel, which was an

2. Franklin, Works, VI, 57-59.
agency founded to do for the Church of England what missionary orders and associations were doing for Catholicism. In one respect, however, the activity of the Society, instead of helping, reacted against the popularity of the Anglican Church. The ministers sent over were educated wholly in England. With the English point of view, they preached respect for and obedience to the mother country, thus alienating the people who were pro-colonial in sympathy. All devout Episcopalians saw in this, their opportunity to overthrow in New England the power of the Puritans, and in Pennsylvania and New Jersey, that of the Quakers. It is not unnoticed that in England the Tories supported this plan while the Whigs opposed it.

Again and again the dissenting sects in America took alarm as they noted the influence of the Bishop of London in getting political offices for those who gave promise of being useful allies of the Anglican Church in America. The bishop always seemed to understand that a profitable religion never wants proselytes. This same watchful shepherd of the Episcopalian flock was consulted

2. Dexter, Literary Diary of Ezra Stiles.
repeatedly as to laws affecting the interests of Anglican churchmen in America. Under his influence many laws, fathered by the Dissenters, were disallowed to their bitter disappointment and disgust. In some cases of interference of this kind even the Anglican churchmen in the colonies were offended. This was true when the Board of Trade recommended the disallowance of certain colonial legislation, providing for the disposal of Episcopalian parish property and again when Parliament passed laws encroaching on the general freedom of worship in the colonies, an interference resented more or less by all sects.

For nearly one hundred years before the Revolution royal governors were instructed to see that the Book of Common Prayer was read each Sunday and Holy day, and the Blessed Sacrament administered according to the rules of the Church of England.

Religious fervor in New England presented a vivid image of an England which had long passed away. Their democratic church government, according to which each congregation elected its own minister, the intensely Protestant type of their

2. Ibid, 231.
belief, had all conspired to strengthen the Puritan spirit, and in the absence of most forms of intellectual life, the pulpit had acquired an almost unparalleled ascendency. ¹

From 1640 until after the turn of the nineteenth century the population of New England increased solely from its own people. In both the Southern and New England colonies the controlling stock was Nordic and Protestant. In the middle Atlantic colonies—New York, New Jersey, Delaware, Pennsylvania—although the colonists were of mixed nationalities, their religious prejudices tended mainly toward Protestantism. Excepting Maryland, the Atlantic seaboard was settled by people whose religious convictions were far removed as possible from the influence of Rome.

And their conviction found voice. With one or two exceptions, the Colonies were established for the purpose of affording freedom of religious belief, a purpose that in a short while came to mean freedom only for such as held the belief of those in power. Among the religions that fell under this ban was the Roman Catholic.

¹ Baldwin, The New England Clergy and the Revolution. 120, 121.
From the beginning and for many years the enactments against it were pronounced.  

The New Haven and Connecticut settlements forbade Catholic entrance. Despite this many did come to New England. Because he considered the red Crossed bars of the English Flag to be a Papal symbol, in 1634 John Endicott ordered it cut out. Thirteen years later Massachusetts put up the bars on Jesuits, and so strict was their ruling that a second offense carried the death penalty. The chief and almost only popular celebration in Massachusetts before the struggle of the Revolution was that of the fifth of November, or Guy Fawkes Day.  

The passage of the Quebec Bill, granting freedom of religious observance to the Canadian Roman Catholics, struck terror into the hearts of most New Englanders. They were, as was previously stated, opposed to any established religion—but the Roman Catholic was held in abhorrence.

The variations of Catholic favor and disfavor, as expressed in the laws of Cromwell's regime and the reign of Charles II, James II, and William and

Mary were reflected in the enactments of the colonies. In 1642 Virginia passed its law banishing priests and in 1756 forbade Roman Catholics to have arms. The Carolinas and Georgia considered it safest for their welfare if they excluded Papists. In the colony of New York any priest found after November 1, 1700, was subject to life imprisonment, and Catholics were excluded from office and the exercise of the franchise.

