

# *Colonization and Municipal Reform in Canada East\**

by J. I. LITTLE\*\*

Historians have ably described how, at the turn of the nineteenth century, much of Lower Canada's accessible crown land fell into the hands of a relatively small number of the merchant-official clique.<sup>1</sup> Many of the absentee proprietors did little to develop this land, which after 1792 had been divided into townships of roughly ten square miles and granted under free and common socage. In many cases, large blocks remained unsettled for decades, in spite of a massive influx of immigrants through the port of Quebec, as well as overcrowded conditions in the seigneuries.<sup>2</sup> Less well known are the changes brought by the 1840s and 50s. The accelerating French-Canadian exodus to the United States inevitably resulted in a campaign to free the townships from the grip of the absentee proprietors. The problem for the LaFontaine government was to do this without submitting to the politically dangerous demands for outright confiscation or provincial taxation of all wild land. The two basic requirements, improved roads and lower land prices, would be met if the large landholders could simply be forced to share the public works burden. Whether because of their political influence, or the costly necessity of instituting court proceedings in order to repossess crown land, they had been able to ignore legislation in effect from 1823 to 1828 specifically requiring all original grantees to maintain public roads fronting their undeveloped property.<sup>3</sup> Municipal councils had been responsible for roads since 1840, so LaFontaine and his successors chose to increase the municipalities' legal obliga-

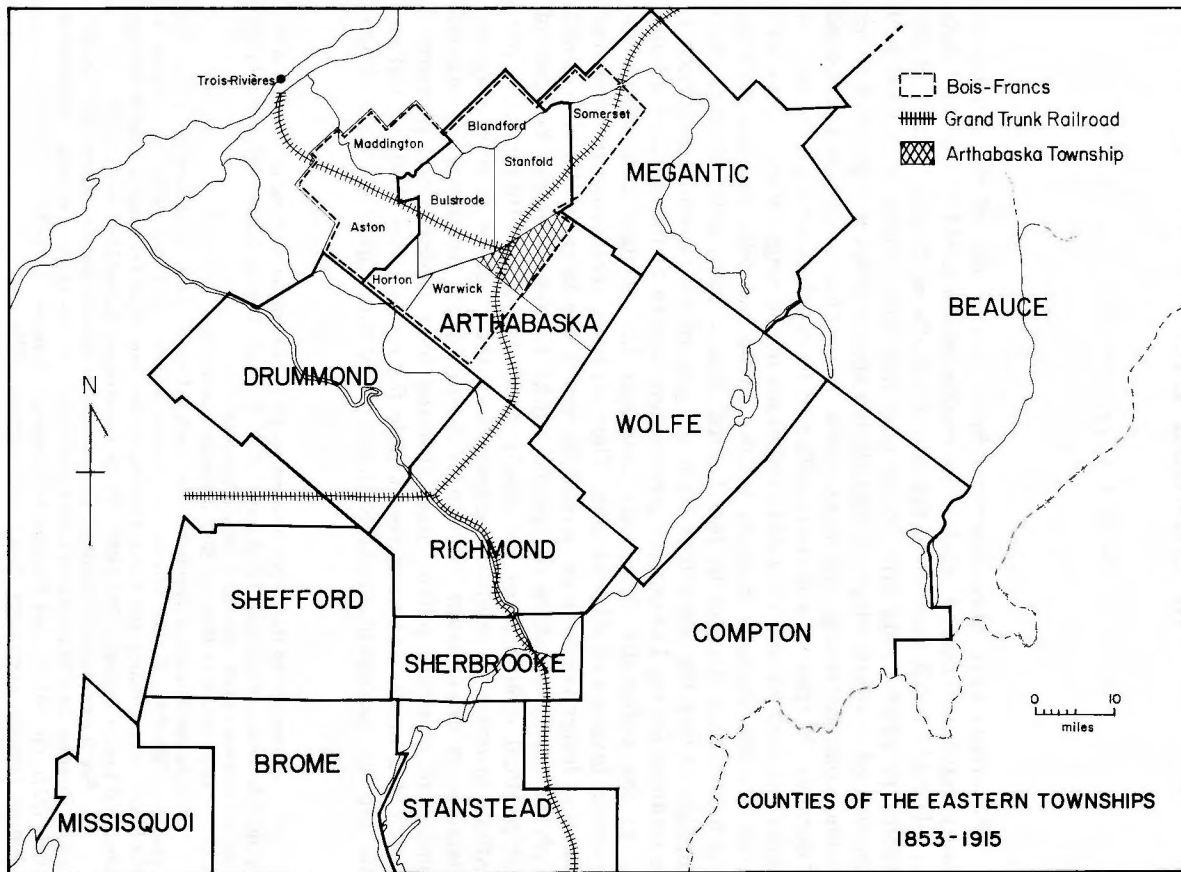
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<sup>1</sup> The most detailed treatments are Ivanhoë CARON, *La Colonisation de la Province de Québec 1760-1815*, 2 vols (Québec: L'Action sociale, 1923 and 1927); and Gerald F. MCGUIGAN, "Land Policy and Land Disposal under Tenure of Free and Common Socage, Quebec and Lower Canada, 1763-1809" (Ph.D. dissertation, Laval University, 1962).

<sup>2</sup> See for example I. CARON, "La colonisation sous le régime anglais (1815-1822)"; QUÉBEC, BUREAU DES STATISTIQUES, *Annuaire statistique du Québec* (Québec: Imprimerie du Roi, 1921), pp. 503-59; and Norman MACDONALD, *Canada, 1763-1841: Immigration and Settlement* (London: Longmans, Green and Company, 1939).

<sup>3</sup> CARON, "La colonisation", p. 541; Sir Charles LUCAS, ed., *Lord Durham's Report on the Affairs of British North America*, 3 vols (Oxford: Clarendon Press, 1912), III: 233.



Source: "Map of Montreal and the Eastern Townships," published by E.R. Smith & Son, St. Johns, P.Q., 1897.

tions and strengthen their powers. Not only would this relieve the central government from the unpopular task of taxation, but, in an age of primitive communication networks, it would be a more efficient system of local development. The great risk was whether poor and uprooted settlers with no tradition of self-government even in their home parishes, would be able or willing to operate such a system.

Although the municipal reforms clearly had much more widespread social, economic and political ramifications than the colonization of wild land, this is the single thread that will be followed here. After briefly examining the origins of local government in Canada East, this essay will study the legislation aimed specifically at strengthening the municipalities' role in levying taxes and maintaining roads, as well as attempt to assess what effect this actually had on the progress of land settlement. Some attention will also be devoted to the unsuccessful efforts to pass legislation which would have further discouraged absentee proprietorship by strengthening squatters' rights. The focus will be on the Bois-Francs area, just beyond the south shore of the St. Lawrence, at the northern edge of the Eastern Townships' Appalachian plateau, as shown on the Map. The southwestern corner of the Eastern Townships was settled relatively early by American and British immigrants, but the fertile piedmont zone to the north-east remained in the hands of absentee proprietors much longer because a long line of swamps separated it from the south-shore seigneuries. When the government finally constructed an access road during the mid-forties, the Bois Francs became a vital French-Canadian colonization centre, publicized by Gérin-Lajoie in his classic back-to-the-land epic, *Jean Rivard*.<sup>4</sup> In fact the Bois-Francs missionary-priests and settlers played a key role in inspiring the colonization reform movement of the fifties.

## I. — ORIGINS OF RURAL LOCAL GOVERNMENT

Prior to 1840 all the province's roads fell under the jurisdiction of the centrally appointed *grand-voyer* for each judicial district. He in turn appointed a deputy, as well as the parish (seigneurial zone) or township (freehold zone) surveyors. Popular elections were restricted to the overseers of highways, pound-keepers, fence-viewers and inspectors of drains for each of nine subdivisions within the parishes and townships.<sup>5</sup> (Between 1832 and 1835 parishes, townships, or counties could elect road commissioners to take over the responsibilities of the *grand-voyer* within their boundaries, but apparently few did so outside the Eastern Townships which did not have their own *grand-voyer*.) The function of all these of-

<sup>4</sup> First published in 1862 and 1864, the two-volume *Jean Rivard* was reputedly inspired by the experiences of an actual character in Arthabaska Township. Charles-Édouard MAILHOT, *Les Bois-Francs*, 4 vols (Arthabaska: L'Imprimerie d'Arthabaska, 1968), I: 165-67.

<sup>5</sup> *Statutes of Lower Canada* (hereafter *SLC*), 36 George VI, cap. IX, sect. 25-26; 4 Vict., cap. 3.

ficials was essentially to ensure that the local residents maintained the public roads, fences and ditches fronting their property, and to assign statute labour (*corvée*) for the construction and repair of crossroads as well as roads passing through unsettled land in the seigneuries, through crown and clergy reserves, and through all wild land which was unclaimed or still in the hands of the original patentees. In practice the Legislative Assembly chose to do much of the road building and even repairs in the sparsely settled townships, rather than risk its popularity by introducing a provincial system of road taxes.<sup>6</sup>

Upper Canada's Legislature also financed roads, but a system of turnpikes and annual property taxes levied by the district commissioners of the peace (in court of quarter sessions) at least helped to ensure their maintenance. Upper Canadians had been forced to accept a limited amount of local taxation by these centrally appointed officials as early as 1793 because of Lower Canada's monopoly of the customs revenue.<sup>7</sup> When Governor Poulett Thompson (later Lord Sydenham) introduced essentially the same principle to Lower Canada with his Municipal Act of 1840, he met with overwhelming opposition.

