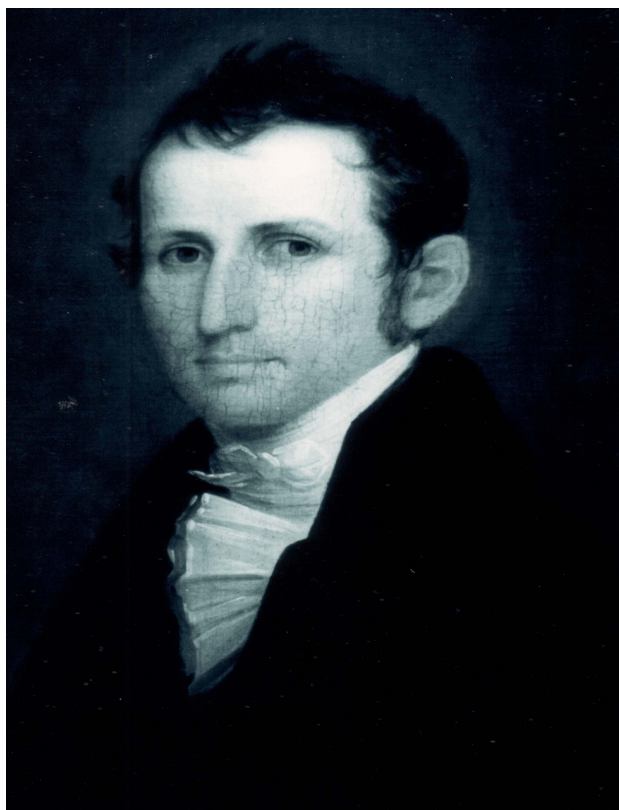


## JANE SMITH'S SECOND FAMILY

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### JANE SMITH and ANDREW STUART

The historian Pierre Georges Roy describes him as “peut-être le plus habile avocat qu’ait produit le Canada”<sup>i</sup>. The fifth and youngest son of the Reverend John Stuart and Jane Okill of Kingston, Andrew Stuart studied law in Quebec City and was involved in some of the most important legal matters of his day in Lower Canada. This included representing Pierre-Stanislas Bédard, the editor of *Le Canadien*, imprisoned for sedition by Governor Craig, and acting for the Sulpicians of Montreal in their protracted defense of their assets against crown claims. He was active in public life, being elected seven times to the Assembly of Lower Canada over the course of twenty years, first as a supporter then as an opponent of the Patriotes until he was appointed solicitor-general from 1838 to his death in 1840 at the age of 54<sup>ii</sup>.

Although his obituary praises him as “distinguished in public professional and private life by inflexible integrity and a high sense of honour”<sup>iii</sup>, Stuart’s private life can only be described as unconventional.

Never married, he had six children from two women. The first, Marguerite Dumoulin, was already married to Honoré Bailly de Messein, an army officer who left Quebec to seek his fortune in Upper Canada and never returned.. She and Stuart had two sons, Andrew (1812-189) and Henry (ca. 1816-1871). Both would become lawyers, Andrew being appointed Chief Justice of the Superior Court of Quebec, and knighted by Queen Victoria in 1867<sup>iv</sup>.

Stuart and Dumoulin must have separated, for she lived till 1838, and he went on to have four children in five years from Jane Smith: Mary (1820-1820); Jane Victoria (1821-1897) who married in 1842 Charles Cotton, M.D. of Cowansville; Ann Mary (1822-1859) who married in 1842 William H. Foster of Shefford, and William Wallace (1824-1909), a merchant in Montreal who married in 1857 Henrietta Wilkins<sup>v</sup>.

