

Captains of Militia

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Captains of Militia

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There are captains of the sea who master merchant ships, captains of the air who pilot airplanes, captains of industry who wield great power and influence and of course captains of the military, officers who serve in land, sea and air forces. Captains are found in fire and police departments, in ward politics and even as field leaders of sports teams. Of that group, it is the military leader with his feet solidly on the ground, but not of the regular regimental type, that interests us. He is the humble servant of Kings and at least one Queen (Victoria), both of France and by the Grace of God, Great Britain, Franceⁱ, and Ireland, but not in His/Her Majesty's regular forces. He is the captain of militia.

The militia or *milice* has its origins in a letter written in Paris, April 3, 1669 by King Louis XIV, countersigned by Colbert, addressed to Governor de Courcelles and entitled « *Lettre du Roi à Monsieur de Courcelles pour lui ordonner de diviser les habitants du Canada par compagnies pour faire l'exercice du maniement des armes* ».ⁱⁱ It survived for one year short of two centuries. At the outset, all

men between the ages of 16 and 60 capable of bearing arms collectively made up the militia.

In the cities (Quebec, Three Rivers and Montreal, each also corresponding to a government) militiamen were organized into companies by district and in the rural areas, by parish. At the head of each company there was a captain appointed by the Governor of the colony. Numbers from a census approved by Vaudreuil in 1759 disclose a total of 7,511 militiamen in the district of Quebec, 1,113 in that of Three Rivers and 6,406 in that of Montreal, in whole a nominal force of 15,299 men.ⁱⁱⁱ And how were the militiamen of one government distinguished from their counterparts? Benjamin Sulte provides an answer during his second English-language address to the Canadian Military Institute in Toronto on Monday, November 16, 1896. There will be a third on Monday, January 9, 1911. These two results in articles published in English, in Volume 1 of *Mélanges historiques*, "The early history of Militia, 1636-1700" (pp. 127-134) and "Canadian Militia

under the French Regime" (pp. 135-146).

It is in "The early history of Militia, 1636-1700" that Sulte informs us that: "Each district operated separately; for instance the men of Montreal with their blue capotes or great coats and their blue tuques or knitted worsted caps were known everywhere as Mont-realers, D'Ailleboust, or by the name of any other commander for the time being. Three Rivers wore the white capote and the white cap. Quebec indulged in red attire of the same description. Such was the kind of uniform the men provided for themselves at their own expense."^{iv}

By the terms of the treaty of the capitulation for the surrender of Montreal, the whole of the Canadian militia was included among the prisoners of war. It was officially reported to consist of eighty-seven companies in the government of Montreal, numbering 7,331 men.^v

That is the time when, as historian Hilda Neatby so neatly puts it: "The St Lawrence branch of the French Empire

(Text in English continues on page 24)

Captains of Militia

par Raymond Ostiguy,

avocat et membre de plusieurs sociétés d'histoire et de généalogie

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Résumé français de l'article : CAPTAINS OF MILITIA

L'année 1669 marque la date de l'organisation officielle de la milice canadienne. Dans une lettre datée du 3 avril 1669, à Paris, le roi Louis XV ordonne à Monsieur de Courcelles de diviser les habitants du Canada par compagnies pour faire l'exercice du maniement des armes (Archives des Colonies, C11A Vol. 3, pp. 3-5). Gustave Lanctôt dans « Les troupes de la Nouvelle-France », *The Canadian Historical Association, Annual Report, 1926*, aux pages 40 à 42, nous donne les informations suivantes :

Tout citoyen, « habitant, domestique ou ouvrier », devait faire le service militaire. [...] Le service était obligatoire depuis 16 jusqu'à 60 ans, et le milicien devait s'armer lui-même, c'est-à-dire posséder son fusil. [...] À la tête des milices de chacun des trois gouvernements, un colonel assisté de majors et d'aides-majors. Quant aux miliciens, ils étaient simplement groupés en compagnie par paroisse, l'unité administrative de l'époque, dont chacune, selon le chiffre de sa population, comptait une ou plusieurs compagnies. Dans les vil-

les, les citoyens étaient formés en compagnies de quartier, portant le nom des capitaines. [...] Les officiers portaient, avec l'épée, le hausse-col, croissant de cuivre doré, qui se fixait à la poitrine, à la base du cou. Il constituait l'insigne de leur autorité.