While the new act permitted the popular election of councillors, the twenty-two municipal districts were large and unwieldy, and the councillors had almost no power. Parish functionaries — assessors, collectors, surveyors, road-overseers, fence-viewers, drain-inspectors and pound-keepers — were to be elected by annual general meetings, while the key council positions — warden, clerk, and treasurer — would be filled by appointees of the governor. Furthermore, the warden would choose the district surveyor, supervisor of all the local works projects.<sup>8</sup> As a result, the *grand-voyers'* authority to assign and enforce road duties had been transferred to councils which the habitants, upon the encouragement of Reform politicians, simply boycotted as "machines à taxer".<sup>9</sup> (Accustomed though they were to land taxes, Upper Canadians also resented the application of this legislation to their half of the province because it increased the powers of assessment without adding significantly to local power.<sup>10</sup>)

<sup>6</sup> LUCAS, *Lord Durham's Report*, III: 153-54, 174-79; I. CARON, "Historique de la voirie dans la province de Québec", *Bulletin des recherches historiques*, XXXIX (1933): 380, 438-48, 463-82; Fernand OUELLET, *Histoire économique et sociale du Québec, 1760-1850* (Montréal: Fides, 1966), p. 364.

<sup>7</sup> J. H. AITCHISON, "The Development of Local Government in Upper Canada, 1783-1850" (Ph.D. dissertation, University of Toronto, 1953), pp. 230-31; J. H. AITCHISON, "The Municipal Corporations Act of 1849", *Canadian Historical Review*, XXX (1949): 108-9, 115-16.

<sup>8</sup> SLC, 4 Vict., cap. III & IV. This was essentially the same system suggested by Durham's two commissioners on local government, Adam Thom and William Kennedy. LUCAS, *Lord Durham's Report*, II: 113-15; III: 234-35.

<sup>9</sup> A. D. DECELLES, "The Municipal System of Quebec", in *Canada and its Provinces*, XV (Toronto and Glasgow: Brook & Company, 1914), p. 293; CARON, "Historique de la voirie", pp. 280, 448.

<sup>10</sup> AITCHISON, "The Municipal Corporations Act", pp. 116-18.

Local councils did appear in the Eastern Townships of Canada East, no doubt because the English-speaking inhabitants preferred the British-appointed officials to increasing control by the French-dominated Assembly,<sup>11</sup> and because they were familiar with the municipal institutions of neighbouring New England.<sup>12</sup> Whatever their effectiveness was in collecting taxes from the local residents,<sup>13</sup> the councils of the Eastern Townships appear to have had little success in pursuing the influential absentee proprietors. When Sherbrooke attempted to impose a tax of a penny an acre, Commissioner Alexander T. Galt of the British American Land Company (the largest landholder in the Eastern Townships) protested that property should be assessed according to value rather than acreage. For three years the council made no determined effort to collect, probably because Galt successfully lobbied the Governor who could disallow any local works project which had managed to survive the scrutiny of the district surveyor and (for large projects) the newly-created provincial Board of Works.<sup>14</sup>

In 1845 a reconstruction of the municipal machinery let the company off the hook completely.<sup>15</sup> D.-B. Papineau's act took the positive step of introducing an elective council, based on parishes and townships rather than districts, but the impact on the absentee landowners was to be cushioned by basing property taxes on value, as Galt had requested. Furthermore, only residents would effectively be pursued for non-payment of taxes because personal property could be seized on short notice by judgement of the local circuit court, while five years' grace was permitted before the land itself could be auctioned. In the final analysis, it is doubtful if the councils enforced any assessments whatever because the act concluded with a clause limiting its life to two years.<sup>16</sup>

Its replacement, Badgley's 1847 Municipal Act, instituted the larger county municipalities and doubled the maximum assessment rate to six pence per pound of yearly property value, but did little else to alter the 1845 legislation.<sup>17</sup> The new act's effectiveness can be illustrated by the Sherbrooke council's failure once again to collect taxes owed by the British American Land Company.<sup>18</sup>

<sup>11</sup> The fact that two-thirds of the county wardens were English-speaking was one of the most distasteful aspects of the new system to the French Canadians. See Louis-Philippe AUDET, *Histoire de l'Enseignement au Québec*, 2 vols (Montréal: Holt, Rinehart et Winston, 1971), II: 32.

<sup>12</sup> The original American settlers of Newport Township actually operated their own system of local government between 1799 and 1814. Private collection, "Newport, First Records. Province of Lower Canada, 1800."

<sup>13</sup> There are no Eastern Townships newspapers available for this period, but the press reveals that there was considerable local opposition to the compulsory school taxes introduced in 1846. See *Stanstead Journal*, 4 December 1845, 1 January, 22 January, 19 February, and 17 September 1846.

<sup>14</sup> *SLC*, 4 Vict., cap. IV, sect. 40 & 41.

<sup>15</sup> Oscar D. SKELTON, *The Life and Times of Sir Alexander Tilloch Galt* (Toronto: Oxford University Press, 1920), pp. 46-47, 137.

<sup>16</sup> *Statutes of the Province of Canada*, (hereafter *SPC*), 8 Vict., cap. XL.

<sup>17</sup> *Ibid.*, 10 & 11 Vict., cap. VII.

<sup>18</sup> SKELTON, *Galt*, pp. 47-48.

## II. — THE COLONIZATION MOVEMENT AND THE ORIGINS OF MUNICIPAL REFORM

By 1848 there was intense pressure on LaFontaine's government to facilitate and promote colonization in Canada East. Not only were his Reformers deeply obligated to the Catholic Church for their rise to power, but the official recognition of responsible government made them more susceptible to popular-nationalist influences. During the summer of 1848, the land settlement mania reached such a peak that the ultramontane Bishop Bourget of Montreal combined forces briefly with the young radicals of l'Institut Canadien to organize "l'Association pour l'établissement des Canadiens-français dans les townships du Bas-Canada".

The primary reason for the intense nationalist interest in expanding the settlement frontier was the sudden flood of French-Canadian families from their overcrowded and exhausted seigneurial farmland to the United States where, it was fully expected, they would lose their language and their faith. In 1849 a special committee of the Assembly, chaired by P.-J.-O. Chauveau, reported that emigration was "much more considerable than was generally believed, and threatens to become a real calamity for Lower Canada".<sup>19</sup> Since 1844 about 20,000 people had left from all over Canada East to settle primarily in northern New England where they were employed in day labour, agricultural work and trades.<sup>20</sup>

The Chauveau Report recommended industrialization and scientific improvements in agriculture, but stressed that a more immediate remedy was needed — colonization of the vast reserves of undeveloped land within Canada East.<sup>21</sup> (In 1846 Chauveau had published one of the first French-Canadian novels, *Charles Guérin*, in order to spread this same message.) But the report admitted that even colonization would not be an easy solution, for among the emigrants were settlers who had become discouraged by the isolation and the harsh terms exacted by the absentee landlords of the townships:

The settler can neither bring his produce to market nor procure the things necessary for cultivating his land. He must carry everything on his shoulders, across the swamps and waste lands belonging to the Crown, or to large neighbouring proprietors. He is isolated and unprotected. If he has taken lands from one of these large proprietors, the rate of rents, the dues and reservations which are even higher than those of the Seigneuries, force him to sell. Discouraged in every way, and little disposed withal, from his character and habits, to toil alone in the desert, he abandons after a while a settlement which, with more encouragement on the one hand and more perseverance on the other, might have become more productive.

<sup>19</sup> *Appendix no. 2 to Journals of the Legislative Assembly of Canada* (hereafter *JLA Canada*), VIII (1849), Chauveau Report.

<sup>20</sup> *Le Canadien émigrant*, published in 1851, estimated 25,000 French-Canadian emigrants for the same period. There were 19,380 French Canadians reported living in New England in 1850. Ralph D. VICERO, "Immigration of French-Canadians to New-England, 1840-1900: a Geographical Analysis" (Ph.D. dissertation, University of Wisconsin, 1968), pp. 152, 162.

<sup>21</sup> See Appendix AAAAA of the Chauveau Report (*JLA Canada*, VIII (1849)).

Chauveau therefore concluded that road construction should be financed from the sale of land held by non-resident proprietors who had not paid municipal taxes. Furthermore, there should be a drastic reduction in the five-year period allowed before land could be seized by local councils for delinquent taxes.

The Chauveau recommendations actually supported the demands outlined in petitions already submitted to the government by Catholic missionaries in the Bois Francs. These petitions had emerged from colonists' protest meetings, presided over by the local priests. On 30 December 1848 the settlers of Stanfold, Bulstrode, Blandford and Maddington Townships were assembled by Father Antoine Racine to hear the MLA for Nicolet, Thomas Fortier, urge them to unite and to persevere to the end in their fight for justice. In a series of resolutions, the colonists demanded that the absentee proprietors be forced to sell their holdings at crown land prices and terms; that all uncultivated land be taxed at the rate of two pennies per acre; that county municipalities be broken up into township municipalities; that the allotted time for a landowner to pay taxes be reduced from five years to four months; and that the government build new access roads as well as repair old ones.<sup>22</sup> Similar resolutions were passed by the inhabitants of Arthabaska, Chester and Warwick Townships under the guidance of Father Duguay.<sup>23</sup>

Having aroused the local populace, the priests went on to gain wider attention by publishing on 31 March 1851 a pamphlet entitled *Le Canadien émigrant, ou pourquoi le Canadien-Français quitte-t-il le Bas-Canada*. Antoine Racine was the author, but it was also signed by eleven other missionaries from the Townships.<sup>24</sup> The pamphlet's main theme was that French Canadians were leaving Canada East because speculators were blocking colonization, especially in the Eastern Townships. As well as demanding exorbitant prices for their land, they imposed burdensome conditions upon the purchasers, or remained anonymous in order to avoid statute labour and road taxes. By hindering road construction in this way, the absentee proprietors posed a double obstacle to colonization. The area most afflicted by them was the Bois Francs:

The labourer there is made use of with admirable patience and intelligence; and when his last drop of sweat has been gathered and his last rag torn from him, he is sent back to the Seigniories, or driven towards the United States. He is at liberty to go forth, at the head of his family, to increase the crowd of French Canadian beggars.<sup>25</sup>

In 1849 the government had set a two-year deadline for payment of delinquent fees and fulfillment of settlement duties on public land grants,<sup>26</sup>

<sup>22</sup> *Le Journal de Québec*, 30 December 1848. Fortier had already presented two abortive bills to facilitate settlement of the Eastern Townships in January and April. *JLA Canada*, VIII (1849): 18, 134, 200.

