

## THE CLERGY

Next to the power of the king and the power of the nobility in Canada came the power of the clergy, but their pretensions were so exorbitant as to dispute the first place with the royal authority itself.

It has been seen that the Archbishop had a seat in the Sovereign Council with a vote like any of the other members. Even before Canada had been erected into a royal province, the Pope in 1661 created it a bishopric and appointed M. de Laval thereto, who, as soon as he arrived, proceeded to quarrel with the governor on the subject of presence in the council and of paying for the incense used in the church. In the early colonial period, and outside of the seigneurial jurisdictions, the missionaries had been vested with certain civil authority to deal with the Indians, and afterwards, so soon as cures were established, the priests believed themselves to be clothed with similar prerogatives over all the inhabitants. Now much more the Archbishop—he considered himself in the council as the arbitrator in civil and military concerns, as well as the absolute ruler in ecclesiastical matters. While Canada was still under the company of New France, this claim was so intolerable that the King interfered and published an edict: "That all civil, criminal and police causes shall be brought before the judge appointed by this company, and in appeal, before the Governor, unless so important as to be required to be brought before the Parliament of Paris."

The Sovereign Council of Canada, with authority from the King, registered the following edicts which were intended to curb the pretensions of the clergy to their proper limits:

"Institute 12, July, 1707. Arrêt du Conseil d'Etat against cures and missionaries on the subject of tithes."

"31 May, 1722. Arrêt du Conseil d'Etat on the subject of the property of those who will be received at the General Hospital at Quebec."

"19 Feb., 1732. We are informed that there are in our country of New France ecclesiastics and religious people who, by indiscreet zeal, contribute to the escape of criminals from justice and who find so difficulty in procuring for these criminals a refuge in religious houses. It is necessary to prevent abuses so contrary to Our authority and so dangerous to the public safety of the colony. . . . We prohibit all cures, ecclesiastics and secular communities of either sex to give an

and refuge to deserters, vagabonds and people convicted of crime under penalty of deprivation of their benefits, of the seizure of their temporal possessions and deprivation of their privileges." In cases of disobedience to the above commands, we instruct Our judges in ordinary to take cognizance of them in attributing to them the necessary authority, and forbidding all others to interfere with other edicts, declarations or anything else to the contrary."

"April, 1747. Letters patent fix the number of religious at the General Hospital at Quebec to fifty, comprising the superior and 10 novices."

"30 May, 1747. Edict of the Council of State unite the episcopal house to the domain."

"27 Nov., 1744. Declaration of the King concerning the religious orders and people of Mortmain established in the French colonies."

"31 June, 1667. Edict of the Superior Council of Quebec condemning Jean Chesneville to a fine of 100 sols for having caused to be signed in church a warrant against one Roland and prohibiting the clergy from reading in churches or at the doors of the same any other lost ecclesiastical writings or what has been ordered by the judge."

"24 Dec., 1680. Judgment of the Superior Council of Quebec orders that the tithes of places joined to form a parish shall be conceded to the highest bidder by the seigneur of the tier and inhabitants of the same."

"18 Nov., 1707. Judgment of the Superior Council in the case of all the products of the land that the cures of transport and of Ange Garçon would exact, forbids them and all other cures to exact more than what has been decided on by the decision of 6 Sept., 1667."

"8 July, 1709. Rule of the Superior Council on the subject of honors to be paid to the seigneurs in the church."

"21 April, 1738. Appeal from abuse accorded by the Superior Council to Catherine Peuvret from the decision rendered by the Vicar-General Denham concerning the place of a bench in church."

"12 June, 1741. Decision nullifying marriages of minors made without consent of parents and commanding cures to observe canonical ordinances concerning the publication of bans."

The mere recitation of these ordinances shows the existence of the abuses which they were called into being to arrest and abate. Arbitrary power was used so frequently by the clergy, that both seigneur and Sovereign Council were peti-