Il faut signaler ici les fonctions extra-militaires des capitaines de milice. Faute de tout système municipal, et de l'absence, dans la plupart des seigneuries, d'institution judiciaire, ils remplirent, de bonne heure, un rôle fort important. Seuls représentants du gouverneur, ils étaient chargés de commander leurs concitoyens, non seulement pour fins militaires, mais dans toutes les occasions où il s'agissait du service du roi, tels que travaux publics, transports des troupes, fournitures de vivres et de matériaux, transmission de dépêches, publication des ordonnances, etc.

Leur utilité ne se limitait pas au seul service du gouverneur. Avec l'autorisation de ce dernier, de qui ils relevaient, ils devinrent également les indispensables agents de l'intendant. Là surtout où il n'existait aucun tribunal, ils signifiaient aux particuliers les jugements et publiaient les

ordonnances de l'intendant et devaient tenir main à leur exécution. Ils étaient les délégués du grand voyer. Ils agissaient, selon les circonstances, comme syndic, comme notaire et comme juge. Ils étaient les très utiles « Maître Jacques » du régime français. Aussi jouissaient-ils d'une considération générale dans la colonie et, de plus, de certains droits et honneurs dans les cérémonies publiques. Ils les méritaient grandement par les précieux services qu'ils rendaient, sans rémunération, au roi et à la colonie.

Avant lui, en 1920, Benjamin Sulte, dans son article publié en anglais au sujet des capitaines de milice, avoue que « s'il était libre de choisir son propre ancêtre, il choisirait un capitaine de milice avant 1760, et même jusqu'à 1800 ».

L'auteur lui-même n'a pas eu à faire ce souhait puisque son ancêtre paternel, Dominique Ostiguy, dit Domigue (1722-1795) et son ancêtre maternel, Joseph Carreau, ont été tous les deux capitaines de milice et porteurs du hausse-col. D'ailleurs, plusieurs descendants Ostiguy furent officiers de milice.

was, on September 8, 1760, transferred to the successful rival, the English king, and the people who lived there became his subjects."^{vi} Hence, a transfer (although not really voluntary) of power and allegiance but between two different branches of the 'Rex Family', or, from Louis XV, fifteenth of the Bourbon lineage to George III, third of the Hanover line. And thus we shift from *capitaine* to captain or capitaine under the new military and civil regimes of Governors Murray, Gage, Burton and Haldimand. The Hon. James Murray will disband the militia in the fall of 1765. Carleton, his successor, will, by Proclamation of Martial Law on June 9, 1775, order the raising of militia and the re-commissioning of militia officers and, "in His Majesty's name [...] require and command all his [His] subjects in this Province [...] on pain of disobedience, to be aiding and assisting to such commissioned officers, and others who are or may be commissioned by me, in the execution of their said commissions for his Majesty's service. [...] GOD SAVE THE KING."^{vii}

From behind closed doors at Quebec at a session with the 23 non-elected members (eight Canadians) of his Legislative Council, Carleton, later Lord Dorchester, on March 29, 1777, in the seventeenth year of the reign of Lord George the Third, enacts "An Ordinance for regulating the Militia of the Province of Quebec, and rendering it of more general utility towards the preservation

and security thereof". It contains 10 articles and is to remain in force for two years. It is said to be "by way of Trial and as an Essay towards training Canadians to Obedience by Degrees..."^{viii}