### Who Was Jane Smith?

She was quite clearly not married to Stuart. No marriage act has been found and the language in the birth records of their children, the first at Holy Trinity Anglican Cathedral and the others at St. Andrew’s Presbyterian in Quebec City, although naming Stuart as the parents, carefully avoids the conventional phrases that would indicate they were married. Mary’s birth record, for example, reads “Mary, daughter of Andrew Stuart, Esq of the City of Quebec, Advocate, and of Jane Smith, was born ”. Published genealogies shed no light on the matter. A.H. Young’s genealogy of the Reverend John Stuart and his descendants has a section titled “Andrew Stuart and

Marguerite Dumoulin” in which he says nothing about their marriage, and although he provides substantial detail on their two sons and their families, he relegates Jane and her descendants to a footnote <sup>vi</sup>. Pierre-Georges Roy, in his genealogy of the de Gaspé family, mentions Stuart as the father of Sir Andrew, who married a daughter of the author Philippe Aubert de Gaspé, but says nothing of Jane <sup>vii</sup>. Louis Audette, one of Sir Andrew Stuart’s descendants, claims that Stuart was married to neither woman, and reports “there is a suggestion she later married the Hon Mr Justice James Reid.” <sup>viii</sup> But Justice Reid was clearly married to someone else.

### **JANE SMITH and THOMAS HINCKS REED**

After her relationship with Stuart, Jane Smith could have married or died unmarried. Assuming she was at least 18 when she had her first child with Stuart, she would have been born no later than 1802, and thus would not be expected to have children after 1847 or die later than 1892. We also know from the birth records of her children with Stuart that Smith could sign, and did so consistently as “Jane Smith”.

Jane’s children with Stuart are known to have remained in Quebec, so it is likely that she did also. Within Quebec (i.e. Lower Canada, later Canada East), Drouin lists 20 possible marriages and 12 deaths of Jane Smiths between 1824, the year of the birth of her last child with Stuart, and 1892. Of the death records, 9 were for Janes married to a Smith, thus unlikely to be our Jane unless she had been married to one before her relationship with Stuart, but no such marriage has been found. One of the deaths is of a child, one of a woman who would have been born around 1822, and one of a woman who died in an insane asylum. None of these are likely to be our Jane.

Of the Jane Smiths who married, two were incorrectly indexed, six could not sign, three signed “Mary Jane Smith”, and eight can be

shown from related census data to have been born or had children too late to be our Jane.

This leaves only one possible marriage in Lower Canada, of Jane Smith to Thomas Hincks Reed, upholsterer, on February 9, 1828 at Holy Trinity Cathedral in Québec. They had the following children:

- Marie, born November 29, 1828 and baptized January 25, 1829 at Notre-Dame Cathedral in Quebec City
- James Hincks, born March 24, 1830 and baptized April 5 at Notre-Dame. He married Alice and was a physician in Mégantic.
- Thomas, baptized March 10, 1833 at Notre-Dame, at age 6 months, and died on the 22nd.
- Mary Zipporah, baptized March 3, 1835 at Notre-Dame, at age 2 months. She married George Thompson, a merchant, in Quebec City on November 24, 1853, and had descendants by the name of Peverley, Howard, and Marsh.

Jane Smith, wife of Thomas Reed, died on October 11, 1836 at the age of 41 and was buried at Notre-Dame on the 13th.

This Jane Smith would then have been born around 1795 and had her last child at the age of 40, all of which is consistent with her having had children from Andrew Stuart between the ages of 25 and 30.

### **IS THIS THE SAME JANE SMITH?**

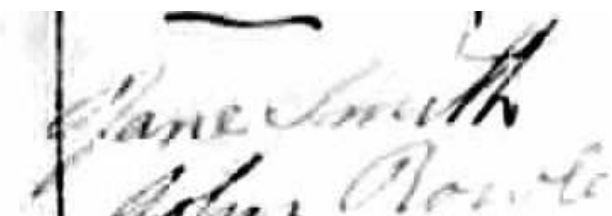
Two other pieces of evidence support these two Janes being the same. One is a pair of agreements between Andrew Stuart and Jane Smith concerning the maintenance of their children, and the other the striking similarity between the signatures of Jane Smith on the baptismal records of her children with Stuart to that on her marriage record with Reed.

