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**The Seigneurie of Sault St. Louis**

Volume 3, Part 1

[S.l. : s.n., 1995].

Claims and Historical Research Centre: I.321

Copy of a Letter from Captain Daniel Claus, Deputy  
Agent for Indian Affairs, to the Honorable  
Sir William Johnson Baronet.

Montreal 29<sup>th</sup> August 1763

Hon<sup>ble</sup> Sir

The Indians of Saginawagey  
have a few days ago sent a Deputation to  
congratulate us on the Peace, and that this  
Country remained the King of England, at the  
same time they had a Belt by which they made  
application to General Gage about some Land  
which they think (and I believe with Reason)  
they were wronged out of by the Jesuits living  
in this Town, who got it cunningly inserted  
into their Patent when formerly granted  
them by the King of France, and therefore the Indians  
looked upon it that General Gage as Governor  
could break said Patent, and reimburse them  
of what they formerly possessed, since the  
Country was now Eng<sup>l</sup>. But this being not  
the first time they petitioned the General about  
the same thing, and he giving them then to  
understand that he would do nothing in it,  
I prepared them against the worst, and made  
them sensible as much as lay in my power of  
the difficulty of taking people's Property away.

To the Hon<sup>ble</sup>

Sir William Johnson Bart.

1763/08/29

RG1008.1533 Pp. 104-108



But the Lands now in Question are adjoining  
then present Patent & extend about  $\frac{1}{2}$  mile  
in breadth and 8 in depth beginning at a  
Creek called ~~Sonowagh~~, which Sonowagh  
Nagwige, and as above mentioned, claimed,  
and formerly by indenture in a Patent solely  
granted to the Society of the Jesuits by Law is the  
14<sup>th</sup>. When the Jesuit that obtained the  
Patent returned from France, which is about 80  
years ago, he acquainted the Indians of the  
Ting's Reserve in giving the Jesuit's said Patent,  
at the same time, in a public meeting, told and  
explained their bounds to them, which, he said,  
were from said Creek to another Creek about  
 $9\frac{1}{2}$  Leagues up the River St. Lawrence, on the South  
side, called Chateaugay or Goroysarheough, which  
he said was bounded between said Creeks, that  
they and their Posterity might not mistake the  
limits, desiring them also to hand it down to  
their —

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their Children, to keep it always fresh in their Memory, when all the while the Indian Patent which he then delivered to them, did not come within 12 Mile near said Creek of Tortu; and thus they were made easy for that time, as they then lived near said Creek, but in Course of time were by their Spiritual Fathers induced to shove up farther and farther till they came where they live now. that they might be possession and hire out said Lands for the benefit of the Society. — The Priests at Baginawagay not satisfied with what their Antecessors obtained of the Indian Lands tried to follow the same method by making Claim, and hiring out some of the Lands they live now upon, but they could not bring it to bear under our Government, and were cast and dispossessed of them, and when the Letter of the Patent was explained to the Indians, the Jesuitical fraud was found out by false pretence, and different from what they were acquainted with by their Fathers, and which brought on the Present Complaint.

When I gave them the General's Answer which was that he could not go from the Letter of the Patent, they were downcast, and after reflecting awhile, told me that they were in hopes that some Remedy could be tried yet, which was to apply to you as the Chief Director of their Affairs, to lay their Case before the King, and in their behalf, implore his Goodness and pleasure to grant them their Request. — This is therefore what this De-

1763/08/29

Petition



Deputation are sent upon to you, and in the mean time the only hope is that they may have a chance of bringing their point for it is thought by every body that the Estate of the Jesuits here will fall to the Crown since their society is broke in France, which of consequence makes void any grant given them by that Crown, and if this affair is seasonably presented to the King, the Land in question may easily be granted to those injured People, which would lay them under an Obligation to us for ever. — I don't know if I have given you a clear insight into the affair, having been interrupted, but I am in hope to be time enough back before you write to England, when I may perhaps be able to give you more minute Circumstances and light into the thing. — The Indians in the Quarter being easy and quiet and in little better than a month's time will all be gone hunting. —

The Nipilimack Indians left this last Tuesday well contented and satisfied, but they were soon replaced by the Nipiquissasne, and Hurons from Quebec, these two Villages are the quietest Indians in this Country, and their docility may be depended upon. One of the latter was at St. Joseph's when cut off by the Pondowadamies, acting as Interpreter to one of our Teachers, whose, and Mr. Chappin's life, he was the means of saving, by his good will, and behaved extremely well, he told me the Senecas were the principal Cause of the present Disturbances, having seen the War Belt

thy —

1763/08/29



they sent to the St. Joseph Indians early this spring  
 which was one out of 5. they sent to other Nations  
 to strike the English who, (they sent word to all  
 Indian Nations to the Westward) were ready to  
 wage War against, and destroy any Indian Nation  
 upon the Continent. — I believe the French  
 may have privately pushed on and encouraged  
 the Boil, but the heaviest Charge, in my humble  
 Opinion, will fall upon those that sent them such  
 rash and threatening Messages, yet since it is  
 gone so far, vigorous efforts should be made to  
 chastise them if possible. Otherwise they will grow  
 too insolent, but the measures we mean to be  
 taken for that purpose are too trifling and only  
 will encourage the villains the more, and nothing but  
 arms and fear will keep the rest of the Five Nations  
 quiet. — I hope, French Peter and the Head  
 Warriors have been with you before now of whom  
 I think you will have had what Intelligence  
 you may want from this Quarter. —

I conclude with all due Respect, and  
 Compliments to the Family —

Hon<sup>d</sup>. Sir

Your most dutiful  
 and Obedient Son

(Signed) David Collins

A true Copy  
 D. Collins  
 Ch. W. S. S.

1763/08/29



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# THE PAPERS OF SIR WILLIAM JOHNSON

Prepared for publication by

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VOLUME X

522 p. 640

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1951

1763/09/01 - 09/28

as we knew not of your being here, which if we had, we should have brought one larger, and fitter for the Purpose. —

A Belt. —

They then delivered Sir W<sup>m</sup>. a Letter from Capt. Claus at Montreal giving the following Account<sup>1</sup> of a Grievance the Indians complained of concerning a Tract of Land of six Miles in Length, and One & a half in Breadth, which is Claimed by the Jesuits, and Adjoining the Land formerly in Dispute, and Praying Redress thereon. —

septemr. 9<sup>th</sup> At a Meeting with all the Nations —  
in the Meadow —

Present as before — Conoghquieson Addressed Sir W<sup>m</sup>. as follows

Brother Warraghiyagey —

We assure you that on our going to the Seneca Country, we persuaded all of that Nation to Peace, as far as *Canaderagay*: so that Castle, and *Canadisagoa*, are now y<sup>r</sup>. friends, and we are to inform you that we are (Eleven Nations) of one Mind, linked together in the Chain of Friendship, and Determined to procure Peace, — but as to the more distant Castles of the Senecas, we cannot at present answer for them, as our Messengers are not Returned from thence; and as you may rely on our Resolutions, we earnestly request you will on your Parts be as careful of Observing the Peace, as we are. —

A Belt

Brother —

On the Declaration you made us at the German Flats of the Generals favorable Disposition towards all those who are peaceable and of his having no Designs against us who were Friends, we unanimously agreed to continue so, and keep our Warriors at Home according to the old Agreement, and we desire you will not believe we are a proud People, inclined to quarrel; but that we are all well disposed. — We likewise beg, that in Consequence

<sup>1</sup> The account is omitted in the manuscript.

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DOCUMENTS  
RELATIVE TO THE  
COLONIAL HISTORY  
OF THE  
STATE OF NEW-YORK;

PROCURED IN  
HOLLAND, ENGLAND AND FRANCE,

BY  
JOHN ROMEYN BRODHEAD, ESQ.,  
AGENT,

UNDER AND BY VIRTUE OF AN ACT OF THE LEGISLATURE ENTITLED "AN ACT TO APPOINT AN AGENT TO  
PROCURE AND TRANSCRIBE DOCUMENTS IN EUROPE RELATIVE TO THE COLONIAL HISTORY  
OF THE STATE," PASSED MAY 2, 1839.



EDITED BY  
E. B. O'CALLAGHAN, M. D.

VOL. VII.

ALBANY:  
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1856.

12-40 07

*Proceedings of Sir William Johnson with the Indians.*

[Enclosure in Sir  
Wm Johnson's letter  
to Sir Jeff. Amherst  
dated, 14  
Sept 1763]

Extracts from the Minutes of proceedings between Sir William Johnson Bart  
and the Six Nations, and Indians of Caughnawaga, in Canada, &c

Johnson Hall, Sept<sup>r</sup> 7. 1763.

Sir William Johnson had a private meeting with the Chiefs of the *Onondagas*, wherein they acquainted him with the steps they had taken with the *Senecas*.

P. M. The Indians of each Nation assembled.

PRESENT — Sir William Johnson Bart

Sir William acquainted the Indians with his having beard that some of their People had committed hostilities on the frontiers of Virginia, and desired to be informed who were concerned therein, after which he gave them an account of Colonel Bouquet's successful engagement near Fort Pitt, and of the loss sustained by the Indians.

Then *Teyawarunte* Speaker of Onondaga addressed Sir William, as follows.

Brother Warraghiyagey,

In consequence of your Speech made to us lately at the German Flatts, we sent immediately to the *Senecas* to know the cause of their behavior, and on the arrival of our Deputies in that Country our Warriors addressed theirs desiring they would immediately lay down the hatchet and bethink themselves of the danger in which their bad proceedings must involve their families, and not proudly Continue the war, but consider their welfare.

Then our Sachems addressed theirs desiring they would think for the Public good, and not permit their young men to prosecute hostilities, but that they would remember the old agreement, whereby they were to keep peace and never begin any disturbances, whereby they might be assured they would never be hurt; That therefore they should talk wisely to their Warriors, and not suffer them to get drunk and behave as they had lately done, and desired they would mind their proper affairs, which was the Public business, and prevent any bad designs by observing the agreement by which they were bound to shake any Nation by head who behaved amiss; and that if they acted as we desired, our Children yet unborn, should reap the advantage thereof; And desired they would remember that this was the Third time we had spoken to them thereon, that we expected they would communicate what we had said to all their Bretheren to the Westward, as we should expect their immediate answer at Onondaga.

The next day we met again, when the *Senecas* acknowledged some of them had acted foolishly, and did not know what they did, but begged that we should return, and endeavour to make up affairs with our Bretheren the English.

After which they returned our belts, But Ours and the *Seneca* Warriors were of opinion that the *Seneca* Sachems did not act right, & that they only talked; therefore they agreed with us, that we should consider our safety, and preserve peace: The *Seneca* Warriors saying that we had wise men to guide us, but they had none, which was the cause of the present trouble; and assured us that they would join themselves, once more, to us, and act peaceably, and that these their words were from their hearts.



After this, a few of us were sent forward to *Chenusio*; where the Senecas have two Castles, but as those who went thither are not yet returned, we know not the success of their negotiations; And now Brother, we beg you may be assured we are unanimously determined to hold fast by the old agreement, and preserve Peace, a necessary step to which, we think will be your allowing us a large and reasonable trade at *Oswego*, and the *German Flatts*, as formerly; As for our parts, we shall say nothing further concerning the *Posts* which have caused so much disturbance, But We, The *Five Nations*, the *Coghnavagas*, and many others in our alliance, will carefully preserve peace, and use our daily endeavors to bring about the same with the Rest; and we desire the General may be immediately acquainted with our Resolutions, and that we may have his Answer. Gave a large Belt with 13 Rows.

Brother. We now deliver you the Belt which we sent to Canada, whereby we bound ourselves altogether in a peaceable alliance, and we are glad the Governor of Montreal is so well disposed thereto. A Belt of 8 Rows.

Brother. By this String we are to acquaint you that the friendly Ottawaes near *Michilimackinac* have brought home your flesh and blood, who were Prisoners in that Country.

Six Strings.

Brother, We are heartily sorry that any of our People have been suspected for striking the Inhabitants of Virginia: It is more probable the *Shawanese* have done so; or if not, we are sure we have no hand therein;—

Then the Meeting broke up.

Next day the *Coghnavagas* acquainted Sir William that as they had unexpectedly found the Six Nations here, they judged it necessary to have a Meeting with them; which they would accordingly hold that morning.

Sir William afterwards assembled all the Indians.

PRESENT— as before.

Brethren of the Several Nations.

I have hearkened, with attention, to what you said yesterday, regarding your Proceedings with the Senecas, and I shall now give you my sentiments thereon.

Your design in going to the Senecas in order to bring them to their senses, was very well meant, but you know it was your mere notion, and not at my desire, as that nation had refused to attend the meeting held lately with me, at the *German Flatts*; we had nothing else to expect but their continuance of hostilities which they have really done ever since, and have now parties out engaged in the same, but the indifference with which they have received all my admonitions, and your endeavours, is a sufficient proof that they are badly disposed, and can only be brought to reason by a proper punishment.

It is highly unreasonable to suppose that any nation will sit still and accept of the Sorrow of another for the murders they have committed; This would be folly in us to the highest degree, and what I am sure not one Nation of the Confederacy would put up with, as you make war amongst yourselves on occasions not in the least comparable to the present.

If your hearts be good, and your old Agreements can be relied upon, you can't but consider that every Nation who are enemies to us, and Covenant breakers, are traitors to yourselves, and are depriving you of Trade and quietness, and as such ought to be punished with your joint assistance: But we have not asked that of you, and we only desire you who are friends, to sit still, and observe that we can punish those who have wanted war, as well as reward them that maintain Peace.

Can they pay us for the blood of some hundreds of their Innocent Brethren: Can they make retaliation for the places they have plundered, burned, and destroyed, or what security have we for their keeping the Covenant half a year, who have basely and treacherously beld one hand to us in show of peace, and with the other struck an axe into our Heads?—

I know you can't expect such folly from us, and I sincerely hope, for your own sakes, you will remain quiet, and observe the event, which behavior will not only entitle you to reward, but prevent your destruction; the General having assured me that he is determined on noticing and rewarding every nation that preserves the Peace, and is equally resolved to bring all those who have taken up the Hatchet to an immediate and severe punishment, without which our children's children can never expect ease, but must spend their time in war and conferences, and lose the benefits of hunting and trade, And till this punishment be felt by our Mutual Enemies, you cannot expect the trade to be so extensive as formerly, for which you must blame your perfidious brethren, who have so treacherously struck us on the head, and thereby deterred our traders from bringing up any more goods, However, we shall endeavor all in our power to prevail on some to continue it as formerly in some places, provided you make no bad use of this Indulgence.

The demand for an extensive trade was made by the very nations who have lately struck us; and the largest promises given for the safety and protection not only of the Traders, but also of the several posts in their Country; yet the former have been robbed and murdered, and the latter surprised, pillaged, and destroyed.

Judge yourselves what encouragement there is for our People to go amongst you, what reliance we may repose on any promises, and you must then be of opinion that no punishment can be too great for a People who have broken their old agreements, inhumanly butchered their brethren, and deprived you of the happiness and advantages which Peace and plentiful trade could afford you.

I make no doubt you will consider matters as I have justly represented them, and I am heartily glad to hear your professions of peace and friendship, the observance whereof can never be sufficiently recommended to you, as the means of preserving your lives and Properties, and securing the inestimable advantages of liberty and commerce to your Posterity.

A Belt.

Brethren, I return you thanks for the Belt which you sent to the Indians in Canada, for the promoting of Peace and Unity, which I am of opinion that wise people will never attempt to violate.

A Belt.

Brethren, It is with pleasure I find that the *Ottawaes* near *Michilimackinac*, have had the prudence and friendship to deliver up several of our People who were Prisoners in that Country, and I expect that so laudable an example will be followed by many others.

Then Sir William concluded with acquainting them that he would lay their Speech before Sir Jeffrey Amherst, the event of which was uncertain, as measures were already taken for punishing those who had been in arms against us.

Eod<sup>m</sup> Die.

The Caughnawagas had a meeting with Sir William Johnson, and the Indians of the Several Nations, when they spoke as follows.—

Assaragoa Speaker,

Brother Warraghiyagey,

We thank the Great Spirit for enabling us to meet this day, which is in consequence of your Message recommending Peace and quietness to our Confederacy, and that we should keep our



Warriors in order, with which we have punctually complied, And you may assure yourself we shall always concur with your desires, and hold fast by our old agreement, And that we have noticed what you said to us, on the reduction of Canada, when You took the *war-axe* from us, and directed us to pursue our hunting, So that we must now be still, having no *axe*. And now Brother, we are afraid that through the means of some bad people you may let slip the Covenant chain which we are determined ever to hold fast by, and therefore entreat you to do the same.

A Belt.

Brethren of the 6. Nations,

I am now to speak to you, and to return thanks to the Great Spirit for this unexpected meeting with you at this place.

We listened with attention, yesterday, to what you said to our Brother *Warraghryagey*, and we then told you we should speak to you this day.

We are sorry to find that what you then said, does not appear to us to have proceeded from your Hearts, but from your lips only, Therefore we now desire you will pay due regard to the old agreements, and speak the real sentiments of your hearts; And we address you the Sachems and Warriors here present, to recollect yourselves, as you appear to us to be drunk, We therefore expect you will be all of one mind, and speak your true sentiments to your Brother. Bretheren of the Senecas,

What are you now about, or what do you think will be the consequence of your letting slip the Covenant Chain?

We desire you will recollect yourselves, and we now shake you by the heads, to bring you to reason.

You are too apt to listen to false news and idle stories, but as that is no excuse for your breaking the Covenant Chain, we desire you will bethink yourselves in time, and pay no regard to them, and that you will seriously consider what we have said to you, and for your Children's and families sakes, mind our words, otherwise you will lose your Country and Possessions.

Don't despair of the English forgiveness. You see an example of it in us, who were for a time their Enemies, and we doubt not if you will show a proper sorrow for your behavior, you may obtain the same; We therefore desire you will hold fast by your old Agreements, and mind your Brother *Warraghryagey*, and that you will take this our Belt to the Senecas Country, which is spoken on behalf of the Sachems and Warriors of Seven Nations who are all unanimous, and acquaint them that if they will not pay due regard thereto, our Nations must assuredly be obliged to quarrel.

A Belt.

The Caghnawagas then delivered Sir William a letter from Captain Claus, D. Agent in Canada, giving an account of a complaint made by the Indians concerning a tract of Land Six miles in length, and one and a half in breadth, claimed by the Jesuits by Patent from Lewis the 14<sup>th</sup>, and adjoining the land lately in dispute. They therefore begged that Sir William would procure them redress therein.

Next day the Indians all assembled.

PRESENT— as before.

Conoghquieson Speaker,

Brother *Warraghryagey*,

We assure you that on our going to the Senecas Country we persuaded all of that nation to peace, so far as *Canaderagey*, so that, that Castle and *Canadisega* are your friends; And we



are to inform you that we are Eleven nations of one mind, linked together in the Chain of friendship and determined to preserve peace; But as to the more distant Castles of the Senecas, we cannot at present answer for them, as our Messengers are not returned from thence; And as you may rely on our Resolutions, we earnestly request you will, on your parts, be as careful of observing the peace as we are. *(The Senecas) send you a large Belt.*

Brother, On the declarations you made us at the German-Flatts, of the General's favorable disposition towards all those who are peaceable, and that he had no designs against us who were friends, we Unanimously agreed to continue so, and to keep our Warriors at home, according to the old agreement; And we desire you will not believe we are a proud People, inclined to quarrel; but that we are all well disposed. We likewise beg, that in consequence of these our Resolutions, you will not break your Engagements with us Your friends, as we are determined never to strike first, but only to defend ourselves in case of being attacked.

*Two belts together.*

Brother, We request you will pay the most serious attention to what we shall now say in the name of us all.

We are very sensible of the Hostilities committed and the Indignities offered you which we know, must awake your resentment, and that therefore you will probably have occasion to use the road up the Country, which was formerly considered as a Road of Peace. Therefore knowing your foot to be large and broad, we earnestly desire you will take care and not touch us your Friends therewith in passing the same, as we shall give you no hindrance: And we have further to request that you will not hurt the party of ours which is now out against the Southern Indians, as we are certain they will do you no harm. *A Belt.*

Then the Meeting broke up for this time.

Sir William had also this day, several other Meetings both public and private with the Indians, but delayed answering the Caghnawagas until he had finished with the rest.

The 10<sup>th</sup> Sir William had a meeting with all the Nations, when he assured them that should any nation whatsoever, from a dislike of their Fidelity to us, and their present Engagements, fall upon their Confederacy, they should find we would afford them both assistance and protection; And that as they had acted so friendly a part, as well as for a reward of their trouble in Endeavoring to prevent any further Hostilities, and an encouragement to them to act as became our Friends, He in His Majesty's name, had prepared a present for them, which should be delivered out the next day, Recommending it to them to act such a part for the future, as should make them appear worth our favour.

11<sup>th</sup> All the Nations assembled, when *Tiyerhasere* addressed Sir William Johnson as follows, on behalf of the rest.

Brother Gorah Warraghiyagey,

I am now, on behalf of all the Confederacy, consisting of Eighteen nations, including seven in Canada, to return you their most hearty thanks for the wholesome admonitions you gave them, and I am in their name to assure you that they are determined to pay the greatest regard to them. Were they not so inclined, they would not have taken so much pains as they have done, to preserve peace in those parts; I am further to assure you they will never forget the friendly offers you have made them of assistance and Protection, as we know we can rely on your Promises; We shall take your Belt and what you have said thereon, to our Council fire at Onondaga, and after we have acquainted all our people therewith, shall send you a Belt in Exchange, with our further sentiments.

Then the Onondaga Speaker stood up, and taking a large Covenant Chain belt in his hand, delivered to them at Albany in 1754, by the Governor in the presence of Commissioners from the Several Governments, he repeated the Engagements made thereon, and then on behalf of the Eighteen Nations, brightened and renewed the same, which he desired Sir William Johnson should acquaint the General and Governor with, and let them know that so many nations were our friends and determined to remain so, whilst we treated them in a peaceable friendly manner.

Sir William Johnson answered them that he was pleased they had remembered their Engagements, the observance of which he strictly recommended to them, as we should, on our parts, strictly observe the same, whilst they adhered thereto; Adding that he would acquaint the General with their proceedings, and made no doubt but he would approve thereof, with which they should be made acquainted.

12<sup>th</sup> A. M. Delivered out a present to the Indians. Then assembled the Cagnawagas, when Sir W<sup>m</sup> Johnson addressed them as follows,

Brethren of Caghnawaga,

I have heard with satisfaction the speech you made to the Six Nations in general, and to the Senecas, in particular. The manner in which you expressed your disapprobation of their Conduct Convinces me of your sincerity and good sense, and in justice to you I shall lay it before the General, and also send it home, that the Great King may know your good disposition and honest intention.

A large String

Brethren, Your Concurring with my request lately made to your nations by Captain Claus, my deputy, and your present promises of a due observance of the Treaty of peace and Friendship into which you and several other Nations were received on the reduction of Canada, gives me much pleasure.

The Wisdom which your Sachems and Chiefs have manifested in adhering thereto, leaves me no doubt of your holding the violators thereof in the greatest detestation, and of concurring with us in bringing them to Punishment, which I strongly recommend to you.

A Belt.

On the reduction of Canada, we became one people; and Peace was established throughout the Country. Trade was beginning to flourish to our mutual advantage, when on a sudden these foolish treacherous nations whom we took into the Chain of friendship with you and the rest of our Brethren, without any notice or provocation, fell upon our Traders, butchering and Captivating them, taking the goods designed for their conveniency and that of others, surprising by the vilest stratagems, and destroying the King's Posts and Troops who were for the protection of trade posted in their several Countries, by which unwarrantable behavior they have sullied the Covenant Chain, which we brightened so lately, and thereby debarred the well disposed Indians of the benefit of trade and good offices, which the English intended and were inclined to do them.

At the Treaty with You on the Conquest of Canada, I considered the axe given you by the French as a dangerous weapon amongst friends, and therefore, on receiving you into our Alliance, I hurried the same by pulling up a large pine tree under which ran a stream of water, into which I cast the Axe, so that it might no more be found; But as the Covenant Chain which was then brightened and renewed by us, is broken by those quarrelsome bad People whom we received amongst the number of our friends, I think it necessary that you as a

people who held the same, should be enabled to defend yourselves, and act agreeable to your engagements, in concert with your Brethren the English against all who have violated the said agreement.

I now therefore deliver you a good English Axe, made of the best stuff, which I desire you will give to the Warriors of all your Nations, with directions to use the same against these Covenant breakers, by cutting off the bad links which have sullied the chain of friendship, in which they will not fail being supported by their Brethren the English.

A large Black Belt.

Brethren, I am heartily sorry to find that a set of People who pretended solely the care of your salvation, should thirst after Worldly possessions. You find on your application concerning the former tract in dispute, that the Governor of Montreal gave you immediate redress, which you would have met with in this, but that the case is different, as these lands were given by the King of France to the Jesuits, Solely. But I shall, notwithstanding, lay the matter before the persons in power, who will certainly do you all the Justice which your case shall appear to deserve.

A Belt.

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*Sir William Johnson to the Lords of Trade.*

[ Plantations General Papers, B., 19, No. 16. ]

Johnson Hall Sept<sup>r</sup> 25. 1763.

My Lords,

Since I had the honour of writing to your Lord<sup>sh</sup> the first of July last, I met the Indians at the German Flatts, as I mentioned in my letter, I should then shortly do.

At that conference all the Nations attended except the *Senecas*, who together with some *Ottawas* and others took *Prisque-Ile la Boeuf* and *Venango* about that time, the rest of the Indians renewed the Covenant, and expressed themselves in the most friendly manner, and as a proof of their inclination for peace, agreed to send the Chief Men of each Nation Deputys to bring the *Senecas* to reason, which was done accordingly, and about the beginning of this month, the Five Nations arrived here to the amount of 320 in order to acquaint me with the result of their negotiations, in which they informed me that they had had success, having brought to friendship and peace the two first Seneca Castles, as a proof of which they were accompanied by 6 Seneca Indians.—At the same time 270 Indians of several Tribes living along the Banks of the Susquahana and its Branches arrived here, to renew the Covenant Chain, and acquaint me, that all the Indians inhabiting that quarter, so far down as *Owegy* were our Friends, & determined to remain so.

Deputys from *Coghawagey* in *Canada* were also present at the meeting and expressed themselves in a most friendly manner towards the English in a spirited speech to the rest, and after intimating to me their desire of being concerned in punishing our Enemies, I gave them the War Hatchet according to custom, which they received with great pleasure, and I do assure your Lord<sup>sh</sup> that I have great reason to expect the Indians in *Canada* who consist of eight Confederate Nations will give us good proof of their inclination towards Us, ever since we received them into our alliance or the reduction of *Canada*—and from the private



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AGENT,

UNDER AND BY VIRTUE OF AN ACT OF THE LEGISLATURE ENTITLED "AN ACT TO APPOINT AN AGENT TO  
PROCURE AND TRANSCRIBE DOCUMENTS IN EUROPE RELATIVE TO THE COLONIAL HISTORY  
OF THE STATE," PASSED MAY 2, 1839.



EDITED BY  
E. B. O'CALLAGHAN, M. D.

VOL. VII.

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1856.

1763/09/14

*Sir William Johnson to Sir Jeffrey Amherst.*

Johnson Hall, 14 September 1763.

Sir,

I have had the honour of your Excellency's letter of the 27<sup>th</sup> Ultimo, together with a Copy of the proceedings between Captain Ecuyer and the Indians who engaged Colonel Bouquet, whose success and arrival at Fort Pitt gives me infinite Satisfaction.

I enclose your Excellency part of my proceedings with the Six Nations at this place where they have now been for several days, to the amount of 326, and I hourly expect above 200 more from the Susquehanna River, whose business I am not yet acquainted with.

Your Excellency will observe by my proceedings, that the rest of the Nations were accompanied by six Senecas, belonging to the Castles on this side of *Chenussio*, who, I cannot learn have as yet acted against us; the meeting lately held by the rest of the nations with that People whom they have brought to a sense of the ill behavior of the rest, and you will also observe that the *Seneca* Villages called *Kánádessig'y* and *Canadasaggo*, are said to be in our interest, for which reason the Indians appear very desirous that they might be continued amongst the number of our friends, as they have not committed hostilities, and that they had given assurances to the Indians of these Villages that they would endeavour to make their peace with the English, which prevented them from acting against us: On this I spoke to them very fully, but shall expect your Excellency's opinion and sentiments before I can give them a definite answer. The declarations and behavior of the rest is very agreeable to me, and I hope may prove so to your Excellency, but that of the *Coghnawegeys* deserves being particularly noticed, and has had great weight at this meeting. From the private conferences I have had with that people, as also from the letters which they have brought me from Canada I plainly find they have a great inclination to engage against our Enemies and that many of them only wait our requisition to fall upon them or join our troops. I was therefore unwilling to check a proceeding, which from the power and warlike turn of these people might prove of infinite advantage to us, and have accordingly given them the war belt, as your Excellency will see in my proceedings as also, at the request of some Chiefs, sent warrants, (but not subject to pay,) for two Chief Warriors in Canada, as I had done during the time which I was used to send out Parties—all which, I hope, may prove agreeable to your Excellency.

The occasion of the arrival of the *Coghnawegeys*, was principally to lay before me a complaint concerning a tract of land Six Miles in length, and one and a half in breadth, which the Jesuits claim, by virtue of a Patent as they say, from Lewis XIV. which tract now in question adjoins to that concerning which Governor Gage lately passed sentence in their favour, but there being some circumstances relative to this Patent which prevents the Governor from deciding the matter, the Indians request I may lay their demand before His Majesty; and I am of opinion the affair may be made very easy to them, now that the society is broke in France, and can consequently hold no lands as a body—their Grant becoming void. I told them I should immediately comply with their request, as I would willingly preserve them in the good disposition they are in, well knowing the unanimity of the several nations in Canada renders them a respectable people, and their behavior, together with that of the *Ottawaes* near *Michilimackinac*, and the *Sakis*, &c, if rewarded with some favours from us, will I beleive, bind them to us, and make them of great use against a people whose numbers and situation render



it extremely difficult for us alone to reduce them to that state which only can secure a lasting Peace, since I am convinced they will never want for assistance from the French to harrass and keep our Frontiers in continual alarms, be their situation ever so remote, or their prospect of advantage ever so inconsiderable; and I am apprehensive that our greatest care and precaution will scarcely be sufficient to prevent the French from supplying the Indians our Enemies with ammunition, by the way of the *Mississippi*, as I well know that distance is little regarded by Indians, especially where they have so many fine rivers and communications by which they can be supplied; and which will enable the French to engross a great part of the trade. Our friendly Indians will naturally expect a continuance of trade; but least others might partake thereof, and thereby be the better enabled to continue their hostilities, I beleive your Excellency will be of opinion that the same for the present should be carried on at a very few places, and those under our immediate inspection, where our Enemies will not venture on a trading footing, as at Fort Stanwix on this Communication, and not further.

The Trade from Canada up the *Ottawa* River appears to me from all accounts to be of a dangerous nature, many villainies having been carried on through that channel; and our friendly Indians in and about Canada can be sufficiently supplied at Montreal. And as many of our Enemies live in the neighborhood of Fort Pitt, I apprehend it will be advisable to discontinue the trade in that Quarter.

The loss of one of the Vessels on Lake Erie is very unlucky at this juncture, and I am very apprehensive of the fate of the other the ensuing winter; a small party having it in their power to burn her when the Frost sets in, without the Utmost precaution.

Since writing the foregoing, 246 Indians from *Susquahana* and its branches as low down as *Owego* are arrived here. They are principally come to assure me of their Resolutions to remain our Friends and that they have taken the utmost pains to prevent their people from joining the Enemy, which has occasioned all the ill disposed to leave that quarter. They likewise express great satisfaction at hearing the good Resolutions of the 5. Nations.

I had not closed my letter till this day, being the 16<sup>th</sup> instant, when I have been honored with your Excellency's of the 9<sup>th</sup> and 10<sup>th</sup> instant, in the former of which you was pleased to transmit the paragraph of Lord Egremont's letter relative to my department, and pointing out a particular sum of Money not to be exceeded, to which I shall pay due regard, so far as is in any wise consistent with the service and the present state of Affairs—but I am of opinion that as matters have gone a much greater length than was perhaps expected in England when His Lordship wrote, His Majesty will not probably at present choose to limit the Expense, but rather leave it to your Excellency's discretion, and that of those whom he has appointed to that department, who, I flatter myself he will consider as proper judges thereof, as I can sufficiently make it appear that it is with the utmost reluctance I obey the dictates of necessity by incurring any considerable expenses on account of the Indians, and which my desire of lessening the public expenses, and my love of ease and quiet would induce me to avoid if possible, None but those who have experienced it, can be truly sensible of the troubles which must be undergone at this time, with the Indians; if they did they would readily beleive that these troubles would certainly be avoided; but that the urgency of affairs make it the duty of every servant of the Crown to do all that is necessary for His Majesty's service, that it may not be hereafter suggested we owe any future troubles to a mistaken Enemy. And I beleive your Excellency is of opinion that I shall never run into any expense but what the good of His Majesty's service, and the safety and welfare of the Public shall render indispensably necessary.

I am hopeful that in a short time we may hear of some success in the neighborhood of the Detroit, and I believe your Excellency's judicious arrangement of the troops will secure that important post to us during the Winter, although I apprehend the 42<sup>d</sup> Regiment will hardly arrive there before that time.

Agreeable to your Excellency's favour of the 10<sup>th</sup> instant, I shall apply to L<sup>t</sup> Col. Campbell for a Sergeant and 12 Men, who shall be kept strictly to their duty, and detained no longer than Occasion requires.

The Attempts against the *Shawanese* is certainly very necessary, and I heartily wish Colonel Stephen Success in his Expedition: His chief danger will be in his retreat up the River; besides I am informed that the Shawanese have moved back from the Ohio this good while past, and that one Village is established about 90 Miles up the Scioto River, where numbers of the Delawares and others have lately joined them.

I flatter myself the conduct of the Canada Indians will leave no room to doubt of their Sincerity. There are many of them now ready to join our troops if required, and they have formerly been very steadfast to the part on which they were engaged, which they assure me they will evince in their Attachment to us.

I am at a loss to consider how those *Ottawas* and friendly Indians in the neighborhood of *La Bay, Michilimackinac, &c*, can be conveniently supplied with trade during the continuation of the present hostilities, without which they will certainly be greatly disgusted, and can see no other method but by their Coming for goods to Montreal; The Indians likewise about the *Illinois*, who have not, as yet, intermeddled in the present troubles, will expect a trade whenever we shall be able to take possession of that Country, which is of great importance to us, as I could venture to affirm that the French in that quarter have been considerably instrumental in setting the present hostilities on foot, with the rest, and I much fear they will occasion us great difficulty in getting there by means of the Indians.

As the *Senecas* came hither under the protection of the rest, by whom I know the same was well meant, I was under a necessity of stifling my resentment, for the present; and I thought it best to treat them as a people who owed their protection entirely to the other Nations.

The Indians have only in general spoke of the out posts as in part the Cause of the defection of the *Senecas* &c, and I heartily wish they may be established in such a manner as shall prevent their falling into the Enemies hands, should they hereafter commence hostilities.

M<sup>r</sup> Croghan, who will have the honor to deliver your Excellency my letter, arrived here a few days ago, in order to lay before me the necessity he is under of going to England, on his private affairs, for which he had before solicited my permission; and now repeated his desire of going as soon as possible. I have therefore referred him to your Excellency for an answer to his request.

His Excellency Sir Jeffrey Amherst

I have the honor to be, &c

(signed) W<sup>m</sup> JOHNSON.



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A. 1907

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# CANADIAN ARCHIVES

## DOCUMENTS

RELATING TO

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1763/02/10

SESSIONAL PAPER No. 18

(Translation.)<sup>1</sup>

*The definitive Treaty of Peace and Friendship between his Britannick Majesty, the Most Christian King, and the King of Spain. Concluded at Paris the 10th day of February, 1763. To which the King of Portugal acceded on the same day. (Printed from the Copy.)*

In the Name of the Most Holy and Undivided Trinity, Father, Son, and Holy Ghost. So be it.

Be it known to all those whom it shall, or may, in any manner, belong,

It has pleased the Most High to diffuse the spirit of union and concord among the Princes, whose divisions had spread troubles in the four parts of the world, and to inspire them with the inclination to cause the comforts of peace to succeed to the misfortunes of a long and bloody war, which having arisen between England and France during the reign of the Most Serene and Most Potent Prince, George the Second, by the grace of God, King of Great Britain, of glorious memory, continued under the reign of the Most Serene and Most Potent Prince, George the Third, his successor, and, in its progress, communicated itself to Spain and Portugal: Consequently, the Most Serene and Most Potent Prince, George the Third, by the grace of God, King of Great Britain, France, and Ireland, Duke of Brunswick and Lunenburg, Arch Treasurer and Elector of the Holy Roman Empire; the Most Serene and Most Potent Prince, Lewis the Fifteenth, by the grace of God, Most Christian King; and the Most Serene and Most Potent Prince, Charles the Third, by the grace of God, King of Spain and of the Indies, after having laid the foundations of peace in the preliminaries signed at Fontainebleau the third of November last; and the Most Serene and Most Potent Prince, Don Joseph the First, by the grace of God, King of Portugal and of the Algarves, after having acceded thereto, determined to compleat, without delay, this great and important work. For this purpose, the high contracting parties have named and appointed their respective Ambassadors Extraordinary and Ministers Plenipotentiary, viz. his Sacred Majesty the King of Great Britain, the Most Illustrious and Most Excellent Lord, John Duke and Earl of Bedford, Marquis of Tavistock, &c. his Minister of State, Lieutenant General of his Armies, Keeper of his Privy Seal, Knight of the Most Noble Order of the Garter, and his Ambassador Extraordinary and Minister Plenipotentiary to his Most Christian Majesty; his Sacred Majesty the Most Christian King, the Most Illustrious and Most Excellent Lord, Cæsar Gabriel de Choiseul, Duke of Praslin, Peer of France, Knight of his Orders, Lieutenant General of his Armies and of the province of Brittany, Counsellor of all his Councils, and Minister and Secretary of State, and of his Commands and Finances; his Sacred Majesty the Catholick King, the

<sup>1</sup> The English version of the Treaty of 1763 is taken from the Collection of Treaties compiled by the Hon. Charles Jenkinson, afterwards Lord Liverpool, and which appeared under the following title:—"A Collection of all the Treaties of Peace, Alliance, and Commerce, Between Great-Britain and other Powers. From the Treaty signed at Munster in 1648, to the Treaties signed at Paris in 1763. By the Right Hon. Charles Jenkinson. In three Volumes." The Treaty of 1763 is contained in Vol. III, pp. 177-197.

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Most Illustrious and Most Excellent Lord, Don Jerome Grimaldi, Marquis de Grimaldi, Knight of the Most Christian King's Orders, Gentleman of his Catholick Majesty's Bedchamber in Employment, and his Ambassador Extraordinary to his Most Christian Majesty; his Sacred Majesty the Most Faithful King, the Most Illustrious and Most Excellent Lord, Martin de Mello and Castro, Knight professed of the Order of Christ, of his Most Faithful Majesty's Council, and his Ambassador and Minister Plenipotentiary to his Most Christian Majesty.

Who, after having duly communicated to each other their full powers, in good form, copies whereof are transcribed at the end of the present treaty of peace, have agreed upon the articles, the tenor of which is as follows:

Article I. There shall be a Christian, universal, and perpetual peace, as well by sea as by land, and a sincere and constant friendship shall be re established between their Britannick, Most Christian, Catholick, and Most Faithful Majesties, and between their heirs and successors, kingdoms, dominions, provinces, countries, subjects, and vassals, of what quality or condition soever they be, without exception of places or of persons: So that the high contracting parties shall give the greatest attention to maintain between themselves and their said dominions and subjects this reciprocal friendship and correspondence, without permitting, on either side, any kind of hostilities, by sea or by land, to be committed from henceforth, for any cause, or under any pretence whatsoever, and every thing shall be carefully avoided which might hereafter prejudice the union happily re-established, applying themselves, on the contrary, on every occasion, to procure for each other whatever may contribute to their mutual glory, interests, and advantages, without giving any assistance or protection, directly or indirectly, to those who would cause any prejudice to either of the high contracting parties: there shall be a general oblivion of every thing that may have been done or committed before or since the commencement of the war which is just ended.

II. The treaties of Westphalia of 1648; those of Madrid between the Crowns of Great Britain and Spain of 1667, and 1670; the treaties of peace of Nimeguen of 1678, and 1679; of Ryswick of 1697; those of peace and of commerce of Utrecht of 1713; that of Baden of 1714; the treaty of the triple alliance of the Hague of 1717; that of the quadruple alliance of London of 1718; the treaty of peace of Vienna of 1738; the definitive treaty of Aix la Chapelle of 1748; and that of Madrid, between the Crowns of Great Britain and Spain of 1750: as well as the treaties between the Crowns of Spain and Portugal of the 13th of February, 1668; of the 6th of February, 1715; and of the 12th of February, 1761; and that of the 11th of April, 1713, between France and Portugal with the guaranties of Great Britain, serve as a basis and foundation to the peace, and to the present treaty: and for this purpose they are all renewed and confirmed in the best form, as well as all the general, which subsisted between the high contracting parties before the war, as if they were inserted here word for word, so that

## SESSIONAL PAPER

they are to be ex religiously execute gated from by the stipulated to the the said parties c or indulgence to what shall have b

III. All the and the hostages shall be restored, the day of the e crown respectvel the subsistance ar country where th receipts and estir nished on one si given for the payr in the countries v And all the ships since the expirati by sea shall likew and the executio after the exchang

IV. His M he has heretofore in all its parts, an to the King of cedes and guaran with all its depe the other islands general, every th and coasts, with quired by treaty Crown of France places, coasts, a cedes and makes Great Britain, a restriction, and v guaranty under a above mentioned the liberty of the in consequence, new Roman Cat according to the Britain permit.



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they are to be exactly observed, for the future, in their whole tenor, and religiously executed on all sides, in all their points, which shall not be derogated from by the present treaty, notwithstanding all that may have been stipulated to the contrary by any of the high contracting parties: and all the said parties declare, that they will not suffer any privilege, favour, or indulgence to subsist, contrary to the treaties above confirmed, except what shall have been agreed and stipulated by the present treaty.

III. All the prisoners made, on all sides, as well by land as by sea, and the hostages carried away or given during the war, and to this day, shall be restored, without ransom, six weeks, at least, to be computed from the day of the exchange of the ratification of the present treaty, each crown respectively paying the advances which shall have been made for the subsistence and maintenance of their prisoners by the Sovereign of the country where they shall have been detained, according to the attested receipts and estimates and other authentic vouchers which shall be furnished on one side and the other. And securities shall be reciprocally given for the payment of the debts which the prisoners shall have contracted in the countries where they have been detained until their entire liberty. And all the ships of war and merchant vessels which shall have been taken since the expiration of the terms agreed upon for the cessation of hostilities by sea shall likewise be restored, *bonâ fide*, with all their crews and cargoes: and the execution of this article shall be proceeded upon immediately after the exchange of the ratifications of this treaty.

IV. His Most Christian Majesty renounces all pretensions which he has heretofore formed or might have formed to Nova Scotia or Acadia in all its parts, and guaranties the whole of it, and with all its dependencies, to the King of Great Britain: Moreover, his Most Christian Majesty cedes and guaranties to his said Britannick Majesty, in full right, Canada, with all its dependencies, as well as the island of Cape Breton, and all the other islands and coasts in the gulph and river of St. Lawrence, and in general, every thing that depends on the said countries, lands, islands, and coasts, with the sovereignty, property, possession, and all rights acquired by treaty, or otherwise, which the Most Christian King and the Crown of France have had till now over the said countries, lands, islands, places, coasts, and their inhabitants, so that the Most Christian King cedes and makes over the whole to the said King, and to the Crown of Great Britain, and that in the most ample manner and form, without restriction, and without any liberty to depart from the said cession and guaranty under any pretence, or to disturb Great Britain in the possessions above mentioned. His Britannick Majesty, on his side, agrees to grant the liberty of the Catholick religion to the inhabitants of Canada: he will, in consequence, give the most precise and most effectual orders, that his new Roman Catholic subjects may profess the worship of their religion according to the rites of the Romish church, as far as the laws of Great Britain permit. His Britannick Majesty farther agrees, that the French

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inhabitants, or others who had been subjects of the Most Christian King in Canada, may retire with all safety and freedom wherever they shall think proper, and may sell their estates, provided it be to the subjects of his Britannick Majesty, and bring away their effects as well as their persons, without being restrained in their emigration, under any pretence whatsoever, except that of debts or of criminal prosecutions: The term limited for this emigration shall be fixed to the space of eighteen months, to be computed from the day of the exchange of the ratification of the present treaty.

V. The subjects of France shall have the liberty of fishing and drying on a part of the coasts of the island of Newfoundland, such as it is specified in the XIIIth article of the treaty of Utrecht; which article is renewed and confirmed by the present treaty, (except what relates to the island of Cape Breton, as well as to the other islands and coasts in the mouth and in the gulph of St. Lawrence:) And his Britannick Majesty consents to leave to the subjects of the Most Christian King the liberty of fishing in the gulph of St. Lawrence, on condition that the subjects of France do not exercise the said fishery but at the distance of three leagues from all the coasts belonging to Great Britain, as well those of the continent as those of the islands situated in the said gulph of St. Lawrence. And as to what relates to the fishery on the coasts of the island of Cape Breton, out of the said gulph, the subjects of the Most Christian King shall not be permitted to exercise the said fishery but at the distance of fifteen leagues from the coasts of the island of Cape Breton; and the fishery on the coasts of Nova Scotia or Acadia, and every where else out of the said gulph, shall remain on the foot of former treaties.

VI. The King of Great Britain cedes the islands of St. Pierre and Macquelon, in full right, to his Most Christian Majesty, to serve as a shelter to the French fishermen; and his said Most Christian Majesty engages not to fortify the said islands; to erect no buildings upon them but merely for the conveniency of the fishery; and to keep upon them a guard of fifty men only for the police.

VII. In order to re-establish peace on solid and durable foundations, and to remove for ever all subject of dispute with regard to the limits of the British and French territories on the continent of America; it is agreed, that, for the future, the confines between the dominions of his Britannick Majesty and those of his Most Christian Majesty, in that part of the world, shall be fixed irrevocably by a line drawn along the middle of the River Mississippi, from its source to the river Iberville, and from thence, by a line drawn along the middle of this river, and the lakes Maurepas and Pontchartrain to the sea; and for this purpose, the Most Christian King cedes in full right, and guaranties to his Britannick Majesty the river and port of the Mobile, and every thing which he possesses, or ought to possess, on the left side of the river Mississippi, except the town of New Orleans and the island in which it is situated, which shall remain

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to France, provided that the navigation of the river Mississippi shall be equally free, as well to the subjects of Great Britain as to those of France, in its whole breadth and length, from its source to the sea, and expressly that part which is between the said island of New Orleans and the right bank of that river, as well as the passage both in and out of its mouth: It is farther stipulated, that the vessels belonging to the subjects of either nation shall not be stopped, visited, or subjected to the payment of any duty whatsoever. The stipulations inserted in the IVth article, in favour of the inhabitants of Canada shall also take place with regard to the inhabitants of the countries ceded by this article.

VIII. The King of Great Britain shall restore to France the islands of Guadeloupe, of Mariegalante, of Desirade, of Martinico, and of Belleisle; and the fortresses of these islands shall be restored in the same condition they were in when they were conquered by the British arms, provided that his Britannick Majesty's subjects, who shall have settled in the said islands, or those who shall have any commercial affairs to settle there or in other places restored to France by the present treaty, shall have liberty to sell their lands and their estates, to settle their affairs, to recover their debts, and to bring away their effects as well as their persons, on board vessels, which they shall be permitted to send to the said islands and other places restored as above, and which shall serve for this use only, without being restrained on account of their religion, or under any other pretence whatsoever, except that of debts or of criminal prosecutions: and for this purpose, the term of eighteen months is allowed to his Britannick Majesty's subjects, to be computed from the day of the exchange of the ratifications of the present treaty; but, as the liberty granted to his Britannick Majesty's subjects, to bring away their persons and their effects, in vessels of their nation, may be liable to abuses if precautions were not taken to prevent them; it has been expressly agreed between his Britannick Majesty and his Most Christian Majesty, that the number of English vessels which have leave to go to the said islands and places restored to France, shall be limited, as well as the number of tons of each one; that they shall go in ballast; shall set sail at a fixed time; and shall make one voyage only; all the effects belonging to the English being to be embarked at the same time. It has been farther agreed, that his Most Christian Majesty shall cause the necessary passports to be given to the said vessels; that, for the greater security, it shall be allowed to place two French clerks or guards in each of the said vessels, which shall be visited in the landing places and ports of the said islands and places restored to France, and that the merchandize which shall be found therein shall be confiscated.

IX. The Most Christian King cedes and guaranties to his Britannick Majesty, in full right, the islands of Grenada, and the Grenadines, with the same stipulations in favour of the inhabitants of this colony, inserted in the IVth article for those of Canada: And the partition of the islands called neutral, is agreed and fixed, so that those of St. Vincent, Dominico,

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and Tobago, shall remain in full right to Great Britain, and that of St. Lucia shall be delivered to France, to enjoy the same likewise in full right, and the high contracting parties guaranty the partition so stipulated.

X. His Britannick Majesty shall restore to France the island of Goree in the condition it was in when conquered: and his Most Christian Majesty cedes, in full right, and guaranties to the King of Great Britain the river Senegal, with the forts and factories of St. Lewis, Podor, and Galam, and with all the rights and dependencies of the said river Senegal.

XI. In the East Indies Great Britain shall restore to France, in the condition they are now in, the different factories which that Crown possessed, as well as on the coast of Coromandel and Orixá as on that of Malabar, as also in Bengal, at the beginning of the year 1749. And his Most Christian Majesty renounces all pretension to the acquisitions which he has made on the coast of Coromandel and Orixá since the said beginning of the year 1749. His Most Christian Majesty shall restore, on his side, all that he may have conquered from Great Britain in the East Indies during the present war; and will expressly cause Nattal and Tapanouilly, in the island of Sumatra, to be restored; he engages farther, not to erect fortifications, or to keep troops in any part of the dominions of the Subah of Bengal. And in order to preserve future peace on the coast of Coromandel and Orixá, the English and French shall acknowledge Mahomet Ally Khan for lawful Nabob of the Carnatick, and Salabat Jing for lawful Subah of the Decan; and both parties shall renounce all demands and pretensions of satisfaction with which they might charge each other, or their Indian allies, for the depredations or pillage committed on the one side or on the other during the war.

XII. The island of Minorca shall be restored to his Britannick Majesty, as well as Fort St. Philip, in the same condition they were in when conquered by the arms of the Most Christian King; and with the artillery which was there when the said island and the said fort were taken.

XIII. The town and port of Dunkirk shall be put into the state fixed by the last treaty of Aix la Chapelle, and by former treaties. The Cunette shall be destroyed immediately after the exchange of the ratifications of the present treaty, as well as the forts and batteries which defend the entrance on the side of the sea; and provision shall be made at the same time for the wholesomeness of the air, and for the health of the inhabitants, by some other means, to the satisfaction of the King of Great Britain.

XIV. France shall restore all the countries belonging to the Electorate of Hanover, to the Landgrave of Hesse, to the Duke of Brunswick, and to the Count of La Lippe Buckebourg, which are or shall be occupied by his Most Christian Majesty's arms: the fortresses of these different countries shall be restored in the same condition they were in when conquered by the French arms; and the pieces of artillery, which shall have been carried elsewhere, shall be replaced by the same number, of the same bore, weight and metal.

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XV. In case preliminaries should present treaty, as armies of France countries belonging to be made by the occupy in Westphalia, Rhine, and in all dominions of their most Christian Majesties promise will permit of to stipulate before the Britannick and to each other, no allies who shall c

XVI. The of Great Britain, of the Admiralty among all nations and Spanish nations, and as who shall have

XVII. His fortifications and other places months after the jesty shall not to be disturbed places, in their and for this without interruption families, and by this article Spanish coasts ratification of

XVIII. successors, from Guipuscoans, neighbourhood of the

XIX. T which he has nah; and this shall be restored his Britannick subjects who

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XV. In case the stipulations contained in the XIIIth article of the preliminaries should not be completed at the time of the signature of the present treaty, as well with regard to the evacuations to be made by the armies of France of the fortresses of Cleves, Wezel, Guelders, and of all the countries belonging to the King of Prussia, as with regard to the evacuations to be made by the British and French armies of the countries which they occupy in Westphalia, Lower Saxony, on the Lower Rhine, the Upper Rhine, and in all the empire; and to the retreat of the troops into the dominions of their respective Sovereigns: their Britannick and Most Christian Majesties promise to proceed, *bonâ fide*, with all the dispatch the case will permit of to the said evacuations, the entire completion whereof they stipulate before the 15th of March next, or sooner if it can be done; and their Britannick and Most Christian Majesties farther engage and promise to each other, not to furnish any succours of any kind to their respective allies who shall continue engaged in the war in Germany.

XVI. The decision of the prizes made in time of peace by the subjects of Great Britain, on the Spaniards, shall be referred to the Courts of Justice of the Admiralty of Great Britain, conformably to the rules established among all nations, so that the validity of the said prizes, between the British and Spanish nations, shall be decided and judged, according to the law of nations, and according to treaties, in the Courts of Justice of the nation who shall have made the capture.

XVII. His Britannick Majesty shall cause to be demolished all the fortifications which his subjects shall have erected in the bay of Honduras, and other places of the territory of Spain in that part of the world, four months after the ratification of the present treaty; and his Catholick Majesty shall not permit his Britannick Majesty's subjects, or their workmen, to be disturbed or molested under any pretence whatsoever in the said places, in their occupation of cutting, loading, and carrying away log-wood; and for this purpose, they may build, without hindrance, and occupy, without interruption, the houses and magazines necessary for them, for their families, and for their effects; and his Catholick Majesty assures to them, by this article, the full enjoyment of those advantages and powers on the Spanish coasts and territories, as above stipulated, immediately after the ratification of the present treaty.

XVIII. His Catholick Majesty desists, as well for himself as for his successors, from all pretension which he may have formed in favour of the Guipuscoans, and other his subjects, to the right of fishing in the neighbourhood of the island of Newfoundland.

XIX. The King of Great Britain shall restore to Spain all the territory which he has conquered in the island of Cuba, with the fortress of the Havannah; and this fortress, as well as all the other fortresses of the said island, shall be restored in the same condition they were in when conquered by his Britannick Majesty's arms, provided that his Britannick Majesty's subjects who shall have settled in the said island, restored to Spain by the



present treaty, or those who shall have any commercial affairs to settle there, shall have liberty to sell their lands and their estates, to settle their affairs, recover their debts, and to bring away their effects, as well as their persons, on board vessels which they shall be permitted to send to the said island restored as above, and which shall serve for that use only, without being restrained on account of their religion, or under any other pretence whatsoever, except that of debts or of criminal prosecutions: And for this purpose, the term of eighteen months is allowed to his Britannick Majesty's subjects, to be computed from the day of the exchange of the ratifications of the present treaty: but as the liberty granted to his Britannick Majesty's subjects, to bring away their persons and their effects, in vessels of their nation, may be liable to abuses if precautions were not taken to prevent them; it has been expressly agreed between his Britannick Majesty and his Catholick Majesty, that the number of English vessels which shall have leave to go to the said island restored to Spain shall be limited, as well as the number of tons of each one; that they shall go in ballast; shall set sail at a fixed time; and shall make one voyage only; all the effects belonging to the English being to be embarked at the same time: it has been farther agreed, that his Catholick Majesty shall cause the necessary passports to be given to the said vessels; that for the greater security, it shall be allowed to place two Spanish clerks or guards in each of the said vessels, which shall be visited in the landing places and ports of the said island restored to Spain, and that the merchandize which shall be found therein shall be confiscated.

XX. In consequence of the restitution stipulated in the preceding article, his Catholick Majesty cedes and guaranties, in full right, to his Britannick Majesty, Florida, with Fort St. Augustin, and the Bay of Pensacola, as well as all that Spain possesses on the continent of North America, to the East or to the South East of the river Mississippi. And, in general, every thing that depends on the said countries and lands, with the sovereignty, property, possession, and all rights, acquired by treaties or otherwise, which the Catholick King and the Crown of Spain have had till now over the said countries, lands, places, and their inhabitants; so that the Catholick King cedes and makes over the whole to the said King and to the Crown of Great Britain, and that in the most ample manner and form. His Britannick Majesty agrees, on his side, to grant to the inhabitants of the countries above ceded, the liberty of the Catholick religion; he will, consequently, give the most express and the most effectual orders that his new Roman Catholic subjects may profess the worship of their religion according to the rites of the Romish church, as far as the laws of Great Britain permit. His Britannick Majesty farther agrees, that the Spanish inhabitants, or others who had been subjects of the Catholick King in the said countries, may retire, with all safety and freedom, wherever they think proper; and may sell their estates, provided it be to his Britannick Majesty's subjects, and bring away their effects, as well as their persons,

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# THE PAPERS OF SIR WILLIAM JOHNSON

Prepared for publication by  
The Division of Archives and History

ALEXANDER C. FLICK, Ph.D., Litt.D.  
*Director and State Historian*

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1925

1793-1860

A. 1907

## SESSIONAL PAPER No. 18

without being restrained in their emigration, under any pretence whatsoever, except that of debts, or of criminal prosecutions: the term limited for this emigration being fixed to the space of eighteen months, to be computed from the day of the exchange of the ratifications of the present treaty. It is moreover stipulated, that his Catholick Majesty shall have power to cause all the effects that may belong to him, to be brought away, whether it be artillery or other things.

XXI. The French and Spanish troops shall evacuate all the territories, lands, towns, places, and castles, of his Most faithful Majesty in Europe, without any reserve, which shall have been conquered by the armies of France and Spain, and shall restore them in the same condition they were in when conquered, with the same artillery and ammunition, which were found there: And with regard to the Portuguese Colonies in America, Africa, or in the East Indies, if any change shall have happened there, all things shall be restored on the same footing they were in, and conformably to the preceding treaties which subsisted between the Courts of France, Spain, and Portugal, before the present war.

XXII. All the papers, letters, documents, and archives, which were found in the countries, territories, towns and places that are restored, and those belonging to the countries ceded, shall be, respectively and *bond fide*, delivered, or furnished at the same time, if possible, that possession is taken, or, at latest, four months after the exchange of the ratifications of the present treaty, in whatever places the said papers or documents may be found.

XXIII. All the countries and territories, which may have been conquered, in whatsoever part of the world, by the arms of their Britannick and Most Faithful Majesties, as well as by those of their Most Christian and Catholick Majesties, which are not included in the present treaty, either under the title of cessions, or under the title of restitutions, shall be restored without difficulty, and without requiring any compensations.

XXIV. As it is necessary to assign a fixed epoch for the restitutions and the evacuations, to be made by each of the high contracting parties, it is agreed, that the British and French troops shall compleat, before the 15th of March next, all that shall remain to be executed of the XIIth and XIIIth articles of the preliminaries, signed the 3d day of November last, with regard to the evacuation to be made in the Empire, or elsewhere. The island of Belleisle shall be evacuated six weeks after the exchange of the ratifications of the present treaty, or sooner if it can be done. Guadeloupe, Desirade, Mariegalante Martinico, and St. Lucia, three months after the exchange of the ratifications of the present treaty, or sooner if it can be done. Great Britain shall likewise, at the end of three months after the exchange of the ratifications of the present treaty, or sooner if it can be done, enter into possession of the river and port of the Mobile, and of all that is to form the limits of the territory of Great Britain, on the side of the river Mississippi, as they are specified in the VIIth article. The island

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## SESSIONAL PAPER

XXV. His Britannick Majesty, as Elector of Brunswick Lunenbourg, as well for himself as for his heirs and successors, and all the dominions and possessions of his said Majesty in Germany, are included and guaranteed by the present treaty of peace.

XXVI. Their sacred Britannick, Most Christian, Catholick, and Most Faithful Majesties, promise to observe sincerely and *bonâ fide*, all the articles contained and settled in the present treaty; and they will not suffer the same to be infringed, directly or indirectly, by their respective subjects; and the said high contracting parties, generally and reciprocally, guaranty to each other all the stipulations of the present treaty.

XXVII. The solemn ratifications of the present treaty, expedited in good and due form, shall be exchanged in this city of Paris, between the high contracting parties, in the space of a month, or sooner if possible, to be computed from the day of the signature of the present treaty.

In witness whereof, we the underwritten their Ambassadors Extraordinary, and Ministers Plenipotentiary, have signed with our hand, in their name, and in virtue of our full powers, have signed the present definitive treaty, and have caused the seal of our arms to be put thereto. Done at Paris the tenth day of February, 1763.

*Bedford, C.P.S.*      *Choiseul, Duc de Praslin.*      *El Marq. de Grimaldi.*  
(L.S.)                      (L.S.)                      (L.S.)

I. Some of the full powers, and the preamble of it has been agreed of the said contract either side, on or shall not be cited

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SEPARATE ARTICLES

I. Some of the titles made use of by the contracting powers, either in the full powers, and other acts, during the course of the negotiation, or in the preamble of the present treaty, not being generally acknowledged; it has been agreed, that no prejudice shall ever result therefrom to any of the said contracting parties, and, that the titles, taken or omitted on either side, on occasion of the said negotiation, and of the present treaty, shall not be cited or quoted as a precedent.

II. It has been agreed and determined, that the French language made use of in all the copies of the present treaty, shall not become an example which may be alledged, or made a precedent of, or prejudice, in any manner, any of the contracting powers; and that they shall conform themselves, for the future, to what has been observed, and ought to be observed, with regard to, and on the part of powers, who are used, and have a right, to give and to receive copies of like treaties in another language than French; the present treaty having still the same force and effect, as if the aforesaid custom had been therein observed.

III. Though the King of Portugal has not signed the present definitive treaty, their Britannick, Most Christian, and Catholick Majesties, acknowledge, nevertheless, that his Most Faithful Majesty is formally included therein as a contracting party, and as if he had expressly signed the said treaty: Consequently, their Britannick, Most Christian, and Catholick Majesties, respectively and conjointly, promise to his Most Faithful Majesty, in the most express and most binding manner, the execution of all and every the clauses, contained in the said treaty, on his act of accession.

The present Separate Articles shall have the same force as if they were inserted in the treaty.

In witness whereof, We the under-written Ambassadors Extraordinary, and Ministers Plenipotentiary of their Britannick, Most Christian and Catholick Majesties, have signed the present separate Articles, and have caused the seal of our arms to be put thereto.

Done at Paris, the 10th of February, 1763.

Bedford, C.P.S.  
(L.S.)

Choiseul, Duc  
de Praslin.  
(L.S.)

El Marq. de  
Grimaldi.  
(L.S.)

His Britannick Majesty's full Power.

GEORGE R.

GEORGE the Third, by the grace of God, King of Great Britain, France and Ireland, Defender of the Faith, Duke of Brunswick and Lunenbourg, Arch-Treasurer, and Prince Elector of the Holy Roman Empire, &c. To all and singular to whom these presents shall come, greeting. Whereas, in order to perfect the peace between Us and our good Brother the Most Faithful King, on the one part, and our good Brothers the Most Christian

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and Catholick Kings, on the other, which has been happily begun by the Preliminary Articles already signed at Fontainebleau the third of this month; and to bring the same to the desired end, We have thought proper to invest some fit person with full authority, on our part; Know ye, that We, having most entire confidence in the fidelity, judgment, skill, and ability in managing affairs of the greatest consequence, of our right trusty, and right entirely beloved Cousin and Counsellor, John Duke and Earl of Bedford, Marquis of Tavistock, Baron Russel of Cheney, Baron Russel of Thornhaugh, and Baron Howland of Streatham, Lieutenant-general of our forces, Keeper of our Privy Seal, Lieutenant and Custos Rotulorum of the counties of Bedford and Devon, Knight of our most noble order of the Garter, and our Ambassador Extraordinary and Plenipotentiary to our good Brother the Most Christian King, have nominated, made, constituted and appointed, as by these presents, we do nominate, make, constitute, and appoint him, our true, certain, and undoubted Minister, Commissary, Deputy, Procurator and Plenipotentiary, giving to him all and all manner of power, faculty and authority, as well as our general and special command (yet so as that the general do not derogate from the special, or on the contrary) for Us and in our name, to meet and confer, as well singly and separately, as jointly, and in a body, with the Ambassadors, Commissaries, Deputies, and Plenipotentiaries of the Princes, whom it may concern, vested with sufficient power and authority for that purpose, and with them to agree upon, treat, consult and conclude, concerning the re-establishing, as soon as may be, a firm and lasting peace, and sincere friendship and concord; and whatever shall be so agreed and concluded, for Us and in our name, to sign, and to make a treaty or treaties, on what shall have been so agreed and concluded, and to transact every thing else that may belong to the happy completion of the aforesaid work, in as ample a manner and form, and with the same force and effect, as We ourselves, if we were present, could do and perform; engaging and promising, on our royal word, that We will approve, ratify and accept, in the best manner, whatever shall happen to be transacted and concluded by our said Plenipotentiary, and that We will never suffer any person to infringe or act contrary to the same, either in the whole or in part. In witness and confirmation whereof We have caused our great Seal of Great Britain to be affixed to these presents, signed with our royal hand. Given at our Palace at St. James's, the 12th day of November, 1762, in the third year of our reign.

His Most Christian Majesty's Full Power.

LEWIS, by the grace of God, King of France and Navarre, To all who shall see these presents, Greeting. Whereas the Preliminaries, signed at Fontainebleau the third of November of the last year, laid the foundation of the peace re-established between us and our most dear and most beloved good Brother and Cousin the King of Spain, on the one part, and

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our most dear and most beloved good Brother the King of Great Britain, and our most dear and most beloved good Brother and Cousin the King of Portugal on the other, We have had nothing more at heart since that happy epoch, than to consolidate and strengthen in the most lasting manner, so salutary and so important a work, by a solemn and definitive treaty between Us and the said powers. For these causes, and other good considerations, Us thereunto moving, We, trusting entirely in the capacity and experience, zeal and fidelity for our service, of our most dear and well-beloved Cousin, Cæsar Gabriel de Choiseul, Duke of Praslin, Peer of France, Knight of our Orders, Lieutenant General of our Forces and of the province of Britany, Counsellor in all our Councils, Minister and Secretary of State, and of our Commands and Finances, We have named, appointed, and deputed him, and by these presents, signed with our hand, do name, appoint, and depute him our Minister Plenipotentiary, giving him full and absolute power to act in that quality, and to confer, negotiate, treat and agree jointly with the Minister Plenipotentiary of our most dear and most beloved good Brother the King of Great Britain, the Minister Plenipotentiary of our most dear and most beloved good Brother and Cousin the King of Spain and the Minister Plenipotentiary of our most dear and most beloved good Brother and Cousin the King of Portugal, vested with full powers, in good form, to agree, conclude and sign such articles, conditions, conventions, declarations, definitive treaty, accessions, and other acts whatsoever, that he shall judge proper for securing and strengthening the great work of peace, the whole with the same latitude and authority that We ourselves might do, if We were there in person, even though there should be something which might require a more special order than what is contained in these presents, promising on the faith and word of a King, to approve, keep firm and stable for ever, to fulfil and execute punctually, all that our said Cousin, the Duke of Praslin, shall have stipulated, promised and signed, in virtue of the present full power, without ever acting contrary thereto, or permitting any thing contrary thereto, for any cause, or under any pretence whatsoever, as also to cause our letters of ratification to be expedited in good form, and to cause them to be delivered, in order to be exchanged within the time that shall be agreed upon. For such is our pleasure. In witness whereof, we have caused our Seal to be put to these presents. Given at Versailles the 7th day of the month of February, in the year of Grace 1763, and of our reign the forty-eighth. Signed Lewis, and on the fold, by the King, the Duke of Choiseul. Sealed with the great Seal of yellow Wax.

His Catholick Majesty's full Power.

DON CARLOS, by the grace of God, King of Castille, of Leon, of Arragon, of the two Sicilies, of Jerusalem, of Navarre, of Granada, of Toledo, of Valencia, of Galicia, of Majorca, of Seville, of Sardinia, of Cordova, of Corsica, of Murcia, of Jaen, of the Algarves, of Algecira, of Gibraltar, of

Doughty, A. G. and A. Shortt (Eds.). Documents Relating to the Constitutional History of Canada, 1759-1791. King's Printer. Ottawa, 1907. Pp. 113-126

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the Canary Islands, of the East and West Indies, Islands and Continent, of the Ocean, Arch Duke of Austria, Duke of Burgundy, of Brabant and Milan, Count of Hapsburg, of Flanders, of Tirol and Barcelona, Lord of Biscay and of Molino, &c. Whereas preliminaries of a solid and lasting peace between this Crown, and that of France on the one part, and that of England and Portugal on the other, were concluded and signed in the Royal Residence of Fontainebleau, the 3rd of November of the present year, and the respective ratifications thereof exchanged on the 22d of the same month, by Ministers authorised for that purpose, wherein it is promised, that a definitive treaty should be forthwith entered upon, having established and regulated the chief points upon which it is to turn: and whereas in the same manner as I granted to you, Don Jerome Grimaldi, Marquis de Grimaldi, Knight of the Order of the Holy Ghost, Gentleman of my Bed-chamber with employment, and my Ambassador Extraordinary to the Most Christian King, my full power to treat, adjust, and sign the before-mentioned preliminaries, it is necessary to grant the same to you, or to some other, to treat, adjust, and sign the promised definitive treaty of peace as aforesaid: therefore, as you the said Don Jerome Grimaldi, Marquis de Grimaldi, are at the convenient place, and as I have every day fresh motives, from your approved fidelity and zeal, capacity and prudence, to entrust to you this, and other-like concerns of my Crown, I have appointed you my Minister Plenipotentiary, and granted to you my full power, to the end, that, in my name, and representing my person, you may treat, regulate, settle, and sign the said definitive treaty of peace between my Crown and that of France on the one part, that of England and that of Portugal on the other, with the Ministers who shall be equally and specially authorised by their respective Sovereigns for the same purpose; acknowledging, as I do from this time acknowledge, as accepted and ratified, whatever you shall so treat, conclude, and sign; promising, on my Royal Word, that I will observe and fulfil the same, will cause it to be observed and fulfilled, as if it had been treated, concluded, and signed by myself. In witness whereof, I have caused these presents to be dispatched, signed by my hand, sealed with my privy seal, and countersigned by my under-written Counsellor of State, and first Secretary for the department of State and of War. Buen Retiro, the 10th day of December, 1762.

(Signed) I THE KING.  
(And lower) *Richard Wall*

SESSIONAL PAPER

PAPERS RELATING  
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OF THE TREASURY

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<sup>1</sup> This and the following  
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TE DE COUGNE

S.<sup>1</sup>

Niagara 5th June 1763.

he honour of Writing you by  
you that Wapackcamigat, the  
outs, had come here and asked  
1, which he could not give him  
the contrary. Upon Wapack-  
ere once more, and if he was  
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says that after he push'd off, he  
and Red standing with the Rest  
of fourteen, but what the Indians  
That same day a Chief of the  
e the same demand for Rum as

Wapackcomigat did. I went with him to the Major,<sup>2</sup> who  
gave him presents but no Rum, and I have tould the Indian  
(to keep him quiet) that he will have the Generals answer  
Concerning Rum &ca.

