

(*Translation.*)¹
ARTICLES OF CAPITULATION

Between their Excellencies Major GENERAL AMHERST, Commander in Chief of his Britannic Majesty's troops and forces in North-America, on the one part, and the Marquis de Vaudreuil, &c. Governor and Lieutenant-General for the King in Canada, on the other.

ARTICLE IST

Twenty-four hours after the signing of the present capitulation, the British General shall cause the troops of his Britannic Majesty to take possession of the Gates of the town of Montreal; and the British Garrison shall not enter the place till after the French troops shall have evacuated it,—“The whole Garrison of Montreal must lay down their arms, and shall “not serve during the present war. Immediately after the signing of the present capitulation, the King's troops shall take possession of the gates, and shall post the Guards necessary to preserve good order in the town.”

ARTICLE IID.

The troops and the militia, who are in Garrison in the town of Montreal, shall go out by the gate of Quebec, with all the honours of war, six pieces of cannon and one mortar, which shall be put on board the vessel where the Marquis de Vaudreuil shall embark, with ten rounds for each piece; and the same shall be granted to the Garrison of the Three Rivers, as to the honours of war.—“Referred to the next article.”

ARTICLE IIID.

The troops and militia, who are in Garrison in the Fort of Jacques Cartier, and in the Island of St. Helen, and other forts, shall be treated in the same manner, and shall have the same honours; and these troops shall go to Montreal, or the Three Rivers or Quebec; to be there embarked for the first sea port in France, by the shortest way. The troops, who are in our posts, situated on our frontiers, on the side of Acadia, at Detroit, Michulimaquinac, and other posts, shall enjoy the same honours, and be treated in the same manner.—“All these troops are not to serve during the present war, and shall likewise lay down their arms, the rest is granted.”

ARTICLE IVTH.

The Militia after evacuating the above towns, forts and posts, shall return to their habitations, without being molested on any pretence whatever, on account of their having carried arms.—“Granted.”

¹ As in the case of the Articles of Capitulation of Quebec, the English version of the Articles of Capitulation of Montreal, here given, follows that in "Capitulations and Extracts of Treaties Relating to Canada," 1797. Other versions with slight variations are to be found in Knox's "Journal" Vol. II., p. 423, in "Documents Relative to the Colonial History of the State of New York," Vol. X., p. 1107, and in the "Annual Register" for 1760, p. 222.

ARTICLE VTH.

The troops, who keep the field, shall raise their camp, drums beating, with their arms, bagage and artillery, to join the garrison of Montreal, and shall be treated in every respect the same—“These troops, as well as the others, must lay down their arms.”

ARTICLE VITH.

The Subjects of his Britannic Majesty, and of his most Christian Majesty, Soldiers, Militia or Seamen, who shall have deserted or left the service of their Sovereign, and carried arms in North-America, shall be, on both sides pardoned for their crime; they shall be respectively returned to their country; if not, each shall remain where he is without being sought after or molested.—“Refused.”

ARTICLE VII.

The Magazines, the artillery, firelocks, sabres, ammunition of war, and, in general every thing that belongs to his most Christian Majesty, as well in the towns of Montreal and Three Rivers, as in the forts and post mentioned in the Third article shall be delivered up, according to exact Inventories, to the commissaries who shall be appointed to receive the same in the name of his Britannic Majesty. Duplicates of the said Inventories shall be given to the Marquis de Vaudreuil.—“This is every thing that can be asked on this article.”

ARTICLE VIII.

The Officers, Soldiers, Militia, Seamen and even the Indians, detained on account of their wounds or sickness, as well as in the hospital, as in private houses, shall enjoy the privileges of the cartel, and be treated accordingly.— “The sick and wounded shall be treated the same as our own people.”

ARTICLE IX.

The British General shall engage to send back, to their own homes, the Indians, and Morigans, who make part of his armies, immediately after the signing of the present capitulation, and, in the mean time, the better to prevent all disorders on the part of those who may not be gone away, the said Generals shall give safe-guards to such persons as shall desire them, as well in the town as in the country.—“The first part refused.”—“There never have been any cruelties committed by the Indians of our army: and good order shall be preserved.”

ARTICLE X.

His Britannic Majesty’s General shall be answerable for all disorders on the part of his troops, and shall oblige them to pay the Damages they may do, as well in the towns as in the country —“Answered by the pre-ceding article.”

ARTICLE XI.