<sup>23</sup> *Ibid.*, 25 January 1849. Other townships' priests and settlers also sent petitions to the Legislative Assembly. *JLA Canada*, VII (1848): 23; VIII (1849): 18-20, 51.

<sup>24</sup> The contents of the pamphlet originally appeared in the *Journal de Québec. Bulletins des Recherches Historiques*, 1897, pp. 47, 63, 91.

<sup>25</sup> Abbé Ferland quoted in *Le Canadien émigrant*.

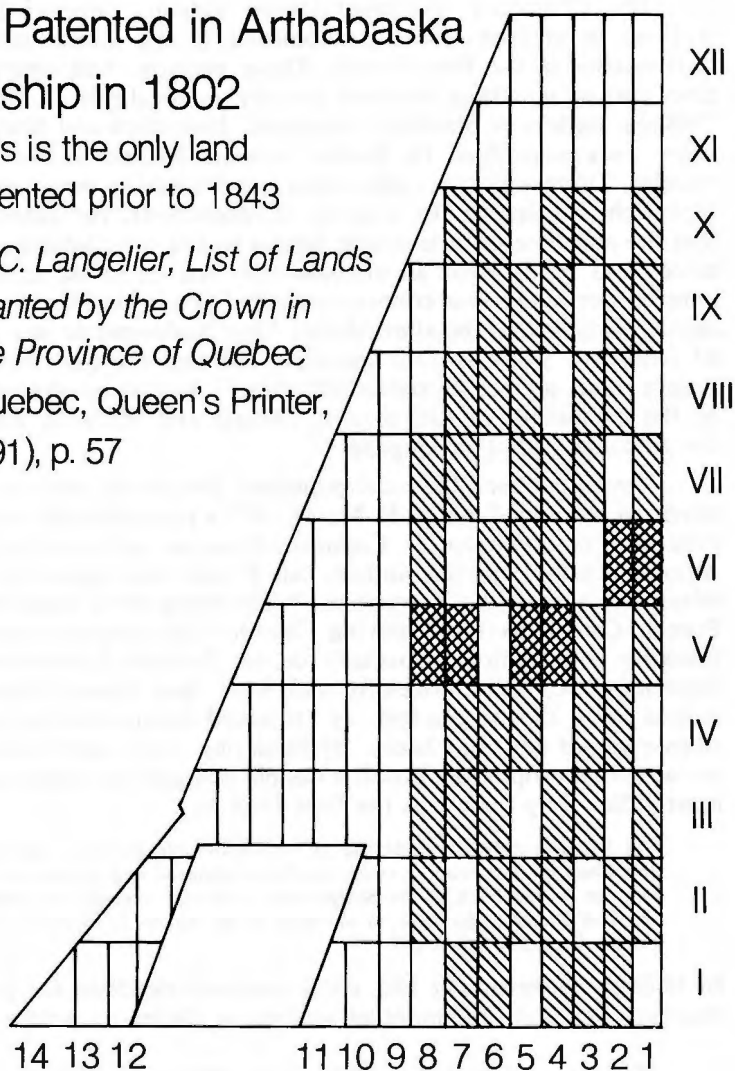
<sup>26</sup> *SPC*, 12 Vict., cap. XXXI.

## FIGURE 1

### Land Patented in Arthabaska Township in 1802

This is the only land  
patented prior to 1843

Source: *J.-C. Langelier, List of Lands  
Granted by the Crown in  
the Province of Quebec  
(Quebec, Queen's Printer,  
1891), p. 57*



Patented by John Gregory



but the two years had expired with the majority of large proprietors having made no attempt to comply with the regulations. In fact most had no reason to, even though the terms of their grants included settlement conditions, for they had been issued the letters patent or legal title immediately upon receipt of those grants<sup>27</sup> (Figure 1). The location ticket system establishing settlement conditions had not been introduced until 1815.

The three principal remedies recommended by the missionaries in their pamphlet expanded on the colonists' petitions of 1848. The first was a tax of a penny an acre on all wild land — including crown lands and clergy reserves. The annual minimum of £15,000 which this would yield could be applied to road work. Though they did not specify whether this tax should be collected at the provincial or at the municipal level, the missionaries' second recommendation was that the province open more arteries of communication, as well as repair those already in existence. This was especially essential to the Bois-Francs area where, during two months of the previous summer, ten families had been forced to subsist on roots and berries. The third remedy proposed was to reform the municipal system so that the roads could be kept in good repair. Resistance from large land-owners had rendered ineffective the municipalities' powers to levy taxes for local improvements. Consequently, all the major roads (Craig, Gosford, Blandford, Shipton and Lambton) leading into the northeastern section of the Eastern Townships were in a deplorable state, not having been worked on since their construction. The obvious solution was to make it obligatory for the councils to enforce the construction and repair of roads in their districts. The pamphlet also suggested that the municipalities again be organized at the township rather than the county level. Because of the existing system, no municipality had been created in the vast, sparsely settled area between the Chaudière and the St. Francis Rivers (most of what was Megantic County before 1853).

The publicity aroused by the pamphlet encouraged the government to appoint a special committee "to enquire into the causes which prevent or retard the settlement of the Eastern Townships". As part of his evidence, committee chairman Thomas Fortier (the same MLA who had addressed the Bois-Francs colonists in 1848) simply submitted the missionaries' pamphlet, which was published as the first report in 1851.

In its second report, the committee agreed that more roads should be built, and that they should be financed from land taxes. However, it also specified that all the land in the Eastern Townships, with a lower rate for developed land, should be subject to a special levy by the provincial government. (In his personal report to the committee, the author of *Le Canadien émigrant*, Father Racine, had actually favoured a municipal assessment.) Furthermore, where the missionaries had been careful to state

<sup>27</sup> The charter issued to the Shefford Township leader and associates, for example, stated that the grant would revert to the crown unless one family was settled for every 1,200 acres within one year, and two acres for every hundred arable acres were planted and cultivated within three years — increasing to seven acres per hundred within seven years. Mrs C. M. DAY, *Pioneers of the Eastern Townships. Settlements. Early History* (Montreal, 1863), p. 34.

that property rights were sacred, the committee's report argued that the crown had the right to reclaim the early land grants on the grounds that patents had been either issued illegally or under false pretences. Like the missionaries, the committee was outraged that the absentee proprietors would ignore government conditions of settlement while imposing much more onerous obligations on their own clients. Land deeds drawn up by these proprietors included conditions and reservations "similar to those contained in the Deeds made by the most exacting of the Seigniors of Lower Canada". For example, George Gregory, who owned 10,800 acres in Arthabaska Township (apparently inherited from the North West Company official, John Gregory)<sup>28</sup> stipulated in all his sales that when the purchaser or his heirs ceased to reside on the land, they would lose it without reimbursement; that no wood was to be cut until the full price of the land was paid; and that all sites for mills and factories were to be reserved. The solution recommended was to pass an act "declaring that all Deeds passed in contravention of the principle of free and common socage, shall be null, and of no effect". Finally, the committee urged legislation to protect squatters from losing all their improvements upon eviction by absentee proprietors.<sup>29</sup>

The ten-year history of the municipal system, together with the persistent "guerre des éteignoirs" against the 1846 school tax law,<sup>30</sup> had clearly done little to reassure Fortier and his fellow commissioners of the colonists' ability to solve their own problems through an improved system of local government. Durham himself, while advocating the establishment of municipal institutions, had tacitly accepted the recommendations of his commissioner, Charles Buller, who favoured a centralized wild land tax — though one levied by imperial rather than provincial authorities.<sup>31</sup> Some French-Canadian proponents of colonization held even less faith than Fortier in municipal government. Whereas the Fortier Committee implied at least that the local councils should continue to be responsible for all road maintenance, Dr Thomas Boutillier, MLA for Saint-Hyacinthe and a speculator in township wild land himself, circulated a proposal favouring the resurrection of a centrally appointed *grand-voyer* for each township district. This officer would levy and apply taxes for the provincial roads, while the county municipalities and parishes/townships would be responsible for municipal and parochial roads respectively, with the *grand-*

<sup>28</sup> John Gregory officially received only his 1,200 acre share of the 11,000 acres patented from Arthabaska Township by ten individuals in 1802, but as township leader he apparently acquired the rest of the grant soon afterwards. On the first two ranges at least, the Gregory heirs sold land originally granted to Louis Amiot and Nicholas Connolly (see Figures 1 and 2). Gregory seems to have been one of the few North-West Company men not to have turned his quarter township over to Joseph Frobisher. See MCGUIGAN, "Land Policy", part III, pp. 337-41, 377-78. *Minutes of Evidence Taken Under the Direction of a General Commission of Enquiry for Crown Lands and Emigration, Appointed ... by His Excellency The Earl of Durham ...* (Quebec: J. C. Fisher and William Kemble, 1839), p. 61.

<sup>29</sup> *JLA Canada*, X (1851), Appendix V, Second Report of the Special Committee.

<sup>30</sup> AUDET, *Histoire de l'Enseignement*, II: 59.

<sup>31</sup> LUCAS, *Lord Durham's Report*, II: 207; III: 81-89, 106-9.

voyer empowered to take over should they be derelict in their duties.<sup>32</sup> In defence of municipal government, LaFontaine's lieutenant, A.-N. Morin, argued that Boutillier's project contravened the liberal principle that public taxes should only be raised and dispensed by elected representatives of the people. Morin claimed that, if provincial roads were to be a distinct category, they should be the responsibility of the provincial government which could itself levy the necessary taxes. He felt, however, that even this alternative was less than satisfactory because the Public Works Department would not be able to pursue effectively delinquent tax payers, and older centres which already had roads would resent funding those in new areas.<sup>33</sup>

Morin clearly felt that Canada East should follow the path of democratic, responsible local government established for Canada West by Baldwin's Municipal Corporations Act of 1849. The problem was that the habitants, already taxed to the limit by their seigneurs, certainly would not contribute voluntarily to local public improvements. Attorney-General Lewis Thomas Drummond was working on seigneurial reform legislation which would limit the *cens et rentes*, but in the meantime comprehensive municipal reform would probably be of little value. This, of course, did not apply to the freehold Eastern Townships, where local government was already operating, though apparently with little impact upon the absentee proprietor problem. Rather than draft special municipal reforms for this region, which the government felt was already too independent,<sup>34</sup> LaFontaine permitted Fortier to present his "Acte pour faciliter l'établissement des townships de l'Est dans le Bas-Canada", which would empower the province to collect land taxes in the Eastern Townships according to the schedule which had been drawn up by Fortier's special committee.<sup>35</sup> His aim was to have the government apply this money to new colonization roads, but, true to Morin's prediction, the reaction from the older townships was strong and bitter. The *Stanstead Journal* called it

A piece of gross tyranny and injustice! The tax proposed to be levied upon Shefford and Missisco [*sic*] Counties will amount to £1,000 annually, and what special advantage are they to receive from building roads not one of which enters their limits? Why should the improved farms in either of these counties, or Stanstead County be taxed to build a bridge over the St. Francis between

<sup>32</sup> It was J.-O. Arcand, an Eastern Townships crown land agent, who told the Fortier Committee that Boutillier was "a considerable proprietor of lands in the townships". Boutillier's proposal is printed in the Appendix to the Second Report of the Special Committee (*JLA Canada*, X (1851)).