As I look upon it to be of great Consequence giving you the  
most Early Accounts of this Intelligence, I have dispatched this  
Express, hoping you will approve of it. I shall always be ready  
to execute your Commands.

I am with the greatest respect Honoured Sir,

Your most Obliged Humble Servant

DECOUGNE.

The Honourable SIR W<sup>m</sup>. JOHNSON.

P. S.

More disagreeable is just arrived. An Officer is just come  
in and Report that he and his party About 100 men was Attack'd  
by Indians near the Detroit River. Only himself & about 30  
or 40 men are Come here. The Major is Writing to the Gen-  
eral of this affair.

DECOUGNE.

TO JEFFERY AMHERST

In *Doc. Rel. to Col. Hist. N. Y.*, 7:522-24, under date of June 6th  
is a letter from Johnson to Sir Jeffery Amherst, in which he mentions the  
visit of deputies from the Six Nations to the governor of Connecticut,  
repeats complaints addressed to himself by a large deputation from those  
Indians touching the state of trade and a demand made upon them for the  
surrender of certain murderers, and exposes designs of the French to stir  
up the Six Nations.

FROM DANIEL CLAUS

A. L. S.<sup>2</sup>

Montreal 6th June 1763

HON<sup>d</sup>. SIR

I arrived here the 31st ult<sup>o</sup>. after a Journey of 9 Days from  
Schenectady, I had the letters of two Mails from York in my

<sup>1</sup>Major John Wilkins, of the 60th regiment, commander of the Niagara  
post.

<sup>2</sup>Original destroyed by fire.

Care, by which the Military here expected to have their Destination of Arrangm<sup>t</sup>. in America, but they were disappointed as there was not a word of it to any Body, and they now wait their Fate with Impatience. Gen<sup>l</sup>. Gage was surprised at my being dally'd with in the manner I was ab<sup>t</sup>. selling out, but thinks I have lost nothing and may get Bargains hereafter, giving me Examples of last War when full Prices were paid for reduced Companies it being advantageous to the Purchaser upon a new Wars breaking out, w<sup>ch</sup>. was Lt. Coll. Beckwiths case, who purchased half pay and by that means came in Captain this War, which gave him that great advantage of rising, besides there is a report in Town that the officers of the 2. Batt<sup>ry</sup>. which are to be reduced will sustain their Rank in the Reg<sup>t</sup>. and receive full pay, but how true that is I dont know. As soon as we are reduced I find I cant hold my Ind<sup>a</sup>. Employ<sup>m</sup> without a particular Sanction of the Commander in chief, wherefore should be glad to hear from you on that head. I think it will be surest for me to keep my half pay since if that is once resigned its gone forever, whereas there might be a chance to get in the other hereafter.

The Caghnawagey Ind<sup>a</sup>. have sent a Deputation to acquaint me that all their people were now come from hunting, and congratulated me on my safe arrival. I returned them my thanks & let them know that I intended to visit them in a few days, when I shall acquaint them with what you charged me. I find they labour still under some Uneasiness about their Lands which bind upon Chateaugay the line running thro' some of their Plantations; I am going to have it surveyed soon, and should it fall out to their Dislike I must endeavour to pacify them for awhile, since G. Gage sticks to the letter of the Patent as the French would have it, tho I think the Sense of it may be clearly turned in favour of the Ind<sup>a</sup>.

I hear there are 2 Battoeloads of Ammunition &ca. to be sent to Detroit as a present for the Ind<sup>a</sup>. there. Gen<sup>l</sup>. Gage mentioned nothing to me about it as yet.



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 Sense of it may be clearly

Ammunition &ca. to be  
 nd<sup>ns</sup>. there. Gen<sup>l</sup>. Gage  
 t.

Mess<sup>rs</sup>. Welles & Wade have sold off all their goods upon  
 Credit of different Terms to honest & able French People. They  
 will clear to themselves a good deal after paying what they owe.

I beg leave to recommend to your Care the work going on at  
 my Place, and made free to tell my Serv<sup>t</sup>. to apply to you for  
 Directions.

A Vessell arrived lately at Quebec from England. It sailed  
 the 5<sup>th</sup> Apr<sup>l</sup>. & brings an Acco<sup>t</sup>. of the Proclam<sup>a</sup>. of the Peace  
 at London the End of March with little Solemnity or rejoicing  
 by the Citizens; Gen<sup>l</sup>. Murray said to be Gov<sup>r</sup>. General of  
 Canada.

I am with greatest Respects Hon<sup>d</sup>. Sir

Your most dutifull and obedient son

DAN. CLAUS.

Cap<sup>t</sup>. Lottridge presents his Respects.

To the Hon<sup>ble</sup>. SR. WM. JOHNSON Bart.

FROM JEAN BAPTISTE DE COUAGNE

A. L. S.<sup>1</sup>

Niagara 6<sup>th</sup> June 1763.

HONOURED SIR

By my letter of yesterday you'll be fully informed of every  
 thing that come to my hands since my last of the Month of May.  
 I shall only signify to you at present what accounts has come  
 here since last night, first, that the Queens Independants upon  
 their way to the Detroit and a Serjeant & twenty Men of the  
 60. Reg<sup>t</sup>. within 25 miles of that place at 11 oClock at Night  
 were attacked by a party of Indians and out of 76 of the Inde-  
 pendants only 36 Returned here.<sup>2</sup>

That the Old Belts Daughter has been informed this day  
 by a Senecas Chachim to quit this place, as they have recd. a

<sup>1</sup>Original destroyed by fire.

<sup>2</sup>Lieutenant Cuyler's detachment. For an account of this affair, see  
 pages 138-44, *Journal of Pontiac's Conspiracy, 1763*, published by  
 Clarence M. Burton, Detroit, Mich.

Gage to Amherst  
1763 Sept. 23

Montreal Sep. 23. 1763.

Garrison

Col. Maunwell was taken ill on the road to Canada, & delivered your Letter of the 3<sup>rd</sup> Instant to Capt. Campbell, who arrived here on the 18<sup>th</sup>, with the letters by the Halifax packet. The little news brought by this packet has disappointed many, and what will probably under its more disagreeable is, that we shall receive the Arrangements at a time, when it will be impossible to get out of the country. What they are doing, or intend to do, with these Governments, I know nothing of, then what you tell me, not having received one Letter, from what Lord Egmont & Mr. Calcraft have wrote you, there is reason still to hope something decisive, will come at last. I find Mistakes don't come single, at the time we heard

of the Misfortune of poor Salyell's detachment, we were informed of the loss of the Sloop, and by far the best of the two, on Lake Erie. Her loss might be better spared, if a sufficient Quantity of provisions had been lodged at Detroit. The Troops may carry enough in their Boats, to support them, till the End of the Campaign, but will hardly be able to afford supplies sufficient for a large Garrison. They were in hopes of having a large new Sloop ready in three or four weeks, by the Assistance of the Materials of the old one, which has struck men enough, to their Docks, to be able to bring away her Riggings & Timber. Capt. Mather will soon set off for Quebec, to join his own Company, & I suppose I may shortly expect Capt. Sirr's Johnstone here, to take the Command of Capt. Burke's Company.

Governor Murray will inform you of the Meeting that has



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Governor Murray will inform you of the Mutiny that hap-  
-pened at Quebec, on account of the stoppage for provisions, our first reports said  
they had gained their point, which made me expect the same work here immediately  
but I am since better informed that the Mutiny was quelled & every thing quiet.  
The Officers of the 23<sup>rd</sup> Regt have recovered, as far as they felt  
sick. They are now all abroad again, and doing their duty, may perhaps have a few  
relapses, now & then, but hope it's pretty well over with them.

I shall acquaint Mr. P. B. B. that he must  
postpone his journey to England, till a more favorable opportunity shall offer  
agreeable to the terms of your letter on that subject. Major Gladwin will no  
doubt remove the suspected Canadians, together with all priests & Jesuits in the  
manner you have directed, & I hope no more of those black dirty will come to be suffered  
amongst the Savages. I am certain they will do all they can against us, if ever a  
fair opportunity offers, but unless it should offer, they are too cunning to meddle  
openly. In the mean while, both they & many of the French inhabitants will keep up  
a spirit amongst them, & support that separatist interest between the English  
& French, which naturally subsisted before we were masters of the whole Country.  
All the ports should be cleared of the Canaille, which are settled near them, as  
soon as possible, I only wish you had ordered the priests down to York, & sent them  
from thence to Europe. This Country is already too full of them, I hope the  
Government will fall on some Method, to thin them, & not suffer a

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1763/09/23



French must in the whole country. I am certain they will not only be Enemies French,  
but make all others so, whom they can influence - There is a correspondence interest  
this Vt. Orleans, I have got two letters, One from a Jewish there, to the Chapter at Quebec  
the other from Mr. Beaujeu, who is at Fort Chartres, neither of them shall be delivered,  
but there is not much in them, but to break up all correspondence if possible. —

Beaujeu, tells his friends how much his conduct had been approved of, by the  
French Court, that Mons Le Choiseuille thought it reasonable, He & his party should  
be rewarded, for the Expence they were at, & the infinite trouble & fatigue they under-  
went, both Letters were of an old date. I have found out by Beaujeu's letter the  
Deposit of his Correspondence, which is the Jewish & the M. Navarre of Detroit, I shall  
give notice of this to May Gladien, who may possibly get possession of Letters, which  
may be of more consequence. I am Dear Mr. Gage,

To His Ex. Mr. J. M. Amherst.  
Comm. in Chief Sea & Land.  
New York.

Upon Mr. Barrow's representation that  
of his bad state of health, & settling the money  
matters here, during his absence. I have given  
him leave to return for York. Which he proposes  
leaving out as late, as the season will admit  
J. G.

Montreal Sept. 25th 1763.

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1763/09/23

(1er octobre 1763)

BOITE XXIX  
V-69

ANQ

FIEF ET SEIGNEURIE DE LA SALLE  
(20 avril 1750)Boite XXIV  
V-69FOY ET HOMAGE DU Sr CARTIER A SON EXCELLENCE THOS GAGE  
LE 1er 8BRE. 1763.

En la présence & Compagnie des Notaires Royaux de la ville et gouvernement de Montréal y résidents soussignés le Sieur René Cartier fils, demurant en cette ville s'est transporté par devers et au chateau de Son Excellence Thomas Gage, Colonel du vingt-deuxième régiment d'Infanterie, Maréchal des Camps et Armées du Roy, Gouverneur de la Ville et Gouvernement de Montréal, et de ses dépendances; ou étant le dit Sieur Cartier, après s'estre mis en devoir de Vassal, a déclaré et reconnu qu'il tient et possède en plein fief foy et homage de Sa Majesté Brittanique, un fief situé au bout de la profondeur des Seigneuries du Sault Saint Louis et Chatteauguay, et qui se trouve enclavé entre la Seigneurie de Villachauve et celle de Laprairie de la Magdelaine, a lui appartenant au moyen de l'acquisition qu'il en a faite de feu Jean LeBer, écuyer, sieur de Senneville, par un contrat passé devant Me. Panet et son confrère nores en cette ville, le vingt six septembre mil sept cent soixante un; Et auquel dit feu Sieur de Senneville la dite fief appartenoit suivant le brevet de ratification a luy accordé par le Roy très chrétien, en datte du premier septembre mil sept cent cinquante quatre promettant le dit sieur Cartier de fournir à Son Excellence dans le tems prescrit les aveux et dénombrements du dit fief; a laquelle foy et homage sa dite Excellence pour ce présente a reçue le dit Sieur Cartier Dont acte requis et octroyé, fait aud chateau de Montréal, l'an Mil Sept Cent Soixante trois le premier octobre après midy et a sa dite Excellence, signée lecture faite.

Thos. Gage

Meziere nore.

Panet nore.

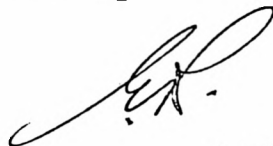
Vraie copie de la minute trouvée dans l'étude de Me. Pa-

net, en son vivant Notaire Royal en la Province de Québec, déposée dans les Archives de la Cour Supérieure, District de Montréal.

Transcription de Mlle Jeanne Hébert.

Montréal avril 1923.

Collationnée par le soussigné.



Archiviste,

ANQ  
Fief et Seigneurie de LaSalle  
(20 avril 1750)  
Boite XXIX  
V-69

1763 / 10 / 01



1763, October 7.

[Establishing New Governments in America.]

BY THE KING.

## A PROCLAMATION

GEORGE R.

Whereas We have taken into Our Royal Consideration the extensive and valuable Acquisitions in America, secured to Our Crown by the late Definitive Treaty of Peace, concluded at Paris the Tenth Day of February last;<sup>1</sup> and being desirous, that all Our loving Subjects, as well of Our Kingdoms as of Our Colonies in America, may avail themselves, with all convenient Speed, of the great Benefits and Advantages which must accrue therefrom to their Commerce, Manufactures, and Navigation; We have thought fit, with the Advice of Our Privy Council, to issue this Our Royal Proclamation,<sup>2</sup> hereby to publish and declare to all Our loving Subjects, that We have, with the Advice of Our said Privy Council, granted Our Letters Patent under Our Great Seal of Great Britain, to erect within the Countries and Islands ceded and confirmed to Us by the said Treaty, Four distinct and separate Governments, stiled and called by the Names of Quebec, East Florida, West Florida, and Grenada, and limited and bounded as follows; viz.

First. The Government of Quebec, bounded on the Labrador Coast by the River St. John, and from thence by a Line drawn from the Head of that River through the Lake St. John to the South End of the Lake nigh Pissin;<sup>3</sup> from whence the said Line crossing the River St. Lawrence and the Lake Champlain in Forty five Degrees of North Latitude, passes along the High Lands which divide the Rivers that empty themselves into the said River St. Lawrence, from those which fall into the Sea; and also along the North Coast of the Baye des Chaleurs, and the Coast of the Gulph of

<sup>1</sup> Text of treaty can be consulted in Chalmers' *Collection of Treaties*, l. 467.

<sup>2</sup> The events leading up to the issuing of this proclamation have been so thoroughly treated in C. W. Alvord's "Genesis of the Proclamation of 1763" in *Michigan Pioneer and Historical Collections*, vol. xxxvi, p. 30, and in C. E. Carter's *Great Britain and the Illinois Country* (Prize Essay of the Amer. Hist. Assoc., 1910) that any explanatory notes in this place seem unnecessary.

<sup>3</sup> *Nipissin* is pronunciation as printed in the *London Gazette*.

Référence: Clarence S. Brigham, Éd., British Royal Proclamations Relating to America, Vol. 12, (1911), pp. 212-217.

1763/10/07

1763, October 7.

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St. Lawrence to Cape Rosieres, and from thence crossing the Mouth of the River St. Lawrence by the West End of the Island of Anticosti, terminates at the aforesaid River of St. John.

Secondly. The Government of East Florida, bounded to the Westward by the Gulph of Mexico, and the Apalachicola River; to the Northward, by a Line drawn from that Part of the said River where the Chatahouchee and Flint Rivers meet, to the Source of St. Mary's River, and by the Course of the said River to the Atlantick Ocean; and to the Eastward and Southward, by the Atlantick Ocean, and the Gulph of Florida, including all Islands within Six Leagues of the Sea Coast.

Thirdly. The Government of West Florida, bounded to the Southward by the Gulph of Mexico, including all Islands within Six Leagues of the Coast from the River Apalachicola to Lake Pentchartrain; to the Westward, by the said Lake, the Lake Mauripas, and the River Mississippi; to the Northward, by a Line drawn due East from that Part of the River Mississippi which lies in Thirty one Degrees North Latitude, to the River Apalachicola or Chatahouchee; and to the Eastward by the said River.

Fourthly. The Government of Grenada, comprehending the Island of that Name, together with the Grenadines, and the Islands of Dominico, St. Vincents, and Tobago.

And, to the End that the open and free Fishery of Our Subjects may be extended to and carried on upon the Coast of Labrador and the adjacent Islands, We have thought fit, with the Advice of Our said Privy Council, to put all that Coast, from the River St. John's to Hudson's Streights, together with the Islands of Anticosti and Madelaine, and all other smaller Islands lying upon the said Coast, under the Care and Inspection of Our Governor of Newfoundland.

We have also, with the Advice of Our Privy Council, thought fit to annex the Islands of St. John's, and Cape Breton or Isle Royale, with the lesser Islands adjacent thereto, to Our Government of Nova Scotia.

We have also, with the Advice of Our Privy Council aforesaid, annexed to Our Province of Georgia all the Lands lying between the Rivers Attamaha and St. Mary's.

And whereas it will greatly contribute to the speedy settling Our said new Governments, that Our loving Subjects should be informed of Our Paternal Care for the Security of the

Liberties and Properties of those who are and shall become Inhabitants thereof; We have thought fit to publish and declare, by this Our Proclamation, that We have, in the Letters Patent under Our Great Seal of Great Britain, by which the said Governments are constituted, given express Power and Direction to Our Governors of Our said Colonies respectively, that so soon as the State and Circumstances of the said Colonies will admit thereof, they shall, with the Advice and Consent of the Members of Our Council, summon and call General Assemblies within the said Governments respectively, in such Manner and Form as is used and directed in those Colonies and Provinces in America, which are under Our immediate Government; and We have also given Power to the said Governors, with the Consent of Our said Councils, and the Representatives of the People, so to be summoned as aforesaid, to make, constitute, and ordain Laws, Statutes, and Ordinances for the Publick Peace, Welfare, and Good Government of Our said Colonies, and of the People and Inhabitants thereof, as near as may be agreeable to the Laws of England, and under such Regulations and Restrictions as are used in other Colonies: And in the mean Time, and until such Assemblies can be called as aforesaid, all Persons inhabiting in, or resorting to Our said Colonies, may confide in Our Royal Protection for the Enjoyment of the Benefit of the Laws of Our Realm of England; for which Purpose, We have given Power under Our Great Seal to the Governors of Our said Colonies respectively, to erect and constitute, with the Advice of Our said Councils respectively, Courts of Judicature and Publick Justice, within Our said Colonies, for the hearing and determining all Causes, as well Criminal as Civil, according to Law and Equity, and as near as may be agreeable to the Laws of England, with Liberty to all Persons who may think themselves aggrieved by the Sentences of such Courts, in all Civil Cases, to appeal, under the usual Limitations and Restrictions, to Us in Our Privy Council.

We have also thought fit, with the Advice of Our Privy Council as aforesaid, to give unto the Governors and Councils of Our said Three New Colonies upon the Continent, full Power and Authority to settle and agree with the Inhabitants of Our said New Colonies, or with any other Persons who shall resort thereto, for such Lands, Tenements, and Hereditaments, as are now, or hereafter shall be in Our



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Power to dispose of, and them to grant to any such Person or Persons, upon such Terms, and under such moderate Quit-Rents, Services, and Acknowledgments as have been appointed and settled in Our other Colonies, and under such other Conditions as shall appear to Us to be necessary and expedient for the Advantage of the Grantees, and the Improvement and Settlement of our said Colonies.

And whereas We are desirous, upon all Occasions, to testify Our Royal Sense and Approbation of the Conduct and Bravery of the Officers and Soldiers of Our Armies, and to reward the same, We do hereby command and empower Our Governors of Our said Three New Colonies, and all other Our Governors of Our several Provinces on the Continent of North America, to grant, without Fee or Reward, to such Reduced Officers as have served in North America during the late War, and to such Private Soldiers as have been or shall be disbanded in America, and are actually residing there, and shall personally apply for the same, the following Quantities of Lands, subject at the Expiration of Ten Years to the same Quit-Rents as other Lands are subject to in the Province within which they are granted, as also subject to the same Conditions of Cultivation and Improvement; viz.

To every Person having the Rank of a Field Officer, Five thousand Acres. — To every Captain, Three thousand Acres. — To every Subaltern or Staff Officer, Two thousand Acres. — To every Non-Commission Officer, Two hundred Acres. — To every Private Man, Fifty Acres.

We do likewise authorize and require the Governors and Commanders in Chief of all Our said Colonies upon the Continent of North America, to grant the like Quantities of Land, and upon the same Conditions, to such Reduced Officers of Our Navy, of like Rank, as served on Board Our Ships of War in North America at the Times of the Reduction of Louisbourg and Quebec in the late War, and who shall personally apply to Our respective Governors for such Grants.

And whereas it is just and reasonable, and essential to Our Interest and the Security of Our Colonies, that the several Nations or Tribes of Indians, with whom We are connected, and who live under Our Protection, should not be molested or disturbed in the Possession of such Parts of Our Dominions and Territories as, not having been ceded to, or purchased by Us, are reserved to them, or any of them, as their Hunting Grounds; We do therefore, with the Advice of Our Privy

Council, declare it to be Our Royal Will and Pleasure, that no Governor or Commander in Chief in any of Our Colonies of Quebec, East Florida, or West Florida, do presume, upon any Pretence whatever, to grant Warrants of Survey, or pass any Patents for Lands beyond the Bounds of their respective Governments, as described in their Commissions; as also, that no Governor or Commander in Chief in any of Our other Colonies or Plantations in America, do presume, for the present, and until Our further Pleasure be known, to grant Warrants of Survey, or pass Patents for any Lands beyond the Heads or Sources of any of the Rivers which fall into the Atlantick Ocean from the West and North-West, or upon any Lands whatever, which, not having been ceded to, or purchased by Us as aforesaid, are reserved to the said Indians, or any of them.

And We do further declare it to be Our Royal Will and Pleasure, for the present as aforesaid, to reserve under Our Sovereignty, Protection, and Dominion, for the Use of the said Indians, all the Lands and Territories not included within the Limits of Our said Three New Governments, or within the Limits of the Territory granted to the Hudson's Bay Company, as also all the Lands and Territories lying to the Westward of the Sources of the Rivers which fall into the Sea from the West and North West, as aforesaid; and We do hereby strictly forbid, on Pain of Our Displeasure, all Our loving Subjects from making any Purchases or Settlements whatever, or taking Possession of any of the Lands above reserved, without Our especial Leave and Licence for that Purpose first obtained.

And We do further strictly enjoin and require all Persons whatever, who have either wilfully or inadvertently seated themselves upon any Lands within the Countries above described, or upon any other Lands, which, not having been ceded to, or purchased by Us, are still reserved to the said Indians as aforesaid, forthwith to remove themselves from such Settlements.

And whereas great Frauds and Abuses have been committed in the purchasing Lands of the Indians, to the great Prejudice of Our Interests, and to the great Dissatisfaction of the said Indians; in order therefore to prevent such Irregularities for the future, and to the End that the Indians may be convinced of Our Justice, and determined Resolution to remove all reasonable Cause of Discontent, We do, with the Advice of Our Privy Council, strictly enjoin and require, that

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no private Person do presume to make any Purchase from the said Indians of any Lands reserved to the said Indians, within those Parts of Our Colonies where We have thought proper to allow Settlement; but that if, at any Time, any of the said Indians should be inclined to dispose of the said Lands, the same shall be purchased only for Us, in Our Name, at some publick Meeting or Assembly of the said Indians to be held for that Purpose by the Governor or Commander in Chief of Our Colonies respectively, within which they shall lie: and in case they shall lie within the Limits of any Proprietary Government, they shall be purchased only for the Use and in the Name of such Proprietaries, conformable to such Directions and Instructions as We or they shall think proper to give for that Purpose: And We do, by the Advice of Our Privy Council, declare and enjoin, that the Trade with the said Indians shall be free and open to all our Subjects whatever; provided that every Person, who may incline to trade with the said Indians, do take out a Licence for carrying on such Trade from the Governor or Commander in Chief of any of Our Colonies respectively, where such Person shall reside; and also give Security to observe such Regulations as We shall at any Time think fit, by Ourselves or by Our Commissaries to be appointed for this Purpose, to direct and appoint for the Benefit of the said Trade; And We do hereby authorize, enjoin, and require the Governors and Commanders in Chief of all Our Colonies respectively, as well Those under Our immediate Government as those under the Government and Direction of Proprietaries, to grant such Licences without Fee or Reward, taking especial Care to insert therein a Condition, that such Licence shall be void, and the Security forfeited, in Case the Person, to whom the same is granted, shall refuse or neglect to observe such Regulations as We shall think proper to prescribe as aforesaid.

And We do further expressly enjoin and require all Officers whatever, as well Military as those employed in the Management and Direction of Indian Affairs within the Territories reserved as aforesaid for the Use of the said Indians, to seize and apprehend all Persons whatever, who, standing charged with Treasons, Misprisions of Treason, Murders, or other Felonies or Misdemeanors, shall fly from Justice, and take Refuge in the said Territory, and to send them under a proper Guard to the Colony where the Crime was committed of which they stand accused, in order to take their Tryal for the same.



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*Royal Proclamations.*

Given at Our Court at St. James's, the Seventh Day of October, One thousand seven hundred and sixty three, in the Third Year of Our Reign.

GOD SAVE THE KING.

London: Printed by Mark Baskett, Printer to the King's most Excellent Majesty; and by the Assigns of Robert Baskett. 1763.

1 p. folio. Copies in Antiq., and P. C.; also in Mass. State Archives, and John Carter Brown Library. Entered on Patent Rolls; entered in Privy Council Register, III Geo., vol. 3, p. 102. Printed in "London Gazette," October 8, 1763, and in several of the colonial newspapers, as the "Providence Gazette," December 17, 1763; also in the "Annual Register," vi, 208, Knaz, "New Collection of Voyages," 1767, ii, 265, and elsewhere.

Gage to  
Amherst

Montreal Oct 12<sup>th</sup> 1763

Dear Sir

1763 Oct. 12

I am just favored with your Letter of the 22<sup>nd</sup>. 26<sup>th</sup> & 27<sup>th</sup> together with the  
sweet inclosures, and was in great hopes of receiving the dispatches of the Aug<sup>t</sup>  
packet by the same opportunity. The season advanced, and it will be a disagreeable  
Affair to be detained in Canada the whole winter, I have nothing to do.

The Clothing is oportuned enough for Dulmet's Reg<sup>t</sup>. the late  
for the two reduced Battalions of the R. Americans. The Draughts of the 11<sup>th</sup>  
incorporated into Townshend's, I hope will have their Clothing before Winter, for they  
are in a very ragged Condition.

There has been some trouble in making out the return of  
the 20<sup>th</sup> Reg<sup>t</sup> & I find by your Letter, there was a mistake at least. I shall enquire  
after Mr. Halls, whom they have omitted; by a Return just before me, of that Regiment  
which you was pleased to transmit from Gosh. he is returned in Europe by your  
Leave. We have heard of the arrival of the 102 Drafts at Bourgo, & their setting out  
from thence to Niagara, I hope they have been expeditious enough to ruin all your  
intentions. The Matters of Law, I am obliged to take a short way with, my greatest  
trouble is with the British Subjects, and greatest Opposition from the Military  
who get in lively suit with the Inhabitants, about property. The last may possibly  
... I need not trouble you with particulars, I shall only tell you, that I have



surprised you, not to trouble you with particulars, I shall only tell you, that I have  
been threatened by a Military person, with a prosecution, for presuming to try a  
civil cause, against him, an Inhabitant about Property. Neither your Instructions  
on the King's Approbation of them, were allowed to be sufficient. I however pursue  
my Instructions, & shall continue to do, as long as I may, which I hope will be no  
longer, than till the arrival of the packet.

The Loss of the 'Loop on Lake Erie, is an unlucky Circumstance  
& I am extremely sorry for the great Loss, my late Corps sustained soon afterwards  
on the carrying place of Niagara, that Regt. has lost almost a complete Company,  
which would not have happened, had not the Sloop met with the Accident —

Sir Wm Johnson took an account of the success of his Indian Com-  
pagny to Capt. Claus, who is now sitting out to join Sir William, & is supposed to  
settle all their Indian matters. The Savages of Canada, have no sort of right or  
pretensions, to the Lands they now claim. All they have a right to, has been  
given them. I have examined the Jesuits titles to the Lands in question, & don't  
find the least foundation for a dispute. Any other person might with as much  
reason, lay claim to them, as the Indians, I ordered Capt. Claus, to tell them  
so, soon after the success of their first Assault, but they are never to be satisfied.

I shall give out the Orders you are pleased to send me about  
the Stoppage of Major Gladwin's Appointment, to be Deputy Adjutant General  
and shall order the Looking Men to be paid for their work.



I shall inquire of Mr Barrow, whether Lieut. Wyman is discharged. Mr  
Mentis, I think, he staid here some days & then set out for Quebec from whence  
he embarked for England. St Croixland has also left this, before your answer could  
come to him. It is some Arrangements were made for this Country; the Affairs  
of Religion, will be a difficult business, and if Housewright, the Communities will  
soon or later be sent off; & they are, I think very obstacles, that can be thrown in  
our way, will be done, and depend upon it, every French Priest, who is in the Country  
or shall come into it, will not only be a help himself but engage many others to  
be so. The sooner measures are taken, the better, the longer they are delayed, the  
worse our Affairs will go. I am &c. Tho: Page

To His Excellency  
The Hon. Ambassador  
New York

Montreal Oct. 16<sup>th</sup> 1763.

Sir

The General Order you took notice of in your Letter of the 14<sup>th</sup> will make no  
difference as to the payment of provisions, on the issuing to the Troops. And the Order  
itself is sufficiently clear as to small vouchers. To be taken on the 24<sup>th</sup> of each Month,

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DOCUMENTS  
RELATIVE TO THE  
COLONIAL HISTORY  
OF THE  
STATE OF NEW-YORK;  
PROCURED IN  
HOLLAND, ENGLAND AND FRANCE,

BY

JOHN ROMEYN BRODHEAD, ESQ.,  
AGENT,

UNDER AND BY VIRTUE OF AN ACT OF THE LEGISLATURE ENTITLED "AN ACT TO APPOINT AN AGENT TO  
PROCURE AND TRANSCRIBE DOCUMENTS IN EUROPE RELATIVE TO THE COLONIAL HISTORY  
OF THE STATE," PASSED MAY 2, 1839.



EDITED BY  
E. B. O'CALLAGHAN, M. D.

VOL. VII.

ALBANY:  
WEED, PARSONS AND COMPANY, PRINTERS.  
1856.

1763/11/13



liberty to avail yourself of His Majesty's permission to return, after so long an absence, to your native country.

I am, &c  
(signed) DUNK HALIFAX.

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*Sir William Johnson to the Lords of Trade.*

[ Plantations General Papers, R., 51, in Bundle S. ]

Johnson Hall Nov<sup>r</sup> 13. 1763.

My Lords,

In obedience to your Lordships commands of the 5<sup>th</sup> of August last, I now do myself the honour of writing my sentiments concerning Indian affairs and of transmitting the best state I am able at present, of the several Nations within my department, with whom I have hitherto had intercourse.

Your Lord<sup>sh</sup> may please to observe that in my letter of the 20<sup>th</sup> of August 1762, I gave a pretty general account of the Indians sentiments at that period, of the uneasiness amongst them, and my apprehensions thereon, as also my sentiments on the best method of conciliating their affections and preventing a Rupture; and I flatter myself it will appear, from what has since past, that my then opinion, was not ill founded.

In my letter of the 1<sup>st</sup> of July and 25<sup>th</sup> of Sept<sup>r</sup> last I repeated my former sentiments, and humbly represented the causes to which the late hostilities might chiefly be attributed.

I shall therefore in this chiefly confine myself to the claims, interest, cause of defection and sentiments of the several Nations within my department, and with deference, offer my opinion on the ways and means for effecting a lasting peace, and securing their affections to the advantage of His Majesty and the safety and welfare of His American subjects for which important end, I shall humbly lay before Your Lord<sup>sh</sup> a necessary plan for the better regulation of my Department.

In the State herewith transmitted I have (with as much exactness as the subject would possibly admit of at present) laid down the several Confederacies in my Department hitherto treated with, and pointed out as nearly as I could the situation and numbers of each Nation comprehended therein, with their present alliances; but as the Western Indians or Ottawas Confederacy, were but newly received into our alliance, I have only taken upon me to ascertain the numbers of them residing in the neighbourhood of the several outposts lately taken, as reported by my deputies, who performed tours amongst them, and given the best General Computation I have met with of the rest of their Confederacy, who live so scattered about the North of Lakes Ontario, Erie and Huron, and even about the Lakes, Superior and Michigan, that no particular account can as yet be procured of them.

I am now to lay before your Lord<sup>sh</sup> the claims of the Nations mentioned in the State of the Confederacies.

The Five Nations having in the last Century subdued the Shawanese, Delawares, Twighties, & western Indians so far, as lakes, Michigan & Superior, received them into an alliance, allowed them the possession of the Lands they occupied, and have ever since been at peace



with the greatest part of them, and such was the prowess of the Five Nations Confederacy, that had they been properly supported by us, they would have long since put a period to the Colony of Canada, which alone, they were near effecting in the year 1688. Since that time, they have admitted the Tuscaroras from the Southward amongst them, giving them a Tract of Land beyond Onejda, and they have ever since formed a part of that Confederacy.

As Original proprietors, this Confederacy claim the Country of their residence, South of Lake Ontario to the great Ridge of the Blew Mountains, with all the Western part of the province of New York towards Hudsons River, west of the Caats Kill, thence to Lake Champlain, and from Regioghne a Rock at the East side of said lake to Oswegatche or La Gattell on the River St Lawrence (having long since ceded their claim North of said line in favour of the Canada Indians as Hunting ground) thence up the River St Lawrence and along the South side of Lake Ontario to Niagara.

In right of conquest, they claim all the Country (comprehending the Ohio) along the great Ridge of Blew Mountains at the back of Virginia, thence to the head of Kentucke River, and down the same to the Ohio above the Rifts, thence Northerly to the South end of Lake Michigan, then along the eastern shore of said lake to Missillimackinac, thence easterly across the North end of Lake Huron to the great Ottawa River, (including the Chippawæ or Mississagey Country) and down the said River to the Island of Montreal.—However, these more distant claims being possessed by many powerful Nations, the Inhabitants have long began to render themselves independant by the assistance of the French, and the great decrease of the Six Nations; but their claim to the Ohio, and thence to the Lakes is not in the least disputed by the Shawanese Delawares ettc, who never transacted any Sales of Land or other matters without their consent, and who sent Deputys to the grand Council at Onondaga on all important occasions.

On my coming to the management of Indian Affairs in 1746. when the Indians refused to meet or treat with our Governours, the Indian interest was from our former neglect in so visible a State of decline, that it was conjectured by many, they would entirely abandon us; in this acituation, it was with the utmost difficulty that I was enabled to prevent their falling off, but by proper measures and personal interest, I was happy enough, not only to keep them in our interest but also to employ many parties of them against the Enemy, who greatly harassed them. On my further appointment by General Braddock (for which I never received any salary) I then acquainted them that I feared, the utmost I could do would be to preserve a neutrality, which alone would be of great consequence, and for this my opinion, I had sufficient reason, as the Indians had from the year 1749 to 1754. been continually complaining of neglect, and remonstrating against the growing power of the French, and repeatedly requesting our assistance, on which they would disposess them notwithstanding their Interest with the western Indians whom they had at an immense expence, and by the artful insinuations of Jesuits and other proper Emissaries brought over to them, and which in the declining state of the Six Nations, were too formidable Enemies alone to cope with.

The Six Nations living at the Ohio, had even requested both of Virginia and Pennsylvania to erect a Post on the Ohio, where Fort Du Quesne since stood, concerning all which I have the authentic Records and proceedings, but finding it neglected and themselves dispised, they in 1754. at the great Congress held at Albany (in the presence of the Gov<sup>r</sup> of New York and Commissioners from several of the Govern<sup>ts</sup> mett there, to consider on ways and means to bring about an Union of the Colonies and to preserve the Friendship of the Six Nations, as

also to check the growing power of the French) refused to hear Gov<sup>r</sup> or any of the rest, until I was sent for, as I had for some time declined the management of Indian Affairs, on not being properly supported.—When addressing the Gov<sup>r</sup> etc. the Indians said: "This is the ancient place of Treaty, where the Fire of Friendship always used to Burn—it is now three years since we have been called to any public treaty here; it is true, there are Commiss<sup>rs</sup> here" (meaning the Albany Commiss<sup>rs</sup> for Indian affairs, persons of very little capacity, who were "all devoted to their own interest and Trade, and by whose means the French were constantly supplied with Indian and other goods, thro' the channel of Canada Indians) but they have not invited us to smoak with them, but the Indians of Canada come frequently and smoak here, which is for the sake of the Beaver. Bretheren, you desired us to speak from the bottom of our hearts, and we shall do it. Look about you and see all these houses full of Beaver, and the money is gone to Canada; the fire is here burned out"—that is the fire of pence, meaning that their friendship was at an end.

Since I had the honour of being appointed to the sole management of Indian Affairs by His Maj<sup>ty</sup>'s commission in February, 1756. I had the satisfaction to find that my endeavours to regain the Six Nations etc. to his Maj<sup>ty</sup>'s interest was not totally without success, as well as advantage to the public, and your Lord<sup>shps</sup> approbation. I beg pardon for the preceeding digression, but I judged it necessary to remind your Lord<sup>shps</sup> in the words of the Indians, of their then sentiments and the cause thereof.

As the claims of the Western Indians, are on the North side of the Lakes, and extending thence to the Country of the Sioux, they in no wise concern our present possessions, except as to the Lands, on which the out posts have been erected, and of that, among other particulars I shall speak hereafter.

I apprehend from what I have formerly and now wrote, on this subject, it will appear clearly to your Lord<sup>shps</sup> that the Colonies, had all along neglected to cultivate a proper understanding with the Indians, and from a mistaken notion, have greatly dispised them, without considering, that it is in their power at pleasure to lay waste and destroy the Frontiers. This opinion arose from our confidence in our scattered numbers and the parsimony of our people, who, from an error in politics, would not expend five pounds, to save twenty, and it must be a matter of real concern to any good subject to find, that nothing but fatal experience would convince many of their errors.—

Without any exaggeration, I look upon the Northern Indians to be the most formidable of any uncivilized body of people in the World. Hunting and War are their sole occupations, and the one, qualifies them for the other, they have few wants, and those are easily supplied, their properties of little value, consequently, expeditions against them however successful, cannot distress them, and they have courage sufficient for their manner of fighting, the nature and situation of their Country, require not more.

As the French well knew the importance of the Indians, they wisely, took advantage of our neglect, and altho' they were not able to effect a proper reconciliation with the Six Nations, took care to cultivate a good understanding with the Western Indians, which the safety of their Colony, and their ambitious views of extending their bounds, rendered indispensably necessary; to effect this, they were at an immense expence in buying the favour of the Indians.

On the reduction of Montreal, whereby the frontiers claimed by Canada, were ceded to His Majesty, I thought it prudent, to send M<sup>r</sup> Croghan, one of my Deputys with the Troops, who were to take possession of Detroit etc, whereby I reconciled the change to the neighbouring



Indians, then in arms against us, and the next year went in person to Detroit, where, I held a Conference with the several neighbouring Nations, the particulars of which will appear from my transactions last year transmitted to your Lord<sup>ships</sup>; but apprehensive that our occupying these out posts, would never be approved of, unless the Indians shared our favours, as they had been accustomed to those of the French, I represented to the Commander in Chief, the necessity of weaning them therefrom gradually, as well as the repeated accounts I had constantly transmitted me of the uneasiness amongst the Indians, and my apprehensions thereon.

The Indians of the Ottawa Confederacy (& who begun the present war) and also the Six Nations, however their sentiments may have been misrepresented, all along considered the Northern parts of North America, as their sole property from the beginning; and although the conveniency of Trade, (with fair speeches and promises) induced them to afford both, us and the French settlements in their Country, yet they have never understood such settlement as a Dominion, especially as neither we, nor the French ever made a conquest of them; they have even repeatedly said at several conferences in my presence, that "they were amused by both parties with stories of their upright intentions, and that they made War for the protection of the Indians Rights, but that they plainly found, it was carried on, to see who would become masters of what was the property of neither the one nor the other"—The French in order to reconcile them to these encroachments, loaded them with favours, and employed the most intelligent Agents, of good influence, as well as artful Jesuits amongst the several Western and other Nations, who by degrees, prevailed on them to admit of Forts, under the Notion of Trading houses in their Country. and knowing, that these posts, could never be maintained contrary to the inclinations of the Indians, they supplied them thereat with Ammunition and other necessaries in abundance, as also called them to frequent Congresses, and dismissed them with handsome presents; by which, they enjoyed an extensive commerce, obtained the assistance of these Indians, and possessed their Frontiers in safety; and as without these measures, the Indians would never have suffered them in their Country, so, they expect that whatever European power passes the same, they shall in some measure reap the like advantages. Now, as these advantages ceased, on the Posts being possessed by the English, and especially as it was not thought prudent to indulge them with Amunition, they immediately concluded, that we had designs against their liberties, which opinion had been first instilled into them by the French, and since promoted by Traders of that Nation and others who retired amongst them on the surrender of Canada and are still there, as well as by Belts of Wampum and other exhortations, which I am confidently assured have been sent amongst them from the Illinois Louisiana and even Canada for that purpose.

The Shawanese and Delawares about the Ohio who were never warmly attached to us since our neglects to defend them against the encroachments of the French, and refusing to erect a Post at the Ohio, or assist them and the Six Nations with Men or amunition, when they requested both of us, as well as irritated at the loss of several of their people killed upon the communication to Fort Pitt in the years 1759 and 1761. were easily induced to join with the Western Nations, and the Senecas dissatisfied at many of our posts, jealous of our designs, and displeased at our neglect and contempt of them soon followed their example. These are the causes the Indians themselves assign, and which certainly occasioned the Rupture between us, the consequence of which, in my humble opinion, will be, that the Indians (who do not regard the Distance) will be supplied with necessaries by the Wabache and several Rivers,



which empty into the Mississippi, which it is by no means in our power to prevent, and in return the French will draw the valuable Furrs down that River, to the advantage of their Colony, and the destruction of our Trade; this will always induce the French to foment differences between us and the Indians, and the prospects many of them entertain, that they may hereafter become possessed of Canada, will incline them still more to cultivate a good understanding with the Indians, which if ever attempted by the French, would, I am very apprehensive be attended with a general defection of them from our interest, unless we are at a great pains and expence, to regain their friendship, and thereby satisfy them, that we have no designs to their prejudice.

By the measures I have taken the Six Nations (Senecas excepted) are still our friends, and continue to repeat their offers of accompanying His Maj<sup>ty</sup>'s Troops against the Enemy, when the Commander in Chief shall approve thereof. As the Six Nations are the barrier of this province in particular, and can easily cut off the important Communication to Lake Ontario either way, their attachment can not I conceive be too much cultivated, and the redress of their grievances I hope may appear worthy your Lord<sup>shps</sup> attention, more especially as they dread the resentment of our numerous Enemies for their fidelity to Us. Of the Seneca Villages, two remain still our friends, viz<sup>t</sup> Kanadasegey and Kanadaraygo, and the fidelity of the rest of the Confederacy, hath hitherto preserved the frontiers of this Province and the communication to Lake Ontario. But as those who are still our friends, particularly the Mohawks, are they, who have the most occasion to be redressed in land affairs, it is necessary to observe to your Lord<sup>shps</sup> the particulars in which they are aggrieved, concerning their Lands, which I have in my former letters generally represented.

As we have not extended our settlement further than the Onejda Country, and but few there, we have as yet had but few complaints from that Nation or from those more distant.

The claim of the Mohawks extends from near Albany along the Mohawk River to the little falls or carrying place (the Onejda boundary) about 60 miles above Schenectady, and all the Country from thence Eastward and North to Rejioghne in Lake Champlain, with the Country South and West of the Mohawk River to the heads of Susquehanna and Delaware Rivers; for the lands along the Mohawk River (a few small Tracts excepted) the Indians acknowledge themselves to be contented, except that claimed by the Corporation of Albany, of which I shall speak presently; but a matter of the utmost uneasiness to them is the large Patent of Kayadarasseras alias Queensborough. In the Reign of Queen Ann, some people of Albany persuaded a few Mohawks to sell them a small piece of Land (about enough for three Farms) along the Hudsons River above Saraghtoga, and procured an Indian deed for that purpose, for a trifling consideration, which, small as it was, having been left in Schenectady, was there burned when that Town was destroyed by the French & the purchase money never since paid. Under the pretext of said Indian Deed, the parties procured a Patent bearing date the 2<sup>nd</sup> day of November 1708 for all the lands then unoccupied between Hudson and the Mohawk River, to certain places on both those Rivers containing by estimation about 800000 Acres of land which included, the most valuable part of the Mohawks Hunting ground, subject to only four pounds currency per annum quit Rent, which if now granted, would yield a Revenue to the Crown of about £1700 p<sup>r</sup> annum currency; this unconscionable grant, the proprietors did not as yet attempt surveying or Dividing in 55 years, neither did they venture to settle any people thereon, 'till last year a few poor people were placed on it, which has greatly alarmed and revived the Indian's uneasiness, who never dreamed that they would have attempted to settle

what was so surreptitiously obtained, which, if allowed, will include several farms and improvements made by many poor industrious persons, who since the time of granting that large Tract, have fairly purchased and obtained Patents for small Tracts along the Mohawk River, and the Patentees foreseeing the consequence, of attempting to settle it themselves, were till lately deterred, from doing any thing therein, a practice too common amongst all possessors of large Tracts in this Country, who keep the same in Reserve waiting for the extinction of the Indians, or the encrease in value of Lands to the prejudice of all those who want to occupy and cultivate small Tracts.

The Corporation of Albany likewise (a great many years ago) obtained an Indian Deed, by intoxicating their Chiefs, and other unfair measures as the Indians say, of the lands called, the Mohawk Flatts at Fort Hunter, whereon they reside, and from whence they draw the greatest part of their subsistence; and altho' they have not as yet attempted to disposess the Indians, yet it is to be apprehended, whenever matters are thoroughly established, they will certainly do so, which gives the utmost discontent to the Indians.

The parties concerned in the Patent at Conajohare as mentioned in a former letter, are now endeavouring to compromise the affair with the Indians. Should they settle it to the satisfaction of the Indians, it will prevent my giving your Lord<sup>ships</sup> any further trouble on that head, if otherwise, I shall in my next, lay the affair in the fullest and clearest manner I possibly can before your Lordships.

These are the only land disputes, at present necessary to be laid before your Lord<sup>ships</sup>, in which the Mohawks think themselves highly aggrieved, and in which, I am of opinion, Your Lord<sup>ships</sup> will judge it very necessary to redress them, which will not only highly gratify them, but have the best effect imaginable on the minds of the rest of the Six Nations who are no strangers to the fraud, and have repeatedly demanded redress.

But the grand matter of concern to all the Six Nations (Mohawks excepted) is the occupying a chain of small Posts on the communication through their Country to Lake Ontario, not to mention Fort Stanwix, exclusive of which, there were erected in 1759. Fort Schuyler on the Mohawk River, and the Royal Block House at the East end of Oneida Lake, in the Country of the Oneidaes, Fort Brewerton, and a post at Oswego Falls in the Onondagaes Country; in order to obtain permission for erecting these Posts, they were promised they should be demolished at the end of the War. General Shirley also made them alike promise for the posts he erected; and as about these posts, are their fishing and Hunting places, where they complain, that they are often obstructed by the Troops, and insulted, they request that (according to promise) they may not be kept up, the war with the French being now over.

In 1760 Sir Jeffery Amherst sent a speech to the Indians in writing, which was to be communicated to the Nations about Fort Pitt etc: by General Monkton then commanding there, signifying his intentions to satisfy and content, all Indians for the ground occupied by the Posts, as also for any land about them, which might be found necessary for the use of the garrisons; but the same has not been performed, neither are the Indians in the several Countries at all pleased at our occupying them, which they look upon them as the first steps to enslave them and invade their properties. And I beg leave to represent to your Lord<sup>ships</sup>, that one very material advantage resulting from a continuance of good treatment and some favours to the Indians, will be the security and toleration thereby given to the Troops for cultivating lands about the Garrisons, which the present reduction of their Rations renders absolutely necessary.

I have now as briefly, as the subjects would admit of, stated the strength, Interest, Claims and sentiments of the Indians with the causes to which their discontent, and the present unhappy rupture must be attributed; and I am next to offer my opinion how there cause may be removed, and what will be the most effectual plan for the management of Indian Affairs, for the benefit of a Free Trade, and the security and interests of His Majesty's subjects.

In doing this I am hopeful, your Lord<sup>sh</sup> will be of opinion, that I offer no sentiments, but what are the result of experience, such as appear to promise the most success, attended with as much œconomy, as good policy will admit of, and which if approved of by your Lord<sup>sh</sup>, and recommended accordingly, may enable me to collect a good Force of Indians against the ensuing campaign, to accompany our Troops who may then pursue their destination, without the surprises, hazards and losses, which I am confident, will always attend their expeditions, unless Indians are encouraged to accompany them.

This necessary plan, may be reduced to two heads; First, the satisfying the Indians on the subject of their uneasiness, particularly concerning their lands; and secondly, by regulating the Department of Indian Affairs in such a manner, as shall best tend to the security of peace, and the promoting His Maj<sup>ty</sup>'s interest amongst the Indians.

With regard to the First, I humbly conceive, that a certain line should be run at the back of the Northern Colonies, beyond which no settlement should be made, until the whole Six Nations should think proper of selling part thereof. This would encourage the thick settlement of the Frontiers, oblige the Proprietors of large grants to get them Inhabited, and secure the Indians from being further deceived by many who make a practice of imposing on a few Indians with liquor and fair promises to sign Deeds, which are generally disavowed by the Nation, altho' the lucrative fees on a Patent made it formerly easy to procure one, without looking into the merits of the Indian purchase, and then, there is no redress here, a Patent being deemed a good title at common Law.

The line of 60 miles south of the Lakes Erie and Ontario, which by their deed in 1726. the Indians were disposed to have reserved to their posterity beyond a power of disposal, does not comprehend one third of the Lands yet unpurchased, neither it is any thing sufficient for the hunting grounds of people, who require a large Tract for that purpose, especially as several Tribes have since retired that way to be remote from our settlements. I would therefore humbly propose, that that Tract might be in some manner augmented, and some remarkable boundary appointed, and that the Indians should over and besides, be contented and satisfied, or permitted to occupy all the lands without the line until such time as they thought proper to dispose thereof; and I am certain, I can at any time hereafter perswade them to cede to His Maj<sup>ty</sup> more land, if it may be found wanting from the encrease of people, which is very improbable, there being already more patented and unsettled than can possibly be well occupied in many years. The thirst of making distant settlements is very impolitic, as such frontiers are too weak and remote to oppose even an ordinary scalping party, and therefore it will be time enough to advance our settlements, when the large Tracts already Patented are thoroughly inhabited.

If such a boundary (having due regard to their hunting grounds) should be thought advisable, I shall immediately on receiving Your Lord<sup>sh</sup>'s commands, make the Indians acquainted therewith, and settle the same in such manner, as may prove most to their satisfaction, and the good of the public; and I have no doubt that the Indians on such determination, and on having their several grievances, concerning their lands redressed, will



be well satisfied on that score, and will doubtless dispose of great part of Kaiadarusseras in a manner most agreeable to his Majesty; but without your Lord<sup>ship</sup>'s interposition, for which they repeatedly solicit me, they can expect little redress in a Country where so many parties concerned, will immediately oppose the necessary restitution of such unreasonable Grants, to these faithful people.

I come now to state the plan, on which my Department may be carried on, for the security and extension of His Majesty's influence & interest amongst the Indians.

The reduction of Canada affording us a connection with many Nations, with whom before we had no intercourse; it became necessary that we should cultivate a good understanding with them, for the security of, and the safety of the public, and, as before that period, I had but one Deputy, which was insufficient for the management of the Indians formerly in Alliance, I then represented the same to Sir Jeffery Amherst, who agreed that I should have the persons, now in my Department, who are well acquainted with, and qualified for their Offices; viz<sup>t</sup> George Crogan, Daniel Claus and Guy Johnson Esq<sup>r</sup> at an annual salary of 200 pounds sterling each, which considering the fatiguing journeys and the necessary appearance they are to make amongst the Ind<sup>ians</sup>, is but a very moderate sum for their trouble and services; in aid to these Deputies, I have at present but two Assistants, and only five Interpreters in the whole Department exclusive of Detroit, for which, and all the out Posts, I think it imprudent to rely any longer on the French Inhabitants, than whom, on the cession of that Country I could find no others qualified.

The former of my Deputys, is for the Ohio and its dependencies, the second for Canada, and the third is my immediate Deputy for the Six Nations and Neighbouring Indians, Missisageys etc. These three Deputys are scarcely sufficient for the variety of business which hath accrued, and must encrease; and of which, none but those, who have experience of the trouble can have the least conception.

For the more effectual carrying on the service in my Department, I find myself under an indispensable necessity, of requiring additional persons to assist them in their duty, as well as to reside at some of the most considerable out Posts. One assistant for Detroit and its environs, with three Interpreters and three Smiths, one of each, at Fort Pitt, at Detroit and Michilimackinac.—Another Assistant to the Deputy in Canada, with two Interpreters and two Smiths, and for the Deputy of the Six Nations etc one Assistant with four Interpreters and four Smiths; one Interpreter and Smith, to be at Fort Stanwix, the same at Oswego, the same at Niagara, the fourth Interpreter to be ready at all conferences, and the fourth smith to reside at Susquahana.—

Good Interpreters are very necessary here, and are hard to be found, for although I am often thro' their ignorance obliged to deliver my own speeches and generally to explain them, yet the Indians always expect to be treated with an Interpreter. Nor can the want of them be dispensed with at the chief out Posts, to explain matters between the Indians and commanding Officers, and prevent the disputes which often arise between them and the Soldiery through their ignorance of each others language.

Another matter extremely essential, will be a choice of proper Missionaries to reside amongst the Indians in their own Villages; many of the present Missions are established at settlements on the sea-side, where the Nations formerly residing are become extinct, or reduced to an inconsiderable number, whilst other Missionaries are allowed a double cure, or live in our Towns; so that two or three visits in a year, are all, that the Indians get, and the

Missionaries unable to speak their language, are obliged to have recourse to the very bad Interpreters which the Country affords; by which means the worthy design of the Society, is in a great measure defeated. There have been other Missionaries, who have too often used their Influence in obtaining grants of Lands, which gives the Indians the most unfavourable opinion of their worldly and interested views. The Mohawks lately told me, that they apprehended the reason, they had not Clergy as formerly amongst them, was, because they had no more land to spare.

The French, who greatly outstripped us in making Proselytes, sent Jesuits and others amongst the Indians, who lived in their Castles, and took care to form them by their immediate example and precept. I fear we shall be unable to procure such persons amongst our Clergy, but I would humbly recommend, the necessity there is for sending some such persons to reside amongst the Mohawks and Oneidaes in particular; these two Nations having a very Religious turn, and desire for learning the Christian Religion, in which many of them are become great proficient, reading the Lithurgy and preaching amongst themselves, to promote which, I have caused a new edition of the prayer Book etc to be printed in their own language, with some necessary additions. Two youths, a Mohawk and an Oneida, whom I sent to school, being returned, and appearing very zealously and devoutly inclined, deserve the notice of the Society; as from their connection and residence, they would prove of much use; for I observe with regret, that few of our people can be found, who will sacrifice the advantages and enjoyments of life to reside in their Villages, without which, they are of little utility.

I cannot sufficiently recommend the necessity and reasonableness of the foregoing plan, and I have only to observe, in addition thereto, that, on due consideration of the importance of securing peace to this Country, and of establishing the Fidelity of the Indians, on the most solid basis, there appears a necessity of bestowing some annual favours, on each Confederacy of Indians in this Department, in which case a proper assortment of Indian goods, should be purchased in England, this Country affording them at too high a price, which has hitherto inflamed the Indian accounts. I heartily wish this expence was unnecessary, but I think it my duty to assure your Lord<sup>ships</sup>, we can never insure a durable peace with the assistance of all the Troops which can be spared for this Continent, until we are become more formidable amongst ourselves, and that the Indians are perfectly reconciled to our Govern<sup>t</sup> by the removal of all their jealousies and suspicions, which can never be effected, if they are too suddenly deprived, of the advantages they have been accustomed to draw from the toleration afforded to the French; nor would double the number of Troops (which must involve the Nation in a vast expence) be able to preserve the communications, secure our Trade from meeting with a severe blow, already heavily felt in this Country, or protect the scattered Frontiers, much less subjugate a people accustomed to retire before a superior force, and at liberty to return when they think proper.

Every effort should, I think, be now made use of, for giving the Enemy Indians such a Blow (effectual it cannot be) as may convince them of our abilities and expertness in the Woods of which they entertain a very indifferent opinion, and afterwards by our treatment satisfy them, that they have a generous people to deal with; afford them a fair Trade at the Chief Out Posts, agreeable to certain regulations for the prices of goods and Furs, and also with well dispensed favours, secure their fidelity for the future; but in the mean time, and always we should in an especial manner, improve our interest and Friendship with the Six Nations and

all other our Friendly Indians; the Six Nations in particular having a great influence over the rest, and being the best barrier for this, and the neighbouring provinces, who would have enjoyed the same security with this Frontier hitherto, but for the defection of the majority of the Senecas, as on the fidelity of the whole Six Nations, the conduct of the most of the Delawares and Ohio Indians in an especial manner depend.

Thus My lords, have I stated to the best of my abilities the affairs in my Department, and humbly submitted to your consideration the only measures, which from a due regard to the situation, strength and disposition of the Northern Indians appear to me capable of speedily terminating the present unhappy Rupture, and securing peace and a free Trade hereafter — points so essential to the interest of His Majesty, and those of the public, that I have reason to hope they will meet with your Lord<sup>ships</sup> approbation, and be considered as the most reasonable and promising system for our future security.

If the observations and plan I now offer, should thro' Your Lord<sup>ships</sup> representation, be honoured with a gracious reception from His Maj<sup>ty</sup>, my utmost endeavours and abilities, shall be exerted for the execution thereof agreeable to His Royal pleasure; but I must humbly observe to your Lord<sup>ships</sup>, that from my experience of the State of Indian Affairs, unless properly supported and enabled to Act in the most conducive manner for effecting the aforesaid ends, it will be impossible for me, to answer His Majesty's expectations, or the favourable opinion with which your Lord<sup>ships</sup> have honoured my services.

My ardent desire, of paying the tribute of my gratitude to His Maj<sup>ty</sup>, by a successful discharge of the important duties of my Department, would not permit me to say less on a subject, on which the interest of the Crown, the safety and welfare of the public, and the valuable Furr Trade with the Northern Indians so essentially depends.

The defection of the Ohio Indians rendering M<sup>r</sup> Croghan's residence amongst them for a time unnecessary, and his private affairs, as he informs me requiring his immediate presence in England, leaving an assistant at Fort Pitt, I have committed this packet to his care; the rather, as his long residence in this Country, and his knowledge of the Indians, will enable him to answer any further questions necessary for your Lord<sup>ships</sup> better information.

If M<sup>r</sup> Croghan does not incline to continue longer in my Department, I must make choice of another Deputy early in the Spring; on this, as well, as on the other heads of my letter I shall hope to be honoured with your Lord<sup>ships</sup> sentiments and Instruct<sup>ns</sup>, so as to enable me to take such steps as may be found necessary for the service of the ensuing year.

I have the honour to be

with the most profound respect

My Lords

Your Lordships' most obedient

and most humble servant

W<sup>m</sup> JOHNSON.



1763/11/18

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DOCUMENTS  
RELATIVE TO THE  
COLONIAL HISTORY  
OF THE  
STATE OF NEW-YORK;

PROCURED IN  
HOLLAND, ENGLAND AND FRANCE,

BY  
JOHN ROMEYN BRODHEAD, ESQ.,  
AGENT,

UNDER AND BY VIRTUE OF AN ACT OF THE LEGISLATURE ENTITLED "AN ACT TO APPOINT AN AGENT TO  
PROCURE AND TRANSCRIBE DOCUMENTS IN EUROPE RELATIVE TO THE COLONIAL HISTORY  
OF THE STATE," PASSED MAY 8, 1833.



EDITED BY  
E. B. O'CALLAGHAN, M. D.

VOL. VII.

ALBANY:  
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1856.

see p. 582

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## NEW-YORK COLONIAL MANUSCRIPTS.

*Enumeration of Indians within the Northern Department.*

[Plantations General Papers, R., LII., Bundle 5.]

Present State of the Northern Indians, in the Department of Sir William Johnson Bart. comprehended under the Six Nations and Ottawa confederacies ettc. containing the names, numbers and scituation of each Nation with remarks.

SIX NATION CONFEDERACY COMPREHENDING THAT OF CANADA, OHIO, ETTC			
NAME.	NUMBERS BY SEX.	SITUATION.	REMARKS.
Mohocks .....	160	Two villages on the Mohawk River, with a few Emigrants at Schohar about 16. miles from Fort Hunter.	Of the six Nations, the Mohawks or Mohocks, Onondagas and Senecas are considered as the Chief and elder Branches—The Oneidas, Cayugas and Tuscaroras are the younger; the last mentioned Nation having many years ago retired from the southward were admitted into the Confederacy with the then Five Nations, the Oneidas giving them land, and they now enjoy all privileges with the rest.
Oneidas .....	250	Two villages, one 25 miles from Fort Stanwix, the other 12 miles west of Oneida Lake, with Emigrants in several places towards the Susquehanna River.	
Tuscaroras .....	140	One village 6. miles from the first Oneidas, and several others about the Susquehanna.	
Onondagas .....	150	One large village, 6. m. from the Lake of their name (which is the place of congress for the Confederates) with a smaller at some distance.	
Cayugas .....	200	One large village near the Lake of their name, with several others from thence to the Susquehanna.	
Senecas .....	1050	Have several villages beginning about 50. m. from Cayuga, & from thence to Chenusio, the largest about 70. m from Niagara with others thence to the Ohio.	Of the Senecas two villages are still in our Interest, vizt Kanadesero and Kanaderagoy, the rest have joined the Western Nations.
Oswegachys .....	80	Emigrants from the Six Nations chiefly Onondagas settled at la Galleite on the River St Lawrence.	These are at peace with the English.
Nenticokes Conoys Tulacoes Saponays ettc }	200	A people removed from the southward and settled on and about the Susquehanna on lands allotted by the Six Nations.	These people are immediately under the direction of the Six Nations, and at peace with the English.
INDIANS OF CANADA IN ALLIANCE WITH THE SIX NATIONS.			
Caghnewagas .....	800	Emigrants from the Mohocks settled at Soul St Louis near Montreal, with Emigrants at Aghquissame, below la Galleite, which is the seat of a Mission.	All these Nations are in alliance with the Six Nations and warmly attached to the British Interest, as are all the other Indians in Canada—Caghnewaga is the seat of a Mission, as is the village of Lac du deux Montagnes.
Canasadagas Arundacs Algonkins }	150	These three Nations now reside together, at the Lac de deux Montagnes at the mouth of the Ottawa River near Montreal.	
Abenakis .....	100	Their village having been burned, at St Francois' below Montreal during the war, they have since lived scattered except a few.	These Indians are originally from New England: if they were all collected, they would amount to more than is represented—They have likewise a Missionary who is a Jesuit.
Skaghquanoghronoe .....	40	Reside at Trois Rivières, they are originally Algonkins.	(There are several other Nations to the Northward, who avoid any connection with the white people; and as they have no fixed residence, their numbers, though considerable, can not be ascertained.)
Hurons .....	40	Reside at Loretto, near Quebec, a very civilized people.	

O'Callaghan, E. B. Documents Relative to the Colonial History of the State of New York. Vol. VII. Albany: Weed, Parsons, & Co., 1856. pp. 582-584

## LONDON DOCUMENTS: XXXVI.

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INDIANS OF OHIO.			
NAME.	NUMBER OF IND.	SITUATION.	REMARKS.
Shawanees .....	800	Removed to the River Stoto, and other branches.	These people are greatly influenced by the Senecas, and reside on lands allotted them by the permission of the Six Nations. They are now at war with the English.
Delawares .....	600	In several villages on and about the Susquahanna, Mankingham etc and thence to Lake Erie.	
Wiamdotz, etc. ....	200	Some villages in the neighborhood of Sandosky Fort near Lake Erie.	
Total .....	3550	There are also in the Six Nation Confederacy, many Indians, whose numbers cannot be computed, as they have no fixed residence.	
OTTAWA CONFEDERACY, COMPREHENDING THE TWIGHTWEES ETC.			
NAME.	NUMBER OF IND.	SITUATION.	REMARKS.
Wiamdotz or Hurons .....	250	Reside opposite Detroit, their village is the seat of a Jesuit mission, their language bears affinity with that of the Six Nations—	This Nation has a great influence over the rest, and has been greatly instigated by the neighboring French to commit acts of hostility.
Powewatamis: in the neighbourhood of Detroit..	150	Resided about a mile below the Fort, but abandoned their village on the commencement of hostilities.	
in the neighborhood of St Joseph .....	200	A little below the Fort.	With these, and the above Indians, are joined several others who form a flying camp under Pontiac an Ottawa Chief.
Ottawas, residing in the neighborhood of Detroit ..	300	Resided about Detroit but with the former, form a flying camp—	
in the neighborhood of Michilimackinac .....	250	Resided in different villages but are now probably with the former. Michilimackinac is the seat of a Mission—	The Ottawas in the neighborhood of Michilimackinac are well attached to us for the most part.
in the neighborhood of Fort St Joseph .....	150	Resided at a small distance, after the reduction of the Fort probably joined the rest.	
Chippewicks, or Mississagais: in the neighbourhood of Detroit .....	320	Resided above the Detroit, now probably in arms with the rest.	These are the most numerous of all the Ottawa Confederacy and have many villages about Lakes: Superior, Huron, Erie etc. whose numbers can not at present be ascertained with exactness.
In the neighborhood of Michilimackinac .....	400	Had several different villages in that country, and the environs of the Lake Huron.	
Meynomenys .....	110	All these nations reside on the West side of La Baye at Lake Michigan and in the neighbourhood of the Fort there.	These Nations are at present in alliance with the Ottawa Confederacy, but appear inclined to our interest, nor did they take the Fort at La Baye, the officer abandoning it, on the news of the rupture, as he could make no defence.—
Foisavolins .....	110		
Pouas .....	260		
Sakis .....	300		
Foras .....	220		
MIAMIS OR TWIGHTWEES.			
Twightwees .....	280	Near the Fort, on the Miami River.	The Twightwees were originally a very powerful people, who, having been subdued by the Six Nations were permitted to enjoy their possessions. There are many Tribes and villages of them, but these are all, who are perfectly known.
Kickapous .....	150	These Nations reside in the neighbourhood of the Fort at Wawagha, and about the wabache River—	
Mascoutens .....	90		
Plankashaws .....	100		
Wawagha .....	200		

O'Callaghan, E. B. Documents Relative to the Colonial History of the State of New York, Vol. VII. Albany: Weed, Parsons, & Co., 1856. pp. 582-584



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## NEW-YORK COLONIAL MANUSCRIPTS.

NAMES.	NUMBER OF MEN.	SITUATION.	REMARKS.
Ottawas. Chipewights. etc. ....	4000	Residing thro' all the extent of Coun- try, from the Lakes, to the great Ottawa River and abt Lake Superior, etc.	This is the most exact computation which can be made of these numerous people, who are scattered throughout the North- ern Parts, and who having few places affixed residence, subsist- ing entirely by Hunting, cannot be ascertained as those of their confederacy residing near the out Forts.
Illinois number uncertain. ....		Reside about the Illinois River and hence to the Mississippi—	We have hitherto had nothing to do with these people, who are numerous, and variously computed. The Six Nations claim their Country, but their Right of Conquest thereto does not ap- pear so clear as to the rest, as represented in the letter herewith.
Sioux number uncertain. ....		Reside in the Country westward of Mississippi, they are much addicted to wandering, and live mostly in camps.	The Sioux who are the most numerous of the Northern In- dians, are little known to us, they not appear well affected to the western Indians, and promise to send Deputies to me in the Spring.
Total. ....	6020		

November 16<sup>th</sup> 1763.W<sup>m</sup> JOHNSON.*Lieutenant-Governor Colden to the Lords of Trade.*

[ New-York Papers, Bundle Pp., No. 4. ]

New York, 7. December 1768.

My Lords,

I have the honour of your Lord<sup>sh</sup> commands of the 25<sup>th</sup> of September, October 7<sup>th</sup> & 10<sup>th</sup> inclosing His Majesty's Proclamation, and 11<sup>th</sup>; all of them by the Packet Boat, which arrived the 30<sup>th</sup> of last month; the preceeding packet Boat, I hear, was lost on the Coast of North Carolina, in the beginning of Novemb<sup>r</sup>

I shall be carefull to observe your Lord<sup>sh</sup> directions in my correspondence with you.

While the Administration was in my hands, I took care to send several papers required by His Majesty's Instructions to his Gov<sup>r</sup> of this Province, to be sent to you; if I discover any omission, it shall be supplied. Since the Assembly have taken upon themselves of late years, to appoint their own Clerke, the Gov<sup>r</sup> cannot be so fully informed of their proceedings, as formerly, when the Clerke was appointed by the Gov<sup>r</sup>.

The next day after I received his Majesty's proclamation, I ordered it to be published in all the Counties of this Province, with the usual solemnity. Strict obedience to it shall be performed on my part, & I shall enjoyn the same on all others whom it may concern.

Since the receipt of your Lord<sup>sh</sup> of the 11<sup>th</sup>, I ordered the Officers of the Customs to attend me, when I communicated your Lord<sup>sh</sup> letter of that date to them; I assured them of my protection and support in performing their duty; and that I shall have like care to have them punished, in case of neglect or Misbehavior in their several offices. At the same time I desired them to communicate to me, any observations they have made, which they think may be of use in detecting, of frauds and illicit Trade.

Without doubt much illicit Trade is carried on in this place, and, tho' more of it has been detected and punished in this Port, than an any of the other Colonies, I am persuaded there is not less among them, in proportion to the Trade. That the officers of the Customs in this Port, are more careful than in the others, I believe from this observation, that the illicit Traders send their vessels to the nearest ports to the Eastward and Westward of this Port,

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# SESSIONAL PAPERS

VOLUME 7

THIRD SESSION OF THE TENTH PARLIAMENT

OF THE

DOMINION OF CANADA

SESSION 1906-7



1763/12/03

V.T

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8-7 EDWARD VII, A. 1907

Governor, to the  
Commander in Chief  
for the time being.

Who shall be Com-  
mander in Chief of  
the Province in case  
of the death or  
absence of the  
Governor.

This Office of Cap-  
tain General and  
Governor in Chief  
to be held only dur-  
ing the Kings  
pleasure.

singular the powers and Authorities herein Granted, to be by him Executed & Enjoyed during our pleasure or untill your Arrival within our said province.