The British General shall not oblige the Marquis de Vaudreuil to leave the town of Montreal before and no person shall be quartered in his house till he is gone. The Chevalier de Levis, Commander of the land forces and colony troops, the Engineers, Officers of the Artillery, and Commissary of war, shall also remain at Montreal till the said day, and shall keep their lodgings. The same shall be observed with regard to M. Bigot, Intendant, the Commissaries of Marines and writers, whom the said M. Bigot shall have occasion for, and no

person shall be lodged at the Intendant's house before he shall take his departure —“The Marquis de Vaudreuil, and all these gentlemen, shall be masters of their houses, and shall embark, when the King's ship shall be ready to sail for Europe; and all possible conveniences shall be granted them.”

ARTICLE XII.

The most convenient vessel that can be found shall be appointed to carry the Marquis de Vaudreuil, M. de Rigaud, the Governor of Montreal, and the suite of this General, by the straitest passage to the first sea port in France; and every necessary accommodation shall be made for them. This vessel shall be properly victualled at the expence of his Britannic Majesty: and the Marquis de Vaudreuil shall take with him his papers, without their being examined, and his equipages, plate, baggage, and also those of his retinue.—“Granted, except the archives which shall be necessary for the Government of the country.”

ARTICLE XIII.

If before, or after, the embarkation of the Marquis de Vaudreuil, news of Peace should arrive, and, that by treaty, Canada should remain to his most Christian Majesty, the Marquis de Vaudreuil shall return to Quebec or Montreal; every thing shall return to its former state under the Dominion of his most Christian Majesty, and the present capitulation shall become null and of no effect.—“Whatever the King may have done, on this subject, shall be obeyed.”

ARTICLE XIV.

Two ships will be appointed to carry to France, le Chevalier de Levis, the principal officers, and the staff of the Land forces, the Engineers, officers of Artillery, and their domestics. These vessels shall likewise be victualled, and the necessary accommodation provided in them. The said officers shall take with them their papers, without being examined, and also, their equipages and baggage. Such of the said officers as shall be married, shall have liberty to take with them their wives and children, who shall also be victualled .—“Granted, except that the Marquis de Vaudreuil and all the officers, of whatever rank they may be, shall faithfully deliver to us all the charts and plans of the country.”

ARTICLE XV.

A vessel shall also be appointed for the passage of Mr. Bigot, the Intendant, with his suite; in which vessel the proper accommodation shall be made for him, and the persons he shall take with him: he shall likewise embark with him his papers, which shall not be examined: his equipages, plate, baggage and those of his suite: this vessel shall be victualled as before mentioned.—“Granted, with the same reserve, as in the preceding “article.”

ARTICLE XVI.

The British General shall also order the necessary and most convenient vessels to carry to France M. de Longueuil, Governor of Trois Rivieres, the staff of the colony, and the Commissary of the Marine; they shall embark therein their families, servants, baggage and equipages, and they shall be properly victualled, during the passage, at the expence of his Britannic Majesty.—“Granted.”

ARTICLE XVII.

The officers and soldiers, as well as of the Land-forces, as of the colony, and also the Marine Officers, and Seamen, who are in the colony, shall be likewise embarked for France, and sufficient and convenient vessels shall be appointed for them. The Land and sea officers, who shall be married, shall take with them their families, and all of them shall have liberty to embark their servants and baggage. As to the soldiers and seamen, those who are married shall take with them their wives and children, and all of them shall embark their haversacks and baggage; these vessels shall be properly and sufficiently victualled at the expence of his Britannic Majesty.—“Granted.”

ARTICLE XVIII.

The officers, soldiers and the followers of the troops, who shall have their baggage in the fields, may send for it before they depart, without any hindrance or molestation.—“Granted.”

ARTICLE XIX.

An hospital ship shall be provided by the British General, for such of the wounded and sick officers, soldiers and seamen as shall be in a condition to be carried to France, and shall likewise be victualled at the expence of his Britannic Majesty. It shall be the same with regard to the other wounded and sick officers, soldiers and sailors, as soon as they shall be recovered. They shall have liberty to carry with them their wives, children, servants and baggage; and the said soldiers and sailors shall not be solicited nor forced to enter into the service of his Britannic Majesty —“Granted.”

ARTICLE XX.

A Commissary and one of the King’s Writers, shall be left to take care of the hospitals, and whatever may relate to the service of his most Christian Majesty —“Granted.”

ARTICLE XXI.

The British General shall also provide ships for carrying to France the officers of the supreme council, of justice, police, admiralty, and all other officers, having commissions or brevets from his most Christian Majesty, for them, their families, servants and equipages, as well as for the other officers: and they shall likewise be victualled at the expence of his Britannic Majesty. They shall, however, be at liberty to stay in the colony, if they think proper to settle their affairs, or to withdraw to France whenever they think fit.—“Granted, but if they have papers relating to the Government of the country, they are to be delivered up to us.”

