

SESSIONAL PAPER No. 18

is very full and explicit, as to the measures which ought in justice and good policy to be adopted for such a reform of the Religion of the Church of Rome, as may leave the exercise of it upon the ground of that toleration meant by the Treaty of Paris; yet, as it does not point out, in what manner the different propositions are to be carried into execution it certainly leaves room for the observation of His Majesty's Advocate, Attorney and Solicitor General in their Report upon it, that many of the propositions have reference to Matters of Property, and to Rights, which cannot be altered or reformed by the sole authority of the Crown.

As this opinion of the learned Gentlemen confirms us in those ideas we have at all times entertained on this Subject, we shall beg leave to recite the several propositions, distinguishing such, as will, we conceive, require to be established by legislative authority, from those that may be carried into execution by Instructions from His Majesty to His Governor; and making such additions to, and alterations in the several Articles contained in the afore-mentioned Report of this Board, as more mature consideration and further information have pointed out to us.

The propositions in the Report of this Board,¹ which appear to require the interposition of the legislative authority, are principally those, that recommend either the immediate abolition, or gradual reform of the several Religious Communities, which not being, as we conceive, in general necessary to a free exercise of the Religion of the Church of Rome, as meant to be tolerated by the Treaty of Paris, are institutions of such a nature and tendency, as ought not to be allowed in a British Colony.

It is true indeed, that by the terms of the Capitulation, on which Canada surrendered to His Majesty's Arms, several of the Religious Communities were to be preserved entire; but we beg leave to observe, that this Capitulation can be considered in no other light, than as a temporary agreement between Officers on the one side and the other, submitted to the final decision of the Sovereigns of the contracting parties, who have, by Solemn Treaty, finally fixed, what shall be the condition, in respect to matters of Religion, of those Inhabitants of Canada, who by this Treaty became British Subjects; and therefore the Capitulation is now, we apprehend, out of the question, and the whole depends upon the fourth Article of the Treaty of Paris, which contains nothing more in respect to the Religion of the Church of Rome, than barely a free exercise of it by the new Subjects, so far as the Laws of England permit.

Under these circumstances we are of Opinion, that it ought to be recommended to the Legislature of Quebec to pass a proper Law or Laws for the reform of the several Religious Communities in the following manner, That is to say,

First, That the Community of the Jesuits be entirely abolished; and all their Lands and Property of every kind, personal Property only excepted,

¹ Referring to the "Heads of a Plan for the Establishment of Ecclesiastical Affairs in the Province of Quebec," various clauses of which are passed in review.