And in Case of your Death or absence from our said province, our will and pleasure is, that our Lieutenant Governor of Montreal or Trois Rivières, According to the priority of their Commissions of Lieutenant Governors, do Execute our said Commission with all the powers and authorities therein mentioned as aforesaid, and in Case of the Death or absence of our Lieutenant Governor of Montreal and Trois Rivières from our said province, and that there shall be no person within our said province appointed by us to be Lieutenant Governor or Commander in Chief of our said province, Our Will and pleasure is, that the Eldest Counsellor, who shall be at the time of your Death or absence, residing within our said province, shall take upon him the administration of the Government, and, Execute our said Commission and Instructions and the several powers and Authorities therein Contained, in the same manner to all intents and purposes, as other our Governor or Commander in Chief should or ought to do in Case of your Absence, or untill your Return, or in all Cases untill our further pleasure be Known therein.—

And We do hereby declare, ordain and appoint, that you the said James Murray, shall and may hold Execute and Enjoy the Office & place of our Captain General, and Governor in Chief in and over our said Province of Quebec, and all the Territories depending thereon, with all and singular the powers and authorities hereby Granted unto you, for & during our will and pleasure. In Witness Whereof, We have Caused these our Letters to be made patent, Witness our Self at Westminster the Twenty first Day of November, in the fourth Year of our Reign.

By Writ of privy Seal  
(Signed)

YORKE &amp; YORKE.

Recorded at the Treasury Chambers Whitehall the 28<sup>th</sup> Day of  
November 1763

(Signed)

T. TUNKYNS

Recorded in the Registry Office in Quebec the 7<sup>th</sup> Day of June  
1766

(Signed)

J. GOLDFRAP D. Reg<sup>r</sup>INSTRUCTIONS TO GOVERNOR MURRAY.<sup>1</sup>

GEORGE R.

[L.S.]

Instructions to Our Trusty and Wellbeloved JAMES MURRAY, Esq<sup>r</sup>, Our Captain General and Governor in Chief in and over Our Province of Quebec in America, and of all Our Territories dependent thereupon. Given at Our Court at St James's the Seventh Day of December 1763 in the Fourth Year of Our Reign.

1. With these Our Instructions You will receive Our Commission under Our Great Seal of Great Britain, constituting You Our Captain General and Governor in Chief in and over Our Province of Quebec in America, bounded on the Labrador Coast by the River St John, and from thence by a Line drawn from the Head of that River through the Lake St John to the South End of the Lake Nipissin; from whence the said Line crossing the River St Lawrence and the Lake Champlain in forty five

<sup>1</sup> Copy from Public Record Office, Col. O. Plantations, 1763-1766: in Canadian Archives, M, 230, p. 1.

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Degree of North Latitude, passes along the High Lands, which divide the Rivers that empty themselves into the said River St Lawrence, from those which fall into the Sea; and also along the North Coast of the Baye des Chaleurs and the Coast of the Gulph of St Lawrence to Cape Rosieres, and from thence crossing the Mouth of the River St Lawrence by the West End of the Island of Anticosti, terminates at the aforesaid River of St John: You are therefore to take upon You the Execution of the Office and Trust We have reposed in You, and the Administration of Government, and to do and execute all Things in due manner that shall belong to your Command, according to the several Powers and Authorities of Our said Commission under Our Great Seal of Great Britain, and these Our Instructions to You, or according to such further Powers and Instructions as shall at any Time hereafter be granted or appointed You under Our Signet and Sign Manual, or by Our Order in Our Privy Council.

2. And You are, with all due Solemnity, to cause Our said Commission to be published at Quebec, which We do appoint to be the Place of your Residence and the principal Seat of Government, in the Districts of Montreal and Trois Rivières, and in such other parts of your Government as You shall think necessary and expedient, as soon as possible; which being done, You are in the next place to nominate and establish a Council for Our said Province, to assist You in the Administration of Government, which Council is, for the present, to be composed of the Persons, whom We have appointed to be Our Lieutenant Governors of Montreal and Trois Rivières, Our Chief Justice of Our said Province, and the Surveyor General of Our Customs in America for the Northern District, and Eight other Persons to be chosen by You from amongst the most considerable of the Inhabitants of, or Persons of Property in Our said Province; which Persons so nominated and appointed by You as aforesaid, (Five of which We do hereby appoint to be a Quorum), are to be Our Council for Our said Province, and to have and enjoy all the Powers, Privilege and Authority usually exercised and enjoyed by the Members of Our Councils in Our other Plantations, and also such others as are contained in Our said Commission under Our Great Seal of Great Britain, and in these Our Instructions to You; and they shall meet together at such Time or Times, Place or Places, as You, in your Discretion, shall think necessary and expedient: It is nevertheless Our Will and Pleasure, that the said Chief Justice, or Surveyor General of Our Customs, shall not be capable of taking the Administration of the Government upon the Death or Absence of You Our Governor, or the Commander in Chief for the Time being.

3. And You are forthwith to call Our said Council together, or such of them as can be conveniently assembled, and to cause Our said Commission to You to be read at such Meeting; which being done, You shall then take yourself, and also administer to Our Lieutenant Governors respectively, and to the Members of Our said Council, the Oaths mentioned in an Act, passed in the first Year of the Reign of His Majesty King George the First, intituled, "An Act for the further Secrecy of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants, and for extinguishing the Hopes of the pretended Prince of Wales, and his open and secret Abettors;"—as also to make and subscribe, and cause them to make and subscribe the Declaration mentioned in an Act of Parliament made in the Twenty fifth Year of the Reign of King Charles the Second, intituled, "An Act for preventing Dangers which may happen from Popish Recusants." And You and every one of Them are likewise to take an Oath for the due Execution of your and their Places and Trusts, with regard to your and their equal and impartial Administration of Justice;—and You are also to take the Oath required by an Act passed in the seventh and eighth Years of the Reign of King William the Third to be taken by Governors of Plantations, to do their utmost that the Laws relating to the Plantations be observed.

4. And You are forthwith to transmit unto Our Commissioners for Trade and Plantations, in order to be laid before Us for Our Approbation or Disallowance, the Names of the Members of the Council so to be appointed by You, as aforesaid; as also a List of the Names and Characters of Eight other Persons in Our said Province, whom You judge properly qualified to serve in that Station; to the End that, if any of



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the Persons appointed by You, as aforesaid, shall not be approved and confirmed by Us, under Our Signet and Sign Manual, the Place or Places of such Persons so disapproved may be forthwith supplied from the said List, or otherwise, as We shall think fit.

5. And if it shall at any time happen, that, by the Death, Departure out of Our said Province, Suspension of any of Our said Councillors, or otherwise, there shall be a Vacancy in Our said Council, Our Will and Pleasure is, that You signify the same to Our Commissioners for Trade and Plantations by the first Opportunity, that We may, under Our Sign Manual, constitute and appoint Others in their Stead; to which End, You are, whenever such Vacancy happens, to transmit to Our said Commissioners, in order to be laid before Us, the Names of three or more Persons, Inhabitants of Our said Province, whom You shall esteem best qualified for such Trust.

6. But that Our Affairs may not suffer for want of a due Number of Councillors, if ever it shall happen, that there be less than Seven residing in Our said Province, We do hereby give and grant unto You, the said James Murray, full Power and Authority to chuse as many Persons out of the principal Inhabitants of Our said Province, as will make up the full Number of the Council to be Seven, and no more; which Persons, so chosen and appointed by You, shall be, to all Intents and Purposes, Councillors in Our said Province, till either they shall be confirmed by Us, or, by the Nomination of Others by Us, under Our Signet and Sign Manual, Our said Council shall have Seven or more Persons in it.

7. And it is Our Will and Pleasure, that You do, and You are hereby authorized and empowered to suspend and remove any of the Members of Our said Council from sitting, voting, and assisting therein, if You shall find just Cause for so doing; (and also in like manner to suspend any of Our Lieutenant Governors of Our said Province from the Execution of their Commands), and to appoint Others in their Stead, until Our Pleasure shall be known. It is nevertheless Our Will and Pleasure that You do not suspend or remove any of the Lieutenant Governors of Our said Province respectively, or any of the Members of Our Council, when they shall have been confirmed by Us, as aforesaid, without good and sufficient Cause, nor without the Consent of the Majority of the said Council, signified in Council, after due Examination of the Charge against such Lieutenant Governor, or Councillor, and his Answer thereunto; and in case of Suspension of any of them, You are to cause your Reasons for so doing, together with the Charges and Proofs against such Person, and his Answer thereunto, to be duly entered upon the Council Books, and forthwith to transmit Copies thereof to Our Commissioners for Trade and Plantations, in order to be laid before Us; nevertheless if it should happen, that You should have Reasons for suspending any of the said Persons, not fit to be communicated to the Council, You may in that Case suspend such Person without the Consent of said Council; but You are thereupon immediately to send to Our Commissioners for Trade and Plantations, in order to be laid before Us, an Account of your Proceedings therein, together with your Reasons at large for such Suspension, as also your Reasons at large for not communicating the same to the Council; and Duplicates thereof by the next Opportunity.

8. Whereas We are sensible, that effectual Care ought to be taken to oblige the Members of the Council to a due Attendance therein, in order to prevent the many Inconveniencies that may happen from the Want of a Quorum of the Council, to transact Business as Occasion may require; It is Our Will and Pleasure, that if any of the Members of Our said Council shall hereafter absent themselves from the said Province, and continue absent above the Space of six Months together, without Leave from You, or from Our Commander in Chief of Our said Province for the time being, first obtained under your or his hand and seal; or shall remain absent for the Space of one Year, without Our Leave given them under Our Royal Signet and Sign Manual, their Place or Places in the said Council shall immediately thereupon become Void; and that, if any of the Members of Our said Council, then residing in the Province under your Government, shall hereafter wilfully absent themselves, when duly summoned, without a just and lawful Cause, and shall persist therein after Admonition, You suspend the said Councillors so absenting themselves, till Our further Pleasure be known, giving Us timely Notice thereof: And We do hereby will and require You, that

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this Our Royal Pleasure be signified to the several Members of Our Council aforesaid, and entered in the Council Books of the Province under your Government, as a standing Rule—

9. You are forthwith to communicate such and so many of these Our Instructions to Our said Council, wherein their Advice and Consent are mentioned to be requisite; as likewise all such others, from time to time, as You shall find convenient for Our Service to be imparted to them.

10. You are to permit the Members of Our said Council to have and enjoy Freedom of Debate and Vote, in all Affairs of public Concern that may be debated in Council.

11. And whereas it is directed, by Our Commission to You under Our great Seal, that so soon as the Situation and Circumstances of Our said Province will admit thereof, You shall, with the Advice of Our Council, summon and call a General Assembly of the Freeholders in Our said Province; You are therefore, as soon as the more pressing Affairs of Government will allow to give all possible attention to the carrying this important Object into Execution: But, as it may be impracticable for the present to form such an Establishment, You are in the mean time to make such Rules and Regulations, by the Advice of Our said Council, as shall appear to be necessary for the Peace, Order and good Government of Our said Province, taking Care that nothing be passed or done, that shall any ways tend to affect the Life, Limb or Liberty of the Subject, or to the imposing any Duties or Taxes; and that all such Rules and Regulations be transmitted to Us, by the first Opportunity after they are passed and made, for Our Approbation or Disallowance. And it is Our Will and Pleasure, that when an Assembly shall have been summoned and met, in such manner as You, in your Discretion, shall think most proper, or as shall be hereafter directed and appointed, the following Regulations be carefully observed in the framing and passing all such Laws, Statutes and Ordinances, as are to be passed by You, with the Advice and Consent of Our said Council and Assembly; Viz<sup>t</sup>

That the Style of Enacting the said Laws, Statutes and Ordinances be by the Governor, Council, and Assembly, and no other;—

That each different Matter be provided for by a different Law, without including in one and the same Act such Things as have no proper Relation to each other;—

That no Clause be inserted in any Act or Ordinance, which shall be foreign to what the Title of it imports; and that no perpetual Clause be part of any temporary Law;—

That no Law or Ordinance whatever be suspended, altered, continued, revived, or repealed by general Words; but that the Title and Date of such Law or Ordinance be particularly mentioned in the enacting part;—

That no Law or Ordinance, respecting private Property, be passed without a Clause suspending its Execution, until Our Royal Will and Pleasure is known; nor without a Saving of the Right of Us, Our Heirs and Successors, and of all Bodies politic and corporate, and of all other Persons, except such as are mentioned in the said Law or Ordinance, and those claiming by, from, and under them; and before such Law or Ordinance is passed, Proof must be made before You, in Council, and entered in the Council Books, that public Notification was made of the Party's Intention to apply for such Act in the several Parish Churches, where the Lands in Question lie, for three Sundays at least successively before any such Law or Ordinance shall be proposed; and You are to transmit, and annex to the said Law, or Ordinance, a Certificate under your hand, that the same passed through all the Forms abovementioned;—

That in all Laws or Ordinances for levying Money, or imposing Fines, Forfeitures or Penalties, express mention be made, that the same is granted or reserved to Us, Our Heirs and Successors, for the public Uses of the said Province, and the Support of the Government thereof, as by the said Law, or Ordinance shall be directed; and that a Clause be inserted, declaring, that the Money arising by the Operation of the said Law, or Ordinance shall be accounted for unto Us in this Kingdom, and to Our Commissioners of Our Treasury, or Our High Treasurer for the time being, and audited by Our Auditor General of Our Plantations, or his Deputy;—



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That all such Laws, Statutes and Ordinances be transmitted by You within three Months after their passing, or sooner, if Opportunity offers, to Our Commissioners for Trade and Plantations; that they be fairly abstracted in the Margents, and accompanied with very full and particular Observations upon each of them, that is to say, whether the same is introductive of a new Law, declaratory of a former Law, or does repeal a Law then before in being; and you are also to transmit, in the fullest manner, the Reasons and Occasion for enacting such Laws, or Ordinances, together with fair Copies of the Journals of the Proceedings of the Council and Assembly, which You are to require from the Clerks of the said Council and Assembly.

12. And to the end that nothing may be passed or done to the Prejudice of the true Interests of this Our Kingdom, the just Rights of Us, Our Heirs and Successors, or the Property of Our Subjects; it is Our express Will and Pleasure, that no Law whatever, which shall in any wise tend to affect the Commerce or Shipping of this Kingdom, or which shall any ways relate to the Rights and Prerogative of Our Crown, or the Property of Our Subjects, or which shall be of an unusual or extraordinary Nature, be finally ratified and assented to by You, until You shall have first transmitted a Draught of such Law, and shall have received Our Directions thereupon, unless You take care, that a Clause be inserted, suspending and deferring the Execution thereof, until Our Pleasure is known concerning the same.

13. And whereas Laws have formerly been enacted in several of Our Plantations in America for so short a time, that Our Royal Assent or Refusal thereof could not be had before the Time, for which such Laws were enacted, did expire; You shall not give your Assent to any Law, that shall be enacted for a less Time than two Years, except in Cases of imminent Necessity, or immediate temporary Expediency; and You shall not reenact any Law, to which Our Assent shall have been once refused, without express Leave for that purpose first obtained from Us, upon a full Representation by You to be made to Our Commissioners for Trade and Plantations, in order to be laid before Us, of the Reasons and Necessity for passing such Law; nor give your Assent to any Law for repealing any other Law, which shall have passed in your Government, and shall have received Our Royal Approbation, unless You take Care that there be a Clause inserted therein, suspending and deferring the Execution thereof, until Our Pleasure shall be known concerning the same.

14. And We do particularly require You to take Care, that fair Books of Accounts of all Receipts and Payments of all Publick Money be duly kept, and the Truth thereof attested upon Oath; and that all such Accounts be audited, and attested by Our Auditor General of Our Plantations, or his Deputy, who is to transmit Copies thereof to Our Commissioners of Our Treasury, or to Our High Treasurer, for the time being; and that You do, every half Year or oftener, send another Copy thereof, attested by yourself, to Our Commissioners for Trade and Plantations, and Duplicates thereof by the next Conveyance; in which Books shall be specified every particular Sum raised or disposed of, together with the Names of the Persons to whom any Payment shall be made; to the end We may be satisfied of the right and due Application of the Revenue of Our said Province, with the Probability of the Increase or Diminution of it under every Head and Article thereof.

15. And whereas the Members of several Assemblies in the Plantations have frequently assumed to themselves Privileges no ways belonging to them, especially of being protected from Suits at Law during the Term they remain of the Assembly, to the great Prejudice of their Creditors and the Obstruction of Justice; and some Assemblies have presumed to adjourn themselves at Pleasure, without Leave from Our Governor first obtained; and Others have taken upon them the sole framing of Money Bills, refusing to let the Council alter or amend the same; all which Practices are very detrimental to Our Prerogative; If therefore You find, that the Members of the Assembly of Our Province of Quebec insist upon any of the said Privileges, You are to signify to them that it is Our express Will and Pleasure, that You do not allow any Protection to any Member of the Council or Assembly, further than in their Persons, and that only during the Sitting of the Assembly; and that You do not allow them to adjourn themselves otherwise than de die in diem, except Sundays and Holy-days,

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without Leave from You, or the Commander in Chief for the time being, first obtained; It is also Our further Pleasure, that the Council have the like Power of framing Money Bills as the Assembly.

16. And whereas by Our aforesaid Commission under Our Great Seal of Great Britain, You are authorized and empowered, with the Advice and Consent of Our Council, to constitute and appoint Courts of Judicature and Justice; it is therefore Our Will and Pleasure, that You do, as soon as possible, apply your Attention to these great and important Objects; and that, in forming the necessary Establishments for this purpose, You do consider what has taken place in this respect in Our other Colonies in America, more particularly in Our Colony of Nova Scotia.

17. And whereas it is for the Ease, Satisfaction and Benefit of all Our Subjects, that Appeals should be allowed, in all Civil Causes, from the Courts in Our Plantations; it is therefore Our Will and Pleasure, that, when the several Courts and Offices necessary for the Administration of Justice shall have been settled, appointed and confirmed, in Consequence of the Power vested in You by Our Commission under Our Great Seal and by these Our Instructions, You do, as near as different Circumstances will admit, conform yourself to the Regulations prescribed in the Instructions given to Our Governor of Nova Scotia in respect to such Appeals, Copies of which Instructions are herewith annexed.

18. You are, with the Advice and Consent of Our Council in the Province under your Government, to take especial Care to regulate all Salaries and Fees belonging in Places, or paid upon Emergencies, that they be within the Bounds of Moderation, and that no Exaction be made on any Occasion whatsoever; as also that Tables of all Fees be publicly hung up in all Places where such Fees are to be paid; and You are to transmit Copies of all such Tables of Fees to Our Commissioners for Trade and Plantations, in order to be laid before Us.

19. It is Our express Will and Pleasure, that You do, by the first Opportunity, and with all convenient Speed, transmit unto Us, by Our Commissioners for Trade and Plantations, authentic Copies of all Acts, Orders, Grants, Commissions or other Powers, by Virtue of which any Courts, Offices, Jurisdictions, Pleas, Authorities, Fees and Privileges have been settled or established, for Our Confirmation or Disallowance; and in case all or any of them shall, at any time or times, be disallowed and not approved, then such and so many, as shall be so disallowed and not approved, and so signified by Us, shall cease, determine, and be no longer continued or put in Practice.

20. You shall not appoint any Person to be a Judge or Justice of the Peace, without the Advice and Consent of the Majority of the Members of Our Council, present in Council; nor shall You execute yourself, or by Deputy, any of the said Offices; and it is Our further Will and Pleasure, that all Commissions, to be granted by You, to any Person or Persons to be Judges or Justices of the Peace, or other necessary Officers, be granted during Pleasure only.

21. You shall not displace any of the Judges, Justices of Peace, or other Officers or Ministers, without good and sufficient Cause, which You shall signify in the fullest and most distinct manner to Our Commissioners for Trade and Plantations, in order to be laid before Us, by the first Opportunity after such Removals.

22. And whereas frequent Complaints have heretofore been made of great Delays and undue Proceedings in the Courts of Justice in several of Our Plantations, whereby many of Our good Subjects have very much suffered; and it being of the greatest Importance to Our Service, and to the Welfare of Our Plantations, that Justice be every where speedily and duly administered, and that all Disorders, Delays, and other undue Practices in the Administration thereof, be effectually prevented; We do particularly require You to take especial Care, that in all Courts, where You are authorized to preside, Justice be impartially administered; and that in all other Courts, established within Our said Province, all Judges, and other Persons therein concerned, do likewise perform their several Duties without any Delay or Partiality.

23. You are to take Care, that all Writs be issued in Our Name throughout the Province under your Government.



24. Whereas there are several Offices in Our Plantations granted under the Great Seal of Great Britain, and Our Service may be very much prejudiced by reason of the Absence of the Patentees, and by their appointing Deputies not fit to officiate in their Stead; You are therefore to inspect such of the said Offices as are in the Province under your Government, and to enquire into the Capacity and Behaviour of the Persons exercising them, and to report thereupon, to Our Commissioners for Trade and Plantations, what you think fit to be done or altered in relation thereunto; and you are, upon the Misbehaviour of any of the said Patentees or their Deputies, to suspend them from the Execution of their Office, till you shall have represented the whole Matter unto Us, and received Our Directions therein; And in case of the Death of any such Deputy, it is Our express Will and Pleasure, that You take Care that the Person appointed to execute the Place, until the Patentee can be informed thereof and appoint another Deputy, do give sufficient Security to the Patentee, or, in case of Suspension, to the Person suspended, to be answerable to him for the Profits accruing during such Interval by Death, or during such Suspension, in case We shall think fit to restore the Person suspended to his Place again. It is nevertheless Our Will and Pleasure, that the Person executing the Place during such Interval by Death or Suspension, shall, for his Encouragement, receive the same Profits as the Person dead, or suspended did receive; And it is Our further Will and Pleasure, that, in case of a Suspension of a Patentee, the Person appointed by you to exercise the Office during such Suspension, shall receive a Moiety of the Profits which would otherwise become due to such Patentee, giving Security to such Patentee to be answerable to him for the other Moiety, in case We shall think fit to restore him to his Office again; And it is Our further Will and Pleasure, that you do countenance and give all due Encouragement to all Our Patent Officers in the Enjoyment of their legal and accustomed Fees, Rights, Privileges and Emoluments, according to the true Intent and Meaning of their Patents.

25. You shall not, by Colour of any Power or Authority hereby or otherwise granted, or mentioned to be granted unto you, take upon you to give, grant or dispose of any Office or Place within Our said Province, which now is or shall be granted under the Great Seal of this Kingdom, or to which any Person is or shall be appointed by Warrant under Our Signet and Sign Manual, any further than that you may, upon the Vacancy of any such Office or Place, or upon the Suspension of any such Officer by You, as aforesaid, put in any fit Person to officiate in the Interval, till you shall have represented the Matter unto Our Commissioners for Trade and Plantations, in order to be laid before Us, as aforesaid, (which You are to do by the first Opportunity,) and till the said Office or Place be disposed of by Us, Our Heirs or Successors, under the Great Seal of this Kingdom, or until some Person shall be appointed thereto by Warrant under Our Signet and Sign Manual, or Our further Directions be given therein.

26. And whereas several Complaints have been made by the Surveyor General, and other Officers of Our Customs in Our Plantations in America, that they have frequently been obliged to serve as Jurors, and personally to appear in Arms whenever the Militia is drawn out, and thereby are much hindered in the Execution of their Employments; Our Will and Pleasure is, that You take effectual Care, and give the necessary Directions, that the several Officers of Our Customs be excused and exempted from serving on any Juries, or personally appearing in Arms in the Militia, unless in case of absolute Necessity, or serving any parochial Offices, which may hinder them in the Execution of their Duty.

27. And whereas the Surveyor General of Our Customs in the Plantations are empowered, in case of the Vacancy of any of Our Offices of the Customs by Death, Removal, or otherwise, to appoint other Persons to execute such Offices, until they receive Directions from Our Commissioners of the Treasury, or Our High Treasurer, or Commissioners of Our Customs, for the time being; but in regard the Districts of Our said Surveyors General are very extensive, and that they are required at proper times to visit the Officers in the several Governments under their Inspection; and that it might happen that some of the Officers of Our Customs in the Province under your Government may die, at the Time when the Surveyor General is absent in some distant

Part of his District, so that he cannot receive Advice of such Officer's Death within a reasonable Time, and thereby make Provision for carrying on the Service, by appointing some other Person in the room of such Officer who may happen to die; therefore, that there be no Delay given on such Occasion to the Masters of Ships or Merchants in their Dispatches, it is Our further Will and Pleasure, in case of such Absence of the Surveyor General, or if he should happen to die, and in such Cases only, that, upon the Death of any Collector of Our Customs within Our said Province, You, or, in your Absence, our Lieutenant Governor or Commander in Chief, shall make Choice of a Person of known Loyalty, Experience, Diligence and Fidelity, to be Employed in such Collector's room, for the Purposes aforesaid, until the Surveyor General of Our Customs shall be advised thereof, and appoint another to succeed in such Place, and that further Directions shall be given therein by Our Commissioners of Our Treasury, or Our High Treasurer, or by the Commissioners of Our Customs, for the time being, which shall be first signified; taking care that You do not, under any Pretence of this Instruction, interfere with the Powers and Authorities given by the Commissioners of Our Customs to the said Surveyors General, when they are able to put the same in Execution.

28. And whereas We have stipulated, by the late Definitive Treaty of Peace concluded at Paris the 10th Day of February 1763, to grant the Liberty of the Catholic Religion to the Inhabitants of Canada, and that We will consequently give the most precise and most effectual Orders, that Our new Roman Catholic Subjects in that Province may profess the Worship of their Religion, according to the Rites of the Romish Church, as far as the Laws of Great Britain permit; It is therefore Our Will and Pleasure, that you do, in all things regarding the said Inhabitants, conform with great Exactness to the Stipulations of the said Treaty in this respect.

29. You are, as soon as possible, to summon the Inhabitants to meet together, at such Time or Times, Place or Places, as you shall find most convenient, in order to take the Oath of Allegiance, and make and subscribe the Declaration of Abjuration mentioned in the aforesaid Act passed in the first Year of the Reign of King George the First, for the further Security of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants, and for extinguishing the Hopes of the pretended Prince of Wales, and his open and secret Abettors; which Oath shall be administered to them by such Person or Persons as you shall commissionate for such Purpose; and in case any of the said French Inhabitants shall refuse to take the said Oath, and make and subscribe the Declaration of Abjuration, as aforesaid, You are to cause them forthwith to depart out of Our said Government.

30. And it is Our further Will and Pleasure, that all such Inhabitants, professing the Religion of the Romish Church, do, at all such Meetings, or at such other Time or Times as You shall think proper, and in the Manner you shall think least alarming and inconvenient to the said Inhabitants, deliver in upon Oath an exact Account of all Arms and Ammunition, of every Sort in their actual Possession, and so, from time to time, of what they shall receive into their Possession, as aforesaid.

31. You are as soon as possible to transmit to Us, by Our Commissioners for Trade and Plantations, an exact and particular Account of the Nature and Constitution of the several Religious Communities of the Romish Church, their Rights, Claims, Privileges and Property, and also the Number, Situation and Revenue of the several Churches heretofore established in Our said Province, together with the Number of Priests or Curates officiating in such Churches.

32. You are not to admit of any Ecclesiastical Jurisdiction of the See of Rome, or any other foreign Ecclesiastical Jurisdiction whatsoever in the Province under your Government.

33. And to the End that the Church of England may be established both in Principles and Practice, and that the said Inhabitants may by Degrees be induced to embrace the Protestant Religion, and their Children be brought up in the Principles of it; We do hereby declare it to be Our Intention, when the said Province shall have been accurately surveyed, and divided into Townships, Districts, Precincts or Parishes, in such manner as shall be hereinafter directed, all possible Encouragement shall be



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given to the erecting Protestant Schools in the said Districts, Townships and Precincts, by settling, appointing and allotting proper Quantities of Land for that Purpose, and also for a Glebe and Maintenance for a Protestant Minister and Protestant School-Masters; and you are to consider and report to Us, by Our Commissioners for Trade and Plantations, by what other Means the Protestant Religion may be promoted, established and encouraged in Our Province under your Government.

34. And You are to take especial Care, that God Almighty be devoutly and duly served throughout your Government, the Book of Common Prayer, as by Law established, read each Sunday and Holyday, and the blessed Sacrament administered according to the Rites of the Church of England.

35. You are not to prefer any Protestant Minister to any Ecclesiastical Benefice in the Province under your Government, without a Certificate from the Right Reverend Father in God the Lord Bishop of London, of his being conformable to the Doctrine and Discipline of the Church of England, and of a good Life and Conversation; And if any Person hereafter preferred to a Benefice shall appear to you to give Scandal, either by his Doctrine or Manners, you are to use the best Means for his Removal.

36. You are to give Orders forthwith, that every Orthodox Minister within your Government be one of the Vestry in his respective Parish; and that no Vestry be held without him, except in case of Sickness, or, after Notice of a Vestry summoned, he omit to come.

37. And to the End that the Ecclesiastical Jurisdiction of the Lord Bishop of London may take place in Our Province under your Government, as far as conveniently may be, We do think fit, that You give all Countenance and Encouragement to the Exercise of the same, excepting only the collating to Benefices, granting Licences for Marriage, and Probates of Wills, which We have reserved to You, Our Governor, and to the Commander in Chief of Our said Province for the Time being.

38. And We do further direct, that no Schoolmaster, who shall arrive in Our said Province from this Kingdom, be henceforward permitted to keep School, without the Licence of the said Lord Bishop of London; and that no other Person now there, or that shall come from other Parts, shall be admitted to keep School in your Government, without your Licence first obtained.

39. And You are to take especial Care, that a Table of Marriages, established by the Canons of the Church of England, be hung up in all Places of publick Worship, according to the Rites of the Church of England.

40. And it is Our further Will and Pleasure, that, in order to suppress, as much as in you lies, every Species of Vice and Immorality, You forthwith, do cause all Laws already made against Blasphemy, Profaneness, Adultery, Fornication, Polygamy, Incest, Profanation of the Lord's Day, Swearing and Drunkenness, to be vigorously put in Execution in every part of your Government; And that you take due Care for the Penishment of these, and every other Vice and Immorality, by Presentment upon Oath to be made to the Temporal Courts, by the Church Wardens of the several Parishes, at proper Times of the year to be appointed for that Purpose; and, for the further Discouragement of Vice, and Encouragement of Virtue and good living, (that by such Examples the Infidels may be invited and persuaded to embrace the Christian Religion,) You are not to admit any Persons to publick Trusts and Employments in the Province under your Government, whose Ill-Fame and Conversation may occasion Scandal.

41. And whereas it is stipulated by the aforesaid Treaty concluded at Paris the 10<sup>th</sup> Day of February 1763, that the French Inhabitants, or Others, who have been Subjects of the Most Christian King in Canada, may retire with all Freedom and Safety wherever they shall think proper, and may sell their Estates, provided it be to Our Subjects, and bring away their Effects, as well as their Persons, without being restrained in their Emigration under any Pretence whatsoever, except that of Debt, or criminal Prosecution, and that the Time limited for the Emigration shall be fixed to the Space of Eighteen Months, to be computed from the Day of the Exchange of the Ratifications of the Treaty; You are therefore in all things to conform yourself to this Stipulation, and to take care, that such of the French Inhabitants as intend to remove within the Time limited, be not obstructed or impeded, provided they do not sell their Estates to Others

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than His Majesty's Subjects, and that, so long as they remain under your Government, they do in all things conform thereto in like manner as Our other Subjects.

42. And it is Our further Will and Pleasure, that all and every the French Inhabitants in Our said Province, who are now possessed of Lands within the said Province, in Virtue of Grants or Concessions made before the signing of the Preliminary Articles of Peace on the third Day of November 1763; do, within such limited Time as you in your Discretion shall think fit, register the several Grants, or other Deeds or Titles, by which they hold or claim such Lands, in the Secretary's Office; which said Grants, Deeds or other Titles, shall be entered at large in the said Office, so that the particular Quantity of Land, its Site and Extent, the Conditions upon which it is granted, either as to Rents, Services, or Cultivation, may appear fully and at length.

43. And in case it shall appear, upon a strict and accurate Examination of the said Grants and Title Deeds, to be taken in such manner as You shall think proper, that any of the Grantees, or Persons claiming Lands under such Grants and Title Deeds, are in Possession of more Land than is contained within such Grants or other Concessions; or that the Terms and Conditions, upon which the Lands were granted, have not been complied with, agreeable to what is stipulated in such Grants or Concessions; it is Our Will and Pleasure, that you forthwith represent the same to Us, by Our Commissioners for Trade and Plantations, to the End that you may receive such Directions thereupon, as the Nature and Circumstances of the Case shall appear to require.

44. And whereas it is necessary, in order to the advantages and effectual Settlement of Our said Province, that the true State of it should be fully known; You are therefore, as soon as conveniently may be, to cause an accurate Survey to be made of the said Province by such able and skillful Person as is or shall be appointed for that Service, who is to report to you in writing, for your Judgment in the Measures which you may in general pursue for the making of Settlements, not only the Nature and Quality of the Soil and Climate, the Rivers, Bays and Harbours, and every other Circumstance attending the natural State of it; but also his opinion, in what manner it may be most conveniently laid out into Counties, and to annex to his Report a Map of such Survey, with the several Divisions proposed marked upon it: But as the Making such Survey will be a Work of great Length, You are in the meantime to carry on Settlements upon that Plan, which shall appear to you to be most expedient from the best Information You can collect.

45. And whereas it has been found by Experience, that the settling Planters in Townships hath very much redounded to their Advantage, not only with respect to the Assistance they have been able to afford Each other in their civil Concerns, but likewise with regard to the Security they have thereby acquired against the Insults and Incursions of neighboring Indians, or other Enemies; You are therefore to lay out Townships of a convenient Size and Extent in such Places, as you, in your Discretion, shall judge most proper. And it is Our Will and Pleasure, that each Township do consist of about Twenty Thousand Acres, having, as far as may be, natural Boundaries extending up into the Country, and comprehending a necessary Part of the River of St. Lawrence, where it can be conveniently had.

46. You are also to cause a proper Place in the most convenient Part of each Township, to be marked out for building a Town sufficient to contain such a Number of Families as you shall judge proper to settle there, with Town and pasture Lots convenient to each Tenement, taking Care, that the said Town be laid out upon, or, as near as conveniently may be, to some navigable River, or the Sea Coast; And you are also to reserve to Us proper Quantities of Land in each Township for the following Purposes, viz; For erecting Fortifications, and Barracks, where necessary, or for other military or naval Services, and more particularly for the Growth and Protection of Naval Timber, if there are any Wood-Lands fit for that Purpose.

47. And it is Our further Will and Pleasure, that a particular Spot, in, or as near each Town as possible, be set apart for the building a Church, and four Hundred Acres adjacent thereto allotted for the Maintenance of a Minister, and two Hundred for a Schoolmaster.



48. And you are to give strict Orders to the Surveyors, whom you shall employ to mark out the said Townships and Towns, to make Returns to you of their Surveys as soon as possible, with a particular Description of each Township, and the Nature of the Soil within the same.

49. And You are to oblige all such Persons as shall be appointed to be Surveyors of the said Lands in each Township, to take an Oath for the due Performance of their Offices, and for obliging them to make exact Surveys of all Lands required to be set out.

50. And whereas nothing can more effectually tend to the speedy settling Our said Colony, the Security of the Property of Our Subjects, and the Advancement of Our Revenue, than the disposing of such Lands as are Our Property upon reasonable Terms, and the establishing a regular and proper Method of proceeding with respect to the passing of Grants of such Land; It is therefore Our Will and Pleasure, that all and every Person and Persons, who shall apply to You for any Grant or Grants of Land, shall, previous to their obtaining the same, make it appear before you in Council, that they are in a Condition to cultivate and improve the same, by settling thereon, in Proportion to the Quantity of Acres desired, a sufficient Number of White Persons and Negroes; And in case you shall, upon a Consideration of the Circumstances of the Person or Persons applying for such Grants, think it advisable to pass the same, in such Case You are to cause a Warrant to be drawn up, directed to the Surveyor General, or other proper Officers, empowering him or them to make a faithful and exact Survey of the Lands so petitioned for, and to return the said Warrant within six Months at furthest from the Date thereof, with a Plot or Description of the Lands so surveyed thereunto annexed; Provided that you do take Care, that before any such Warrant is issued, as aforesaid, a Docquet thereof be entered in the Auditor's and Register's Office: And when the Warrant shall be returned by the said Surveyor, or other proper Officer, the Grant shall be made out in due Form, and the Terms and Conditions required by these Our Instructions be particularly and expressly mentioned in the respective Grants. And it is Our Will and Pleasure, that the said Grants shall be registered within six Months from the Date thereof in the Register's Office there, and a Docquet thereof be also entered in Our Auditor's Office there, in Case such Establishment shall take Place in Our said Province, or that, in Default thereof, such Grant shall be void; Copies of all which Entries shall be returned regularly, by the proper Officer, to Our Commissioners of Our Treasury and to Our Commissioners for Trade and Plantations, within six Months from the Date thereof.

51. And whereas great Inconveniences have arisen in many of Our Colonies in America from the granting excessive Quantities of Land to particular Persons, who have never cultivated or settled it, and have thereby prevented Others more industrious from improving the same; in order therefore to prevent the like Inconveniences for the future, You are to take especial Care, that in all Grants to be made by you, by and with the Advice and Consent of Our Council, to Persons applying for the same, the Quantity be in Proportion to their Ability to cultivate; And you are hereby directed to observe the following Directions and Regulations in all Grants to be made by you; Viz:

That one hundred Acres of Land be granted to every Person being Master or Mistress of a Family, for himself or herself, and fifty Acres for every white or black Man, Woman or Child, of which such Person's Family shall consist, at the actual Time of making the Grant; and in case any Person applying to you for Grants of Land shall be desirous of taking up a larger Quantity than the actual Number of Persons in his or her Family would entitle such Persons to take up; it is Our Will and Pleasure, and you are hereby allowed and permitted, to grant unto every such Person or Persons, such further Quantity of Land as they may desire, not exceeding one thousand Acres over and above what they are intitled to by the Number of Persons in their respective Families;—Provided it shall appear to you, that they are in a Condition and Intention to cultivate the same; and provided also, that they do pay to the Receiver of Our Quit Rents, or to such other Officer as shall be appointed to receive the same, the Sum of five Shillings only for every fifty Acres, so granted, on the Day of the Date of the Grant;—

That all Grantees be subject to the payment of two Shillings Sterling for every Hundred Acres, to commence at the Expiration of two years from the Date of such Grant, and to be paid yearly and every Year, or in Default of such payment, the Grant is to be void;—

That every Grantee, upon giving Proof that he or she has fulfilled the Terms and Conditions of his or her Grant, shall be entitled to another Grant, in the Proportion and upon the conditions abovementioned;—

That for every Fifty Acres of Land accounted plantable, each Patentee shall be obliged, within three years after the Date of his Patent, to clear and work three Acres at the least, in that part of his Tract which he shall judge most convenient and advantageous; or else to clear and drain three Acres of swampy or sunken Grounds, or drain three Acres of Marsh, if any such be within the Bounds of his Grant;—

That for every Fifty Acres of Land accounted barren, every Patentee shall be obliged to put and keep on his Land, within three years after the Date of his Grant, three neat Cattle; which Number he shall be obliged to continue on his Land, until three Acres for every Fifty be fully cleared and improved;—

That if any Person shall take up a Tract of Land, wherein there shall be no Part fit for present Cultivation without manuring and improving the same, every such Grantee shall be obliged, within three years from the Date of his Grant, to erect on some part of his Land one good Dwelling House, to contain at least twenty Feet in Length, and sixteen Feet in Breadth; and also to put on his Land the like Number of three neat Cattle for every fifty Acres;—

That if any Person, who shall take up any stony or rocky Grounds not fit for planting or pasture, shall, within three years after the passing of his Grant, begin to employ thereon, and so continue to work, for three years then next ensuing, in digging any Stone Quarry or other Mine, one good and able Hand for every hundred Acres of such Tract, it shall be accounted a sufficient Cultivation and Improvement;—

That every three Acres, which shall be cleared and worked, as aforesaid, and every three Acres, which shall be cleared and drained, as aforesaid, shall be accounted a sufficient Seating, Planting, Cultivation and Improvement, to save for ever from Forfeiture Fifty Acres of Land in any Part of the Tract contained within the same Patent; and the Patentee shall be at Liberty to withdraw his Stock, or to forbear working in any Quarry or Mine, in Proportion to such Cultivation and Improvement, as shall be made upon the plantable Lands, or upon the Swamps, sunken Grounds and Marshes, which shall be included in the same Patent;—

That when any Person, who shall hereafter take up and patent any Lands, shall have seated, planted and cultivated, or improved the said Land, or any part of it, according to the Directions and Conditions abovementioned, such Patentee may make Proof of such Seating, Planting, Cultivation and Improvement in the general Court, or in the Court of the County, District or Precinct, where such Lands shall lie, and have such Proof certified to the Register's Office, and there entered with the Record of the said Patent, a Copy of which shall be admitted, on any Trial, to prove the seating and planting of such Land;—

And lastly, in order to ascertain the true Quantity of plantable and barren Land contained in each Grant hereafter to be made within Our said Province, you are to take especial Care, that, in all Surveys hereafter to be made, every Surveyor be required and enjoined to take particular Notice, according to the best of his Judgment and Understanding, how much of the Land so surveyed is plantable, and how much of it is barren and unfit for Cultivation; and accordingly to insert in the Survey and Plot by him to be returned into the Register's Office, the true Quantity of each kind of Land.

52. And it is Our further Will and Pleasure, that in all Grants of Land to be made by You, as aforesaid, regard be had to the profitable and unprofitable Acres, so that each Grantee may have a proportionable Number of one Sort and the other; as likewise that the Breadth of each Tract of Land, to be hereafter granted, be one Third of the Length of such Tract; and that the Length of each Tract do not extend along the Banks of any River, but into the main Land, that thereby the said Grantees may



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have each a convenient Share of what Accommodation the said River may afford for Navigation or otherwise.

53. And whereas it hath been represented to Us, that many Parts of the Province under your Government are particularly adapted to the Growth and Culture of Hemp and Flax; It is therefore Our Will and Pleasure, that, in all Surveys of Land for Settlement, the Surveyor be directed to report, whether there is any, or what Quantity of Lands contained within each Survey, fit for the Production of Hemp and Flax; And You are to take particular Care to insert a Clause in every Grant of Land, where any part thereof is fit for such Production, obliging the Grantee annually to sow a proportionable Part of his Grant with Hemp or Flax Seed.

54. And whereas it hath been further represented to Us, that a great part of the Country in the Neighborhood of Lake Champlain, and between that Lake and the River St. Lawrence, abounds with Woods producing Trees fit for Masting for Our Royal Navy, and other useful and necessary Timber for Naval Construction; You are therefore expressly directed and required to cause such Parts of the said Country, or any other within your Government, that shall appear upon a Survey to abound with such Trees, and shall be convenient for Water Carriage, to be reserved to Us, and to use your utmost Endeavour to prevent any Waste being committed upon the said Tracts, by punishing in due Course of Law any Persons who shall cut down or destroy any Trees growing thereon; and you are to consider and advise with Our Council, whether some Regulation that shall prevent any Saw Mills whatever from being erected within your Government, without a Licence from you, or the Commander in Chief of Our said Province for the Time being, may not be a Means of preventing all Waste and Destruction in such Tracts of Land as shall be reserved to Us for the Purposes aforesaid.

55. And whereas it appears from the Representations of Our Governor of the District of Trois Rivières, that the Iron Works at St. Maurice in that District are of great Consequence to Our Service; It is therefore Our further Will and Pleasure, that no part of the Lands, upon which the said Iron Works were carried on, or from which the Ore used in such Works was procured, or which shall appear to be necessary and convenient for that Establishment, either in respect to a free Passage to the River St. Lawrence, or for producing a necessary Supply of Wood, Corn and Hay, or for Pasture for Cattle, be granted to any private Person whatever; and also that as large a District of Land as conveniently may be, adjacent to and lying round the said Iron Works, over and above what may be necessary for the above Purposes, be reserved for Our Use, to be disposed of in such manner as We shall hereafter direct and appoint.

56. And whereas it is necessary, that all Persons who may be desirous of settling in Our said Province, should be fully informed of the Terms and Conditions, upon which Lands will be granted in Our said Province; You are therefore, as soon as possible, to cause a Publication to be made, by Proclamation or otherwise, as you in your Discretion shall think most advisable, of all and every the foregoing Terms, Conditions and Regulations of every kind, respecting the Grants of Lands; in which Proclamation it may be expedient to add some short Description of the natural Advantages of the Soil, and Climate, and its peculiar Conveniences for Trade and Navigation; and you are to take such Steps as you shall think proper for the publishing such Proclamation in all the Colonies in North America.

57. And it is Our further Will and Pleasure, that all the foregoing Instructions to you, as well as any which You may hereafter receive, relative to the Form and Method of passing Grants of Lands, and the Terms and Conditions to be annexed to such Grants, be entered upon Record, with the Grants themselves, for the Information and Satisfaction of all Parties whatever, that may be concerned therein.

58. And it is Our further Will and Pleasure, that you do consider of a proper and effectual Method of collecting, receiving and accounting for Our Quit Rents, whereby all Frauds, Concealment, Irregularity or Neglect therein may be prevented, and whereby the Receipt thereof may be effectually checked and controlled; And if it shall appear necessary to pass an Act for the more effectually ascertaining, and the more speedily and regularly collecting Our Quit Rents, you are to prepare the Heads of such

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a Bill, as you shall think may most effectually conduce to the procuring the good Ends proposed, and to transmit the same to Our Commissioners for Trade and Plantations, in order to be laid before Us for Our further Directions therein.

59. And it is Our further Will and Pleasure, that the Surveyor General, or such other Person or Persons as you shall think proper to appoint, do, once in every year or oftener as Occasion shall require, inspect the State of all Grants of Lands made by you, and make report thereof to you in Writing, specifying whether the Conditions therein contained have or have not been complied with, or what Progress has been made towards fulfilling the same; and you are annually to transmit Copies of such Reports to Our Commissioners for Trade and Plantations.

60. And whereas Our Province of Quebec is in part inhabited and possessed by several Nations and Tribes of Indians, with whom it is both necessary and expedient to cultivate and maintain a strict Friendship and good Correspondence, so that they may be induced by Degrees, not only to be good Neighbours to Our Subjects, but likewise themselves to become good Subjects to Us; You are therefore, as soon as you conveniently can, to appoint a proper Person or Persons to assemble, and treat with the said Indians, promising and assuring them of Protection and Friendship on Our part, and delivering them such Presents, as shall be sent to you for that purpose.

61. And you are to inform yourself with the greatest Exactness of the Number, Nature and Disposition of the several Bodies or Tribes of Indians, of the manner of their Lives, and the Rules and Constitutions, by which they are governed or regulated. And You are upon no Account to molest or disturb them in the Possession of such Parts of the said Province, as they at present occupy or possess; but to use the best means You can for conciliating their Affections, and uniting them to Our Government, reporting to Us, by Our Commissioners for Trade and Plantations, whatever Information you can collect with respect to these People, and the whole of your Proceedings with them.

62. Whereas We have, by Our Proclamation dated the seventh day of October in the Third year of Our Reign, strictly forbid, on pain of Our Displeasure, all Our Subjects from making any Purchases or Settlements whatever, or taking Possession of any of the Lands reserved to the several Nations of Indians, with whom We are connected, and who live under Our Protection, without Our especial Leave for that Purpose first obtained; It is Our express Will and Pleasure, that you take the most effectual Care that Our Royal Directions herein be punctually complied with, and that the Trade with such of the said Indians as depend upon your Government be carried on in the Manner, and under the Regulations prescribed in Our said Proclamation.

63. You are to use your best Endeavours in improving the Trade of those Parts, by settling such Orders and Regulations therein, with the Advice of Our said Council, as may be most acceptable to the Generality of the Inhabitants. And it is Our express Will and Pleasure, that you do not, upon any Pretence whatever, upon pain of Our highest Displeasure, give your Assent to any Law or Laws for setting up any Manufactures and carrying on any Trades, which are hurtful and prejudicial to this Kingdom; and that You do use your utmost Endeavours to discourage, discontinue and restrain any Attempts which may be made to set up such Manufactures, or establish any such Trades.

64. Whereas by the 5<sup>th</sup> and 6<sup>th</sup> Articles of the Treaty of Peace and Neutrality in America,<sup>1</sup> concluded between England and France the 6<sup>th</sup> 16 Day of November 1686, the Subjects and Inhabitants of each Kingdom are prohibited to trade and fish in all Places possessed, or which shall be possessed by the other in America; and if any Ships shall be found trading contrary to the said Treaty, upon due Proof the said Ships shall be confiscated: but in case the subjects of either King shall be forced by Stress of Weather, Enemies, or other Necessity into the Ports of the other in America, they shall be treated with Humanity and Kindness, and may provide themselves with Victuals, and other Things necessary for their Subsistence, and the Reparation of their Ships, at reasonable Rates; provided they do not break bulk, nor carry any Goods

<sup>1</sup> This Treaty of London, had reference only to the dominions of the two Crowns in America. It is given in full in *Collection de Documents Relatifs à l'Histoire de la Nouvelle France*. Vol. I, p. 372.  
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out of their Ships, exposing them to Sale, nor receive any Merchandise on board, under Penalty of Confiscation of Ship and Goods; It is therefore Our Will and Pleasure, that You signify to Our Subjects under your Government the Purport and Intent of the abovesaid two Articles; and that you take particular Care, that none of the French Subjects be allowed to trade from their said Settlements to the Province under your Government, or to fish upon the Coast thereof.

65. And it is Our Will and Pleasure, that You do not dispose of any Forfeitures or Escheats to any Person, until the Sheriff, or other proper Officer, have made Enquiry, by a Jury upon their Oaths, into the true Value thereof, nor until you have transmitted to Our Commissioners of Our Treasury, and to Our Commissioners for Trade and Plantations, a particular Account of such Forfeitures and Escheats, and the Value thereof. And you are to take Care, that the Produce of such Forfeitures and Escheats, in case We shall think proper to give You Directions to dispose of the same, be duly paid to Our Treasurer or Receiver General of Our said Province, and a full Account transmitted to Our Commissioners of Our Treasury, or Our High Treasurer for the Time being, and to Our Commissioners for Trade and Plantations, with the Names of the Persons to whom disposed.

66. And whereas Commissions have been granted unto several Persons in Our respective Plantations in America for the trying of Pirates in those Parts, pursuant to the Acts for the more effectual Suppression of Piracy; and by a Commission already sent to Our Province of New York, Our Governor there is empowered, together with Others therein mentioned, to proceed accordingly in Reference to Our said Province; Our Will and Pleasure is, that you do use your best Endeavours to apprehend all Persons whatever who may have been guilty of Piracy within your Government, or who having committed such Crimes at other Places, may come within your Jurisdiction; and until We shall think proper to direct the like Commission to be established for Our Government of Quebec, You are to send such Pirates, with what Proofs of their Guilt You can procure or collect, to Our Governor of New York to be tried and punished under the Authority of the Commission established for those Parts.

67. And whereas you will receive from Our Commissioners for executing the Office of High Admiral of Great Britain and of Our Plantations, a Commission constituting you Vice Admiral of Our said Province; You are hereby required and directed carefully to put into Execution the several Powers thereby granted to you.

68. Whereas great Inconveniences have happened heretofore by Merchant Ships and other Vessels in the Plantations wearing the Colours borne by Our Ships of War, under Pretence of Commissions granted to them by the Governors of the said Plantations, and, by trading under those Colours, not only amongst Our own Subjects, but also those of other Princes and States, and committing divers Irregularities, they may very much dishonor Our Service; For preventing thereof You are to oblige the Commanders of all such Ships, to which you shall grant Commissions, to wear no other Colours than such as are described in an Order of Council of the seventh of January 1730, in relation to Colours to be worn by all Ships and Vessels, except Our Ships of War.

69. And whereas there have been great Irregularities in the manner of granting Commissions in the Plantations to private Ships of War, You are to govern yourself, whenever there shall be Occasion, according to the Commissions and Instructions granted in this Kingdom: But you are not to grant Commissions of Marque or Reprisal against any Prince or State, or their Subjects, in Amity with Us, to any Person whatsoever, without Our special Command.

70. Whereas We have been informed that, during the time of War, Our Enemies have frequently got Intelligence of the State of Our Plantations by Letters from private Persons to their Correspondents in Great Britain, taken on board Ships coming from the Plantations, which has been of dangerous Consequence; Our Will and Pleasure therefore is, that you signify to all Merchants, Planters and Others, that they be very cautious, in time of War, whenever that shall happen, in giving any Accounts by Letters of the public State and Condition of Our Province under your Government; And you are further to give Directions to all Masters of Ships, or other Persons to whom you may entrust your Letters, that they put such Letters into a Bag, with a

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sufficient weight to suit the same immediately in Case of imminent danger from the Enemy; And you are also to let the Merchants and Planters know, how greatly it is for their Interest that their Letters should not fall into the Hands of the Enemy, and therefore that they should give like Orders to Masters of Ships in relation to their Letters; And you are further to advise all Masters of Ships, that they do sink all Letters, in case of Danger, in the Manner before mentioned.

71. And whereas, in Time of War, the Merchants and Planters in Our Plantations in America did correspond and trade with Our Enemies, and carry Intelligence to them, to the great Prejudice and Hazard of Our said Plantations; You are therefore by all possible Methods to endeavour to hinder such Trade and Correspondence in Time of War.

72. And You are to report to Us, by Our Commissioners for Trade and Plantations,—

What is the Nature of the Soil and Climate of the Province under your Government. If it differs in these Circumstances from Our other Northern Colonies, in what that Difference consists? And what beneficial Articles of Commerce the different Parts of it are capable of producing?

What Rivers there are, and of what Extent and Convenience to the Planters?

What are the principal Harbours; how situated, of what Extent; and what is the Depth of Water, and Nature of the Anchorage in each of them?

What Quantity of Land is now under actual Improvement and Settlement? What are the chief Articles of Produce and Culture; the annual Amount of the Quantity of each; and upon what Terms and Conditions the Inhabitants hold their Lands, either of Cultivation, Rent, or Personal Service?

What is the Quantity, Nature and Property of the Land uncultivated; how much of it is capable of Culture; and what part thereof is private Property?

What is the Number of Inhabitants, Whites and Blacks, distinguishing each? What Number of the Former is capable of bearing Arms, and what Number of the Latter is annually necessary to be supply'd in proportion to the Land cultivated?

What was the Nature, Form and Constitution of the Civil Government; what Judicatures were there established, and under what Regulations did the French Inhabitants carry on their Commerce?

73. You are from time to time to send unto Us, by Our Commissioners for Trade and Plantations, as aforesaid, an Account of the Increase and Decrease of the Inhabitants, Whites and Blacks, and also an Account of all Persons born, christened and buried.

74. Whereas it is absolutely necessary, that We be exactly informed of the State of Defence of all Our Plantations in America, as well in relation to the Stores of War that are in each Plantation, as to the Forts and Fortifications there; and what more may be necessary to be built for the Defence and Security of the same; You are as soon as possible to prepare an Account thereof with relation to Our said Province in the most particular manner; And You are therein to express the present State of the Arms, Ammunition and other Stores of War, belonging to the said Province, either in public Magazines, or in the Hands of private Persons; together with the State of all Places, either already fortified, or that you judge necessary to be fortified for the Security of Our said Province; And you are to transmit the said Accounts to Our Commissioners for Trade and Plantations, as also a Duplicate thereof to Our Master General or principal Officers of Our Ordnance; Which Accounts are to express the Particulars of Ordnance, Carriages, Balls, Powder, and other Sorts of Arms and Ammunition in Our public Stores, and so from time to time of what shall be sent you, or bought with the public Money, and to specify the Time of the Disposal, and the Occasion thereof: And You are half yearly to transmit a general Account of the State of the Fortifications and Warlike Stores, specify'd in the manner above mentioned.

75. You are from time to time to give an Account, what Strength your Neighbours have by Sea and Land, and of the Condition of their Plantations, and what Correspondence You keep with them.



76. And in case of any Distress of any other of Our Plantations, You shall, upon Application of the respective Governors thereof unto you, assist them with what Aid the Condition and Safety of Our Province under Your Government can spare.

77. If anything shall happen, which may be of Advantage or Security to Our Province under your Government, which is not herein, or by your Commission provided for, We do hereby allow unto you, with the Advice and Consent of Our Council, to take Order for the present therein, giving unto Our Commissioners for Trade and Plantations speedy Notice thereof, in order to be laid before Us, that you may receive Our Ratification, if We shall approve the same:—provided always, that you do not, by Colour of any Power or Authority hereby given you, commence or declare War without Our Knowledge and particular Commands therein.

78. And whereas We have, by the second Article of these Our Instructions to you, directed and appointed that your chief Residence shall be at Quebec; you are nevertheless frequently to visit the other parts of your Government, in order to inspect the Management of all public Affairs, and thereby the better to take Care, that the Government be so administered, that no disorderly Practices may grow up contrary to Our Service and the Welfare of Our Subjects.

79. And whereas great Prejudice may happen to Our Service, and the Security of the Province, by your Absence from those Parts, You are not, upon any Pretence whatsoever, to come into Europe, without having first obtained Leave for so doing from Us under Our Sign Manual and Signet, or by Our Order in Our Privy Council; Yet nevertheless in case of Sickness, You may go to South Carolina, or any other of Our Southern Plantations, and there stay for such Space as the Recovery of your Health may absolutely require.

80. And whereas We have thought fit by Our Commission to direct, that in case of your Death or Absence, and the Death or Absence of Our Lieutenant Governors of Montreal and Trois Rivières, and in Case there be at that time no Person within Our said Province, commissioned or appointed by Us to be Commander in Chief, that the Eldest Councillor, who shall be at the time of your Death or Absence, or at the Death or Absence of Our Lieutenant Governors, as aforesaid, residing within Our said Province under your Government, shall take upon him the Administration of Government, and execute Our said Commission and Instructions, and the several Powers and Authorities therein directed; It is nevertheless Our express Will and Pleasure, that in such Case the said President shall forbear to pass any Act or Acts, but what are immediately necessary for the Peace and Welfare of the said Province, without Our particular Order for that purpose; And that he shall not remove or suspend any of the Members of Our Council, nor any Judges, Justices of the Peace, or other Officers Civil or Military, without the Advice and Consent of at least Seven of the Members of Our said Council, nor even then without good and sufficient Reasons for the same, which the said President is to transmit, signed by himself and the rest of Our said Council, to Our Commissioners for Trade and Plantations, by the first Opportunity in order to be laid before Us.

81. And whereas We are willing in the best manner to provide for the Support of the Government of Our Province aforesaid, of which You are Governor, by settling apart sufficient Allowances to such as shall be Our Governor or Commander in Chief, residing for the time being within the same; Our Will and Pleasure is, that when it shall happen that you are absent from Our said Province, One full Moiety of the Salary, and all Perquisites and Emoluments whatsoever, which would otherwise become due unto You, shall, during the time of your Absence, be paid and satisfied unto Our Commander in Chief, who shall be resident within Our said Province for the Time being; which We do hereby order and allot unto him for his Maintenance, and for the better Support of the Dignity of that Our Government.

82. And You are, upon all Occasions to send unto Our Commissioners for Trade and Plantations only, a particular Account of all your Proceedings, and of the Condition of Affairs within your Government, in order to be laid before Us: provided nevertheless, whenever any Occurrences shall happen within your Government of such a Nature and Importance as may require Our more immediate Directions by One of

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Our Principal Secretaries of State, and also upon all Occasions and in all Affairs wherein you may receive Our Orders by One of Our Principal Secretaries of State, you shall in all such Cases transmit to Our Secretary of State only an Account of all such Occurrences, and of your Proceedings relative to such Orders:—

G. R.

ORDINANCE ESTABLISHING CIVIL COURTS.<sup>1</sup>

An ORDINANCE, for regulating and establishing the Courts of Judicature, Justices of the Peace, Quarter-Sessions, Bailiffs, and other Matters relative to the Distribution of Justice in this Province.<sup>2</sup>

Whereas it is highly expedient and necessary, for the well governing of His Majesty's good Subjects of the Province of Quebec, and for the speedy and impartial Distribution of Justice among the same, that proper Courts of Judicature, with proper Powers and Authorities, and under proper Regulations, should be established and appointed:

His Excellency the Governor, by and with the Advice, Consent and Assistance of His Majesty's Council, and by Virtue of the Power and Authority to him given by His Majesty's Letters Patent, under the Great Seal of Great Britain, hath thought fit to Ordain and Declare; and his said Excellency, by and with the Advice, Consent and Assistance aforesaid, *Doth hereby Ordain and Declare*,

That a Superior Court of Judicature, or Court of King's Bench, be established in this Province, to sit and hold Terms in the Town of Quebec, twice in every Year, viz. One to begin on the Twenty-first Day of January, called *Hilary Term*, the other on the Twenty-first Day of June, called *Trinity Term*.

In this Court His Majesty's Chief-Justice<sup>3</sup> presides, with Power and Authority to hear and determine all criminal and civil Causes, agreeable to the Laws of England, and to the Ordinances of this Province; and from this Court an Appeal lies to the Governor and Council, where the Matter in Contest is above the Value of *Three Hundred Pounds Sterling*; and from the Governor and Council an Appeal lies to the King and Council, where the Matter in Contest is of the Value of *Five Hundred Pounds Sterling* or upwards.

In all Trials in this Court, all His Majesty's Subjects in this Colony to be admitted on Juries without Distinction.<sup>4</sup>

And His Majesty's Chief-Justice, once in every Year, to hold a Court of Assize, and General Goal-Delivery, soon after *Hilary Term*, at the Towns of *Montreal* and *Trois-Rivières*, for the more easy and convenient Distribution of Justice to His Majesty's Subjects in those distant Parts of the Province.

<sup>1</sup> The text of this ordinance is taken from, "Ordinance, Made for the Province of Quebec, by the Governor and Council of the said Province, since the Establishment of the Civil Government. Quebec, 1767." This has been compared with the copy in the Canadian Archives, vol. Q 82 A, pt. 2, p. 500.

<sup>2</sup> This and the other ordinances of the period were passed under the authority of the Proclamation of Oct. 8th, 1763, together with the Commission and Instructions given to Governor Murray. Civil Government was not formally established in Canada until Aug. 10th, 1764. This was due to the terms of the Treaty of Paris, of 10th Feb., 1763, which specified that eighteen months were to be allowed for those French Canadians who cared to leave the country to do so.

<sup>3</sup> The first Chief Justice of Canada was William Gregory, appointed in 1764.

<sup>4</sup> Accompanying the copy of this ordinance sent to the Home Government, were certain explanatory observations, in which Governor Murray states his reasons for introducing various features. (1a) This clause his observation is as follows:—"As there are but Two Hundred Protestant Subjects in the Province, the greatest part of which are disbanded Soldiers of little Property and mean Capacity, it is thought unjust to exclude the new Roman Catholic Subjects to sit upon Juries, as such exclusion would constitute the said Two hundred Protestants perpetual Judges of the Lives and Property of not only Eighty Thousand of the new Subjects, but likewise of all the Military in the Province; besides if the Canadians are not to be admitted on Juries, many will Emigrate: This Establishment is therefore no more than a temporary Expedient to keep Things as they are until His Majesty's Pleasure is known on this critical and difficult Point." Q 82 A, pt. 2, p. 500.

<sup>5</sup> Governor Murray's observation:—"We find, which was not at first apprehended, that the Court of Assize proposed to be held at Montreal twice every year, will be attended with too much Expense to the Crown, and therefore that Establishment shall be corrected." Ibid. p. 502.



I shall inquire of Mr. Barrow, whether Lieut. Weyman is discharged. Mr. Mather, who has staid here some days & then sailed for Quebec, from whence he is embarked for England. If Goodland has also left this, before your answer could come to him - It is some some arrangements were made for this country, the effort of religion, will be a difficult business, and if I found right, the communities will soon be taken to sink off, till they are, I think very obstacles, that can be thrown in our way, will be done, and depend upon it, every French priest, who is in the country or shall come into it, will not only be a help himself, but engage many others to do so. The sooner measures are taken, the better, the longer they are delayed, the worse our affairs will go - I am &c. Thos. Gage

To His Excellency  
Genl. Amherst  
Gt. York

Montreal Oct. 16<sup>th</sup> 1763.

Sir

The General Order you take notice of in your Letter of the 14<sup>th</sup> will make no difference as to the payment of provisions, on the issuing to the Troops. And the Order itself is sufficiently clear as to small vouchers, to be taken on the 24<sup>th</sup> of each Month.



Ont présente Dame Thérèse Migeon de  
 la Grand'hôtel, veuve de son illustre défunt  
 allié au d'Archevêque de Québec. Le sieur Desloges, chevalier  
 de l'ordre royal et militaire de  
 St. Louis, capitaine des troupes d'infanterie  
 de sa Majesté les Établissements en Canada  
 demeurant à l'Hôpital général de cette ville  
 tant en son nom comme commune avec  
 avec le dit défunt, sieur son époux que comme  
 Intérêt échu par justice aux enfants mineurs  
 issus de leur mariage, laquelle étant sur  
 son départ pour France suivant qu'il lui  
 est permis par le traité de paix et prévoyant  
 qu'elle ne peut trouver au prix plus  
 avantageux des terres ci-dessus, lesquelles a-  
 près estimation faite juridiquement par  
 experts ont été en vertu de sentence ren-  
 due en la chambre de justice de cette  
 ville le vingt deuxième des dits mois par  
 licitation en la manière ordinaire, sans  
 qu'il se soit trouvé aucun enchérisseur  
 et ne pouvant parvenir à l'adjudication,  
 la justice étant actuellement vacante, accablée  
 elle a par ses présentes volontairement  
 renché, cédée, quittée et transportée  
 dès maintenant et à toujours promis et  
 promet garantir de tous troubles, dons  
 donaires, dettes, hypothèques, incursions, ali-  
 nations et tous autres empêchements quel-  
 conques à M<sup>r</sup> François M<sup>r</sup>

1764/08/21



Roy ci-dessus Lieutenant des troupes de la  
Gendarmerie de la Colonie Britannique à ce  
présent et acceptant acquiesce pour luy  
ses loirs d'après conseil à la venue, une  
terre six et située à la Côte St Michel  
parmi le du Haut une Recollet de la  
continence de bois neuf et cinq pieds  
de front sur vingt un aspects de pro=  
fondeur le même d'un côté au nomme  
Ch. val pti et d'autre côté à l'illert  
Sibour. Pour la continuation de la lile  
lune continue de bois neuf et cinq pieds  
de front sur vingt un aspects de pro=  
fondeur le même de l'autre sans  
aucun bâtiment ny terres labourables  
icelles terres et continuation étant en  
bois de bout.

And en outre la lile Dame Lande=  
se une autre terre six et située à  
Chateauguay, de la continence de dix ar=  
pents de front sur vingt cinq aspects de  
profondeur, pareillement en bois de bout  
prenante sur le devant au Lac St Louis  
et sur derrière aux terres non concédées  
d'un côté au Nord Est à la ligne qui sépare  
la Seigneurie de Chateauguay d'avec celle  
du Haut St Louis et d'autre côté aux terres  
de la Seigneurie du dit Chateauguay  
ainsy que le tout se pourroit comporter  
et étendre de toutes parts sans aucun préjudice  
d'ailleurs

declamant le dit Sieur acquiescer bien  
connoître les dites terres, savoir les avoir vues  
et visitées, s'en tenant content et satisfait,  
declamant la dite Dame Reubenese que la  
dite terre de St Michel appartient pour  
moitié à ses mineurs, et que l'autre moitié  
appartient aux enfants mineurs de feu  
M. Desligneris des Isles de la Martinique  
comme possesseur de la succession de feu  
M. Desligneris leur ayeul, que la conti-  
nuation de la dite terre de St Michel  
lui appartient pour moitié, et que l'autre  
moitié appartient à ses enfants mi-  
neurs comme faisant partie des biens  
de la communauté d'entre elle et le  
dit feu Sieur Desligneris, son époux, et  
que la terre de Chateauguay appartient  
pour moitié à ses dits mineurs, et que  
l'autre moitié appartient aux enfants  
mineurs du dit feu Sieur Desligneris des  
Isles de la Martinique, dépendante parail-  
lement de la succession du dit feu Sieur  
Desligneris leur ayeul: se soumettant  
la dite Dame Reubenese à remettre au  
Tuteur des dits mineurs de M. Desligneris  
des Isles la portion à eux appartenante dans la  
prix des dites terres, ainsi que de faire



a ses mineurs de leur parts dans le prix  
des dites terres, hypothéquant à cet effet  
tous leurs biens présents et futurs, et à la  
dite Dame vendessee remis et délivré  
au dit Sieur acquiesneur une expédition  
d'un contrat, le vente consenty par eux  
Michel Robitaille et sa femme au Sieur  
et Dame Lefebvre, de la terre de trois ar-  
pents sur vingt de profondeur, par devant  
M<sup>re</sup> Lepelletier notaire, le qualorze de jan-  
vier mil sept cent dix huit, un contrat  
de concession de la concession, en faveur  
de la dite Dame vendessee et dit Sieur  
son époux, passé devant M<sup>re</sup> Darnide  
Bligny notaire en icelle ville, le vingt deux  
juin mil sept cent quarante cinq, et un  
contrat portant titre nouvel consenty  
en faveur de la Dame vendessee par la  
dite Dame propre en partie de la Seigneurie  
de Châteauguay, passé devant M<sup>re</sup>  
Darnide, l'un des notaires soussignés le

lesquelles pièces  
le dit Sieur acquiesneur a retourné pardevant lui.

La présente vente ainsi faite a la charge  
par le dit Sieur acquiesneur de payer à  
compter de ce jour les cens et rentes et  
droits Seigneuriaux dont les terres cy dessus  
rendues peuvent être tenues envers les Sei-  
gneurs

gneries dont elle relève, qu'il n'en  
moins des cinquante des passagers qu'on  
dit pour et en vertu pour et moyennant  
le puer et somme de deux mille cent  
deux livres, savoir, Sept cent livres  
pour la terre de St. Michel, quatre cent  
une livre pour la continuation, et mille  
une livre pour la terre de Chateauguay  
ou et en deduction de laquelle somme  
principale de deux mille cent deux livres  
la dite Dame vendue reconnaît et  
confesse avoir reçu en présence de dix  
huit personnes de dix sept cent vingt  
huit livres, en monnaie ayant cours  
en ce pays, la somme de l'Espagne valant  
à dix livres et les trois cent dixante  
quatre livres et tant le dit acquiesceur  
promet et s'oblige les bailles et payer  
à la dite Dame vendue ou à son  
ordre d'aujourd'hui en tant jours, terme  
premier de l'année 1700 Pour sûreté  
duquel paiement le dit sieur acquiesceur  
a affecté et hypothéqué tous ses biens  
présents et futurs sous le privilège  
acquis sur les dits taxes comme gages  
naturels sans obligation de déroger  
à l'acte

Ce moyen de quoi la dite Dame  
vendue a transporté au dit  
sieur acquiesceur tous les droits  
de propriété qu'elle et les dits mineurs

*Envoies*





N<sup>o</sup> 2196.

Le 21<sup>e</sup> Août 1764.

