

quest made by England: a country where usage and custom are alone sufficient for the establishment of Bodies Corporate, *Blackstone's Com.* and where consequently the law views them with a more favourable eye. Still less could such an effect be produced by the Conquest of Canada; when, by the Capitulation, not only are all the *Communautés* preserved without exception, but they are also maintained in the possession of their property, (art. 34); and when, in addition to the Capitulation, it is considered, that the Treaty of Peace secures to His Majesty's Canadian Subjects the free exercise of their Religion, and of course the existence of Seminaries, the only nurseries for Priests, without whom their Religion cannot exist.

Hence it is that the Conquest of Canada by His Majesty's Arms, so far from having destroyed, has, on the contrary, fortified the existence of the Seminary; an existence essentially necessary for that free exercise of Religion granted by the Treaty.

The existence of the Seminary of Montreal as a Body Corporate, has been since confirmed by divers Acts of the Government. In Exhibit No. 34, the Government mentions *the Superior of the Seminary, the Priests of the Seminary of Montreal*—expressions exclusively applicable to a *Communauté* or Body Corporate. Exhibit No. 1—*aven et denouffrement* in 1781. Exhibit No. 35—Act of Fealty and Hommage, in which the Seminary is described as a Body Corporate, and in which also is described the real property belonging to the Seminary in that capacity. Its existence as a Body Corporate has been confirmed by twenty-seven Judgments, from 1790 to 1814, which are all filed as exhibits in the cause, by which it appears that the Seminary of Montreal has sued and been sued as a *Communauté* or Body Corporate, and that as a Body Corporate the Seminary has been maintained in the recovery of all its Seigniorial Rights—maintained, notwithstanding that their existence as a Body Corporate had been called in question, (exhibit No. 6.) Nay, by a Judgment of the Court at Montreal, in 1795, confirmed an appeal in 1796, (exhibits 2 and 3), the Seminary is condemned as a Body Corporate, for having done certain acts forbidden to be done by Bodies Corporate. The Seminary having been thus condemned as a Body Corporate, can it now be condemned for not being so?

Nor have even the approbation and acknowledgment of His Majesty been wanting to confirm the rights of the Seminary of Montreal, as is evident from the following extract of Instructions under the Sign Manual, dated 3d January, 1775, to the person then administering the Government of Canada:

"That the Society of Romish Priests called the Seminaries of Quebec and Montreal shall continue to possess and occupy their house of residence, and all other houses and lands to which they were lawfully entitled on the 13th September, 1759; and it shall be lawful for those Societies to fill up the vacancies, and admit new members, according to the Rules of their Foundation, and to educate Youth in order to qualify them for the service of Parochial Cures as they shall become vacant." (Paragraph 45, sect. 11.)

These Instructions have been frequently renewed, and particularly on the 22d October, 1811. Nothing certainly can be more clear than that by these Instructions the existence of the Seminary of Montreal as a Corporate Body is most distinctly recognized. If it were objected that these Instructions are of no avail, because they are of a private nature, it would be easy to shew that they have been given to the world in the most authentick shape. They are to be found in a Work printed by order of the House of Commons, the 21st April, 1791, under the title of "Papiers relatifs to the Province of Quebec." They are also to be met with in the "Report from the Select Committee of the House of Commons," ordered to be printed 12th February, 1817.

Not only does the Seminary exist as a Body Corporate, but its existence as such is as separate and distinct from that of the *Seminary of Saint Sulpice at Paris*, (the name of the Body of the *Sulpicians*) as the existence of any particular establishment belonging to any Body Corporate is separate and distinct from the body itself. The Seminary at Montreal was created in 1677 by the successors of Mr. Ollier: the Seminary at Paris in 1645 by Mr. Ollier himself. The first was established for the purpose of converting the Indians, and of affording education to the Canadians. The second with a view of forming Ecclesiastics for the Priesthood of France. The former was established at Montreal—the latter at Paris. Let the authorities already cited be referred to, and it will be found that it was the Seminary of Paris that established the Seminary of Montreal. That the former was a Donor and the latter a Donee—and a Deed of Gift cannot take place without the existence of two separate and distinct persons—the one who gives, and the other who receives. It will be seen that the two Houses had, in every respect, a distinct and separate existence, and that they were governed each by its own distinct principal or superior. In a word, ever since the Conquest, the separate existence of the Seminary of Montreal has been uniformly recognised by the Government, by the Courts of Justice, by the Public at large, and this to the entire exclusion of the Seminary at Paris. What stronger authority can there be to prove this separate and distinct existence than the very words used in Registering the Deed of Donation of the Seigneurie of Montreal to the Seminary of Montreal. (*Edits et Ordonnances*, page 85.) It is proper to refer here again to the *Edits et Ordon.* page 280, 306, 338, 431, &c. See also exhibits, Nos. 2, 32, 33, 35, 37.

With respect to the second exception, namely, that the Seminary of Montreal cannot sue in a collective name, and by their agent or attorney—nothing can be more destitute of foundation.

It has ever been the invariable usage of Bodies Corporate thus to institute their actions (See the different *ARRESTES*). Thus it is that Bodies Corporate were always represented in Courts of