

It appears to me very practicable to reconcile the general public interests to which I have adverted, with the most scrupulous regard for the interests of the Seminary of Montreal, and of the objects of their charity. It is much to be regretted that these ends should ever have been considered as incompatible; or that jealousies should have been excited in reference to a subject on which the Government had all those claims to confidence, which the perfect absence of all selfish or party objects can afford.

The purpose of my present Despatch is to instruct your Lordship to open a friendly negotiation with the existing members of the Seminary of St. Sulpice at Montreal. I am perfectly aware of the legal objections which have been made to the recognition of the corporate character in which they assume to act. I am apprized of the arguments by which their inability to bind the society at large or to enter into any valid contract are maintained; nor am I ignorant of the inference which has been drawn, that to treat with persons in such a situation is unmeaning, or injurious. With all due respect for the judgment of those with whom these and similar objections originated, I must regard them as misplaced and inconclusive.

Let the alleged incapacity of the existing members be admitted to the fullest possible extent, still it will not be denied that they are in actual possession of the seignior; that they do, in point of fact, assume the character and exercise the rights of a corporate body; or that, if litigation were unavoidable, they would be the defendants in any action which might be brought to establish his Majesty's title. If this be so, the legal discussions which have occurred respecting their capacity to surrender the charter and estates of the Seminary are quite irrelevant. If these individuals are the persons with whom it would be necessary to litigate, they must also be the persons with whom it is proper to negotiate. It is quite impossible to bring questions like the present to a close, if a course, dictated alike by justice, good-will and common sense, must be abandoned, until every technical objection is answered. Confident, as I am, that the gentlemen now composing the Seminary will give me credit for the most friendly intentions, and placing, as I do, a ready reliance on their own frankness and good faith, I think it right to desire that without any further reference to your legal advisers, your Lordship will have the goodness to take the conduct of this affair into your own hands, and to address yourself directly, and at once, to the members of the Seminary. You will acquaint them that the wish of his Majesty's Government is, that the Corporation should, in due form of law, be declared to be extinct; and that all its territorial possessions should, in the most solemn and authentic manner, be declared to be vested in the King.

You will, at the same time, acquaint them, that his Majesty will, at the moment of these declarations being made, issue a new charter for their incorporation, and endow them with revenues arising from the possessions of the Seminary, equal in annual amount to the income of which they have hitherto been in the receipt; that income being calculated upon an average of the last ten years, or upon an average embracing a smaller or greater number of years, if, for any reason, the number which I propose should conduce to an unfair result.

Your Lordship will further announce his Majesty's willingness to grant the new charter of incorporation in whatever form the members of the Seminary may think most desirable; provided, of course, that nothing be demanded contrary to law or manifestly unreasonable,—a danger which, I am convinced, there is no just cause to apprehend.

The surplus revenue which, after the completion of this arrangement, might result from the estate, could not justly be applied, except to purposes approaching as closely as may be practicable to those of the original foundation. His Majesty's Government disclaim, in the most unqualified manner, any intention of applying them to any other purpose. They do not even desire to reserve to themselves the power of selecting the specific objects towards which that surplus revenue is to be applied. To obviate every possibility of cavil on that head, your Lordship, on the completion of the arrangement, will place this surplus income at the disposal of the provincial legislature, precisely in the same manner as the income of the Jesuits' estates, with the single restriction that the fund must not be diverted from the general object of defraying the expense of education or religious instruction.

When the possessions of the Seminary shall be absolutely vested in his Majesty,