On May 17, 1823, before the notary Archibald Campbell, Andrew Stuart Esq. and Jane Smith, spinster, signed an agreement in which Andrew Stuart “in Consideration of the regard

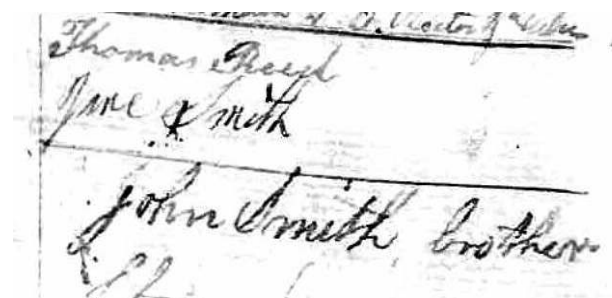
which he beareth unto her the said Jane Smith & also in Consideration of the Various troubles inconveniences and travails which she the said Jane Smith hath encountered & suffered for & by reason of him the said Andrew Stuart", agrees to pay her £30 a year for the support of their daughters, Jane and Ann. Stuart also agrees to pay for their education and medical expenses, and to give them each £500 when they marry. This agreement was to continue for her life, or until the children were no longer under Smith's care or turned 21.

On February 4, 1828, five days before the Reed-Smith marriage, Stuart agrees to pay Smith a lump sum of £100 and to take under his care his two daughters and their son William Wallace, when they reach seven years of age. William Wallace Stuart was born in January 1824, so it is likely that Smith was pregnant with him at the time of the signing of the first agreement.

As for the signatures, Jane Smith signed all four baptismal records for her children with Stuart. The signatures, the latest of which is shown in Figure Sig1, are all very similar and also quite similar to the Jane Smith signature on the Reed -Smith marriage shown in Figure Sig2.



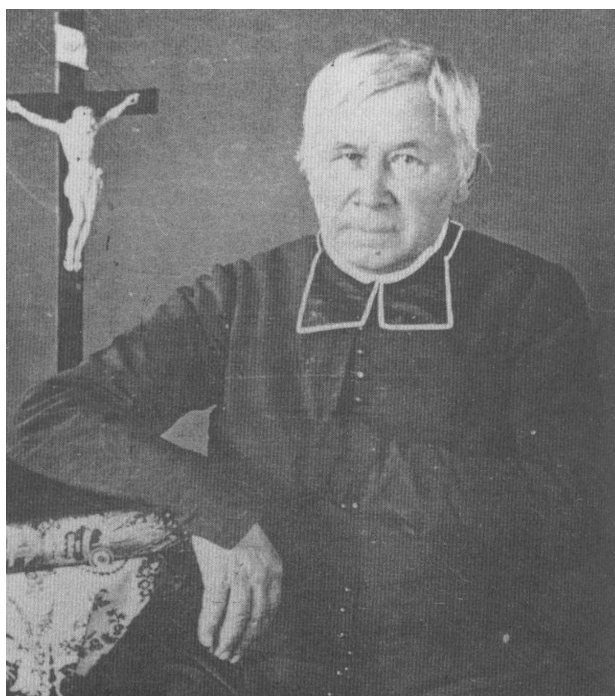
A handwritten signature in cursive script, reading "Jane Smith". The ink is dark and the handwriting is fluid.



A handwritten signature in cursive script, reading "John Smith, Brother". The signature is written on a piece of paper with horizontal lines.

## JANE SMITH'S CONVERSION TO CATHOLICISM.

The reader will have noticed that, although Smith and Reed were married in an Anglican church, all their children were baptized as Catholics, though with the several month hiatus between birth and baptism more characteristic of Protestants than Catholics. Reed was certainly an Anglican, having been buried at Holy Trinity in 1874. He was probably born in Newcastle-on-Tyne on March 25, 1800 and baptized there June 1st at All Saints Church.



As mentioned above, Jane Smith Reed was buried at Notre-Dame Cathedral. Unusually, the officiant was not from the Cathedral. He was Mgr Antoine Parant (Fig AP), noted as being from the Séminaire de Québec. Antoine Parant (1785-1855) was a distinguished member of the Quebec clergy, having served as administrator and director of both the Petit and Grand Séminaires of Québec between 1817 and 1849. He was also acquainted with Andrew Stuart, having appeared in 1824 as a witness before a commission of the Quebec Assembly of which Stuart was a member that led to the passing of the act creating the

“écoles de fabriques”, the first public schools in Quebec <sup>x</sup>.