Vent par Dame  
Thais Migea De  
Sagaukelin Van  
et Dr Desloges  
François Mackay



Indian Affairs. (RG 10, Volume 2201, File 40,175)

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And as the concession of the Iroquois of the Sault in general is revertible to His Majesty when they shall give it up, and the rights of jurisdiction over others than the Indians who have settled there by abuse can belong only to him, We invest the said Receiver with the necessary orders and powers to maintain there His Majesty's rights in regard to that, as well as the regulations which we shall think necessary respecting the Cure and Parish of St. Peter. We order from this moment that those said inhabitants continue to have their grain ground at the Mill of the R. R. Jesuit Fathers erected on the land of Laprairie till we are pleased to order otherwise.

We order, &c.

Done and given at the Castle of Montreal on the twenty-second of March, one thousand seven hundred and sixty-two.

(Signed) C. MATURIN, Secretary.  
PANET.

We the undersigned do certify that the foregoing is a true copy of an Ordinance rendered on the twenty-second of May one thousand seven hundred and sixty-two, by Thomas Gage and his Council; extracted from the Register of Audiences for the years 1761 and 1762, which register is deposited among the Records of the Superior Court at Montreal.

Montreal this twenty-ninth of October one thousand eight hundred and eighty-five.

(Signed) HONEY & GENDRON, P. S. C.

"I."

#### COPY ORDINANCE.

(UNDER ROYAL INSTRUCTIONS GOVERNOR MURRAY, 20TH SEPTEMBER, 1764).

AN ORDINANCE for ratifying and confirming the Decrees of the several Courts of Justice, established in the Districts of Quebec, Montreal and Trois-Rivières, prior to the establishment of Civil Government throughout this Province, upon the tenth day of August, one thousand seven hundred and sixty-four.

WHEREAS upon the conquest of this Country, His Majesty's Commander in Chief of the Forces in America, did order and direct Justice to be administered to the inhabitants thereof, by Courts established for that purpose in the several Governments into which the Province was at that time divided, of which His Majesty, through one of His Secretaries of State, was pleased to signify His Royal Apprehension, and to command the same to subsist and continue, until Civil Government could with propriety be settled therein, AND

In order to satisfy any doubts which might arise, with regard to the decisions of the said Courts, and as far as may be to prevent all vexatious lawsuits which might at present or hereafter arise therefrom, His Excellency, the Governor, by and with the advice, consent and assistance of His Majesty's Council, and by virtue of the power and authority to him given by His Majesty's Letters Patent under the Great Seal of Great Britain, Hath thought fit to ordain and declare; and his said Excellency, by and with the advice, consent and assistance aforesaid, doth hereby ordain and declare, That from the eighth day of September in the year one thousand seven hundred and sixty, the date of the capitulation of Montreal, until the tenth day of August last, from which time Civil Government took place throughout this Province, all orders, Judgments or Decrees of the Military Council of Quebec, and of all other Courts of Justice in said Government, or in those of Montreal and Trois-Rivières, do stand approved, ratified and confirmed, and shall have their full Force and effect, except in such cases where the value in dispute exceeded the sum of three

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hundred pounds sterling, when either party may appeal to His Majesty's Governor and Council of the Province, provided such appeal be lodged with the Clerk or Deputy Clerk of His Majesty's Council of Quebec, within two months after the publication hereof, and sufficient security is given by the Appellant to pay all such costs and charges as shall be awarded thereon, if the Decree is affirmed; and from the Governor and Council an appeal lies to the King and Council, where the value in dispute amounted to the sum of five hundred pounds sterling or upwards, the Appellant giving sufficient security as aforesaid, if the decree is affirmed.

And it is hereby further ordained and declared, that if before the publication of the present Ordinance and since the establishment of Civil Government throughout the Province, any person has been arrested, or process issued upon any Matter already tried before any of the Courts aforesaid, in the several Governments of Quebec, Montreal and Trois-Rivières, before the tenth day of August last, the person so arrested, or against whom such Process has been issued, shall lay their case in writing, by way of Petition before His Excellency and the Council, together with an attested copy or copies of such Decree or Decrees, that examination being had of the same, if properly founded, the action may be immediately dismissed; the parties nevertheless preserving their right of appealing as aforesaid, where the value of the matter so tried, shall appear to have exceeded the said sums of three hundred pounds sterling, and five hundred pounds sterling.

And it is hereby further ordained and declared by the authority aforesaid, that the Judges, Justices of the Peace, and other Magistrates or Civil Officers of this Province whom it doth or may concern, upon application of the several parties, shall put in execution all such orders, Judgments or Decrees of the said Courts, the same being properly attested, as have not been already executed, saving to the several parties concerned, their right of Appeal as aforesaid, where the matter in dispute exceeded the above limited sums of three hundred pounds sterling, and five hundred pounds sterling.

GIVEN by His Excellency the Honorable JAMES MURRAY Esq., Captain General and Governor in Chief of the Province of Quebec, and Territories therein depending in America, Vice-Admiral of the same, Governor of the Town of Quebec, Colonel Commandant of the Second Battalion of the Royal American Regiment, etc., etc. In Council, at Quebec, the 20th day of September, Anno Domini, 1764, and in the fourth year of the Reign of our Sovereign Lord George the III, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, etc., etc.

(Signed) JAMES MURRAY.

By order of His Excellency in Council.

(Signed) J. GRAY, D. Secretary.

"J."

#### COPY ORDINANCE.

(UNDER ROYAL INSTRUCTIONS GOVERNOR MURRAY, 12th NOVEMBER, 1764).

AN ORDINANCE for amending and explaining an Ordinance of His Excellency the Governor and Council of this Province made the twentieth day of September last, intitled: An Ordinance for ratifying and confirming the Decrees of the several Courts of Justice, established in the Districts of Quebec, Montreal and Trois-Rivières, prior to the establishment of Civil Government, throughout this Province, upon the tenth day of August, one thousand seven hundred and sixty-four; and for enlarging the time for lodging appeals from the Decrees of such Court therein mentioned.

WHEREAS doubts may arise respecting the manner by which Appeals by the said Ordinance is directed to be brought before His Excellency the Governor and Council of this Province, or to the King in Council, may be prosecuted according to the true

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# THE PAPERS OF SIR WILLIAM JOHNSON

Prepared for publication by

MILTON W. HAMILTON Ph.D.

*Senior Historian*

The Division of Archives and History

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VOLUME XI



*W. Johnson*

JOHN JOHNSON  
in McGill University Library

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THE UNIVERSITY OF THE STATE OF NEW YORK

1953

1764/11/08



Officers at any Posts who

to time an account of every-  
at Quarter. —

ny hand at Johnson  
ay of Novem<sup>r</sup>. 1764 —

W. JOHNSON.

AND JOHN BUTLER

rago Creeke Noub<sup>r</sup> 6, 1764

Safely Stored at the Royall  
oots,<sup>2</sup> since which have Gott

hourerly Expected which is  
ll Return home, the Ondages  
nd only a Few have been  
n in Order to Sell their Roots  
ear is at Cases, Buying Roots  
they or any have that Liberty  
those. We heard Last Night  
Only left Owego Six Days  
e hundred in Number

We are etc etc

FREY & BUTTLER

ety, Utica, N. Y. Original was

ger, used in making rum.

TO THOMAS GAGE

A. L. S.<sup>1</sup>

Johnson Hall Noub<sup>r</sup>. 8<sup>th</sup>. 1764

DEAR SIR —

I had the pleasure of Writeing You 2 letters Sent by Mr. Croghan Who left this a Couple of Days ago, Since which I had the favour of Your letter of the 26<sup>th</sup>. Ult<sup>o</sup>.<sup>2</sup> with the several enclosures, for which I am to thank You.

Altho I did not see Capt<sup>a</sup>. Montgomery<sup>3</sup> when on his Way to New York, I notwithstanding heard for some time past from Several Persons of a report concerning the Seneca's, but the same did not much engage my attention, As I was pritty well convinced the whole of it proceeded from Mistake, and a Want of due knowledge either of the Scituation, Interests, or Manners of the Indians, & this often occasions us to commit to Writeing not only Sentences but Sometimes whole Speeches different from the Meaning of the Indians, for Instance the late Treaty at Detroit, & that w<sup>th</sup>. the Sandusky Wyendats. —

The Senecas dureing their continuance of Hostilities Sent many Belts (at least 12 or 14) to y<sup>e</sup>. Sevrall Nations extending to the Illinois &ca. to induce them to make War upon the English, to which I apprehend they required but little encouragement. but as I am persuaded they never sent a single Belt to that effect since the Treaty at Niagra, I think it at the same time necessary to explain my Self on that Subject, the rather, as I apprehend Matters will appear so to You.

You may recollect I have made mention of the Senecas of Ohio &ca who have resided in that Quarter for some Generations, and are fast friends to y<sup>e</sup>. Shawanese & Delawares by inter-marriage &ca. These Seneca's have not included themselves in

<sup>1</sup> In William L. Clements Library; draft in New York State Library was destroyed by fire.

<sup>2</sup> *Ante* pp. 391-92.

<sup>3</sup> Captain Richard Montgomery of the 17th regiment.

the Treaty with me, and have (as I have been informed) continued to act against Us ever Since, the Senecas here having no more influence or Authority over them, and being no more Accountable for their Actions, than the Mohawks for the Indians of Coghnowagey Emigrants from them. It is to be considered that there are Emigrants from the Mohawks, Oneidaes, Tuscaroras, Ondagaes, Cayugaes, & Coghnowageys as well as from the Senecas, & that they have lived many Years in distant Quarters, on which Acc<sup>t</sup>. they Associate themselves with their Neighbours & neglect their own peculiar Nation, who can no longer be accountable for their conduct nor charged w<sup>th</sup>. their Crimes, Altho I have formerly known instances of the same nature with y<sup>e</sup>. present which have been productive of much Error, & verry near turning out of bad consequence, & all ariseing from not knowing the distinctions amongst the Indians, or how to express their Ideas from the uncommon mode of Stile they make use of.

I shall readily allow that there are Several of the Seneca's at *Chenussio*, *Karaghiadiro* &c<sup>a</sup>. whose Aversion to the English is so far from being conquered, that they would readily do us a prejudice if they could with propriety. And I agree likewise, that, there are several Individuals, who contrary to the Sentiments of their Nation would probably take upon them to send Belts in the name of the Whole to any other Nation to renew a War, or gratify any other purpose, and of this practice (which is but too General) I could give many Instances, but I am certain it is not the case now, altho so represented, with a view which may soon appear. on the other hand, allowing it to have been the case, the Nation to Whom these People belong, cannot be properly charged with what they are in no wise privy to, and indeed if they were, according to the Principles they invariably pursue amongst themselves, no punishment could be well inflicted on the Offenders. — The Seneca's of Ohio, & in its Neighbourhood, have been some time our most implacable Enemys. I might have inserted *their names* in my late Treaty of Peace, but



I have been informed) concerning the Senecas here having them, and being no more than Momawks for the Indians. It is to be considered that the Mohawks, Oneidaes, Tusghnawageys as well as from many Years in distant countries associate themselves with their peculiar Nation, who can no more be duct nor charged with their own instances of the same. It has been productive of much mischief and consequence, & all arising amongst the Indians, or how common mode of Stile they

Several of the Seneca's at Aversion to the English is that they would readily do us a injury. And I agree likewise, who contrary to the Sentimentally take upon them to send any other Nation to renew a kind of this practice (which is not Instances, but I am certain resented, with a view which would, allowing it to have been the People belong, cannot be more in no wise privy to, and the Principles they invariably punishment could be well inflicted of Ohio, & in its Neighbourhood most implacable Enemys. I by late Treaty of Peace, but

that I have always cautiously avoided a practice which would not bear a Scrutiny, and at the same time taken care not to make the Indians say more than they really mean or intend at a time of Treaty. — These Senecas more conveniently situated, and well disposed to form any Plan to obstruct our Measures, or Capt<sup>n</sup>. Morris's<sup>1</sup> Journey, but the mean body of that Nation, who are now suspected, had they even an Inclination so to do, never divined that such a Scheme was in agitation, or such a Journey intended, as I presume it was kept a Secret, till the time of Col<sup>l</sup>. Bradstreets Sending away the Party. — I am most certain that the Seneca Nation here have not since the late Treaty hitherto, made any attempts whatever to obstruct our designs, and I know that all ye. Cheifs of that Nation are verry desirous to preserve the Peace.

When the Indians went upon the Expedition they were told to observe and follow all such directions as the Commanding Officer of the Army should give them, that they were to go against any Nation he required, and the Shawanese & Delawares being then our Principal, & in fact our only Enemys, they, at the great War Feast given at Niagra Sung their War Song against *them* in presence of Col<sup>l</sup>. Bradstreet, Myself, & a great Number of Officers &c<sup>a</sup>., & expected nothing else than proceeding by the way of Sandusky against & attacking them. — As a farther Corroboration, I have a Copy of my Orders to the Indian Officers ready to be produced, and I am sensible I can have the Testimony not only of them, but of all the Indians as a farther proof of it. — The Indians were even astonished at the Armys leaveing Sandusky from whence they all along flattered themselves they were to have proceeded to the great plains of Scioto first. —

Those Indians who (with an Officer) came lately sick from the Army, have given me an Acc<sup>t</sup>. of the proceedings of the Campaign, which, Delicacy, & a regard to the Character of those concerned forbids me as yet to make public. —

<sup>1</sup> Captain Thomas Morris of the 17th regiment.

There are several inconsistencies in those Papers You were pleased to transmit to me, amongst others Thomas King an Indian most hearty in our Interest, & who killed the first Delaware last Winter & took four Prisoners & who at parting with me expressed himself Stronger than any of the rest, & impatient to fall upon the Shawanese and Delawares) says that the Shawanese are part of the Onondaga Nation (a falshood) — He next says, *that when they left Niagra it was with an intention of giveing peace to all Nations of Indians who should ask it.* He is afterwards glad there is a Party gone out to Strike against the Enemy, and then says "if they bring in either Prisoners or Scalps, it will be a Medicine to us, we will receive it, and follow the Example" and concludes with Saying, "You have desired us to Stay with You, we are determined to do it, and are *ready to do whatever you ask of us.*" — How different a conclusion! To conclude I am fully persuaded the Indians who accompanied the Army were determined at Setting off to Strike the Shawanese & Delawares, if afterwards things had happened to render them unwilling to do so, & whether that unwillingness should stop the progress of an Army time must make known.

I mention these few particulars with that Confidence and reliance on Your esteem, of which I have received so many proofs. — and I am most sincerely & Affect<sup>ly</sup>.

Dear Sir

Your most Obedient

& most Humble Servant

His Excellency

W<sup>m</sup>. JOHNSON

The Hon<sup>ble</sup>. GEN<sup>l</sup>. GAGE —

P. S. I have now before me above a Hundred Strong proofs, to Shew that the Six Nations liveing at, & ab<sup>t</sup>. Ohio, Muskingum &<sup>ca</sup>. have acted Independent of y<sup>e</sup>. Six Nations here. if You have recourse to Mr. Bradstreets Treaty of the 12<sup>th</sup>. of August at or near Prisque Isle, You will see the Six Nations of Ohio were principals, — You will also See by their Speech of y<sup>e</sup>. 24<sup>th</sup>.



And as the concession of the Iroquois of the Sault in general is revertible to His Majesty when they shall give it up, and the rights of jurisdiction over others than the Indians who have settled there by abuse can belong only to him, We invest the said Receiver with the necessary orders and powers to maintain there His Majesty's rights in regard to that, as well as the regulations which we shall think necessary respecting the Cure and Parish of St. Peter. We order from this moment that those said inhabitants continue to have their grain ground at the Mill of the R. R. Jesuit Fathers erected on the land of Laprinie till we are pleased to order otherwise.

We order, &c.

Done and given at the Castle of Montreal on the twenty-second of March, one thousand seven hundred and sixty-two.

(Signed) C. MATURIN, Secretary.  
PANET.

We the undersigned do certify that the foregoing is a true copy of an Ordinance rendered on the twenty-second of May one thousand seven hundred and sixty-two, by Thomas Gage and his Council; extracted from the Register of Audiences for the years 1761 and 1762, which register is deposited among the Records of the Superior Court at Montreal.

Montreal this twenty-ninth of October one thousand eight hundred and eighty-five.

(Signed) HONEY & GENDRON, P. S. C.

"I."

#### COPY ORDINANCE.

(UNDER ROYAL INSTRUCTIONS GOVERNOR MURRAY, 20TH SEPTEMBER, 1764).

AN ORDINANCE for ratifying and confirming the Decrees of the several Courts of Justice, established in the Districts of Quebec, Montreal and Trois-Rivières, prior to the establishment of Civil Government throughout this Province, upon the tenth day of August, one thousand seven hundred and sixty-four.

WHEREAS upon the conquest of this Country, His Majesty's Commander in Chief of the Forces in America, did order and direct Justice to be administered to the inhabitants thereof, by Courts established for that purpose in the several Governments into which the Province was at that time divided, of which His Majesty, through one of His Secretaries of State, was pleased to signify His Royal Approbation, and to command the same to subsist and continue, until Civil Government could with propriety be settled therein, AND

In order to satisfy any doubts which might arise, with regard to the decisions of the said Courts, and as far as may be to prevent all vexatious lawsuits which might at present or hereafter arise therefrom, His Excellency, the Governor, by and with the advice, consent and assistance of His Majesty's Council, and by virtue of the power and authority to him given by His Majesty's Letters Patent under the Great Seal of Great Britain, hath thought fit to ordain and declare; and his said Excellency, by and with the advice, consent and assistance aforesaid, doth hereby ordain and declare, That from the eighth day of September in the year one thousand seven hundred and sixty, the date of the capitulation of Montreal, until the tenth day of August last, from which time Civil Government took place throughout this Province, all orders, Judgments or Decrees of the Military Council of Quebec, and of all other Courts of Justice in said Government, or in those of Montreal and Trois Rivières, do stand approved, ratified and confirmed, and shall have their full Force and effect, except in such cases where the value in dispute exceeded the sum of three

hundred pounds sterling, when either party may appeal to His Majesty's Governor and Council of the Province, provided such appeal be lodged with the Clerk or Deputy Clerk of His Majesty's Council of Quebec, within two months after the publication hereof, and sufficient security is given by the Appellant to pay all such costs and charges as shall be awarded thereon, if the Decree is affirmed; and from the Governor and Council an appeal lies to the King and Council, where the value in dispute amounted to the sum of five hundred pounds sterling or upwards, the Appellant giving sufficient security as aforesaid, if the Decree is affirmed.

And it is hereby further ordained and declared, that if before the publication of the present Ordinance and since the establishment of Civil Government throughout the Province, any person has been arrested, or process issued upon any Matter already tried before any of the Courts aforesaid, in the several Governments of Quebec, Montreal and Trois-Rivières, before the tenth day of August last, the person so arrested, or against whom such Process has been issued, shall lay their case in writing, by way of Petition before His Excellency and the Council, together with an attested copy or copies of such Decree or Decrees, that examination being had of the same, if properly founded, the action may be immediately dismissed; the parties nevertheless preserving their right of appealing as aforesaid, where the value of the matter so tried, shall appear to have exceeded the said sums of three hundred pounds sterling, and five hundred pounds sterling.

And it is hereby further ordained and declared by the authority aforesaid, that the Judges, Justices of the Peace, and other Magistrates or Civil Officers of this Province whom it doth or may concern, upon application of the several parties, shall put in execution all such orders, Judgments or Decrees of the said Courts, the same being properly attested, as have not been already executed, saving to the several parties concerned, their right of Appeal as aforesaid, where the matter in dispute exceeded the above limited sums of three hundred pounds sterling, and five hundred pounds sterling.

GIVEN by His Excellency the Honorable JAMES MURRAY Esq., Captain General and Governor in Chief of the Province of Quebec, and Territories therein depending in America, Vice-Admiral of the same, Governor of the Town of Quebec, Colonel Commandant of the Second Battalion of the Royal American Regiment, etc., etc. In Council, at Quebec, the 20th day of September, Anno Domini, 1764, and in the fourth year of the Reign of our Sovereign Lord George the III, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, etc., etc.

(Signed) JAMES MURRAY.

By order of His Excellency in Council.

(Signed) J. GRAY, D. Secretary.

"J."

#### COPY ORDINANCE.

(UNDER ROYAL INSTRUCTIONS GOVERNOR MURRAY, 12th NOVEMBER, 1764).

AN ORDINANCE for amending and explaining an Ordinance of His Excellency the Governor and Council of this Province made the twentieth day of September last, intitled: An Ordinance for ratifying and confirming the Decrees of the several Courts of Justice, established in the Districts of Quebec, Montreal and Trois-Rivières, prior to the establishment of Civil Government, throughout this Province, upon the tenth day of August, one thousand seven hundred and sixty-four; and for enlarging the time for lodging appeals from the Decrees of such Court therein mentioned.

WHEREAS doubts may arise respecting the manner by which Appeals by the said Ordinance is directed to be brought before His Excellency the Governor and Council of this Province, or to the King in Council, may be prosecuted according to the true



intent and meaning of the said Ordinance, and also as to what sum, and to whom the security therein mentioned, for prosecuting such Appeals, ought to be given; for explaining whereof.

His Excellency the Governor, by and with the advice consent and assistance of His Majesty's Council of this Province, doth hereby ordain and declare, that if any person or persons shall think himself or themselves aggrieved by any order, judgment or decree of the Military Council of Quebec, or of any other Courts of Justice in the said Government, or of those of Montreal or Trois-Rivières, prior to the establishment of Civil Government throughout this Province in August last, where the value in dispute exceeded the sum of three hundred pounds sterling; every such person or persons may by Petition, Appeal to His Excellency the Governor and Council, and to no other Court of Judicature of this Province whatsoever; provided that security be first given by the Appellant to answer such charges as shall be awarded in case the first sentence be affirmed. Provided also, that such appeal be lodged with the Clerk, or Deputy Clerk of the Council, within the space of three months from the publishing hereof. And provided always that if the matter in dispute amounted to the sum of five hundred pounds sterling or upwards, every Appellant or person petitioning as aforesaid (in case any such order, judgment or Decree of the said Military Courts shall thereupon be affirmed, and within fourteen days thereafter) may in like manner appeal to His Majesty in Council upon giving good and sufficient security, effectually to prosecute the same, and answer the condemnation, as also to pay such costs and damages as shall be awarded in case the sentence of the Governor or Commander in Chief for the time being, and Council be affirmed.

GIVEN by His Excellency the Honorable James Murray Esq., Captain General and Governor in Chief of the Province of Quebec, and Territories thereon depending in America, Vice-Admiral of the same, Governor of the Town of Quebec, Colonel-Commandant of the Second Battalion of the Royal American Regiment, etc., etc. In Council at Quebec the 12th day of November, *Anno Domini*, 1764, and in the fifth year of the reign of our Sovereign Lord George the III, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, etc., etc.

(Signed) JAMES MURRAY.

By order of His Excellency in Council.

(Signed) H. KNELLER, D. C. C.

— "K." —

COPIE DE DÉCLARATION DE FOI ET HOMMAGE FAIT PAR LE RÉVÉREND  
PÈRE JEAN JOSEPH CASOT, CONTENANT UN EXPOSÉ DES TERRES  
POSSÉDÉES PAR LES JÉSUITES, EN DATE DU 19 MAI 1788.

DISTRICTS DE QUÉBEC ET DE MONTRÉAL—LES RÉVÉREND PÈRES JÉSUITES,  
DU 12 DÉCEMBRE 1781.

EN PROCÉDANT À LA CONFECTION du Papier Terrier du Domsin du Roy, en la Province de Québec :—Est comparu au chateau Saint-Louis en la ville de Québec, & pardevant Nous Frederick Haldimand, Capitaine-Général & Gouverneur en Chef de la Province de Québec, et Territoires en dépendans en Amérique, Vice-Admiral & Garde du Grand Sceau d'icelle, Général et Commandant en chef des Troupes de Sa Majesté, en la dite province et Frontières, &c., &c., &c., le Révérend Père JEAN JOSEPH CASOT, Prêtre Religieux de la Compagnie de Jésus, Procureur des Missions de la dite Compagnie établie en cette Province & de leur College, tant dans cette ville de Québec, que dans celle de Montréal qui au dit nom, nous a avoué et déclaré que les Révérends Pères Jésuites tiennent en plein Fief de Sa Majesté, les Fiefs et Seigneuries cy'après déclarés tant suivant les Lettres Patentes d'Amortissement accordées par Sa Majesté très chrétienne aux dits Révérends Pères de la dite Compagnie, le douze

mai mil six cent soixante dix-huit, sans, en vertu d'icelles, qu'ils puissent jamais être contrains de mettre les dits Fiefs & Seigneuries, hors de leurs mains, ni qu'ils soient tenus pour iceux de payer à Sa Majesté aucuns devoirs et droits, donner homme vivant & mourant, faire foi et hommage, de payer d'indemnité ou droit du Franc Fief & Nouveau Acquit, que suivant les autres titres en vertu desquels ils possèdent qui seront cy-après sur chacun des dits Fiefs & Seigneuries énoncés dans le présent aveu et dénombrement, savoir, PRIMO : le Fief et Seigneurie de Notre-Dame des Anges vulgairement appelé Charles-bourg, contenant une étendue de terre de quatre lieues proche cette ville de Québec, tirant vers les Montagnes de l'Ouest, partie sur la petite Rivière St-Charles et partie sur le fleuve St-Laurent, qui leur a été concédé par titre du dix mars mil six cent vingt-six, de Monsieur le Duc de Vantadour, ci devant Vice Roy en la Nouvelle-France, confirmé par la Compagnie du Quinze Janvier Mil six cent vingt-sept, qui compose le dit Fief et Seigneurie de Notre-Dame des Anges, qui est d'une lieue de front sur le dit espace de quatre lieues de profondeur, joignant du côté du Nord-Est au Fief et Seigneurie de Beauport, et au Sud-Ouest le Fief et Seigneurie Dorsainville, Borné pardevant partie à la petite rivière St-Charles et partie au fleuve, et par derrière au bout de la dite profondeur aux Terres non concédées : sur lequel dit Fief et Seigneurie, il y a une église dédiée à St-Charles et un Presbiterie construits sur un terrain d'environ quatre arpents en superficie à l'usage du curé, et quatre Différents Domaines que se sont réservés les Dits Seigneurs savoir : un de sept arpents sur quarante de profondeur, dont cinquante-quatre arpents de terre en culture, vingt en prairies et le reste en bois debout. Un idem, ou maitairie de deux arpents de front sur trente de profondeur, dont quinze arpents en culture, cinq en prairie et le reste en bois debout; la dite maitairie appelée le Passage, ou les dits Révérends Pères font entretenir un Bag, un idem de vingt arpents de terre en superficie tous en prairies, un autre Domaine de sept arpents deux perches de front sur cinquante de profondeur, dont cent arpents en culture, soixante en prairies et le reste en bois debout. Que dans ce Fief & Seigneurie est un arrière-fief, appelé Fief Begon, appartenant aujourd'hui à Charles Stewart, Ecuyer, de la consistance de quatre arpents quelques perches de front sur le fleuve, jusques à vingt-quatre arpents de profondeur, au bout desquels le dit arrière-fief est de sept arpents de front sur toute la profondeur du dit Fief et Seigneurie, chargé envers les dits Révérends Pères Seigneurs Féodaux de la Foy est Hommage avec une année de Ruchât à chaque mutation de possesseur, & le relief en cas de vente, sur lequel arrière-fief sont deux Domaines, le premier sur le bord du fleuve de la largeur du dit arrière-fief sur la dite profondeur de vingt-quatre arpents, sur laquelle il y a une maison à deux étages en pierre, une grange et une étable, vingt arpents de terre en culture, et quatre-vingts en prairies; le second de dix arpents de large, y comprise une terre en Roture, sur la profondeur du dit Fief et Seigneurie, sur lequel sont les mêmes Batiments que sur le premier, un verger d'environ trois arpents en superficie, complanté d'arbres fruitiers, douze arpents en culture et quatre en prairies le rest en bois debout. Les Habitants censitaires rélévans du dit arrière-fief, seront dénommés cy-après à leur rang, à observer que l'île aux Ruaux situées dans le fleuve St. Laurent qui a été concédée aux dits Révérends Pères en Fief et Seigneurie comprise dans les Lettres Patentes de Sa Majesté très chrétienne du vingt mars mil six cents soixante-huit, dépend du dit Fief et Seigneurie de Notre-Dame des Anges & relève du Manoir Seigneuriale qu'ils ont concédé à Feu Monsieur Maître Guillemain, cy-devant Conseiller au Conseil Supérieur de la Nouvelle-France moyennant quinze livres de rentes & deux deniers de cent : que cette île a changé de main & dont ils ne connoissent point l'actuel detempteur, n'en étant point payé et n'ayant reçu depuis la Conquête aucuns droits de Lods & Ventes des différentes mutations.—Secundo. Le Fief et Seigneurie de St-Gabriel, communément connu sous les noms d'ancienne et Jeune Lorette, contenant une lieue et demie de front sur dix de profondeur donne aux dits Révérends Pères par Robert Giffart, Ecuyer, Seigneur de Beauport et Dame Marie Renouard, son épouse, par acte de Donation entre vifs passé devant Paul Vachon, Notaire à Québec, le dix novembre mil six cent soixante-sept et daté par erreur du onze du dix mois dans les lettres d'Amortissement, Que pour l'intelligence de la dite lieue



Wm. Johnson 22 January 1765

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PUBLICATION. DEPOSIT OF THIS COPY IN OTHER  
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Beladeau the Surveyor at  
Montreal came to me last Summer with  
the inclosed paper verbal, and wanted me  
to pay him for his surveying the Eghnawage  
Indians lands, but having had your Excellency's  
Directions the year before, that he was to apply  
to you for it &c. which I then acquainted him.  
I asked him why he did not apply as desired,  
he replied that your Excellency's unexpected  
Departure from Canada prevented him  
from doing it, and as Brigadier Burton  
was a Stranger to the Affair he did not know  
who to address himself to but me, and begged  
my assisting him in getting his wages paid.  
I told him that I could do no more in it  
than

His Excellency  
General Gage }  
at Halifax

Claus to Gage  
1765 Jan. 22

than acquainting your Excellency therewith  
that you might give your further Directions  
about it, which he entreated me very much to  
do for him, —

I have the honour to subscribe  
myself with the greatest Respect

Sir

Your Excellency

Most Obligated and  
Obedient humble  
Servant  
J. M. Callaghan

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Copy/  
Johnston

New York February 2: 1765

138

I thank you for your obliging congratulations  
in your letter of the 22<sup>nd</sup> Decem<sup>r</sup>. And Am to Acknowledge  
your favor of the 22<sup>nd</sup> Ultim<sup>o</sup> enclosing a Verbal Procefs of  
Peladeau the Surveyor at Montreal. If He has finish  
the work He was sett about He should be undoubtedly  
paid for it. He had such a Terror upon Him of the Jesuit  
that I could only get Him to work by Force. Had He  
completed the work I should have paid Him. If He ha  
completed it agreeable to the Sentence of the Court, He  
must be paid. This should be properly done by the Gov  
Brig<sup>d</sup> Burton is so no longer. And I fear M<sup>r</sup> Murru  
will do nothing in it, as it was before His Time. Upon  
the whole, it will stand well enough in your Acco<sup>ts</sup>.  
As it belongs to Indians, and after examining the  
Acco<sup>t</sup> and it's being certified that the work is completed  
according to the Sentence, You will pay it by my Orde  
and Charge it in your Account. And on this Account  
I transmit you the Verbal Procefs to take with you  
and if Necessary you will get it registered, or do what else  
is proper to prevent Disputes hereafter.

I Am,

Sir,

Y<sup>rs</sup>

Case

to

Case

1765  
Feb 2

Captain Claus  
Fort-Johnson

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25 Fevrier 1765 \_\_\_\_\_ Sauvages Indiens.

2316(# in notary's minutes)

Aujourd'hui Vingt cinq fevrier mil sept cens Soixante cinq apres  
midy.

Les nommes Shenonhesse Ossougton Hoyentonisse, et  
Soroyagueta, \_\_\_\_\_

Tous principaux chefs des Sauvages due Sault Saint Louis  
proprietaires de la Concession dudit lieu du Sault Saint Louis  
vertu d'une ordonnance rendue par Monsieur le Major General Cade  
alors Gouverneur de Montreal le Vingt deux mars mil Sept cent  
soixante deux assemble en la maison du Sieur Pascal(?) Gillet  
Lesquels au nom de leur village oute(?) Delibere et <sup>S</sup>latue que pour  
leur grand avantage ( ayans obtenus a cet effet l'argument de son  
Excellence l'honorable Jacques Murray Gouverneur en Chef de la  
province de Quebec) il sera donne aux differents habitants qui  
avaient obtenues des titres Concession en celle du Sault St-Louis  
leur contrats un nouveau Titre, a la charge des rentes et droits  
accoutumes VA: et lesdits Chefs on charges le <sup>Sieur</sup> Pierre Panet leur  
receveur de Voulu bien prendre cette peine, et ~~et~~ approuvant tout  
cequil sera en leurs noms faits audit Montreal en la presence desdits  
Sieur Pascal Gillet, et Louis foureau Champagne qui on signe en  
presence desdits chefs Sauvages:

Document Signé par: Louis Foureau dit Champagne  
J.G. Gillet  
F.Pinomet  
Pillot

Notary: Panet

1765/02/25



25. fev. 1785 autorisation des Sauvages de Saint

2316

Ouyard buy vingt cinq mille  
sept cent soixante cinq arpents  
Les nommés Shanon, Ossongotou,  
Bojintou, & Socoyagou,

Tous principaux chefs des Sauvages de  
Sainte. M. Louis propriétaires de la  
Concession dudit lieu d'après le St Louis  
qui ont été d'une ordonnance rendue par  
Monseigneur le Marquis Cardinal Gaye alors  
Gouverneur de Montréal le 15 Mars 1785  
mais sept cent soixante cinq arpents  
ou la maison d'habitation de la  
Lesquels au nom de leur village ont  
Délibéré et statué que pour leur  
plus grand avantage (cayant obtenu  
à cet effet l'agrement de Son  
Excellence l'honorable Jacques Minier  
Gouverneur en Chef de la province  
de Québec) il sera donné aux  
différents habitants qui avoient obtenu  
des titres d'habitation en celle des  
Saints. St Louis, leur conté avec  
un nouveau Titre, ou la charge des



Archives Judiciaires  
Palais de Justice  
MONTREAL - Canada

Montreal, Palais de Justice, Archives judiciaires  
# 2316

1765/02/25

Lesdits et dits. avoués, & ledits  
 chefs ont changé le leur d'un  
 fait leur recours d. Noulon bien  
 prendre cette peine, et approuvés  
 Tout ce qui sera en leur nom -  
 fait audit Montréal en la présence  
 d'audit Louis Lussac ditte, et Louis  
 J. Lussac (champion) qui ont signé  
 en présence desdits chefs Sauvages /

Louis Lussac dit champion

J. Lussac  
 J. Lussac  
 J. Lussac

ARCHIVES  
 DU QUÉBEC  
 MONTREAL

1765/102/25  
 Palais de Justice, Montréal  
 Archives judiciaires, #2316



Le soussigné juré arpenteur résidant à Montréal, certifie que le dernier jour de juillet mil sept cent soixante et deux, je me suis expressément transporté par commandement de Son Excellence avec Monsieur Claus, Capitaine au lieu de la prairie de la Magdeleine pour mesurer son front, en lui donnant deux lieues à commencer à la borne de Longueuil, en remontant à brulé-quarri, et au bout des dites deux lieues de front, j'y planter les bornes pour séparer la dite Seigneurie de la prairie de la Magdeleine de la Seigneurie du Sault St. Louis, à quoi ayant satisfait et tiré la ligne de séparation, depuis le bord du fleuve jusqu'à deux lieues de profondeur, courante au Sud-Est du monde, et planté sur la dite ligne des bornes de pierre avec des morceaux de terrine dessous, aux endroits nécessaires, auxquels j'ay procédé avec les sauvages, après avoir planté les bornes de la devanture, en présence de mon dit Sieur Claus et des sauvages, la première proche le bord du fleuve et la seconde proche de la rivière de la tortue, qui sont à douze arpents environ de distance l'une de l'autre.

Et le vingt quatre de septembre suivant, j'ay été renvoyé par commandement de Son Excellence avec Monsieur L'Oriche officier pour relever les dites bornes et pour les replanter en la même place où les anciennes bornes ont été plantées, à une petite pointe qui est près de la ligne qui sépare la terre du Capitaine Bourdeau de celle de Tanguet, Pommerville, vis-à-vis l'île vulgairement appelée l'île Foquet, où étant mon dit Sieur L'Oriche a fait appeler le Capitaine Bourdeau et lui a fait commandement de la part de Son Excellence, de prendre une charrette avec deux miliciens et d'aller arracher les bornes dont il vient d'être parlé et de les apporter pour être plantées à la même place où les anciennes ont été plantées, lesquelles étant apportées sur la place, j'ay en présence de mon dit Sieur L'Oriche, du Capitaine Bourdeau, de son fils et du dit Pommerville, j'ay tiré un bout de ligne prenant à l'ancienne borne vis-à-vis la dite île Foquet, courante au Sud-Est du monde, parallèle à la ligne de Longueuil, observant

I CERTIFY THIS DOCUMENT IS A TRUE COPY  
OF AN ORIGINAL DOCUMENT KEPT IN MY  
CUSTODY AND WITH WHICH THIS COPY HAS  
BEEN COMPARED.

*Antoine*

ANTOINE, arpenteur, 100, rue St. Louis, Montréal

DIAND  
Indian Land Registry  
R1435

1765/07/22

quatorze degrés de variation de la Boussole, sur laquelle j'ay re-  
-planté les dites bornes en la maniere accoutumée, avec des mor-  
-ceaux de terrine dessous; la première sur laquelle est les armes  
du Roy, proche le bord du fleuve, la seconde à deux arpents et demi  
environ plus en profondeur; lesquelles sont ainsi plantées pour  
servir de bornes inviolables pour séparer la Seigneurie de la  
-prairie de la Magdeleine de celle du Sault Saint Louis. ce que  
je certifie véritable, en foy de quoi j'ay dressé le présent procès-  
-verbal pour servir où besoin sera.

Signé - Jean Peladeau juré arpenteur.

Je certifie que la ligne tirée par le procès-verbal ci-dessus,  
est selon l'ordre de Monsieur Le General Gage et une  
sentence d'une audience ordonnée et autorisée.

fait à Montréal 27<sup>e</sup> juillet 1765.

Signé. Dan. Clau.

chargé des aff<sup>es</sup> Sauvages.

Collationné sur la minute trouvée dans les Registres de  
Monsieur Jean Peladeau vivant arpenteur juré par le  
sousigné dépositaire d'icelles, à Montréal le 13<sup>e</sup> avril 1804.

P. Dézéry arp<sup>te</sup>

Cont. 10/.

Paié la somme ci-dessus de dix shillings par Mr J. G. Belisle  
Notaire le 13<sup>e</sup> avril 1804

P. Dézéry

DIAND  
Indian Land Registry  
R1435

1765/07/27

CERTIFY THIS DOCUMENT AS TRUE  
AND CORRECT  
TO THE BEST OF YOUR KNOWLEDGE  
AND WITH WHICH YOU HAVE  
BEEN COMPARED.  
\_\_\_\_\_  
AUTHORIZED OFFICIAL  
INDIAN LAND REGISTRY, INDIAN AFFAIRS BRANCH



entre la prairie et Monsieur Deberge

Ligne de séparation

Rivière St Jacques

Seigneurie du Sieur Cartier

Monsieur Deberge  
12 arpents  
de front.

Seigneurie de la paroisse de la Madeleine

Le bord deux lieues de la  
Seigneurie du Sault St Louis.

Eglise de St Philippe

I CERTIFY THAT THE PARTIES HAVE BEEN  
AND REGISTRY INDIAN & LAND BRANCH

Fleuve St Laurent

Copie sur la minute trouvée dans les Registres de Mr Jean Peladeau  
arpenteur, par moi sousigné. P. Dezery arp.

DIAND  
Indian Land Registry  
R 1435

1765/07/27

01178067  
7-93

ne ne na gon non gatkannio te  
ssatirovi  
No-6

Desert verbal et d'Am  
de la ligne de separation  
entre la prairie de la  
Magistère et la Sault  
St Louis  
le 20<sup>th</sup> de juillet et le  
24<sup>th</sup> septembre 1762

I CERTIFY THIS DOCUMENT IS A TRUE COPY  
OF AN ORIGINAL HEREIN BY MY  
CUSTOMARY - WITH THE ORIGINAL COPY HAD  
BEEN COMPARED

*[Signature]*  
LAND REGISTRY, INDIAN AFFAIRS BRANCH

DIAND  
Indian Land Registry  
No. R 1435

1765/07/27



Indian Land Registry  
R1435

HR 1435

And on the twenty-fourth day of September following, I was sent back by order of His Excellency with Mr. Lotriche, officer, to remove the said boundary monuments and reset them in the same positions as the old boundaries had occupied, at a small point near the dividing line separating Captain Bourdeau's land from that of Fouquet, Pommainville, opposite the island commonly known as Foquet Island, having arrived at which location, the said Sieur Lotriche summoned Captain Bourdeau and ordered him, on behalf of His Excellency, to take a cart and two militiamen and to go and remove the boundary monuments mentioned above and to bring them along so that they be set where the old boundary had been laid; the monuments having been brought to the spot, I, in the presence of the said Sieur Lotriche, Captain Bourdeau and his son and of the said Pommainville, did draw a line running along the former boundary opposite the said Foquet Island, running south-east parallel to the Longueuil boundary, observing fourteen degrees of variation by the compass, by which measure I reset the said boundary monuments with pieces of earthenware underneath, with the Royal Coat-of-Arms on the first, near the river bank; the second two and one half arpents distant from the first; the which are thus planted to serve as inviolable boundaries to separate the 'Prairie de la Magdeleine' seigniorry from that of Sault Saint Louis, which I certify to be exact, in witness whereof I have drawn up this present record for future reference.

I certify that the line fixed as described in the above record is in accordance with the orders of General Page and a pronouncement given in a commanded, authorized hearing.

(Srd) Dan. Claus

Verified with the minute found in the records of Mr. Jean Peladeau, sworn surveyor during his lifetime, by the undersigned, depositary of the latter, in Montreal, on April 13, 1804.

Fee: 10/-

P. Doherty.

2B

RG 1, L 3 L, vol. 18, pp 8061-8063

1762

Text of the procès verbal by Jean Péladeau,  
30 July & 24 September 1762, recording the  
placement and repositioning of the boundary markers  
between the Seigneurie of LaPrairie de la Madeleine  
and the Sault St. Louis

- unsigned; possibly in Péladeau's hand

DIAND  
Indian Land Registry  
R1435



1704

se soupiquer sur dy centes de rentes  
 et blouat. Certifié que le dernier fero de  
 juillet mil sept cent soixante deux  
 le meisme l'apric. Transporté par Commission  
 de son Excellence avec l'annonce d'Edard  
 Capitaine au lieu de la prairie. De la Magdelaine  
 pour elle mesme son frere en luy demandant  
 deux lieux a commencer a la source  
 de Longueuil en descendant a l'Indiquale  
 et au bout des d. deux lieux de frume y  
 planter les arbres pour le service de  
 seigneurie de la Prairie. De la Magdelaine  
 de la seigneurie du saint. Et luy a quoy  
 a yant l'establissement. Et luy de  
 l'opération. Depuis le bord du fleuve jusqu'a  
 deux lieux de profondeur pourant du sud est  
 du monde et planté par la d. requie de l'œuvre  
 de pitié avec de nouveaux de l'œuvre de son  
 aux l'œuvre de l'œuvre auquel l'œuvre de  
 avec les l'œuvre de l'œuvre de l'œuvre de l'œuvre.

de la de vanture. Supérieure de Mon<sup>seigneur</sup> l'Évêque  
et des Sauvages Capumieles. proche de son d'ice  
x' lieu et la seconde proche de l'habitation de  
la Colleur qui sont à deux arpents de distance  
l'une de l'autre.

Et le vingt quatre de Septembre suivant par  
lettre envoyée par commandement de son  
Excellence avec Monsieur Solliche, officier  
pour de lever les arbres et pour les replanter  
en la même place où les arbres anciens  
ont été plantés, avec l'écrite point qui est  
près de la rivière qui separe la terre de Capitaine  
Bourdeaux de celle de Fouquet. Commandant  
vis avis. Jste. Deuillieusement appelé. Jste. Fouquet  
ou étant. Mon<sup>seigneur</sup> l'Évêque a fait appeler le  
Capitaine Bourdeaux et lui a fait commandement  
de la part de son Excellence de prendre une  
Charruite avec deux miliciens et de leur  
arracher les arbres. Sont il. vint de les planter  
et de les apporter pour être plantés à la même  
place où les anciens ont été plantés. Lesquels  
plantés après sur la place de la supériorité de

Monsieur l'Évêque du Capitaine Bourdeaux  
de l'écrit. et du Commandant par Jste.  
sont de l'écrit prenant à l'ancienne borne  
vis avis l'écrit Jste. Fouquet. Pourant au sud de  
du monde. parallèle à la ligne de longitude  
observant l'histoire. Degré de variation de  
la boussole sur laquelle par replanté les Jste.  
Bourdeaux en la manière à continuer avec des  
morceaux de Terrene. de son. la première  
sur laquelle. est les arbres du Jste. proche  
le bord du fleuve. La seconde à deux arpents  
et d'un y environ plus ligne fondue. Lesquels  
sont d'un planté pour servir de borne. Jste.  
pour servir la succession de l'écrit de la  
Magdelaine de Jste. du Jste. l'écrit.  
Ce que de l'écrit véritablement en Jste.  
de l'écrit. Jste. l'écrit l'écrit. Jste.  
Verbal pour servir au. Jste. l'écrit.



1765/08/30

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# THE PAPERS OF SIR WILLIAM JOHNSON

Prepared for publication by

MILTON W. HAMILTON Ph.D.

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The Division of Archives and History

ALBERT B. COREY Ph.D.

*Director and State Historian*

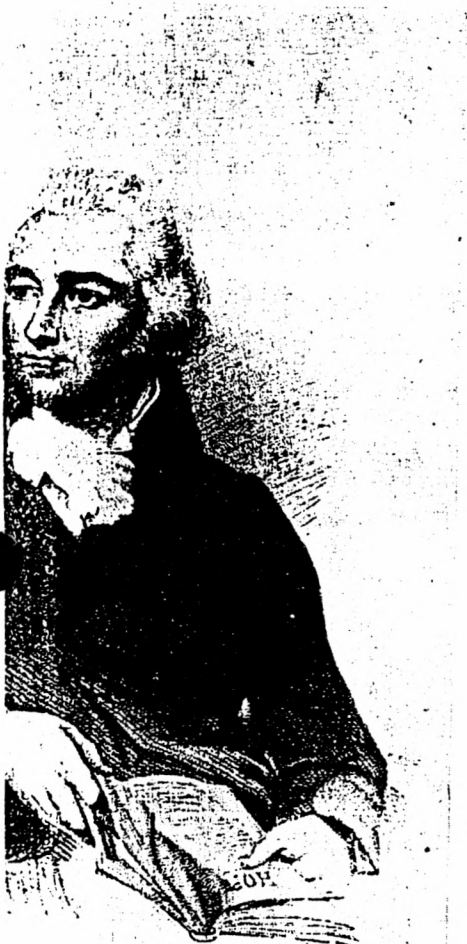
VOLUME XI

ALBANY

THE UNIVERSITY OF THE STATE OF NEW YORK

1953

1765/08/30



*W. Johnson*

HN JOHNSON  
in McGill University Library

which must undoubtedly be the case if they are indulged. — I grant that a preemptory refusal might prejudice our Interest with the Indians, as the cause would be misrepresented by both French & English Traders, but, I am persuaded it might be easily effected in a little time when proper Persons are fixed with certain Authorities at the Posts, & that without being any great inconvenience to the Indians whose case is exaggerated in many circumstances by the Interested. — If our Traders had an equal Interest with the French, & were possessed with those qualities by which the French win upon the Indians, such an indulgence would not be equally prejudicial tho it might be productive of frauds on one side, & Murders Robberies &<sup>ca</sup>. on y<sup>e</sup>. other, 'till we had established a good name, but as our Traders are in general deficient in these points, such an indulgence will amount almost to a Monopoly in favour of the French, who will govern the Indians as they please, and therefore I am of opinion, that it is of less dangerous consequence to limit the Trade to y<sup>e</sup>. Posts, than to forfeit our Interest by a General indulgence, w<sup>h</sup>. as I have already observed would be but nominally so, as it would be solely engrossed by the French, and would serve as a precedent for every Nation to demand the same. — another reason of equal weight with me, is, that such an indulgence, would prove a bar to our ever getting acquainted w<sup>th</sup>. these Nations. for the French give any price for our Goods, & our Traders (as I have heard many observe) would be deterred from going to these Winterings, when they perceived that the French alone enjoyed the profits, on the other hand, by confining it to the Posts, 'tho some might murmur for a time, they would soon see that we were better stocked with Goods, and sold on more reasonable terms than the French. Circumstances they can't yet beleive tho they pay dearly for their partiality, and this is an Affair of so much importance to our Interest, that we should omit nothing to convince them of, as soon as possible, as a Sure means

Hamilton, M. W. and A. B. Corey (eds.) *The Papers of Sir William Johnson*, Vol. XI. Albany: University of State of New York, 1953. Pp. 917-919

of conciliating their Affections, & Securing them to our Interest.

I am with y<sup>e</sup>. most perfect Esteem

Dear Sir

His Excellency

GENRL. GAGE

Your most Obedient

& most Humble Servant

W<sup>m</sup>. JOHNSON

INDORSED:

Sr. W<sup>m</sup>. Johnson

Aug<sup>t</sup>. 28<sup>th</sup>. 1765

received Sep<sup>t</sup>. 7<sup>th</sup>. —

answered —

FROM DANIEL CLAUS

*Contemporary Copy*<sup>1</sup>

Extract of a Letter from Dan<sup>l</sup>. Claus Esquire Dep<sup>y</sup>. Ag<sup>t</sup>. for Indian Affairs in Canada to Sr. W<sup>m</sup>. Johnson dated

*Montreal 30<sup>th</sup>. August 1765.*

Sr. —

The Cognawageys have summoned the Nations of this Government to acquaint them with their Transactions at your House, in particular with the Advice, or rather lesson you gave them for their future behaviour, and the fixing the Boundaries of their Hunting Grounds by the Mohawks, Oneidas, and Onondagas. accordingly they have been assembled since monday last, and Yesterday came in a body to me to give their answer upon these two heads. — First — They thanked you for your Advice not to give Ear to the Devil that was at their Heels, and continually turning their heads with false Reports, and assured you they would firmly, and resolutely hold fast by the Chain of Peace, and Friendship, — that they had the advantage of being taught the *Christian Religion*, which wou'd banish the Devil from among them, at the same time they thought to have given you Proofs

<sup>1</sup> In Canadian Archives. Indian Records, Volume 7.



of their firm Alliance, and attachment to the English by using their endeavors to preserve that Peace by joining the last Year those Troops that were to bring to Reason some ill disposed Nations that were averse to Peace, and whereby they thought they had rather exerted themselves more than any other Nation, by being ready on all occasions to carry Messages from the Commander of the Troops to those Nations that proceeded to the Ohio, — and in short that that they persevered to the last to bring about that Salutory end, — that it was therefore a very severe Reproach to them to be suspected of Insincerity after their above Determinations, and behavior. — that they were not affraid to stick to these Sentiments, even in Case they knew the French were to return, it having been recommended to them by the French Governor at his taking leave w<sup>th</sup>. them, to act, and behave to the English, as they had done to him, — wherefore they had nothing to apprehend on that account. That they must likewise request of you not to listen to every Report made to you about them, without proper authority, — And lastly thanked you for making the Sun shine bright to enlighten the minds of them, and their Posterity. —

A Belt.

Secondly. — With regard to the Speech of the Mohawks, Oneidas, and Onondagas concerning the limits of their Hunting Grounds, they must beseech you as their Guide and Superintendant to interfere, as it might be productive of ill Consequences, and remind those nations of the *old Agreement* made before the French Governor many Years ago, in the Presence of Five Confederate, and all the other Nations in Canada, — That when a general Peace was made, and concluded between these Nations, the Governor told them, that as they were become one body, and of one mind, the Woods, and Hunting Grounds could be no otherwise than common, and free to one nation as to another, in the same manner as a large Dish of Meat would be to a Company of People who were invited to eat it, when every Guest had liberty to cut as he pleased, wherefore they hoped you wou'd

Hamilton, M. W. and A. B. Corey (eds.) *The Papers of Sir William Johnson, Vol. XI.* Albany: University of State of New York, 1953. Pp. 917-919

make these three Nations abide by that Agreement, — and begged to recommend the Affair to your Mediation, as their Father, and Protector. —

I dont know anything that would sooner cause a Quarrel, than this affair, as it occasioned a general Murmur, and Dislike among these Nations. — N.B. All these Excuses are well enough, but they are notwithstanding convinced within themselves that you have hit their real Sentiments, and told them truth, as I was since informed they were all amazed how you could know the things you reproached them with, thinking you must have a supernatural insight of their Sentiments. — I am St. Yours &c —

DAN. CLAUS. —

FROM THOMAS HUTCHINS

A. L. S.

New York 31<sup>st</sup>. August 1765

[ ]

It is with great pleasure I acknowledge the Rec<sup>t</sup>. [ ] favour of the 6<sup>th</sup>. Ins<sup>t</sup>. and am as thankful to you for [ ]ering my first letter as if it had come safe to hand

The News you were pleased to favour me with [in regard to Mr]<sup>1</sup> Croghan had reached this City before I was [honoured] with] your Letter, but notwithstanding I have the [greater] pleasure in the Confirmation of his safety, as [his Success I] heartily wish, and sincerely hope that his Woun[d, and ever]y difficulty that must unavoidably attend so great [an] undertaking may add to the Credit of so meritorious [an] Act as well as reflect the greatest Honour upon himself [as th]e accommodation of a peace with the Western In[dians who] I esteem more difficult to conquer with an ar[med Force than] the taking of a Dozen such places as [the Hav]ana with its Moro Castles—

I shall always esteme it the greatest [plea]sure to transmit

<sup>1</sup> Missing words in brackets supplied from an extract printed in *Illinois Historical Collections*, 11:79-80.



THE PAPERS OF  
SIR WILLIAM JOHNSON

Prepared for publication by

MILTON W. HAMILTON Ph.D.

*Senior Historian*

The Division of Archives and History

ALBERT B. COREY Ph.D.

*Director and State Historian*

VOLUME XI



ALBANY  
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1953

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2002





du 28 Jan 1785 N° 15

Charte  
au Sieur Regard  
le 15  
(le 15 Jan 1787)  
Pierre Barthelemy  
général  
Sup. des Juges  
Office de Jugement

Dist. de Montréal

Jour du Plaidoyer commun

Pierre Barthelemy Demandeur

du 22 Jan 1785

Pierre Pierre Floquet Sup.  
des Juges de Montréal  
Défendeur

Les parties ayant été entendues, et la  
Cour ayant entendu le Plan et plans  
Verbal des Experts Raymond et

Goujon, en date 28 Nov. 1785 lesquels ont été en conséquence  
agréés des Juges Communes à cet égard, et avec connaissance  
des Juges respectifs la dite Cour, Artiste et Bonnehomme se  
" dit Procès Verbal à l'exception de ce qui regarde les Sauvages  
" En conséquence ordonne qu'une partie des terres  
" des deux Lignes de la langue qui contiennent la signature de la  
" Paroisse de la Magdelaine (à commencer au bout de deux  
" lieues du bout du fleuve) sera et appartenra au demandeur  
" - deux, condamne les Juges à leur compte au dit De-  
" - mandeur, des Juges, Artiste, Leds et Juges quels ont touché  
" des Habitants établis sur le dit territoire de terrain depuis la  
" date du dit Procès Verbal ordonne que les frais de Bonages  
" soient payés par l'Artiste entre les parties et condamne les  
" Défendeurs aux dépens du Procès.

Pierre Barthelemy  
Juge de la Cour

De par la Cour



morceaux de terrain dessous, la première sur laquelle sont les armes du roy, proche le bord du fleuve; la seconde à deux arpents et demi environ plus en profondeur, lesquelles sont ainsi plantées pour servir des bornes inviolables pour séparer la seigneurie de la Prairie de la Magdelaine et celle du Sault St. Louis; ce que je certifie véritable; en foi de quoi je dresse le présent procès verbal pour servir où besoin sera.

(signé) *Jean Peledau*, Juré Arpenteur.

COPIE du Certificat de Monsieur Clause.

\*Je certifie que la ligne tirée par le procès verbal cy-dessus est selon l'ordre de Mons. le General Gage et une sentence d'une audience ordonnée, fait à Montréal, 27<sup>e</sup> Juillet 1765.

(signé) *Du Clause*, Chargé d'Affaires pour les Sauvages.

Enclosure, No. 7.

SENTENCE du 22<sup>e</sup> Fev. 1766, No. 15.

René Cartier contre Pierre René Floquet, Sup. des Jésuites.

COPIE DE JUGEMENT, District de Montréal.

René Cartier, Demandeur, contre Pierre René Floquet, Sup. des Jésuites de Montréal, Défendeur.

Cours des Plaidoyers Communs,  
du 22 Fev. 1766.

Les parties ayant été entendues, et la cour ayant considéré le plan et procès verbal des Arpenteurs Raymond et Guijon, en date 28 Novembre 1765, lesquels ont opéré, en conséquence des ordres émanés à cet égard, et avec connoissance des titres respectifs, la dite Cour ratifie et homologue le dit procès à l'exception de ce qui regarde les sauvages. En conséquence ordonne qu'une partie du surplus des deux lieues de largeur, que contient la Seigneurie de la Prairie de la Magdelaine, (à commencer au bout de deux lieues du bord du fleuve,) sera et appartiendra au demandeur, condamne les Jésuites à tenir compte au dit demandeur, des cens, rentes, lods et ventes qu'ils ont touchés des habitants établis sur le dit surplus de terrain, depuis la date du dit procès verbal; ordonne que les frais de bornages soient payés, par égalité entre les parties, et condamne les défendeurs aux dépens de procès.

(Pour vraie Copie.)

De par la Cour.

(signé) *J. de Beaujeu*.

An appeal was made by the R. R. P. René Floquet, Defendant, from the above Judgment to the Superior Court of King's Bench of the city and province of Quebec, 27th February 1766.

In the Supreme Court, July Sessions, 8 Geo. 3.

René Cartier *adv.* The Jesuits at Montreal.

(In Error.)

Saturday, 6th August 1768.

Let the Judgment of the Court of Common Pleas at Montreal, in this cause, be totally reversed, and the Jesuits restored to the possessions they were turned out of, in consequence of the said Judgment; with costs.

By the Court.

(A true Copy.)

(signed) *Ja<sup>s</sup> Shepherd*,

Prothonotary of the late Supreme Court of Judicature,  
for the Province of Quebec.

\* Captain Clause's certificate that the above survey was made by order of General Gage, and by a military sentence.

*Vide* Ordinances of the 17th September 1764, confirming all these.

1766/02/22



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1766/03/01

# THE PAPERS OF SIR WILLIAM JOHNSON

Prepared for publication by

MILTON W. HAMILTON, Ph.D.  
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VOLUME XII

pp. 32-33

ALBANY

THE UNIVERSITY OF THE STATE OF NEW YORK

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1766/03/01

INDIAN COUNCIL AT JOHNSON HALL  
From the painting by E. L. Henry. Courtesy of the Knox Gelatine Company,  
Johnstown, New York

east Branch is from the residence of so many Tribes there, which difficulty my endeavours shal not be wanting to overcome, So as to make Tohicon the boundary to the north east &c<sup>a</sup>. and with the assistance of a propper present & some good medals, struck on the occasion for the cheif Sachems, and principal Warriors I do not despair of effecting it.

TO THOMAS GAGE

A. L. S.<sup>1</sup>

*Johnson Hall March 1<sup>st</sup>. 1766 —*

DEAR SIR —

Since I had the pleasure of writing to You last, Mr. Perthuis<sup>2</sup> Interpreter arrived here from Montreal being dispatched by all the *Coghawageys* to inform me that a certain Mr. Cartier<sup>3</sup> is arrived there to take possession of the Lands on which they live, by virtue of a purchase from Mr. St. Paul who claimed it by descent from one that had a Grant for it many years ago. The case (as I understand it from Perthuis) is this, — The Person from whom Mr. St. Paul derived his Claim had a Grant of it (I think) from Lewis the 14<sup>th</sup>. but on a representation of the Jesuits pointing out the Advantages to be derived from the Establishment of the Ind<sup>s</sup>. there, the King made the then Proprietors Grant Void, & Granted it to the Indians, or the Jesuits in trust for their use. Since the Reduction of Canada You may recollect that y<sup>e</sup>. Jesuits Title was annulled by the Court of Officers at Montreal & about that time Mr. St. Paul went to France & is now returned with a Confirmation of the Original Grant in his favour dated 1750, which Grant or Confirmation he has Sold to Mr. Cartier who has commenced a Suit, & is determined to obtain possession, & turn the

<sup>1</sup> In William L. Clements Library; the draft in mutilated form, was printed in *Johnson Papers*, 5:45-46.

<sup>2</sup> Louis Perthuis.

<sup>3</sup> René Cartier (Cartié).



William Johnson Papers

Indian Affairs, 1766-68

33

vidence of so many Tribes there, which  
all not be wanting to overcome, So as to  
ry to the north east &c<sup>a</sup>. and with the  
ent & some good medals, struck on the  
ems, and principal Warriors I do not

THOMAS GAGE

4. L. S.<sup>1</sup>

Johnson Hall March 1<sup>st</sup>. 1766 —

of writing to You last, Mr. Perthuis<sup>2</sup>  
n Montreal being dispatched by all  
n me that a certain Mr. Cartier<sup>3</sup> is  
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St. Paul who claimed it by descent  
it many years ago. The case (as I  
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from the Establishment of the Ind<sup>4</sup>.  
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Officers at Montreal & about that  
unce & is now returned with a Con-  
it in his favour dated 1750, which  
Sold to Mr. Cartier who has com-  
ed to obtain possession, & turn the  
ary; the draft in mutilated form, was

Indians of these Lands, and from Perthuis Acc<sup>t</sup>. the Judges have  
declared it must go against the Indians, & Judgment is only  
awarded as he says until they hear from me. — from the circum-  
stances of the date of the new Grant compared with the time Mr.  
St. Paul went to France to obtain it, which was in 1760, Perthuis  
affirms it is conjectured that y<sup>e</sup>. Year 1760 has been artfully  
changed to 1750, but be that as it will the Indians express the  
highest discontent, & fixed resolution to go to the Westward,  
where they may in all likelihood Stir up fresh disturbances, I  
must therefore beg the favour of y<sup>r</sup>. Sentiments and advice thereon,  
& that you will act therein as seems best to You. — Three days  
ago I rec<sup>d</sup>. a Packet from Lord Adam Gordon & my Son<sup>4</sup> with  
the agreeable news that his Majesty was pleased to give my Son a  
most gracious reception & to conferr the honour of Knighthood  
upon him immediately on his Arrival, asking him a variety of  
Questions, he mett with the same reception from the rest of the  
Royal Family, and he expresses his great obligations to Several of  
the Nobility &c<sup>a</sup>. for the Notice they have shewn him, & par-  
ticularly to y<sup>e</sup>. Civilities he has received from Lord Gage, for  
which I am in Duty bound to make You my most Gratefull  
Acknowledgments. There is verry little news in my letters, & the  
Bearer just going off, I have only time to assure You, that I am  
most respectfully

Dear Sir

Your most Obedient

& verry Humble Servant

WM. JOHNSON

His Excellency  
GENR<sup>L</sup>. GAGE

INDORSED:

Sr. W<sup>m</sup>. Johnson  
March 1<sup>st</sup>. 1766  
received March 9<sup>th</sup>. —  
Answ<sup>d</sup>.

<sup>1</sup> John Johnson. These letters of John and Lord Adam Gordon, prob-  
ably dated Dec. 12, or 14, 1765, have not been found.

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1766/03/02  
to 103/31THE PAPERS OF  
SIR WILLIAM JOHNSONPrepared for publication by  
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INDIAN COUNCIL AT JOHNSON HALL  
From the painting by E. L. Henry, Courtesy of the Knox Gelatine Company,  
Johnstown, New York1766/03/02  
to 03/01



son Papers

Indian Affairs, 1766-68

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s, or distress the traders there  
n wait, and do it with success.  
effectually that 2/3<sup>ds</sup>. of the  
on, wou'd fall into their hands  
— That in every treaty they  
tection, and if they find them-  
without having done any thing  
ainly will be very much dis-  
s, or another War will be the  
illeged that the late affair of  
cinac by the Ind<sup>s</sup>. will be a  
rved that it is extremely hard  
ffer for the Imprudence, and  
— That shoud the trade be  
not get more than one half of  
nd in that Case the annual  
about thirty Canoes short of  
will amount to above £2000  
to the Country People in this  
age Spring, and Harvest, and  
hou'd decrease greatly in our  
are deprived of the means of  
l in Commerce that is the real,  
es, and on which the welfare  
ier, entirely depends. — These  
alue of the Paper money, the  
ave suffered by the late Fire,  
ey have on hand already made  
he Indian trade, the Prospect  
ied in the Fort, and thereby  
oport their Credit, are circum-  
the greatest Concern, and they  
es from such a complication of  
and the Honble his Majestys  
measures, as will put the trade  
dians, and advantageous to the

Public. — We have taken the liberty to annex for your Perusal  
an attested Copy of a private letter received from his Excell<sup>ty</sup>. the  
Honble Thomas Gage, commander in chief of his Majesties  
Forces in America, from which it appears that any Passes your  
Excell<sup>ty</sup>. & the Honble his Majesty's Council may be pleased to  
grant the Traders, will be valid, and paid due Regard to by the  
Officers commanding at the respective Forts, they having Orders  
for that Purpose.

Your Memorialists therefore humbly pray you will be pleased  
to grant Passes this Spring with Permission to winter among the  
Indians, or take such other measures as to your Excellency and the  
Honorable his Majesty's Council may seem most necessary for the  
Relief of your Memorialists, And they will as in Duty bound  
Pray —

Signed by 52 of the Merch<sup>ts</sup>.  
of Montreal as by the Copy in  
the Superintendent's Office —

## JOURNAL OF INDIAN AFFAIRS

Contemporary Copy<sup>1</sup>

[March 2-31, 1766]

Mr. Perthuis<sup>2</sup> arrived at Johnson Hall, and brought Sir  
William Complaints from the Coghawageys in Canada against  
one Mr. Cartier a Frenchman, relative to their Lands, on receipt  
of which Sir W<sup>m</sup>. wrote to General Gage concerning the matter,  
and on Receiving his answer the 20<sup>th</sup>. wrote to General Murray<sup>3</sup>  
thereon, requesting him to take the affair into consideration, and see  
Justice done to the Indians. — On the 24<sup>th</sup>. dispatched Perthuis  
with the letters, and also a Bunch of Six Strings of Wampum to

<sup>1</sup> In Canadian Archives, Indian Records, Vol. 7.

<sup>2</sup> Louis Perthuis, interpreter.

<sup>3</sup> James Murray, governor of Canada.

let the Coghnewageys know that he had wrote to Governor Murray<sup>3</sup> on the subject of their complaint, which in General Gage's, and his Opinion was the best & properest Step to be taken —

31<sup>st</sup>. — Sir W<sup>m</sup>. dispatched Cap<sup>t</sup>. Montour<sup>4</sup> from hence to meet Mr. Croghan at Fort Pit, and gave him Instructions for his conduct as he passed the Indian Nations, as also during his absence. —

FROM JAMES MURRAY

*A.L.S.*<sup>1</sup>

*Quebec 31<sup>st</sup>. March 1766.*

SIR

I think it necessary to acquaint you, that in the Licences Granted by me last Year for persons Trading with the several Indian Nations living under His Majesty's Protection, I restricted the said Trade being carried on, but as such Posts and Forts, as then were or might afterwards be Established by His Majesty and Garrisoned by His Troops. — I have been lately informed by General Gage, Commander in Chief, that many of the Posts in the upper Country will be Evacuated; This circumstance induces me to make some Alteration in the Licences for this year, the inclosed is a Copy thereof, and I shall be very much Obligated to you Sir, if you will let me know your Sentiments thereupon. — I shall at all times be glad to receive any Information from you respecting Indian Affairs, and you may be Assured of my readiness, in

<sup>3</sup> James Murray, governor of Canada.

<sup>4</sup> Captain Henry Montour.

<sup>1</sup> In New York State Library, Tayler-Cooper Collection, property of William Leland Thompson.



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1766/03/09

# THE PAPERS OF SIR WILLIAM JOHNSON

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1766/03/09

INDIAN COUNCIL AT JOHNSON HALL  
From the painting by E. L. Henry. Courtesy of the Knox Gelatine Company,  
Johnstown, New York

## Johnson Papers

## Indian Affairs, 1766-68

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ve any feasible Design, altho there  
t is impossible to think these People  
e Mother Countries, yet they have  
must look foolish, if Matters are not  
o go further; In these Commotions  
good Citizen, as far as my other  
said long ago that the Colonies have  
ever was for breaking off the Chain  
the Links of mutual compacts. It  
e Chain will be made so strong as  
ks be made of mutual Interest.  
al of our Friends<sup>2</sup> in England was  
Lord Adam from Falmouth. But  
publick Rumour on which I never  
esteemed is enough for me, as I

Resolutions concerning our Posts  
unt you of or has already. Two  
aving some Troops together, and  
r Proceedings I do not doubt but  
. Many People talk of Matters  
nagement of our Allies the Indians  
remely seldom, in my Opinion, do  
atter — and least of all when they  
be at no Expence. Gen<sup>l</sup>. Gage I  
er than many others who pretend,  
when not infested or pestered by  
elf,<sup>4</sup> who still continues to throw

, and Lord Adam Gordon.

n favor of concentrating the troops in  
the West, May 10, 1766, printed in  
234-43, states the reasons for this

I sincerely wish you Joy of the good Accounts from England,  
and am happy my Freind who does me the Honour to call me a  
Relation likewise, is usefull to so worthy a Young Gentleman as  
all the World allows y<sup>r</sup>. son<sup>5</sup> to be. Lord Adam is warm some-  
times whimsical a little but of the warmest Freindship — which the  
good Sense of his Companion will make agreable & usefull to  
both.

Be so good as remember me kindly to Lieut. Johnson,<sup>6</sup> and  
allow me to be as I am with Truth and sincere Respect Sir Your  
most obed<sup>t</sup>. and most humble Servant

HARRY GORDON

SIR WILLIAM JOHNSON

We have no Accounts lately from the Illinois. I hope Croghan  
will set out soon.

INDORSED:

New York 4<sup>th</sup>. March 1766  
Letter from Cap<sup>t</sup>. Harry Gordon

FROM THOMAS GAGE

A.L.S.<sup>1</sup>

New York March 9<sup>th</sup>. 1766.

DEAR SIR,

I had this Day the Pleasure to receive your Letter of the 1<sup>st</sup>.  
Inst<sup>2</sup>.; And am a good deal Surprized at what you tell me con-  
cerning the Claim of M<sup>r</sup>. Cartier to the Lands of St. Lewis's  
Falls. You may depend upon it that the whole is a Trick. If the  
Ancestors of M<sup>r</sup>. St. Paul had ever a Grant of these Lands, or  
that they have been confirmed to this Gentleman again in the year

<sup>5</sup> John Johnson.

