

3d. At the Capitulation above referred to, the Ecclesiastics of St. Sulpice at Montreal neither had nor professed to have any corporate capacity, nor was any claim or reservation made therefor on their behalf either in the terms of the Capitulation, or in the subsequent treaty of peace of 1763, whereby, as a corporate-body, they could acquire real estate in the Province; and no act of incorporation has since that time been conferred upon them, nor did they, at the Capitulation nor at any time before or since, obtain any legal right to hold the said Seigniorship in mort-main, nor obtain Sovereign permission therefor. The pretended cession in the Deed of Gift of 1764 from the community at Paris, could not, therefore, confer upon the Seminary here any title to the Seigniorship of Montreal.

4th. Assuming, for the sake of argument, that rights and privileges may have been reserved at the Capitulation, it is common sense supported by public national law, that a subsequent treaty, which is the final decree, may modify or set aside any such reservations. By the 4th Article of the definitive treaty of peace of 1763, it is evident that the pretended reservations in the Capitulation of Montreal were altogether done away with, as far as the possessions of the religious orders were concerned, and the Province became subject to the British Government under the same laws as the remainder of the kingdom, namely the laws of England, subject to subsequent modification by competent Legislative authority.

5th. Not only did the community of Sulpicians at Montreal possess no corporate capacity at the time of the Capitulation nor of the treaty of Peace, but His Majesty could not by the laws of England, and consequently in fact did not, confer upon them such an incorporation. By the terms of the treaty of 1763, the full exercise of their religious worship *only*, is secured to His Majesty's new Roman Catholic subjects, as far as the laws of Great Britain permit, and the Act of 1774 and the subsequent Royal instructions in 1775 and since, amply confirm, that religious tolerance, subject however to the same limitations and to the King's supremacy according to the laws of England.

6th. In confirmation of the dependent existence of the community of Sulpicians at Montreal upon the King's pleasure, as gathered from the articles of the Capitulation, the Act of 1774 secures to His Majesty's Canadian subjects in this Province, the enjoyment of their property and possessions, in as ample and beneficial a manner as before any British regulations on the subject had been made; *but the possessions of the religious orders and communities were expressly excepted.* More-