Parant apparently spoke English well and was involved in the conversion of immigrants to Catholicism <sup>xi</sup>. A notebook attributed to him titled *Cahier d’abjurations depuis 1662 jusqu’à 1847* can be found in the archives of the Séminaire de Québec. In it, in the year 1835, is the entry “+ Smith, Mary Dme (Reed) Ecos – Q” <sup>xii</sup>. According to Peter Gagné, archivist of the Séminaire, the mention of “(Dme) Reed” indicates a woman married to Reed, and “Q” that the conversion happened in Québec. “+” could mean that she had died, but when is unclear. The conversion could have happened in 1835, perhaps shortly before her death, but the cross added later. Her children were baptized as Catholics well before 1835; perhaps the conversion took place earlier, but not formalized till later. “Ecos” means that she was “Écossaise”, or of Scottish origin. Still to be explained is why the name is registered as Mary and not Jane, and why no adult baptism in the name of either Jane or Mary appears in a Quebec City Catholic church between 1824 and Jane’s death in 1836. The *Cahier* contains no other Smiths, and the Archives have nothing else on Jane Smith Reed. <sup>xiii</sup>

### **JANE SMITH’S ORIGINS and FAMILY**

As is the custom in Protestant marriages, Jane Smith’s marriage to Thomas Reed does not name her parents, giving us no lead as to her origins. However, the 1891 census of Canada shows the birthplace of parents, and fortunately, one of Jane’s children from each family lived that long; both William Wallace Stuart and James Reed show their mothers as born in Scotland, consistent with the *Cahier d’abjurations*.

#### **Jane’s brother John**

The Smith-Reed marriage contains the signature of John Smith, a brother, but we have found neither in Whyte’s *Dictionary of Scottish Emigrants to Canada before Confederation* <sup>xiv</sup>

We have, however, found in Drouin for the period 1815-1850 in Lower Canada, about 30 records of marriages where the groom signed “John Smith” and records of births where the father signed “John Smith”, but none of them have a link to a Jane Smith or Reed. From these we can identify 13 probably different individuals. Eight of them can be eliminated on the basis of their signature looking very different from John’s on the Smith-Reed marriage. Two are soldiers, so unlikely to have come with family members; both are also Anglicans. This leaves three more likely candidates, two Presbyterians and one Anglican:

- John Smith, joiner, married to Jean before 1822, and they had children Thomas (1822-) and Mary (1825-), both baptized at St. Andrew’s.

- John Smith, a widower, who married Johanna Galaghal in 1845 at St. Paul’s Mariner’s Anglican Church. It is not clear who his first wife was.

- John Smith, printer, married at 23 in 1820 at St. Andrew’s Presbyterian Church to Marie Roy, of unknown origin. They had at least Andrew James (1822-1845), William Valentine (1825-), Marie Louise (1828-), and John (1829-), all baptized at Holy Trinity Cathedral. One of the witnesses at his marriage was another John Smith, who could be his father. A witness at the birth of his son Andrew James was Charles Lamond, who was also a witness at the Smith-Reed marriage. He appears in the 1831 and 1842 censuses of Quebec City and died on February 6th 1849 at age 50.

The first and third are clearly of the right age to be Jane’s brother, the second could be. Unfortunately, later data about these Johns and their descendants is unclear.

#### **Jane’s parents**

The next question is whether Jane and John came with other family members, in particular with their father. They would have arrived after Jane’s birth about 1795, and as the father was not a witness to the Smith-Reed marriage, one

would expect him to have died before 1828. As a Scot, and since Jane was originally Protestant, he would likely have been buried in a Presbyterian church. We have found only two deaths in Québec City meeting these criteria.