<sup>33</sup> Public Archives of Canada, LaFontaine Papers, A.-N. Morin to LaFontaine, 7 February 1849. J.-O. Arcand approved of Boutillier's plan, but felt that a minimum of three townships should be able to withdraw in order to manage their own roads. John Hume, crown and clergy lands agent in Megantic County, was entirely opposed. See the Appendix to the Second Report of the Special Committee (*JLA Canada*, X (1851)).

<sup>34</sup> The region in fact demanded its own municipal and school system. *Stanstead Journal*, 31 December 1846, 21 January, 11 March, and 3 June 1847.

<sup>35</sup> *JLA Canada*, X (1851): 320, 331. The schedule was a yearly tax of one penny half penny per superficial acre of unoccupied and uncultivated land, one penny per acre of improved lots situated within one mile of the main lines of communication, and a half penny per acre of improved lots further than a mile.

Wendover and Grantham? or a road from Arthabaska through the Seigniories to the River St. Lawrence? or the *Blandford Road*, leading through the *Fief Dufort*, to the St. Lawrence? Is that road through the wild lands of the Townships? We should like to know upon what principle the Townships are to be taxed for these roads.<sup>36</sup>

The *Journal* complained that, although the seigneuries would not pay anything, the roads would pass through several of them. Inevitably, cultural prejudice reinforced local particularism. One correspondent stated bluntly that the bill was a plot "to settle certain wild lands in the Townships with French Canadians at the expense of the people who are already settled in the country".<sup>37</sup> Concern was so widespread that the bill became a major issue in the general election of December 1851, and the Stanstead electors returned the opposition candidate who campaigned against it.<sup>38</sup>

The protests were effective, for Fortier's bill was never passed. The English-speaking population in the Eastern Townships held, with some justification, that since they had been forced to build roads largely on their own initiative when they had settled the southwestern area,<sup>39</sup> they should not be forced to contribute towards those in the more northerly counties. The *Stanstead Journal* remarked that the municipal system which already existed provided for the taxation of wild lands, consequently, if the colonists so desired, "they could now have as good roads as any part of the Townships". The newspaper even suggested that if the municipal councils refused to do their duty, or if the influence of the large landed proprietors proved too great in the younger counties, the government should pass a law "taxing the wild lands of such municipalities for the purpose of inducing the opening up of new Townships".<sup>40</sup>

The failure of Fortier's bill to pass the Legislature did not prevent the government from introducing a system of yearly subsidies to colonization roads in 1854. Thomas Boutillier, the advocate of a *grand-voyer* system for the townships, actually became the Inspector of Agencies, whose duty it was to oversee construction of these roads.<sup>41</sup> They were financed from crown land funds, possibly on the principle echoed in all the demands for reform, that crown and clergy reserves should contribute to road construction.<sup>42</sup> The North Shore, Gaspé and Ottawa regions were included with the Eastern Townships in the programme. Unfortunately, expenditure of the grants was usually placed in the hands of the local

<sup>36</sup> *Stanstead Journal*, 30 October 1851.

<sup>37</sup> Letter from "Agricola" in *ibid.*, 27 November 1851.

<sup>38</sup> *Ibid.*, 4 and 18 December 1851.

<sup>39</sup> Nevertheless the Assembly had voted considerable sums of money for access roads to the Townships in 1832 and 1833. CARON, "Historique de la voirie", pp. 441-44.

<sup>40</sup> *Stanstead Journal*, 12 February 1852.

<sup>41</sup> *Le Pionnier*, 16 October 1890 (Supplement).

<sup>42</sup> As early as 1821 the eighty *curés* who responded to the Assembly Committee's questionnaire almost all pointed to clergy reserves as a serious impediment to the settlers' ability to maintain passable roads. *Lettres des Curés des Paroisses respectives du Bas-Canada dont il est fait mention dans le cinquième Rapport du Comité Spécial sur les Terres incultes de la Couronne* (Chambre d'Assemblée, 15 février 1823). The clergy reserves were no longer a problem in 1854 because they were secularized by the government that year.

deputies, causing the money to be dissipated among numerous small, unfinished roads, rather than being concentrated on one major artery at a time. For example, in 1860 the £46,000 parliamentary appropriation was dispersed among forty counties, and these in turn allocated the funds to over 120 different local roads.<sup>43</sup>

### III. — THE MUNICIPAL REFORM LEGISLATION

The government had, in fact, never envisaged its colonization road programme as an alternative to municipal responsibility. It was obvious that no matter how generous the programme was (\$200,000 went to the Eastern Townships between 1854 and 1866),<sup>44</sup> funds for new areas would soon be exhausted if land-owners and settlers did not take charge of the maintenance of these provincial roads. Attorney-General Drummond had begun slowly to expand the taxing powers of the municipal authorities as early as 1850 when his "Act to Amend the Municipal Law of Lower Canada" reduced from five years to six months the time extension allowed for payment of taxes before landed property would be seized. In an attempt to solve the problem of unwieldy county municipalities, it allowed any township with three hundred souls to declare itself a separate municipal body, and it divided the immense Megantic County into two municipalities. In addition, it empowered councils to impose a small annual levy for unspecified general purposes.<sup>45</sup> Before another year had expired, the Legislature passed "An Act further to amend the Municipal Laws of Canada" which declared that court judgements were not necessary before selling lands for taxes in arrear.<sup>46</sup>

Finally, with the seigneurial system out of the way in 1855, Drummond introduced his comprehensive Municipal and Road Act, the culmination of the reform initiative in favour of colonization.<sup>47</sup> Aside from condensing all the laws relating to roads and local assessments (Drummond called it "a rural code"),<sup>48</sup> its primary aim was to make township or parish municipal corporations mandatory — the 1850 legislation had simply made

<sup>43</sup> For a severe condemnation of the Lower-Canadian colonization roads system, see John E. HODGETTS, *Pioneer Public Service; an administrative history of the United Canadas, 1841-1867* (Toronto: University of Toronto Press, 1955), pp. 267-68. The same problem continued after Confederation. See J.-E. GARON, *Historique de la Colonisation dans la Province de Québec de 1825 à 1940* (Québec: Ministère de la Colonisation, 1940), pp. 58-59, 65.

<sup>44</sup> *JLA Quebec*, I (1867-68), Appendix no. 12. There was some suggestion that this fund was established as a sop to the Eastern Townships because the region had been forced to share the income from secularization of its clergy reserves, while Canada West kept hers, and to contribute to the seigneurial indemnity fund, while Canada West didn't. As the *Montreal Gazette*, 18 April 1855, pointed out, however, most of the colonization road money directed towards the region was spent to attract French Canadians from the seigneuries to the northeastern townships.

<sup>45</sup> *SPC*, 13 and 14 Vict., cap. XXXIV.

<sup>46</sup> *Ibid.*, 14 and 15 Vict., cap. XCVIII.

<sup>47</sup> *Ibid.*, 18 Vict., cap. C.

<sup>48</sup> *Montreal Pilot*, 20 March 1855.

them optional —, and to define carefully their powers and obligations. The act, however, also included some insurance in the event that local councils should prove reluctant to levy taxes for community projects. It retained the county municipal councils, to be composed of the township mayors, with responsibility for court-houses, jails, and the more important public roads. Furthermore, a county superintendent, appointed by the county council but largely independent of it, could draw up a report or *procès-verbal* for any road or bridge project demanded by five or more ratepayers. This report, which included all the details of construction, could be modified but not rejected by the appropriate council. Land-owners or occupants who benefitted directly from the project in question had to contribute labour and possibly materials and money, according to the value of their landed property, and were to be responsible for its future upkeep. This was essentially the system in effect from the French Régime to 1840, with county superintendents substituted for the *grand-voyer* and his subordinates, and assessments based on property value rather than superficial area. As we have seen, the 1845 Municipal Act had introduced the latter provision which meant that the absentee proprietors' unimproved land would be subject to lower taxes; in contrast to Canada West,<sup>49</sup> however, there was no clause in Drummond's act to limit the value at which municipal assessors could place a piece of wild land. In fact, there was no provision for appeal beyond the township or parish council until an 1856 amendment allowed a group of five or more ratepayers to address the county council. Finally, in 1860, appeals to the circuit courts were reinstated.<sup>50</sup>

Councils did retain the authority to assume responsibility for any road project begun by a superintendent, as well as the power to initiate such projects themselves, levying a special assessment on the whole municipality in either case. The council, not the people in the immediate vicinity, would be legally accountable for the future maintenance of all such roads. Suits on the parts of individual colonists in Arthabaska Township clearly indicate that the local council was not allowed to take its responsibility lightly.<sup>51</sup> The assumption of responsibility for a road or bridge on the part of council rather than the county superintendent, would not simply distribute the burden to a wider geographical range of land-owners and occupants, it would as well be more successful in reaching the absentee proprietors because statute labour was traditionally restricted to residents. Absentees had not been exempted from it by law, but it was certainly easier to force squatters to do road work than to pursue the often unknown proprietors of their lots, especially as no one could be charged with more than one year's arrears in statute labour.<sup>52</sup>

<sup>49</sup> AITCHISON, "The Development of Local Government", pp. 299-300.