Pennsylvania was the only colony where freedom of religious belief was extended to the Catholics, (Even in Pennsylvania it had been restricted for a time.) Rhode Island founded, by radicals and heretics gave religious toleration to all Protestants at least. For this Roger Williams stands out in bold relief. There was no established church, no compulsory attendance at worship, and no tithes for religious support. William's successors were not so liberal; for the Catholics were disfranchised by law in 1719.

The situation might be clearer if the varying fortunes of one of the colonies were traced. Altho' James I and Charles I were in way partial to Catholicism, they had many Catholics among their agents

2. Ibid., 149.
and advisers. Among them was a convert, George Calvert, who had been knighted for his assistance to Cecil, trusted adviser of Elizabeth and James I. Calvert was a member of the Virginia Company and interested in colonization. From Charles, Calvert obtained a grant of land extending from the southern bank of the Potomac River to the line of 40° north latitude, with a charter as lord proprietor, which gave him viceregal powers. He might make laws not repugnant to those of England with the advice and consent of the freemen of their representatives. He could nominate clergymen and protect the Church, which of course meant the Anglican Church. Apparently this was left ambiguous, for Charles must have been aware of Baltimore's project of a Catholic colony.

Baltimore was naturally as tolerant as he was religious, contradictory as this might seem in the seventeenth century. He extended his protection to Anglicans who were restricted in their religious freedom by the Puritans in New England, and to the Puritans who were persecuted in England. In fact, Toleration was the order, whether or not the

1. Ibid., 77.
2. Ibid., 97.
3. MacDonald, Select Charters.
motives were a mixture of liberality and worldly wisdom.

Though Maryland had been founded largely as a refuge for the persecuted English Catholics, the Catholic Church was never established there. Maryland was the first colony in America to enjoy religious freedom. Baltimore's first instructions established religious liberty on a more generous scale than that of subsequent Toleration Act. The proprietor sent over a proposed body of laws in 1638. Using rights granted in the charter, the Assembly refused to indorse the entire code, though they were willing to pass some of it. Thus the Toleration Act was finally enacted by the Assembly in 1649 and ratified by the Proprietor.

Knowing the nature of anti-Catholic bigotry, Baltimore inserted a clause forbidding reproachful words concerning the Blessed Virgin. When an agent of Virginia objected before a committee of the Long Parliament and gave it as one reason why the Proprietor's right should be voided, one of the committee stood up and said that he wondered why such objection should be taken against his Lordship, "for doth not Scripture say that all generations shall call her blessed?"

Indeed, Baltimore's toleration resulted indirectly in much trouble for himself and suffering for the colony. For a large number of Puritans came from Virginia into Maryland, and settled along the upper Chesapeake on land given them by the Proprietor. Their numbers growing, they were able to turn against the government that had given them refuge. Once in power, the Puritans cast aside toleration, persecuting the people who had afforded them a refuge from the hard laws of Virginia.

William Claiborne, a powerful Puritan in Virginia, was Leonard Calvert's inveterate enemy. He now seized the opportunity to strike at Maryland by inciting the Puritans to revolt against their Catholic Royalist governor. Puritan supremacy was short lived. Cromwell refused to annul the charter, as he rather favored Baltimore.

Strangely enough, Oliver was no vicious persecutor of English Catholics, despite his cruelties in Ireland. In 1657 Baltimore was again in power.

But William Claiborne was still active against the

A commission was appointed to look into the affairs of the province. The Proprietor was dispossessed; the Catholics were persecuted. Eventually the Proprietor regained his rights, but the Catholics continued in a position of inferiority. Towards the end of the century the Church of England was made the state church of Maryland, under William and Mary.

The expulsion of James II and his flight to France caused an anti-Catholic wave, an extravagant fear of France in all the colonies, but in none more than in Maryland. William nullified Baltimore's charter and sent a royal governor to rule. The Church of England was established and supported by a poll tax, much to the dissatisfaction of dissenters and the poor, who paid the same tax as their richer neighbors. Catholic immigration was prohibited; Catholics were denied the suffrage and right of holding office, though dissenting Protestants were soon given this privilege. The English penal code was enforced. The penalty for exercising the priestly office was life imprisonment. A reward of a hundred pounds was posted for information leading to the conviction of a priest.

