

ADDITIONAL NOTES ON BARON MASERES, ATTORNEY GENERAL FOR QUEBEC, 1766-69.

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THE era from 1774 to 1791—that is, the seventeen years of our colonial existence governed by the constitution of 1774, known as the *Quebec Act*—without being particularly brilliant, of a surety challenges the serious attention of the investigator of the past. A poorly recorded era it certainly was; happily the documents throwing light on the same—scant though they were formerly—are rapidly accumulating up, since the creation at Ottawa—under the auspices of the Department of Agriculture—of a Public Record office, presided over by the indefatigable *Genius Loci*, Douglas Brymner.

To the modern annalist, the task of the historian is much less arduous than it was to those patient toilers, the historians Garneau, Bibaud, Ferland and Faillon, who had to wade through piles of illegible manuscript. What was denied to students previous to Confederation, is now readily granted, since 1867: free access to the treasures of historical lore in the British Museum, the archives of the War Office, of the Tower of London, and the British Public Record Office. These priceless stores of information, until Confederation, had been veiled for state reasons, which it is unnecessary to discuss at present.

Several English jurists, without visiting Canada, the advocate-general, Sir James Marriott, the attorneys and solicitors-general Yorke, de Grey, Thurlow, Wedderburne, through the memoirs, official reports and state dispatches they were called on to lay before the English king, are either identified with this epoch, or else have helped to make its history.

Others, like Judge Mabane and Baron Masères, had the advantage of being located in our midst, and acquiring, through their official positions, the information they sought. The force of circumstances made them eye-witnesses of our struggles; they were privileged to study on the spot the varied and exciting phases of this era of transition.

A well-known antiquary, the Rev. Abbé Louis Bois, has written the biography of the first—the upright and persecuted Judge Mabane, who expired at his villa, Woodfield, Sillery, in 1792. I shall attempt to give a hasty sketch of the second, Baron Masères, attorney-general for this province from 1766 to 1769.

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On the 19th of May, 1824, England was mourning the loss of one of her most distinguished sons, Francis Masères, Baron of the Exchequer, jurist, mathematician, linguist, historian, publicist. The popular voice styled him "The Veteran of Science," while Literature proclaimed him the Maecenas of men of letters in his town. That year death had closed his long literary career. Masères, a fervent Christian, had bid adieu to the world, its pomp and vanity, at the advanced age of 93 years, in his beautiful villa of Reigate, in Surrey. Friendship had inscribed on his marble tomb, "*Quando ullum inveniam parem?*"—"When shall we see his like?"

If Francis Masères, in spite of his Gallic name, was by his tastes, aspirations, convictions, loyalty, a true son of Albion—one might say, a typical Englishman; he never forgot, and more than once showed it, that for his ancestors there had been once a loved home beyond the white cliffs of England, that glorious old France, for which they had been ready to shed their blood, and which contained the sacred depot of their ashes.

It has been said that it takes three generations to make a real English gentleman; three generations had sufficed to make Masères a true Englishman.

Francis Masères was born in London on the 15th December, 1731. His father practiced as a physician in Broad street, Soho. His great-grandfather, a native of France, professed the

faith in which were born Henri IV., Catherine de Rohan, Condé and Coligny.

Three of his brothers had held commissions in the French army.

For the Masères, as well as for scores of distinguished French families, the revocation of the Edict of Nantes, in 1685, was the signal of departure; it meant poverty, sorrow,—exile. Preferring the latter to the sacrifice of his religious views, M. Masères, the ancestor of the Baron, sailed for England.

King William III., cognisant of his merit, gave him military employment in Ireland, and later, in Portugal. From thence he returned with the grade of colonel.

His son, a physician, having left Broad street, purchased a house in Rathbone Place, which ultimately went to his grandson, Francis, a brother of the Baron, who occasionally spent there many happy days.

Francis Masères graduated at the University of Cambridge, 1752-55. The young M.A. very soon displayed rare aptitude for science and literature. He gave himself up, heart and soul, to these pursuits, without striving very hard to acquire riches, though that fickle Goddess, yclept Fortune, more than once smiled upon him.

Whilst at Cambridge, he published the following essay: "*A Dissertation on the Negative Sign in Algebra, Containing a Demonstration of the Rule Concerning it.*" His aim was to facilitate for beginners the study of that science. Masères abandoned the university to study law. On being admitted to the English Bar he followed the circuits, without gaining much distinction. Later on, however, his knowledge of English jurisprudence was so profound that the members of both houses of Parliament would come to him for advice. George III. sent him to Quebec in 1766 as attorney-general to replace George Suckling, who had succeeded J. A. Cugnet, an eminent French barrister. In 1765 the proclamation of the Stamp Act had set all New England in a blaze. Masères rendered at this juncture, by his writings, good service to England; he was subsequently made Cursitor Baron of the Exchequer.

On ceasing (at his own request) to continue as attorney-general, he was asked to act in London as agent of the Protestants of Canada, and charged with advocating their civil and their religious rights.