ARTICLE XXII.

If there are any Military officers, whose affairs should require their presence in the colony till the next year, they shall have liberty to stay in it, after having obtained the permission of the Marquis de Vaudreuil for that purpose, and without being reputed prisoners of war.—“All those whose “private affairs shall require their stay in the country, and who shall have the Marquis de Vaudreuil’s leave for so doing, shall be allowed to remain till their affairs are settled.”

ARTICLE XXIII.

The Commissary for the King’s provisions shall be at liberty to stay in Canada till next

year, in order to be enabled to answer the debts he has Contracted in the colony, on account of what he has furnished; but, if he should prefer to go to France this year, he shall be obliged to leave, till next year, a person to transact his business. This private person shall preserve, and have liberty to carry off, all his papers, without being inspected. His clerks shall have leave to stay in the colony or go to France; and in this last case, a passage and subsistence, shall be allowed them on board the ships of his Britannic Majesty, for them, their families, and their baggage.—“Granted.”

ARTICLE XXIV.

The provisions and other kind of stores, which shall be found in the Magazines of the commissary, as well in the towns of Montreal, and of the Three-Rivers, as in the country, shall be preserved to him, the said provisions belonging to him, and not to the King; and he shall be at liberty to sell them to the French and English.—“Everything that is actually in the magazines, destined for the use of the troops, is to be delivered to the British commissary, for the King’s forces.”

ARTICLE XXV.

A passage to France shall likewise be granted, on board of his Britannic Majesty’s ships, as well as victuals to such officers of the India company as shall be willing to go thither, and they shall take with them their families, servants and baggage. The Chief agent of the said Company, in case he should chuse to go to France, shall be allowed to leave such person as he shall think proper till next year, to settle the affairs of the said Company, and to recover such sums as are due to them. The said chief agent shall keep possession of all the papers belonging to the said Company, and they shall not be liable to inspection.—“Granted.”

ARTICLE XXVI.

The said company shall be maintained in the property of the Ecarlatines and Castors, which they may have in the town of Montreal; they shall not be touched under any pretence whatever, and the necessary Licences shall be given to the Chief Agent, to send this year his Castors to France, on Board his Britannic Majesty’s ships, paying the freight on the same footing as the British would pay it.—“Granted, with regard to what may belong to the company, or to private persons; but if his Most Christian Majesty has any share in it, that must become the property of the King.”

ARTICLE XXVII.

The free exercise of the Catholic, Apostolic, and Roman Religion, shall subsist entire, in such manner that all the states and the people of the Towns and countries, places and distant posts, shall continue to assemble in the churches, and to frequent the sacraments as heretofore, without being molested in any manner, directly or indirectly. These people shall be obliged, by the English Government, to pay their Priests the tithes, and all the taxes they were used to pay under the Government of his most Christian Majesty.—“Granted, as to the free exercise of their religion, the obligation of paying the tithes to the Priests will depend on the King’s pleasure.”

ARTICLE XXVIII.

The Chapter, Priests, Curates and Missionaries shall continue, with an entire liberty, their exercise and functions of cures, in the parishes of the towns and countries —“Granted.”

ARTICLE XXIX.

The Grand Vicars, named by the Chapter to administer to the diocese during the vacancy of the Episcopal see, shall have liberty to dwell in the towns or country parishes, as they shall think proper. They shall at all times be free to visit the different parishes of the Diocese with the ordinary ceremonies, and exercise all the jurisdiction they exercised under the French Dominion They shall enjoy the same rights in case of the death of the future Bishop, of which mention will be made in the following article.—“Granted, except what regards the following article.”

ARTICLE XXX.

If by the treaty of peace, Canada should remain in the power of his Britannic Majesty, his most Christian Majesty shall continue to name the Bishop of the colony, who shall always be of the Roman communion, and under whose authority the people shall exercise the Roman Religion.—“Refused.”

ARTICLE XXXI.

The Bishop shall, in case of need, establish new parishes, and provide for the rebuilding of his Cathedral and his Episcopal palace; and, in the mean time, he shall have the liberty to dwell in the towns or parishes, as he shall judge proper. He shall be at liberty to visit his Diocese with the ordinary ceremonies, and exercise all the jurisdiction which his predecessor exercised under the French Dominion, save that an oath of fidelity, or a promise to do nothing contrary to his Britannic Majesty’s service, may be required of him.—“This article is comprised under the foregoing.”

ARTICLE XXXII.