Any person sending his child abroad to be educated as a Catholic was liable to a fine of a hundred pounds. Impossible oaths were offered to every Catholic on reaching his majority. On his refusal to take the oaths he was declared incapable of succession, and his patrimony might fall to the nearest heir. Catholic property was doubly taxed. Such was a Catholic's life in the "land of Toleration" during the reign of William and Mary and of Anna. The enforcement grew less rigorous under the Hanoverians. Maryland continued under her Anglican proprietors until the Revolution.

In several sections of Colonial America, New England and the Carolina especially, a popular expression of anti-Catholic feeling was Pope Day, an annual festival on the fifth of November—the local interpretation of Guy Fawkes Day. Effigies of the Pope and the devil were carried in rowdy procession to the Common and burned amid the explosion of fireworks and the huzzas of the citizens. During the Revolution Washington forbade the celebration of "Pope Day" when the Americans were

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1. Catholic Builders of the Nation, I, 13-30  
invading Canada, lest it should irritate the Canadian Catholics.¹

During the last years of agitation 1773 to 1775, the activity of the Puritan ministry became more and more marked. Rev. Charles Turner in his election sermon affirmed that ministers should meddle in politics. He felt it was their duty to interfere where their liberties were assailed. Religious liberty was so blended with civil, that if one fell, it was not to be expected that the other would continue. The first provincial congress of Massachusetts acknowledged with profound gratitude the public obligation to the ministry, as friends of civil and religious liberty, asking their aid to enforce the resolutions of the Continental Congress.² Many of the sermons and pious exhortations of the critical period have come down to us. It was held that the people have the right from the sacred and inalienable Character of Almighty God to alter the government under which they live if this was for the general good. The nature and design of government was discussed and it was affirmed that there were no laws, where

¹ Sparks, Op. cit., 144.
there were no representatives of the people for whom they were made. 1

Here they were using a two edged sword. They were saying in other words, "no taxation without representation," and making at the same time a jibe at the Quebec Act. John Adams was pleased when a preacher, Dr. Duffield, "ran a parallel between the case of Israel and that of America and between the conduct of Pharoah and that of King George III." 2

The necessity of obedience to the Continental Congress was a common theme in the sermons of '75 and '76, lest disunion should result. Great Britain, it was said, was severing this branch, America, from her own vine. 3

Not only were the dissenting clergy making every effort to fan the flames of rebellion, but some of the more astute Whig leaders were using religious sectarian forces in a more or less conscious way to the same end. No one can study the works of Samuel Adams without realizing how far he himself was actuated by religious prejudices, and the extent to which he worked upon the religious passions of others.  

1. Thornton, Pulpit of the Rev. 303.
A stern Calvinist, observer of religious ceremonies, he had all the Puritan hatred of the Anglican episcopacy and the Roman papacy. His natural affiliations were with the Puritan clergy, and he used them to the utmost for political purposes. He used the Quebec Act as a goad to inflame the dying embers of fanaticism. Holy Water and papal bulls, were special objects of Puritan hatred, and Adams induced his fellow-religionists to fear that they were in danger of both. The Calvinists were ready to believe any yarn of the deceit and cunning of the Catholics.

There were a few prominent leaders, who were of a different character. Otis lamented bitterly that the profession of piety was in New England the best means of obtaining political power. Franklin was intensely secular in the character of his mind, while Jefferson sympathised with the freethinkers of France, but such ways of thinking were not common in America, and the fervid Puritanism of New England had a very important bearing upon the character of the struggle. It is not to be marvelled at then that all the old animosities

2. Tudor, Life of Otis, 446-447.
against the Catholics were stirred up, and the people reminded of the fact that in 1745 the Puritans had led a crusade against Louisburg. On their flag was the motto; "Nil desperandum, Christo duce." The old stories were retold of how on this march one of the chaplains carried a hatchet to destroy the images in Catholic Churches, and of how one old deacon wrote, "Oh, that I could be with you and dear Parson Moody in that Church to destroy the images." 1