The arbitrary treatment meted out by intolerance to his ancestors, in France, seems to have ever rankled in his mind; he cordially hated Roman Catholics.* His was another distinguished name to be added to the group of clever delegates charged to advocate in England colonial rights and immunities by the English minority or French majority in Canada: Etienne Charest, Adam Lymburner, Louis Joseph Papineau, Denis Benjamin Viger, John Neilson, James Stuart, Arthur H. Roebuck.

In 1779 the Recorder of London appointed Masères his deputy.

In 1770 the Court of Common Council made him president of the Sheriff's Court in London. He held this appointment until 1822, two years before his death.

The year 1784 found Masères deeply immersed in a dispute with the Royal Society of London, touching the dismissal of the mathematician, Hut-
ton.

In 1800, Masères published a dissertation "*On the Resolution of Affected Algebraic Equations,*" with profuse scientific notes.

Though our former attorney-general is known to us principally through his fourteen memoirs and

* Governor Carleton in a letter to Lord Hillsborough, rightly censures Masères' too "servid Protestant zeal" at Quebec, and rebukes his rooted prejudices against Roman Catholics as unworthy of such a learned man.

reports on Canadian affairs from 1766 to 1791, mentioned elsewhere, it was in the exact sciences, parliamentary law, philosophy, and parliamentary history of England where he made his mark † and where he so laboriously toiled.

It seems nearly incredible that so much scientific research and literary work could have sprung from one man's brain.

His purse was generously placed more than once at the disposal of literary, but impecunious merit. Masères lent the Rev. J. Hellins the money to pay for the publishing of the excellent translation he had made of Donna Agensi's treatise *Institutioni Analytiche*.

He once lent \$6,000, for a term of twenty years without interest, to an indigent author, to edit a work. In spite of these generous acts, his estate at his death was of much greater value than one could have been led to believe. His sojourn in Quebec afforded him ample facilities to study closely the wants of the colony, the weak points of the administrative system, the bickerings and friction between the new subjects—the French Canadian's and the King's old subjects, recently arrived from Britain. Though a trusted adherent of the King, he took sides against him on a point of vital importance to French Canadians.

"Masères, when Attorney-General for the Province of Quebec," says the historian Bibaud, Jeune, "denied that the King had any right to legislate for Canada without the co-operation of his Parliament," and according to Masères, the French laws had been the laws of Canada from 1764 to 1774. The Advocate-General, Marriott, maintained the contrary. One can easily imagine the chances of promotion Masères must have lost by thus rudely thwarting the plans of such a self-willed, obstinate sovereign as was George III. The Roman Catholics must also have felt grateful to him for his efforts to have the obnoxious Test oath modified. A warm friend to popular liberties, he had another wrong, in the eyes of the King—he was a Whig. An implacable foe he ever was to religious intolerance and arbitrary power; standing up firm for the maintenance of order and public authority.

The study of the Greek and Latin classics was Masères' delight. Homer, Lucain, Horace were his favourites among the ancients; he had them by heart, it was said, whilst he doted on Milton among modern writers. He liked and spoke fluently, the language of his ancestors, the French—the pure,

† In addition to Baron Masères' voluminous works on Canada, mentioned in a previous issue of the DOMINION ILLUSTRATED, I beg to subjoin the following list of his scientific publications:—

1. "The Elements of Plane Trigonometry, with a dissertation on the nature and use of Logarithms," 1760, 8vo.
2. "Montesquieu, Views of the English Constitution, translated with notes," 1781, 8 vols.
3. "The Principles of the Doctrine of Life Annuities," 1783, 1 vol., 4 to.
4. "The Moderate Reformer; or a proposal to correct some abuses in the present establishment of the Church of England," 1791, 6 vols., 4to.
5. "Enquiry into the Extent of Power of Juries on Trials for Criminal Writings," 1792, 8vo.
6. "Scrip'tores Logarithmici," 1791-1807, 6 vols., 4 to.
7. "Bernoulli's Doctrine of Permutations and Combinations with some Principles of Algebra," 1799, 8vo.
8. "May's History of the Parliament of England, which began 3rd Nov., 1640; a new edition, with a preface," 1814, 4to.
9. "Three Tracts Published in Amsterdam in 1691, and two under the name of General Ludlow to Edmund Seymour and other persons; a new edition, with a preface," 1813, 4to.
10. "The Irish Rebellion; or a history of the attempts of the Irish Papists to exterminate the Protestants; by Sir John Templer; a new edition, with preface, 1813, 4to.
11. "The Curse of Popery and Popish Pains to the Civil Government and Protestant Church of England," reprinted in 8 vols., 1807.
12. "Memoirs of the most material transactions in England for 100 years preceding the Revolution in 1688," by James Welwood, 1820, 8 vols.
13. "Select Tracts relating to the Civil Wars in England, temp. Chas. I. and Cromwell Usurpation," 2 vols., 8 vo.
14. "View of the Ancient Constitution of the English Parliament."