

DOCUMENTS RELATING TO THE CONSTITUTIONAL
HISTORY OF CANADA

1759-1791

ARTICLES OF CAPITULATION, QUEBEC.¹

La Capitulation demandée d'autre part a été accordée par Son Excellence General Townshend Brigadier des armées de sa Majesté Britannique en Amérique de la Manière & aux conditions exprimées cy dessous

Articles de Capitulation demandés Par M^r de Ramzay Lieutenant Pour Le Roy Commandant Les hautes et Basse Ville de Quebec Ch^{er} de L'ordre Royal & Militaire de S^t Louis à Son Excellence Monsieur Le General des troupes de Sa Majesté Britannique.

¹ The Articles of Capitulation of Quebec as here given are taken from a photographic reproduction of the original document, signed by Admiral Charles Saunders, Brigadier General George Townshend and M. de Ramesay, which was enclosed in Townshend's despatch to Pitt of the 20th Sept., 1759, giving the official account of the capture of Quebec. The despatch and the enclosed Articles of Capitulation are preserved in the Public Record Office, London, in Vol. 88 of the papers relating to 'America and the West Indies.' In his despatch General Townshend thus alludes to the Capitulation:—'The 17th at noon before we had any Battery erected or could have had any for 2 or 3 days. A Flag of Truce came out with proposals of Capitulation, which I sent back again to Town allowing them four Hours to capitulate or no farther Treaty. * * The French Officer returned at night with Terms of Capitulation which with the Admiral were considered, agreed to, and signed, at 8 in y^e morning y^e 18th instant. The Terms you find we granted will I flatter myself be approved of by his Majesty considering y^e Enemy assembling in our Rear, & what is far more formidable The very Whet & Cold Season which threatened our Troops with Sickness & the fleet with some Accident. It had made our Road so bad we could not bring up a Gun for some time, add to this y^e advantage of entering y^e Town with the walls in a Defensible State, and y^e being able to put a Garrison there strong enough to prevent all Surprise. These I hope will be deem'd a sufficient Consideration for granting y^e them. Terms I have the Honour to propose to you.'

Admiral Saunders, in a letter to Pitt at the same time, also states, 'I enclose you a Copy of the Articles of Capitulation.' Negotiations for the capitulation appear to have commenced immediately after the battle of the Plains on the 13th of September, as Montcalm addressed a letter to Townshend on that day, in which he acknowledged that he was compelled to surrender. On the 14th, M. de Ramesay received a communication from the British Commander referring to the arrangements for carrying out the truce; but the death of Montcalm which occurred on the same day seems to have interrupted the proceedings. There are several variations in the wording alike of the French text and of the English Translation, or version of the Articles of Capitulation, as given by different authorities. Some of these are from French sources, others from English. As indicative of the variations in British official sources we may take the following versions of the introductory clauses of the Capitulation:

Articles de Capitulation demandées par M^r de Ramzay Lieutenant pour le Roy, Commandant les Hautes et Basses Villes de Québec, Chevalier de l'Ordre Royal et Militaire de S^t Louis, à Son Excellence Monsieur le Général des Troupes de Sa Majesté Britannique: La Capitulation demandée d'autre Part a été accordée par Son Excellence General Townshend, Brigadier des Armes de Sa Majesté Britannique en Amérique, de la Manière et aux Conditions exprimées cy-dessous:

(Papers relative to the Province of Quebec, ordered to be printed 21st April 1791. Copied in Canadian Archives, Q. 62 A, Pt. 1, p. 103.)

ARTICLES DE CAPITULATION

Demandée par M. de Ramsay, Lieutenant pour le Roi, commandant les Hautes et Basse-villes de Québec, Chef de l'ordre militaire de St. Louis, à son Excellence le Général des Troupes de sa Majesté Britannique.—'La Capitulation demandée de l'autre part, a été accordée par son Excellence l'Amiral Saunders, et son Excellence le Général Townshend, &c. &c. &c. de la manière et condition exprimée ci-dessous.'

(Capitulations and Extracts of Treaties Relating to Canada; with His Majesty's Proclamation of 1763, establishing the Government of Quebec. p. 3. Printed by William Vondenvelden, Law Printer to the King's Most Excellent Majesty, 1797.)