Livingston stoutly affirmed that the French persuaded the Indians that the Virgin Mary was born in Paris, and that our Saviour was crucified at London by the English. 2 Samuel Adams also professed to believe, in 1768, that more was to be dreaded from the growth of Popery in America than from the Stamp Act, or any other act destroying man's civil rights. 3 He said one should be very cautious in talking about Popery before youth, lest unwittingly he should use the language of the Beast. 4

Samuel Adams, John Jay, and others taking the cue from them, so aroused the latent Puritan bigotry that pre-Revolutionary literature is so

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3. Ibid., I, 201-203.
filled with denunciations of the wise act for the Province of Quebec. Even in an address to the Mohawk Indians, Adams appealed to their religious passions.

"Brothers, — they have made a law to establish the religion of the Pope in Canada, which lies so near to you. We fear some of your children may be induced, instead of worshipping the only true God, to pay his dues to images made with their hands." 2

Again and again the Americans were asked whether they would "submit to Popery and slavery" and the Continental Congress even used these terms in their petition to the King.

Religious bigotry, sectarian antipathy, and the influence of the Calvinistic Clergy played therefore an important role in the Revolution and especially in arousing most opportunely the traditional fear and hatred of the Roman Catholic Church in 1774. But as is too often the case they overstepped their bounds, Canada's refusal to join forces with the Colonists is due in no small measure to the address to the English people written by John Jay, who hated everything Catholic, nor

He wrote such coarse charges about the religion of the French Canadians that he destroyed what good effect might have come from Dickerson's address.

The following are excerpts from the address to the British people:

"By another Act, (Quebec Act), the dominion of Canada is to be so extended, modelled, and governed, as that by being disunited from us, detached from our interests, by civil as well as religious prejudices, that by their numbers daily swelling with Catholics emigrants from Europe, and by their devotion to Administration, so friendly to their religion, they might become formidable to us, and on occasion, be fit instruments in the hands of power, to reduce the ancient free Protestant Colonies to the same state of slavery with themselves... 

...Nor can we suppress our astonishment, that a British Parliament should ever consent to establish in that country a religion that has deluged your island in blood, and dispersed impiety, bigotry, persecution, murder and rebellion through every part of the world.

This being a true state of facts, let us beseech you to consider to what end they lead.

Admit that the Ministry, by the powers of Britain, and the aid of our Roman Catholic neighbors, should be able to carry the point of taxation, and reduce us to a state of perfect humiliation and slavery."
"May not a Ministry with the same armies enslave you—It may be said, you will cease to pay them—but remember the taxes from America, the wealth, and we may add, the men, and particularly the Roman Catholics of this vast continent will then be in the power of your enemies—nor will you have any reason to expect, that after making slaves of us, many among us should refuse to assist in reducing you to the same abject state."  

No comment is necessary. The lines are a worthy progeny of such a father. It seems unfortunate that one of his talent should like to dip his pen in gall, and indite such sweeping assertions, without a decent tribute to the greatest institution of the world. The blame is not all his as the address could not have been sent without the approbation of Congress.

While France was Catholic, the Church and the missions in the territory she controlled in America were not supported by a government plan. The zeal and piety of the individual contributed far more than the monarch to maintain and carry on the work. The French Canadians had willingly paid their tithes and had aided to support the religious bodies which had been active agents in bringing in  

settlers, and clearing the land for cultivation.

The condition in the French Colonies was a striking contrast to the conditions in the English Colonies where except for two brief seasons, Catholics were oppressed by laws copied from the penal code of England. The Church was proscribed and every form of degradation, insult, and extortion heaped upon her.

The liberalizing influence of the Revolutionary period, the French Alliance, and the fact that many American Catholics embraced the cause, brought about a more tolerant attitude. This is evidenced by the clauses inserted in the Constitutions of the several states. Prior to the Revolution only one colony, Pennsylvania, (even here it was restricted for a time), granted toleration to Catholics; at the end only five states withheld it.

The Catholics, however, owe the enjoyment of civil and political rights to happy circumstances and not to the generosity of the Federal Constitution. The Constitution, as adopted in 1787, merely provides that no religious test shall be required from any officer of the Federal Govern-
ment. The first amendment, ratified in 1791, stipulates that no law shall be passed, establishing a religion, or prohibiting any form of religious belief.