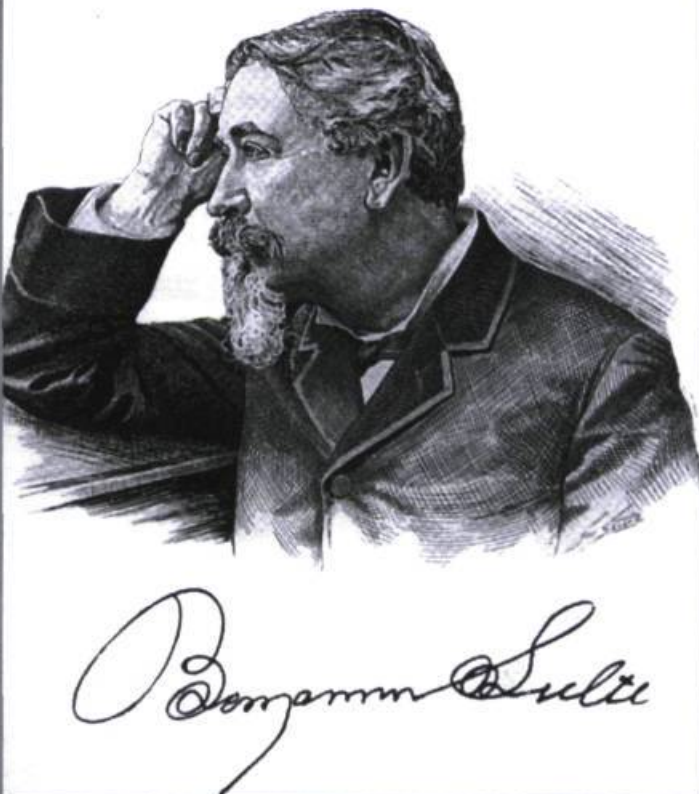
It will be extended "temporarily" for two more years on January 16, 1779 and again on January 20, 1781 to April 30, 1783 and on February 13, 1783 to April 1785 when it appears to become a permanent part of the military institutional fabric. On April 23, 1787, under 27 George III, c. 3 an "Act for Quartering the Troops" is passed that will affect the responsibilities of the militia captains.

And one week later, as chapter 6: "An Act respecting Officers of Militia as Peace Officers and Inquests to be held by them in certain cases."

With that by way of introduction to the militia, let us now return to the real subject of our historical note, the captains or *capitaines* of militia.

"If I were free to select an ancestor for myself, I would choose a captain of militia before 1760 or even up to 1800."

It is in the inaugural edition of *The Canadian Historical Review*, Volume 1, 1920^{ix} that respected,



Benjamin Sulte, 1897.

(Source : archives des Ursulines de Trois-Rivières)

and, it appears, bilingual Quebec historian Benjamin Sulte (1841-1923) pays tribute to 'THE CAPTAINS OF MILITIA'. It is from that work, as the reader will appreciate presently, that the above quote is derived. Sulte informs us about this important personage and why, in his own words, he would choose him as an ancestor, beginning at page 241:

The long period during which the captains of militia in Canada retained their position and influence is a proof of the usefulness of the system they embodied, and the happiness of their choice for the functions they discharged. Every one of them was an habitant – the foremost in his locality for intelligence, activity, and good character. He was a true representative of the people, and at the same time he was an agent of the central power, an homme de confiance, a factotum in every sense of the word. He dealt directly with the governor-general, with the lieutenant-governor, the judges, the curé, the seignior, and with every family. He served without pay, but the honour was great, and no capitaine de la côte would have accepted any remuneration.

It is a strange oversight on the part of historians that they have not, as a rule, seen the extraordinary significance of the captain of militia in Canadian history. They must have been deceived by the military aspect of his title. As a matter of fact, the captain of

militia was not only a military personage; he was five or six other personages, all in the same man. He was recorder, he was superintendent of roads. No government case before a tribunal was examined without his being present, notwithstanding that the official attorney was there also. Any dealings between the seignior or the curé and the civil authorities passed through him. If an accident happened somewhere, it was the captain of the place that wrote the report, and any action taken subsequently was under his management. If a farmer wished to approach the government or the judge, the captain took the affair into his hand. When a seignior trespassed on the land of a farmer, the captain came between the two, and his report was considered first of all. When the high functionaries, such as the governor, the intendant, or the judge, travelled, they were invariably the guests of the captain. He had even an eye on the mail bags and the transport of packages. He was of more importance in the community than is one of our members of parliament today. [...]