<sup>6</sup> Guy Johnson.

<sup>1</sup> In Harvard University Library.

<sup>2</sup> *Ante* pp. 32-33.



1750, as is alledged, That both the Original Grant as well as the late Confirmation must be found in the Registers of the Government. It was there I found the Grant to the Jesuits, of these Lands, in Trust for the Indians, and in Case the Indians should remove, the Lands were to revert to the Crown. This Grant was made by Louis the 14<sup>th</sup>. about fourscore years ago, and is it probable, that when Lands were so plenty in Canada as they were at that time, that the King of France should have taken them from the Ancestors of Mr. St. Paul for the uses Mentioned, without giving them an equivalent in Lands elsewhere; if he took them at all from them, which I do not believe? And is it consistent with common Sense, that after the Jesuits with the Indians, had lived upon the Lands for such a Number of years without Interruption from the present Mr. St. Paul, or any of his Ancestors, when the Scheme of forming a Barrier of Indians against the English & their Indian Allies was compleated (on which account the Plan of assembling Indians in this Manner was adopted, tho' under Pretence, of converting Savages to Christianity) that the French should undo all they had done, by confirming Mr. St. Paul in the year 1750 in a pretended Grant of Lands, of which Louis 14<sup>th</sup>. had divested his Ancestors. By these means they would have drove away the very Indians they had taken so much Pains to get amongst them, and from firm Friends made them bitter Enemies. Neither Mr. St. Paul or any of his Agents laid any Claim to the Lands; during the Contestation between the Jesuits & Indians, in the Time of my Government: And the Indians had often laid their Claims prior to that Time before the French Governors, if I mistake not much about the Time of this pretended Confirmation in the year 1750. You may be assured, that the whole is a Fraud between the Jesuits, Mr. St. Paul, Mr. Cartier, and the French Ministry to perplex us and make us at Enmity with these savages, whom we have attached to us, by doing them Justice. I am satisfied Mr. St. Paul can't prove any Claim made by him to the French Governors, during any Contestation between the Jesuits and Indians; in one of which the Jesuits were Absolutely forbid, letting out any more Farms, and this particular

*Indian Affairs, 1766-68*

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happened, if my Memory does not fail me, since the year 1750. You may Judge from thence, whether Mr. St. Paul would not then have put in his Claim, had any such Confirmation as is now pretended been given to him. Mr. St. Paul went to France after the Conquest of the Country, and there you may depend upon it all this Matter has been cooked up, when the Jesuits had given them an Account of their suit, and of their being cast in it. And if the French Ministry would enter into such a Business, they might Date a sham Grant, and sham Confirmation, in any year that would Answer their Purpose. If the latter was given, as you apprehend in the year 1760, which Cartier has altered by changing the Figure of 6 into a 5, it could not be registered in the Books of the Government in Canada, but must be registered in France, where it may be looked for if requisite. But if any such Confirmation was given in 1750 it should be found amongst the Registers of the Province. Upon the whole, I think it's absolutely Necessary you should lay all this Matter before the Gov<sup>r</sup>. of Quebec without Delay, and desire that the Indians Right may be defended in the best Manner, and carried as far as it will be proper to pursue it, of which the Lawyers will be the best Judges.

You may send Gov<sup>r</sup>. Murray<sup>3</sup> an Extract of this Letter leaving out some Tautologys which have escaped me in the hurry of writing. I am most thoroughly convinced that the whole of the Affair is a Piece of Roguery.

I am now to acquaint you that the 34<sup>th</sup>. Reg<sup>t</sup>. got to Fort Chartres on the 4<sup>th</sup>. of Decr. and the Detachment of the 42<sup>d</sup>. under Cap<sup>t</sup>. Stirling<sup>4</sup> went down the Mississippi soon afterwards; there was not Provisions sufficient to maintain the whole, and Cap<sup>t</sup>. Stirling could not get back to F: Pitt till the Ohio should be free of Ice in the Spring. The French I fear will give us Business enough in that Quarter. They have two Settlements opposite to us, and are debauching the Inhabitants and Indians over to their

<sup>3</sup> James Murray, governor of Canada.

<sup>4</sup> Captain Thomas Stirling who took possession of Fort Chartres, October 9, 1765. See *Illinois Historical Collections*, 11:107-11.



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# THE PAPERS OF SIR WILLIAM JOHNSON

Prepared for publication by  
The Division of Archives and History

ALEXANDER C. FLICK, Ph.D., Litt.D.  
*Director and State Historian*

VOLUME V, f. 91-92

ALBANY  
THE UNIVERSITY OF THE STATE OF NEW YORK  
1927

1766/03/22

TO JAMES MURRAY

Df.<sup>1</sup>[Johnson H] all March 22<sup>d</sup>. 1766

[The Caghawaga] Ind<sup>s</sup>, in Canada having Laid [ ]  
 one Mr. Cartier who under pret[ense] a grant] dated In  
 1750, is about to dispossess [them] ]

I Consulted Gen<sup>l</sup> Gage thereon who thinks with me that it is  
 a T[rick] ] and that it is highly Improbable that the  
 French who had a particular [ ] Establishing  
 these Ind<sup>s</sup>. In Canada in Continuing them, and [ ]  
 them Easy and Contented, as they had not only great influence  
 [ ] Nations, but were of themselves so serviceable  
 to the [French] ] should undo all their plan & of True  
 friends make them bitter Enemys [by granting] away their  
 Lands in 1750; we cannot therefore Suppose [ ]  
 Manifestly prejudicial to their own Interest, [ ]  
 France after the Conq[uest] ] probably cooked up the  
 [ ] and the year [ ] & make us at  
 Enmity with [ ] attached to us by doing them  
 [justice] ] I Judged [it] ] Satisfaction of these  
 Ind<sup>s</sup>. & the preventing any [ ] persuaded that it  
 will appear to you of such [ ] your imediate  
 interposition, [ ] the Indians Notice by this  
 opportunity of [ ] taken and that the same is  
 recommened to yo[ur] consideration]

I am,

With much Esteem [ ]  
 y<sup>r</sup> Excell<sup>y</sup> [ ]

---

<sup>1</sup> In handwriting of Guy Johnson.



1766/03/00

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ALBANY  
THE UNIVERSITY OF THE STATE OF NEW YORK  
1927

1766/03/22

son Papers

Post-War Period, 1763-1774

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URRAY

TO THOMAS GAGE

Df.<sup>1</sup>

[John]son hall March 22 [1766]

H]all March 22<sup>d</sup>. 1766  
 nada having Laid [ ]  
 se a grant] dated In  
 ]  
 who thinks with me that it is  
 highly Improbable that the  
 ] Establishing  
 g them, and [ ]  
 had not only great influence  
 of themselves so serviceable  
 do all their plan & of True  
 [by granting] away their  
 ore Suppose [ ]  
 wn Interest, [ ]  
 ] probably cooked up the  
 ] & make us at  
 shed to us by doing them  
 ] Satisfaction of these  
 ] persuaded that it  
 ] your imediate  
 the Indians Notice by this  
 taken and that the same is  
 ]  
 ch Estee[ ]  
 yr Excell<sup>cy</sup> [ ]

[ ] your Letter of the 9<sup>th</sup>. Inst [ ]  
 ]ly stated the Affair of the I[ndian  
 ] since my Letter on the Subject I find [ ]  
 ] that the Lands in dispute are [ ]  
 secured to them by the Military Court but a [ ]  
 Grant which however is attended with all the [ ]  
 Except that the Indians have no actual [ ]  
 for it but the King of France's Letter in 1727. tha [ ]  
 should not be permitted to be occupied by M<sup>r</sup> St Paul [ ]  
 French Claimant Contrary to their Interest but [ ]  
 theirs,— As this however makes the Case in some [ ]  
 different I have represented it accordingly to Gov<sup>r</sup>. Murray  
 [ ] he will take it into due consideration

As you have received News of Pondiacs being [ ]  
 Illi]nois I think it would best [ ] Croghan should  
 meet and Treat with him there as this would [ ]  
 prevent the Necessity of my Calling him down, but would  
 [ ] whatever present, he Carries up thither to make  
 the better [ ] and should he be now actually at Illinois  
 it will be [reasonable?] to Expect him this way during the  
 Summer so as to have [time?] before him & the Twightwees  
 to return home, all which I submit to your [consider]ation.—

I Judge it improper at this time that the [Shawanese]  
 should go about revenge, as it may obstruct the [communi]  
 cations and render our people liable to much danger I shall  
 therefore [ ] that head and  
 I w[ ] the Expences as  
 [ ]

<sup>1</sup> In handwriting of Guy Johnson.



## FINANCIAL ACCOUNTS

In the Johnson Calendar, p. 304, are listed the following papers which were destroyed by fire: Sir William Johnson's account of disbursements to the westward, principally pay of interpreters and smiths—£1327, 10s. 9d, dated March 15th; a memorandum of account containing some of the items of the preceding and nothing not contained therein (No date); and a memorandum of account containing the same items as the first, but as some of these are not reduced from Pennsylvania to New York currency the total differs. (No date)

## TO THE LORDS OF TRADE

In the Johnson Calendar, p. 305, is listed a letter of March 22d, to the lords of trade on the occupation of Fort Chartres, French designs, Mr Croghan's intended journey to the Illinois, appointments made for the Indian service, necessity of considerable expenses in Johnson's department and William Grant's claim to La Baye de Puans. (printed in *Doc. rel. to Col. Hist. N. Y.*, 7:816:18).

## CERTIFICATE

D. S.<sup>1</sup>

March 22d, 1766

I Sir William Johnson Baronet, his Majestys Superintendant of Indian Affairs, and Colonel of the Six Nations, formerly commanding His Majesty's Army at the Reduction of Niagara 1759. Do hereby certify that the Sieur Joncaire Chabert, formerly a Captain in the french Army, at the beforementioned Fortress did sustain a Considerable Loss of Goods and Merchandize by the Taking thereof, and of the Fort on the Carrying place near it, and that I then heard and allways understood, the same was of very large Amount, all which I certify the better to enable the said Sieur Joncaire, to obtain a Restitution for his

<sup>1</sup> In Public Record Office, S. P. Foreign—France. 274, London, England.

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# THE PAPERS OF SIR WILLIAM JOHNSON

Prepared for publication by

MILTON W. HAMILTON, Ph.D.  
*Senior Historian*

The Division of Archives and History

ALBERT B. COREY, Ph.D.,  
*Director and State Historian*

VOLUME XII

p. 67

ALBANY

THE UNIVERSITY OF THE STATE OF NEW YORK  
1957

Y95r-D56-2000

1766/04/07

INDIAN COUNCIL AT JOHNSON HALL  
From the painting by E. L. Henry. Courtesy of the Knox Gelatine Company,  
Johnstown, New York



Johnson Papers

Indian Affairs, 1766-68

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upon the Subject shall be made

—  
 's letter to Mr. Ermatinger which I  
 seem to have been insinuated that  
 with some partiality; the Secretary  
 that he made no distinction in any  
 firm'd by a Letter from Mr. Gage  
 l, dated the 1<sup>st</sup>. of March last,  
 why some persons were permitted  
 er to prevent Suspensions or Doubts  
 ill Sign All the Passes with My  
 ole and Expence to the People at  
 he fill'd up by a person I can con-

proper manner, as You have done  
 ot only depend upon my readiness  
 You may be Assured that I shall  
 exerting Myself to promote Your

gard

edient Hum<sup>le</sup>. Servant

JA: MURRAY

who subscribed to a  
 66, to the Governor &  
 an Trade.

FROM THOMAS GAGE

A.L.S.<sup>1</sup>

New York April 7<sup>th</sup>. 1766.

DEAR SIR,

The Lands which you tell Me in your Favor of the 22<sup>d</sup>. of March<sup>2</sup> are claimed by the Indians of the Falls of St. Lewis, I believe they have no more Right to than I have. There was originally only one Tract, then another joined to it, both which was united in one Patent and adjudged to them by the Military Court. They no sooner got that, but they were laying Claim to all the Lands round them; particularly to a spot, belonging to a Lady, on which they had trespassed for Some years. This was brought before me and appeared very plain. What the Tract is in the Rear of their Grant to which Mr. St. Paul lays Claim I can't ascertain, but I do not apprehend that the Indians can shew any Title to it, or do I believe that they have any. But as you have represented the affair to Gov<sup>r</sup>. Murray<sup>3</sup> their Cause will no doubt be defended, if there is any legal Pretence to do it. We are plagued everywhere about Lands. The French had never any Dispute with the Indians about them, either on the St. Lawrence or Mississippi Rivers, Detroit, or any other Place where they chose to Settle, tho' they never purchased a single Acre and I believe they make Difficultys with us because we have gone on a different Plan.

Upon reperusing my Letters from the Illinois, I think I was mistaken when I told you that Pondiac was in that Country. He was mentioned, with a Frenchman from New-Orleans, it was this latter who went over the River, so that I hope you may be able to have your proposed Meeting with Pondiac.

I shall speak to the Comptroller of the Artillery about the Powder & Lead which you require.

<sup>1</sup> In Harvard University Library.

<sup>2</sup> *Johnson Papers*, 5:91, in mutilated form, reprinted *ante* pp. 48-49.

<sup>3</sup> James Murray, governor of Canada.

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*Sir William Johnson Papers*

Mr. Croghan has sent me his Demand of Presents for the Illinois, amounting to the sum of £3445, a very large Sum considering the very great Expense already expended in Presents for that Country. I imagined he was to wait for Mr. Cole,<sup>4</sup> if Mr. Cole does not go with him he will set out directly.

I am with great Regard,

Dear Sir,

Your Most obedient  
humble Servant

THO<sup>S</sup>. GAGE

SR. WM. JOHNSON Bar<sup>t</sup>.

INDORSED:<sup>5</sup>

April 7<sup>th</sup>. 1766 —

Gen<sup>l</sup>. Gages Letter

FROM FRANCIS FAUQUIER

A.L.S.<sup>1</sup>

W<sup>m</sup>burgh April 11<sup>th</sup>. 1766

SIR

By Letters lately received out of the Cherokee Country I am informed, that in a late Skirmish between them and some northern Indians, the great Warrior Oconostota, the principal Man of the over hill Towns had his brothers Son taken prisoner whom he much laments. As our people have last murdered some Cherokees We are extremely desirous to appease them in every manner We are able, w<sup>ch</sup>. indeed they deserve from us, as they have hitherto been prevailed on not to take immediate Revenge. the recovering this young Man may possibly be looked upon as such an act of

<sup>4</sup> Edward Cole was appointed commissary for the Illinois country, April 17, 1766.

<sup>5</sup> In Sir William's hand.

<sup>1</sup> Harvard University Library, Sparks Collection.



1766/04/18

# THE PAPERS OF SIR WILLIAM JOHNSON

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Prepared for publication by  
The Division of Archives and History

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*Director and State Historian*

VOLUME V

see p. 185-7

ALBANY  
THE UNIVERSITY OF THE STATE OF NEW YORK  
1927

1766/04/18

on Papers

o go D[ ]  
 is atend[ ]  
 al wold [ ]  
 uply [ ]  
 ways [ ]  
 tional [ ]  
 le ord[er ]  
 l Insue [ ]  
 as heer [ ]  
 ile  
 Regard s<sup>r</sup>.  
 dant &  
 umble S[ervant]

GEO: CROG[MAN]

MAUNSELL

York April 18<sup>th</sup>. 1766.

the box of papers that you  
 be much Obliged to you if  
 [ ] safe  
 ript<sup>r</sup> My Worthy [ ]  
 g and I purpose Copying.  
 would been an Ad[ ]  
 er from your Son M<sup>r</sup>. John  
 arked for England last fall  
 ll) requesting he would In-  
 I [ ] had a  
 eember wherein he [ ]  
 n Ireland when he does My  
 m due Attendance he will  
 ]. tho' I do not Imagine

Post-War Period, 1763-1774

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that A Son of Sir Williams can want [ ] Any where yet  
 the more numerous his Acquaintance are provided they [ ]  
 Chosen wise and Virtuous the greater probably will the Improve-  
 ment [ ] his Tour to Europe which I hope may Termi-  
 nate as much to his Ad[ ] as your fondest wishes would  
 suggest.

We have quite A famine for want of news the long Expected  
 Packet is not yet arrived with the hoped for [ ]  
 Imagine an Embargo is laid on all the Shipping [ ]  
 us, Others that it is in Order Only to procure m[ ]  
 ed for the Coast of New found land.

Doubtless you have heard that I lost [ ]  
 in Decem<sup>r</sup>. it pleased providence to afflict to [ ]  
 Senses for Twenty months before his decease which [ ]  
 ] on him by degrees from too Intense reflecting on the  
 [ ] Sustained by the Iron rod of power that his  
 Spirit w[ ] but however virtue may be Oppressed I  
 have this Consol[ ] M<sup>r</sup> Pope An honest man is the  
 noblest work of god. [ ] nually a pensioner on him  
 Since M<sup>r</sup>. Smiths death [ ] burden On his Estate.  
 My Compliments to you [ ] and best wishes for your  
 felicity, and permit me to Subs[ ]

Williams friend And most [ ]

Hum[ ]

ELISABETH MA[UNSELL]

FROM PIERRE PANET

A. L. S.

Montreal 18 avril 1766

[Sur] lavis que m'a donné M<sup>r</sup>. Perthuis que vous seriez  
 [mal ?] informé de la pretention des Sauvages Iroquois du  
 [Canada?] je vais avoir l'honneur de vous informer le plus  
 [exactement] qu'il me sera possible de l'affaire dont il s'agit  
 [Les sauvages?] du Sault St Louis Sont propriétaires d'une Con-



cession [de terre?] de Deux lieues et plus de front sur deux lieues de [profondeur] joignant d'un cote la Seigneurie de la prairie, et d'autre [coté celle] de Chatteauguay en consequence d'une Sentence rendue [en leur fav]eur contre les Jesuites par Son Excellence le Major [Général Gage?] le Gouverneur de Montréal

[Depuis?] M. Senneville officier des troupes du Roy [au Ca]nada obtint en 1754 du Gouverneur et de [l'Intendant?] dudit pais une Concession d un terrain Vuide [situé] au bout des profondeurs du Sault St Louis et de [Chatteaug]uay, ce M. Senneville la Vendit en 1761 a René [Cartier pour] 10000<sup>ll</sup> Tournois, ledit Cartier a payé Les [redevances au] Roy et a rendu la foy et homage au Général [Gage? sui]vant l'usage de ce païs

[Les sau]vages ont Voulu depuis peu s'opposer a la Jouissance de Cartier alleguant qu[ils ont eu] anciennement la continuation de [la jouissance et que cette] Continuation leur est absolument [nécessaire à la] Chasse; ce Cartier a formé un procès [judiciaire?] en la Cour des plaidoyers communs [à Montréal? et] m'a fait Sommer comme etant rece[veur?] a Comparoitre le onze fevrier dr. [Considérant] que vous estes Surintendant de toutes [les affaires qui] concernent les Sauvages j'ay prié les J[uges pour] un Delay jusqu'a ce que vous Soyés inf[ormé de] l'affaire et la cause a été remise au [mois de may ?] prochain. Je ne connois d'autre lettre aux Sauvages [qui leur] donne la continuation qu'ils demandent [excepté] qu'en l'annee 1736 elle fut concedee a S<sup>t</sup> [Paul ?] Les jesuites S'en plaignirent a la cour de f[rance et] obtinrent du ministre une lettre dont [voicy la] Copie

a Versailles le 6 may 17[ ] J'ay reccu Mon reverend Pere votre lettre [du ] de] L'année derniere, la concession qui avoit [été donnée] au Sieur De Boiselere d'une Seigneurie derriere [le Sault] S<sup>t</sup> Louis n'a point ete confirmée, et le Roy [a écrit] a M<sup>rs</sup> De Beauharnois et Hocquart que So[n désir] est qu'ils l'annulent, ainsy vos missionn[aires du] sault peuvent etre tranquiles a cet [égard]

## ison Papers

et plus de front sur deux  
un cote la Seigneurie de la  
Chateauguay en consequence  
leur contre les Jesuites par  
le Gage?] le Gouverneur de

r des troupes du Roy [au  
erneur et de [l'Intendant?]  
rain Vuide [situé] au bout  
et de [Chateaug]uay, ce  
René [Cartier pour] 10000<sup>ff</sup>  
[redevances au] Roy et a  
[Gage? sui]vant l'usage de

s peu s'opposer a la Jouis-  
it eu] anciennement la con-  
cette] Continuation leur est  
ce Cartier a formé un  
oyers communs [à Mon-  
étant rece[veur?] a Com-  
rant] que vous estes Surin-  
concernent les Sauvages j'ay  
usqu'a ce que vous Soyés  
a été remise au [mois de  
l'autre lettre aux Sauvages  
u'ils demandent [excepté]  
edee a St [Paul ?] Les  
le f[rance et] obtinrent du  
opie

] J'ay reccu Mon reverend  
nnée derniere, la concession  
Boiselere d'une Seigneurie  
at été confirmée, et le Roy  
Hocquart que So[n désir]  
nn[aires du] sault peuvent

## Post-War Period, 1763-1774

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[Je suis Mon] Reverend Pere entierement a vous Signé  
[ ] [Je dois] vous faire remarquer que la concession  
[de terrain a] M Senneville a été ratifiée par le [Roy de  
France]

[Voila] Monsieur l'exposé Sincère de la pretention des  
[sauvages] Je laisse a vos lumières et a votre [discre]tion a  
decider Si elle est bien fondée [Je suis] flatté que cette affaire  
me procure La [satisfac]tion de vous assurer du respect avec  
lequel [j'ai l']honneur d'etre  
[Mons]ieur

Votre tres humble et  
tres obeissant Serviteur  
Pre. Panet

[A l'honor]able  
[ M. ] Guillaume Johnston  
[Commandant] en Chef de sa Majeste  
[Surintendant] des sauvages &ca &ca &ca  
au fort Johnston

Translation

Montreal, 18 April 1766

[On] information which Mr Perthuis has given me that you  
had been [wrongly] informed regarding the pretension of the  
Iroquois Indians of [Canada ?], I have the honor to inform  
you as [exactly] as it is possible for me of the matter concerned.  
[The Indians] of the Sault St Louis are proprietors of a con-  
ces[sion] of [land] of more than two leagues in width by two  
leagues in [depth,] joining on one side the seigniory of La  
Prairie and on the other [side that] of Chateauguay in conse-  
quence of a decision rendered [in their favor] against the  
Jesuits by his Excellency, Major [General Gage?] the Gov-  
ernor of Montreal.

[Since then] M. Senneville, an officer of the King's troops  
[in Canada], obtained in 1754 from the Governor and from  
[the Intendant?] of the said country a concession of a vacant



tract [situated] at the lower boundaries of the Sault St Louis and of [Chateauguay]. M. Senneville sold it in 1761 to René [Cartier for] 10000 livres tournois<sup>1</sup>; the said Cartier has paid the [quitrents to the] King and rendered fealty and homage to General [Gage?] according to the custom of the country.

Recently the Indians have tried to oppose Cartier's possession, alleging that they formerly [had] a continuation of [its use and that this] continuation is absolutely [necessary] to them for hunting. The said Cartier began legal proceedings in the court of common pleas [at Montreal and] had me summoned as being the [receiver?] to appear on the eleventh of last February. [Inasmuch] as you are Superintendent of all [affairs which] concern the Indians, I begged the [judges to grant] a delay until you were in[formed] of the affair, and the case was put over to next [May?]

I know no grant to the Indians that [gives them] the continuation which they ask [except] that in the year 1736 it was ceded to St [Paul?]. The Jesuits complained of it to the court of [France and] obtained from the minister a letter of which [this is the] copy.

At Versailles the 6th of May 17[ ]

I have received, Reverend Father, your letter [of ] of last year. The concession which had [been given] to Sieur de Boiselere of a seignory back of [the Sault] St Louis has not been confirmed, and the King [has written] to Messrs de Beauharnois<sup>2</sup> and Hocquart<sup>3</sup> that his [wish] is that they annul it; so your mission[aries at the] falls may be at ease in that respect.

[I am, my] Reverend Father

Wholly yours

Signed [ ]

<sup>1</sup> A sum of less than five hundred pounds.

<sup>2</sup> Charles, Marquis de Beauharnois, Governor of Canada, 1726-1747.

<sup>3</sup> Giles Hocquart, Intendant of Canada.

## Papers

es of the Sault St Louis  
e sold it in 1761 to René  
he said Cartier has paid  
ed fealty and homage to  
tom of the country.

oppose Cartier's posses-  
[ ] a continuation of [its  
osolutely [necessary] to  
egan legal proceedings in  
real and] had me sum-  
pear on the eleventh of  
re Superintendent of all  
[ begged the [judges to  
d] of the affair, and the

t [gives them] the con-  
in the year 1736 it was  
ned of it to the court  
nister a letter of which

] our letter [of of]  
[been given] to Sieur de  
Sault] St Louis has not  
written] to Messrs de  
wish] is that they annul  
may be at ease in that

yours  
igned [ ]

ior of Canada, 1726-1747.

## Post-War Period, 1763-1774

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[I must] call your attention to the fact that the concession [of  
land to] M. Senneville was ratified by the [King of France]

[This,] sir, is an honest statement of the pretension of the  
[Indians.] I leave it to your judgment and your [discre]tion  
to decide whether it is well founded.

I am gratified that this matter procures me the [satisfac]tion  
of assuring you of the respect with which [I have the] honor  
to be [sir]

Your very humble and  
very obedient servant  
PIERRE PANET

[To the honor]able  
[Sir] William Johnson  
[Commander] in Chief of His Majesty  
[Superintendent] of the Indians &<sup>ca</sup>, &<sup>ca</sup>, &<sup>ca</sup>.  
at Fort Johnson

FROM THOMAS GAGE

A. L. S.

[New York, April 20, 1766.]

DEAR SIR,

I have nothing of a Publick [ ]  
trouble you with; The Papers will show you [w ]  
brought to Philadelphia by a ship from Ireland [ ] repeal  
of the Stamp-Act, which is all we as yet know about [ ]  
I hope Mr Croghan has left Philadelphia, I sent him [ ]  
& small Medals, but cant get any Person to make a new  
[ ] were of the sort last sent to you, but made more  
& [ ] better polished and rounder at the Edges, I  
should say Br[ ] flatter, than those you had.

I now take the Liberty to trouble you on some private [ ]  
of my own. In the length of Time I have served on this Conti-  
nent I have neither been offered, or asked anything. My Family  
incr[eases] and tho' I have had good Pay, my expences have



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To His Most Excellent Father, the King  
 Esq. Governor of the Province of Quebec  
 &c. &c. And the Honorable Members of  
 his Majesty's Council

150

The Memorial of John Collins Esq.  
 Surveyor General of the Province of Quebec  
 most Humbly sheweth

That your Excellency was pleased to command  
 me to the Surveyor General to be appointed by the  
 Surveying the Lands in this Province, & that I  
 at my Office to take the opportunity of the last day of the  
 your Excellency's command to the extent of it to make  
 such observations and inquiries as appeared to me to be  
 the business of my Office and might be proper to be  
 Secretary & Council that I might have your Excellency's  
 any thing that may be thought necessary relating thereto

The first Observation I have to lay before  
 your Excellency and Honors is that upon reviewing the  
 as they stand in the original Grant from the King of France  
 those which are in possession of their respective Signatories  
 provided the Crown has been very much imposed upon  
 Lands held under such Grants are extended to a very great  
 distance beyond the Great Vicinities, This appears to  
 be owing to the Signatories being originally set out by  
 report of private Surveyors, who were not in fact public  
 and consequently not Accountable for any errors or  
 them committed notwithstanding that I found in the  
 that Lands were given by persons without the least  
 that I humbly apprehend by the Ordinance & Statute  
 for registering &c. that the report of such Surveyors is  
 admitted but that all Surveys must be made by the  
 Officer, And as the Crown has been thus imposed upon by  
 Surveyors I humbly submit to your Excellency and Honors  
 whether it may not be proper that my appointment

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Dec Aug. 27, 1966

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Number 5



as established in the Public Gazette for the information of all  
His Majesty's Subjects throughout this Province, that the fees  
all Surveys ascertained by Ordinance, as in that Case  
more can be paid than a customary allowance, which a  
Surveyor will as much expect as a Publick Officer, and if  
private Surveys are allowed of in this Province the King's right  
will be secured and the Subject at the same time have no cause  
for Complaint.

It is submitted to your Excellency and Honors whether  
Surveys of Lands held under Feigns ought not also to be put upon  
the same Establishment. I find there are no Courts of Common  
Law as in manners in England and that therefore Surveys  
of grants of Lands by Feigns are brought to the Publick Account  
as well as those of Surveys.

I may have to mention further that in every Colony  
where Surveys of Lands are ordered on Account of suspected  
the Grants in possession has usually the preference given to  
the original Surveyor that on such occasions I appeared to  
the limits of the original Grant in the established form and  
whether he accepts the Offer or not in addition to his means  
should add to his Majesty's Revenue, as such Lands are not  
granted to any, but under the settled quit Rent. In  
Virginia the King's settled Revenue from Lands by all  
Branches of Government this is a Revenue which must be  
growing with the Colony where the Lands are held under quit  
to the Crown which demonstrates the great importance of not  
accepting of regular and well authenticated Surveys.

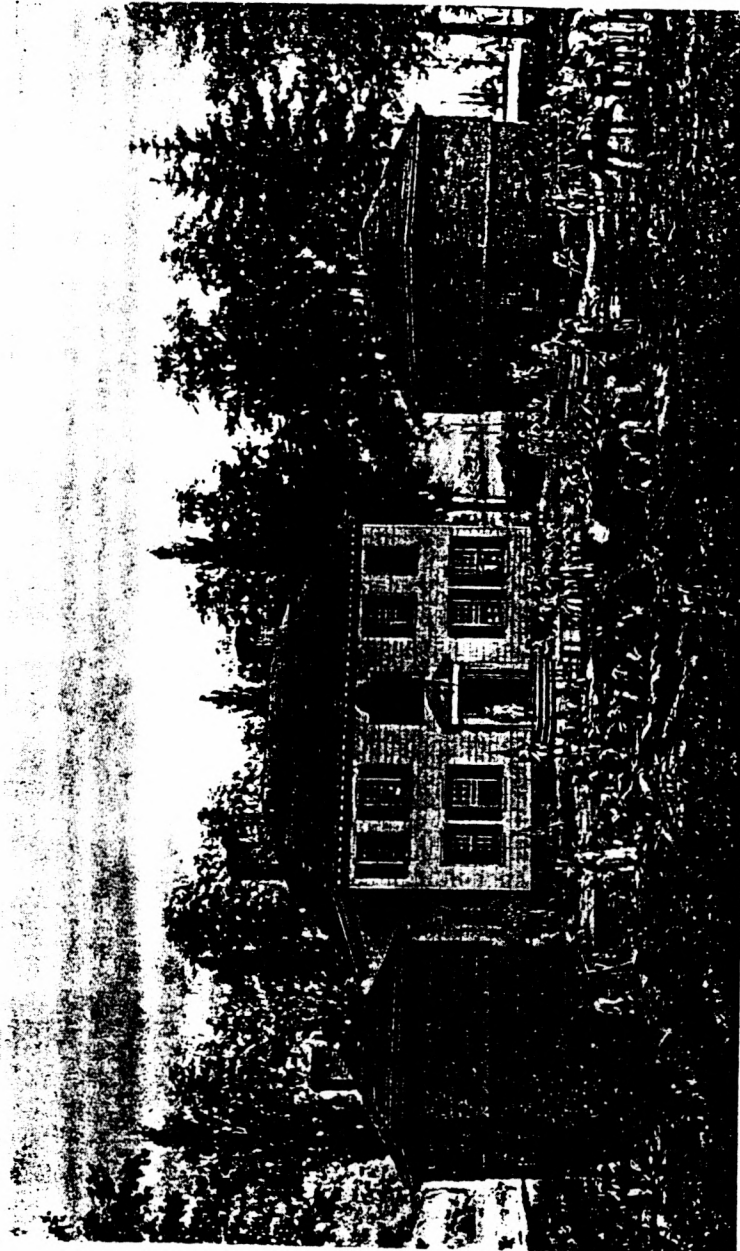
Which is humbly Submitted

By your Excellency and Honors  
M<sup>ty</sup> Chas<sup>r</sup> R<sup>mt</sup> M<sup>ty</sup> J<sup>mt</sup> J<sup>mt</sup>

W<sup>m</sup> Collins

NAC MG 11  
C.O. 42  
Number 5





INDIAN COUNCIL AT JOHNSON HALL  
From the painting by E. L. Henry. Courtesy of the Knox Gelatine Company,  
Johnstown, New York

# THE PAPERS OF SIR WILLIAM JOHNSON

Prepared for publication by  
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VOLUME XII

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1957

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1766 / 09 / 08 - 09 / 09

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I waited upon Gov<sup>r</sup>. Moore<sup>5</sup> and acquaint<sup>d</sup>. him with the Ind<sup>as</sup>. Errand & deliv<sup>d</sup>. him what they had to say in writing & he appointed them to come in the Morn<sup>g</sup>. to deliver their Speech. 9<sup>th</sup>. — Went with the Ind<sup>as</sup>. they were kindly rece<sup>d</sup>. and delivered the above speech

## INDORSED:

Ind<sup>as</sup>. Speech  
to the Governours  
of N. York & Quebec  
delivered on Isle a la  
Mote in Lake Cham  
plain 9<sup>th</sup>. Sept<sup>r</sup>. 1766.

FROM NORMAND MAC LEOD

Copy<sup>1</sup>

Ontario the 9<sup>th</sup>. September 1766

SIR

Last night arrived here a Chief of the Conasedagas Call'd Ca-run-da-che, who told me there are certainly upwards of an hundred Orondacks<sup>2</sup> in Arms and that we ought to be on our guard, the reason they give for commencing hostilitys is that the Traders are not allowed to go among the Indians as formerly, The Conasedagas<sup>3</sup> gave them two belts of Wampom one of 11 and one of 9 strings to prevent their coming out but they return'd them with scorn. the Conasedagas told them they promis'd you to Oppose any Nation that would Commit any hostilitys on the

<sup>5</sup> Sir Henry Moore, governor of New York, 1765-69.

<sup>1</sup> In Oneida Historical Society, Utica, N. Y. The original was destroyed by fire.

<sup>2</sup> Adirondacks. According to W. M. Beauchamp, *History of the New York Iroquois*, p. 138, this was another name for Algonquins.

<sup>3</sup> Canaseraga Senecas.

English, the Orondacks did not mind them but set of that same night. he is not certain where the will begin first he says perhaps they are gone up the Ottawa River. They are Commanded he says by two very brave Indians, their greatest man is Call'd Ra-hun-ra-wits, their second Ran-ho-tos, we are a little on our guard here. I wanted much that the Conasedaga Chief would go to your House, as he was present and gave himself one of the Above belts of Wampom he might have been more particular than I can in a letter, but he refus'd. he is gone amongst the Onondagas with some gunpowder for their Warriors who are to go against the Cherakees

\* \* \* \* \*

I have wrote to Mr. Roberts<sup>4</sup> Concerning the Orondacks. Since writing the above I am inform'd it's not the Orondacks but the Ske-quanecks a Nation who lives with them that are gone to war, they are gone up the Ottawa River and expect to be joined by some of the Nations that way and then Come on the Carrying place at Niagara.

The old Chief was a little drunk when he gave the first Intelligence, but is this Morning sober; and thinks there is no danger here, at least not untill they pass Niagara. what they may do then he knows not. the Bearer was to have left this yesterday, but got Drunk 11<sup>th</sup>. September

The Barrack Master says he is to give no fire wood to the Interpreter without he lives in a barrack room with the Soldiers. the smith he says is not allowed any wood at all they allow the Commissarys one Room and half a Coard of wood per week during the winter. the same allowance with other Rooms. The Indians and they most sit at the same fire if there's no other allowance made. \* \* \*

SIR WM. JOHNSON

NOR<sup>D</sup>. MACLEOD

<sup>4</sup> Benjamin Roberts, commissary for Indian affairs at Niagara.

## AN INDIAN CONFERENCE

D.<sup>1</sup>

[Isle a la Mote, Sept. 8-9, 1766]

hood and we beg by this Belt of Wampum [ ] that you will be pleased to support wh[at] His Maj<sup>y</sup>. was graciously [Intent was toward]<sup>3</sup> pleased to reserve to us And give Us your Opinion & answer upon what we now have laid before you.

a Belt of Wampum

Breth<sup>a</sup>.

What we have been speaking of to you concerning the Lands & Lake in Question was only of latter Times & since the Europeans have come amongst us; As to the original Owners [of] thereof any one that knows the history of this Country before that period will [find] testify it to have been then y<sup>e</sup>. undisputed Right of the 6 Nations & their Allies & was chiefly occupied in the hunting Seasons by the Antient Mohawks whose Descendants we are, And our Forefathers going to hunt [ing] mostly in this Neighbourhood was one of the principal Reasons for our Settling upon the River St. Lawrence near Montreal, Since whenever they killed any Game nearest that market they brought it there, and being well rec<sup>d</sup>. & flattered by the french (on the Contrary were slighted by the Dutch who then possessed the Prov<sup>e</sup>. of N York) families after families settled & remained in Canada w<sup>ch</sup>. occasioned the Establishment of what to this day is called the french Mohawks & our present habitation.

As to the first Building & Settlem<sup>t</sup>. made upon this [ ] it is known to be Crown point w<sup>ch</sup>. our Middle aged Men all well remember when begun, And the five Nations hearing of it, immediately remonstrated against it to the French Gov<sup>r</sup>., who telling them it was only to guard his Country [from] against a sudden Attack [by] from the English [&] prevailed upon them to let him

<sup>1</sup> In Canadian Archives, Indian Records, Vol. 9. This is a fragment of a document, the first part of which is missing.

<sup>2</sup> Portion crossed out and illegible.

<sup>3</sup> Words italicized and in brackets are crossed out in the manuscript.

finish it w<sup>ch</sup>. they consented to upon Condition that no other Settlement should be made upon it hereafter w<sup>ch</sup>. he readily [agreed to] promised, & engaged to observe at that Interview. —

The Misisqui Ind<sup>ns</sup>. spok<sup>e</sup>Breth<sup>a</sup>.

We are going to finish with a Remonstrance something similar but if possible more urging than the foregoing. We the Misisqui Ind<sup>ns</sup>. of the Abinaquis or St. Johns Tribe have inhabited that part of Lake Champlain time unknown to any of Us here present without being molested or any ones claiming any Right to it to our Knowledge, [nor] Except ab<sup>t</sup>. 18 Years ago the French Gov<sup>r</sup>. & Intend<sup>t</sup>. came there & viewed a Spot [then] convenient<sup>r</sup> for a Saw mill to facilitate the building of Vessells & Batteaux [for these Lakes] at St. Johns as well as for building of ships at Quebec and on the Occasion convened our People to ask their Approbation, when accordingly they consented & marked out a Spot large enough for that purpose for the cutting of Saw Timber ab<sup>t</sup>. 1/2 League square, with the Condition to have what Boards they wanted for their own use, gratis, but on the Commencement of last War, said Mill was deserted and the Ironwork buried, after which [they the Ind<sup>ns</sup>.] we expected that every thing of the kind hereafter would subside, but no sooner was the peace made than some English people came there to rebuild the Mill, and now claim 3 Leagues in breath & we dont know how many deep w<sup>ch</sup>. would take in our Village & plantations by far. we therefore request by this Belt of Wampum that to whatever Governm<sup>t</sup>. it may belong, the Aff<sup>r</sup>. may be inquired into that we may obtain Justice it being a Matter of great Concern to Us. We likewise beg there maynt any Traders be allowed to bring spiritous Liquors amongst us, the selling of which being so prejudicial & detrimental to us, if we want to purchase any we are not far from Montreal [ ]<sup>4</sup>  
Sept<sup>r</sup>. 8<sup>th</sup>. — The Sloop Mas [ ] has hove in Sight at the Isle la Mote.

<sup>4</sup> Illegible due to patching of manuscript.



Ref PAC  
MG-11 Q.4  
pp. 265-268

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'Signed' Adam Makane  
J. Roumier

Quebec May 5 1767

To James Potts Esq<sup>r</sup> D.C.C.

Ordered that the Petition be dismissed  
as not being proper for the Cognizance of  
this Board, the Cause still depending in  
the Court of Common pleas.

Read Petition of Hugh Finlay in Behalf  
of the Acadians at Bonaventure in Chaleur  
Bay praying a grant of a Tract of Land  
of Three Leagues in front by half a League  
deep.

Ordered to be referred to the Committee  
who sat formerly on the Petitions for Lands.

'Signed' Guy Carleton

1767/05/08

At the Council Chamber  
in the Castle of Saint Louis  
in the city of Quebec on  
Friday the eighth day of  
May 1767-

Present

The Hon<sup>ble</sup> Guy Carleton Lieut. Governor.  
William Hey C.D. Hector Thos Cramahé  
Thomas Mills Thomas Dunn  
Francis Roumier Benjamin Price

Esq<sup>ro</sup>

General Complaints of the Indians at Latnamaga

their Return from hunting, furnish them with quantities of Brandy and other spiritous liquors in exchange for their Peltries and requesting that a stop may be put to that Practice by His Excellency And that none but one named by themselves should be permitted to retail liquors to them.

Ordered that the Clerk of this Board write to the Justices of the peace at Montreal to know whether they have taken the Licences from all persons residing upon or near their Lands who sell liquors to the Indians agreeable to the order of The Lieut. Governor to them when at Montreal and if they have not that they will do it immediately And to recommend to the Justices to put the Ordinance in force against those who retail Spirits to the Savages

Ordered that the Deputy Surveyor General survey and make out for His Majesty the public Road reserved by the French King in his original grant to the Seigneur of Deschambault and report the same to this Board.

Read the Deputy Surveyors Report of a Survey of seven hundred Acres of Land at Gaspey for Mr Edward Manwaring

Ordered that a Warrant be directed to the Attorney General to make a Draft of Letters patent under the Broad Seal of this Province for a Grant to Mr Manwaring his Heirs or of said Seven hundred Acres of Land under the usual Restrictions.



or the Iroquois addressed to the Honble Guy Carleton Lieutenant Governor against Messrs René Cartier and Madame La Noüe for encroachments made by them upon the Lands granted these Indians were by His Honour laid before this Board

Ordered that all parties observe the decision of the Court of Common Pleas in July 1766 till the matters in dispute can be perfectly settled And that Messrs Cartier and Madame La Noüe send up their several Titles to their Seigneuries and other Lands in their possession to the Clerk of this Board in order to be laid before the same.

In the meantime It is ordered that the Deputy Surveyor General make a Survey of the Lands in dispute and report the same to this Board.

The Indians settled at Saint Francis called Akéinagnis have also preferred Complaints against the Seigneurs of Saint Francis And Messrs Beaubassin setting forth that they have encroached upon the Lands the property of the said Indians.

Ordered that the Seigneurs of Saint Francis And Messrs Beaubassin send their Titles to their Lands that Border with the Indians Lands of Saint Francis to the Clerk of this Board for their consideration

The Indians of the two Mountains have likewise preferred a complaint to the Lieutenant Governor setting forth that several of the Traders who resort to them immediately after their

Presented an Account of La Nise a  
Blacksmith for the Reparation of the Chateau  
Saint Louis, amounting as altered by the  
Tradesmen who visited the Work to Four  
hundred and eight eight livres thirteen sols

Ordered that a Warrant be given to  
the Receiver General to pay the same.

Resolved that Messrs George Allsopp  
And George Gregorys Petition be substituted in  
the place of Mr Philip Daynes Original Petition  
for a Grant of a Spot of Ground near the  
Kings Wharf they having purchased said  
Spot of Mr Daynes Creditors for a valuable  
Consideration

/Signed/ Guy Carleton

At the Council Chamber in  
the Castle of Saint Louis in  
the city of Quebec on on  
Friday the fifteenth day of  
May 1767.

Present

The Honble Guy Carleton Lieut. Governor  
William Hey C.D. Hector Theod. Cramahé  
James Goldfrap Thomas Mills  
Francis Monnier Benjamin Price

Legs

The Draft of the Lease of the Forge at  
St. Maurice was read and approved by  
this Board And Ordered to be engrossed  
agreeable to said Draft

/Signed/ Guy Carleton



ROUGH TRANSCRIPT OF DRAFT LETTER DATED OCTOBER 12, 1767. BY DANIEL CLAUS, DEPUTY, INDIAN DEPARTMENT:

12 Octr. 1767      \_cknowledge your Excellys letter of [2nd?]  
[page covered over]      have answered by my last of the 7th  
Sault St. Louis sent me

*themselves*  
~~That yesterday a Deputation~~ last Saturday ~~from the Sault~~ [illegible word] they not called St. Louis Indians to enquire about the Decision in the affr. about the Land vacancy disputed between the Jesuits & one Cartie was tried I at once saw ~~into their [illegible word]~~ they were messengers of [illegible words] of the Jesuits and told them that if there had been any occasion [sic] for their Presence at Court I should have been acquainted with it by the Court before the [two illegible words] ~~begin when~~ should have sent them a call but could not since none of their Land was in question I knew not why they should desire to be present that I thought I had sufficiently clear convince them last year after that Affr. being [put?] before the Court of common pleas that they could not in Justice claim more land than what their Title gave them ~~that I could plainly see they were the Messengers [illegible words] of the Jesuits who if they~~ Its very clear to me that if the Jesuits knew the Affr. would turn out in their favour would remain quiet enough there would be [noth\_?] of not push those ignorant people to lay claim to the land in question for when in 1762 I used my best endeavours to add that very Land to the Inds. Patent on finding out to be recently [illegible words] the Jesuits then opposed it to the utmost of their power by Representations to Genl. Gage that the Indns. would not claim more than their Right\* but when Cartié after the Indns. being silenced was adjudged claimed Vacancy by the Court of Common Pleas then the Jesuits [illegible] set on the Indns. anew to lay claim to it and the latter were weak enough to own to me that if [should?] they gained the Jesuits [?] were to enjoy [illegible]

\* and Genl. Gage after Examn. into the afr. ordered my limits \_ \_ in \_ \_ for the Inds. to be taken up be put into the spot described in the Inds. Deed that the vacany was neither the Inds. nor the Jesuits that he would not [illegible] farther in it.  
[illegible line]

*x*  
said Vacancy during life wch. they told the Inds. could not be long they being advanced in years taking care not to mention to them the [illegible] Jesuits their [illegible] themselves [illegible] I cleared up the matter again to them in such a manner as to convince them they had no right to sd. vacancy and in order to prevent future dispute & claims [illegible] for the future I should think it best to keep them to their Boundaries. They afterwards came upon Mr. McKays Affr and asked when those Boundaries were to be fixed & they to be paid for the wood [illegible] I replied that depended upon the Decision of the Mr. McKay or they were to have it they awhile paused & said that Capt. [illegible] acquainted them that it was decided in their favour. I told them it must have been ~~wrong~~ interpreted to them I saw that part of [illegible] only an injunction was laid on Mr. McKay's cutting no more wood till the Affair was decided they seemed to be shocked & expressed a great deal of uneasiness and said that were to loose that part of their Land wch. lay so contiguous to their Village & they always intended for Plantation & sugar wood land they would be obliged to remove#; Mr. La Nous letting them [illegible] make plantations there so many years ago without opposing or protesting against it & as I am credibly informed his being prohibited by the french government to build there and now upon the [illegible] of the Governmt. to convey it to Mr. McKay [illegible] it seems to me his being conscious of having [illegible] best right to it.\* There not [several illegible words] Property of their planting ground & a Dispossession or ejection would sound to them as terrible to them as well as the neighbouring Nations there never having been an [illegible] of the kind.

# [illegible] one of their people that knows their \_ that if they were to get an equivalent for it in [illegible words] they would rather relinquish

\* The Letter or Meaning of Mrs. La Noue's Title is very [illegible word] in favr. of the Indns. wch. they know.

1767/10/12



12 Oct 1767 The kept of  
your knowledge your capacity for  
your capacity by my last of the 4th  
cult. I hope sent me

last Saturday  
The yesterday a representation from the  
Leythray. In the  
noted to enquire about the  
the app of the Land. Vacancy disputed between the  
to seek none. Carter but once saw  
Wifingers of the spirit  
and told them that if there had been any  
reason for their Brethren should have been  
acquainted with it by the Court before the  
have them a call but  
could not since none of their Land was in question  
I thought they should desire to be present  
that I thought I had sufficiently clear up  
vinced them last year after that Aff. being put  
before the Court of Common Pleas that they  
could not in Justice claim more Land than  
what their Title gave them. That I would please  
to say clear is that if the  
see they were the  
to be sure if they knew the Aff. would turn  
in their favor would not push them to  
people to lay claim to the Land in question  
I when in 1762. I used my best endeavors  
to add that Land to the Ind. Title  
which opposed it with the utmost  
representations to Gen. Gage that the  
claim more than their right and when  
after the Ind. Title was cleared up  
by the Court of Common Pleas  
and the Court set on the Ind. Title  
to it that the latter were weak enough to  
that if they gained the suit

and no good grace of the  
my kind of work in  
to be sure if they knew the Aff. would turn  
in their favor would not push them to  
people to lay claim to the Land in question  
I when in 1762. I used my best endeavors  
to add that Land to the Ind. Title  
which opposed it with the utmost  
representations to Gen. Gage that the  
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after the Ind. Title was cleared up  
by the Court of Common Pleas  
and the Court set on the Ind. Title  
to it that the latter were weak enough to  
that if they gained the suit



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Lucifer 22<sup>d</sup> Oct 1767

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Sir,

Since my last, I have been  
furnished with Yours of the 6<sup>th</sup> inst. re  
October, and am concerned to find that  
disagreements about Major Rogers  
further confirmed; the Commander in Chief  
I dare say, will take proper steps to  
prevent any ill consequences that might  
arise therefrom.

I earnestly wish to put an end  
to, or at least as far as in me lies, to  
restrain the Run Trade, so pernicious  
to the natural Commerce of this Country,  
and so destructive of the Savage Race.  
With this View, your Captain Schloffer  
sent up, and for the same End, I have  
putting You into the Commission of the  
Peace for the District of Montreal.

I doubt not, You will have it your  
Duty to use your Power to remedy the dangerous

Pere Germain is returned for  
his Mission to St. Maurice, &c. &c. &c.

Captain Claus.

1767/10/22



117  
The Seigneur has not the least intention  
of disputing with the Indians that half  
league of the Seigneurie, to which they  
have a right by the original deed, and  
which should be glad to see; he only  
mentions some complaints about the  
selling, which he will shortly  
look into, and redress.

As to the lands in dispute with  
the Indians, the suggestion, that has been  
made, since the incursion in possession  
of what was long enjoyed before; their  
right to the Property, both here and elsewhere,  
must be thoroughly examined, and with  
due care and caution; for the French are  
too sensible how much it imports their  
Public, to keep these People in Temper;  
we must not injure others, much less  
plunder them; their claims are actually  
under consideration, and will receive  
thorough inspection, that strict and  
impartial Justice may be done to them.

I approve of Captain Schuyler  
removing, rather than give any thing  
to the Indians; between this and

1763. 10. 62



We shall have sufficient time  
where he should take up his abode  
in future, and even from your paper  
I believe, that position is the most  
Place.

Yours most obedt. Servant

to

Dear most Obdnt.

Humble Servant

Gray (unlike)

P.S. You will please to send me  
by the first Opportunity the  
Title by which the Indians  
of the Lake of the two Mountains  
hold their Lands.

Yt



1907

SESSIONAL PAPER No. 18

yet  
fects  
irely  
ting

Matters Recommended by that Order to the King's Servants here, shall be prepared with all the Dispatch, that the Importance, as well as Extent of the Subject, can possibly admit of.

I am with much Respect and Esteem  
Your Lordship's Most Obedient Humble Servant

GUY CARLETON

The Earl of Shelburne One of His Majesty's  
Principal Secretaries of State, &c.

INSTRUCTIONS TO GOVERNOR CARLETON, 1768<sup>1</sup>

INSTRUCTIONS to Our Trusty and Well beloved Guy Carleton  
Esquire, Our Captain General and Governor in Chief in and  
over Our Province of Quebec in America and of all Our  
Territories Dependent thereupon Given

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First—With these Instructions You will receive Our Commission under Our Great Seal of Great Britain, constituting You Our Captain General and Governor in Chief in and Over Our Province of Quebec in America, bounded on the Labrador Coast by the River St John, and from thence by a Line drawn from the Head of that River through the lake St John to the South End of the Lake Nipisson; from whence the said Line crossing the River St Lawrence and the Lake Champlain in forty-five Degrees of North Latitude, passes along the Highlands which divide the Rivers that Empty themselves into the said River St Lawrence from those which fall into the Sea, and also along the North Coast of the Bay des Chaleurs and the Coast of the Gulph of St Lawrence to Cape Rosieres and from thence crossing the Mouth of the River St Lawrence by the West End of the Island of Anticosti, terminates at the aforesaid River St John. You are therefore to take upon you the Execution of the Office and Trust We have reposed in You, and the Administration of Government, and to do and Execute all things in due manner that shall belong to Your Command according to the several powers and Authorities of Our said Commission under Our Great Seal of Great Britain and these Our Instructions to You, or according to such further powers and Instruction as shall at any time hereafter be Granted or appointed You under Our Signet and Sign Manual or by Our Orders in Our Privy Council, and you are to call together at Quebec, which We do appoint to be the place of Your residence, and the principal Seat of Government the following persons whom We do hereby appoint to be Our Council for Our said Province of Quebec, viz<sup>t</sup>. William Hey, Our Chief Justice of Our said Province, Hector Theophilus Cramahé, James Goldfrap, Hugh Finlay, Thomas Mills, Thomas Dunn, Walter Murray, Samuel Holland, Francis Mounier, Benjamin Price, and Colin

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Council

<sup>1</sup> Canadian Archives, M. 230, p. 61.

Shortt, A. & A. G. Doughty Canadian Archives: Documents  
Relating to the Constitutional History of Canada, 1759-1791, 1918.  
p. 301-324

1768/00/00

Drumond Esquires—It is nevertheless Our Will and Pleasure, that Our Chief Justice or Chief Justice for the time being shall not be capable of taking upon him the Administration of the Government upon your Death or Absence, or the Death or Absence of the Commander in Chief for our said province for the time being—

2. And You are with all due and usual Solemnity to cause Our said Commission to be read and published at the said meeting of Our Council which being done, You shall then take and also administer to each of the members of Our said Council, the Oaths mentioned in an Act passed in the first year of the Reign of His Majesty King George the first, intituled "An Act for the further Security of His Majestys person and Government, "and the Succession of the Crown, in the Heirs of the late Princess Sophia "being Protestants, and for extinguishing the hopes of the pretended Prince "of Wales and his Open and secret abettors," And in an Act passed in the sixth Year of Our Reign, intituled, "An Act for altering the Oath of Abjuration and the Assurance, and for amending so much of An Act of the seventh "year of Her late Majesty Queen Anne, Intituled, An Act for the Improvement of the Union of the two Kingdoms, as, after the time therein Limited "requires the Delivery of certain Lists and Copies therein mentioned to "persons Indicted of High Treason or Misprison of Treason;" as also make and Subscribe, and cause them to make and Subscribe, the Declaration mentioned in an Act of Parliament made in the 25<sup>th</sup> year of the Reign of King Charles the second intituled, "An Act for preventing Dangers which "may happen from Popish Recusants"—And You and every one of them are likewise to take an Oath for the due Execution of Your and their places and Trusts, with regard to Your and their equal and impartial Administration of Justice; And You are also to take the Oath required by An Act passed in the seventh and eighth Years of the Reign of King William the third to be taken by Governors of Plantations to do their Utmost that the Laws relating to the plantations be observed.

3. And that We may be always Informed of the Names and Characters of persons fit to Supply the Vacancies which shall happen in Our said Council, You are to transmit to Us by One of Our principal Secretaries of State the Names and Characters of three persons Inhabitants of Our said province who You shall esteem the best Qualified for that Trust and You are also to Transmit a Duplicate of the said Account to Our Commissioners for Trade and plantations for their Information.

4. And if it shall at any time happen, that by the Death, Departure out of Our said province, suspension of any of Our said Councillors, or otherwise, there shall be a Vacancy in Our said Council, Our Will and Pleasure is that You signify the same to Us, by One of Our principal Secretaries of State, by the first Opportunity, that We may under Our Sign Manual, constitute and appoint others in their Stead; to which end You are whenever such Vacancy happens, to transmit unto Us by One of Our principal Secretaries of State, the Names of three or more persons, Inhabitants of Our said



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province whom you shall esteem best Qualified, for such Trust, and you are also to Transmit duplicates of such Accounts to Our Commissioners for Trade and plantations for their Information.

5. But that Our Affairs may not Suffer for want of a due number of Councillors; if ever it shall happen that there be less than Seven residing in Our said province, We do hereby give and grant unto You the said Guy Carleton full power and Authority to chuse as many persons out of the principal Inhabitants of our said province, as will make up the full number of the Council to be seven and no more, which persons so chosen and appointed by You, shall be to all Intents and purposes, Councillors in Our said Province 'till either they shall be confirmed by Us, or, by the Nomination of others by Us under Our sign Manual and Signet, Our said Council shall have seven, or more persons in it.

6. And it is Our Will and Pleasure, that You do, and You are hereby Authorized and Impowered to Suspend and amove any of the Members of Our said Council, from Sitting, Voting, and Assisting therein, if You shall find just Cause for so doing, and to appoint others in their Stead until Our pleasure shall be known, It is nevertheless Our Will and Pleasure, that You do not Suspend or Remove any of the Members of Our Council when they shall have been Confirmed by Us as aforesaid, without good and sufficient cause, nor without the Consent of the Majority of the said Council, signified in Council, after due Examination of the Charge against such Councillor, and his Answer thereunto; and in Case of suspension of any of them, You are to cause Your Reasons for so doing, together with the Charges and proofs against such person, and his Answer thereto be duly entered upon the Council-Books, And forthwith to transmit Copies thereof to Us, by one of Our principal Secretaries of State, and also Duplicates to Our Commissions for Trade and Plantations for their Information nevertheless if it should happen that You should have Reasons for Suspending any of the said Persons, not fit to be communicated to the Council, You may in that Case suspend such person without the Consent of Our said Council; but You are thereupon immediately to send to Us by One of Our principal Secretaries of State An Account of Your proceedings therein; together with Your Reasons at large for such suspension as also your Reasons at large for not communicating the same to the Council and Duplicates thereof by the first opportunity and you are also to transmit a Duplicate of such Account to Our Commissioners for Trade and plantations for their Information.

7. Whereas We are Sensible that Effectual Care ought to be taken to oblige the Members of Our Council to a due attendance therein, in order to prevent the many Inconveniences that happen for the want of a Quorum of the Council to transact business as occasion may require; It is Our Will and Pleasure that if any of the Members of Our said Council shall hereafter absent themselves from the said Province and Continue absent above the Space of Six Months together, without leave from you, or from Our

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Commander in Chief of Our said Province for the time being first obtained, under your or his Hand and Seal, or shall remain absent for the Space of One Year without Our Leave given them under Our Royal Signet and Sign Manual their place or places in the said Council shall immediately thereupon become Void: and that if any of the members of Our said Council, then residing in the province under Your government shall hereafter wilfully absent themselves when duly summoned, without a just and lawful Cause and shall persist therein after admonition, you suspend the said Councillors so absenting themselves 'till Our further pleasure be known giving Us timely Notice thereof; And We do hereby Will and Require You that this Our Royal Pleasure be Signified to the several Members of Our Council aforesaid, and entered in the Council-Books of the province under Your Government as a Standing rule—

8. You are forthwith to communicate such and so many of these Our Instructions to Our said Council, wherein their Advice and Consent are mentioned to be requisite, as likewise all such others, from time to time, as You shall find Convenient for Our Service to be Imparted to them—

9. You are to permit the Members of Our said Council to have and Enjoy freedom of Debate and Vote in all Affairs of publick concern that may be debated in Council—

10. And Whereas it is directed by Our Commission to You under Our Great Seal, that as soon as the Situation and Circumstances of Our said Province will admit thereof You shall with the Advice of Our Council, Summon and call a general Assembly of the Freeholders of Our said province, You are therefore as soon as the more pressing Affairs of Government will allow, to give all possible attention to the carrying this Important Object into Execution, but as it may be Impracticable for the present to form such an Establishment You are in the mean time to make such Rules and Regulations by the Advice of our said Council as shall appear to be necessary for the peace Order and good government of our said province; taking Care that nothing be done or passed that shall any way tend to affect the Life Limb or Liberty of the Subject, or to the Imposing any Duties or Taxes; and that all such rules and Regulations be transmitted to Us by the first Opportunity after they are passed and made for our Approbation or Disallowance. And it is Our Will and Pleasure that when An Assembly shall have been Summoned and met in such manner as you in Your discretion shall think most proper, or as shall be hereafter directed and appointed, the following Regulations be carefully observed in the framing and passing all such Laws Statutes and Ordinances, as are to be passed by You with the Advice and Consent of Our said Council and Assembly, Viz<sup>t</sup>. That the Stile of Enacting the said Laws, Statutes and Ordinances be by the Governor, Council and Assembly and no other—That each different matter be provided for by a different Law without including in one and the same Act, such things as have no proper relation to each other;—That no Clause be inserted in any Act or Ordinance which shall be foreign to



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what the title of it Imports and that no perpetual Clause be part of any temporary Law;—That no Law or Ordinance whatever be suspended, altered Continued, revived or repealed by general Words; but that the title and Date of such Law or Ordinance be particularly mentioned in the Enacting part;—That no Law or Ordinance respecting private property be passed without a Clause suspending it's Execution, until Our Royal Will and pleasure is known, nor without a Saving of the Right of Us, Our Heirs and Successors, and of all Bodies Politick and Corporate, and of all other persons except such as are mentioned in the said Law or Ordinance, and those claiming by, from, or under them, and before such Law or Ordinance is passed, proof must be made before You in Council and Entered in the Council-Books, that publick Notification was made of the partys Intention to apply for such Act in the several parish Churches, where the Lands in Question lye for three Sundays at least successively before any such Law or Ordinance shall be proposed; and you are to transmit and Annex to the said Law or Ordinance a Certificate under your Hand that the same passed through all the Forms above mentioned; That in all Laws or Ordinances for the Levying Money, or Imposing Fines, forfeitures or penalties, express mention be made, that the same is granted or reserved to Us Our Heirs and Successors for the publick Uses of the said province, and the Support of the Government thereof, as by the said Law or Ordinance shall be directed; and that a clause be Inserted, declaring that the Money arising by the Operation of the said Law or Ordinance shall be accounted for unto Us in this Kingdom, and to Our Commissioners of the Treasury or Our High Treasurer for the Time being and audited by Our Auditor General of our Plantations or his Deputy—That all such Laws, Statutes and Ordinances be transmitted by You within three Months after their passing or sooner if opportunity offers, to Us, by One of Our principal Secretaries of State and Duplicates thereof to Our Commissioners for Trade and plantations for their Information—That they be fairly abstracted in the Margents and accompanied with very full and particular observations upon each of them (that is to say) whether the same is Introductive of a new Law, Declaratory of a former Law, or does repeal a Law then in being And you are also to transmit in the fullest manner the Reasons and Occasion for Enacting such Laws or Ordinances together with fair Copies of the Journals of the proceedings of the Council and Assembly which You are to require from the Clerks of the said Council and Assembly—

11. And to the End that nothing may be passed or done to the prejudice of the true Interests of this Our Kingdom the Just Rights of Us Our Heirs and Successors or the property of Our Subjects It is Our Express Will and pleasure, That no Law whatsoever which shall in any wise tend to Affect the Commerce or Shipping of this Kingdom, or which shall any ways relate to the Rights and prerogative of Our Crown or the property of Our Subjects or which shall be of an Unusual or Extraordinary Nature be finally ratified or Assented to by You, until You shall have first transmitted unto Us by

one of Our principal Secretaries of State, and to Our Commissioners for Trade and plantations for their Information a Draught of such Law, and shall have received Our Directions thereupon Unless You take Care that a Clause be Inserted therein, suspending and Deferring the Execution thereof until Our pleasure is known concerning the same.—

12 And Whereas Laws have formerly been Enacted in several of Our Plantations in America for so short a time that Our Royal Assent or Refusal thereof could not be had before the time for which such Laws were Enacted did expire, You shall not give Your Assent to any Law that shall be Enacted for a less time than two Years, except in Cases of imminent Necessity, or imminent temporary expediency and You shall not re-enact any Law to which Our Assent shall have been once refused, without Express leave for that purpose first obtained from Us upon a full representation by You to be made to Us by One of Our principal Secretaries, and to Our Commissioners for Trade and Plantations for their Information, of the Reasons and necessity for passing such Law; nor give Your Assent to any Law for repealing any other Law, which shall have passed in Your Government, and shall have received Our Royal Approbation unless You take Care that there be a Clause inserted therein Suspending and Deferring the Execution thereof until Our pleasure shall be known concerning the same.—

13 And We do particularly require you to take care, that fair Books of Accounts of all Receipts and Payments of all publick Money be duly kept, and the truth thereof attested upon Oath and that all such Accounts be audited and attested by Our Auditor General of our plantations or his Deputy, who is to Transmit Copies thereof to Our Commissioners of Our Treasury, or to Our High Treasurer for the time being And that You do every half Year or oftener, send another Copy thereof, Attested by Yourself to Our Commissioners for Trade and plantations, and duplicates thereof by the next Conveyance; in which Books shall be specified, every particular Sum raised or Disposed of together with the Names of the persons to whom any payment shall be made, to the End We may be satisfied of the Right and due application of the Revenue of Our said province with the probability of the Increase or diminution of it under every head and Article thereof

14 And Whereas the Members of several Assemblies in the plantations have frequently Assumed to themselves privileges no ways belonging to them especially of being protected from Suits at Law during the Term they remain of the Assembly to the great prejudice of their Creditors and the Obstruction of Justice; and some Assemblies have presumed to adjourn themselves at pleasure without leave from Our Governor first obtained; and others have taken upon themselves the sole framing of Money Bills, refusing to let the Council Alter or amend the same; all which practices are very detrimental to Our Prerogative. If therefore you find that the Members of Our Province of Quebec Insist upon any of the said Privileges, You



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are to signify to them that it is Our Express Will and Pleasure, that You do not allow any protection to any member of the Council or Assembly further than in their persons, and that only during the sitting of the Assembly, and that You do not allow them to adjourn themselves otherwise than de diem, except Sundays and Holidays, without Leave from you or the Commander in Chief for the time being first obtained: It is also Our further pleasure that the Council have the like power of framing Money Bills as the Assembly.—

15 And Whereas by Our aforesaid Commission under Our Great Seal of Great Britain, You are authorized and empowered with the Advice and Consent of Our Council to Constitute and appoint Courts of Judicature and Justice; It is therefore Our Will and Pleasure, that You do as soon as possible apply Your attention to these great and Important Objects and that in forming the necessary Establishments for this purpose, You do consider what has been Established in this respect in Our other Colonies in America more particularly in Our Colony of Nova Scotia—

16 Our Will and Pleasure is, that You or the Commander in Chief for the time being do in all civil Causes, on application being made to You or the Commander in Chief for the time being for that purpose, permit and allow appeals from any of the Courts of Common Law in Our said Province until You or the Commander in Chief, and the Council of the said Province, and You are for that purpose to Issue a Writ in the manner which has been usually accustomed, returnable before Yourself and the Council of the said province, who are to proceed to hear and Determine such Appeal, wherein such of the said Council, as shall be at that Time Judges of the Court from whence such appeal shall be so made to You Our Captain General, or to the Commander in Chief for the time being and to Our said Council as aforesaid shall not be admitted to Vote upon the said Appeal, but they may nevertheless be present at the hearing thereof, to give the Reasons of the Judgment given by them, in the Causes wherein such Appeal shall be made provided nevertheless that in all such appeals the Sum or Value appealed for do exceed the sum of three hundred pounds Sterling, and that Security be first duly given by the Appellant to Answer such Charges as shall be awarded in Case the first Sentence be affirmed; and if either party shall not rest satisfied with the Judgment of You or the Commander in Chief for the time being and Council as aforesaid, Our Will and Pleasure is that they may then appeal unto Us in Our privy Council; Provided the Sum or Value so appealed for unto Us do exceed five hundred pounds Sterling, and that such appeal be made within fourteen Days after Sentence and good security given by the Appellant, that he will Effectually prosecute the same and answer the Condemnation as also pay such Costs and Damages as shall be awarded by Us in Case the sentence of You or the Commander in Chief for the time being and Council be affirmed; provided nevertheless where the matter in Question relates to the taking or Demanding any Duty payable to Us or to any

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Fee of Office, or annual Rents or other such like matter or thing where the Rights in future may be bound in all such Cases You are to admit An Appeal to Us in Our privy Council, though the Immediate Sum or Value appealed for be of less Value; And it is Our further Will and Pleasure, that in all places where, by Your Instructions you are to admit Appeals unto Us in Our privy Council, execution be suspended until the final Determination of such Appeal, unless good and sufficient Security be given by the Appellee to make ample Restitution of all that the Appellants shall have lost by means of such Decree or Judgment in Case upon the Determination of such Appeal such Decree or Judgment should be reversed and restitution awarded to the Appellant.

17. You are also to admit Appeals unto Us in Our privy Council in all Cases of Fines Imposed for Misdemeanours provided the Fines so Imposed, Amount to or Exceed One hundred pounds Sterling; the Appellant first giving good Security, that he will Effectually prosecute the same, and answer the Condemnation If the Sentence by which such fine was Imposed in Quebec shall be Confirmed.

18. You are, with the Advice and Consent of Our Council in the Province under Your government to take Especial care to regulate all Sallaries and fees belonging to places, or paid upon Emergencies, that they be within the bounds of Moderation, and that no Exaction be made on any Occasion whatsoever; as also that Tables of all Fees be publickly hung up in all places where such Fees are to be paid and You are to transmit Copies of all such Tables of Fees unto Us by One of Our principal Secretaries of State and duplicates thereof to Our Commissioners for Trade and Plantations for their Information—

19. It is Our Express Will and Pleasure that You do by the first Opportunity and with all convenient Speed transmit unto Us by One of Our principal Secretaries of State and duplicates thereof to Our Commissioners for trade and plantation for their Information Authentick Copies of all Acts Orders Grants Commissions or other powers by Virtue of which any Courts Offices, Jurisdictions, pleas, Authorities, Fees and privileges, have been Settled or Established, for our Confirmation or Disallowance; and in case all or any of them shall at any time or times be disallowed and not approved then such and so many as shall be disallowed and not approved, and so Signified by Us shall cease determine and be no longer continued or put in practice.—

20. You shall not appoint any person to be a judge or Justice of the peace, without the advice and Consent of the Majority of the Members of Our Council, present in, nor shall You Execute yourself or by Deputy and of the said Offices; and it is Our further Will and Pleasure that all Commissions to be Granted by You to any person or persons to be Judges or Justice of the peace, or other necessary officers, be granted during pleasure only—

21. You shall not displace any of the Judges Justices of the peace or other Officers or Ministers without good and sufficient Cause, which You shall



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Signify in the fullest and most Distinct manner to Us by one of our principal Secretaries of State and to Our Commissioners for Trade and Plantations for their Information—

22. And Whereas frequent Complaints have heretofore been made of Great Delays and undue proceedings in the Courts of Justice in several of Our plantations, whereby many of Our Good Subjects have very much Suffered, And it being of the greatest Importance to Our Service and to the Welfare of Our Plantations that Justice be every where speedily and Duly administered, and that all Disorders Delays and other undue practices, in the administration thereof be Effectually prevented; We do particularly require You to take Especial Care, that in all Courts, where you are Authorized to preside, Justice be Impartially administered, and that in all other Courts, established within Our said Province all Judges and other persons therein concerned do likewise perform their several Duties without any Delay or partiality.

