

Articles of capitulation, made and entered into between Richard Montgomery, Esquire, brigadier general of the Continental Army, and the citizens and inhabitants of Montreal, represented by the subscribers ... duly elected for that purpose.

ARTICLES OF CAPITULATION,

Made and entered into between RICHARD MONTGOMERY, Esquire, Brigadier General of the Continental Army, and the Citizens and Inhabitants of Montreal, represented by the Subscribers, John Porteous, Pierre Panet, John Blake, Pierre Meziere, James Finlay, Saint George Dupree, James McGill, Louis Carrignant, Richard Huntly, Francois Mathiot, Edward William Grey, and Pierre Guy, duly elected for that purpose.

ARTICLE I. THAT the citizens and inhabitants of Montreal, as well individuals as religious orders and communities without any exception shall be maintained in the free possession and enjoyment of their rights, goods and effects moveable and immoveable of what nature soever they may be.

ARTICLE II. That the inhabitants French and English shall be maintained in the free exercise of their religion.

ARTICLE III. That trade in general, as well within the province as in the upper countries and parts beyond the seas, shall be carried on freely as heretofore, and passports shall be granted for that purpose.

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ARTICLE IV. That passports shall be granted to those who may want them, for the different parts of this province, or elsewhere, on their lawful affairs.

ARTICLE V. That the citizens and inhabitants of the town and suburbs of Montreal shall not be compelled, on any pretence whatsoever, to take up arms against the Mother Country, nor to contribute in any manner towards carrying on war against her.

ARTICLE VI. That the citizens and inhabitants of the town and suburbs, or any other part of the country, who have taken up arms for the defence of this province, and are taken prisoners, shall be set at liberty.

ARTICLE VII. That Courts of Justice shall be established for the determination of property, and that the Judges of the said Courts shall be elected by the people.

ARTICLE VIII. That the inhabitants of the town shall not be subjected to lodge troops.

ARTICLE IX. That no inhabitants of the country, or Savages, shall be permitted to enter the town until the Commandant shall have taken possession and provided for the security thereof. *Montreal, 12th November, 1775. John Porteous, R. Huntly, John Blake, Edward Wm. Gray, James Finlay, James McGill, P. Panet, Mathiot, Carrignant, Meziere, St. George Dupree, Cuy.*

I do hereby certify that the above articles were presented to me, to which I have given the following answer: **THE** City of Montreal having neither ammunition, artillery, troops nor provisions, and having it not in their power to fulfil one article of the treaty, can claim no title to a capitulation.

The Continental Army have a generous disdain of every act of oppression and violence: They are come for the express purpose of giving liberty and security. The General, therefore, engages his honor to maintain, in the peaceable enjoyment of their property of every kind, the individuals and religious communities of the city of Montreal.

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The inhabitants, whether English, French, or others, shall be maintained in the free exercise of their religion.

The present unhappy contention between Great-Britain and her Colonies puts it out of his power to engage for freedom of trade to the Mother-Country, nor can he make a general promise of passports; as far as it may consist with the safety of the troops and the public good, he shall be happy to promote commerce, and for that purpose promises to grant passports for the upper countries when required.

The General hopes to see such a provincial virtuous convention assembled as will enter with zeal into every measure that can contribute to set the civil and religious rights of this and her sister colonies on a permanent foundation. He promises for himself that he will not compel the inhabitants of the town to take up arms against the Mother Country, or contribute towards the expences of the present war.

The Continental Army came into this province for its protection, they therefore cannot consider their opposers as taking up arms for its defence.

'Tis not in the General's power to engage for the return of prisoners: Motives of humanity will induce him to use his interest for their return to their families, provided it can be done without endangering the public safety.

Speedy measures shall be taken for the establishing courts of justice, upon the most liberal plan, conformable to the British constitution.

The inhabitants shall not be burthened with troops, but when necessary requires it, of which necessity the General must be judge.

The inhabitants of the country and Savages shall not enter the town till the guards are posted.

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To-morrow morning at nine o'clock the Continental Troops shall take possession of the Recollect gate, the proper officers must attend with the keys of all public stores upon the Quarter Master General, at nine o'clock, at the Recollect gate.

This engagement is understood, and declared to be binding on any future commanding officer of the Continental Troops that may succeed me in this district. *Montreal, Nov. 12th, 1775. RICHARD MONTGOMERY, Brigadier-General of the Continental Army.*

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