There was in New France no such thing as a municipal system, but the captain was, to all intents and purposes, a municipal system by himself. [...]

What has been said does not apply only to the days of Frontenac. Nothing was changed after his departure. At the time of the conquest, the captain of militia was still in all the glo-

ries of his situation. The first step taken by General Amherst was to put the militia officers at the head of their parishes, and they continued to be for many years under British rule the intermediaries between all classes and the central power. Indeed, as late as the beginning of the nineteenth century, after all representative institutions had been established, they retained their position; and it was not until 1868 that they finally disappeared. After 1760 there was no more drill, but the captain of militia remained because of his other functions and his recognized usefulness. The Militia Act of 1868 abolished the militia on paper, and thereby all that had been kept of the old system.

Before concluding on the last page, Sulte adds, at page 244:

It would not be out of place nowadays to revive this custom, and thus give the people of Canada a disciplinary education, as well as a fit knowledge of all the elements necessary to make a soldier. Men of the squad, if properly trained, are two years in advance of others when they are formed into companies or battalions. It is useless and expensive to send recruits to camp. Why not prepare the population at large to enter into company formation with ease and efficiency? The training by which these results can be obtained costs nothing. There was no militia budget for the men of Frontenac, no expense for uniforms or supplies of any sort. Frontenac's was a real militia,

and no false imitation of an army, such as Canada has today [1920]. It was cheap, effective, pleasant, and advantageous to the young men in all steps of life afterwards. Dexterity, orderliness, self-control, good behaviour, politeness – these and many benefits were derived from it. I should like the reader to read this paragraph a second time. [...]

If I were free to select an ancestor for myself, I should choose a captain of militia before 1760 or even up to 1800.

— Benjamin Sulte

Unlike Benjamin Sulte, the writer had the privilege, by natural selection, of being born into a household whose ancestors, on both his father's and his mother's side, were captains of militia. The original North American founder of the Ostiguy family, *Dominique Ostiguy, dit Domingue* (1722-1795) as well as his eldest surviving son, *Pierre* (1757-1820), both served as captains, each in turn, one succeeding the other, of the militia of the Division of Chambly at *Pointe Olivier* or what today is known as *Saint-Mathias-sur-Richelieu*. A second son, *François Alexandre* (1766-1832), like his father and brother before him, also wore the *hausse-col* or *gorget*, the mark of office of the captain of militia. Subsequent generations, like those of their forefathers, produced officers (lieutenants and ensigns) who served in various militia companies of the *Comté de Rouville* until, as Sulte points out, the

militia was abolished in 1868. On the Carreau, or maternal side, *Joseph Carreau, père*, served as *Capitaine au 6^e Bataillon Townships* le 3 février 1789 for the *Seigneurie de Monnoir*.^x

Let us return for a moment to the Canadian Military Institute in Toronto in November, 1896, and seated among the places of the gentlemen military present, imagine Sulte telling us that:

Every man able to bear arms was enrolled, and a captain chosen amongst the habitants was at the head of each parish. The drill consisted mostly in shooting, because the success of a campaign in the wild forest of North America depended principally on the musketry. The men needed no training in regard to roaming in the bush, paddling canoes, camping or snowshoeing – this was a practise already acquired by the whole community. No wonder that they displayed a marked skill in all their expeditions if we compare this state of things with the lack of similar exercises on the part of the New England population. [...] The captain, at home, fulfilled the position of bailiff, carrier of governmental orders &c. He was first among the habitants. All the actual settlers were called habitants (inhabitants) to distinguish them from the other French-men engaged in trade, military, civil service, &c. The militia received its orders direct from the Governor-General through the captains of the parishes.^{xi}

