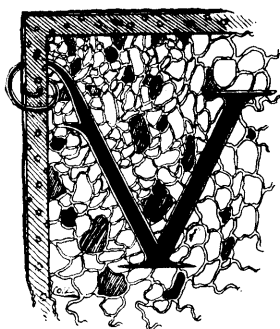


FRANCIS MASERES.

ATTORNEY-GENERAL OF QUEBEC, 1766-1769. CURSITOR BARON OF THE EXCHEQUER.



VERY often I have happened to speak of Francis Masères, to persons generally pretty well informed in our history, and I have been convinced that a large number, especially among the French Canadians, knew him very slightly, while the remainder were ignorant of even his name. He is, nevertheless, a man who has played an important part, and who deserves certainly to be known, for he was not wanting in ability. The idea of writing a few biographical notes on this political personage occurred to me, on receiving from England, a short time ago, his portrait, engraved in 1815, by Andinet, taken from a painting by Hayter. I was not aware of the existence of this engraving—in fact I think that the portrait is rare. Masères is, without doubt, the one who has written the most on the affairs of Canada from the time of the conquest to the adoption of the bill of Quebec in 1774. As this period is the least known in our history it becomes important to know the man more intimately. I will give, in conclusion, a few bibliographical notes on his writings concerning Canada.

Francis Masères, generally called Baron Masères, was descended from a French family which took refuge in England at the time of the revocation of the Edict of Nantes. He was born on the 15th of December, 1731, in London, where his father was practising as a doctor. He received his education from the Rev. Mr. Wooddeson, at Kingston-upon-Thames, and finished his studies at the University of Cambridge, where he took his degree of B.A. in 1752, and of M.A. in 1755. He was made a lawyer a short time afterwards, but his legal career was neither brilliant nor long in England, as at the early age of thirty-three years, in 1766, he was appointed Attorney-General for the Province of Quebec. He replaced George Suckling, appointed in 1763, who had succeeded Francis Joseph Cugnet at the moment when the latter saw himself obliged to resign this post, which he had been the first to fill after the conquest, rather than take the test oaths imposed by the constitution of 1763.

As we have just seen, Francis Joseph Cugnet, adviser to the Superior Council under the French—later, secretary to Governor Carleton, had, immediately after the conquest, occupied the position of Attorney-General under Murray, who had for him, it is said, much esteem. He had also served as interpreter to Amherst in his parleying with Vaudreuil and Levis at Montreal, at the occasion of the cession of Canada in 1760.

Suckling, the second Attorney-General, whom Masères was called to replace, gave in his resignation the 6th of March, 1766. On the 24th of September of the same year Masères presented his mandamus to the Council of Quebec, and the following day took the oath of office. All the time that Masères was Attorney-General at Quebec, from 1766 to 1769, he always shewed himself to be the implacable enemy of the newly conquered Canadian people, and especially the bitter enemy of the Catholics, whom he despised with all his heart. One is surprised to meet with so much fanaticism in a man learned as he was, for we must mention that besides his talents as a writer, Masères was a mathematician of great renown. The first work which he had printed in 1758, treated of mathematics, and bore as a title, "A dissertation on the negative sign in Algebra." The most important matter with which Masères was connected during the three years that he lived in Quebec was the famous law-suit of Walker, of Montreal,

As Attorney-General he represented the crown in the cause, which at that time made so much noise, and which Masères relates with many details in his volume, bearing as title, "Additional Papers," published in 1776. Apart from his first "Plan of act of Parliament," which he had printed in London before leaving for Canada in 1766, all his writings concerning Canada were not published until after his return to England, which took place late in the autumn of 1769, although it seems very probable that the greater part of his studies were prepared during his stay in Quebec. Thus his public work in 1772, having as a title, "Plan of a General Assembly of the Freeholders of the Province of Quebec," was written at Quebec in 1767, as is indicated by a note written by Masères himself, in a copy of this pamphlet which I have met with. In this work he suggests the establishment of a House of Assembly, of which all the lords of the province shall be members, with an equal number of free holders, that is to say that a peasant shall be elected by the free-holders of each seignior to represent the interest of these in the House of Assembly. He proposed also to give to the cities of Quebec and Montreal the right to elect each two representatives and to Three Rivers one, to further in this assembly



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the commercial interests of Canada. He calculates that by this manner of election the representation will be composed of about two hundred and sixty members. The assembly will meet every year at a fixed time. Notwithstanding his animosity against the Catholics he cannot avoid recommending in this scheme that the famous test oath should no longer be exacted from Catholics, and that another should be substituted which would be less offensive.