<sup>50</sup> *SPC*, 19-20 Vict., cap. CI, sect. 9; 23 Vict., cap. XLI, sect. 30.

<sup>51</sup> "Registre des Actes et Délibérations du Conseil Municipal et Local de la Municipalité de la Paroisse de Saint-Christophe d'Arthabaska", 4 September 1865, 6 April 1868.

<sup>52</sup> *SPC*, 18 Vict., cap. L, sect. 73. In Upper Canada it was clear that only residents had to perform statute labour. AITCHISON, "The Development of Local Government", p. 273. The 1855 Act for Canada East actually mentioned occupants only as being subject to the general *corvée* labour (such labour could be designated to any municipal project in contradistinction to the statute labour specifically assigned for roads adjoining one's residence or property), but this was corrected in 1857. *SPC*, 20 Vict., cap. XLI, sect. 11.

Still more important, the local bourgeoisie would in future have to share the burden of municipal projects because the 1855 legislation provided for a tax on the profits of all local merchants, craftsmen, manufacturers, professionals and office holders.<sup>53</sup> To the Liberal-Rouge criticism that many of these people would be doubly taxed because they were also owners of real estate, Drummond replied that an assessment on all personal property would have been better in principle, but ratepayers would resist evaluation within the home as an invasion of privacy. Legislators "should not break through old customs and old habits of thought with too wide a hand".<sup>54</sup>

The Liberal MLA for Compton, John S. Sanborn, also resented the fact that the arbitrary powers of the county superintendent were introduced into the Eastern Townships. His mouthpiece, the *Sherbrooke Gazette*, even suggested that the statute labour associated with his role was resurrected "to exonerate wild land from taxation".<sup>55</sup> In fact Drummond's Municipal and Road Act was soon amended to allow for greater popular responsibility. In 1857 the position of county superintendent was abolished, thereby ensuring that all road petitions would go directly through council.<sup>56</sup> Provision was still made for the municipal appointment of temporary superintendents to assign duties to each ratepayer directly benefitting from the project, but councils would inevitably tend to hire work crews, thereby taxing the whole municipality for their wages and expenses. The next step came when the 1860 Municipal and Road Act dropped statute labour of any kind for the largely English-speaking counties of Richmond, Compton, Stanstead, Shefford, Brome, Missisquoi, Sherbrooke, Huntingdon and the townships in Acton County. Any other municipality could adopt this option in future.<sup>57</sup> Failure to do so must be attributed to the continuing distaste of the habitants for taxes, the long-established French tradition of statute labour on local roads and bridges, and the poverty of both new and old French-Canadian communities. Even though the 1860 Municipal Act stated that proprietors and occupants on front roads were to pay taxes rather than work on the roads themselves, the Council of Arthabaska Township continued, with mixed success, to cajole individuals into making repairs where the main provincial road fronted their farms. Finally, in 1869, two men were hired to assume total responsibility for the road.<sup>58</sup>

<sup>53</sup> *Ibid.*, 18 Vict., cap. C, sect. 73.

<sup>54</sup> *Montreal Gazette*, 14 May 1855; *La Minerve*, 19 May 1855. Drummond was no doubt remembering Canada West's reception of Hincks' 1843 assessment bill. Hincks succeeded, however, in having a bill passed in 1850 which would tax a short list of specified personal items as well as all incomes over fifty pounds. AITCHISON, "The Development of Local Government", pp. 293-303.

<sup>55</sup> *Sherbrooke Gazette*, 16 December 1854. See also *Montreal Gazette*, 14 May 1855; *La Minerve*, 19 May 1855.

<sup>56</sup> *SPC*, 20 Vict., cap. LXI, sect. 8.

<sup>57</sup> *Ibid.*, 23 Vict., cap. LXI, sect. 53, subsect. 1 & 2; *Waterloo Advertiser*, 2 February 1860.

<sup>58</sup> *SPC*, 23 Vict., cap. LXI, sect. 43, subsect. 4, 5, 8; "Registre ... d'Arthabaska", 2 February 1857, 6 June 1859, 9 September 1861, 4 September and 4 December 1865, 3 May and 7 June 1869.

## IV. — THE IMPACT OF THE MUNICIPAL REFORMS

The slowness of Arthabaska's council to assume more direct responsibility for roads cannot be attributed solely to a lack of financial resources; Francis Hincks' Municipal Loan Fund Act of 1852 had been extended to Canada East in 1854.<sup>59</sup> As a matter of fact in January 1856 the Arthabaska councillors had attempted to borrow \$10,000 from the fund for local improvements. The local ratepayers rejected the proposal, however, possibly because the fund did not extend to the non-macadamized roads which would most benefit the rural population.<sup>60</sup> Even though all roads were included by an 1857 amendment to the Municipal Loan Fund Act,<sup>61</sup> the only loan taken out by the council in the next twelve years was \$1,000 to buy seed grain in 1863, and this appears, in fact, to have been a grant from the seigneurial indemnity fund which was extended to the townships in 1859.<sup>62</sup> The council's initial enthusiasm might be explained by the presence of local English-speaking merchants who in 1858 shifted their attention to the village municipality recently carved out of the township. Upon resigning, the third and last English-speaking member on the township council charged that the mayor was sacrificing local development because of "la crainte de voir s'établir près de lui des commerçants étrangers".<sup>63</sup> In fact the merchants seem to have met with the same opposition in the village municipalities, for Arthabaskaville had borrowed only \$4,000 by 1863, and that same year the citizens of neighbouring Victoriaville forced their council to reduce to \$3,000 its request for an \$18,000 loan for roads and bridges.<sup>64</sup>

In 1863 the Bois-Francs municipalities as a whole owed only \$49,675, while the English-speaking councils of the Eastern Townships had borrowed close to \$600,000. Of course the latter councils represented a much more populous, longer settled area, and, in fact, there seems to have

<sup>59</sup> *SPC*, 16 Vict., cap. XXII; 18 Vict., cap. XIII.

<sup>60</sup> "Registre ... d'Arthabaska", 7 January 1856, 23 February 1856. An act passed in 1852 (*SPC*, 16 Vict., cap. CCXIII, sect. 2) made it possible for Canada East's municipalities to take shares in railroads, macadamized roads, bridges, etc. without a public vote, but the MLF Act's extension to Canada East included the requirement for popular approval.

<sup>61</sup> *SPC*, 20 Vict., cap. XLII.

<sup>62</sup> Though such loans were originally meant to provide emergency relief following a crop failure (*Montreal Gazette*, 11, 15 and 18 May 1855; *SPC*, 26 Vict., cap. II, sect. 1 & 2) the Arthabaska Council decided to distribute the seed equally among all the ratepaying farmers rather than according to need as originally planned. "Registre ... d'Arthabaska", 4, 6 and 25 May 1863. *Le Défricheur*, 1 August 1866, in complaining about the government's failure to provide the townships municipalities with the sums voted in 1859 — one shilling per head each year —, stated that the only major exception had been the grant of the three years sum owing in 1862 to newer municipalities for the purpose of buying seed grain.

<sup>63</sup> "Registre ... d'Arthabaska", 1 March, 21 June and 18 September 1858, 14 March, 16 April, 2 May, 1 August and 31 December 1859; Alcide FLEURY, *Arthabaska Capitale des Bois-Francs* (Arthabaska: L'Imprimerie d'Arthabaska, 1961), pp. 13, 79-80.

<sup>64</sup> *Le Défricheur*, 16 July and 17 September 1863. The municipal records for the two towns during this period are missing, and *Le Défricheur* does not state that the \$3,000 loan was accepted, but Victoriaville did owe \$4,000 to the Municipal Loan Fund in 1863. *Province of Canada, Sessional Papers*, XXIII (1864), part I, no. 2, "Report of Public Accounts Committee", no. 22.



been considerable resistance to acquiring municipal debts in many of these older communities as well. Though Eaton Township's council passed a by-law to borrow \$50,000 in 1855, the Public Accounts records reveal that it had not succeeded in making any withdrawals from the Municipal Loan Fund as late as 1863.<sup>65</sup> By that date the bulk of the region's debt was actually owed by the Shefford (\$328,500), Stanstead (\$71,000) and Sherbrooke (\$80,000) municipalities. The voters in these three counties were presumably under extraordinary pressure to ratify loans in order to attract railroads, while the Bois-Francs area was relieved from such an expense by the Quebec-Richmond branch of the Grand Trunk Railroad and the line built from Victoriaville to Trois-Rivières in 1856 at the Grand Trunk's expense.<sup>66</sup> Nevertheless, the Grand Trunk had apparently attempted to negotiate a loan from Arthabaska County's municipalities, only to be thwarted by a campaign led by J.-B.-E. Dorion, who boasted of his role in keeping the Bois-Francs municipal debts at a minimum.<sup>67</sup>

Acton was the only French-Canadian township to become embroiled in serious financial difficulty. Its two parish councils borrowed \$24,000, presumably to attract the Grand Trunk and South-Eastern Railways which would make Acton Vale an important junction. By 1866 they found themselves unable to collect taxes when a slump in the Civil War copper prices brought a closure of the local mines and a massive exodus, even among farmers, to the United States.<sup>68</sup> The French-Canadian press laid the blame squarely on the councillors, labelling them a corrupt family clique; Cartier cancelled the elections to make the appointments to the council himself.<sup>69</sup>

The municipal reforms could not remove overnight the well-entrenched hostility to taxation. In 1858 the Inspector of Agencies complained that some of the colonization roads were falling into neglect because the municipal system did not function well in new settlements. In the poorer areas especially, councils attempted to avoid imposing taxes by refusing to establish legally roads built by the government, thereby avoiding responsibility for their upkeep.<sup>70</sup> In 1856 the government actually legislated a number of provincial roads, including the Arthabaska Road, into the hands of the municipalities.<sup>71</sup>

<sup>65</sup> Municipality of Township of Eaton, "Minute Book — By-Laws — Proces Verbals [sic]", By-Law 7, 4 May 1855.