Now, jump ahead fifteen years to be part of the audience at the Military Institute and you will hear Sulte make the following remarks about guns provided to the "sort of Home Guards", as he called the sedentary militia, that came with strings attached on the one part, and abuses on the other:

The whole system was a follows: Every man able to carry arms received a gun, paid for it by instalments, practiced shooting at home constantly under the guidance of the captain or lieutenant of sedentary militia of his parish, and was allowed to use the firelock for hunting. When war came, the sedentary move with their own dress on. They received no pay. [...] The King found they were using his guns for their own sport and support, rather than for his service. The thing was no joke, but it is amusing when you follow it.^{xii}

Sulte, continuing in his 1911 address, lists some of the qualities of the Captain and of the Sedentary Militia:

The Captain of Sedentary Militia was revered – even the Seigneur of the parish was in several cases subordinate to him. If the Seigneur had power here, so, also, the Captain had power there. The Militia dominated everything – was, indeed, the whole force. Everything was subordinate to militarism. There were no Royal troops, there was no regimental organization, but the whole of the affairs of the Colony were under Military

Rule. The old soldiers of France could not, clever as they were, have done what these Canadians did, because the Canadians were accustomed to the work and the Frenchmen were not.^{xiii}

At the end of his article on the Canadian Militia under the French Regime, at page 142, Sulte provides a "LIST OF OFFICERS, Officers of the Regular Militia (colonial troops) who attained the rank of captain or lieutenant, from 1670 to 1760, nearly all Canadian by birth". Beginning with "Adhémar", he lists, alphabetically, although without any given names, five hundred and fifty-three surnames ending up with "Zely".

Sulte concludes his last address to the members of the Canadian Military Institute, likely amid cigar smoke, fine brandy served in large crystal snifters and controlled applause, with these words: "Gentlemen, I pay you a compliment in exchange for the compliment you have paid me in listening to me. Gentlemen, I present arms."^{xiv}

For those among you desiring to learn more on the history of the colonial military and militia, and able to follow Sulte in his mother tongue, two additional references are provided for your enjoyment. The first is a 30-page article entitled "L'Organisation militaire du Canada 1636-1648", which seems a comprehensive work published in *Des mémoires de la Société royale du Canada, deuxième série* – 1896-97.

The second is a very significant work, of approximately 150 pages, he authored and which was published June 20, 1897. It was entitled *Histoire de la milice canadienne-française, 1760-1897*, Desbarats & Cie, Montreal. And it went beyond mere publication. It was « *Humblement dédié à S. M. la Reine Victoria à l'occasion de son soixantième anniversaire de règne par le Colonel et les officiers du 85^e Bataillon de la milice volontaire du Canada* ». It is full of very minute details about the activities of the militia between those years. It even contains a reference (at page 121) to a letter written by Captain Pierre Ostiguy from the ancestral homestead of Pointe-Olivier on October 30, 1813 to his commander Lieutenant-Colonel James Finlay.

Before leaving Benjamin Sulte to explore and conclude with other historians, can we safely conclude that he was a monarchist enamoured with militia officer service rendered to His/Her Majesty, defender of the faith, and so forth?

MILITIA CAPTAIN – ROLE, RESPONSIBILITIES & PRIVILEGES (a partial listing):

(1) "This '*capitaine de milice*' had other important issues to perform in rural parishes. As the unpaid representative of the Governor and Intendant, he supervised the *corvée* – work on roads or bridges and the transportation of supplies – published edicts, administered minor justice and

acted as notary. In return, he had the privileges of walking immediately after church wardens in religious processions and of receiving before other parishioners the bread blessed by the priest and distributed during the solemn high mass. He was more likely to be the most capable habitant in the parish than an ineffectual seigneur."^{xv}

(2) "The man who commanded the tenants of a seigneurie was the *capitaine de la côte, de la milice*, or even *de la paroisse*; this last description shows, as in France, how common was the confusion of the parish with the seigneurie. The *capitaine* was appointed by the Governor of New France, but he really did more work for the Intendant than for the Governor; for the Governor he keeps a master-roll of all adult males in the seigneurie, forms them into companies, sees that they get such military instruction as is practicable, and commands them when they are called upon to fight; and it must be remembered that this service has nothing to do with any feudal obligation in New France. It was, as in France, the king through his governor who was demanding that this service be enforced by the *capitaine*, a service which was required from every able-bodied man between the ages of sixteen and sixty.