The delegates at the Second Continental Congress were instructed to draw up Constitutions for the several states and eight of the thirteen granted full toleration. The Massachusetts Constitution, (1779-1780),\(^1\) restricted the phrase, liberty of conscience, by stipulating that the legislature might levy a tax to support the Protestant worship, if it were not given voluntarily. Office holders, moreover, must abjure under oath all obedience to a foreign ecclesiastical power. (Rome.) This oath was modified in 1821.

The ineligibility of Catholics, which had been established by Royal Charter in New Hampshire, was still the force of law in 1776.\(^2\) While the Constitution of New York, (1777), granted liberty of conscience, it required that foreigners must abjure foreign alliances, both temporal and spiritual, before they could be naturalized. A test oath was passed and remained in force until 1805.


2. Ibid., 45-46.
3. Ibid., 45-46.
In New Jersey, (1776) provision was made for liberty of conscience. The new constitution in 1844 suppressed the clause stating that no Protestant be deprived of his civil and political rights. North Carolina was more specific than the other four. She excluded from office not only those who denied the truths of the Protestant religion, but also atheists; together with those who did not recognize the authority of the Old or New Testament. The Constitution in 1835, however, substituted Christian for Protestant.

Today, when the practice of religion sits but lightly on the average American, it is hard to understand the prominent place religious prejudice held in colonial life. Members of the different religious systems did not look upon one another with any too great Christian charity. Two religious systems, the Anglican and the Catholic, were held in special dislike by the great mass of the people. Even if anti-Anglicanism and anti-Catholicism were not prime causes of the Revolution, they contributed powerfully to estrange many colonists from the mother country. It is, however, generally conceded that it was anti-Catholicism

1. Ibid., 45-46.
2. Ibid., 45-46.
that caused the Quebec Act to be numbered among the "Intolerable" acts. Verifying what the Master had said of His Church nearly two thousand years ago, "The world shall persecute you as it has persecuted Me."

The Catholic Church is the oldest organization in the United States. Her history is interwoven in the whole fabric of the country's annals. She left her stamp in the names given to the natural features of the land. She announced Christ to almost every native tribe from the shores of one ocean to those of the other. Her ministry edified by blameless lives and often by heroic deaths, the early settlers, the converted Indians, and even those hostile to her.

Archbishop Ireland's address, although given a century later, ably epitomized the situation. He gives also the attitude the Church has ever held toward the state. It is an excellent resume of the entire field:
"The American people have had their false prophets who sought to create prejudices against the Catholic Church. Again and again, from sectarian pulpit and popular platform, the accusation has gone forth that the Church is the enemy of civil liberty, and that loyalty to her implies disloyalty to the institutions of the country.

"There is no conflict between the Catholic Church and America. I speak as an American citizen no less than as a Catholic Bishop. The Church is the mother of my faith, the guardian of my hopes for eternity; America is my country, the protectress of my liberty and of my fortunes on earth. I could not utter one syllable that would belie, however remotely, either the Church or the Republic, and when I assert, as I now solemnly do, that the principles of the Church are in thorough harmony with the interests of the Republic, I know in the depths of my soul that I speak the truth." 1

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1. Ireland, Archbishop, Address, Given at Baltimore, November 19, 1884.
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THE QUEBEC ACT, 1774.

An act for making more effectual Provision for the Government of the Province of Quebec in North America.

Whereas his Majesty, by his Royal Proclamation, bearing the date the seventh day of October, in the third Year of his Reign, thought fit to declare the Provisions which had been made in respect to certain Countries, Territories and Islands in America, ceded to his Majesty by the definitive Treaty of Peace, concluded at Paris on the tenth Day of February, one thousand seven hundred and sixty-three; And whereas, by the arrangements made by the said Royal Proclamation, a very large Extent of Country, within which there were several Colonies and Settlements of the Subjects of France, who claimed to remain therein under the Faith of the said Treaty, was left without any Provision being made for the Administration of Civil Government therein; and certain Parts of the Territory of Canada, where sedentary Fisheries had been established and carried on by the Subjects of France, Inhabitants of the said Province of Canada,