The Communities of Nuns shall be preserved in their constitutions and privileges; they shall Continue to observe their rules, they shall be exempted from lodging any military; and it shall be forbid to molest them in their religious exercises, or to enter their monasteries: safeguards shall even be given them, if they desire them.—“Granted.”

ARTICLE XXXIII.

The preceding article shall likewise be executed, with regard to the communities of Jesuits and Recollects and of the house of the priests of St. Sulpice at Montreal; these last, and the Jesuits, shall preserve their right to nominate to certain curacies and missions, as heretofore.—“Refused till the King’s pleasure be known.”

ARTICLE XXXIV.

All the communities, and all the priests, shall preserve their moveables, the property and revenues of the Seignories and other estates, which they possess in the colony, of what nature soever they be; and the same estates shall be preserved in their privileges, rights, honours, and exemptions.—“Granted.”

ARTICLE XXXV.

If the Canons, Priests, Missionaries, the Priests of the seminary of the foreign Missions, and of St. Sulpice, as well as the Jesuits, and the Recollects chuse to go to France, a passage shall be granted them in his Britannic Majesty’s ships, and they shall have leave to sell, in whole, or in

part, the estates and moveables which they possess in the colonies, either to the French or to the English, without the least hindrance or obstacle from the British Government.—They may take with them, or send to France, the produce of what nature soever it be, of the said goods sold, paying the freight, as mentioned in the XXVIth article; and such of the said Priests, who chuse to go this year, shall be victualled during the passage, at the expence of his Britannic Majesty; and they shall take with them their baggage.—“They shall be masters to dispose of their estates and to send the produce thereof, as well as their persons, and all that belongs to them to France.”

ARTICLE XXXVI.

If by the treaty of Peace, Canada remains to his Britannic Majesty all the French, Canadians, Acadians, Merchants and other persons who chuse to retire to France, shall have leave to do so from the British General who shall procure them a passage: and nevertheless, if, from this time to that decision, any French, or Canadian Merchants or other persons, shall desire to go to France; they shall likewise have leave from the British General. Both the one and the other shall take with them their families servants, and baggage.—“Granted.”

ARTICLE XXXVII.

The Lords of Manors, the Military and Civil officers, the Canadians as well in the Towns as in the country, the French settled, or trading, in the whole extent of the colony of Canada, and all other persons whatsoever, shall preserve the entire peaceable property and possession of the goods, noble and ignoble, moveable and immoveable, merchandizes, furs and other effects, even their ships; they shall not be touched, nor the least damage done to them, on any pretence whatever. They shall have liberty to keep, let or sell them, as well to the French as to the British, to take away the produce of them in Bills of exchange, furs, specie or other returns, whenever they shall judge proper to go to France, paying their freight, as in the XXVIth Article They shall also have the furs which are in the posts above, and which belong to them, and may be on the way to Montreal, and, for this purpose, they shall have leave to send, this year, or the next, canoes fitted out, to fetch such of the said furs as shall have remained in those posts.—“Granted as in the XXVIth article.”

ARTICLE XXXVIII.

All the people who have left Acadia, and who shall be found in Canada including the frontiers of Canada on the side of Acadia, shall have the same treatment as the Canadians, and shall enjoy the same privileges.—“The King is to dispose of his ancient Subjects: in the mean time, they shall enjoy the same privileges as the Canadians.”

ARTICLE XXXIX.

None of the Canadians, Acadians or French, who are now in Canada, and on the frontiers of the colony, on the side of Acadia, Detroit, Michillimaquinac, and other places and posts of the countries above, the married and unmarried soldiers, remaining in Canada, shall be carried or transported into the British colonies, or to Great-Britain, and they shall not be troubled for having carried arms—“Granted, except with regard to the Acadians.”

ARTICLE XL.

The Savages or Indian allies of his most Christian Majesty, shall be maintained in the Lands they inhabit; if they chuse to remain there; they shall not be molested on any pretence

whatsoever, for having carried arms, and served his most Christian Majesty; they shall have, as well as the French, liberty of religion, and shall keep their missionaries. The actual Vicars General, and the Bishop, when the Episcopal see shall be filled, shall have leave to send to them new Missionaries when they shall 'judge it necessary,—“Granted except the last article, which has been already refused.”

ARTICLE XLI.

The French, Canadians, and Acadians of what state and condition soever, who shall remain in the colony, shall not be forced to take arms against his most Christian Majesty, or his Allies, directly or indirectly, on any occasion whatsoever; the British Government shall only require of them an exact neutrality.—“They become Subjects of the King.”

ARTICLE XLII.

The French and Canadians shall continue to be governed according to the custom of Paris; and the Laws and usages established for this country, and they shall not be subject to any other imposts than those which were established under the French Dominions.—“Answered by the preceding articles, and particularly by the last.”