23. You are to take Care, that all Writs be issued in Our Name throughout the Province under Your Government.

24. Whereas there are several Offices in Our plantations Granted under the Great Seal of Great Britain, and Our Service may be very much prejudiced by reason of the absence of the Patentees, and by their appointing Deputies not fit to officiate in their Stead, You are therefore to Inspect such of the said Offices as are in the province under Your Government, and to Enquire into the Capacity and behaviour of the persons exercising them, and to report thereupon to Us by One of Our principal Secretaries of State and to Our Commissioners for Trade and Plantations what You think fit to be done or Altered in Relation thereunto; and You are upon the misbehaviour of any of the said Patentees or their Deputies to Suspend them from the Execution of their Office 'till You shall have represented the the whole matter unto Us as aforesaid and received our Directions therein And in Case of the Death of any such Deputy, It is Our Express Will and pleasure, that you take Care, that the person appointed to Execute the place until the patentee can be Informed thereof and appoint another Deputy, do give sufficient Security to the patentee, or, in Case of Suspension to the person Suspended to be answerable to him for the profits accruing during such Interval by death or during Suspension, in Case We shall think fit to restore the person Suspended to his place again—It is nevertheless Our Will and pleasure that the person Executing the place during such Interval, by Death or Suspension shall for his Encouragement receive the same Profits as the person suspended or dead did receive; And it is Our further Will and Pleasure, that, in Case of a Suspension of a patentee, the person appointed by You to Execute the office during such Suspension shall receive a Moiety of the profits which would otherwise become due to such patentee, giving Security to such patentee to be answerable to him for the other Moiety, in Case We shall think fit to restore him to his Office again, And it is Our further Will and pleasure, that You do countenance and give

all due Encouragement to all Our Patent Officers in the Enjoyment of their legal and Aceustomed Fees, Rights privileges and Emoluments according to the true Intent and meaning of their patents—

25. You shall not by Colour of any power or Authority hereby or other wise Granted or mentioned to be Granted unto You, take upon You to give, grant or Dispose of any office or place within Our said Province which now is or shall be Granted under the Great Seal of this Kingdom, or to which any person is or shall be appointed by Warrant under Our Signet and Sign Manual, any further than that You may, upon the Vacancy of any such Office or place, or upon the Suspension of any such Officer by you, as aforesaid put in any fit person to Officiate in the Interval 'till You shall have represented the matter unto Us by one of our principal Secretaries of State; and to Our Commissioners for Trade and Plantations, for their Information as aforesaid, which You are to do by the first Opportunity, and 'till the said Office or place be disposed of by Us Our Heirs or Successors under the Great Seal of this Kingdom, or until some person shall be appointed thereto by Warrant under Our Signet and Sign Manual or Our further Directions be given therein—

26. And Whereas several Complaints have been made by the Officers of Our Customs in Our plantations in America, that they have frequently been obliged to serve as Jurors, and personally to Appear in Arms whenever the Militia is drawn Out and thereby are much hindred in the Execution of their Employments, Our Will and Pleasure is that You take Effectual Care and give the necessary Directions that the several officers of Our Customs be Excused and exempted from serving on any Juries, or personally appearing in Arms in the Militia, unless in Cases of absolute Necessity or serving any parochial Offices which may hinder them in the Execution of their Duty—

27. And Whereas We have Stipulated by the late Definitive Treaty of Peace concluded at Paris the 10<sup>th</sup> Day of February 1763 to Grant the Liberty of the Catholick Religion to the Inhabitants of Canada, and that We will consequently give the most precise, and most Effectual Orders, that Our New Roman Catholick Subjects in that Province may profess the Worship of their Religion according to the Rites of the Romish Church, as far as the Laws of Great Britain permit; It is therefore Our Will and Pleasure that You do in all things regarding the said Inhabitants Conform with Great Exaetness to the Stipulations of the said Treaty in this respect—

28. You are as soon as possible to Summon the Inhabitants to meet together at such time or times, place or places, as You shall find Convenient in Order to take the Oath of Allegiance, and make and Subscribe the Declaration of Abjuration mentioned in the aforesaid Act passed in the first Year of the Reign of King George the 1<sup>st</sup> for the further Security of His Majestys person and Government, and the Sucession of the Crown in the Heirs of the late Princess Sophia, being Protestants, and for Extinguishing the Hopes of the pretended Prince of Wales and his Open and Secret Abettors, and in

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the aforesaid Act passed in the Sixth Year of Our Reign for Altering the Oath of Abjuration and the Assurance and for amending so much of An Act of the seventh Year of her late Majesty Queen Anne Intituled An Act for the Improvement of the Union of the two Kingdoms as after the time therein Limited requires the Delivery of certain Lists and Copies therein mentioned to persons Indicted of High Treason, or Misprison of Treason; which Oath shall be Administered to them by such person or persons as You shall Commissionate for that purpose, and in Case any of the said French Inhabitants shall refuse to take the said Oath and make and Subscribe the Declaration of Abjuration as aforesaid, You are to cause them forthwith to Depart out of Our said Government—

29. And it is Our further Will and Pleasure that all such Inhabitants professing the Religion of the Romish Church, do at all meetings, or at such other time or times You shall think proper and in the manner you shall think least alarming and Inconvenient to the said Inhabitants Deliver in upon Oath an Exact Account of all Arms and Ammunition of every sort in their Actual possession, and so from time to time, of what they shall receive into their Possession as aforesaid—

30. You are as soon as possible to Transmit to Us by one of Our principal Secretaries of State, and to Our Commissioners for Trade and plantations for their Information, an Exact and particular Account of the Nature and Constitution of the several Religious Communities of the Romish Church, their Rights Claims privileges and property, and also the Number Situation and Revenues of the several Churches heretofore established in Our said province together with the Number of Priests or Curates Officiating in such Churches—

31. You are not to Admit of any Ecclesiastical Jurisdiction of the See of Rome, or any other foreign Ecclesiastical Jurisdiction whatever in the province under Your Government—

32. And to the End that the Church of England may be Established both in principles and practice, and that the said Inhabitants may, by Degrees be Induced to Embrace the Protestant Religion, and that their Children be brought up in the principles of it We do hereby declare it to be Our Intention, when the said Province shall have been accurately Surveyed and Divided in Townships, Districts precincts or parishes in such manner as shall be herein after directed, all possible Encouragement shall be given to the Erecting protestant Schools in the said Districts Townships and precincts by Settling appointing and Allotting proper Quantities of Land for that purpose; and also for a Glebe and maintenance for a Protestant Minister and protestant School Masters; and You are to Consider and to Report to Us by one of Our principal Secretaries of State and to Our Commissioners for Trade and Plantations for their Information, by what other means the Protestant Religion may be promoted, established, and Encouraged in Our said province under Your Government.

33. And You are to take especial Care that God Almighty be devoutly and duly served throughout Your Government; the Book of Common Prayer as by Law Established read each Sunday and Holiday; and the blessed Sacrament administered according to the Rites of the Church of England—

34. You are not to prefer any Protestant Minister to any Ecclesiastical Benefice in the Province under your Government without a Certificate from the Right Reverend Father in God the Lord Bishop of London, of his being Conformable to the Doctrine and Discipline of the Church of England, and of good Life and Conversation—And if any person hereafter preferred to a Benefice shall appear to You to give Scandal either by his Doctrine and manners You are to use the best means for his Removal.—

35. You are to give Orders forthwith that every Orthodox Minister within Your Government be one of the Vestry in his respective parish, and that no Vestry be held without him, except in Case of Sickness or after Notice of a Vestry Summoned he omit to come—

36. And to the End that the Ecclesiastical Jurisdiction of the Lord Bishop of London may take place in Our Province under your Government as far as conveniently may be, We do think fit that You give all Countenance and Encouragement to the Exercise of the same, excepting only the collating to Benefices, granting Licences for Marriage and probates of Wills which We have reserved to You our Governor and to the Commander in Chief of Our said province for the time being—

37. And We do further Direct that no Schoolmaster who shall arrive in Our said Province from this Kingdom, be henceforward permitted to keep School, without the Licence of the said Lord Bishop of London, and that no other person now there or that shall come from other parts shall be admitted to keep School in Your Government without Your Licence first obtained.

38. And You are to take Especial Care, that a Table of Marriages, established by the Cannons of the Church of England be hung up in all places of Publick Worship according to the Rites of the Church of England.

39. And it is Our further Will and Pleasure, that in Order to Suppress as much as in You lies, every Species of Vice and Immorality, You forthwith do cause all Laws already made against Blasphemy, Prophaneness, Adultery, Fornication, Polygamy, Incest, profanation of the Lords Day, Swearing and Drunkenness to be rigorously put in Execution in every part of Your Government, and that You take due care for the punishment of these, and every other Vice and Immorality by presentment upon Oath, to be made to the Temporal Courts by the Church Wardens of the several parishes, at proper times of the Year to be appointed for that Purpose; and for the further Discouragement of Vice, and Encouragement of Virtue and good living (that by such Examples the Infidels may be Invited and persuaded to Embrace the Christian Religion,) You are not to admit any persons to publick Trusts and Employments in the Province under Your Government whose ill Fame and Conversation may Occasion Scandal—



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40. And it is Our further Will and Pleasure, that all and every the French Inhabitants in Our said Province who are now possessed of Lands within the said Province in Virtue of Grants or Concessions made before the Signing of the preliminary Articles of Peace on the 3<sup>rd</sup> Day of Nov<sup>r</sup>, 1762, within such Limited time as You in Your Discretion shall think fit, Register the several Grants or other Deeds, or Titles, by which they hold or Claim such Lands, in the Secretarys Office which said Grants, Deeds or other Titles, shall be Entered at large in the said Office, so that the particular Quantity of Land, it's Scite and Extent, the Conditions upon which it is Granted, either as to Rents, Services, or Cultivation, may appear fully and at length—

41. And in Case it shall Appear, upon a Strict and Accurate Examination of the said Grants and Title Deeds, to be taken in such manner as You shall think proper, that any of the Grantees or Persons claiming Lands under such Grants and Title Deeds, are in Possession of more Land than is contained within such Grants or other Concessions, or that the Terms and Conditions upon which the Lands were Granted have not been complied with agreeable to what is Stipulated in such Grants or Concessions, It is Our Will and Pleasure, that You forthwith represent the same to Us, by One of Our principal Secretaries of State to the End You may receive such Directions thereupon as the nature and circumstances of the Case shall appear to require, and You are to send a Duplicate of such Representation to Our Commissioners for Trade and plantations for their Information—

42. And Whereas it is necessary in Order to the advantageous and Effectual Settlement of Our said Province, that the true State of it should be fully known; You are therefore as soon as conveniently may be, to cause an Accurate Survey to be made of the said Province, by such Able and Skilful person as is or shall be appointed for that Service, who is to Report to You in Writing for Your Judgment in the measures which You may in General pursue for the making of Settlements, not only the Nature and Quality of the Soil and Climate, the Rivers Bays and Harbours, and every other Circumstance attending the Natural State of it; but also his opinion in what manner it may be most conveniently laid out into Counties, and to annex to his Report a Map of such Survey, with the several Divisions proposed marked upon it, But as the making such Survey, with the several Divisions proposed will be a Work of Great Length, You are in the mean time to carry on Settlements upon that plan, which shall appear to you to be most Expedient from the best Information You can collect—

43. And Whereas it has been found by Experience, that the Settling Planters in Townships hath very much redounded to their Advantage, not only with respect to the Assistance they have been able to Afford each other in their Civil Concerns, but likewise with regard to the Security they have thereby acquired against the Insults and Incursions of neighbouring Indians or other Enemies; You are therefore to lay out Townships of a Convenient Size and Extent in such places as You in Your Discretion shall Judge most

proper; And it is Our Will and Pleasure that each Township do consist of about twenty thousand Acres, having as far as may be natural Boundaries, extending up into the Country, and comprehending a necessary part of the River St Lawrence where it can be conveniently had—

44. You are also to cause a proper place in the most convenient part of each Township to be marked out for building a Fort sufficient to contain such a Number of Families as You shall judge proper to Settle there, with Town and Pasture Lots convenient to each Tenement, taking Care that the said Town be laid out upon, or as near as conveniently may be to some Navigable River or the Sea Coast, and You are also to reserve to Us proper Quantities of Land in each Township for the following purposes, Viz<sup>t</sup> For Erecting Fortifications and Barracks where necessary or for other Military or Naval Services, and more particularly for the Growth and Produce of Naval Timber, if there are any Wood Lands fit for that purpose—

45. And it is Our further Will and Pleasure that a particular Spot in or as near each Town as possible be set apart for the Building a Church, and four hundred Acres adjacent thereto, allotted for the Maintenance of a Minister and two hundred Acres for a Schoolmaster.

46. And You are to give Strict Orders to the Surveyors whom You shall Employ to mark out the said Townships and Towns, to make returns to you of their Surveys as soon as possible with a particular Description of each Township, and the Nature of the Soil within the same.

47. And You are to oblige all such persons, as shall be appointed to be Surveyors of the said Lands in each Township, to take an Oath for the due performance of their Offices and for obliging them to make exact Surveys of all Lands required to be set out—

48. And Whereas nothing can more effectually tend to the Speedy settling our said Colony, the Security of the property of Our Subjects and the advancement of Our Revenue than the disposing of such Lands as are our property upon Reasonable Terms, and the establishing a regular and proper method of proceeding with respect to the passing of Grants of such Land; It is therefore Our Will and Pleasure that all and every person and persons who shall apply to you for any Grant or Grants of Land shall previous to their obtaining the same make it appear before You in Council, that they are in a Condition to Cultivate and Improve the same by settling thereon in proportion to the Quantity of Acres desired, a sufficient Number of white persons and Negroes; and in Case You shall upon a Consideration of the Circumstances of the person or persons applying for such Grants, think it advisable to pass the same, in such Case You are to cause a Warrant to be drawn up, directed to the Surveyor General or other proper Officers, empowering him or them to make a faithful and Exact Survey of the Lands so petitioned for, and to return the said Warrant within six Months at furthest from the Date thereof, with a plot or Description of the Lands so Surveyed thereunto annexed, provided that You do take Care, that before any such Warrant is Issued as aforesaid, a Docquet thereof be



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entered in the Auditors and Registers Office, and when the Warrant shall be returned by the said Surveyor or other proper Officer, the Grant shall be made out in due form, and the Terms and Conditions required by these Our Instructions be particularly and Expressly mentioned in the respective Grants: And it is Our Will and pleasure, that the said Grants shall be registered within Six Months from the Date thereof in the Registers Office there, and Docquet thereof be also entered in Our Auditors Office there, in case such Establishment shall take place in Our said Province, or that in Default thereof such Grant shall be Void, Copies of all which Entries shall be returned regularly by the proper Officer to Our Commission of Our Treasury and to Our Commissioners for Trade and plantations within six Months from Date thereof.

49. And Whereas great Inconveniences have arisen in many of Our Colonys in America from the granting excessive Quantities of Land to particular persons who have never cultivated or Settled it, and have thereby Prevented others more Industrious from Improving the same; in Order therefore to prevent the like Inconveniences for the future, You are to take especial Care, that in all Grants to be made by You, by and with the Advice and Consent of Our Council, to persons applying for the same, the Quantity be in proportion to their Ability to Cultivate: And You are hereby directed to observe the following Directions and Regulations in all Grants to be made by You Viz:

That One hundred Acres of Land be granted to every person being Master or Mistress of a Family for himself or herself and fifty Acres for every White or Black Man Woman or Child of which such persons Family shall consist, at the Actual time of making the Grant, and in Case any Person applying to You for Grants of Land shall be desirous of taking up a larger Quantity than the Actual Number of Persons in his or her Family would Intitle such persons to take up, It is Our Will and Pleasure and You are hereby allowed and permitted to grant unto every such person or persons such further Quantity of Land as they may desire, not exceeding one thousand Acres over and above what they are entitled to, by the number of persons in their respective Families, provided it shall appear to you that they are in a Conditon and Intention to Cultivate the same; and provided also that they do pay to the Receiver of Our Quit rents or to such other Officer as shall be appointed to receive the same the Sum of five Shillings only for every fifty Acres so Granted on the Day of the Date of the Grant.—

That all Grantees be Subject to the payment of two Shillings Sterling for every hundred Acres to commence at the expiration of two Years from the Date of such Grant and to be paid Yearly and every Year, or in Default of such payment the Grant to be void—

That every Grantee upon giving proof that he or she has fulfilled the Terms and Conditions of his or her Grant, shall be Entitled to another Grant in the proportion and upon the Conditions above mentioned.—

That for every fifty Acres of Land accounted plantable each patentee shall be Obligated within three Years after the Date of his patent to clear and Work three Acres at the least in that part of his Tract which he shall Judge most Convenient and Advantageous, or else to clear and drain three Acres of Swampy or sunken Grounds or drain three Acres of Marsh if any such be within the Bounds of His Grant—

That for every fifty Acres of Land accounted Barren every patentee shall be obliged to put and keep on his Land within three years after the Date of his Grant three neat Cattle which number shall be obliged to continue on his Land until three Acres for every fifty be fully cleared and Improved

That if any person shall take up a tract of Land wherein there shall be no part fit for present Cultivation without manuring and improving the same every such Grantee shall be obliged within three years from the Date of his Grant, to Erect on some part of his Land one Good Dwelling House to contain at least twenty feet in length and Sixteen Feet in Breadth and also to put on his Land the like Number of three neat Cattle for every fifty Acres—

That if any person who shall take up any Stony or Rocky Grounds not for planting or pasture shall, within three years after the passing of his Grant begin to Employ thereon, and so continue to work for three years then next ensuing in Digging any Stone Quarry or other Mine one good able Hand for every hundred Acres of such Tract, it shall be accounted a sufficient Cultivation and Improvement.

That every three Acres which shall be Cleared and Worked as aforesaid, and every three Acres which shall be Cleared and Drained as aforesaid, shall be accounted a sufficient Seating, plantation, Cultivation and Improvement to save for ever from Forfeiture fifty Acres of Land in any part of the Tract contained within the same patent; and the patentee shall be at Liberty to withdraw his Stock, or to forbear working in any Quarry or mine, in proportion to such Cultivation and Improvement, as shall be made upon the Swamps, sunken Grounds and Marshes which shall be Included in the same patent—

That when any person who shall hereafter take up and patent any Lands, shall have seated planted and Cultivated, or Improved the said Land or any part of it according to the Directions and Conditions above mentioned such patentee may make proof of such Seating planting Cultivation and Improvement in the General Court, or in the Court of the County, District or precinct where such Lands shall lie, and have such proof certified to the Registers Office and there entered with the Record of the said patent, a Copy of which shall be admitted on any Trial to prove the Seating and planting of such Land.

And Lastly to ascertain the true Quantity of Plantable and Barren Land contained in each Grant hereafter to be made within Our said province You are to take especial Care that in all Surveys hereafter to be made



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every Surveyor be required and enjoined to take particular Notice according to the best of his Judgment and understanding how much of the Land so Surveyed is plantable and how much of it is Barren and unfit for Cultivation, and accordingly to Insert in the Survey and plot to him to be returned into the Registers Office the true Quantity of each kind of Land.

50. And Whereas it hath been represented to Us that the Governors of several of Our Colonies in America have Granted Lands away close to the Forts belonging to Us by which means the Garrisons of such Forts have been obliged to pay the proprietors of those Lands extravagant prices for Wood cut for a necessary supply of Fuel, and thereby a great and Unreasonable Expense has been brought upon the Military Contingencies It is Our Express Will and Pleasure that You do take Especial Care, that in all Warrants for Surveying of Lands adjacent or Contiguous to a Fort or Fortification, whether such Warrant be Granted upon an Original Petition to you in Council, or upon Our Order in Our privy Council there be an Express Direction to the Surveyor that he do reserve to Us Our Heirs and Successors for the Use of the Fort, near to which the Lands shall lye such a part of the Land petitioned for (being Woodland) and in such a situation as the Commander in Chief of the said Fort (with whom he is to be required to Consult and Advise in all such Cases) shall Judge Convenient and sufficient for a permanent and Certain Supply of Fuel for such a Garrison as the said Fort may be able to Contain. And it is Our further pleasure, that a regular plot of such reserved Land, describing the Bounds, expressing the Quantity of Acres, and properly signed and attested by such Surveyor, be delivered to the Commanding Officer of each Fort, to be there publickly hung up and a Duplicate thereof also Recorded in the Secretary's Office or other proper Office of Record in Our province under Your Government; and as we judge the due Execution of this Our Order to be essential to Our Service, You are hereby required to take Care, that the Regulations above prescribed be duly entered upon the Council Books of Our said Province, as a standing Order to all persons, who may be Intrusted with the powers to which they referr—

51. And it is Our further Will and Pleasure that in all Grants of Lands to be made by You as aforesaid, regard be had to the profitable and unprofitable Acres so that each Grantee may have a proportionable Number of One Sort and the other; as likewise that the Breadth of each Tract of Land to be hereafter Granted be one third of the Length of such Tract, and that the Length of each Tract do not Extend along the Banks of any River but into the Main Land that thereby the said Grantees may have each a Convenient Share of what accommodation the said River may Afford for Navigation or otherwise—

52. And Whereas it hath been represented to Us, that many Parts of the Province under your Government are particularly adapted to the Growth and Culture of Hemp and Flax, It is therefore Our Will and pleasure that in all Surveys of Land for Settlement, the Surveyor be directed to

Report whether there is any or what Quantity of Lands contained within such Survey, fit for the production of Hemp and Flax and you are to take particular Care to insert a Clause in every Grant of Land where any part thereof is fit for such production, obliging the Grantee annually to sow a proportionable part of his Grant with Hemp or Flax Seed—

53. And Whereas it hath been further represented to Us that a great part of the Country in the Neighbourhood of Lake Champlain, and between that Lake and the River St Lawrence, abounds with Woods, producing Trees fit for masting for Our Royal Navy, and other Useful and necessary Timber for naval Construction; You are therefore expressly directed and required to cause such parts of the said Country or any other within Your Government, that shall appear upon a Survey to abound with such Trees and shall lye convenient for Water Carriage, to be reserved to Us, and to Use Your best Endeavour to prevent any Waste being Committed upon the said Tracts by punishing in due Course of Law any persons who shall Cut Down or Destroy any Trees growing thereon, and You are to Consider and advise with Our Council, whether some Regulation that shall prevent any Saw Mills whatever from being Erected within your Government without a Licence from you or the Commander in Chief of Our said Province for the time being, may not be a means of preventing all Waste and Destruction in such Tracts of Land as shall be reserved to Us for the purposes aforesaid—

54. And Whereas it appears from the Representations of Our late Governor of the District of Trois Rivières that the Iron Works at St Maurice in that District are of great Consequence to Our Service; It is therefore Our Will and Pleasure that no part of the Lands, upon which the said Iron Works were carried on, or from which the Ore Used in such Works was procured, which shall appear to be necessary and Convenient for that Establishment, either in respect to a free passage to the River St Lawrence, or for producing a necessary Supply of Wood, Corn and Hay, or for pasture for Cattle, be Granted to any private person whatever, and also that as large a District of Land, as conveniently may be adjacent to and lying round the said Iron Works, over and above what may be necessary for the above purposes be reserved for Our Use to be disposed of in such manner as We shall hereafter direct and appoint—

55. And Whereas it is necessary that all Persons who may be desirous of Settling in Our said province, should be fully Informed of the Terms and Conditions upon which Lands will be granted in Our province, You are therefore as soon as possible to cause a publication to be made by proclamation or otherwise as you in Your Discretion shall think most adviseable of all and every the aforegoing Terms, Conditions and Regulations of every kind respecting the Grants of Lands, in which proclamation it may be Expedient to add some short Description of the natural Advantages of the Soil and Climate, and its peculiar Advantages for Trade and Navigation;

Short, A. & A. G. Doughty Canadian Archives: Documents  
Relating to the Constitutional History of Canada, 1759-1791. 1918.  
p. 301-324

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and you are to take such Steps as You shall think proper for the publishing  
such proclamation in all the Colonies in North America—

56. And it is Our further Will and Pleasure that all the foregoing  
Instructions to You as well as any which You may hereafter receive relative  
to the form and method of passing Grants of Lands, and the Terms and  
Conditions to be annexed to such Grants be entered upon Record with the  
Grants themselves for the Information and Satisfaction of all parties  
whatever that may be concerned therein.

57. And it is Our further Will and Pleasure that You do consider  
of a proper and Effectual Method of Collecting receiving and accounting  
for Our Quit Rents whereby all Frauds Concealment Irregularity or Neglect  
therein may be prevented and whereby the Receipt thereof may be Effect-  
ually chequed and Controlled, and if it shall appear necessary to pass  
An Act for the more effectually ascertaining and the more speedily and  
regularly collecting Our Quit Rents, You are to prepare the Heads of such  
a Bill, as you shall think may most Effectually conduce to the procuring  
the good Ends proposed, and to Transmit the same to Us by one of Our  
principal Secretaries of State, for Our further Directions therein, and You  
are also to Transmit a Duplicate thereof to Our Commissioners for Trade  
and plantations for their Information—

58. And it is Our further Will and Pleasure that the Surveyor General  
or such other person or persons as you shall think proper to Appoint, do,  
once in every Year or oftener, as Occasion shall require, inspect the State  
of all Grants of Land made by you, and make Report thereof to You  
in Writing, Specifying whether the Conditions therein contained have or  
have not been complied with, or what Progress has been made towards  
fulfilling the same; and you are annually to transmit Copies of such Re-  
ports to Us by One of Our principal Secretaries of State, and Duplicates  
thereof to Our Commissioners for Trade and Plantations for their In-  
formation—

59. And Whereas Our Province of Quebec is in part Inhabited and  
Possessed by several Nations and Tribes of Indians, with whom it is both  
necessary and Expedient to cultivate and maintain a Strict Friendship  
and good Correspondence, so that they may be Induced by Degrees not  
only to be good Neighbours to Our Subjects, but likewise to be good Sub-  
jects to Us, You are therefore as soon as You conveniently can, to appoint  
a proper person or persons to Assemble and treat with the said Indians,  
promising and Assuring them of Protection and Friendship on our part  
and delivering them such presents as shall be sent to You for that purpose—

60. And You are to Inform yourself with the greatest Exactness of the  
Number, Nature and Disposition of the several Bodies or Tribes of Indians,  
of the manner of their Lives, and the Rules and Constitutions by which  
they are governed and regulated, and You are upon no Account to molest  
or disturb them in the possession of the said province as they at present  
Occupy, or Possess, but to Use the best means You can for Conciliating

their Affections and Uniting them to Our Government, reporting to Us, by One of Our principal Secretaries of State, and to Our Commissioners for Trade and Plantations whatever Information You can collect with respect to these people, and the whole of Your proceedings with them.—

61. Whereas We have by Our proclamation dated the 7<sup>th</sup> Day of October in the 3<sup>d</sup> Year of Our Reign, strictly forbid, on pain of Displeasure, all our Subjects from making any purchases or Settlements whatever, or taking possession of any of the Lands reserved to the several Nations of Indians, with whom we are connected, and who live under our protection without our especial leave for that purpose first obtained It is Our Express Will and Pleasure that you take the most Effectual Care, that Our Royal Directions herein be punctually complied with, and that the Trade with such of the said Indians as depend upon Your Government be carried on in the manner and under the Regulations prescribed in Our said proclamation—

62. You are to use Your best Endeavours in Improving the Trade of those parts by settling such Orders and Regulations therein, with the Advice of our said Council as may be most acceptable to the Generality of the Inhabitants. And it is Our Express Will and Pleasure, that You do not upon any pretence Whatever, upon pain of Our Highest Displeasure, give Your Assent to any Law or Laws for setting up any Manufactures and carrying on any Trades which are hurtful and prejudicial to this Kingdom, and that You do Use Your Utmost Endeavours to discourage, discountenance and restrain any Attempts which may be made to set up such Manufactures or establish any such Trades—

63. And it is Our Will and Pleasure, that You do not dispose of any Forfeitures or Escheats to any Person, until the Sheriff or other proper Officer have made Enquiry by a Jury upon their Oaths, into the true Value thereof, nor until You have transmitted to Our Commissioners of Our Treasury a particular Account of such Forfeitures and Escheats, and the Value thereof. And You are also to take Care that the produce of such Forfeitures and Escheats, in Case We think proper to give You Directions to dispose of the same, be duly paid to Our Treasurer or Receiver General of Our said province, and a full Account transmitted to Our Commissioners of Our Treasury, or Our High High Treasurer for the Time being with the Names of the persons to whom disposed.

64. And Whereas Commissions have been Granted unto several persons in Our Respective Plantations in America for the Trying of pirates in those parts pursuant to the Acts for the more Effectual Suppression of Piracy. And by a Commission already sent to Our province of New York Our Governor there is Impowered together with others therein mentioned to proceed accordingly in Reference to Our said Province; Our Will and pleasure is that you do Use Your best Endeavours to apprehend all persons whatever who may have been guilty of Piracy within Your Government or who having Committed such Crimes at other places



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may come within your Jurisdiction; and until we shall think proper to direct the like Commission to be Established for Our Government of Quebec, You are to send such pirates with what proofs of their Guilt You can procure or Collect, to Our Governor of New York to be tryed and punished under the Authority of the Commission established for those parts—

65. And Whereas You will Receive from our Commissioners for Executing the Office of High Admiral of Great Britain, and of Our Plantations, a Commission constituting You Vice Admiral of Our said Province, You are hereby required and Directed Carefully to put in Execution the several powers thereby Granted you—

66. Whereas great Inconveniences have happened heretofore by Merchant Ships and other Vessels in the Plantations, wearing the Colours born by Our Ships of War under pretence of Commissions granted to them by the Governors of the said plantations, and by trading under those Colours not only amongst Our Own Subjects, but also those of other princes and States, and committing divers Irregularities, they may very much dishonor Our Service; For preventing thereof You are to oblige the Commanders of all such Ships, to which You shall grant Commissions, to wear no other Colours than such as are described in an Order of Council of the 7<sup>th</sup> of January 1730 in relation to Colours to be Worne by all Ships and Vessels, Except Our Ships of War.

67. And Whereas there have been some great Irregularities in the manner of Granting Commissions in the plantations to private Ships of War, You are to govern yourself, whenever there shall be Occasion according to the Commission and Instructions granted in this Kingdom but You are not to grant Commissions of Marque or Reprisal against any prince or State or their Subjects in Amity with Us to any person whatsoever without Our Especial Command.

68. Whereas We have been Informed that during the time of War Our Enemys have frequently got Intelligence of the State of our plantations by Letters from private persons to their Correspondence in Great Britain, taken on Board Ships coming from the plantations, which has been of Dangerous Consequence; Our Will and Pleasure therefore is, that You signify to all Merchants, Planters and others, that they be very Cautious in time of War whenever that shall happen in giving any account by the Letters of the publick State and Condition of Our province under your Government; And You are further to give directions to all masters of Ships or other persons to whom you may Entrust Your Letters, that they put such Letters into a Bag, with a Sufficient Weight to sink the same Immediately in case of Imminent Danger from the Enemy, and You are also to let the Merchants and Planters know, how greatly it is for their Interest that their Letters should not fall into the Hands of the Enemy; and therefore that they should give like Orders to Masters of Ships in Relation to their Letters; and You are further to advise all Masters of Ships that they do sink all Letters in Case of Danger in the manner before mentioned—



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69. And Whereas the Merchants and Planters in Our plantations in America have, in time of War, Corresponded and traded with our Enemies and carried Intelligence to them, to the great Prejudice and Hazard of Our said plantations; You are therefore by all possible Methods, to endeavour to hinder such Trade and Correspondence in time of War—

70. And You are to Report to Us, by one of Our principal Secretaries of State; What is the Nature of the Soil and Climate of the province under your Government, if it differs in those Circumstances from Our other Northern Colonies, in what that Difference consists, and what beneficial Articles of Commerce the different parts of it are capable of producing?—

What Rivers there are, and of what extent and convenience to the planters?

What are the principal Harbours, how situated, of what extent, and what is the Depth of Water and Nature of the Anchorage in each of them?

What Quantity of Land is now under actual Improvement and Settlement? what are the chief Articles of produce and Culture, the annual amount of the Quantity of each, and upon what Terms and Conditions the Inhabitants hold their Lands, either of Cultivation Rent, or personal Service?—

What is the Quantity, Nature and property of the Land uncultivated, how much of it is capable of Culture, and what part thereof is private property?—

What is the number of Inhabitants, Whites and Blacks distinguishing each; what number of the former is capable of bearing Arms, and what number of the latter is annually necessary to be supplied in proportion to the Land Cultivated.

What was the nature, form and Constitution of the Civil Government; what Judicatures were there Established, and under the Regulations did the french Inhabitants carry on their Commerce; and You are to transmit a Duplicate of such Account to Our Commissioners for Trade and plantations for their Information.

71. You are from time to time to send unto Us by One of Our principal Secretaries of State as aforesaid; An account of the Increase and Decrease of the Inhabitants, Whites and Blacks; And also an Account of all persons, Born, Christened and Buried and You are to Transmit duplicates of such Accounts to Our Commissioners for Trade and plantations for their Information.

72. Whereas it is absolutely necessary that We be exactly Informed of the State of Defence of all our plantations in America, as well in Relation to the Stores of War that are in each plantation, as to the Forts and Fortifications there, and what more may be necessary to be built for the Defence and Security of the same, You are as soon as possible to prepare an Account thereof with Relation to Our said province in the most particular manner, and You are therein to Express the present State of the Arms, Ammunition, and other Stores of War, belonging to the said Province, either in publick

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Magazines, or in the Hands of private persons; together with the State of all places, either already forfeited or that you Judge Necessary to be forfeited for the Security of Our said province; and You are to transmit the said Accounts to Us by One of Our Principal Secretaries of State, and also Duplicates thereof to Our Commissioners for Trade and Plantations, for their Information, and also a Duplicate thereof to Our Master General or Principal Officers of Our Ordnance; which Accounts are to Express, the particulars of Ordnance, Carriages, Balls, Powder, and other Sorts of Arms, and Ammunition in Our publick Stores, and so from time to time of what shall be sent to you, or bought with the publick Money, and to Specify the time of the disposal and the Occasion thereof; and You are half yearly to transmit a General Account of the State of the Fortifications and Warlike Stores, specified in the manner above mentioned—

73. You are from time to time to give an Account what Strength your Neighbours have by Sea and Land, and of the Condition of their plantations, and what Correspondence You keep with them—

74. And in case of any Distress of any other of Our plantations, You shall, upon application of the respective Governors thereof unto you, assist them with what aid the Condition and Safety of Our province under Your Government can spare.

75. If any thing shall happen which may be of advantage or Security to Our province under Your Government, which is not herein, or by Your Commission provided for, We do hereby allow unto You with the Advice and Consent of Our Council, to take Order for the present therein, giving unto Us by One of Our principal Secretaries of State Speedy Notice thereof, that You may receive Our Ratification, if We shall approve the same; Provided always that You do not, by Colour of any power or Authority hereby given You, Commence or Declare War without Our Knowledge and particular Commands therein; and you are also to Transmit duplicate of such Notice, as aforesaid, to Our Commissioners for Trade and plantations for their Information—

76. And Whereas We have by the first Article of these Our Instructions to You directed and Appointed, that Your Chief Residence shall be at Quebec, You are nevertheless frequently to Visit the other parts of Your Government, in Order to Inspect the Management of all publick Affairs and thereby the better to take care, that the Government be so administered, that no disorderly practice may grow up contrary to Our Service and the welfare of Our Subjects—

77. And Whereas great Prejudice may happen to Our service, and the security of the Province by Your absence from those parts, You are not upon any pretence whatsoever to come into Europe, without having first obtained leave for so doing from Us under Our Sign Manual and Signet or by Our Order in Our privy Council; Yet nevertheless in Case of Sickness, You may go to South Carolina, or any other of Our Southern plantations,



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SESSIONAL PA

and there Stay for such Space as the Recovery of Your Health may absolutely require—

78. And Whereas We have thought fit by Our Commission to direct, that in Case of Your Death or absence from Our said province, and in Case there be at that time no person within Our said province Commissionated or Appointed by Us to be Our Lieutenant Governor or Commander in Chief that the Eldest Councillor, who shall be at the time of Your Death or absence residing within Our said Province under Your Government, shall take upon him the Administration of Government, and execute our said Commission and Instructions, and the several powers and Authorities therein directed—It is nevertheless Our Will and Pleasure that in such Case the said President shall forbear to pass any Act or Acts but what are immediately necessary for the peace and Welfare of the said Province, without our particular Orders for that purpose, and that he shall not remove or Suspend any of the Members of Our Council, nor any Judges, Justices of the peace, or other Officers Civil or Military, without the advice and consent of at least Seven of the Members of Our said Council, nor even then without good and sufficient Reasons for the same which the said President is by the first Opportunity to transmit Signed by himself and the rest of Our said Council, to Us by One of Our principal Secretaries of State, and he is also to transmit a Duplicate of such Reasons to Our Commissioners for Trade and plantations for their Information—

79. And Whereas We are willing in the best manner to provide for the Support of the Government of Our Province aforesaid, of which You are Governor, by setting apart sufficient allowances to such as shall be Our Governor or Commander in Chief residing for the time being within the same, Our Will and Pleasure is, that when it shall happen, that You shall be Absent from Our said Province, One full Moiety of the Salary and all perquisites and Emoluments whatsoever, which would otherwise become due unto you, shall during the time of Your absence, be paid and satisfied unto Our Commander in Chief, who shall be resident within our said province for the time being, which we do hereby Order and allot to him for his Maintenance and for the better Support of the Dignity of that Our Government.

80. And You are upon all Occasions to send unto Us by One of Our principal Secretaries of State a particular Account of all Your proceedings, and of the Condition of Affairs within Your Government, and also a Duplicate thereof to Our Commissioners for Trade and plantations, for their Information, except in cases of a Secret Nature—

MEMORANDUM—The Instructions relative to the Acts of Trade and Navigation for Gov<sup>r</sup> Carleton are the same with those given to Gov<sup>r</sup> Shirley for the Bahama Islands—

Plantation Book, 1767-1771 Privy C. O.

Quebec. General Instructions, Gov. Carleton, approved by His Majesty in Council the day of 1768.

GOV<sup>r</sup> CARLETON

SIR,

The proposition of England as to new subjects in the Colony of Quebec of serious attention near to some of

In the most necessary protection and is pleased established Chamber with a decency

Secret Correspondence

MY LORD make any disclosure inclosed I think it proper dare assemble assembly of defend themselves Great-Britain, and their defence I have not the this will continue the British Government their former supported them

When I receive that, to make

<sup>1</sup> Canadian Archives  
ministers of the Government of Carleton to one

<sup>2</sup> Canadian Archives  
<sup>3</sup> This letter dated

1768/04/13

Ref: PAC  
MG11-Q.5

588

PP. 588-589

(No 34)

Quebec 13<sup>th</sup> April 1768.

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My Lord!

I think it my Duty to acquaint Your Lordship, that a Dispute having for some Time subsisted between the Indians of Saint St. Louis, and Mr Mackay, formerly an Officer in the Army, at present Surveyor General of the Woods in Canada, about a Piece of Land purchased for the latter of a Madame de Nove, tho' long possessed and occupied by the Indians, on account of the Maple Trees, in which it abounded, out of which they extract their Sugar; I proposed to him to have the matter determined by arbitration, and that if the title was found to be in him, to purchase the same for the Indians; as I then understood it had cost but a Trifle, not above fifty Pounds, to which He at that Time readily agreed.

I now find, He will not Part with that, without disposing of some other Lands contiguous thereto, which ~~will~~ values between seven and eight hundred Pounds, too large a sum, in the present Situation of the Province, to perfect any Agreement upon, without the Kings Approbation.

I cannot pretend to determine at present, who has the Right, it is however in no means impossible, the same may have been ceded to Madame de Nove, either ceded to the Indians for a Number of Years, or besides the great Attention paid to the Carrees by the French Government, which



was too absolute, not to supersede any Right that stood in the way of their Political Schemes, the Canadian Gentry, before the Conquest, were so inattentive, to their lands, they gave themselves little trouble about them; their other Resources being now mostly cut off, they seem to send their thoughts no more that way.

The keeping of these Indians quiet, and the attacking them is possible to the British Interests, is certainly a Point of Consequence, and with Difficulty will they Relinquish these Lands, to which long Possessions, in their Opinion of Things, gives them a sufficient Title, at the same Time, never to part with them, Individuals should not be deprived of their Property; a Sum of Money, or an Equivalent in Lands some where else, would in my opinion be the best Means of Accommodating both Parties, for which Purpose I should be desirous of being duly authorized.

If your Lordship thought proper to lay this Matter before His Majesty, I should be desirous of receiving His Commands thereupon as soon as possible, as probably it will be brought to a Decision, in some of the Courts of Justice, in the Course of next Summer.

I am with much Respect  
and Esteem

Your Lordship's

Most Obedient

Humble Servant.

Guy Carleton

The Earl of Guilburne One of  
His Majesty's Principal Secretaries of State, &c

\* Enclosed 18<sup>th</sup> April 1768 -

Exposition Carleton

(920.34)

4/15 June. 1768

# THE PAPERS OF SIR WILLIAM JOHNSON

Prepared for publication by  
The Division of Archives and History

ALEXANDER C. FLICK Ph.D., Litt.D.

*Director and State Historian*

VOLUME VI

ALBANY  
THE UNIVERSITY OF THE STATE OF NEW YORK  
1928



From an old French print

FORT JOHNSON

1768/106/21

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passed betwixt you at the time. Which particulars You will be so good to note down, and send them, with the other papers, to Mr: Cramahe at Montreal, or Quebec.

I am with great Regard

Dear Sir

Your most Obedient  
humble Servant

THO<sup>s</sup>. GAGE

SIR WILLIAM JOHNSON B<sup>t</sup>.

INDORSED: New York June 20<sup>th</sup> 1768.

From Gen<sup>l</sup> Gage to Sr. W<sup>m</sup>.  
concerning Maj<sup>r</sup>. Roger's Trial.

FROM JOHN WETHERHEAD

A. L. S.

[New York 20] June 1768

[ ] the Enclosed Letters, one of which [ ] Enclosed to me from John Van Allen of Albany [ Mr Roberts] On Saturday night by the post, you will be [pleased to let me know] whether I must pay the Bill Roberts has drawn on me [ ] You will See he Says you are indebted to him a Balance [ ] he Supposes you have paid me for his Account which is £167 [ ] was to have paid me before he left York, but afterwards wrote [I m]ight depend you woud Send me an Order on the Generall for, but [I am a]pt to Suspect that was a little premature, Since I find by [a] letter from my Friend Col Guy Johnson, that you had only Recommended [the] Account of Mr Roberts's Expence to the Generall, but that the [ ] coud not be paid till the Generall shoud Signify his own [ap]probation of the Accounts — I Shall however be greatly obliged [to] you Sir to acquaint me whether you have heard any thing from [the] Generall about the Allowance of those Accounts — but I flatter [myself with the belief]

I shall have the pleasure of Seeing you here yourself, I [ ] you Mr Roberts's Letter in Case you Should resolve to [return] immediately without coming this Way — which I hope will not [be the] Case, for I want much to See you & I doubt not but if possible [you will] give me that pleasure

In the mean Time I remain with Sincere Regard

Sir Your most Obliged Hble Servant

JOHN WETHERHEAD

[ Sir] John — I hope to Come to see him — this [ ] asking for him & will wait 2 or 3 Days [ ] Way — He Says He wants very much [ ]

ADDRESSED: To  
The Hon<sup>ble</sup>. Sr. William Johnson Bar<sup>t</sup>.  
at  
Fishers Island

DANIEL CLAUS TO JOSEPH RAYMOND

Copy

[Montreal, June 21, 1768<sup>1</sup>]

[ ] principaux Chefs du Saut St [Lous plein] pouvoir et autorise le sieur Joseph [Raymond ] a Montreal, de faire Un Exacte recensement [ ] les habitans qui sont dans [la Seigneurie ] des sauvages Iroquois prenant de la Chute [ ] lieux de profondeur et Sur la ligne parallele [avec ] Riviere, toujours a distance de deux lieux de [profond]eur du lac, et mesurer les Terres qui Seront a propos[ ] leur avantage & le sieur Raymond me Donnera [une] copie dudit Renseignement & sera satisfait de ses peines [et] Soins, de plus je L'autorise de se faire Donnera tous les habitans leur Contracts et derniere quittance afin de me Rendre Comte de leur revenus par an, et Retirera leur rentes & lots et ventes tout les ans quand elles seront dans [ ] il sera payé a Deux Sols par livre C est

<sup>1</sup> The date when the document was delivered to Sir Guy Carleton. The date of authorization to Raymond was October 9, 1767.

a dire a dix pour cent [ ] approuvance En tout Ce  
quil pourra faire de juste & equitable pour leur avantage. fait a  
Montreal Le 9<sup>e</sup> 8<sup>bre</sup>. 1767

Signé Sur l'original qui a été delivré a Son Excellence Monsieur  
le General Carleton Le 21 Juin 1768.

DAN. CLAUS

Depy to S<sup>r</sup> W. Johnson

[ ] Deliberation of the principal Chiefs of Sault St.  
Louis [fu]ll Power & Authority to Mr. Joseph Raymond  
Sworn [ of] Montreal to make an exact Roll of all the Inhabi-  
tants [of the] Seigneurie of the Iroquois, taking (running) from  
the Rapids [ leagues] in Depth in a parallél Line with the  
[river] [keep]ing the Distance of two Leagues in Debt [from the  
lake] and River, & so lay out such Farms as may be [ ]  
& proper for their Use, Mr. Raymont will [give me a copy] of  
said Roll, for w<sup>ch</sup>. Trouble & Care he [will be repaid] And I  
do further Authorize him to in- [ ] Lease & their last  
Receipt, so that he may [ ] pay And to give me  
Acco<sup>t</sup>. of their [ ] their Rents & Lots et Ventes  
[ ] w<sup>ch</sup>. he is to be paid 2 sols 7<sup>9</sup> [ ]  
of every thing he [ ]  
[ ]

ADDRESSED: To  
The Honorable Sir William Johnson Bar<sup>t</sup>

THOMAS GAGE TO JOHN BROWN

Extract <sup>1</sup>

New York 21<sup>st</sup>. June 1768

I am to Acknowledge the Receipt of your Letter of the 24<sup>th</sup>.  
May; And I am Obliged to You, for the information You

<sup>1</sup> From a letter to Captain John Brown, in command of Fort Niagara.  
In British Museum. Additional Manuscripts 21678. fo. 110, London,  
England.

therein gave Me, relative to Indian Affairs. I am entirely  
of your Opinion, that it is much for our Interest, that Jealousys  
Should be kept up amongst the Indians; by which we may be  
Umpires in their disputes, and probably they will be fearfull of  
Attempting anything against us, as long as they continue distrust-  
full of Each other; The Letter You mention concerning  
Chabert's proposals, is in the hands of Sir William Johnson, who  
I doubt not will pay due Attention to it —

INDORSED: Rec<sup>d</sup> 31 July & Ans<sup>d</sup>

2<sup>d</sup> Aug<sup>t</sup> 1768

Gen<sup>l</sup> Gage 21 June 1768

That the Brunswick may call  
at Ontario, if not retard her too  
long to take in Stores & Artillery  
for Oswegatchie. Of Carpenters  
at 10<sup>s</sup> a day being sent up to Cut Ship Timber, Of  
Contracting the Fort, Demolishing the other  
Works, of Returns, Abstracts  
of pay &c.—

FROM HORATIO SHARPE

L. S.

Annapolis [June 27, (22?) 1768]

SIR

The General Assembly h[ ] 24<sup>th</sup> of last  
Month I communic[ated] two Letters You were pleased to  
fav[ ] the first of May 1767 & the 25<sup>th</sup> of March  
[1768] together with a Petition subscribed by the Tribe called  
Nanticokes desiring that an Act might pass impowering them  
to sell the Lands which were heretofore appropriated by the  
Legislature of this Province to the Use of that Tribe. In Con-  
sequence of my recommending this Affair to their immediate Con-  
sideration the Lower House of Assembly appointed a Committee  
to examine into the Nature of those Indians Claim & on their



1768/07/04

At the Council Chamber,  
in the Castle of St. Louis, in  
the City of Quebec on Monday  
the fourth day of July 1768.

Present

The Honourable Genl. Carleton Lieutenant Governor  
William A. C. J.  
Jector. L. Crémahé.  
Samuel Holland. } Esquires  
Walter Murray.  
J. H. Monnier. }

~~A New Committee~~ Resolved that a New Committee be  
appointed to  
consider the heads  
of an Ordinance  
for mending the  
Old, and making  
New Roads -  
appointed to take into Consideration  
the State of the Publick Roads and  
Highways in this Province, and to  
examine the Ordinances in force and  
prepare the Heads of an Ordinance for  
the more effectual amending the Old or  
making such new Roads as may be  
indeed expedient, the Committee to  
Consist of the Chief Justice M. Crémahé,  
M. Holland and M. Monnier, and any  
other Member of this Board may make  
one of the Committee.

Report touching  
the Petition of Mr  
Grisson & Desorme  
for a New Road  
from Yamaska to  
Saint Charles.

Read the Report of the Old  
Committee for the Roads and Highways  
touching a new Road petitioned for  
by John Grisson and Mr Desorme  
from Yamaska to St. Charles.

Refer'd to the  
New Committee  
of Roads.

Ordered to be referred to the  
New Committee for their Consideration.

Read

~~Petition of  
Samuel Jacobs,  
John Weller &  
Company, for a  
Grant of the  
Ruins of the  
King's Forge.~~

~~Read Petition of Samuel Jacobs, John  
Weller and Company setting forth their  
heavy loss by the falling down of the  
King's Forge in the Cul de sac where  
they had erected works for carrying  
on the Manufacture of Pearl ashes,  
or extracting Salt from Vegetables;  
And praying a Grant of the Ruins  
thereof, in order to enable them to  
carry on the said Manufacture under  
such reserve and quit rent as to this  
Board shall seem meet -~~

~~Ordered to be  
Surveyed~~

~~Ordered to be filed and that a  
Warrant be directed to the Surveyor or  
General, to Survey the Ruins of the said  
Forge for the Petitioners, and to make  
a Plan of the same, reporting his  
Opinion, if the granting of the same  
will be to the prejudice of His Majesty  
or the Publick.~~

~~Memorial in favour  
of John Fraser to  
be appointed  
Schoolmaster -~~

~~Read Memorial of sundry  
Merchants addressed to the Lieutenant  
Governor & Council, recommending  
John Fraser for Master of the Publick  
English School in the Room of Patrick  
MacClement, resigned.~~

~~Dismissed~~

~~Resolved that the Memorial  
be dismissed, it being improperly  
addressed to the Lieutenant Governor  
in Council, as the Lieut. Governor,  
having received His Majesty's Instructions  
on that head, had taken his resolution  
in regard to the person to be appointed  
to~~



to the place above mentioned.

Petition of the  
Merchants and  
Principal  
Inhabitants to  
appoint a person  
to inspect into  
the due execution  
of the Fire  
Ordinance -

Read Petition of the Merchants and  
principal Inhabitants of the City of Quebec,  
praying a person to be appointed, to inspect  
that the Ordinances & Regulations made to  
prevent Accidents by fire, or such other  
as may be thought expedient to be made  
for that purpose, are duly executed -

Referred to the  
Fire Committee  
appointed 18<sup>th</sup>  
April last.

Ordered to be filed and Referred  
to the Committee of the 18<sup>th</sup> April last, who  
are to consider of what further Regulations  
are necessary to be made to prevent  
Accidents by fire.

Petition of Nicho.  
Davis Messenger  
for an appeal  
from a Judgment  
of the Quebec  
Court for a debt  
contracted by his  
Wife before  
Marriage -

Read Petition of Nicholas Davis,  
Messenger, praying an appeal from a  
Judgment given by the Justices of the  
Quebec Court, in favour of Wm. Hausman,  
against the Petitioner, it being a debt  
contracted by his Wife before their  
Marriage, which he alleges he is not  
liable to pay by the French laws.

Dismissed

Resolved that the Petition be  
dismissed this Board.

Petition of Peter  
Mills for his  
Expenses in  
Summoning Evidence  
from De Chambault.

Read Petition of Peter Mills  
praying an Allowance for his Expenses  
in going to De Chambault and Summoning  
Evidence from thence.

On the Table.

Ordered to lie on the Table.

Order for Survey  
of Lands behind  
the Seignior of  
the Indians of  
Saint Louis.

Ordered that a Warrant be directed  
to the Governor General or his Deputy,  
to make a Survey of the Lands behind  
the Seignior of the Parages called the  
Faubourg de Saint Louis as far back as

the

the Boundaries of the Province, in order to complete the former Survey ordered to be made of the Lands in dispute between the said Indians, Monsieur René Cartier, and Madame La Mère ascribable to an Order in Council of the 8<sup>th</sup> May 1767.

Order for  
Survey of Lands  
claimed by the  
Indians of  
Saint Francis.

Ordered that a Warrant be directed to the Surveys General or his Depute to make a Survey of the Lands claimed by the Indians of Saint Francois in the District of Montreal, and to return a plan thereof to this Board.

Appointment  
of Committee  
to examine the  
Public Accounts  
to 24<sup>th</sup> June last.

Ordered that Hector Theop<sup>re</sup> Cramahé Esquire, Capt. Holland and M<sup>r</sup> Monnier do sit as a Committee to examine and make up the Public Accounts to the 24<sup>th</sup> of June last inclusive, and any other Members of this Board may make one of the Committee -

Signed, Guy Carleton

At the Council Chamber,  
in the Castle of Saint Louis,  
in the City of Quebec, on  
Saturday the Thirtieth day  
of July 1768.

Present

The Honourable Guy Carleton Lieut. Governor.

William H. G.

Hector Theop<sup>re</sup> Cramahé

Thomas



1768/07/19

Ref. PAC  
MG II, Q. 5.2  
pp. 602-606

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(No 13)

Whitehall July 9<sup>th</sup> 1768.

Governor of Quebec.

See p. 604

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Sir,

I take the first Opportunity to acknowledge the Receipt of your Letters No. 31, 32, 33, 34 & 35, which, with their Inclosures have been laid before the King.

It is His Majesty's firm Purpose that every proper Measure shall be taken to remedy those Evils, and to remove that Scandal and Reproach brought upon His Majesty's Government, and the consequential injurious Impressions made upon the Minds of His Majesty's New Subjects, which are the Effects of the little Attention given for the Protection in this Kingdom to Ability and Integrity in the Appointment of their Deputies; and of the shameful Frauds and Exactions of exorbitant Fees which are practised, and of which you so justly complain. To this End I have received His Majesty's Commands to lay your Letters upon this Subject before the Lords of Trade for their Consideration, and to recommend such Remedies as their Lordships shall judge best adapted to redress these Grievances; and in the mean Time His Majesty trusts you will make some temporary Regulation to restrain the Fee or Office within some settled and certain Bounds, so far as Right and the Nature of the Case will admit; and also for punishing with Rigour those who shall be guilty of Exaction

1768/07/27

Exaction, or other un-just practices in their Offices.

It is Matter of real Concern to me that I am not yet enabled to transmit you His Majesty's Orders and Instructions relative to the final Settlement of the Colony, under your Government. Every sincere Well-wisher to the English Interest in Canada, and to the Happiness and Ease of Mind of His Majesty's new Subjects, must lament the Difficulties and Delays this important Consideration has met with; but I shatter myself the time now draws very near, when every matter relative to the Legislation, the Revenue, the Religion, and Laws of the Country will be fixed upon such a permanent and satisfactory Foundation, as to secure to this Kingdom every Advantage one has a just Right to expect from the Colony of Quebec, and so completely to gratify the reasonable Wishes and Expectations of the New Subjects, as to attach them by Interest and by Affection to the Crown of England. In the Course of this great Business I will not fail to lay before His Majesty's Servants every Information and Hint which you have from Time to Time given and suggested of Materials for effecting the desirable Purposes His Majesty has in view; and among others, the Ideas mentioned in your Letter 122 33. of a Formal Permission of six 'Thous, holding immediately under the King, to yield Faith and Homage to Him at His Castle of St. Lewis and also the Granting such Lands as still remain to the Crown, upon the same Terms as Grants were made by the French,



appear to me to have their Foundation in  
Wisdom and sound Policy.

As the attaching the Indians of  
Sant St. Louis to the English Interest appears to  
you to be a Matter of serious Consequence, the  
King very much approves of the Attention you  
have given to it; and His Majesty is concerned  
that Mr. Macken should have withdrawn his  
Consent to the just and reasonable Mode,  
which you had so properly proposed of  
determining the Dispute between Him and  
these Indians.

According to your  
State of this Matter, it should seem that  
Mr. Macken's Title is not a very clear One; since  
the Indians have had so long a Possession, &  
were supported in it by the French Government;  
nor I should hardly suppose that 'pretended'  
Titles under them and not allowed by them,  
would obtain any strength by the Cession of the  
Colony to us. So soon however as the true  
State of Mr. Macken's Title is known, and it,  
upon Examination, it should prove a valid  
one, what his Expectations would be either of  
Recompence in Money or Equivalent in Land;  
and that you shall have transmitted an  
Account of these Circumstances to me, I will  
take the King's Pleasure with regard to such  
Directions as He shall think proper to give:—  
for the present I am of Opinion it would  
be premature.

I am glad to find that the Report  
of Large Summs having been sent out on the  
Colony by the Agents is without Foundation;

and

and I wish upon Enquiry that that which prevails on the like Practice by the Monks of St. Eusepius at Montreal may be as ill-founded. So little has been done with regard to the Colonies under your Government, that I know not whether what we thought absolutely right and necessary, when I sat at the Board of Trade in 1763 and 1764, was ever carried into Execution, I mean the prohibiting the Nunneries and Monasteries from receiving any Increase of Nuns and Friars. It is not my Intention at present to signify any Directions to you in this Matter, but merely to make an Enquiry; at the same Time I cannot but think this pernicious Confinement of good Subjects should for the present be discouraged as much as possible, till His Majesty's final Resolution is taken concerning those Societies.

With regard to Pere Thibault, most People on this Side the Water, who know any thing concerning him, think him a very doubtful Character. It is however certain, that the Man has been of Service to Government in several Instances, and is certified by Sir Jeffrey Amherst, Mr. Murray, Lord Halifax, and Lord Shelburne; and I am not unacquainted myself with some Merit he has of this sort.

This has raised such Enmity against him amongst his Brethren the Jesuits both in Quebec and elsewhere, that he would upon no Account go out of this Country; and as you appear to me to think he cannot be of Service to you, I see no Use in pressing him to do



do it. But it would not become Government  
to suffer the Man to be deprived of his just  
Rights, on Account of his Attachment to its  
Interests, whatever his private Character may be;  
for which Reason I would recommend to  
you to carry into Execution the King's  
Commands, signified to you by Lord Echeburne,  
in relation to his Amnesty and Arrears, in  
his Lordship's Letter 722 7.

I am acc<sup>d</sup>

Hillsborough

Endorsed:— Draught to the Govt of Quebec.  
Whitehall July 9<sup>th</sup> 1768.  
(No. 13.)

End.

An Appeal was made by the R. R. P. Bone Flaquey defend<sup>t</sup>  
from the above Judgment to the Superior Court of Kings Parish  
of the State and Province of Quebec, 2<sup>d</sup> July 1858.

And on the 2<sup>d</sup> of July 1858 the Superior Court do hereby order

That the said

Saturday 3 Aug<sup>r</sup> 1858

The Court at Montreal

do hereby order that the Judgment of the Court of  
Common Pleas at Montreal in the  
cause be totally reversed & the Court  
ordered to the Superior Court were  
dismissed out of in consequence of the  
said Judgment with costs.

By the Court

It is true before

Signed: J. A. McLeod Esq<sup>r</sup> of the late Supreme  
Court of Quebec for the Province of Quebec



1768/09/14  
(14 septembre 1768)

BOITE XXIX

V-69-71

FIEF ET SEIGNEURIE DE LA SALLE  
(20 avril 1750)  
Arrière-fief SIMONNET  
(14 septembre 1768)

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Le 14 7bre 1768

Concession d'un fief par M. René Cartier et Son Epouse a M.  
Simonnet.

Pardevant Les Notaires Royaux de la Province  
de Quebec Residants En la ville de Montreal Soussignez,  
Furent Presents Sr René Cartier Seigneur De la Salle  
Et Dame Angelique Sarazin Depelteau Son Epouse qu'il authori-  
se a Leffet des présentes demeurants en la Seigneurie de la  
prairie de la Magdelaine et tous deux de presents en cette  
ditte ville.

Lesquels par pure Reconnoissance et Gratitude , Sans  
aucunnes contrainte Ny Sujétion franche et Libre volonté  
Dol ny fraude au prejudice de leurs Creanciers quau contraire  
qu'il feront tous Leurs Efforts par le Conseil et avis de  
Leur amy Cy apres nommés Ils Espere prendre toutes Les mesu-  
res justes Et Esquitable pour Saquitter Envers Eux tous;  
Comme aussy qu'ils non faits aucun acte cy devant Ny protes-  
tations contraires à Ces presentes Et Sy aucuns y a , Les-  
quels au moyen d'icelle demeurent nuls et comme non fait,  
ny avenu le tout Cy dessus Et Cy dessous mentionnés Est la  
pure Veritté comme Ils Lassurent, et ce qu'ils affirment En  
leur ame et conscience comme ils Le feroient devant tous  
Juges Sy Besoin Estoit par Serment et Sy besoin Est.

Ne Scachant comment Reconnoistre Les Bons et agreea-  
ble Service de Me. francois Simonnet Le meilleur amy qu'il  
aye Jamais Eu Ny connu puisque par deux fois differante  
Leur a Conservé Leur Seigneurie de LaSalle Seulle Resource  
Qui les fait Subsister avec Leur famille D'Impitoyable Cre-  
anciers La Voulant faire Vendre Sans Misericorde La Vente

d'icelle ayans esté adjournée Dans La Gazette pour Le Neuf du present mois et Criée a dix Mils francs ne S'estant point trouvé d'enchérisseurs elle fut Remise au Lendemain a midy Ledit Me Simonnet Prévoyant que La ditte Seigneurie alloit estre adjudgée a plus Des trois quarts de pertes moins quelle Ne vaut par La Raretté de L'argent Ce qui auroit Non Seulement Ruiné totalement Le dit Sieur et Dame Cartier Mais aussy un Nombre considerable de leurs Nouveaux Creanciers qui auroient Perdu Entr'eux plus de Vingt Mils francs Nayant que de Nouvelles obligations De Simple Billets ou Compte Courrant Pour quoy Le dit Me Simonnet Aux Risque de Perdre Ses Biens a arrestés La Criée par pure Charrité et Desinterressement Ce qui est a la vue du public qui Seroit aisé de prouver Sy besoin Estoit ainsy que Les autres Services quil Leur a Rendu Et Leur Rend Gratuite-ment Journallement.

Ledit Sr Et De Cartier Ne Voulant pas passer pour des Ingrats Vice Le plus Audieux devant les hommes Luy auroient offert une une (sic) Concession En Bois de Bout à L'autre Extremitté de leur Seigneurie En attendant Quils Soient En Estat den faire davantage ce quils ne peuvent quils n'ayent payé Leurs Creanciers avec Lesquels Ils espère prendre des arrangements pour avoir Le tems de les payer tous; Esperant quils nauront pas La duretté de leur refuser un delay Raisonnable a cet Effet avec Le Secour dudit Maitre Simonnet Leur Bon amy Estant Endroits de Concedder Les terres de leur Seigneurie à quelque titres que Ce soit Sans La Demembrer Estant Le Seul droit quils ont tant qu'aprèsent a cause de leurs dettes C'est Pourquoy Le dit Sr Et Dame Cartier Pour les Causes Cy dessus ont Volontairement Reconnus par Ces présentes avoir Baillé et Conceddé a titre de fief mouvant de leur ditte Seigneurie et



Promettant Sollidairem't au Renonciations de Droits accoutumés tant pour Eux que pour Leurs hoirs et ayans Causes Garantir de tous troubles Generallement quelconques.

AU DIT MAITRE SIMONNET Notaires Royal de cette ditte ville y demeurant En Sa maison Size Rue St Sacrement a ce présent et acceptant acquereur pour Luy ses hoirs Et ayans Causes un fief nommé par le dit Sr De. Bailleur Le fief Simonnet d'un Lieux de terre de frond Situé dans La ditte Seigneurie de la Salle Relevant et Dependand dicelle Sur toute La profondeur de la ditte Seigneurie tenant Sur le devant a la Ligne Seigneuriale de Chateaugué Separant Icelle de la ditte Seigneurie de la Salle et par derrière En profondeur a la Ligne Seigneuriale Separant la ditte Seigneurie ou terres Non conceddées Joignant d'un Costé à la seigneurie de Ville Chauve ou de Bouharnois et d'autre Costé aux Nord est aux terre Non Conceddées Et ainsy que Le Dit fief Simonnet Se poursuit Et Comporte Circonstance et dependance; Le présent fief ainsy Conceddé par Ces présentes aux Charges Seulement de la foy et homage Envers Le Seigneur .... Dominant ou primitif de la Salle pour Lavenir Ledit Seigneur et Dame Bailleur en dispensent le dit Maitre françois. Simonnet Preneur de La ditte foy et homage Envers Eux pour cette fois Seulement Laquelle ditte foy Et homage Le dit Maitre Simonnet Preneurs ou ses ayans causes La feront par eux ou par Leur procureur alavenir au dit Seigneur de La Salle Ou a leur procureur en Cette ditte ville de montreal Et Non ailleurs telle Estant La volonté dudit Seigneur et Dame Bailleur et aussyaa la Charge de payer Le Droit De Quint ou Relief a chaque Mutation des propriétaire dudit fief au Choix dudit Seigneur Letout Payes a mes dits Seigneurs De la Salle ou Perceu Par Eux Suivant Lancien usage

qui a esté Suivy Du passé Jusqua Ce Jour en ce pays aux-  
quelles Charge Ledit Maitre Simonnet Preneur Soblige tant  
pour luy que pour Ses hoirs et ayans Causes Pour Par Le dit  
Maitre Simonnet Preneur Dudit fief Ses Dits hoirs Et ayans  
Causes De Ce Jour a lavenir en toute Proprietté en faire  
Et Disposer &c aux Memes Charges honneurs Espoluments  
droits prerogatives Mentionnées Dans les titres de Con-  
cessions de la ditte Seigneurie de la Salle Sans aucunes  
Exception Generallement quelconques que Celle De la foi Et  
homage droits de Quint ou Relief qui Seront Dus a Lavenir  
ausdits Seigneurs de la Salle desquels Dits titres de  
Propriettés le dit Sieur Et Dame Bailleur Soblige den four-  
nir Coppie Collationnée au dit Sieur Preneur Incessament  
Et au dittes Charges Clauses Conditions et Conventions Sus-  
dittes les Dits Seigneurs Et Dame Bailleur Susnommés ont  
transportés audit Maitre Simonnet Preneur tous droits de  
proprietté fond très fond Noms Raisons actions et autres  
Choses Generallement quelconques quils ont Et pourroient  
avoir demender et Pretendre Et Sur Ledit fief Simonnet  
Conceddé et Ceddé dont Ils Se Sont par ses dittes presen-  
tes Dessaisy Desmis et devestus pour et au profit dudit  
Sieur preneur Et acquereur Voulant &c Constituant &c Procu-  
reur &c Le porteur &c donnant Pouvoir &c Car ainsy &c  
Promettant &c obligeant &c RenonCeant &c fait et Passé  
audit Montréal Es Estudes des dits notaires Soussignés  
L'an Mil Sept Cens Soixante Et huit Le Quatorzième Jour  
de Septembre apres Midy et ont signé avec nous dits notaires  
après Lecture faitte. René Cartier

P. Panet

sarasin cartier

Fr. Simonnet

Sanguinet

No're



Ref: MG 11, Q. 6

H 55, 57, 58, 59

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"And from the examination of the said  
 "MacKello, his Servant and Neighbours,  
 "We compute his Loss of Goods as per the  
 "Annexed Account to Amount to Seventy  
 "Nine pounds fourteen Shillings and  
 "Nine pence inclusive of his House  
 "which we are of Opinion may be  
 "rebuilt for Twenty five pounds, making  
 "together the sum of One hundred and  
 "Four pounds fourteen Shillings and  
 "Nine pence three farthings Halifax  
 "Currency. Equal to Ninety four pounds  
 "five Shillings and four pence Sterling.  
 "Which we humbly Certifie and submit  
 "to this Honourable Board.

"Quebec 16<sup>th</sup> January 1709. (Signed) { Thomas Dunn  
 John Collins  
 John Marteilhe."

Examined and approved in Council.

(Signed) Guy Carleton.

At the Council Chamber  
 in the Castle of Saint Louis, in  
 the City of Quebec, on Tuesday  
 the Twenty fourth Day of January  
 1709.

Present

His Excellency Guy Carleton Governor

The Honble William Hey C. J.

L. J. Cramahé

Hugh Finlay. Thomas Dunn

Colin Drummond

Samuel Holland

Francis Mounier.

Esquires.

Read.

1769/01/24

Memorial of John  
Collins in behalf of  
Pere Floquet, praying  
that the Boundary  
Lines may be drawn  
between the Seignories  
of La Prairie, Sault  
St. Louis, La Salle,  
and the King's  
ungranted Lands.

Read Memorial of John Collins Esq.  
Deputy Surveyor General, in behalf of  
Pere René Floquet Superior of the Jesuits  
at Montreal, praying that the  
Boundary Lines between the Seignory  
of La Prairie, that of the Cognawago  
Savages of Sault St. Louis, the Seignory  
of René Cartier and the unconceded  
Lands belonging to the King, may be  
finally fixed and determined by  
the Authority of this Board.

To lie on the Table

Ordered to lie on the Table.

Memorial of Samuel  
Holland Esq. recommending  
the surveys of the Rivers  
Yamaska, St. Francis,  
Mississipi and St. Maurice  
in order to be laid down  
on his General Plan of  
the Province.

Read also the Memorial of  
Samuel Holland Esquire, Surveyor  
General, recommending the surveys  
of the Rivers Yamaska, St. Francis, Mississipi  
and St. Maurice in order that such  
surveys may be inserted and laid  
down in the General Plan which he is  
actually making of this Province.

To lie on the Table.

Ordered to lie on the Table.

(Signed) Guy Carleton.

At the Council Chamber  
in the Castle of Saint Louis in  
the City of Quebec on  
Saturday the Twenty eighth day  
of January 1769.

Present.