under Grants and Concessions from the Government thereof, were annexed to the Government of Newfoundland, and thereby subjected to regulations inconsistent with the Nature of such Fisheries: May it therefore please your most Excellent Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Territories, Islands and Countries in north America, belonging to the Crown of Great Britain, bounded on the South by a Line from the Bay of Chaleurs, along the High Lands which divide the Rivers that empty themselves into the River Saint Lawrence from those which fall into the Sea, to a point in forty-five Degrees of Northern Latitude, on the Eastern bank of the River Connecticut, keeping the same Latitude directly West, through Lake Champlain, until it meets the River Saint Lawrence; from thence up the Eastern Bank of the said River to the Lake Ontario; thence through Lake Ontario, and the River
commonly called Niagara; and thence along by the Eastern and the South-eastern Bank of Lake Erie, following the said Bank, until the same shall be intersected by the Northern Boundary, granted by the Charter of the Province of Pennsylvania, in case the same shall be so intersected; and from thence along the said Northern and Western Boundaries of the said Province, until the said Western Boundary strike the Ohio: But in case the said Bank of the said Lake shall not be found to be so intersected, then following the said Bank until it shall arrive at that Point of the said Bank which shall be nearest to the North-western Angle of the said Province of Pennsylvania, and thence by a right line, to the said North-western Angle of the said Province; and thence along the Western Boundary of the said Province, until it strike the River Ohio; and along the Bank of the said River Westward, to the Banks of the Mississippi, and Northward to the Southern Boundary of the Territory granted to the Merchants Adventurers
of England, trading to Hudson's Bay; and also such Territories, Islands, and Countries, which have, since the tenth of February, one thousand seven hundred and sixty-three, been made Part of the Government of Newfoundland, be, and they are hereby, during his Majesty's Pleasure, annexed to, and made Part and Parcel of, the Province of Quebec, as created and established by the said Royal Proclamation of the seventh of October, one thousand seven hundred and sixty-three.

II. Provided always, That nothing herein contained, relative to the Boundary of the Province of Quebec, shall in anywise affect the Boundaries of any other colony.

III. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to make void, or to vary or alter any Right, Title, or Possession, derived under any Grant, Conveyance, or otherwise howsoever, of or to any Lands within the said Province, or the Province, or the Provinces thereto adjoining; but that same shall remain and be in Force and have Effect, as if this Act had never been made.
IV. And whereas the Provisions, made by the said Proclamation, in respect to the Civil Government of the said Province of Quebec, and the Powers and Authorities given to the Governor and other Civil Officers of the said Province by the Grants and Commissions issued in consequence thereof, have been found, upon Experience, to be inapplicable to the State and Circumstances of the said Province, the Inhabitants whereof amounted, at the Conquest, to above sixty-five thousand Persons professing the Religion of the Church of Rome, and enjoying an established Form of Constitution and System of Laws, by which their Persons and Property had been protected, governed and ordered, for a long Series of Years, from the first Establishment of the said Province of Canada; be it therefore further enacted by the authority aforesaid, That the said Proclamation, so far as same relates to the said Province of Quebec, and the Commission under the Authority whereof the Government of the said Province is at present administered, and all and every the Ordinance and Ordinances made
void, from and after the first day of May, one
thousand seven hundred and seventy five.

V. And, for the more perfect security and ease of
the minds of the inhabitants of the said province,
it is hereby declared, that his Majesty's subjects,
professing the religion of the Church of Rome of and
in the said province of Quebec, may have, hold, and
enjoy, the free exercise of the religion of the Church
of Rome, subject to the King's supremacy, declared
and established by an act, made in the first year of
the reign of Queen Elizabeth, over all the dominions
and countries which then did, or thereafter should
belong, to the imperial crown of this realm; and that
the clergy of the said Church may hold, receive, and
enjoy, their accustomed dues and rights, with respect
to such persons only as shall profess the said religion.