ARTICLE XLIII.

The Papers of the Government shall remain without exception, in the power of the Marquis de Vaudreuil and shall go to France with him. These papers shall not be examined on any pretence whatsoever.—“Granted, with the reserve already made.”

ARTICLE XLIV.

The papers of the Intendancy, of the offices of Comptroller of the Marine, of the ancient and new treasurers, of the Kings magazines, of the offices of the Revenues and forges of St. Maurice, shall remain in the power of M. Bigot, the Intendant; and they shall be embarked for France in the same vessel with him; these papers shall not be examined.—“The same as in this article.”

ARTICLE XLV.

The Registers, and other papers of the Supreme Council of Quebec of the Prévoté, and Admiralty of the said city; those of the Royal Jurisdictions of Trois Rivieres and of Montreal; those of the Seignorial Jurisdiction of the colony; the minutes of the Acts of the Notaries of the towns and of the countries; and in general, the acts, and other papers, that may serve to prove the estates and fortunes of the Citizens, shall remain in the colony, in the rolls of the jurisdictions on which these paper depend.—“Granted.”

ARTICLE XLVI.

The inhabitants and Merchants shall enjoy all the privileges of trade under the same favours and conditions granted to the subjects of his Britannic Majesty, as well as in the countries above, as the interior of the colony.—“Granted.”

ARTICLE XLVII.

The Negroes and panis of both sexes shall remain, in their quality of slaves, in the possession of the French and Canadians to whom they belong they shall be at liberty to keep

them in their service in the colony or to sell them; and they may also continue to bring them up in the Roman Religion.—“Granted, except those who shall have been made prisoners.”

ARTICLE XLVIII.

The Marquis de Vaudreuil, the General and Staff Officers of the landforces, the Governors and Staff officers of the different places of the colony, the Military and Civil officers, and all other persons who shall leave the colony, or who are already absent, shall have leave to name and appoint Attornies to act for them, and in their name in the administration of their effects, moveable and immoveable, until the peace; and, if, by the treaty between the two crowns, Canada does not return under the French dominions, these officers, or other persons, or attornies for them, shall have leave to sell their manors, houses, and other estates, their moveables and effects, &c., to carry away or send to France, the produce thereof, either in bills of exchange, specie, furs or other returns, as is mentioned in the XXXVIIth Article.—“Granted.”

ARTICLE XLIX.

The inhabitants, and other persons, who shall have suffered any damage in their goods, moveable or immoveable, which remained at Quebec, under the faith of the capitulation of that city, may make their representations to the British Government, who shall render them due justice against the person to whom it shall belong.—“Granted.”

ARTICLE L. *and last.*

The present capitulation shall be inviolably executed in all its articles, and bonâ fide, on both sides, notwithstanding any infraction, and any other pretence, with regard to the preceding capitulations, and without making use of reprisals.—“Granted.”

POSTSCRIPT

ARTICLE LI.

The British General shall engage, in case any Indians remain after the surrender of this town, to prevent their coming into the towns, and that they do not, in any manner, insult the subjects of his Most Christian Majesty.—“Care shall be taken that the Indians do not insult any of the subjects of his Most Christian Majesty.”

ARTICLE LII.

The troops and other subjects of his Most Christian Majesty, who are to go to France, shall be embarked, at latest, fifteen days after the signing of the present capitulation.—“Answered by the XIth Article.”

ARTICLE LIII.

The Troops and other subjects of his Most Christian Majesty, who are to go to France, shall remain lodged and incamped in the town of Montreal, and other posts which they now occupy, till they shall be embarked for their departure: passeports, however, shall be granted to those who shall want them, for the different places of the colony, to take care of their affairs.—“Granted.”

ARTICLE LIV.

All the officers and soldiers of the troops in the service of France, who are prisoners in New-England: and who were taken in Canada, shall be sent back, as soon as possible, to France, where their ransom or exchange shall be treated of, agreeable to the cartel; and if any of these officers have affairs in Canada, they shall have leave to come there.—“Granted.”

ARTICLE LV.

As to the officers of the Militia, the Militia, and the Acadians, who are prisoners in New-England, they shall be sent back to their Countries.

Done at Montreal, the 8th of September, 1760.

“VAUDREUIL.”

Granted except what regards the Acadians. Done in the Camp before Montreal, the 8th September, 1760.

“JEFFERY AMHERST.”

Source: A. Shortt and A. Doughty, eds., *Documents Relating to the Constitutional History of Canada*, vol. 1, pt. 1 (Ottawa: King's Printer, 1918) 25-36.