<sup>66</sup> A. W. CURRIE, *The Grand Trunk Railway of Canada* (Toronto: University of Toronto Press, 1957), p. 92. Upper Canadians were much less fearful of municipal debts than were either French or English Canadians in Lower Canada. By 1863 they owed \$7,300,000 in contrast to only \$2,265,540 for Lower Canada. Albert FAUCHER, "Le fonds d'emprunt municipal dans le Haut-Canada, 1852-1867", in *Histoire économique et unité canadienne* (Mont-réal: Fides, 1970), p. 91.

<sup>67</sup> *Le Défricheur*, 17 January 1866.

<sup>68</sup> *Ibid.* Between 1863 and 1866 Acton's population declined by 2,805, leaving only 1,115 residents.

<sup>69</sup> *Le Défricheur* cited both *Le Journal de Québec* and *Le Courrier de Saint-Hyacinthe*. *Ibid.*, 17 January, 24 January and 7 February 1866.

<sup>70</sup> *Appendix no. 5, JLA Canada*, XVI (1858), Appendix 15, sub-appendix S, "Report on Colonization in Lower Canada". See also *Canada Sessional Papers*, XVIII (1860), XIX (1861), "Reports of the Commissioner of Crown Lands"; and HODGETTS, *Pioneer Public Service*, p. 268.

<sup>71</sup> CARON, "Historique de la voirie", pp. 473-74.

Land speculation was also reported to be a continuing problem. With the completion of the Quebec-Richmond branch of the Grand Trunk Railway in 1854, many settlers were served with notices of eviction. They reacted by petitioning the Legislature for protection.<sup>72</sup> In an article published by the *Journal de Québec* in 1854, Father Charles Trudelle of Somerset claimed that speculators were acquiring crown lands which had been settled for years, because they understood the bureaucratic procedures whereas the uneducated colonists did not.<sup>73</sup> Evidence from Arthabaska Township indicates that Trudelle was exaggerating. New absentee entrepreneurs were certainly active here after mid-century, but they seem to have claimed occupied crown lots only after paying the squatters or location ticket holders.<sup>74</sup>

Trudelle also wrote that many settlers had become discouraged with trying to establish a legal claim on their lots because absentee proprietors either had no agents or asked exorbitant prices. Though his letter predated the 1855 Municipal Act, similar complaints continued well into the Confederation period. Witnesses questioned by the Assembly's 1862 inquiry on colonization were unanimous in citing absentee proprietors as a major obstacle,<sup>75</sup> and the 1871 provincial Committee on Agriculture, Immigration and Colonization claimed that the municipal system was in many cases failing to prevent absentee proprietors from maintaining their grip on large tracts of land.<sup>76</sup>

In fact, the quality of such land probably left much to be desired, for there is considerable evidence to show that the municipal system made an impact upon the absentee proprietors in the newer settlements of the Eastern Townships. In 1858 a letter from the young Township of Ely (Shefford County) complained that the principal handicap in attracting British immigrants as settlers remained the want of roads and the high price of land. The British American Land Company charged a minimum of four dollars per acre for land within five miles of the railroad. With the cost of clearing and fencing at twenty dollars per acre, a colonist would be wiser to go to Kansas or Minnesota where five hundred dollars would buy him

<sup>72</sup> Letter from "Un Colon" in *Le Courrier de Saint-Hyacinthe*, 18 November 1853; *JLA Canada*, XIII (1854-55): 16, 26, 52, 97, 114, 227.

<sup>73</sup> *Le Courrier de Saint-Hyacinthe*, 17 February 1854.

<sup>74</sup> The only large patentees in Arthabaska Township were the two Quebec sawmill operators who registered 1,565 acres in 1861 and 156 acres in 1865. Most of this was probably unsettled timber land. Certainly, of the 874 acres (five lots) patented in the first two ranges, 340 acres (two lots) were purchased from local claimants who themselves had operated a mill (Figure 2, R. I, l. 13, 14; R. II, l. 7, 9, 10). There were only two other non-resident patentees after 1850, one being a GTR track foreman who claimed half an uncleared lot (Figure 2, R. I, l. 8). In addition, a local merchant and money lender patented the southern half of the lot he lived on (Figure 2, R. II, l. 3), and there were two cases of absentee speculators dealing in unpatented crown land (Figure 2, R. I, l. 9, 10), one at least having purchased his claim from a local settler (Figure 2, R. I, l. 9; the purchase from the local settler is not shown on the Map because there is no deed for it — it is simply mentioned in the 1857 sale to another local settler).

<sup>75</sup> *JLA Canada*, XX (1862), Appendix no. 1.

<sup>76</sup> *JLA Québec*, V (1871): 289.

one hundred acres and provisions for a year. The correspondent conceded, however, that "our local Solons are gathering taxes faithfully", some roads were being constructed, and land prices would probably drop in the future.<sup>77</sup>

A year later the *Waterloo Advertiser* reported that the French-Canadian townships in Shefford County (North Stukeley, Ely, Milton and Roxton) "have voluntarily placed upon themselves a heavy taxation" with the result that "their progress in roadmaking has been such as to shame the older settlements".<sup>78</sup> Beginning in 1856, the first year of its publication, the same newspaper had begun to carry annual notices of numerous lots to be auctioned for non-payment of municipal taxes in Shefford and Brome Counties. The long-established *Stanstead Journal* first carried notices for its county on 16 December 1852, and exactly two years later the *Sherbrooke Gazette* listed thousands of acres liable for sale in its area. In 1857 North Stukeley's council collected £147, a fifth of which was from sale of lands for delinquent taxes, and spent £89, a third of which was for road and bridge work; £37 were still in arrears. This compared quite respectably, as the *Advertiser* noted, with the much older and more populous Shefford Township which collected £452, and spent £391, somewhat less than a third of which went to roads and bridges.<sup>79</sup> No records are available for Arthabaska County before *Le Défricheur* began publication in 1862, but that year 213 parcels of land (none in Arthabaska Township) were advertised for non-payment of taxes.<sup>80</sup> These threatened sales obviously made an impact, for the following year editor Dorion stated that, though he approved of them, he was concerned about those proprietors gone temporarily to the United States to earn money. He warned their relatives and friends to take notice.<sup>81</sup>

Since the newspapers generally did not identify the owners of the lots, and because no tax records were discovered at the municipalities investigated, it is impossible to estimate what ratio of the lots advertised for auction belonged to absentee proprietors. In 1864 however, Tingwick Township published the names of its sixteen delinquent taxpayers, most of whom were English, including the Quebec timber baron, J. B. Hall. His 600 acres were valued at \$1,200, with \$2.70 assessed for general purposes and \$1.34 for costs.<sup>82</sup> In 1872 Shefford County's advertisement included the British American Land Company's debt of \$20.86 for 900 acres in Roxton Township, and one individual owing \$105.12 for twelve lots in Ely.<sup>83</sup> Some municipalities obviously allowed these debts to accumulate, for as early as 1866 a proprietor owed Bulstrode \$355 for only 200 acres in that township.<sup>84</sup>

<sup>77</sup> *Waterloo Advertiser*, 9 July 1858.

<sup>78</sup> *Ibid.*, 11 August 1859.

<sup>79</sup> *Ibid.*, 15 January 1858.

<sup>80</sup> *Le Défricheur*, 11 December 1862.

<sup>81</sup> *Ibid.*, 10 December 1863. See also 28 January 1864.

<sup>82</sup> *Ibid.*, 7 December 1864.

<sup>83</sup> *Waterloo Advertiser*, 19 January 1872.

<sup>84</sup> *L'Union des Cantons de l'Est*, 14 December 1866.



The chief problem facing the municipalities was the readiness of absentee proprietors to resort to the courts in order to take advantage of the inexperienced councillors' failure to follow proper procedures.<sup>85</sup> The 1860 Municipal Act, for example, created a loophole by stating that while a public notice of assessment was still sufficient for non-residents, no land could actually be sold for default of taxes unless its owner or occupant had been specifically notified of his duty.<sup>86</sup>

Yet even the critical J.-B.-E. Dorion had to admit that Wickham Township's conflict with the British American Land Company was the only case of legal resistance on the part of absentee proprietors in Drummond County.<sup>87</sup> There is no reason to believe that most absentee proprietors escaped taxation. In 1863 the *Sherbrooke Gazette* complained that the township councils were placing "the principal burden of all local improvements on the wild lands to the exclusion of the proper proportion which cleared farms ought to pay". The *Gazette*, however, did concede that since 1860 the county councils, where the absentee proprietors presumably had more influence, could revise the township evaluation rates.<sup>88</sup> Also in 1863 a correspondent to *Le Défricheur* pointed out that, although the speculators had at first been able to exploit the bias of colonists against the municipal system, "les préjugés ont maintenant disparu dans certaines localités et les grands propriétaires se voient forcés de vendre leurs terres à meilleur marché qu'ils ne désirent."<sup>89</sup>

None of this evidence is overwhelming, to be sure, but the recorded land transactions for Arthabaska Township provide more concrete testimony that the municipal system reached land speculators. The very year that Drummond's 1855 Municipal Act was passed, George Gregory's heirs began to sell their land to local occupants (Figure 2), specifying that the purchasers were responsible for all taxes imposed on their lots. The 1860 manuscript census notes that, of their original 10,800 acres, the Gregorys owned only 2,000 in ranges six to ten. Furthermore the price of one pound per acre, with six yearly instalments at six percent, does not appear to have been greatly higher than that asked before the arrival of the Quebec and Richmond Railway in 1854. The Gregorys had made no sales in Arthabaska Township from 1854 back to April 1844, when the indexes begin, but earlier in 1844 George Gregory had sold thirteen quarter lots whose deeds cannot be traced. Information in an acquittal deed (Figure 2, R. II,

<sup>85</sup> Considerable confusion about the councils' exact powers persisted for many years. Even though legislation in 1851 removed the necessity to sue in courts before auctioning land on which municipal taxes were owing. *Le Défricheur*, 22 October 1863, announced that this had only recently become law, and the Arthabaska Township council resolved to sue for back taxes as late as 1865 and 1868. "Registre ... d'Arthabaska", 2 October 1865, 2 September 1868.