For the Intendant the *capitaine* acts as representative and executive officer: it is his job to see that decrees sent down from Quebec are made known throughout the seigneurie, and, in so far as they concern the seigneurie, that they are fully carried out; he supervises the making of roads, repairing of bridges, or collecting of supplies for the army in time of war; he is supposed to see to the lodging and transportation of officials when they pass through the seigneurie; and above all he must keep the Intendant informed as to local conditions and the opinions and grievances of his fellow habitants.

Of course in theory the seigneur was the most important man in the seigneurie: the *capitaine* was always second to the seigneur in those honours which the church granted him – the most imposing pew in church, on the right-hand side and four feet from the altar rails, the right to follow immediately behind the *curé* in all religious processions, the right to be the first layman to receive the sacrament and the *pain bénit*, or to be sprinkled with the holy water. [...] though the *capitaine* might rank after the seigneur in these honours, he, and not the seigneur, was the man whom the

government trusted to see that in material matters all went well in the seigneurie."^{xvi}

"But the government did not waver in its belief in the importance of the *capitaine*: in 1737 Intendant Hocquart in a memoir to the Minister writes that it is difficult keeping the country people in a proper condition of subordination, and for this purpose it is most important to choose as *capitaines de côte* the wisest habitants and those most capable of seeing that orders are obeyed; the government should give them every attention necessary to maintain them in their authority. But there is no doubt that it was the *capitaine* and not the seigneur who was trusted by the government to see that the seigneurie was kept in proper order."^{xvii}

"King's *corvée* which might be extracted at any time for the building or repair of roads and bridges; the extent of the *corvée* was controlled by the Grand Voyer, and its execution was usually supervised by the *capitaine*."^{xviii}

- (3) "For the punishment of crime and the settlement of civil disputes all districts used a system of military courts, based on the Canadian captain of militia. Under France, the militia in each parish had

been organized under captains, lieutenants, and sergeants, who had been entrusted with a variety of local duties. The English found these men most serviceable. Lacking the education of the priest and the social standing of the seigneur, they were yet intelligent enough to carry out orders and not too proud to receive them. [...] He had to provide men for the various needs of the army: fuel, straw, transportation; he had to help with billeting troops; he had to receive and forward the weapons surrendered to the English, and then to receive back again those returned for redistribution; he had to administer oaths of fidelity, supervise repairs to roads and bridges, apprehend deserters and other offenders, and give his help when a census of surplus grain must be taken or a charitable collection made. [...] He was the base of the administration of justice, being authorized to settle disputes by conciliation or judicial decision, or to pass them along to the local English officer. [...] It is, however, remarkable that for four or five years a small group of English officers should have administered the province peacefully and with reasonable efficiency through the agency of these men who, with all their native ability, were sometimes

unable to read or write. Serious cases, or appeals from militia officers, passed up the hierarchy from the local officer to military courts sitting in the towns of Quebec, Three Rivers and Montreal."^{xix}

- (4) Communication to the people of proclamations, ordinances, decrees and orders published in French by the Military Governors of the districts of Quebec, Three Rivers and Montreal. "The militia captains handled British requisitions for firewood, fodder and food, for which the military authorities paid."^{xx}
- (6) "OF OFFICERS OF MILITIA AS PEACE OFFICERS (Duty of officers of militia, when marks of violence are found on a dead body) [...]."