Among the political writings on Canada which Masères published during the years 1772 and 1773 were found two projects of acts of parliament which made some noise. They all had the same title, but were written at different periods. The first was printed in 1772, and the second in 1773. The title reads as follows: "Draught of an act of parliament for settling the laws of the Province of Quebec."

From the year 1763 the English laws were put in force, instead of the ancient French laws which governed this province before the conquest. There were continually complaints on the part of Canadians who found themselves

molested. The English Government, desiring to give a reason as to what gave occasion for these complaints, sent to Quebec, about 1773, one of the under-secretaries of state, of the name of Morgan, to make a collection of all the French laws which ruled the country under French sway,—a task which Morgan accomplished, it is said, with the greatest fidelity. Instructions were at the same time sent to the Governor, to the Chief Judge and the Attorney-General, to give all the assistance possible to Mr. Morgan, and charged each of them to supply the English Government with their personal opinion, as well as with the result of their conference together on this question. The reports of these various officers, who differed obviously among themselves, were placed before the Privy Council, and from thence referred to the Board of Trade. They were then sent to the two principal officers in law (or legal officers), viz., Solicitor-General Wedderburne and Attorney-General Thurlow, with orders for each to make a report upon what was placed before them. There was in the reports of these juriconsults, as often happens among learned people, a divergence of opinion; but both agreed generally in showing much sympathy,—thus going against the ideas of Masères. It was apropos of this that Masères published his "Draught of an Act of Parliament for settling the laws of the Province of Quebec." It is to the large and liberal views contained in these reports of Thurlow and Wedderburne that we owe all the liberties granted to the Canadian Catholics by the famous Act of Quebec of 1774, which so much enraged the Tories of that time.

Francis Joseph Cugnet, mentioned before, criticised severely the plan of Masères' Act of Parliament, which tended to modify the laws of the Province of Quebec. And Masères attached so much importance to this criticism of Cugnet that he replied to it in the same year (1773) by a memorial of 159 pages (in folio), written in French, the title of which will be found further on in the list of works published by the latter. It would be interesting to make known all the theories held by Masères on the government of Quebec, but we are prevented from doing so, because that would make us depart from the outline which we are tracing. There certainly is in all his writings a great excess of zeal for England and Protestantism; and to support this opinion we have only to quote from a letter which Carleton wrote to Lord Hillsborough the 3rd of October, 1769, in which he says that he has granted a leave of absence of twelve months to Masères, but that the latter does not appear to wish to return. Here is this letter, taken from the Archives of the Dominion for 1880, by Mr. Brymner:

"Although I cannot fail to discover the strong antipathy which he felt towards the Canadians, for no reason that I am aware of—unless it be that they are Roman Catholics—I attributed many of his narrow prejudices to his want of knowledge of the world, and that he was more familiar with books than with men. I hoped that time and experience would gradually make them disappear, and that owing to his knowledge of the French language, which he speaks well, he could be useful here. I regret to have to say that I have been disappointed in my hope, and that Masères has been so indiscreet that I have thought it wise to yield to his wishes and to let him leave the province, to which I do not think he intends to return. I hope sincerely that some circumstance may occur by which a position may be given him, where his zeal, which is so fervid, will not be hurtful to the King's service."

After his return to England, Masères continued to occupy himself with the affairs of Canada. He took a very active part in the cause of Du Calvet. He contested with the greatest vigour the illegality of the imprisonment of the latter by Haldimand; it is said even that he contributed a large portion to the expenses of the law-suit which took place in this connection. At the death of Du Calvet, Masères charged himself with the education of his son, of whom nothing was heard afterwards. One would like to know, perhaps, what Rouhaud thought of Masères, with whom he had much to do. In a letter to Haldimand, dated March 23rd, 1785, which was found in the archives at Ottawa, after having related a conversation which he had with him on the subject of the imprisonment of Du Calvet