<sup>86</sup> *SPC*, 23 Vict., cap. LXI, sect. 8 & 64. For an account of such a struggle between an absentee proprietor and the Ely municipal council in Shefford County, see *Waterloo Advertiser*, 14 November 1867.

<sup>87</sup> *Le Défricheur*, 17 January 1866.

<sup>88</sup> *Sherbrooke Gazette*, 14 March 1863.

<sup>89</sup> *Le Défricheur*, 19 March 1863.

l. 4) and a copy of an 1844 sale deed published in *Le Canadien émigrant* reveal that the price was three-quarters of a pound per acre, with full payment due in four years at ten percent interest. Furthermore, the pamphlet claims that the Gregorys charged as much as two and a half pounds per acre for land adjacent to the provincial road. The 1844 provisos freeing Gregory from making surveys, constructing ditches or fences, clearing brush along property boundaries, or fulfilling any other public duties on his bordering unsold lots were perpetuated by his heirs during the fifties and sixties, but they did drop the more onerous timber and mill site reserves as well as the residence clause. The Fortier Committee's request for legislation outlawing such sale conditions was not complied with, undoubtedly because most of them were illegal anyway.

Not only did the prices and terms for wild land remain quite stable in spite of the flood of settlers, but many purchasers successfully resisted complying with their land deed requirements. A large percentage of the sales recorded in the fifties do not have acquittal dates attached to them, though this could be due to the oversight of the registry clerk. More conclusive as evidence is the fact that in 1862 the Gregorys registered demands for interest due on thirty-nine lots which had been sold in 1855, and in 1868 they forced several purchasers on the first two ranges to re-register their mortgages because no payments had been made even though the sales were over ten years old.<sup>90</sup> This seems to have made an impact on at least two colonists, for in 1862 one simply returned his lot to the Gregorys (Figure 2, R. II, 1. 8), and in 1868 one who re-registered his mortgage sold his farm soon afterwards (Figure 2, R. I, 1. 3), but the Gregory heirs, scattered as they were throughout England, consistently neglected to take the settlers to court. They authorized only one removal by sheriff, and he assumed all expenses in order to purchase the land for himself (Figure 2, R. I, 1. 6). It is not surprising, therefore, that as late as the seventies, sales among local farmers mentioned almost as a footnote that on top of the sale price the purchaser was responsible for paying the sum, seldom specified, owing to the Gregory heirs.

By the sixties the Gregorys seemed eager to be rid of their land as fast as possible, for most of the prices charged were extraordinarily low (Figure 2, R. I, 1. 7; R. II, 1. 1, 5, 6). Whatever the reason, this certainly indicates that they had not held back good land for speculation. Although one cannot argue that the municipal system forced the Gregorys to sell their holdings, for they undoubtedly would have done so anyway with the increase in demand, it seems likely that the taxes limited their prices and discouraged the birth of a new wave of speculators.

It is dangerous to generalize from one township, but the history of absentee proprietorship in neighbouring Stanfold, though a much more complex one, also appears to have been directly influenced by municipal legislation. In 1807 Jenkin Williams, Member of both the Executive and

<sup>90</sup> Bureau d'enregistrement, Arthabaska, Reg. A, p. 9, no. 12, to p. 37, no. 51; Reg. B, vol. 8, p. 286, no. 4987; p. 289, no. 4989; p. 290, no. 4990.

Legislative Councils, and Judge of the Court of the King's Bench,<sup>91</sup> was granted 1,494 acres in Stanfold outside the leader and associates system,<sup>92</sup> but he, like John Gregory in Arthabaska, appears to have acquired the entire 26,810 acre grant made at the time. By the late thirties Williams' land was held in common by his young great grandchildren, who were the grandchildren of Hector McLean and children of Ann Margaret McLean and William Wilson, and Thomas A. Stayner, Postmaster General of Upper and Lower Canada and one of the largest landholders in the two colonies. Stayner, who claimed to own 50,000 acres in Lower Canada alone, had acquired his Stanfold claim from Hector's brother, John.<sup>93</sup> In 1838 Stayner admitted to the Durham commissioners that absentee proprietors such as himself were guilty of a "dog in the manger" attitude in discouraging the development of wild land. He even advocated a wild land tax as the best solution to the problem.<sup>94</sup>

In 1843, when the courts decided which part of the Williams grant he would receive, Stayner began selling all of his holdings on ranges eight through twelve to local settlers at comparatively reasonable prices and terms: half a pound per acre, four instalments, no special conditions attached. One wonders why Stayner did not reserve the timber as he was dealing with American buyers by this time,<sup>95</sup> but perhaps he felt that access to markets was too difficult. He had already sold his claim on the first seven ranges to Peter Patterson who operated one of Lower Canada's largest saw mills at Montmorency Falls. This sale was cancelled when the courts gave the western half of the lots, through which the only outlet road from the Bois Francs passed, to the Wilson family.<sup>96</sup> It seems likely

<sup>91</sup> CARON, *La Colonisation*, II: 214; *Quebec Gazette*, 23 August 1792, 29 January 1795; Hilda NEATBY, *Québec, The Revolutionary Age 1760-1791* (Toronto: McLelland and Stewart, 1966), pp. 156, 185.

<sup>92</sup> *List of Lands Granted by the Crown in the Province of Quebec*, (Quebec: Queen's Printer, 1891), I: 10, 77; McGUIGAN, "Land Policy", Part II, p. 383; Part III, p. 332. McGuigan claims that Williams appears to have been part of an early plot on the part of Hugh Finlay and other members of the Land Committee and Executive Council to take over twelve scattered townships and a large unexplored tract. Though McGuigan states that this speculation was prevented by the new governor, Prescott, in 1796, he does not seem to be aware that Williams ultimately received much of the township promised him in 1795. *Ibid.*, part III, pp. 323-37.

<sup>93</sup> *Minutes of Evidence ... The Earl of Durham*, p. 65. *Quebec Gazette*, 25 May 1818. McGuigan feels that the North-West Company and the Finlay speculations may be two cases where there was an attempt to reach out for an impersonal supply of investment capital, but the Gregory and Williams cases clearly illustrate the resistance of the kinship group to forming corporate structures even within these two speculations. McGUIGAN, "Land Policy", Part II, pp. 361-62, 378, 385-86.

<sup>94</sup> *Minutes of Evidence ... The Earl of Durham*, p. 65.

<sup>95</sup> PAC, MG 24 L3, Baby Collection. Berczy Papers, Correspondence 1819-73, vol. 27, pp. 16729-35, Stayner to William Berczy, 21 December 1835 and 17 May 1836; p. 16742, 29 August 1836.

<sup>96</sup> Bureau d'enregistrement, Drummondville, Reg. B, vol. 1, p. 155, no. 120; p. 157, no. 121. Patterson's mill was valued at £20,000 and produced 250,000 deals a year, valued at £12,500. Its high cost was due to a waterway cut through solid rock. *Parliamentary Papers of Great Britain*, XIX (1835), "Report of the Commons Committee on the Timber Duties", pp. 156, 192.





that another arrangement for this land was made with Patterson because only two subsequent Stayner sales are recorded for the first seven ranges.

Unlike Stayner, Patterson clearly planned to speculate upon the eventual arrival of a railroad. He patented 4,600 acres of crown land in Stanfold in 1840 and 1843, bought 800 acres from the Wilson heirs in 1845 and 300 more acres by private sale in 1848.<sup>97</sup> He had evicted squatters from Somerset, and in 1840 he had exchanged 1,800 acres of his Bulstrode Township holdings for 1,800 acres of crown reserves in Nelson,<sup>98</sup> through which the Quebec-Richmond Railroad was destined to pass. In fact he became the first president of the railroad company,<sup>99</sup> but his untimely death in 1851, three years before the line was completed, prevented him from profiting from his Stanfold properties. It is therefore impossible to guess what effect the municipal reforms would have had on his plans. It is certainly significant, however, that when the Stanfold land sales began in earnest in 1855, the prices did not rise markedly. No systematic search of the land deeds was made, but a Dr James Reed from Quebec, having acquired 1,600 acres from one of the Wilson heirs in 1856, began selling to settlers for only half a pound per acre that same year.<sup>100</sup>

Once the colonization movement began, absentee proprietors do not seem to have retarded the actual population growth in fertile townships such as Stanfold and Arthabaska. In fact genuine speculators and timber merchants such as Stayner and Patterson, who actually paid for their land, were seriously concerned with its development. Stanfold's population increased steadily from 1,089 in 1844 to 2,464 in 1870, which was greater than at the end of the century. The younger township of Arthabaska grew more rapidly, from 677 in 1844 to 4,294 in 1870, but it included Victoriaville, the metropolis of the Bois Francs. A better indication of the rapidity of land settlement in Arthabaska is the 1860 manuscript census which reveals that most of the two-hundred-acre lots were already occupied, often by three or more families (Figure 3).

## V. — SQUATTERS' RIGHTS

Most of these families apparently had at least unfulfilled deeds to their farms, for a study published on Arthabaska Township from 1835 to

<sup>97</sup> *Ibid.*, p. 595, no. 527; p. 596, no. 528.

<sup>98</sup> PAC, RG1 L3L, Lower Canada Land Petitions, pp. 75926-27, 75930-40. T.-A. Lambert, a Becancour trader, informed the Fortier Committee of the Somerset evictions. See the appendix to the second report.

<sup>99</sup> *Annual Report of the Directors and Chief Engineer to the Shareholders of the Quebec and Richmond Railway Company* (Quebec: J. T. Brousseau, 1852), p. 8.

<sup>100</sup> Bureau d'enregistrement, Drummondville, Reg. B., vol. 8, p. 35, no. 3995; p. 37, no. 3998; p. 52, no. 4027. The appendix to the second report of the Fortier Committee includes a Peter Patterson deed of sale for 1844 at 25 pounds for forty acres, with timber and mill sites reserved; and a Wilson family deed for 1847 at 29 pounds, 13 shillings, 7 pence for thirty-two acres, with a charge of 1 pound 15 shillings per year as rent, over and above regular payments.