"S. 36. Where any marks of violence are found on any dead body, the captain or senior officer of militia may, in his parish, summon together six respectable householders of his parish to inspect the same, and they shall, according to the opinion of such householders, report the manner and cause of such death in writing to the nearest justice of the Peace, that a further examination may if necessary be made therein."^{xxi}

There is more, considerably more, but for now, enough. Since a picture is worth a thousand words, here, for the curious, is what a chosen ancestor of Benjamin Sulte, a captain of militia, might have looked like. Note the gorget about the neck and sword about the belt. We are grateful to this 21st cen-

tury re-enactor from the market in Old Montreal for assisting us to step back in time.



Your most faithful, obedient and humble Servant...
(Photo : Raymond Ostiguy)

Notes

ⁱ George III indeed claimed to be the king of France as well.

ⁱⁱ LANCÔT, Gustave, « Les troupes de la Nouvelle-France », *The Canadian Historical Association Annual Report*, (1926), Appendix, p. 45.

ⁱⁱⁱ *A History of the Organization, Development and Services of the Military and Naval Forces of Canada From the Peace of Paris in 1763, to the Present Time*, Edited by the Historical Section of the General Staff, Volume I, *The Local Forces of New France*, p. 38.

^{iv} "The early history of Militia, 1636-1700", in Volume 1, *Mélanges historiques, Études éparses et inédites de Benjamin Sulte*, compilées, annotées et publiées par Gérard Malchelosse, G. Ducharme, libraire-éditeur, Montréal, 1918, p. 132.

^v *Ibid.*, p. 43.

^{vi} NEATBY, Hilda, *QUEBEC - The Revolutionary Age, 1760-1791*, The Canadian Centenary Series, McClelland and Stewart Limited, 1966, p. 7.

^{vii} *A History of the Organization, Development and Services of the Military and Naval Forces of Canada From the Peace of Paris in 1763, to the Present Time*, Edited by the Historical Section of the General Staff, Volume II, *The Province of Quebec under the Administration of Governor Sir Guy Carleton, 1775-1778*, pp. 53-54.

^{viii} Correspondence from Carleton to Germaine, Quebec, 9 May 1777 - PAC - Colonial Office Records.

^{ix} Although the first number, it was not a wholly new venture; it was a continuation of *The Review of Historical Publications relating to Canada*, already in existence for nearly a quarter of a century. The new *Review* was to be published quarterly "as a medium for the publication of ori-

ginal articles on Canadian history and allied subjects" in recognition that there was almost no medium in Canada for occasional work of historical students apart from "some admirable French-Canadian periodicals, such as the *Bulletins des recherches historiques*, the *Revue canadienne*, and *Le Canada français*."

^x LÉPINE, Luc, *Lower Canada's Militia Officers 1812-1815*, Société généalogique canadienne-française, 1996, p. 81.

^{xi} "The early history of Militia. 1636-1700", *op. cit.*, pp. 132-133.

^{xii} "Canadian Militia under the French Regime", in Volume 1, *Mélanges historiques, Études éparses et inédites de Benjamin Sulte*, compilées, annotées et publiées par Gérard Malchelosse, G. Ducharme, libraire-éditeur, Montréal, 1918, p. 139.

^{xiii} *Ibid.*, p. 141.

^{xiv} *Ibid.*, p. 142.

^{xv} LANCÔT, Gustave, *A History of Canada, Volume Two: From the Royal Régime to the Treaty of Utrecht, 1663-1713*, Toronto, 1964, p. 204.

^{xvi} ADAIR, E. R., "The French-Canadian Seigneurie", *Canadian Historical Review*, 1954, pp. 193-194.

^{xvii} *Ibid.*, p. 195.

^{xviii} *Ibid.*, p. 202.

^{xx} NEATBY, Hilda, *op. cit.*, pp. 20-22.

^{xx} *Ibid.*, p. 13.

^{xxi} Ordinance enacted under 34 George III, c. 6, s. 36, proclaimed 11 December, 1794.