VI. Provided nevertheless, that it shall be lawful
for his Majesty, his heirs or successors, to make such
provision out of the rest of the said accustomed dues
and rights, for the encouragement of the Protestant
religion, and for the maintenance and support of a
Protestant clergy within the said province as he or
they shall, from time to time, think necessary and
expedient.
VII. Provided always, and be it enacted, That no Person, professing the Religion of the Church of Rome, and residing in the said Province, shall be obliged to take the Oath required by the said Statute passed in the first Year of the Reign of Queen Elizabeth, or any other Oaths substituted by any other Act in the place thereof; but that every such person who, by the said Statute, is required to take the Oath therein mentioned, shall be obliged, and is hereby required, to take and subscribe the following Oath, before the Governor, or such other Person in such Court of Record as his Majesty shall appoint, who are hereby authorized to administer the same; videlicet:

I A. B. do sincerely promise and swear, That I will be faithful, and bear true Allegiance to his Majesty King George, and him will defend to the utmost of my Power, against all traitorous conspiracies, and Attempts whatsoever, which shall be made against his Person, Crown, and Dignity: and I will do my utmost Endeavor to disclose and make known to his Majesty, his Heirs and Successors, all Treasons, and Traitorous Conspiracies, and Attempts, which I shall know to be against him, or any of them; and all this I do swear without any equivocation, mental Evasion, or secret Reservation, and renouncing all Pardons and Dispensations from any Power or Person whomsoever to the contrary.

So Help me God.
And every such person, who shall neglect or refuse
to take the said Oath before mentioned, shall incur
and be liable to the same Penalty, Forfeitures,
Disabilities, and Incapacities, as he would have in-
curred and been liable to for neglecting or refusing
to take the Oath required by the said Statute passed
in the first Year of the Reign of Queen Elizabeth.

VIII. And be it further enacted by the Authority
aforesaid, that all his Majesty's Canadian Subjects
within the Province of Quebec, the Religious Orders
and Communities only excepted, may also hold and en-
joy their Property and Possessions, together with all
Customs and Usages relative thereto, and all other
their Civil Rights, in as large, ample, and beneficial
Manner, as if the said Proclamation, Commissions,
Ordinances, and other Acts and Instruments, had not
been made, and as may consist with their Allegiance
to his Majesty, and Subjection to the Crown and
Parliament of Great Britain; and 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 of the same; and all Causes that shall hereafter be instituted in any of the Courts of Justice, to be appointed within and for the said Province by his Majesty, his Heirs and Successors, shall, with respect to such Property and Rights, be determined agreeably to the said Laws and Customs of Canada, until they shall be varied or altered by any Ordinances that shall, from Time to Time, be passed in the said Province by the Governor, Lieutenant Governor, or Commander in Chief, for the time being, by and with the Advice and Consent of the Legislative Council of the same, to be appointed in Manner herein-after mentioned.

IX. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to any Lands that have been granted by his Majesty, or shall hereafter be granted by his Majesty, his Heirs and Successors, to be held in free and common socage.
THE QUEBEC ACT. (Cont.)

X. Provided also, That it shall and may be lawful to and for every Person that is owner of any Lands, Goods, or Credits, in the said Province, and that has a right to alienate the said Lands, Goods, or Credits, in his or her Lifetime, by Deed of Sale, Gift, or otherwise, to devise or bequeath the same at his or her Death, by his or her last Will and Testament; any Law, Usage or Custom, heretofore or now prevailing in the Province, to the contrary hereof in any-wise notwithstanding; such will be executed either according to the Laws of Canada, or according to the forms prescribed by the Laws of England.

XI. And whereas 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 and Experience of more than nine years, during which it has been uniformly administered; be it therefore further enacted by the Authority aforesaid, that the same...
to be administered, and shall be observed as Law in the Province of Quebec, as well in the Description and Quality of the Offence as in the Method of Prosecution and Trial; and the Punishments and Forfeiture thereby inflicted to the exclusion of every other rule of Criminal Law, or Mode of Proceeding thereon, which did or might prevail in the said Province before the Year of our Lord one thousand seven hundred and sixty four; any Thing in this Act to the contrary thereof in any respect notwithstanding; subject nevertheless to such Alterations and Amendments as the Governor, Lieutenant-governor, or Commander-in-Chief for the Time being, by and with the Advice and Consent of the legislative Council of the said Province, hereafter to be appointed, shall from Time to Time, cause to be made therein, in Manner herein-after directed.