1866 uncovered only seventy-four squatters.<sup>101</sup> Furthermore, the vast majority lived outside the Gregory tract, and some were established farmers who held extra plots of land without a legal claim.<sup>102</sup> Nearly all of those identified for 1859 appear to have been occupying crown land, for they petitioned the government for letters patent that same year. If Arthabaska settlers failed to make at least one down payment on their land during the fifties, it was certainly not because the absentee proprietors were unknown. The Gregorys maintained the services of an agent, and county registry offices opened their doors in 1857.

In spite of the declining seriousness of the problem, the *Parti rouge* made squatters' rights its chief contribution to the colonization movement, as well as a campaign issue which openly appealed to nationalist and populist sympathies. This served to demonstrate a lack of faith in the *Bleus'* municipal reform legislation (without indicating very clearly why, the *Rouges* had voted against Drummond's 1855 Municipal and Road Act).<sup>103</sup> Even the Bishop of Saint-Hyacinthe stated in 1856 that steps should be taken "to facilitate the acquisition of secure titles on the part of settlers and to prevent the ejection of those who have begun to clear their lands".<sup>104</sup> As a result, the *Bleus* were forced to give the campaign a qualified approval.

They had actually passed an act in 1853 which recognized the right to indemnity for dispossessed Lower-Canadian squatters, but it had not specified how the amount was to be determined, or the payment enforced, and it apparently left the proprietors with the right to claim annual rent.<sup>105</sup> It was the following year that J. S. Sanborn introduced his much more comprehensive Betterments Bill, based on the legislation of several American states. Any squatter who had been on a lot for at least five years would be guaranteed compensation for improvements he had made should the proprietor decide to evict him. The value of the improvements could also be counted towards the back rent and purchase price, should the occupant desire to establish a legal title to his farm.

<sup>101</sup> Maurice CARRIER et al., "Les squatters dans le canton d'Arthabaska, 1835-1866", in *Revue d'ethnologie du Québec*, ed.: R.-L. SÉGUIN (Montréal: Leméac, 1975), pp. 105-15.

<sup>102</sup> In 1865, for example, Pierre Turgeon sold fifty acres with clear title, plus another fifty acres with squatter's claim only (Figure 2, R. I, 1. 1 — transaction not shown) though the lot had been patented twelve years earlier by a speculator.

<sup>103</sup> *La Minerve*, 10 and 19 May 1855. Perhaps because the French language newspapers did not carry the debate very fully, J. S. Sanborn's objections are the most comprehensively explained, and they pertain largely to the Eastern Townships. See *Montreal Gazette*, 14 May 1855. The *Rouges* certainly had little to lose politically in their stand, for the "Violette" J.-B. Pouliot publicly stated that he would have to oppose the bill in deference to his constituents' wishes, and six *Bleus* actually voted against it, with only nine for it. *JLA Canada*, XIII (1854-55): 1061; *Montreal Pilot*, 20 March 1855. In 1848 the exiled E. B. O'Callaghan had strongly pressed Papineau to take up the municipal cause in order to help educate the people politically, but apparently to little effect. PAC, Papiers Papineau, vol. 3, E. B. O'Callaghan to L.-J. Papineau, 10 March 1848.

<sup>104</sup> Appendix no. 3, *JLA Canada*, XIV (1856). Appendix no. 38, L.-B. Moreau to T. Boutillier.

<sup>105</sup> *SPC*, 16 Vict., cap. CCV, sect. 4; *Montreal Pilot*, 23 October 1854; *Sherbrooke Gazette*, 28 October 1854.

Drummond rejected the whole *raison d'être* of the bill upon its second reading when he argued that no one "should be compelled to divest himself of his property at any price which he cannot stipulate". Nevertheless he agreed that

It should not be allowed the large proprietors to enrich themselves by the sweat and toil of the poor man. Property has its duties as well as its rights, and the man who holds it should act as well for himself as for the public benefit; and he ought to perform his duties, and improve the roads, and develop the resources of the land.<sup>106</sup>

When the bill came forward for its third reading, Drummond voted for it over the vociferous objections of his western counterpart, Attorney-General John A. Macdonald. The irate Macdonald even claimed that "were the bill made applicable to Upper Canada, it would raise a rebellion there".<sup>107</sup> The more conservative interests of Canada East were equally unsympathetic, claiming that Sanborn's bill would destroy the sacred rights of property as well as injure credit in England.<sup>108</sup> As a result, it failed to pass the upper house, many of whose numbers were important land-owners themselves.

In 1856 the prominent *Rouge* politician, J.-B.-E. Dorion, became the squatters' champion, specifying that improvements and land values were to be evaluated by a jury of experts. The bill was again spurned by the Legislative Council, as it would be in 1857, 1858 and 1859. In 1860 the Assembly's Select Committee appointed "to enquire as to the most efficacious plan for promoting colonization in this Province" recommended strongly that squatters be protected, but the bill continued to be rejected by the Legislative Councillors until 1865 when it was killed for the last time.<sup>109</sup>

## VI. — CONCLUSION

The main stimulus behind the rural municipal reforms in Canada East appears to have been the desire to extend the settlement frontier by controlling land speculation and improving the transportation network.<sup>110</sup> A more centralized system could have been devised to encourage property owners and residents to take responsibility for the upkeep of local roads and other improvements, but popular consent to direct taxes was more likely to be won at the local level, and, paradoxical as it may seem, decentralization of government was crucial to its effectiveness because of

<sup>106</sup> *Montreal Pilot*, 23 October 1854.

<sup>107</sup> *Ibid.*, 21 May 1854.

<sup>108</sup> *Montreal Gazette*, 23 and 24 May 1855.

<sup>109</sup> *JLA Canada*, XIV (1856): 72, 131, 683; XV (1857): 261; XVI (1858): 133, 363, 731, 760; XVII (1859): 378; XVIII (1860): 280, 369.

<sup>110</sup> L. T. Drummond's municipal reforms probably had some impact on settlement outside the townships as well because his 1855 abolition of the seigneurial system meant that the former seigneurs could no longer escape with only one-twelfth of the regular taxes on their undeveloped land. *SPC*, 13 and 14 Vict., cap. XXXIV, sect. 6.

the primitive state of the communication network.<sup>111</sup> Canada East's local governments may not have played the crucial role in stimulating railroad expansion that those in Canada West did,<sup>112</sup> but the municipalities in the French-Canadian settlement zone did help to ensure that rapid population growth followed those railroads that were built. This, of course, would benefit the English-speaking railroad entrepreneurs and even the wild land speculators themselves. The history of the squatters' rights campaign illustrated that the large proprietors would not tolerate any direct infringement upon their property rights, but apparently many were willing to live with taxation by hostile local councils. In Prince Edward Island as well, the only successful strategy to reach the absentee landlords had been through property taxes.<sup>113</sup>

Attorney-General Drummond had struck the delicate balance between French-Canadian nationalism and English-Canadian economic aspirations, a balance he himself personified to a considerable extent.<sup>114</sup> Even if the French-Canadian élite's aim in promoting municipal institutions was essentially to expand a traditional rural society, local self-government clearly had the potential to upset the socio-political status *quo* within the rural and small-town communities. Just how successful the *curés* and liberal professionals were in meeting that challenge remains a very important subject for historical research,<sup>115</sup> as does the general social, political and economic impact of the municipal reform throughout Canada East.

## RÉSUMÉ.

*Au début des années 1850, un ensemble de mesures législatives mit sur pied un système viable d'administration municipale au Canada-Est. Dans les campagnes, la fonction première des conseils municipaux était de lever des taxes desti-*

<sup>111</sup> C. F. J. WHEBELL, "Robert Baldwin and Decentralization, 1841-9", in *Aspects of Nineteenth-Century Ontario*, eds: F. H. ARMSTRONG et al. (Toronto: University of Toronto Press, 1974), p. 62.

<sup>112</sup> FAUCHER, "Le fonds d'emprunt", pp. 90-91.

<sup>113</sup> Francis W. P. BOLGER, ed., *Canada's Smallest Province. A History of P.E.I.* ([Charlottetown]: "The Prince Edward Island 1973 Centennial Commission", 1973), pp. 98, 102-4, 108-10.

<sup>114</sup> Drummond was less successful in striking this balance with his seigneurial reform legislation. See J. I. LITTLE, "Lewis Thomas Drummond", *Dictionary of Canadian Biography*, XI (forthcoming).

<sup>115</sup> Normand Séguin and Brian Young have both demonstrated how isolated municipalities attempted to attract railroads and industry. As for the relationship between parish and municipality, Séguin argues that the *curé* and the local bourgeoisie had virtually identical self interests (i.e. the exploitation of the colonists). Young, however, demonstrates that while the *curés*' support was often crucial and usually forthcoming during the municipal campaigns for railroad subsidies, rigid ultramontane priests occasionally opposed them on ideological grounds and because they would compete with parish taxation. Presumably this would lead to conflict with the local merchants. See Normand SÉGUIN, *La Conquête du sol au 19<sup>e</sup> siècle* (Québec: Les Éditions du Boréal Express, 1977), ch. 9 and 10; Brian J. YOUNG, *Promoters and Politicians: The North Shore Railways in the History of Quebec, 1854-85* (Toronto: University of Toronto Press, 1978), pp. 3, 15, 35-36, 38, 52, 64-66.

*nées à des travaux d'utilité locale et surtout à la construction et l'entretien des routes. Alors que les Canadiens français désertaient par milliers les seigneuries surpeuplées pour gagner les États-Unis, des propriétaires absents seraient enfin forcés à contribuer au développement des cantons qu'ils avaient tenus depuis le tournant du siècle. Dans la région des Bois-Francs où les colons réclamaient des changements au régime foncier avec le plus de vigueur, les taxes foncières devaient aussi freiner la spéculation consécutive à la construction du chemin de fer de Québec à Richmond. À en juger par les activités des conseils de canton, par le prix des terres et la fréquence des ventes aux colons des Bois-Francs, il apparaît que le nouveau système municipal a eu l'effet désiré dans les zones de colonisation.*