The first is that of James Smith, a tinsmith who died on March 10, 1806 at 43 and was buried at Presbyterian St. Andrew's on the 13th. He would have been born around 1763, thus about 32 at Jane's birth. The second is John Smith, a block maker, who died on December 6, 1820 at age 55 and was buried on the 8th, again at St. Andrew's; he would have been born around 1765. The block maker's wife, Jane, died on January 18, 1817 at 50, so would have been born around 1767 and 28 in 1795. The block maker could also be the John Smith who was a witness to the marriage of the younger John Smith and Marie Roy, above. The similarity of names of the block maker and his wife to the young John and Jane is, of course, striking, but would not necessarily be conclusive if the family were following conventional naming patterns, with older children being named after their grand-parents.

This is where wills might help, but, unfortunately, immigrants from the U.K. rarely had the Quebec notarial wills that can be found quite easily today's archives.

### **Conclusion**

Why did Stuart and Smith not marry? Although there were legal impediments to Stuart's marrying Marguerite Dumoulin, there do not appear to have been any to his marrying the still-single Smith. There is no indication that he had married anyone else. His relationship with Jane lasted at least four years. It is possible that the obligation he undertook towards her in 1823 was a consequence of her pressing him to marry, and his refusing, but agreeing to guarantee her welfare and that of their children. If she was in fact the daughter of a craftsman, he may not have found her socially suitable as a wife, and his history with both women may have been enough to keep society women – and their fathers – at a distance, however elevated his social position may have been. His brother James had one illegitimate child but eventually married well. Perhaps six was just too many.

- .....
- i Pierre-Georges Roy, "Sir Andrew Stuart", *Les Juges de la Province de Québec*, Archives du Gouvernement de la Province de Québec, 1933", p. 519.
  - ii Ginette Bernatchez, "STUART, ANDREW," in *Dictionary of Canadian Biography*, vol. 7, University of Toronto / Université Laval, 2003–, accessed August 31, 2013, [http://www.biographi.ca/en/bio/stuart\\_andrew\\_7E.html](http://www.biographi.ca/en/bio/stuart_andrew_7E.html)
  - iii Obituary of Andrew Stuart, *Quebec Mercury*, 22 February 1840
  - iv Raymond Perrault, "Marguerite Dumoulin, veuve des Pays d'en Haut", *Mémoires de la Société Généalogique Canadienne-Française*, vol 59, no 3, 2008, pp 193-208
  - v All births, marriages and deaths cited in this article come from Quebec, Vital and Church Records (Drouin Collection), 1621-1967, available at [ancestry.ca](http://ancestry.ca)
  - vi A. H. Young, *The Rev. John Stuart, D.D., U.E.L., of Kingston, U.C., and his Family*, 1921.
  - vii Pierre-Georges Roy, *La Famille Aubert de Gaspé*, Lévis, 1907.
  - viii Louis de la Chesnaye Audette, "The Honorable Andrew Stuart", unpublished ms, June 1973, revised 1989.
  - ix Records of notary Archibald Campbell, May 17 1823 and February 4, 1828, Archives Nationales du Québec.
  - X Noël Baillargeon, "PARANT, ANTOINE," in *Dictionary of Canadian Biography*, vol. 8, University of Toronto / Université Laval, 2003–, accessed August 31, 2013, [http://www.biographi.ca/en/bio/parant\\_antoine\\_8E.html](http://www.biographi.ca/en/bio/parant_antoine_8E.html)
  - xi Pierrette Lafond, "Lire et laisser une trace : ex-libris, lectures interdites et collections particulières", *Conserveries mémorielles* [online], #5 | 2008, October 1 2008, consulted 31 August 2013. URL : <http://cm.revues.org/106>
  - vii Antoine Parant (attributed to), "Cahier d'abjuration depuis 1662 jusqu'à 1847" (*Polygraphie* 8, no 66 & *Polygraphie* 8, no 67), Archives du Séminaire de Québec
  - xiii Peter Gagné, Archives du Séminaire de Québec, personal communication, March 7, 2013
  - xiv Donald Whyte, *Dictionary of Scottish Emigrants to Canada before Confederation*, vols 1-4, Ontario Genealogical Society