XII. And whereas it may be necessary to ordain many Regulations for the future Welfare and good Government of the Province of Quebec, the Occasions of which cannot now be foreseen, nor, without much
Delay and Inconvenience, be provided for, without intrusting that Authority, for a certain time, and under proper restrictions, to Persons resident there; And whereas it is at present inexpedient to call an assembly; be it therefore enacted by the Authority aforesaid, that it shall and may be lawful for his Majesty, his Heirs and Successors, by Warrant under his or their Signet or Sign Manual, and with the Advice of the Privy Council, to constitute and appoint a Council for the Affairs of the Province of Quebec, to consist of such Persons resident there, not exceeding twenty-three, nor less than seventeen, as his Majesty, His Heirs and Successors, shall be pleased to appoint; and, upon the Death, Removal, or Absence of any of the Members of said Council, in like Manner to constitute and appoint such and so many Person or Persons as shall be necessary to supply the Vacancy or Vacancies; which Council, so appointed and nominated, or the Major Part thereof, shall have Power and Authority to make Ordinances for the Peace, Welfare, and good Government, of the said Province, with the Consent of his Majesty's Governor, or, in his Absence, of the Lieut-Governor, or Commander-in-Chief for the time being.
THE QUEBEC ACT. (Cont.)

XIII. Provided always, That nothing in this Act contained shall extend to authorize or empower the said legislative Council to lay any Taxes or Duties within the said Province, such Rates and Taxes only excepted as the Inhabitants of any Town or District within the said Province may be authorized by the said Council to assess, levy, and appoint, within the said Town or District, for the purpose of making roads, erecting and repairing the local Convenience and Economy of such Town or District.

XIV. Provided also, and be it enacted by the Authority aforesaid, That every Ordinance so to be made, shall, within six months, be transmitted by the Governor, or, in his absence by the Lieutenant Governor, or Commander-in-Chief for the time being, and laid before his Majesty for his Royal Approbation; and if his Majesty shall think fit to disallow thereof, the same shall cease and be void from Time that his Majesty's Order in Council thereupon shall be promulgated at Quebec.
XV. Provided also, that no Ordinance shall be passed and that no Ordinance touching religion, or by which any Punishment may be inflicted greater than Fine or Imprisonment for Three Months, shall be of any Force or Effect, until the same shall have received the Approbation of his Majesty.

XVI. Provided also, That no Ordinance shall be passed at any Meeting of the Council where less than a Majority of the whole Council is present, or at any Time except between the first day of January and the first day of May, unless upon some urgent Occasion, and in such case every Member thereof resident at Quebec, or within fifty miles thereof, shall be personally summoned by the Governor, or, in his absence, by the Lieutenant-Governor, or Commander-in-Chief for the Time being to attend to the same.

XVII. And be it further enacted by the Authority aforesaid, That nothing herein contained shall extend, to prevent or hinder his Majesty, his Heirs,
or Successors, by his or their Letters Patent under the Great Seal of Great Britain, from erecting, constituting, and appointing, such Courts of Criminal, Civil and Ecclesiastical Jurisdiction within and for the said Province of Quebec, and appointing, from Time to Time, the Judges and Officers thereof, as his Majesty, his Heirs and Successors, shall think necessary and proper for the Circumstances of the said Province.

XVIII. Provided always, and it is hereby enacted, that nothing in this Act contained shall extend, or be construed to extend, to repeal or make void, within the said Province of Quebec, any Act or Acts of the Parliament of Great Britain heretofore made, for prohibiting, restraining, or regulating, the Trade or Commerce of his Majesty's Colonies and Plantations in America; but that all and every the said acts, and also all Acts of Parliament heretofore made concerning or respecting the said Colonies and Plantations, shall be, and are hereby declared to be, in Force, within the said Province of Quebec, and every part thereof.