His Excellency Guy Carleton, Governor.

The Honble William Hey, C. J.

Thomas Dunn Esq. L. L. Cramahé

Colin Drummond, Samuel Holland

} Esquires.

Read.

NAC  
M G 11

Q. 66

pp. 55, 57

[1769/01/24]



Memorial of John Collins in behalf of Pere Floquet, praying that the Boundary Lines may be drawn between the Seignories of La Prairie, Sault St. Louis, La Belle, and the King's ungranted Lands.

Read Memorial of John Collins Esq. Deputy Surveyor General, in behalf of Pere René Floquet Superior of the Jesuits. at Montreal, praying that the Boundary Lines between the Seignory of La Prairie, that of the Cognawago Savages of Sault St. Louis, the Seignory of René Cartier and the unconceded Lands belonging to the King, may be finally fixed and determined by the Authority of this Board.

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To Lye on the Table

Ordered to Lye on the Table.

Memorial of Samuel Holland Esq. recommending the surveys of the Rivers Yamaska, St. Francis, Missollet and St. Maurice in order to be laid down on his General Plan of the Province.

Read also the Memorial of Samuel Holland Esquire, Surveyor General, recommending the surveys of the Rivers Yamaska, St. Francis, Missollet and St. Maurice in order that such surveys may be inserted and laid down in the General Plan which he is actually making of this Province.

To Lye on the Table.

Ordered to Lye on the Table.

(Signed) Guy Carleton.

At the Council Chamber in the Castle of Saint Louis in the City of Quebec on Saturday the Twenty eighth day of January 1769.

Present.

His Excellency Guy Carleton, Governor.  
The Honble William Hey. C. J.  
Thomas Dunn Esq. L. L. Cramahé Esquires.  
Colin Drummond. Samuel Holland

Read.

Memorial or Petition  
of John Collins in  
behalf of Pere Floquet,  
read a second time.

Read the second time Petition  
or Memorial of John Collins Esquire  
Deputy <sup>Surveyor</sup> General, in behalf of Pere  
Floquet praying to have the Boundary  
Lines finally fixed and settled between  
the Seignories of La Prairie La  
Magdalaine, Le Sault St. Louis, that  
of René Cartier and the unceded  
Lands belonging to the Crown.

Ordered to be filed  
And that the Boundary  
Lines be drawn as set  
forth in the Petition.

Ordered to be filed and Resolved  
on the part of the Crown as well as on  
behalf of the Seignors of the Sault St.  
Louis, that the said Boundaries be  
fixed by the Deputy Surveyor General,  
provided that the Proprietors of the  
other Seignories above mentioned do  
on their parts consent to the same.

Memorial or Petition  
of James Holland Esq.  
recommending the  
Survey of River Lands  
reads a second time.

Read a second time the  
Petition or Memorial of James Holland  
Esquire touching the Survey of the  
Rivers Yamaska, St. Francis, Nicolet  
and St. Maurice recommending more  
particularly the Survey of those of  
St. Francis and Nicolet, to the end that  
they may be laid down in the General  
Plan of this Province.

Ordered a Warrant  
of Survey for the  
Rivers St. Francis  
& Nicolet.

Ordered to be filed, and that a  
Warrant be directed to the Deputy  
Surveyor General to make the Survey of  
the said Rivers of St. Francis and Nicolet,  
for the purposes above mentioned.

NAC MG11

Q.6

Pp. 57-59

1769/01/28

Read



Instructions of the  
Board of Treasury &  
the Receiver General,  
also the Letters and  
Proceedings in the  
Court of Common  
Pleas, touching the  
Ancient French duties,  
read a 2<sup>d</sup> time.

Read likewise a second time the  
Instructions of the Right Honble the Lords  
Commissioners of the Treasury to the  
Receiver and Collector of his Majesty's  
Revenues in this Province, with respect  
to the Ancient French Duties; Read also  
the Letters and Proceedings in the Court  
of Common Pleas which were laid  
before this Board the last Council day.

Ordered to be filed  
and refer'd to a  
Committee.

Ordered that the Instructions,  
Letters and Proceedings above mentioned  
be filed, and that the Chief Justice, Mr.  
Cramahé and Mr. Drummond (with the  
assistance of the Attorney General) do sit  
as a Committee, to take the above  
mentioned Instructions and Papers  
into Consideration, and Report their  
Opinion to this Board of the most  
expedient Method of Carrying their  
Lordship's Instructions into Execution;  
And that any Member of this Board  
may make one of the Committee.

(Signed) Guy Carleton.

At the Council Chamber in  
the Castle of Saint Louis in  
the City of Quebec, on Tuesday  
the fourteenth day of February 1769.

Present.

His Excellency Guy Carleton Governor.

The Honble William Hay, L. J.

H. L. Cramahé, Thomas Dunn

Hugh Finlay John Drummond } Esquires.  
Samuel Hildes Francis Monnier

NAC MG 11  
Q. 6  
Pp. 57-59

1769/01/28

Read.

1769/03/13

(13 mars 1769)

BOITE XXIX  
V-69-72

FIEF ET SEIGNEURIE DE LA SALLE  
(20 avril 1750)  
Arrière-fief SIMONNET  
(14 sept. 1768)

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Le 13e mars 1769 Foy et homage de M Simonnet pour son fief a M René Cartier.

'ditte

Aujourd'hui en la Présence et Compagnie des Notaires en ~~Et~~ de la Province de Québec résidants en la Ville de Montréal soussignés Maître François Simonnet l'un de nous dit Notaires seigneur du fief Simonnet demurant en cette ville en la maison sise rue St.Sacrement s'est transporté par devers le Sr.René Cartier Seigneur de La Salle demurant a la Prairie de la Magdelaine et de présent en cette ~~ditte~~ ville en l'étude de l'un des dits Notaires soussignés ou estant le dit Maître François Simonnet a prié et requis le dit Sr René Cartier de le recevoir a la foy et homage quil luy doit a cause du dit fief Simonnet et dépendances ny ayant actuellement dans la ditte seigneurie de La Salle aucun manoir seigneurial de le dispenser de se transporter sur les lieux à cet effet ce que ledit Sr ayant volontairement accordé, il la dispensé pour cette fois seulement sans tirer a conséquence ledit Maître François Simonnet a fait et porté au dit Sr acceptant la foi et homage quil luy doit a cause dudit fief Simonnet relevant en plein fief foi et homage du dit sieur René Cartier a cause de la terre fief et seigneurie de la Salle Lequel dit fief luy appartient au moyen de la concession que le dit sieur René Cartier et Dame Sarrazin Depelleau son épouse luy en ont faite par acte passé devant Me.Simon Sanguinet l'un des dits notaires soussignés et son confrère le quatorze septembre de l'année dernière le dit Sr.René Cartier dispensant le dit Maître Simonnet aussy pour cette fois seulement de luy fournir aveu et dénombrement dans le tems de la coutume sans tirer a conséquence attendu que le dit fief Simonnet est tout en bois debout et que les



dittes **partjes** nont aucune connoissance quand à présent  
quil y ait sur ledit fief aucune terre conceldée. De tout  
le contenus cy dessus a esté requis actes ausdits notaires  
soussignés qui ont octroyé le présent pour servir et val-  
loir aux partyes et a tous autres quil appartiendra  
Ce que de raison fait et passé comme dessus en estude  
des dits Notaires soussignés L'an Mil Sept Cens Soixante  
et Neuf le treizième jour de Mars avant midy et ont si-  
gnés lecture faite.

René Cartier

Fr. Simonnet

Jean Delisle.

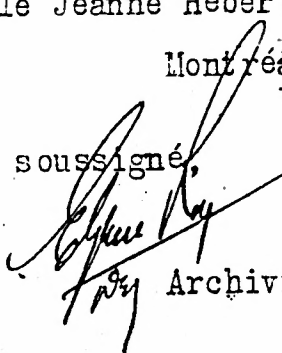
Sanguinet.

Vraie copie de la minute trouvée dans l'étude de Me.  
Sanguinet en son vivant Notaire Royal en la Province de  
Québec, déposée dans les Archives de la Cour Supérieure,  
District de Montréal;

Transcription de Mlle Jeanne Hébert,

Montréal avril 1923.

Collationnée par le soussigné.

  
Archiviste,

Transcript of Survey Report dated September 15, 1769, by John Collins, Surveyor:

Division Line between the Seig of La Prairie la Magdalaine and the Seign of the Sault and that of la Salles claimed by ~~[Reverend?]~~ Cartier and also the unconceded Lands belong to His Majesty.

**Rene**

**acre**

Beginning on the South Side of the River St. Lawrence about one ~~[lieue?]~~ above a Water Mill standing on the Rapids of the said River at a large Hewn Stone engraved with H.M. Arms and affixed to serve as a Boundary of the aforesaid Line which runs South 34°E two french Leagues or 1738 French Poles to a Cedar Post the Second or upward Boundary of the Seign<sup>y</sup> Le Sault and also to serve as the first Boundary betwixt the Seign<sup>y</sup> of La Prairie de la Magdelane and that of La Sales [sic] from thence the aforesaid ~~Lieue~~ is continued One League and a half or One thousand two hundred and 160 Poles to a Cedar Post standing in the Line being the Second or Upper Boundary of the Seign<sup>y</sup> of La Salles and as a Boundary betwixt the aforesaid Seign<sup>y</sup> and that of La Prairie and His Majesty's unconceded lands from thence the said Line is continued half a League or four hundred and twenty Poles in order to compleat the depth of the Seig. of La Prairie agreeable to the original Grant, being in all Four Leagues but as I find on just admeasurement that the River St. Lawrence comes in a half a League in depth of the said Seign<sup>y</sup> as appears by the Plan hereunto annexed. I have in consequence thereof continued the said Line half a League further which makes it four Leagues and a half from the first mentioned Boundary or Three Thousand Seven Hundred and Eighty Poles at the end whereof I have affixed a Cedar Post and Blazed several Fires to serve as a Boundary betwixt the said Seign<sup>y</sup> and His Majesty's Lands.



1769/04/15

DIAND Indian Land Registry Registration 5486-169

Division Line between the Sig. of La Prairie & La Riviere  
and the Sig. of the South. and that of La Riviere  
claimed by Rumbauten. and also the Unimproved Lands  
belong to His Majesty.  
Beginning on the South Side of the River St. Lawrence about  
seven above a Water Mill standing on the Rapids  
of the said River at a large brown stone engraved  
with H. M. and affixed to serve as a Boundary  
of the aforesaid Line which runs South 34. E. two  
French Leagues or 1788 French Miles to a cedar Post  
the Second upward Boundary of the Sig. of La Riviere  
and also to serve as the first Boundary between  
the Sig. of La Prairie, La Riviere & La Riviere and that of  
La Riviere from thence the aforesaid Line continued  
One League and a half or One thousand two hundred  
and 160 Paces to a cedar Post standing in the River  
being the Second or Upper Boundary of the Sig. of  
La Riviere and as a Boundary between the  
aforesaid Sig. and that of La Prairie and His

Majesty Unimproved Lands from thence the said  
Line is continued half a League or four hundred  
and twenty Paces in order to complete the depth  
of the Sig. of La Prairie agreeable to the Original  
Grant, being in all One League but His Majesty  
will not be measured what the River St. Lawrence  
comes in at half a League in depth of the said  
Sig. as affixed by the Plan herunto annexed  
I have, in consequence thereof continued the said Line  
half a League further which makes it four Leagues  
and a half from the first mentioned Boundary or  
Three thousand Seven hundred and Eighty Paces  
at the end whereof I have affixed a cedar Post and  
Blond stone, and to serve as a Boundary between  
the said Sig. and His Majesty's Lands.

15. Apr. 1769.

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DIAND Indian Land Registry Registration 5486-169

1769/09/15

DEPARTMENT OF INDIAN AFFAIRS & NORTHERN DEVELOPMENT

REGISTRATION NO. 5486-169 D

Surveyor's Report

I certify that the within instrument is  
duly entered and registered in the Indian  
Land Registry, Department of Indian Affairs  
and Northern Development at Ottawa:

AT 9:27..... O'CLOCK .....A....M OF THE  
.....14..... DAY OF April.....  
A.D. 19 71..... NUMBER 5486-169 D  
FOR Camp Nouwagah I.R. NO. 14..  
IN THE PROVINCE OF Quebec.....

John Davis

DEPT 2018

MEMORANDA AND ENDORSEMENTS

2



1770/07/22

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DOCUMENTS  
RELATIVE TO THE  
COLONIAL HISTORY  
OF THE  
STATE OF NEW-YORK;

PROCURED IN  
HOLLAND, ENGLAND AND FRANCE,

BY  
JOHN ROMEYN BRODHEAD, ESQ.,  
AGENT,

UNDER AND BY VIRTUE OF AN ACT OF THE LEGISLATURE, ENTITLED "AN ACT TO APPOINT AN AGENT TO  
PROCURE AND TRANSCRIBE DOCUMENTS IN EUROPE RELATIVE TO THE COLONIAL HISTORY  
OF THE STATE," PASSED MAY 2, 1839.



PUBLISHED UNDER AND BY VIRTUE OF AN ACT OF THE LEGISLATURE, ENTITLED "AN ACT TO PROVIDE FOR THE PUBLISHING OF  
CERTAIN DOCUMENTS RELATING TO THE COLONIAL HISTORY OF THE STATE," PASSED MARCH 30, 1849, AND AN ACT EN-  
TITLED "AN ACT IN RELATION TO THE COLONIAL HISTORY OF THE STATE, AND THE PUBLICATION AND DISTRIBUTION  
THEREOF," PASSED APRIL 12, 1856.

EDITED BY  
E. B. O'CALLAGHAN, M. D., LL. D.

VOL. VIII.

ALBANY:  
WEED, PARSONS AND COMPANY, PRINTERS.  
1857.

O'Callaghan E. B. (ed.) Documents Relative to the Colonial History  
of the State of New York, Vol. VIII. Albany: Weed, Parsons and Co.  
1857. Pp. 237 - 238

See p. 237-38

1770/07/22

upon to send to the South and Westward, supported by the steps I shall take, will I hope have weight, and prove serviceable in a high degree, and in order to be armed against any thing that may in another quarter threaten to disturb the public tranquillity, I have taken measures to be informed as early as possible with the proceedings & issues of the Congress, which they are about this time to hold at the great plains of *Sioto* near the Ohio, where some are endeavouring to form Confederacys for very bad purposes, secretly countenanced and supported by French Traders, Renegadoes and all those Indians, who have not hitherto been heartily attached to the English, but with wonderfull art, have for a time past endeavoured to shake the fidelity of the Six Nations, thro' the means of some of the Seneca Towns, who are most dissatisfied with our conduct.—I have in the course of this letter touched upon the principal subjects of both, the public and private conferences at the late Congress, this, is as much as I could do from the variety of matters that occur upon such occasions, which, however trivial in appearance, demand my particular attention. Upon the whole I must observe that the Indians are at present in a state of uncertainty as to what course they shall take; the measures lately taken have strengthened the fidelity of our friends and afforded a temporary satisfaction to others, but it is on the continuance of them and the adoption of the wisest measures for their redress and satisfaction we must solely rely for the securing their fidelity, which tho' comparatively of little moment, when weighed with the great objects of concern, wherein the Crown is so deeply interested, is nevertheless in a relative view, from a variety of peculiar circumstances worthy the most serious consideration, and therefore I most humbly recommend the heads herein stated<sup>1</sup> of, as what may be productive of the most happy effects to this Country. If by any means they can be carried into execution under the auspices of the Crown, to promote which, My Lord, my whole influence & the small remainder of my health, shall be most willingly devoted. I hope to be honoured with your Lord's commands on the foregoing subjects, and am with the highest respect My Lord,

Your Lordship's most devoted and  
most humble servant.

Johnson Hall. 14. August. 1770.

W<sup>m</sup> JOHNSON.

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*Proceedings of Sir William Johnson with the Indians.*

[ Plantations General (S. P. O.) CCLVI. ]

Proceedings at a Treaty with the Six Nations, the Indians of Canada, the several Dependant Tribes, and the Deputies from the Cherokee Nation, held at the upper settlements, near the German Flatts in July 1770, by Sir William Johnson Baronet.

On Sunday the 15<sup>th</sup> of July 1770. Sir William Johnson, accompanied by Colonel Daniel Claus; Col: Guy Johnson Dep: Agents, Richard Shuckburgh Esquire Secretary for Indian Affairs, & several other Gentlemen from the neighbouring settlements, set out from Johnson Hall, and on Monday the 16<sup>th</sup> arrived at the place for holding the Treaty, where were assembled about 1600 Indians, and many more yet expected. At 2. P. M. the Speaker of the Six Nations, came to Sir William's Quarter to be informed, when they should make their first visit, and whether

<sup>1</sup> treated. *Johnson Manuscripts.* — Ed.

O'Callaghan E. B. (ed.) Documents Relative to the Colonial History of the State of New York, Vol. VIII. Albany: Weed, Parsons and Co. 1857. Pp. 237 - 238

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honest, wise Men, who will not deviate from their Instructions, but faithfully execute what you direct them. Fully persuaded, that you will do this, and that you are resolved to abide for ever faithfully by your engagements entered into at that time, I do now by virtue of the powers to me given in the name, and on behalf of his Britanic Majesty, Ratify and confirm the whole of the Treaty made at Fort Stanwix in 1768, and also the Deed of Cession to the King then executed (except what relates to the private grants, which his Maj<sup>y</sup> will consider of) and I do declare, that the same is ratified accordingly. A Belt.

The Indians, in answer expressed their satisfaction at what Sir William had said, to which, as it was very late, they deferred giving an answer until next day.

then adjourned.

At night Sir William had a conference with a principal Sachem and Warrior of each Nation, when he spoke with them on the subjects for the meeting to morrow—he found that besides some grievances, which were to be the subject of the future proceedings, the Indians were suspicious, that the English intended totally to neglect, and disregard them, and that this opinion daily gained ground amongst the several Nations. The Chiefs spoke with much warmth on the reduced state of those living under our Arms (as they called it), namely, the Mohawks, and others living amongst our settlements, who they remarked had been very usefull to us, and were now greatly neglected by the English.—The Mohawks in particular, (supported by the rest) signified their desire to speak in public, that His Maj<sup>y</sup> would take their case into Consideration, and allow them a Missionary, observing that they, and their Fathers had been Christianized, and attended for many years by Ministers of the Church of England—that a former King had built them a Church, and had taken much care of them, but that they have been now for many years without an English Clergyman, which gave them much concern.—Sir William, foreseeing, that these, and many other matters of a private nature, would if spoken in public, furnish part of the Confederacy with subjects for disagreeable reflections, represented to them, that there would be no occasion to bring matters before the rest of the Nations, in which they were not particularly concerned, as he would lay them before His Maj<sup>y</sup>, from whose generous sentiments and pious regard for their future welfare, they might expect that they would be attended to.

The Sachems and Chiefs of Canada Indians desired a conference in public with Sir William, and being assembled, their Speaker addressed him.

Monday—July 22<sup>d</sup> 1770.

Brother. We have desired to speak to you in this public manner on an affair which concerns ourselves, and which has occasioned great uneasiness amongst us.—Brother, you know us for many years—we knew you, and esteemed your character, when we were in the arms of the French, and when you came down with the army to Montreal ten years ago; you then spoke to us, gave us good words, and by the order of the General gave us solemn assurances, that if we did not assist the French, but permitted you to descend the River without interruption, we should be placed among the number of your friends, and enjoy our rights and possessions and the free exercise of our Religion forever.—This we believed, for we knew your character, and had a confidence in you, and accordingly agreed to your request,

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and have ever since behaved in such a manner, as to demonstrate our fidelity, and attachment to the English.

Brother. You allways give us good words, and have shewn yourself our friend. It is therefore with concern we tell you our grievances at this time occasioned by the ill disposed people who give disturbance in several quarters.

Brother—You are not ignorant that there are many Men, of whom we have before complained, who are no longer our friends, and either guided by interest, or, perhaps from resentment on finding our attachment to the English, endeavour to alter the minds of all the great Men, who have been sent to command in Canada, and to misrepresent us to them. Through such means our brothers at S<sup>t</sup> Regis, have been distressed for sometime past by Intruders imposed on them from another nation, who have no pretensions to live in their village; and last winter, a Frenchman named Clingancourt, came into our principal village of Cagnawagee, bought a house privately, and was no sooner settled, than he began to create much disturbance by telling false stories to the Commanding Officer there, and giving countenance to immoralities, that are highly displeasing to us. Our Priest who is a peaceable good Man, endeavoured as far, as was in his power to restrain these disorders in the usual manner, and to punish the offenders according to the Religious forms of our Church, but was threatned, and treated with the greatest contempt, so that he could not do his duty, through the artifices of this Frenchman. This gives us great concern, and if we are not redressed, we may in a little time be deprived of the use of that Religion, the use of which we were assured should be permitted to us. We therefore earnestly request, that you will take this matter into serious consideration, and if you shall think it fitting, that you may lay it before the King, that we may not be interrupted hereafter in the exercise of our Religion, or our priests prevented from inflicting such pains and penances, as our Church requires, on offenders.

A Belt 7. Rows.

To which Sir William answered.

Brothers. I have harkened to your speech, and do assure you, that I have not forgot any part of the engagements we formerly entered into, and which it is his Maj<sup>ty</sup>'s intention shall be strictly observed in every particular. You have therefore nothing to fear on that account.

[The affair of S<sup>t</sup> Regis, I understand has been lately settled to the satisfaction of the Indians of that place; and as to what you mention respecting your village at Cagnawagee, I make no doubt, that it would be soon settled in the like manner, on my acquainting the Governor of Quebec therewith; but, as he is now I understand, sailed for England, I think, the readiest method to gratify your desire, will be by letter to the Frenchman. I shall accordingly write to him in a proper manner, and give Col: Claus Instructions about the affair on his return to Canada, which will be in a few days.—]

You may be assured of His Maj<sup>ty</sup>'s Esteem & that I shall continue to shew you all the friendship in my power, so long as you continue to promote peace, and adhere faithfully to your engagements.

Returned their Belt.

The Indians spent the Forenoon of this day in Council, and about noon Sir William had a conference with some of the Chiefs on the subject of their answer.—In the afternoon the Indians sent to acquaint Sir William that they were assembled.



# THE PAPERS OF SIR WILLIAM JOHNSON

Prepared for publication by  
The Division of Archives and History

ALEXANDER C. FLICK Ph.D., Litt.D.

*Director and State Historian*



SIR WILLIAM JOHNSON

From a miniature in the Public Archives of Canada,  
Ottawa, taken when he was between 30 and 40 years of  
age

VOLUME VII

ALBANY  
THE UNIVERSITY OF THE STATE OF NEW YORK  
1931

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1720/10/100

The passengers with Lord Dunmore tell us that our Ministry, from intelligence of the French designs to fall on the Russians in the Mediterranean, have ordered the Edgar Augusta and Dorsetshire with the utmost Expedition to that part and others to follow, and they add that a War is now Verry likely to happen, for the Danes are determined to embark in the quarrel against France.

Benzell<sup>1</sup>, of the Royal, has sold his Lieut<sup>y</sup> and is promoted to a Surveyorship of the Woods in America.

The Ministry is in a very tottering Situation and it is thought every one, excepting Lord Hillsborough, who does not agree well with them will relinquish their posts.

The News of our agreement to import Goods was received with uncommon Satisfaction by all sorts of people in London, the Citizens went to work with vast alacrity and London Streets never were known to appear so full of busy bustle before the intelligence arrived.

I am with humble Respect to Sir John the Colonels & Cap<sup>t</sup> McLeod,

Your most obedient servant  
JA RIVINGTON

We expect Vessells with fresh Goods from London in a Week when I shall Get better Pens & better paper than these I now am forced to make use of

INDORSED:<sup>2</sup>

8<sup>br</sup>. 22<sup>d</sup>. 1770

Mr. Rivington's letter

<sup>1</sup> Adolphus Benzell.

<sup>2</sup> In Johnson's hand.

JOURNAL OF DANIEL CLAUS  
A. D.

Journal to & during  
[ ] Canada in 1770 }

Caghnawagey 9<sup>th</sup> Sept<sup>r</sup> 1770  
4 p. m.

- [ ] Arrived at this place after a journey of 14 days from my house, called the principals together and shook hands with them giving them the Reason of my Delay, they were glad to see me as they almost despaired seeing me this Year. After discoursing a while w<sup>th</sup>. them I crossed the River to my Lodging at Mr. Haneys.
- [Sep]<sup>r</sup>. 10<sup>th</sup>. The Warriors that pretend to maintain Sobriety & good Order in the Town came to make their Complaint ag<sup>t</sup>. Philip Assaregoa &c. Vide my Letter to Sr. W<sup>m</sup>. Johnson.— Went to Montreal to see my Acquaintance, Okeawess the Ottawa came to me w<sup>th</sup>. a joyfull countenance to see me; St. Luc & St. Jeans Compl<sup>ts</sup>. ag<sup>t</sup>. him
- 11<sup>th</sup>. heard his Compl<sup>ts</sup>. w<sup>ch</sup>. differed wide from the others took him with me to my Lodging. Mr. Hertell came with me to la Chine telling me of his misfortunes on his Return from the Hall & the Manner the Abinaquis settled w<sup>th</sup>. Sr. W<sup>m</sup>. ab<sup>t</sup>. their leaving St. Regis viz<sup>t</sup> in 2 Years & Liberty to erect their house.
12. This Morning all the Chiefs & Warr<sup>rs</sup>. of Caghnaw<sup>y</sup>. came to condole with me, Ordered them a Meal of Vict<sup>s</sup>. pipes & Tobacco & Dram.  
Wrote to Sr. Will<sup>m</sup>. Johnson by Thom Wileman.<sup>1</sup>

<sup>1</sup> See supra VII: 896-900.



Ind<sup>a</sup>. he could not find out who sent it. He says [the] Piank<sup>a</sup>. are a proud Nat<sup>a</sup>. & would never make peace with the Cherak<sup>a</sup>. & their Allies [the] Chickasaws who made continual Incursions kill<sup>s</sup>. & tak<sup>s</sup>. both French & Ind<sup>as</sup>.

25<sup>th</sup>. Went to Caghnawagey to give them their Answer upon last Sundays Speech being met I told them by my Speaker Aquirandongwas that I gave Attention to what they said Last Sunday and that they were misinformed of my being angry or displeased w<sup>th</sup>. them that what I mentioned to those that Misrepresented w<sup>t</sup>. I said to them was intended as an Advice for their own Good ppeace among themselves that I could heartily wish they harboured no more hatred & Envy to any Body and in particular to one another; [ ] that as long as they did not drop that Spirit of party [jealou]sy they must be miserable in this & the other world since all their Going to church & pray[ing] [ ] as long as they harboured any ill Will to [ ] that if any of their Breth<sup>a</sup>. was guilty of [ ] Pride Boasting &c<sup>a</sup>. not to condemn immediately [ ] them gently w<sup>ch</sup>. was the only means of preserving [ ] & Tranquility in their Village, and finally strongly [ ] ding Friendship & unanimity to them &c<sup>a</sup>. offering the hand [ ] After which Tyoheroche chief & Tehanoghsonkoght at the head of the Rum Seizers spoke promising to drop & forget all that was past & live in peace & Harmony for the future; I then told them that if they were Sincere in their promises I would bury all that was past in [ob]livion whereupon they heartily thanked & shook hands w<sup>th</sup>. me. They then said they would acquaint me w<sup>th</sup>. what News they had by their people that returned from the Illinois & beyond Michil hav<sup>s</sup>. been 2 or 3 years past in the Traders employ in y<sup>t</sup> Country; that the Nations about these places were not at all peaceably inclined towards Whites as well as the Six Nations; that the Murder of the Ind<sup>a</sup>. near Michil<sup>c</sup>. this Summer & former ill [ ] ab<sup>t</sup>. that place was not forgot or made up as we imagined they being continually murmuring among themselves ab<sup>t</sup>. it & even desired the Ind<sup>as</sup>. in the white

peoples Employ not to engage themselves for the future to come w<sup>th</sup>. them as they might comit a Mistake one time [or] other & hurt them in striking the later giving them to understand that this should be the last time of their coming among them w<sup>th</sup>. the Traders. On the other hand they are much dist[urbed] w<sup>th</sup>. the 6 Nat<sup>a</sup>. mak<sup>s</sup>. peace w<sup>th</sup>. the Cherakees w<sup>th</sup>. out acquainting them of it, & sent Belts to some Nat<sup>a</sup>. last fall to join them in striking the Enemies of the Cherak<sup>a</sup>. among w<sup>ch</sup>. they said they mu[st be ] included as they were not made acquainted w<sup>th</sup>. that [ ]; that therefore they would stop up the road between the Nat<sup>as</sup>. to prevent their join<sup>s</sup>. one another, that the chief of the [ ] killed by the Senecas at Niagara was unsettled & unre[ ] And that the Beginning of their Operations would be [ ] Revenge for Pondiacs Death by the Illinois Ind<sup>as</sup>. &c<sup>a</sup>.

They then acquainted me that they had forwarded Sr W<sup>m</sup>. [ ] of last treaty by 3 of their principal y<sup>s</sup>. Men to the Ind<sup>a</sup>. [ ] Sandusky alias Yeanhusne. And then concluded a News spread by a Western Ind<sup>a</sup>. At Aughquis 2 or 3 [ ] Canada w<sup>ch</sup>. they immediately buried under [ ] of News, tho accompanied w<sup>th</sup>. some [ ] the River late.

25<sup>th</sup>. Went to Montr<sup>l</sup>. to meet Mr. Colins found him at Fergusons the Coffee house where we discoursed & dined together, got a Copy of my Order to Raymont ab<sup>t</sup>. making a Rent Roll for the Caghnawageys. After Dinner came in a Man [from] that part of New hampshire now in the Prov<sup>ce</sup>. of New York to [announce the] Discovery of a New & Short Road from that [ ] to Lake Champlain he reckoned it ab<sup>t</sup>. 45 miles from his house to said Lake ab<sup>t</sup>. 40 of w<sup>ch</sup>. he came by water on a River emptying itself in Lake Champl<sup>n</sup>. opposite the South End of Long Island. in s<sup>d</sup>. Lake, he has a Subscription from some People in York towards carrying on s<sup>d</sup>. Scheme. The College Mr. Banyar & other[s] contributed genteely & several People here are very Sanguine ab<sup>t</sup>. it he was much encouraged by Jas. Robertson, Mr. Colins judge Marteihle the Livingst<sup>as</sup>. Brothers & is sure of



carrying it he says he will engage to deliver the Mail from York or Boston (both being pretty near the same Distance from his house:) in Ten days at Quebec it being abt. 50 Miles nearer than the present post road. I got the Caghnawageys to give me a Sketch of that part of the Country between Lake Champl<sup>n</sup>. & Conect<sup>t</sup>. Riv<sup>r</sup>. he calls himself Judge Sleeper a night since Mr Collins & I settled abt. going to Judge Marteihs in the Morning concer<sup>t</sup>. the Injunction to be laid upon the Tenants living upon disputed Land betw<sup>n</sup>. one Cartier & the Caghnaw<sup>s</sup>

27. Went to the Judges abt. s<sup>d</sup>. Aff<sup>r</sup>. he directed me to apply to the L<sup>t</sup>. Gov<sup>r</sup>. Cramahe & Council & sent it by Mr. Collins who was the properest Person to lay it before the Council. return<sup>d</sup>. home to prepare said Letter to Mr. Cramahe & one to Mr. Kneller.

28. Some Chiefs of Caghn<sup>y</sup> & Aughquis<sup>ne</sup>. came to me to acquaint me of the latters being come to Know from me when I would be at Leasure to meet them abt. Mr. Hertells Aff<sup>r</sup>. I told them I must first finish abt. their Land Aff<sup>r</sup>. Mr. Colins being [ ] to return to Quebec & that I must meet the judge & him to Morrow abt. s<sup>d</sup>. Bus<sup>s</sup>. They s<sup>d</sup>. it was well and beg<sup>d</sup>. I would not let Mr. Hertell be present at the Meeting but [ ]

Mr. Beaubasin who would hear Reason and [ ] o<sup>t</sup>her is along I told them I would give them Prov<sup>s</sup>. Pipes & Tobacco got them to [ ]

Country this new Road is to [ ]

29<sup>th</sup>. Went to Town & Mr. Colins [ ]

30<sup>th</sup>. Dined at Maj<sup>r</sup>. Hughs (N B his Wife [ ]

Mr. Colins was there & told me he was not [ ]

this Town before next Week therefore had time [ ]

the Aughquis<sup>t</sup>. sent for Perthuis and told him to [bring]

Mr. Beaubasin along. Mr. Todd told me that [ ] house

being out of [ ] grand Sauteux [ ]

Mr. Hertell (?) thought to encourage them to [ ]

Oct<sup>r</sup>. I Returnd to la Chine found Mr. Beaubasin & Perthuis & Ind<sup>ns</sup>. waiting for me crossed the River in a very bad Snow Storm dined w<sup>th</sup>. the Jesuits Huguet & Gordon after dinner the

[ ] word they were met; I went with the Comp<sup>y</sup>  
[ ] & being seated I begn to repeat what  
was done at [ ] w<sup>th</sup>. Mr. Hertell & the  
Abenauquis, then Mr. Beaubasin in behalf of his nephew requested  
his passing through only & then to remove the Caghnawagey who  
were Arbiters by the Aughquis<sup>s</sup>. to decide for them p[ ]  
the Gov<sup>r</sup>. Proclam<sup>n</sup>. of Dec<sup>r</sup>. 22<sup>d</sup> 1766 Strictly [ ]  
any traders & others to deal friendly & fairly w<sup>th</sup>. [ ] by  
Virtue of the Kings Proclam<sup>n</sup>. 1763 & if any had established  
themselves among any Nat<sup>n</sup>. to withdraw immediately & in case  
of disobedience to be considered as Disturbers of the Peace of the  
Prov<sup>ce</sup>. & to be proceeded ag<sup>t</sup>. w<sup>th</sup>. the utmost Rigour of y<sup>e</sup> Law.  
They likewise produced an Agree[ment] of Mr. Hertell by w<sup>ch</sup>.  
he condemns himself to [ ] Place & lastly insinuating that  
since his & the Aben[auquis] Residence at St. Regis they did not  
enjoy a peaceable [ ] the Latter had the Assurance  
lately to there [ ]

Wherefore they the Caghnaw<sup>s</sup> had unanimously [ ] that  
they should leave the place with Mr. Hertell without Loss of Time  
or any Excuse or pretext. Mr. Beaubasin then left the Council  
abruptly [ ] were surprised at Gen<sup>l</sup>. Carletons hav<sup>g</sup>.  
encouraged [ ] to stay at St. Regis after reading his own  
Proc[lamation ] left the Council & the weather being so [ ]  
2<sup>nd</sup>. Lodged at the priests [ ]  
[ ]<sup>1</sup>

Take the best Care of their Estate  
during their lives & keep it in as  
good Ord<sup>r</sup> as Gen<sup>l</sup>. Amh<sup>t</sup>. possible  
could.

Crossed after Breakfast, Mr. Beaubasin mentioned the Remon-  
strance of the Canad<sup>ns</sup>. to the King concerning the Lands granted  
to the Jesuits in this Country w<sup>ch</sup>. were granted towards the  
Education of Youth & therefore could not be considered as  
belong<sup>g</sup>. to the Society in General.

<sup>1</sup> One line cut off.



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VOLUME VII



SIR WILLIAM JOHNSON

From a miniature in the Public Archives of Canada,  
Ottawa, taken when he was between 30 and 40 years of  
age

ALBANY  
THE UNIVERSITY OF THE STATE OF NEW YORK  
1931

1770/10/63

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FROM DANIEL CLAUS

L. S.

Montreal 3 Oct. 1770

In Sept<sup>r</sup> 1769 His Exc<sup>y</sup>. Gen<sup>l</sup>. Carleton ordered me to be present with some principal Men of the Sault St Louis Nation at the fixing of a boundary Line between the Seigneurie of Prairie de la Madeleine and that Claimd by one René Cartié, by John Colins Esq<sup>r</sup>. D<sup>y</sup>. Surv<sup>r</sup>. Gen<sup>l</sup>. of this Prov<sup>ce</sup>. w<sup>ch</sup>. Bounderies being fixed with the usual customs & Ceremonies, the Indians returned very well contented & satisfied and accordingly directed their Receiver of Rents to collect them as comprehended in the Line fixed by s<sup>d</sup>. M<sup>r</sup>. Colins, but to their Surprise they found that s<sup>d</sup>. Cartié whose Front Line Making their Rear having obtained an Order of Survey for s<sup>d</sup>. Boundaries of the late Gen<sup>l</sup>. Burton by which Line the Difference is so great as to deprive the Savages of near Forty Inhabitants agreeable to the Surveyor Generals Bounds, w<sup>ch</sup>. he will make appear more fully & clearly by his Survey when called upon.—

It is therefore the Petition & request of the Sault St. Louis Ind<sup>s</sup>. to His Maj<sup>s</sup>. President & Council at Quebec that [you] woud please to lay an Injunction upon [s<sup>d</sup>. Inhabitants between the Lines in dispute] to prevent s<sup>d</sup>. Cartié from receiv<sup>g</sup>. more Rents from said Inhabitants between the Lines in dispute untill such time as they may be lawfully revised examined and finally adjusted. Which Petition said Indians in a full Meeting held at the Sault St. Louis desired me to make to you in their behalf as Presid<sup>t</sup>. & Comd<sup>r</sup>. in chief of this Prov<sup>ce</sup>. I am likewise to acquaint you that the Disputes of the Iroquois at St. Regis w<sup>th</sup>. the Abinaquis & M<sup>r</sup>. Hertell who persist of establishing themselves there in Opposition to His Maj<sup>s</sup>. Proclamation published in 1766, are come to that crisis that I apprehend Bloodshed must soon ensue w<sup>ch</sup>. may be attended w<sup>th</sup>. dangerous Consequences if not guarded ag<sup>st</sup> to this Prov<sup>ce</sup>. in particular & perhaps to the other Colonies in General it is my h<sup>ble</sup> Opinion that was M<sup>r</sup>.

Hertell to desist or be prevented from going there Matters would not go that length since while he remains from [ ] the Abinaquis are quiet & would soon quit the place, but his persisting [in remain]ing there provokes the Iroquois & encourages the Abinaq<sup>s</sup> [ ] the former in conjunction w<sup>th</sup>. those of St. St. Louis [ ] have now enjoined the latter to leave [ ] promise 3 year ago, w<sup>ch</sup>. the Iroquois persist [ ] have complied with their first [ ] had they not been provoked [ ] Hertell to remain & should they refuse [ ] it will come to extremities.

By Indian Intelligence received from those that [ ] employed by the Traders of this place to hunt for them [ ] this Fall some from the Illinois & some from [ ] Michilim<sup>c</sup>: I learn that the Indian Nations living at those places are not so peaceably inclined as could be wished, having heard them frequently mu[tter] & complain ag<sup>st</sup>. the whites ab<sup>t</sup>. the Murder at Michilim<sup>c</sup> & other ill usages and and what made them suspect [ ] ill Intentions the more was that they in a manner prohibited them to come for the future in the white peo[ple]s Employ intimating y<sup>t</sup> at some time or other they might thro' a Mo[ ] hurt i. e. kill them when under the Protection of White people, intending thereby Mischief or plunder of the Traders Canoes. I am with great Esteem

Sir

Your Most Obed<sup>t</sup>. & most Hbl<sup>e</sup>.

Servant

D. C. D<sup>y</sup> to Sr. W<sup>m</sup>. Johns<sup>n</sup>. Esq

P. S. In case an Injunction is granted the Sauv<sup>s</sup> of St. Louis it ought to be put in force before the Term of Cartié's collecting his Rents w<sup>ch</sup>. is on St. Martins day the 11 of Nov<sup>r</sup> next.

D<sup>r</sup> S<sup>r</sup>

Agreeable to your Directions I discoursed w<sup>th</sup>. M<sup>r</sup>. Panet ab<sup>t</sup>. obtain<sup>g</sup> an Injunc[tion] upon the Rents in Dispute between Cartié & the Savages w<sup>ch</sup>. he engaged to do, accordingly I called

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upon him ag<sup>n</sup>. sometime after but said he had as yet done nothing in it & seemed to me rather indifferent ab<sup>t</sup>. y<sup>e</sup>. aff<sup>r</sup>. I happend afterwards in Comp<sup>y</sup>. w<sup>th</sup>. Mr. Martell the Judge & Mr. Collins, the latter explaining [every] thing to him thoroughly who gave it as his Opinion that an Injunction [ ] be obtained from the president & Council & did not doubt of its being [ ] upon due Application Instances of the kind occurring very often, & that the court [ ] Pleas would not med<sup>le</sup>. in the aff<sup>r</sup>. I therefore wrote by Mr. Collins to Mr. Cras [ ] in behalf of the Savages who will be best able to explain the Matter to him in its proper light I have hitherto been innocently accused of giving an [ ] Survey to Raymont Cartié for y<sup>e</sup> Ind<sup>a</sup>. Land obtain<sup>d</sup> it from Gen<sup>l</sup>. Burton & I only ordered the former Rent Roll for y<sup>e</sup>. Savages on Mr. Panets refus<sup>l</sup>. to act any more for them [ ] as I discovered by a Copy of my paper to Raymont the Original Gen<sup>l</sup>. [ ] demanded of him for what reason I cant conceive I am clear in my Conscience to [ ] acted for the Interest of the Ind<sup>a</sup> as far in my Power lay my opposing Gen<sup>l</sup>. Burton ord<sup>r</sup>. f[ ] who was bound to see the Ind<sup>a</sup>. Justice done must have been looked upon by every one as conceited [ ] in me. If Cartié & Raymont meant to defraud the Ind<sup>a</sup>. of their Rent or drew a defective [ ] it can never [ ] for Government to rectify it w<sup>th</sup>out the least prejudice to those that rectified the Survey [ ] ding upon the Veracity of a sworn Survey<sup>r</sup>. I have now settled & specified with [ ] & shall prepare for my Return most of Ind<sup>a</sup>. being gone hunting [ ] be happy to hear from & give our News While I remain with great Regard

Dr Sir

Your most [ ]  
[ ]To  
HENERY KNELLER Esq<sup>r</sup>

Le Soursigné Missionnaire a St. Regis Certifie que Sur la fin de l'année Derniere Monsieur le chevalier hertel obtint des iro-

quois De St. Regis la permission de se battre une maison de bois aux Conditions suivantes qu'il proposa luy meme en ma presence que je luy servise de temoin et d'interprete et que je donnasse connoissance de sa parole a Monsieur le General afin que les Sauvages fussent parfaitement Convaincu qu'il ne vouloit point les tromper. voici donc ses conditions

1<sup>o</sup>. qu'il ne vendroit sa maison a qui que ce soit, anglois, françois ou sauvage sans la permission et l'agrement des iroquois.

2<sup>o</sup>. que quand il partiroit il laisseroit sa d<sup>e</sup>. maison aux chefs iroquois et a leur Missionnaire pour la vendre a qui bon leur sembleroit moyennant qu'on luy tiendroit Compte de l'argent qu'on en trouveroit.

3<sup>o</sup>. que quand les Abenakis quitteroient St. Regis il Partiroit aussitot luy meme de St. Regis Sans que sa maison invandue ni ses credits mon payés pussent etre pour luy un pretextte d'y rester plus longtemps.

J'atteste et certifie aussi que les susdites propositions ecrites de Ma main ont etée Remises a Monsieur le General Carleton par m<sup>r</sup> hertel. C'est Monsieur Carleton luy meme qui me l'a dit en presence Du d<sup>t</sup>. Mr Hertel en foy de quoy J'ay Signe le Present certificat au Sault St. Louis ce 30<sup>e</sup> 7<sup>bre</sup>. 1770.

A. GORDON, Jesuite

To HENERY KNELLER Esq<sup>r</sup>.

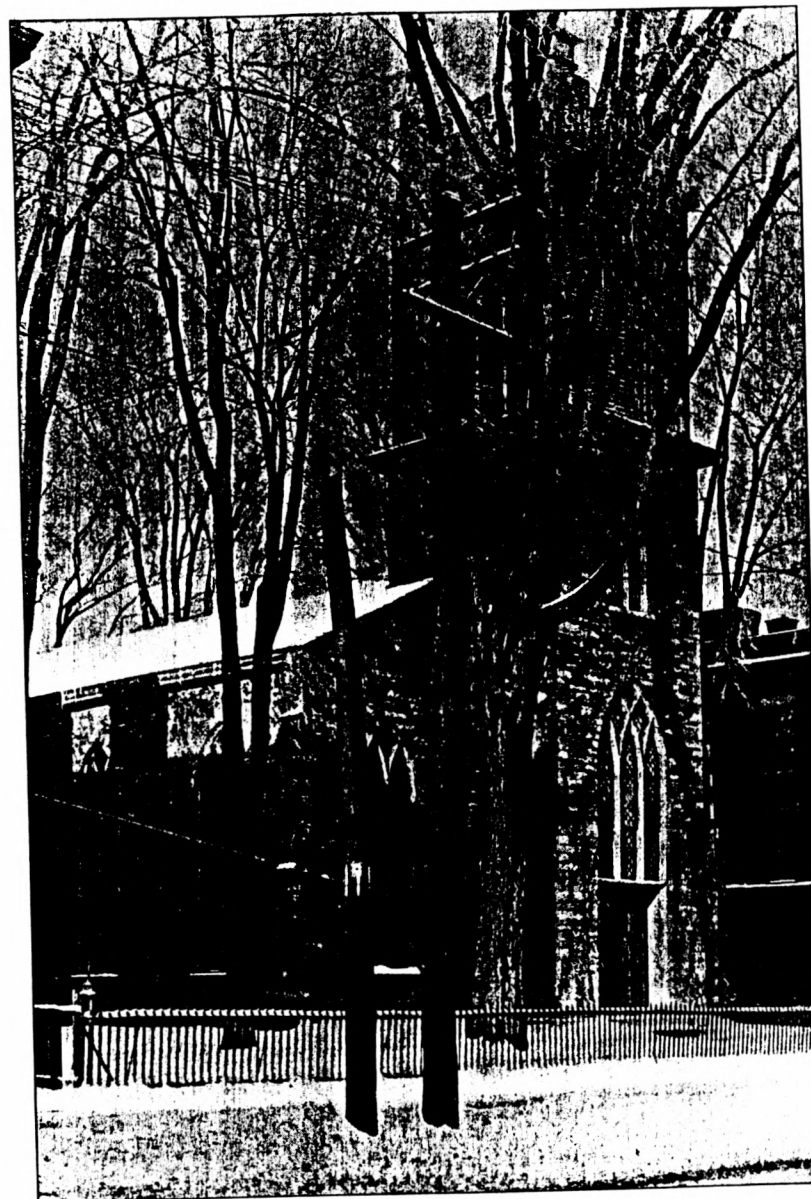
INDORSED:

[ ]  
And. Mr. Kneller K<sup>t</sup>. Attorney3<sup>d</sup>. Oct<sup>r</sup>. 1770.By Mr. Collins D<sup>r</sup> Surv<sup>r</sup> Gen<sup>l</sup>

Translation

To  
HENERY KNELLER Esq<sup>r</sup>.

I the undersigned missionary at St. Regis certify that toward the end of last year the chevalier Hertel obtained from the Iroquois of St. Regis permission to build himself a wooden house on



ST JOHN'S EPISCOPAL CHURCH, JOHNSTOWN, N. Y.  
Sir William Johnson is buried in the churchyard

# THE PAPERS OF SIR WILLIAM JOHNSON

Prepared for publication by  
The Division of Archives and History

ALEXANDER C. FLICK Ph.D., Litt.D.

*Director and State Historian*

VOLUME VIII

ALBANY

THE UNIVERSITY OF THE STATE OF NEW YORK

1933



our Church, as I am fully persuaded from your former publications that the perusal of this would have yielded me new Satisfaction, and proved a fresh Testimony of your Zeal & Capacity for Vindicating its Conduct.

As I hear Mr Wetherhead left N York sometime ago tho' he has not been as yet here I will not despair of getting your present as possibly it may be in his hands and that he chuses to deliver it in person

It is impossible to avoid some degree of personal altercation in Controversies that have subsisted for anytime, I am under no apprehension of finding you to have given in too much to what you Justly Stile an Epidemical Evil, your former productions are proofs that you Stand in little need of such resources.— As for the little part which I take in these matters I think it the duty of every good Man to contribute all in his power to promote the Interests of a Church, that has such Strong pretensions to protection and I only wish that my endeavors were of consequence enough to Intitle more to the Compliment you pay me.— I am fully persuaded that by perseverance we shall at last attain the Object of our reasonable Wishes, but this Subject I shall not at present inlarge upon, as I am in hopes of recovering the Pamphlet, & paying the Tribute due to its Merit in another Letter.— In the mean time allow me to assure you of the true friendship with which I am &c

D<sup>a</sup>. CHANDLER

TO HECTOR THEODORE CRAMAHE

*Df.*<sup>1</sup>

[Johnson hall, July 11<sup>th</sup> 1771]

[ ]  
During a Congress with the [ ]  
at this place I have been visited by 22 Indians Dep<sup>ys</sup> from the  
Village of Caghnawaga in your Government who represent that

<sup>1</sup> In handwriting of Guy Johnson.

two Indian Families there have expressed an Intention to bring some French Families & Settle them on the Lands reserved for their common use, the ill consequences of which and the bad tendency of such a precedent they have fully enlarged upon, & particularly intreated my interposition to prevent it — Sensible of the propriety of their objections to such Settlements but at a loss how to prevent them effectually, I Judged it best to mention it to you In whose power I apprehend it is to restrict White Men from Ind<sup>a</sup> Lands so circumstanced.

It would be no difficult matter for me to point out to you the many just reasons for Gratifying the request of the Indians and for preventing Settlements, that will be the cause of much Trouble, & disturbance, but as I am now in the midst of a Treaty I have scarcely a Moments Time to Spare, & as Coll Claus who goes forthwith to Canada, can lay them fully before you I take the Liberty of referring you to his Information concerning these particulars, persuaded that You will take any Step in your power that is necessary for preserving the Quiet of that part of your Province, and restoring Tranquillity to the Indians.

I am with much Esteem

Sir  
&c

The Honble HECT<sup>a</sup>.  
THO<sup>a</sup>. CRAMAHE Esq<sup>r</sup>.  
Comd<sup>t</sup>. in Chief  
of y<sup>e</sup>. Province of Quebec<sup>1</sup>

INDORSED:

July 16<sup>th</sup> 1771 —

To the Hon<sup>ble</sup>. Hect<sup>r</sup>. Theo<sup>a</sup>.  
Cramahe Esq<sup>r</sup> Lt. Gov<sup>r</sup>.  
of the Prov<sup>ce</sup>. of Quebec.

<sup>1</sup> This addition in Johnson's hand in place of "Lt. Govr. of Quebec" which is crossed out in the manuscript.

1771/07/15

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# THE PAPERS OF SIR WILLIAM JOHNSON

Prepared for publication by

MILTON W. HAMILTON, Ph.D.  
*Senior Historian*

Division of Archives and History

ALBERT B. COREY, Ph.D., Litt.D.  
*Director and State Historian*

VOLUME XIII

see p. 503-4

JOHNSON  
Matthew Pratt. In Johnson Hall.

ALBANY

THE UNIVERSITY OF THE STATE OF NEW YORK  
1962

Y194-My61-2000



## Papers

## Land and Indian Affairs 1764-1773

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NECTADY

ady, Jan. 20, 1771]

\* \*

[ ]

LAS F. VAN PETTEN  
WEMPLE

J. MARSELIUS

Is[AAC] WEMPLE

T WEMPLE

S. BRATT

ES OSBURN

ERT R. WEMPLE

JS VAN EPS JUNR.

RUSS

BROWER

LIUS ROMKEL

RYNEX

JACOB SWETS

T VAN SCHAICK

LIUS GROOT

V. SANDFORDT

VAN VORST

L STEERS

NDER MARSELIUS

VAN PETTEN

ES VEIDER

VES FORT

D. VAN VORST

NUS VAN SLYCK

POST

list of signers; should be  
Papers, 7:1105-07.WM. MCENTIRE  
JAMES WILSON  
BYNEAR MYNDERSE  
JOHN KNOX  
JACOBUS VROMAN  
HENRY V. DRESEN  
JAMES SHULER  
RICHARD SMITH  
DAVID PEAKWILLIAM PETUS  
JOHN R. MYNDERS  
PETER PETERSON  
SIMON GROOT  
ABRAHAM GROOT  
HUGH MITCHELL  
JOHN A. BRADTT  
JACOB A. VROMAN  
JACOB BRADTT  
ABRM. G. LANSING  
ABRM. BRADTT. —

## INDORSED:

Copy of the Petition of the  
Freeholders & Inhabitants of the  
Township of Schenectady  
ag<sup>t</sup>. Ryer Schermerhorn & Ors.

## SPEECH TO CAGHNAWAGEYS

D.<sup>1</sup>

[Johnson Hall, July 15, 1771]

Sr. W<sup>m</sup>. Johnsons Speech to the Caghnaw<sup>y</sup>. Dy<sup>s</sup>. Speech of 15<sup>th</sup>.  
July 1771.<sup>2</sup> after Condoling for Onughrageghte their chief ab<sup>t</sup>.  
100 y<sup>r</sup>. old who died this Spring.

## Brothers

I have heard your Compl<sup>t</sup>. and I agree with you in Opinion  
that it will be most conven<sup>t</sup>. for you to hold y<sup>r</sup>. Lands in the  
manner you desire that no white people should be permitted to<sup>1</sup> In Canadian Archives, Claus Papers, Diary 5. In handwriting of  
Daniel Claus.<sup>2</sup> See Proceedings of a Congress in July, 1771. *Doc. Rel. Col. Hist.*  
N.Y., 8:282-83.

settle there upon. I have therefore wrote a Letter to the Gov<sup>r</sup>. of Quebec abt. it w<sup>th</sup>. a View that the french People may be prevented from Settling thereupon; w<sup>ch</sup>. I think the best Measure to be taken for answering your Desires, and in the mean time I hope you will demean yourselves Soberly and discretely, without entring into any Quarrels concern<sup>d</sup>. it.

a Belt.

NB To mention to the Gov<sup>r</sup>. of Quebec that the Ind<sup>ns</sup>. of Caghny. have the Enjoy<sup>mt</sup>. of their Lands while they remain there otherways to revert to y<sup>e</sup>. Crown.

Bro<sup>rs</sup>.

The Story you tell me of the Interpr<sup>r</sup>. is not of Consequence enough to give you any Concern, when he spoke in the idle Manner that you represent, /: for w<sup>ch</sup>. he is justly blameable, I suppose he must have been in Liquor or over come with Passion, as you must all well know that the English have promised you Protection & favour, and will afford it to you so long as you deserve it; Continue therefore to act like sincere Good Men, faithful to your Engagem<sup>ts</sup>. And you may be assured that you have nothing to fear but that you may confidently rely on the favour of the King, and be assured of my Friendship.

a Belt.

Bro<sup>rs</sup>.

Your Bro<sup>r</sup>. Col<sup>o</sup>. Claus my Dep<sup>y</sup>. who has the Care of your Concerns in Canada, being abt. to proceed thither is instructed by me to enquire into your Aff<sup>rs</sup>. & to use all his Endeav<sup>rs</sup>. for procuring every reason<sup>ble</sup>. Demand to w<sup>ch</sup>. you can made Pre<sup>ten</sup>s<sup>s</sup>.

a Belt

Bro<sup>rs</sup>.

I am sorry to find the Consequences of Philips s Conduct have extended so far & that a chief Woman sh<sup>d</sup>. suffer on his Acc<sup>t</sup>. Nothing in my Power shall be wanting to apply proper Remedies to these Disorders. And I dare say that Col<sup>o</sup>. Claus



on Papers

Land and Indian Affairs 1764-1773

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wrote a Letter to the Gov<sup>r</sup>.  
e french People may be pre-  
I think the best Measure to  
s, and in the mean time I  
erly and discretely, without

a Belt.

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Lands while they remain  
wn.

erp<sup>r</sup>. is not of Consequence  
when he spoke in the idle  
th. he is justly blameable, I  
or over come with Passion,  
English have promised you  
it to you so long as you  
t like sincere Good Men,  
I may be assured that you  
ay confidently rely on the  
f my Friendship.

a Belt.

who has the Care of your  
oceed thither is instructed  
o use all his Endeav<sup>rs</sup>. for  
wch. you can made Pre-

a Belt

er of Philips's Conduct  
Woman sh<sup>d</sup> suffer on his  
wanting to apply proper  
dare say that Col<sup>o</sup>. Claus

will be able now to settle all Matters amicably for if they will  
not pay due Regard to his Admonition, w<sup>ch</sup>. they may be as-  
sured will always be for their Good they cant expect my Good  
Will. —

a Belt

## RECEIPT

Copy<sup>1</sup>Johnson Hall September 28<sup>th</sup>. 1771.

Received of Mess<sup>rs</sup>. Bartholomew and Peter Vroman of  
Scohare the Sum of four Hundred Pounds Which they passed a  
Bond for in my prescence, and that for a Tract of Low Land  
bought by them of the Scohare Indians which Sum I am to de-  
liver to the Indians when all Assembled in Council.

W JOHNSON

<sup>1</sup> In New York State Library. Facsimile copy by Rufus A. Grider  
from original owned by A. G. Richmond of Canajoharie. April 1888.  
In Grider Scrapbook, Vol. 8. p. 18.

Chateauguay  
Finances  
35

Requise  
par  
Mad. d. Youville

Hon. Carleton  
Lieut. Gouverneur  
de la Province  
de Quebec et ses dependances  
et de  
des Sauvages

A Son Excellence

L'honorable Guy Carleton Ecuyer,  
Lieutenant Gouverneur et Commandant  
en chef pour Sa Majesté de La province  
de Quebec et ses dependances

SOUS-CHIEF  
ARCHIVES  
DE MONTRÉAL

La Dame veuve Youville Directrice et Administratrice  
du Bien des pauvres de L'hopital general de Montreal  
prend La Liberté de faire a votre Excellence Les  
trois humbles representations suivantes, a L'occasion  
de la presentation des sauvages, ~~pour une partie de~~

La seigneurie de Chateauguay dont Les pauvres  
du dit hopital general sont propriétaires

par Le titre de Concession de La seigneurie de  
Chateauguay, accordé par M. De Frontenac  
alors Gouverneur General pour Sa M. L. C.  
en le mois, Le 29. bre. 1673. en faveur de M.  
Le Moine de Longueuil il est positivement dit  
que La dite seigneurie commence a dix arpents  
au dessous de La riviere du Loup.



2<sup>o</sup> par le Contrat de vente faite par le Sieur  
De Longueuil au son Sieur Lanoue le 6. aout  
1706. Les mêmes Limites sont désignées

3<sup>o</sup> par l'aveu et Denombrement fait par le dit  
Sieur Lanoue de la dite seigneurie de Châteauguay  
a M. Begon alors prétendant en le pair d'atte  
du 9. juin 1724. il est fait mention que la  
première terre de la dite seigneurie a été Concé  
a M. Desligneris fils, laquelle contient dix  
arpents de front; qu'au dessus de cette terre, est la  
rivière du Loup.

De cet aveu et denombrement reconnu véritable  
et signé de M. Begon intendant, il est incontestable  
que la rivière du Loup étoit dix arpents au dessus  
la terre Concé à M. Desligneris; Cette terre n'a  
point changé, elle existe encore puisque M.  
MacKay qui a épousé une D<sup>lle</sup> Desligneris en est  
aujourd'hui propriétaire par les partages qui ont été  
faits des Biens dudit Sieur Desligneris.

Le Contrat de Concession de la dite terre en  
faveur du dit Sieur Desligneris du 14 juin 1715 —  
prouve encore plus clairement Les Limites de la  
seigneurie voyez comment il s'explique

« La quantité de 10 arpents de terre de front sur 30  
 « de profondeur sise en La seigneurie de Châteauguay  
 « à prendre et joignant La seigneurie des Révérends  
 « pères jésuites (aujourd'hui aux sauvages) en —  
 « remontant au sud-ouest jusqu'à La rivière du Loup.

il est donc clairement prouvé que dès 1715. La rivière  
 du Loup que les sauvages veulent faire passer —  
 aujourd'hui pour un bras du fleuve St Laurent, étoit  
 nommée telle; dès ce temps La terre concédée  
 à M. Deslogeris, étoit séparée d'un côté par les  
 jésuites et de l'autre côté par La rivière du Loup.

Les sauvages sont d'autant mieux fondés à  
 s'engager en novateurs et à réclamer des terres qui ont  
 payées rentes dès 1715 au seigneur de Châteauguay  
 que leur titre est de beaucoup a posteriori à celui  
 de Châteauguay.

Supposante intéressée à soutenir les intérêts des  
 pauvres espère trouver dans ses titres et dans votre  
 équité une décision favorable, La possession de ses  
 représentant non interrompue depuis cinquante deux ans  
 Les désignations fixes de La première terre de La  
 seigneurie de Châteauguay; La dénomination de La  
 rivière du Loup, connue pour telle par celui qui —



Représentoit La personne d'un fourrier en ce pays  
enfin s'il est nécessaire Les témoignage de tous Les  
habitans de Chateauguay ; toutes ces preuves  
mutitantes concourent a justifier Le Bon droit de  
L'exposante, Laquelle au surplus soumet entièrement  
ses très humbles representation a votre Excellence,  
pour La santé et prosperité de Laquelle elle  
ne cessera de faire au Ciel Les vœux Les  
plus ardens /

1891/1892

Requeto a L<sup>le</sup> Honorable  
M<sup>re</sup> Guy Carlton Currier  
Intendant Gouveneur  
par  
M<sup>me</sup> Marie Gouville  
Directrice Administrative  
du Bureau des Pauvres de  
l'Hopital Général de Mont-  
real, a l'occasion de la  
présentation des Savages, ou  
une partie de la soirée de débat  
dont les pauvres sont proprié-  
taires



TRANSCRIPT OF DOCUMENT DATED FEBRUARY 12, 1772:

That your Memorialist was proprietor of a valuable tract of Land in the province of Quebec about four leagues above Montreal on the south side of the River Saint Lawrence.

That the whole of your Memorialist's said property which consisted of two parcels of Land belonged formerly to Zachariah Robartel La Noüe Esqr. and was conveyed to the Memorialist in the following manner. The said Zachariah Robartel La Noüe assigned and made over one of the said two parcels containing ten arpents in width and twenty five arpents in depth to Francis Marie Merchand Desligneris Esqr. in the year 1725 which parcel was possessed by and was the sole property of the said Mr. Desligneris for upwards of 48 years as can be made appear by Deeds in the actual possession of your Memorialist, the boundaries of which parcel of Lands were resurveyed and fixed according to the laws of Canada in 1724.

Mr. Desligneris having been wounded at Niagara, of which wounds he died, his Widow and executrix to do justice to all his children (one of whom your Memorialist married) put up to public sale some time in July 1764 the said parcel of Land being ten arpents in front and twenty five arpents in depth which your Memorialist purchased in the presence of the Iroquois Indians assisted by their Priest, and Mr. Panet Notary Public in Montreal, and agent for the said Indians who wrote the said Deed of sale, which was confirmed agreeable to the Laws and Customs of the Country three weeks after, being published in all the neighbouring parishes; in consequence of which your Memorialist was admitted into legal possession the 24th August 1764.

On the 23d of August 1764 Mess. de la Noue executrix to the above Zachariah Robartel de la Noue and aunt to the Memorialist's wife not only confirmed to your Memorialist the above ten arpents in front and twenty five arpents in depth which he had purchase but also conveyed to him a second parcel of land adjoining to the first and extending three leagues in depth and ten arpents in front. Both these parcels made part of the Seigneurie of Chateaugay, which had been long the property of the Mess. de la Noue's family.

Your memorialist continued in the quiet possession of the said Lands until the year 1767 ... [describes how he granted his brother a contract to cut and sell wood from the land] ... He was prevented from proceeding by having been \_ an injunction from the governor in Chancery in consequence of a complaint made to his Excellency by three of the Indians ...

In the year 1768 on the arrival of your Memorialist at Quebec from England he waited on his Excellency Governor Carleton, the conversation between them respecting the above Lands.

Your Memorialist was happy in the opportunity of submitting his Title and Right to his Excellency or to whomsoever he might appoint into the same, and was willing to abide by any decision which he or they might make upon it. His Excellency seemingly acquiesced to the Title which your Memorialist had to the said Lands and wished to know the terms upon which your Memorialist would relinquish his right in order that the lands might be given up to the Indians, the proposals made at that time by your Memorialist were that he would give up the whole upon the same terms and at the same rate, at which he had purchased that part of the said Lands which he had bought by public sale, in the proportion of ten arpents in front, and twenty five arpents in depth. His Excellency seemed well satisfied with the above proposal and made no objection to it whatever.

Some months after your Memorialist had the honour of waiting on his Excellency at Montreal and resuming their former conversation, his Excellency desired to know what value the above tract of Land would amount to, and finding the sum to amount to more than he expected, in so much that he thought he was not authorized to draw for it on his Majesty's Treasury, he desired your Memorialist to postpone every thing about the said Lands until he could have an answer from England.

Your Memorialist waited with great anxiety to hear further from His Excellency but was not able to procure any answer until the summer following, when his Excellency made his annual visit to Montreal; at this time a publick Congress was held with the Indians as usual, at which Congress your Memorialist attended, and the Indians were very impatient to have the business about the above Lands brought to a final conclusion, and proposed that the dispute might be referred to arbitration, to which your Memorialist readily consented, the Indians appointing James Livingstone Esqr. their arbitrator and your Memorialist appointed Peter Panet Esqr. but no steps were taken by these arbitrators for sealing the matter the \_ applied to for that purpose.

The following summer 1770 his Excellency making his annual visit to Montreal, your Memorialist reminded him of what had passed, and his Excellency at that time came to the following conclusion with your Memorialist in June 1770

That if your Memorialist would consent to relinquish his Right and Title to the above tract of Land, in order that he might make a present of it in his Majesty's name to the said Indians, who were hourly expected at a Congress then to be held, his Excellency engaged to recommend your Memorialist to Government to obtain him a sufficient equivalent, either by a pecuniary gratuity, or some office or employment from his Majesty to which your Memorialist readily assented.

A few hours previous to the assembling in Congress his Excellency asked your Memorialist if he had your Memorialists consent to declare to the Indian that he relinquished his Right and Title to the above Lands to which your Memorialist repeated his consent, on the conditions aforesaid, The Congress being met his Excellency publicly declared that your Memorialist had consented to give up his Right to the said Lands to his Majesty which his Excellency said was from that time the property of the Indians who called for your Memorialist to confirm what the Governor had declared, and the Indians returned your Memorialist publick and personal thanks for such condescension in the presence of many of the Gentlemen of the army viz. Colonel Christie Major Maxwell and Mons. Saint Luc la Come &c. some of whom heard the terms agreed on between your Memorialist and his Excellency as above mentioned.

Your Memorialist takes the liberty of annexing to this his Memorial a report of the measurement and value of the Lands which he relinquished as it has been drawn up by a very able and experienced survey by which it will appear that the actual value of the Lands upon the most moderate computation amounts to Two thousand five hundred pounds besides the very great loss sustained by the Cordwood which your Memorialist's Brother had cut and prepared, the greatest part of which was destroyed by the Indians, amounting in value to near seven hundred pounds.

Your Memorialist humbly submits his Case to your Lordships consideration and humbly prays that your Lordships will order him payment of the above price or value of his Lands with the interest thereof from the month of August 1767 when the Governor issued his said Injunction as Chancellor, and thereby in effect gave the Indians possession of the Memorialist's property and that the damages may be made good to the Memorialist and his Brother which they have sustained by the destruction of the said cord wood which had been cut down by the Memorialist's brother at a great expence and afterwards burnt or destroyed by the said Indians in consequence of the said Injunction by which means the contract with the Barrack Master could not be fulfilled without great loss and expence.



To the Right Honble the Lords Commissioners of  
the Board of Trade and Plantations.

Most humbly sheweth

The Memorial of Francis Mookay Esq.

Thank you. Herewith was, perhaps, of a similar sort, and  
in the process of being sent you before about March on the south coast of the re-  
cent of the same.

That the whole of your Memorial and papers which consisted of two parcels of papers belonged formerly to Nathaniel Robert Le Ross Esq; and were conveyed to the Memorialist in the following manner. The said Nathaniel Robert Le Ross, Esq; read and made over one of the said two parcels, containing ten reports in Swedish and twenty five reports in Danish to Larsen, Knudsen, Merchant & Judge of the Court of this parish, as published by and was the subject of the case of the said Larsen & Knudsen of 18 years, to be made up as by evidence in actual possession of you, Memorialist; the boundaries of which parcel of papers were reviewed and found according to the Law of Sweden, 1792.

Mr. DeGaligner, having been awarded at London, of distinction as  
he did, his Master and Country, to do justice to all his abilities, and for  
a Memorialist, put up the public sale, some time in July 1818, the same being  
of order being ten minutes before and ten minutes after, in which your  
Memorialist, present in the presence of the Judges, and also by their  
friends, and Mr. Daniel Henry Public in Montreal, and also for the said, Judge,  
who wrote the said deed of public notice, was confirmed, agreeable to the  
Rites and Customs of the Country, these minutes after being published in  
all the neighbouring Parishes, in consequence of which your Memorialist was not  
mistaken into legal profession the 1st August 1818.

On the 23<sup>rd</sup> of August 1861. Hesp. de la Haute Garonne is the  
about Takovich. Robert de la Haute <sup>and</sup> sent to the Government & Police  
not only informed to your. Personalist the above for separate in front sent

The Homestead.

Branch: Newbury Port  
At the ... ..

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Accession	1	Index	1



twelve five marks in debt, which he had pawned, but also consented to him  
some parcel of lands adjoining to the first and extending three leagues in  
depth and ten arpents in front. Both these parcels made part of the suc-  
cession of Chalangey, which had been long the property of the ~~marquis de~~  
la Roche family.

Your Memorialist continued in the quiet possession of his estate, and the quiet of which year passed. Memorialist's Brother entered into a most much valued relation, & carried with him general to supply the services. Brothers with him, there is, five hundred loads of fire wood ready for the more common and employed about each people, and the wood forward to supply his contract. The above two parcels of wood were sent on to the Fort San Jose, enabled your Memorialist's Brother to order the wood. Contract even seems beneficial to himself, and not at the same time advantage to the Public. Some time after his brother had at about that thousand loads of wood, the wood prevented from proceeding, but having been with an expedition from the governor in charging, in consequence of a most sudden and sudden change of the Indians, upon which your Memorialist's Brother waited on his Excellency at Quebec, and represented in great words he would maintain it he was forced to discharge his people before he had completed his contract, which he had engaged to fulfil under a penalty of five hundred pounds. The further he had of his Excellency, to arrange your Memorialist to the wood lands, to which his Excellency replied that the same was open, and would nothing more at that time, but your Memorialist's Brother having desired of his Excellency to enforce him what the consequence would be if he did not show the Frenchman, his Excellency replied, that he did not have any power to compel him to move upon which your Memorialist's Brother as satisfied as a person, and discharged his people who were employed in cutting the firewood to his very great loss, as he was obliged to complete his contract from other hands, very inconvenient for transporting wood to Montreal, and the greater part of the wood wood which your Memorialist's Brother was at the expense of cutting was burnt, and destroyed.

By the great joy on the arrival of your. Monarchist at Quebec  
England, he waited on his Excellency Governor Carleton, the introduction  
between them ~~was~~ respecting the above London.

[illegible]

visit to Bontrea



Your Memorialist was happy in the opportunity of submitting his title and right to his Excellency or to whomsoever he might appoint to administer the same, and was willing to abide by any decision which he or they might make upon it. His Excellency was very acquiescent to the title, which your Memorialist had to the said Lands, and wished to know the terms upon which your Memorialist would relinquish his right in order that the Lands might be given up to the Indians - the proposals made at that time by your Memorialist were that he would give up the whole upon the same terms and at the same rate, at which he had purchased that part of the said Lands which he had bought by public sale, in the proportion of ten arpents square and twenty five arpents in depth. His Excellency seemed well satisfied with the above proposal, and made no objection to it whatever.

Some months after your Memorialist had the honour of waiting on his Excellency at Montreal, and renewing their former conversation his Excellency desired to know what value the above tract of Land would amount to and finding the sum to amount to more than he expected, so much so that he thought he was not authorized to draw for it on his Majesty's Treasury, he desired your Memorialist to purchase some thing about the said Lands, until he could have an answer from England.

Your Memorialist waited with great anxiety a few farther from his Excellency, but was not able to procure any answer until the following winter when his Excellency made his annual visit to Montreal at which time a public Council was held with the Indians as usual, at which Council your Memorialist attended, and the Indians were very desirous to have the Councils about the above Lands brought to a final conclusion and proposed that the dispute might be referred to arbitration, to which your Memorialist readily consented, the Indians appointing James Livingston Esq. their Arbitrator, and your Memorialist appointed Peter Paul Esq. but no steps were taken by these arbitrators for settling the matter, the affair applied to further purpose.

The following summer 1770. his Excellency making his annual visit to Montreal your Memorialist attended him of what had passed, and

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1772/02/14



and that Excellency at that time came to the following conclusion with  
your Honorariat in June 1770.

That if your Honorariat would consent to relinquish his claim  
and debt to the above land of Land, in order that he might make a present  
of it to his Majesty's name in the said Indian, who were hereby  
paid at a price for them to be held, his Excellency engaged to give  
your Honorariat to Government to obtain him a sufficient compensation,  
either by a pecuniary gratuity, or some office or employment, from the  
treasury to which your Honorariat readily assented.

I for having previous to the aforesaid in Congress his Excellency  
asked your Honorariat if he had any Honorariat to present to the said  
treasury that he relinquished his right and debt to the above Land, and  
your Honorariat repeated his consent, on the conditions aforesaid, &  
Congress have not his Excellency published declared that your Honorariat  
had consented to give up his right to the said Land to his Majesty, saying  
which his Excellency said was from that time the property of the crown  
relinquished for you. Honorariat is informed what the Governor had done  
and a Indian shared your Honorariat public and private  
thanks for such consideration in the presence of many of the gentlemen  
of the army, viz Colonel Lincoln, Major Munnell and others of the  
Army, some of whom heard the terms agreed on between your Honorariat  
and his Excellency as above mentioned.

Your Honorariat takes the liberty of annexing to this  
Memorial a report of the measurement and value of the Land which he  
relinquished, and has been drawn up by every able and experienced surveyor  
by which it will appear that the actual value of the Land upon the most  
reasonable estimation amounts to two thousand five hundred pounds & that  
was not left sustained by the Cordwood which your Honorariat had  
cut and prepared, the greatest part of which was destroyed by the  
Indians, amounting in value to near seven hundred pounds.

Your Honorariat humbly submits his case to your Lordships con-  
sideration, and humbly prays that your Lordships will order his payment.

5772/0242



of the above price or value of his Lands with the Interest thereof from the  
 month of August 1767 when the Governor issued his said judgement as  
 Honorable, and thereby in effect gave the Indians possession of your Memorial  
 its property, and that the damages may be made good to your Memorial  
 and his Brother which they have sustained by the destruction of the said farm  
 wood which had been cut down by your Memorial's Brother at a great  
 expense, and afterwards burnt or destroyed by the said Indians in consequence  
 of the said hijacking, by which means the Contract with the French Market  
 could not be fulfilled without great loss and expense

And your Memorial is to be desired  
 will ever remain Sir

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1772/02/12



(No. 17.)  
Duplicate)

My Lord!

Your Lordship  
of His Majesty's  
Province for  
the City of London  
the greatest

of Hillsborough  
One of His Majesty's Council  
Secretaries of State

Quaker.  
The Memorial of  
Francis Mackay Esq<sup>r</sup>  
to the Board, dated Feb<sup>y</sup> 12<sup>th</sup>  
1772, stating his right to some  
Lands in the province of  
Quebec, which he relinquished  
to His Majesty on certain  
conditions mentioned in the  
said Memorial; & praying  
the payment of the value  
of the said Lands, with the  
interest thereof from August  
1767, & that the damages  
sustained by him and his  
Brother from the Indians  
may be made good to them.



The piece of Land you are possessed of in Annona being 10 arpents in width next the River and three Leagues in length. I find that as an Arpent measures 10 paces or paces and each pace or pace measures 10 feet, that the width of your Estate measures 1000 feet. I also find that as one League contains 2000 Toise and each Toise measures 6 feet that the length of your Estate measures 3600 feet consequently the square measures thereof is as follows

4400000 Square feet

200000 Square Paces or Paces

2000 Square Arpents

Which makes just 150. Arpents or Acres of 26. Acres each in that of each shore as related at the River the value of the small Estate will be 1500 pounds

Your most Obedient

and very humble Servant

John Wilkes

John Wilkes Esq. Newington Street

12 February 1721

1773/06/22

(No. 4)

Rt. PAC-MG-11. Q 9

H. 34, 39

Quebec 22<sup>d</sup> June 1773.

34

My Lord.

Herewith inclosed, I transmit to Your Lordship a Copy of the Minutes of His Majesty's Council of this Province for the three Months ending the 31<sup>st</sup> of last March; for want of a sufficient Number of Members to constitute a Board, no Council was held during the three Months preceding that Period -

Since my last I have been honoured with Your Lordships several Dispatches N<sup>o</sup> 2, 3, 4, 5, 6, 7, and 8., as well as Circular Letters of the 5<sup>th</sup> December and 2<sup>d</sup> February; the Expectation I entertained of being able to give Your Lordship some certain Information in Regard to Ramsay, the Subject of your Letter No. 2., and a Tour I took this Spring to the upper Parts of the Province, occasioned my deferring to answer them for some Time, and it is but a very few Days since I returned to this Place.

Thursday's Post from Montreal brought an Account of Ramsay's Brother having been conducted Prisoner there from Albany, where he was taken up, is present at, and an Accomplice in the Murder of the Indians near Niagara, the only Chance of bringing the former

to

1773/06/22



the Pleasure of finding the People everywhere thriving and improving, and every Thing as peaceable as could be expected, some little Disquiets among the Indians at Saint St. Louis and Lake of the two Mountains only excepted, about the Boundaries of the former, and the usual Complaints of the latter, in Regard to the Rum Trade; the former are in a Train of Accommodation, and, I hope, we shall be able to keep the Indians on the Lake quiet, untill a Method can be fallen upon to regulate that Business.

I have the Honor to be with  
great Respect,

My Lord;  
Your Lordship's  
Most Obedient And  
Most Humble Servant  
H. J. Cramahé

Earl of Dartmouth  
One of His Majesty's  
Principal Secretaries  
of State -

Endorsed: - Quebec 22<sup>nd</sup> June 1773.

Lieut. Gov<sup>r</sup> Cramahé  
(N<sup>o</sup> 4)

R/ 17<sup>th</sup> August.

Int<sup>o</sup>

PARTIAL TRANSCRIPT OF DOC. DATED 1773/07/02:

...

The Indians of Sault St. Louis have with their most lively expressions of Gratitude recounted to me the satisfactory manner you were pleased to settle the Boundaries in Dispute at both Ends of their Seigneurie, and I think they above any other Indn. Nation ought to shew most firmly their attachmt. to our Government for so solid a Benefice conferred upon them as the holding of a Tract of Land already so well settled and capable of receiving yet a still greater numr. of Tenants wch. I often make them sensible of and that they never could have expected any thing of the kind while under the french Governmt.

...



Labrine 2nd July 1973.

175

I arrived at this place last Monday in order  
to pay my annual visit to the Temperate Nations  
of this province altho I had nothing material  
to transact with them for this present time.

It gave me much concern to find of having missed  
the opportunity of having <sup>and to express</sup> the pleasure of meeting  
you at Montreal where I understand you resided  
for some days and had I been aware of that I  
left home sooner than usual <sup>with</sup> <sup>you</sup> were it not that  
I had been more or less confined with that chronic  
Disorder of mine I intended being here by the beginning  
of June in order to return before the Month of Sept.

June is under to return up.  
The Indians of the Sault St. Louis have with the  
single Expressions of gratitude  
most grateful Expressions recounted to me the satisfactory manner  
you were pleased to settle the boundaries in dispute  
at both ends of their Seigneurie, and I think they  
any other Nations ought to show most fully their acknowledg-  
ment to our Government for so solid a Benefice conferred upon  
as the holding of a Tract of Land already so well settled and  
capable of receiving yet a still greater Num<sup>t</sup> of Tenants  
and to make them sensible of that they never could have  
any thing of the kind while under the French Government.

any thing of the kind while under the power of  
According to present appearances there will be no  
much trouble among the American part of his Garrison  
cannot at present agree in their being a party of the latter  
chiefs expected <sup>at the same time</sup> who will assist in  
with the diff. Nations of this Country so that it will be best to let  
it till they are ready in order to save double trouble of cutting them  
apart. Some Seneca told me the other day there was a great  
of mischief done in the upper Counties & sent as yet heard  
issued happened near Maine Ditchman who a long way from of carrying  
illness took at last met his fate Doctor of the Mission  
in Mass. I do hope for killing some Spaniards had Trade here  
which is Affair

msac m19 E1 lot 1 C-1473

It is well for Anderson's property, and  
for the Government



(No. 9.)

Duplicate

Ms. PAC. MG II, 29  
Quebec 6<sup>th</sup> October 1773.

176

176

My Lord!

Your Lordship will receive, herewith inclosed, under the Great Seal of the Province, the Copy of an Ordinance providing for the Administration of Justice during the absence of our present Chief Justice, upon which I shall not at present enlarge, Mr. Hey being on his way Home, who will furnish Your Lordship with whatever Explanations may be necessary on that head.

I am to acquaint your Lordship, that before the departure of the Chief Justice from Montreal, a Court was held there, whereat Ramsay, confined for the Murders of some Indians near Niagara, was, for want of Evidence, discharged by Proclamation; altho' this was unavoidable, it gives me much concern, especially as we have accounts by way of Albany, of four Canadians being murdered in Lake Ontario by some of the Senecas; all the particulars of this affair have not <sup>yet</sup> reached us, but as far as can be judged from what is pretty certainly known, it is owing to the Malignancy of one or a very few Individuals, no ways countenanced by the old men of the Nation, as there sent immediate notice of it to Sir William Johnson, from whom your Lordship will, no doubt, receive more ample Information, than I

at

1773/10/06



at present can give.

In a former Letter No. 4, I advised Your Lordship of some appearance of uneasiness among the Indians at Sault St. Louis, and the Lake of the two Mountains, I now have the pleasure to acquaint you, the former have, under the Sanction of Government, compromised their late Differences with some of their Neighbours, in relation to the Boundaries of their respective Seignuries, in such a manner, as seems to be perfectly satisfactory to them; As to the latter, their chief Complaint is against the Venders of Rum upon their hunting Grounds, which, these being mostly without the present Limits of the Province, it will not be easy to remedy, except its Civil Jurisdiction was to be further extended; they have behaved very well during the course of this Summer, and I hope are inclined to drop some other Claims they had set up, such as preventing the Traders disposing of dry Goods, but at certain places of their own choice, and pretending they had the sole right of piloting the Trading Canoes, all which, they were plainly told, could not be admitted.

The two Villages are very numerous, and as these Savages may hereafter prove very usefull or very troublesome, they certainly deserve the attention of Government, and to be indulged as much as possible while they behave well; their last

Crop of Indian Corn, upon which they principally depend for Subsistence, having failed, I assisted several of them with the necessary Provision to carry them to their Hunting Grounds, which, I hope, as it relieved them from their present Distress, will attach them more closely to the British Interests.

I have the Honor to be with the greatest Respect

My Lord!

Your Lordship's  
Most Obedient and  
Most Humble Servant  
H. J. Cramahé

Earl of Dartmouth, one of His Majesty's  
Principal Secretaries of State.

Endorsed:— Quebec 6<sup>th</sup> Oct. 1773.

Lieut. Gov<sup>r</sup> Cramahé  
(No. 9)

R/15<sup>th</sup> Nov<sup>r</sup>

Ent<sup>d</sup>

Dup. Orig<sup>l</sup> not rec<sup>d</sup>



6-7 EDWARD VII., A. 1907

THE QUEBEC ACT.<sup>1</sup>

ANNO DECIMO QUARTO

GEORGII III. REGIS.

CAP. LXXXIII.

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

Preamble.

Whereas His Majesty, by His Royal Proclamation, bearing 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 the Lake *Champlain*, until, in the same Latitude, it meets the River *Saint Lawrence* ; from thence up the Eastern Bank of the said River to the Lake *Ontario* ; thence through the Lake *Ontario*, and the River com-

The Territories, Islands, and Countries, in *North America*, belonging to *Great Britain*.

<sup>1</sup> The text of the Act is taken from the original folio black letter form in which it was first issued by the King's Printers. "London: Printed by Charles Eyre and William Strachan, Printers to the King's Most Excellent Majesty. MDCCLXXIV."

1774/100/100.

1870 VII., A. 1907

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Year of His  
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e Treaty of  
February, One  
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the Lake  
River com-

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m Strachan.

monly called *Niagara*; and thence along by the Eastern and 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 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 all 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.

annexed to  
the Province  
of *Quebec*.

Not to affect  
the Boundar-  
ies of any  
other Colony;

nor to make  
void other  
Rights for-  
merly  
granted

Former Pro-  
visions made  
for the Prov-  
ince to be  
null and void  
after May 1,  
1775.

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.

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 Provinces thereto adjoining; but that the same shall remain and be in Force, and have Effect, as if this Act had never been made.

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



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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 the 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 by the Governor and Council of *Quebec* for the Time being, relative to the Civil Government and Administration of Justice in the said Province, and all Commissions to Judges and other Officers thereof, be, and the same are hereby revoked, annulled, and made void, from and after the First Day of *May*, One thousand seven hundred and seventy-five.

Inhabitants  
of *Quebec*  
may profess  
the *Romish*  
Religion,  
subject to the  
King's  
Supremacy,  
as by Act 1  
*Eliz.*

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.

and the  
Clergy enjoy  
their ac-  
customed  
Dues.

Provision  
may be made  
by His  
Majesty for  
the Support  
of the  
Protestant  
Clergy.

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.

No person  
professing  
the *Romish*  
Religion  
obliged to  
take the Oath  
of 1 *Eliz.*

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*,

but to take,  
before the  
Governor,  
&c., the  
following  
Oath.

The Oath.

*I A. B. do sincerely promise and swear, That I will be faithful, and bear true Allegiance to His Majesty King GEORGE, and him*

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*will defend to the utmost of my Power, against all traiterous Conspiracies, and Attempts whatsoever, which shall be made against His Person, Crown, and Dignity; and I will do my utmost Endeavour to disclose and make known to His Majesty, His Heirs and Successors, all Treasons, and traiterous 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.

Persons refusing the Oath to be subject to the Penalties by Act 1 Eliz.

And every such Person, who shall neglect or refuse to take the said Oath before mentioned, shall incur and be liable to the same Penalties, Forfeitures, Disabilities, and Incapacities, as he would have incurred 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.

His Majesty's Canadian Subjects (religious Orders excepted) may hold all their Possessions, etc.

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 enjoy 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.

and in Matters of Controversy. Resort to be had to the Laws of Canada for the Decision.

Not to extend to Lands granted by His Majesty in common Soccage.

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 holden in free and common Soccage.



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Owners of  
Goods may  
alienate the  
same by Will,  
&c.

if executed  
according to  
the Laws of  
Canada.

Criminal Law  
of England to  
be continued  
in the  
Province.

His Majesty  
may appoint  
a Council for  
the Affairs of  
the Province;

which  
Council may  
make  
Ordinances,  
with Consent

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 Life-time, 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 being executed, either according to the Laws of Canada, or according to the Forms prescribed by the Laws of *England*.

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 an 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 shall continue 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 Forfeitures 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.

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

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of the  
Governor.

of the Members of the said Council, in like Manner to constitute and appoint such and so many other 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 Lieutenant-governor, or Commander in Chief for the Time being.

The Council  
are not  
impowered  
to lay Taxes,  
Publick  
Roads or  
Buildings  
excepted.

Provided always, That nothing in this Act contained shall extend to authorise 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 authorised by the said Council to assess, levy, and apply, within the said Town or District, for the Purpose of making Roads, erecting and repairing publick Buildings, or for any other Purpose respecting the local Convenience and Oeconomy of such Town or District.

Ordinances  
made to be  
laid before  
His Majesty  
for His  
Approbation.

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 the Time that His Majesty's Order in Council thereupon shall be promulgated at *Quebec*.

Ordinances  
touching  
Religion not  
to be in Force  
without His  
Majesty's  
Approbation.

Provided also, 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 His Majesty's Approbation.

When  
Ordinances  
are to be  
passed by a  
Majority.

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, in which 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 the same.

Nothing to  
hinder His  
Majesty to  
constitute  
Courts of  
Criminal,  
Civil, and  
Ecclesiastical  
Jurisdiction.

- And be it further enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to prevent or hinder His Majesty, His Heirs and 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



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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.

All Acts formerly made are hereby inforced within the Province.

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.

Finis.

#### QUEBEC REVENUE ACT.<sup>1</sup>

ANNO DECIMO QUARTO

GEORGII III. REGIS.

CAP. LXXXVIII.

An Act to establish a Fund towards further defraying the Charges of the Administration of Justice, and Support of the Civil Government within the Province of *Quebec*, in *America*.

#### Preamble.

Certain Duties imposed by His most Christian Majesty upon Rum, Brandy, &c. imported into *Quebec*.

WHEREAS certain Duties were imposed, by the Authority of His most Christian Majesty, upon Wine, Rum, Brandy, *Eau de Vie de Liqueur*, imported into the Province of *Canada*, now called the Province of *Quebec*, and also a Duty of Three Pounds *per Centum ad Valorem*, upon all dry Goods imported into, and exported from, the said Province, which Duties subsisted at the Time of the Surrender of the said Province to Your Majesty's Forces in the late War: And whereas it is expedient that the said Duties should cease and be discontinued; and that in Lieu and in Stead thereof, other Duties should be raised by the Authority of Parliament, for making a more adequate Provision for defraying the Charge of the Administration of Justice, and the Support of Civil Government in the said Province: We, Your Majesty's most dutiful and loyal Subjects, the Commons of *Great Britain*, in Parliament assembled, do most

<sup>1</sup> The text of this, as also of the following Act, is taken from the original folio black letter form in which it was first issued by the King's Printers, Eyre and Strachan.

1774/10/28

No 250

Doc  
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Le 26e Octobre 1774

Cession par Mr & Mad<sup>me</sup> Simonnet au Sr  
Francois Casau.

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PARDEVANT Les Notaires de la Province de Québec resident  
a Montreal Soussigné.

FURENT presens Me François Simonnet, Notaire Royal  
de cette province et Demoiselle Marguerite Neveu son Epouse  
qu'il autorise a leffet des presentes Demeurant en Sa Maison  
Sise en cette ville Rue St Sacrement, Lesquels ont volontai-  
rement Reconnu et Confessé avoir zédé, quitté, transporté et  
délaiissé, par ces presentes des maintenant et a toujours, sans  
aucune garantie, indemnité, ni recours quelconque par l'acqué-  
reur ci apres nommé ses hoirs et ayant Cause contre le dit  
Sieur et damme cedans aus només ou leurs hoirs et ayant cause,  
quelques evenement qui puissent arriver a cause de la presente  
cession ne garantissant que de leur faits et promesses seulement  
au Sieur François Casau negotiant demeurant en sa Maison Sise  
en cette ville Rue Notre Dame, a ce present et acceptant pour  
Lui ses hoirs et ayant cause, de ce jour a l'avenir, Scavoir  
Un Fief nommé le fief Simonnet d'une Lieue de terre de front  
situé dans la Seigneurie de la Salle, Relevant et dependant  
d'icelle, sur toute la Profondeur de la dite Seigneurie, tenant  
sur le devant a la ligne seigneuriale de Chataugué, separant  
icelle de la dite Seigneurie de la Salle et par derriere en  
profondeur a la ligne seigneuriale separant la dite Seigneurie  
des terres non concédées, joignant d'un coté a la Seigneurie  
de Ville Chauve ou de Beauharnois et d'autre Coté au Nord-Est  
aux terres non concedées. de plus une terre de douze arpens de  
front en Bois debout, située dans la dite Seigneurie de la Salle  
sur toute la profondeur de la dite Seigneurie, Tenant sur le devant  
a la Seigneurie de Chataugué, par derriere en profondeur aux terres  
non concedées ou aux autres seigneuries joignant d'un coté a la ligne  
de profondeur du coté du Nord Est separant les Seigneuries de Chatau-  
gué et du Sault St. Louis et d'autre coté au Sud Ouest aux terres



non concédées, ainsi que le dit fief Simonnet et la susdite terre  
sus cédés se poursuivent et comporte circonstances et dépendance  
dont le dit sieur cessionnaire est content, sans en rien excepter  
reserver ni retenir par les dits sieur et Dame cedans q'une terre  
de six arpens de front plus ou moins sur sa profondeur que le dit  
M<sup>re</sup> Simonnet a promis de concéder dans le dit Fief Simonnet au Sieur  
DesMoulins suivant et conformément au billet qu'il lui en a Donné  
le dix neuf septembre mille sept cens soixante huit, de laquelle  
dite terre le dit Sieur acquereur en Passera un Contrat de Conces-  
sion au dit Sr Demoulin, suivant et conformément au susdit Billet,  
Comme aussi le dit Sr Cessionnaire laissera jouir Messire Augustin  
Hubert Pretre de la dite terre de douze arpens pendant sa vie seulement  
pour lui servir de titre clerical aux charges et clauses mentionnées  
dans l'acte que le dit Sieur et Dame cedans ont passé au dit M<sup>re</sup>  
Hubert devant M<sup>tre</sup> Sanguinet et son Confrere Notaire de cette ville  
le douze septembre mille sept cens soixante douze, Le dit fief au  
dit Me Simonnet appartenant, en vertu de la concession que leur en  
a fait le Sieur et Dame Cartier, Seigneur et Dame de la dite Sei-  
gneurie de la Salle par Acte passé Devant le susdit Me Sanguinet  
et son Confrere Notaire le quatorze septembre mille sept cens  
soixante huit. Et la dite terre de douze arpens de front sur sa  
dite profondeur par l'acquisition qu'en a fait le dit Me Simonnet  
du Sr Dominique Desbartch par acte passé devant Me Jean Delisle et  
son confrere Notaire le vingt quatre octobre mille sept cens soixante  
huit Lesquels dits actes de Concession et ventes avec les autres titres  
concernant la propriété du dit fief et terres suscédées Les dits Sieur  
et Dame Simonet les ont a l'instant remis et delivrés es mains du dit  
Sr F. Casau qui les a pris et reçu aux vues des Notaires soussignés,  
dont &c quittance &c. Le dit fief Simonnet relevant et dependant  
comme dit est de la dite Seigneurie de la Salle, a la charge de la  
foi et hommage envers le Seigneur de la Salle, et autres charges  
mentionnées dans le susdit acte de Concession, Et la dite terre  
Mouvant en la Censive de la dite Seigneurie de la Salle et envers  
le Domaine d'icelle Chargée de douze sols de cens et rentes seulement

et des arrerages des dits cens et rentes du passé jusqu'à ce jour. Pour du dit fief et de la dite terre de douze arpens sur sa profondeur ainsi sus cedés en jouir, user, faire et disposer par le dit Sieur Francois Casau ses hoirs et ayant cause comme de Chose a lui appartenant au Moyen des presentes a Commencer la jouissance dudit fief de ce jour a l'avenir et de la susdite terre aussitot après le Decées du dit Sr Hubert Prêtre et a l'avenir. Cette Cession transport et delaissement ainsi fait aux Charges susdites. Comme aussi le dit Mre francois Simonnet et la dite Marguerite Neveu son Epouse reconnoissent par ces presentes avoir cedé, quitte, transporté et délaissé sans aucune garantie restitution de Deniers ni recours quelconque sinon de leurs faits et promesses qui sont que la somme ci après declarée leur est legitiment due et qu'ils n'en ont disposé en aucune maniere, ainsi qu'il l'ont affirmé au dit Sieur François Casau, ce acceptant a ses propres risques perils et fortune la somme de dix sept cens soixante et huit shellings dix huit sols de cette province au dit Mre Simonnet due tant en principal qu'interest frais et depens, par le dit Sieur Cartier Seigneur de la Salle par une obligation pour les Causes y contenues passée Devant Mres Souste et Panet Notaire Royaux de cette ville le trente aoust mille sept cens soixante quatre, Dument enregistrée le trente un aoust mille sept cens soixante huit et par sentence de la Cour des plaidoyers communs de cette province de Quebec le vingt six septembre mille sept cens soixante six duement signifiée par le Bailly Cazalais le neuf janvier mille sept cens soixante huit et par le Recu de Mr Gray Provots Marshal du deux septembre de la meme année, laquelle dite obligation sentence et recu sus mentionné avec deux oppositions entre les mains du Provost Marshal pour le dit fief et ce qui est du au dit Mre Simonnet par la dite obligation, sentence et recu, les dites oppositions faite le dix neuf du present mois, les dits Sieur et Dame Cedans ont le tout remis et delivré es mains du dit Sieur Casau qu'il a eu et reçu aux vues des Notaires soussignés dont &c quittant &c Tout ce que dessus Mentionné ainsi cedé par les dits Sieur et Dame Simonnet pour et moyennant le



prix et somme de seize cens livres ou shellings de cette province avec les intérêts a raison de cinq par cent qui commenceront a courir de ce jour jusqu'a parfait payement que le dit Sieur Casau promet et s'oblige de bailler et payer en or ou argent ayant cours en ce pais au dit Sieur et dame Simonnet ou au porteur en quatre payemens egaux chacun de quatre cens shillings dont le premier echoira le vingt huit octobre de l'année prochaine et ainsi continuer d'année a autre jusqu'à pareil jour vingt huit octobre mille sept cens soixante dix huit et jusqu'a l'actuel et parfait payement de la dite somme la Maison du dit Sieur Casau sise en cette ville Rue Notre Dame ou il demeure actuellement en sera dès a present spécialement chargée affectée et hypotequée Et le tout ci dessus cédé ainsi que tous les autres biens meubles et immeubles presens et avenir sans qu'une obligation deroge à l'autre et au moyen de tout ce que dessus le dit Sieur et Dame Cedans ont transporté et transportent au dit Sieur Casau tous droits de propriété fonds très fonds noms raisons actions saisine possessions et autre chose generalement quelconque qu'il pourroient avoir demander ou pretendre sur tout ce que dessus presentement cedés, dont ils se sont demis au profit du dit Sieur Cessionnaire et de ses hoirs et ayant cause, voulant qu'il en soit saisis et mis en possession car et ainsi qu'il appartiendra constituant a cette fin leur procureur le porteur des presentes les dites parties ont élus leur domicile en leur demeure sus designée auquel lieu &c nonobstant &c Renonceant &c fait et passé au dit Montreal dans l'étude du Notaire soussigné L'an mille sept cens soixante quatorze le vingt huitieme Octobre apres midi et ont signé après lecture faite.

F. Simonnet

Sanguinet

f. Cazeau

marguerite neuveu

Jean DeLisle No're

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Supérieure, District de Montréal.

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SESSIONAL PAPER No. 18

A. 1905

REPORT

*G. M. Macpherson*  
CONCERNING

CANADIAN ARCHIVES

FOR THE YEAR

1904

*(Being an Appendix to the Report of the Minister of Agriculture)*

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SESSIONAL PAPER No. 18

George R.  
[L.S.]

Instructions to Our Trusty and Wellbeloved Guy Carleton Esquire, Our Captain General and Governor in Chief in, and over Our Province of Quebec in America and of all Our Territories dependent thereupon. Given at Our Court at St. James's the Third Day of January 1775. In the Fifteenth year of Our Reign.

First, With these Our Instructions you will receive Our Commission under Our Great Seal of Great Britain, constituting you Our Captain General and Governor in Chief in, and over Our Province of Quebec in America, and all Our Territories thereunto belonging, as the said Province and Territories are bounded and described in, and by the said Commission. You are therefore to take upon you the Execution of the Office and Trust We have reposed in you, and the Administration of the Government, and to do and execute all things in due manner, that shall belong to your Command according to the several Powers and Authorities of our said Commission under Our Great Seal of Great Britain, and these Our Instructions to you, or according to such further Powers and Instructions, as shall at any time hereafter be granted or appointed you under Our Signet and Sign Manual, or by Our Order in Our Privy Council; and you are to call together at Quebec, (Which We do hereby appoint to be the place of your ordinary Residence, and the principal Seat of Government,) the following persons whom We do hereby, with the Advice of Our Privy Council, constitute and appoint to be Our Council for the Affairs of Our said Province of Quebec, and the Territories thereunto belonging; Viz., Hector Theophilus Cramahé Esquire, Our Lieutenant Governor of Our said Province or Our Lieutenant Governor of Our said Province for the time being, Our Chief Justice of Our Province for the time being, Hugh Finlay, Thomas Dunn, James Cuthbert, Colin Drummond, Francis Les Vesques; Edward Harrison, John Collins, Adam Mabeau, De Lery, St. Ours, Picodyde Contrecoeur, Our Secretary of Our said Province for the time being, George Alsopp, De La Naudière, La Corne St. Luc, Alexander Johnstone, Conrad Gugsy, Bellestres, Rigauville, and John Fraser Esquires; All and every of which Person and Persons shall hold and enjoy his & their Office and Offices of Councillor or Councillors for Our said Province of Quebec, for and during Our Will and Pleasure, and his or their Residence within Our said Province, and not otherwise.

2. It is Our further Will and Pleasure, that any five of the said Council shall constitute a Board of Council for transacting all Business, in which their Advice and consent may be requisite, Acts of Legislation only excepted, (in which Case you are not to act without a Majority of the whole,) And it is Our further Will and Pleasure, that the Members of Our said Council shall have and enjoy all the Powers, Privileges and Emoluments enjoyed by the Members of Our Councils in Our other Plantations; and also such others as are contained and directed in Our said Commission under Our Great Seal of Great Britain, and in these Our Instructions to you; and that they shall meet together at such time and times, place and places, as you in your discretion shall think necessary, except when they meet for the purpose of Legislation, in which Case they are to be assembled at the Town of Quebec only.

3. And You are with all due and usual Solemnity to cause Our said Commission to be read and published at the said Meeting of Our Council, which being done, you shall then take and also administer to each of the Members of Our said Council, (not being a Canadian, professing the Religion of the Church of Rome,) the Oaths mentioned in an Act passed in the first year of the Reign of His Majesty King George the first, intituled, "An Act for the further Security of His Majesty's Person, and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia, "being Protestants; and for extinguishing the hopes of the pretended Prince of

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"Wales, and his open and secret Abettors," as altered and explained by an Act passed in the sixth year of Our Reign, intituled, "An Act for altering the Oath of Abjuration, and the Assurance; and for amending so much of an Act of the seventh year of Her late Majesty Queen Anne, intituled, An Act for the Improvement of the Union of the two Kingdoms, as, after the time therein limited, requires the delivery of certain Lists and Copies, therein mentioned, to persons indicted of High Treason, or Misprison of Treasons;" as also make and subscribe, and cause them to make and subscribe the declaration mentioned in an Act of Parliament made in the twenty fifth year of the Reign of King Charles the second, intituled, "An Act for preventing Dangers, which may happen from Popish Recusants;" and you and every one of them are likewise to take an Oath for the due Execution of your and their Places and Trusts, with regard to your and their equal and impartial Administration of Justice; and you are also to take the Oath required by an Act passed in the seventh and eighth years of the Reign of King William the third, to be taken by Governors of Plantations to do their utmost that the Laws relating to the Plantations be observed.

4. And Whereas by an Act passed in the fourteenth year of Our Reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America," it is enacted and provided, that no person, professing the Religion of the Church of Rome, and residing in the said Province, shall be obliged to take the Oath of Supremacy required by an Act 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 Oaths therein mentioned, shall be obliged, and is thereby required, under certain Penalties, to take and subscribe an Oath in the form and Words therein prescribed, and set down; It is therefore Our Will and Pleasure, that you do administer to each and every Member of Our said Council, being a Canadian, and professing the Religion of the Church of Rome, and cause each of them severally to take and subscribe the Oath mentioned in the said Act passed in the fourteenth year of Our Reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America;" and also cause them severally to take an Oath for the due Execution of their places and Trusts, and for their equal and impartial administration of Justice.

5. And that We may be always informed of the Names and Characters of Persons fit to supply the Vacancies, which may happen in Our said Council, You are from time to time to transmit to Us, by One of Our Principal Secretaries of State, the names and Characters of such Persons, Inhabitants of Our said Colony, whom you shall esteem the best qualified for that Trust; And you are also to transmit a duplicate of the said Account to Our Commissioners for Trade and Plantations, for their Information.

6. And if it shall at any time happen, that by the death or departure out of Our said Province, of any of Our said Councillors, there shall be a Vacancy in Our said Council, Our Will and Pleasure is; that you signify the same to Us by One of Our principal Secretaries of State, and to Our Commissioners for Trade and Plantations, by the first Opportunity, that We may by Warrant under Our Signet and Sign Manual, and with the Advice of Our Privy Council, constitute and appoint others in their stead.

7. You are forthwith to communicate such and so many of these Our Instructions to Our said Council, wherein their Advice and Consent are mentioned to be requisite, as likewise all such others from time to time, as you shall find convenient for Our Service to be imparted to them.

8. You are to permit the Members of Our said Council to have and enjoy Freedom of Debate and vote in all Affairs of Public Concern, that may be debated in Council.

9. And Whereas by the aforesaid Act passed in the fourteenth year of Our Reign, intituled, "An Act for making more effectual Provision for the Government of the Province of Quebec in North America," It is further enacted and Provided, that the Council for the Affairs of the said Province, to be constituted and appointed in



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manner therein directed, 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 Our Governor, or, in his Absence, of the Lieutenant Governor, or Commander in Chief for the time being; provided, that no Ordinance shall be passed, unless upon some urgent Occasion at any Meeting of the Council, except between the first day of January and the first day of May. \*(And Whereas the State and condition of Our said Province do require, that immediate provision should be made by Law for a Great Variety of Arrangements and Regulations essentially necessary to the Government thereof; It is therefore Our Will and Pleasure, that you do within a convenient time issue Summons for the Assembling of our said Council in their Legislative Capacity either on the first day of April next, or as soon after as may be convenient, in Order to deliberate upon, and frame such Ordinances, as the Condition of Affairs within Our said Province shall require, and as shall, in your and their Judgement, be fit and necessary for the Welfare of Our said Province, and the Territories thereunto belonging.)

10. You are nevertheless to take especial Care,

That no Ordinance be passed at any Meeting of the Council, where less than a Majority of the Council is present, or at any time, except between the first day of January and the first day of May, as aforesaid, unless upon some urgent Occasion; in which Case every Member thereof resident at Quebec, or within fifty Miles thereof shall be personally summoned to attend the same.

That no Ordinance be passed for laying any Taxes or Duties, such Rates and Taxes only excepted, as the Inhabitants of any Town or District may be authorized to assess, levy, and apply within the said Town or District, for the making Roads, erecting and repairing public Buildings, or for any other purpose respecting the Local Convenience and Economy of such Town or District.

That no Ordinance touching Religion, or by which any punishment may be inflicted greater than Fine or Imprisonment for three Months, be made to take effect, until the same shall have received Our Approbation.

That no Ordinance be passed relative to the Trade, Commerce, or Fisheries of the said Province, by which the Inhabitants thereof shall be put upon a more advantageous footing, than any other His Majesty's Subjects either of this Kingdom, or the Plantations.

That no Ordinance respecting private property be passed without a Clause suspending its Execution, until Our Royal Will and Pleasure is known; nor without a saving of the Right of Us, Our Heirs, and Successors, and of all Bodies politic and corporate, and of all other persons, except such as are mentioned in the said Ordinance, and those claiming by, from, and under them; And, before such Ordinance is passed, proof must be made before you in Council, and entered in the Council-Books, that public Notification was made of the Party's Intention to apply for such Ordinance in the several Parish Churches, where the Lands in Question lye, for three Sundays at least successively, before any such Ordinance shall be proposed; and you are to transmit and annex to the said Ordinance a Certificate under your hand that the same passed through all the Forms above mentioned.

That no Ordinance shall be enacted for a less time than two years, except in Cases of imminent Necessity, or immediate temporary Expediency; and you shall not re-enact any Ordinance, to which Our Assent shall have been once refused, without express leave for that purpose first obtained from Us, upon a full Representation by you to be made to Us by One of Our Principal Secretaries of State, and to Our Commissioners for Trade and Plantations, for their Information, of the Reasons and Necessity for passing such Ordinance; nor give your Assent to any Ordinance for repealing any other Ordinance, which hath passed in your Government, and shall have received Our Royal Approbation, unless you take Care, that there be a Clause

\*The latter part of this section (in brackets) omitted in the instructions to Haldimand.

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inserted therein suspending and deferring the Execution thereof, until Our Pleasure shall be known, concerning the Same.

That in all Ordinances imposing Fines, Forfeitures, or Penalties, express mention be made, that the same is granted, or reserved to Us, Our Heirs, and Successors for the public Uses of the said Province, and the Support of the Government thereof, as by the said Ordinance shall be directed; and that a Clause be inserted declaring, that the Money, arising by the Operation of the said Ordinance, shall be Accounted for unto Us in this Kingdom, and to Our Commissioners of Our Treasury for the time being; and audited by Our Auditor General of Our Plantations, or his Deputy.

That all such Ordinances be transmitted by you within six Months after their passing, or sooner, if opportunity offers, to Us by One of our Principal Secretaries of State, and Duplicates thereof to Our Commissioners for Trade and Plantations, for their Information; that they be abstracted in the Margents, and accompanied with very full and Particular Observations upon each of them, that is to say, whether the same is introductive to a new Law, or does repeal a Law then before in being; and you are also to transmit in the fullest manner the Reasons and Occasion for enacting such Ordinances, together with fair Copies of the Journals of the proceedings of the Council, which you are to require from the Clerk of the said Council.

11. In the Consideration of what may be necessary to be provided for by Law within Our said Province, as created and established by the aforesaid Act, intituled, "an Act for making more effectual Provision for the Government of the Province of "Quebec in North America," a Great Variety of important Objects hold themselves forth to the Attention of the Legislative Council.

12. The Establishment of Courts, and a proper Mode of administering Civil and Criminal Justice throughout the whole Extent of Our Province, according to the Principles declared in the said Act "for making more effectual Provision for the "Government thereof," demand the greatest Care and Circumspection; for, as on the one hand it is Our Gracious Purpose, conformable to the Spirit and Intention of the said Act of Parliament, that Our Canadian Subjects should have the benefit and use of their own Laws, Usages, and Customs in all Controversies respecting Titles of Land, and the Tenure, descent, Alienation, Incumbrances and Settlement of Real Estates, and the distribution of the Personal Property of Persons dying intestate; so on the other hand, it will be the duty of the Legislative Council to consider well in framing such Ordinances, as may be necessary for the Establishment of Courts of Justice, and for the better Administration of Justice, whether the Laws of England may not be, if not altogether, at least in part the Rule for the decision in all Cases of Personal Actions grounded upon Debts, Promises, Contracts, and Agreements, whether of a Mercantile or other Nature; and also of Wrongs proper to be compensated in damages; and more especially where Our natural-born Subjects of Great Britain, Ireland, or Our other Plantations residing at Quebec, or who may resort thither, or have Credits, or Property within the same, may happen to be either Plaintiff or defendant in any civil Suit of such a nature.

13. Security to personal Liberty is a fundamental Principle of Justice in all free Governments, and the making due provision for that purpose is an object the Legislature of Quebec ought never to lose Sight of; nor can they follow a better Example than that, which the Common Law of this Kingdom hath set in the Provision made for a Writ of Habeas Corpus, which is the Right of every British Subject in this Kingdom.

14. With Regard to the Nature and number of the Courts of Justice, which it may be proper to establish, either for the whole Province at large, or separately for its dependencies, and the times and places for holding the said Courts, no certain Rule can be laid down in a Case, in which the Judgment must in many Respects at least be altogether guided by Circumstances of local Convenience and Consideration.

15. In General it may be proper, that there should be a Superior or Supreme Court of criminal Justice and Jurisdiction for the Cognizance of all Pleas of the Crown, and for the Trial of all manner of Offences whatsoever, to be held before the

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Chief Justice for the time being at such times and places, as shall be most convenient for the due and speedy Administration of Justice, and the preventing long Imprisonments; the said Court to be called and known by the name of the Court of King's Bench; That, for the more orderly establishment and Regulation of Courts of Civil Jurisdiction, the Province of Quebec, as limited and bounded by the aforesaid Act of Parliament "for making more effectual Provision for the Government of the Province of Quebec in North America," be divided into two Districts by the names of Quebec and Montreal, each district to be limited and bounded in such manner, as shall be thought best adapted to the Object of the Jurisdiction to be established therein; That there be established in each of the said Districts a Court of Common Pleas to be held at such times and places, as shall be judged most convenient, and to have full Power, Jurisdiction, and Authority to hear and determine all Civil Suits and Actions cognizable by the Court of Common Pleas in Westminster Hall, according to the Rules prescribed by the said Act of Parliament "for making more effectual Provision for the Government of the Province of Quebec in North America," and according to such Laws and Ordinances, as shall from time to time be enacted by the Legislature of the said Province in manner therein directed; That there be three Judges in each of the said Courts of Common Pleas, that is to say, two of Our natural-born Subjects of Great Britain, Ireland, or Our other Plantations, and one Canadian; and also one Sheriff appointed for each district; That besides the foregoing Courts of Criminal and Civil Jurisdiction for the Province at large, there be also an Inferior Court of Criminal and Civil Jurisdiction in each of the Districts of the Illinois, St. Vincenne, Detroit, Missilimakinac, and Gaspée, by the Names of the Court of King's Bench for such district, to be held at such times, as shall be thought most convenient, with Authority to hear and determine in all Matters of Criminal Nature according to the Laws of England, and the Laws of the Province hereafter to be made and passed; and in all Civil matters according to the Rules prescribed by the aforesaid Act of Parliament "for making more effectual Provision for the Government of Quebec in North America;" That each of the said Courts shall consist of one judge, being a natural-born Subject of Great Britain, Ireland, or Our other Plantations, and of one other Person, being a Canadian, by the name of Assistant or Assessor, to give advice to the Judge in any Matter, when it may be necessary; but to have no Authority or Power to attest or issue any Process, or to give any Vote in any order, Judgement, or decree; That the said Judges, so to be appointed, as aforesaid, for each District, shall have the same power and Authority in Criminal Cases, as is vested in the Chief Justice of Our said Province; and also the same Power and Authority in Civil Cases, as any other Judge of Common Pleas within Our said Province, excepting only that, in Cases of Treason, Murder, or other Capital Felonies, the said Judges shall have no other Authority, than that of Arrest and Commitment to the Goals of Quebec, or of Montreal, where alone Offenders in such Cases shall be tried before Our Chief Justice; That a Sheriff be appointed in each of the said Districts for the Execution of Civil and Criminal Process; That the Governor and Council (of which, in the absence of the Governor and Lieutenant Governor, the Chief Justice is to be President, shall be a Court of civil Jurisdiction for the hearing and determining all Appeals from the Judgement of the other Courts, where the matter in dispute is above the value of Ten Pounds; That any Five of the said Council, with the Governor, Lieut. Governor, or Chief Justice, shall constitute a Court for that Purpose; and that their Judgment shall be final in all cases not exceeding the Value of £500 Sterling, in which Cases an Appeal from their Judgement is to be admitted to Us in Our Privy Council. It is however Our Will and Pleasure, that no Appeal be allowed, unless security be first duly given by the Appellant, that he will effectually prosecute the same, and answer the Condemnation, as also pay such Costs and Damages, as shall be awarded by Us, in case the Sentence be affirmed; Provided nevertheless, where the matter in question relates to the taking or demanding any Duty Payable to Us, or to any Fee of Office, or annual Rents, or other such like matter or thing,

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where the Rights in future may be bound, in all such Cases appeal to Us, in Our Privy Council is to be admitted, tho' the immediate sum or value appealed for be of less value. And it is Our further Will and Pleasure, that in all Cases, where Appeals are admitted unto Us in Our Privy Council, execution be suspended until the final determination of such Appeal, unless good and sufficient security be given by the Appellee to make ample restitution of all, that the Appellant shall have lost by means of such decree or judgement, in case, upon the determination of such Appeal, such decree or judgement should be reversed, and restitution awarded to the Appellant. Appeals unto Us in Our Privy Council are also to be admitted in all cases of Fines imposed for misdemeanors; Provided the fines, so imposed, amount to, or exceed the sum of £100 sterling, the Appellant first giving good Security, that he will effectually prosecute the same and answer the Condemnation, if the sentence, by which such Fine was imposed in Quebec, be affirmed.\*

16. It is Our Will and Pleasure, that all Commissions to be granted by you to any Person or persons to be judges or justices of the peace, or other necessary Officers, be granted during pleasure only.

17. You shall not displace any of the Judges, Justices of the peace or other Officers or Ministers without good and sufficient cause, which you shall signify in the fullest and most distinct manner to Us by One of Our principal Secretaries of State, and to Our Commissioners for Trade and Plantations, for their information.

18. And whereas frequent complaints have heretofore been made of great delays and undue proceedings in the Courts of Justice in several of Our Plantations, whereby many of Our good Subjects have very much suffered; and it being of the greatest importance to Our Service, and to the welfare of Our Plantations, that Justice be every where speedily and duly administered; and that all disorders, delays, and other undue Practises in the administration thereof be effectually prevented; We do Particularly require you to take especial Care, that in all Courts, where you are or shall be authorized to Preside, justice be impartially administered; and that in all other Courts established, or to be established within Our said Province, all Judges, and other Persons therein concerned do likewise perform their several Duties without any delay or partiality.

19. You are to take care, that all Writs be issued in Our Name throughout the Province under your Government.

20. The establishment of proper regulations in matters of ecclesiastical concern is an Object of very great importance, and it will be your indispensable duty to lose no time in making such arrangements in regard thereto, as may give full satisfaction to Our new Subjects in every point, in which they have a right to any indulgence on that head; always remembering, that it is a toleration of the free exercise of the religion of the Church of Rome only, to which they are intitled, but not to the powers and privileges of it, as an established Church, for that is a preference, which belongs only to the Protestant Church of England.

21. Upon these principles therefore, and to the end, that Our just Supremacy in all matters ecclesiastical, as well as civil, may have its due scope and influence, it is Our Will and Pleasure,—

First, that all Appeals to, or correspondence with any foreign ecclesiastical jurisdiction, of what nature or kind soever, be absolutely forbidden under very severe Penalties.

Secondly, That no Episcopal or Vicarial Powers be exercised within Our said Province by any Person professing the Religion of the Church of Rome, but such only, as are essentially and indispensably necessary to the free exercise of the Romish Religion; and in those cases not without a Licence and Permission from you under the Seal of Our said Province, for, and during Our Will and Pleasure, and under such other limitations & restrictions, as may correspond with the spirit and provision of

\* An additional article inserted in Haldimand's instructions. See page /



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the Act of Parliament, "for making more effectual provision for the Government of the Province of Quebec;" And no person whatever is to have holy Orders conferred upon him, or to have the Cure of Souls without a License for that purpose first had and obtained from you.

Thirdly, That no person professing the Religion of the Church of Rome be allowed to fill any ecclesiastical Benefice, or to have and enjoy any of the Rights or Profits belonging thereto, that is not a Canadian by birth, (such only excepted, as are now in possession of any such Benefice,) and that is not appointed thereto by Us, or by, or under Our Authority, and that all Right, or claim of Right in any other Person whatever to nominate, present, or appoint to any vacant Benefice, other than such as may lay claim to the Patronage of Benefices, as a Civil Right, be absolutely abolished. No Person to hold more than one Benefice, or at least not more than can reasonably be served by one and the same Incumbent.

Fourthly, That no Person whatever, professing the Religion of the Church of Rome, be appointed Incumbent of any Parish, in which the Majority of the Inhabitants shall solicit the appointment of a Protestant Minister; in such case the Incumbent shall be a Protestant, and intitled to all Tythes payable within such Parish; But nevertheless the Roman Catholics may have the use of the Church for the free exercise of their Religion at such time, as may not interfere with the Religious Worship of the Protestants. And in like manner the Protestant Inhabitants in every Parish, where the Majority of Parishioners are Roman Catholics, shall notwithstanding have the use of the Church for the exercise of their Religion at such times, as may not interfere with the Religious Worship of the Roman Catholics.

Fifthly, That no Incumbent professing the Religion of the Church of Rome, appointed to any Parish, shall be intitled to receive any Tythes for Lands, or Possessions occupied by a Protestant; but such Tythes shall be received by such Persons, as you shall appoint, and shall be reserved in the hands of Our Receiver General, as aforesaid, for the support of a Protestant Clergy in Our said Province to be actually resident within the same, and not otherwise, according to such directions as you shall receive from Us in that behalf.—And in like manner all growing Rents and Profits of a vacant Benefice shall, during such vacancy, be reserved for, and applied to the like uses.

Sixthly, That all Persons Professing the Religion of the Church of Rome, which are already possessed of, or may hereafter be appointed to any ecclesiastical Benefice, or who may be licensed to exercise any Power or Authority in respect thereto, do take and subscribe before you in Council, or before such Person as you shall appoint to administer the same, the Oath required to be taken and subscribed by the aforesaid Act of Parliament passed in the fourteenth year of Our Reign, intituled, "An Act for making more effectual Provision for the Government of the Province of Quebec in North America."

Seventhly, That all Incumbents of Parishes shall hold their respective Benefices during good behaviour, subject however, in cases of any Conviction for criminal Offences, or upon due proof of seditious Attempts to disturb the Peace and Tranquillity of Our Government, to be deprived, or suspended by you with the Advice and Consent of a Majority of Our said Council.

Eighthly, That such Ecclesiasticks, as may think fit to enter into the holy state of Matrimony, shall be released from all Penalties, to which they may have been subjected in such Cases by any Authority of the See of Rome.

Ninthly, That freedom of Burial of the Dead in Churches and Church yards be allowed indiscriminately to every Christian Persuasion.

Tenthly, That the Royal Family be prayed for in all Churches and Places of Holy Worship, in such manner and form, as are used in this Kingdom; and that Our Arms and Insignia be put up not only in all such Churches and Places of holy Worship, but also in all Courts of Justice; and that the Arms of France be taken down in every such Church or Court, where they may at present remain.

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Eleventhly, That the Society of Romish Priests, called the Seminaries of Quebec and Montreal, shall continue to possess and occupy their Houses of Residence, and all other Houses and Lands, to which they were lawfully intitled on the 13th of September 1759; and it shall be lawful for those Societies to fill up Vacancies, and admit new Members according to the Rules of their Foundations, and to educate youth, in order to qualify them for the Service of Parochial Cures; as they shall become vacant. It is nevertheless Our Will and Pleasure, that not only these Seminaries, but all other Religious Communities, so long as the same shall continue, be subject to visitation by You Our Governor, or such other Person or Persons, as you shall appoint for that purpose, and also subject to such Rules and Regulations, as you shall, with the Advice and Consent of our Council, think fit to establish and appoint.

Twelfthly, It is also Our Will and Pleasure, that all other Religious Seminaries and Communities (that of the Jesuits only excepted) do for the present and until We can be more fully informed of the true State of them, and how far they are, or are not essential to the free exercise of the Religion of the Church of Rome, as allowed within Our said Province, remain upon their present Establishment; but you are not to allow the admission of any new Members into any of the said Societies or Communities, the Religious Communities of Women only excepted, without our express orders for that purpose. That the Society of Jesuits be suppressed and dissolved, and no longer continued, as a Body corporate and politic, and all their Rights, Possessions and Property shall be vested in Us for such purposes, as We may hereafter think fit to direct and appoint; but We think fit to declare Our Royal Intention to be, that the Present Members of the said Society, as established at Quebec shall be allowed sufficient stipends and Provisions during their natural Lives; That all Missionaries amongst the Indians, whether established under the Authority of, or appointed by the Jesuits, or by any other ecclesiastical Authority of the Romish Church, be withdrawn by degrees, and at such times and in such manner, as shall be satisfactory to the said Indians, and consistent with the Public Safety; and Protestant Missionaries appointed in their places; That all ecclesiastical Persons whatsoever, of the Church of Rome, be inhibited, upon Pain of Deprivation, from influencing any Person in the making a Will, from inveighing Protestants to become Papists, or from tampering with them in matter of Religion, and that the Romish Priests be forbid to inveigh in their Sermons against the Religion of the Church of England, or to marry, baptize, or visit the sick, or bury any of Our Protestant Subjects, if a Protestant Minister be upon the Spot.

22. You are at all times and upon all occasions to give every Countenance and Protection in your Power to such Protestant Ministers, and School Masters, as are already established within Our said Province, or may hereafter be sent thither, to take Care, that such Stipends and Allowances, as We may think fit to appoint for them, be duly Paid; that the Churches already appropriated, or which may hereafter be appropriated to the use of Divine Worship according to the Rites of the Church of England, as by Law established, be well and orderly kept; and, as the Number of Protestants shall, by God's Blessing, increase, to lay out new Parishes in convenient Situations, and set apart and appropriate proper Districts of Land therein for the Scite of Churches, and Parsonage Houses, and for Glebes for the Ministers and Schoolmasters.

23. You are to take especial Care, that God Almighty be devoutly and duly served in all Protestant Churches and Chapels throughout Our said Province, in which Divine Service is Performed according to the Rites of the Church of England; the Book of Common Prayer, as by Law established, be read each Sunday and Holiday; and the Blessed Sacrament duly administered.

24. You are not to prefer any Protestant Minister to any ecclesiastical Benefice in the Province under your Government, without a Certificate from the Right Reverend Father in God the Lord Bishop of London, of his being conformable to the Doctrine and Discipline of the Church of England, and of a good Life and Con-



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versation; and if any Person hereafter preferred to a Benefice shall appear to you to give Scandal either by his doctrine or manners, you are to use the best means for his Removal.

25. You are to give orders forthwith, that every Protestant Minister within your Government, be one of the Vestry in his respective Parish; and that no Vestry be held without him, except in case of Sickness, or, after Notice of a Vestry summoned, he omit to come.

26. And to the end, that the ecclesiastical Jurisdiction of the Lord Bishop of London may take place in Our Province under your Government, as far as conveniently may be; We do think fit, that you give all Countenance and Encouragement to the exercise of the same, excepting only the collating to Benefices, granting Licences for Marriages, and Probster of Wills, which We have reserved to you Our Governor, and to the Commander in Chief of Our said Province for the time being.

27. And We do further direct, that no Schoolmaster, who shall arrive in Our said Province from this Kingdom, be henceforward permitted to keep School without the Licence of the said Lord Bishop of London; and that no other Person now there, or that shall come from other Parts, shall be admitted to keep School in your Government without your Licence first obtained.

28. You are to take especial Care, that a Table of Marriages, established by the Canons of the Church of England, be hung up in all places of public Worship according to the Rites of the Church of England.

29. And it is Our further Will and Pleasure, that, in order to suppress, as much as in you lies, every species of Vice and Immorality, You forthwith do cause all Laws already made against Blasphemy, Profaneness, Adultery, Fornication, Polygamy, Incest, Profanation of the Lord's Day, Swearing, and Drunkenness, to be vigorously put in execution in every part of your Government; and that you take due Care for the punishment of these and every other Vice and Immorality by presentment upon Oath, to be made to the Temporal Courts by the Church Wardens of the several Parishes at proper times of the Year to be appointed for that purpose; and for the further discouragement of Vice and encouragement of Virtue and good Living, (that by such Examples the Infidels may be invited and persuaded to embrace the Christian Religion,) You are not to admit any Persons to public Trusts and Employments in the Province under your Government, whose ill fame and conversation may occasion Scandal.

30. The Extension of the Limits of the Province of Quebec necessarily calls forth your Attention to a Variety of new Matter and new Objects of Consideration; The protection and control of the various Settlements of Canadian Subjects, and the regulation of the Peltry Trade in the upper or interior Country on the one hand, and the protection of the Fisheries in the Gulph of St. Lawrence, and on the Labrador Coast on the other hand, point to Regulations, that require deliberation and dispatch.

31. The institution of inferior Judicatures with limited Jurisdiction in Criminal and Civil Matters for the Illinois, Poste St. Vincenne, the Detroit, Missilimakinac, and Gaspée has been already pointed out, and the Appointment of a Superintendent at each of those Posts is all, that is further necessary for their Civil concerns; But it will be highly proper, that the Limits of each of those Posts, and of every other in the interior Country should be fixed and ascertained; and that no Settlement be allowed beyond those Limits; seeing that such Settlements must have the consequence to disgust the Savages; to excite their Enmity; and at length totally to destroy the Peltry Trade, which ought to be cherished and encouraged by every means in your Power.

32. It is Our Royal Intention, that the Peltry Trade of the interior Country should be free and open to all Our Subjects, Inhabitants of any of Our Colonies, who shall, pursuant to what was directed by Our Royal Proclamation of 1763, obtain Licences from the Governors of any of Our said Colonies for that purpose, under penalties to observe such Regulations, as shall be made by Our Legislature of Quebec

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For that purpose; Those Regulations therefore, when established, must be made public throughout all Our American possessions, and they must have for their object the giving every possible facility to that Trade, which the nature of it will admit, and as may consist with fair and just dealing towards the Savages, with whom it is carried on. The fixing stated times and places for carrying on the Trade, and adjusting modes of settling Tariffs of the prices of Goods and Furs, and above all the restraining the Sale of Spirituous Liquors to the Indians will be the most probable and effectual means of answering the ends proposed. These and a variety of other regulations, incident to the nature and purpose of the Peltry Trade in the interior Country, are fully stated in a Plan proposed by Our Commissioners for Trade and Plantations in 1764, a Copy of which is hereunto annexed, and which will serve as a Guide in a variety of cases, in which it may be necessary to make provision by Law for that important Branch of the American Commerce.

33. The Fisheries on the Coast of Labrador, and the Islands adjacent thereto are objects of the greatest Importance, not only on account of the Commodities they produce, but also as Nurseries of Seamen, upon whom the Strength and Security of Our Kingdoms depend..

34. Justice and Equity demand, that the real and actual property and possession of the Canadian Subjects on that Coast should be preserved intirely; and that they should not be molested or hindered in the exercise of any Sedentary Fisheries they may have established there.

35. Their Claims however extend to but a small District of the Coast, on the greatest part of which District a Cod Fishery is stated to be impracticable.

36. On all such parts of the Coast, where there are no Canadian Possessions, and more especially where a valuable Cod Fishery may be carried on, it will be your Duty to make the Interests of Our British Subjects going out to fish there in Ships fitted out from Great Britain the first object of your care, and, as far as circumstances will admit, to establish on that Coast the Regulations in favour of British fishing Ships, which have been so wisely adopted by the Act of Parliament passed in the Reign of King William the Third "for the encouragement of the Newfoundland "Fishery," and you are on no account to allow any possession to be taken, or sedentary Fisheries to be established upon any parts of the Coast, that are not already private Property, by any persons whatever, except only such as shall produce annually a Certificate of their having fitted out from some Port in Great Britain.

37. We have mentioned to you the Fisheries upon the Coast of Labrador, as the main object of your Attention; but the Commerce carried on with the Savages of that Coast, and the state and condition of those Savages deserve some regard: The Society of Unitas Fratrum, urged by a laudable Zeal for promoting Christianity, has already, under Our Protection, and with Our Permission, formed Establishments in the Northern parts of that Coast for the purposes of civilizing the Natives, and converting them to the Christian Religion. Their success has been answerable to their Zeal; and it is Our express Will and Pleasure, that you do give them every countenance and encouragement in your power, and that you do not allow any Establishment to be made, but with their consent, within the limits of their possessions.

38. By Our Commission to you under Our Great Seal of Great Britain you are authorised and empowered, with the advice and consent of Our Council, to settle and agree with the Inhabitants of Our said Province of Quebec for such Lands, Tenements, and Hereditaments, as now are, or shall hereafter be in Our Power to dispose of. It is therefore Our Will and Pleasure, that all Lands, which now are, or hereafter may be subject to Our Disposal, be granted in Fief or Seigneurie, in like manner as was practiced antecedent to the Conquest of the said Province; omitting however in any Grant, that shall be passed of such Lands, the Reservation of any Judicial powers, or privileges whatever. And it is Our further Will and Pleasure, that all Grants in Fief or Seigneurie, so to be passed by you, as aforesaid, be made subject to Our Royal Ratification, or Disallowance, and to a due Registry thereof within a limited time,



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in like manner as was practised in regard to Grants and Concessions held in Fief and Seigneurie under the French Government.

39. It is Our Will and Pleasure however, that no Grants be made of any Lands, on which there is any considerable growth of white Pines fit for Masting Our Royal Navy, and which lie convenient for Water carriage; But that you do cause all such Lands to be set apart for Our Use, and proper regulations made, and penalties inflicted, to prevent trespasses on such Tracts, and the cutting down, or destroying the Trees growing thereon.

40. And whereas it appears from the Representations of Our late Governor of the District of Trois Rivières that the Iron Works at Saint Maurice in that District are of great consequence to Our Service. It is therefore Our Will and Pleasure, that no part of the Lands, upon which the said Iron Works were carried on, or from which the Ore used in such Works was procured, or which shall appear to be necessary and convenient for that Establishment, either in respect to a free passage to the River Saint Lawrence, or for producing a necessary supply of Wood, Corn, and Hay, or for Pasture for Cattle, be granted to any private person whatever. And also that as large a District of Land, as conveniently may be, adjacent to, and lying round the said Iron Works, over and above what may be necessary for the above purposes, be reserved for Our Use, to be disposed of in such manner as We shall hereafter direct and appoint.

41. And it is Our further Will and Pleasure, that you do consider of a proper and effectual method of collecting, receiving, and accounting for Our Quit rents, whereby all Frauds, Concealment, Irregularity, or neglect therein may be prevented, and whereby the receipts may be effectually checked and controlled. And if it shall appear necessary to pass an Act for the more effectually ascertaining, and the more speedily and regularly collecting Our Quit rents, you are to prepare the heads of such a Bill, as you shall think may most effectually conduce to the procuring the good ends proposed; and to transmit the same to Us by one of Our principal Secretaries of State for Our further Directions therein. And you are also to transmit a Duplicate thereof to Our Commissioners for Trade and Plantations for their information.

42. You are to use your best Endeavours in improving the Trade of the Province under your Government by settling such Orders and Regulations therein, with the advice of Our said Council, as may be most acceptable to the generality of the Inhabitants; And It is Our express Will and Pleasure, that you do not upon any pretence whatever, upon pain of Our Highest Displeasure, give your assent to any Law or Laws for setting up any Manufactures, and carrying on any Trades, which are hurtful and prejudicial to this Kingdom; and that you do use your utmost endeavours to discourage, discountenance, and restrain any attempts, which may be made to set up such Manufactures, or establish any such Trades.

43. And it is Our Will and Pleasure, that you do not dispose of any Forfeitures or Escheats to any person, until the Sheriff or other proper Officer have made enquiry by a Jury upon their Oaths into the true value thereof; nor until you have transmitted to Our Commissioners of Our Treasury a particular account of such Forfeitures, and Escheats, and the Value thereof; and you are to take care, that the produce of such Forfeitures and Escheats, in case We shall think proper to give you directions to dispose of the same, be duly paid to Our Treasurer or Receiver General of Our said Province; and a full account transmitted to Our Commissioners of Our Treasury, or Our High Treasurer for the time being, with the names of the persons, to whom disposed.

44. And whereas Commissions have been granted unto several persons in Our respective Plantations in America for the trying of Pirates in those parts, pursuant to the Acts for the more effectual suppression of Piracy; and by a Commission already granted to Our Province of New York Our Governor there is impowered, together with them therein mentioned, to proceed accordingly in reference to Our said Province; Our Will and Pleasure is, that you do use your best Endeavours to apprehend all

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persons whatever, who may have been guilty of Piracy within your Government, or who, having committed such Crimes at other places, may come within your Jurisdiction, and until We shall think proper to direct the like Commission to be established for Our Government of Quebec, you are to send such Pirates, with what proofs of their Guilt you can procure or collect, to Our Governor of New York, to be tryed and punished under the authority of the Commission established for those parts.

45. And whereas you will receive from Our Commissioners for executing the Office of High Admiral of Great Britain and of Our Plantations a Commission, constituting you Vice Admiral of Our said Province; you are hereby required and directed carefully to put in execution the several powers thereby granted you.

46. Whereas great Inconveniences have happened heretofore by Merchant Ships and other Vessels in the Plantations wearing the Colours borne by Our Ships of War, under pretence of Commissions granted to them by the Governors of the said Plantations, and by trading under those Colours, not only among Our own Subjects, but also those of other Princes and States, and committing divers Irregularities, they may very much dishonor Our Service; For preventing thereof, you are to oblige the Commanders of all such Ships, to which you shall grant Commissions, to wear no other Colours, than such as are described in an Order of Council of the 7th of January, 1730, in relation to Colours to be worn by all Ships and Vessels, except Our Ships of War.

47. And whereas there have been great Irregularities in the manner of granting Commissions in the Plantations to private Ships of War, you are to govern yourself, whenever there shall be occasion, according to the Commissions and Instructions granted in this Kingdom; But you are not to grant Commissions of Marque or Reprisal against any Prince or State, or their Subjects in amity with Us to any person whatsoever without Our especial Command.

48. Whereas We have been informed, that during the time of War, Our Enemies have frequently got Intelligence of the State of Our Plantations by Letters from private persons to their Correspondents in Great Britain, taken on board Ships coming from the Plantations, which hath been of dangerous consequence; Our Will and Pleasure therefore is, that you signify to all Merchants, Planters and others, that they be very cautious in time of War, whenever that shall happen, in giving any accounts by Letters of the public State and condition of Our Province under your Government; and you are further to give directions to all Masters of Ships, or other persons, to whom you may entrust your Letters, that they put such Letters into a Bag with a sufficient weight to sink the same immediately, in case of imminent danger from the Enemy: And you are also to let the Merchants and Planters know, how greatly it is for their Interest, that their Letters should not fall into the hands of the Enemy; and therefore that they should give like Orders to Masters of Ships in relation to their Letters; and you are further to advise all Masters of Ships, that they do sink all Letters, in case of danger, in the manner before mentioned.

49. And whereas the Merchants and Planters in Our Plantations in America, have in time of War, corresponded and traded with Our Enemies, and carried Intelligence to them, to the great prejudice and hazard of Our said Plantations; you are therefore by all possible methods to endeavour to hinder such Trade and Correspondence in time of War.

50. Whereas it is absolutely necessary, that We be exactly informed of the State of Defence of all Our Plantations in America, as well in relation to the Stores of War, that are in each Plantation, as to the Forts and Fortifications there, and what more may be necessary to be built for the Defence and Security of the same; you are as soon as possible to prepare an account thereof with relation to Our said Province in the most particular manner; and you are therein to express the present State of the Arms, Ammunition, and other Stores of War belonging to the said Province, either in public Magazines, or in the hands of private persons, together with the State of all places either already fortified, or that you judge necessary to be fortified



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for the Security of Our said Province; and you are to transmit the said accounts to Us by one of Our principal Secretaries of State, and also Duplicates thereof to Our Commissioners for Trade and Plantations, for their information, and also a Duplicate thereof to Our Master General, or principal Officers of Our Ordinance, which accounts are to express the particulars of Ordinance, Carriages, Balls, Powder, and other sorts of Arms and Ammunition in Our public Stores, and so from time to time of what shall be sent to you, or bought with the public Money; and to specify the time of the disposal, and the occasion thereof; And you are half yearly to transmit a general account of the State of the Fortifications and Warlike Stores specified in the manner above mentioned.

51. And in case of any Distress of any other of Our Plantations, you shall, upon application of the respective Governors thereof unto you, assist them with what aid the condition and safety of Our Province under your Government can spare.

52. If any thing shall happen, which may be of advantage or security to Our Province under your Government, which is not herein, or by your Commission provided for, We do hereby allow unto you, with the advice and consent of Our Council, to take order for the present therein, giving unto Us, by one of, Our principal Secretaries of State, speedy notice thereof, that you may receive Our Ratification, if We shall approve the same; Provided always, that you do not by colour of any power or authority hereby given you, commence or declare War without Our Knowledge and particular Commands therein; and you are also to transmit a Duplicate of such notice, as aforesaid, to Our Commissioners for Trade and Plantations for their information.

53. And whereas We have by the first article of these Our Instructions to you directed and appointed, that your chief Residence shall be at Quebec, you are nevertheless frequently to visit the other parts of your Government, in order to inspect the management of all public affairs, and thereby the better to take care, that the Government be so administered, that no disorderly practices may grow up contrary to Our Service and the welfare of Our Subjects.

54. And whereas great prejudice may happen to Our Service, and the security of the Province by your absence from those parts, you are not upon any pretence whatsoever to come into Europe without having first obtained leave for so doing from Us under Our Sign Manual and Signet, or by Our Order in Our Privy Council; Yet nevertheless, in case of Sickness, you may go to South Carolina, or any other of Our Southern Plantations, and there stay such a space of time, as the recovery of your Health may absolutely require.

55. And whereas We have thought fit by Our Commission to direct, that, in case of your death, or absence from Our said Province, and in case there be at that time no person within Our said Province commissioned or appointed by Us to be Our Lieutenant Governor, or Commander in Chief, that the eldest Councillor, being a natural born Subject of Great Britain, Ireland, or the Plantations, and professing the Protestant Religion, who shall be at the time of your death or absence residing within Our said Province under your Government, shall take upon him the administration of Government, and execute Our said Commission, and Instructions, and the several powers and authorities therein directed; It is nevertheless Our express Will and Pleasure, that in such case the said President shall forbear to pass any Act or Acts, but what are immediately necessary for the Peace and Welfare of the said Province, without Our particular Order for that purpose.

56. And whereas We are desirous, that a proper provision should be made for the support of Our Government within Our said Province of Quebec, We do therefore hereby declare it to be Our Royal Intention, that the following annual Salaries and Allowances be discharged and paid out of any Revenues arising to Us within the same, or out of such other Monies, as shall be granted or appropriated to the Uses and Services of Our said Province of Quebec, that is to say,