

occurred has only fixed in my mind the conviction that they were right in their general principle, and that but for the misapprehension under which they laboured of some of the facts, there was no part of their instructions which would not have admitted of execution to the great advantage of the province. I think, as they did, that it is an object of the highest importance to emancipate from the restrictions of the feudal law a great commercial city enjoying natural advantages so extraordinary as those of Montreal; that this tenure must impede many improvements of the greatest value which are required for the increase and security of trade, and that, if rescued from this absolute and improvident code, Montreal might rapidly assume a prominent rank among the cities of the first order on the American continent. Nor am I shaken in this opinion by the statement that the inhabitants themselves feel little solicitude on the subject. Supposing the assertion to be accurate, which I have considerable reason to doubt, nothing is more natural than that an advantage which has never been enjoyed should not be adequately appreciated. It would be superfluous to adduce arguments to show that a tenure which imposes the most burdensome charges on every change of property, and on every improvement made by the occupier, must be adverse to the prosperity of a commercial city. That individuals whose wharves and warehouses need no enlargement should find their interest in perpetuating restrictions which discourage competition, and that they should represent this selfish clamour as the public voice, is so entirely in accordance with the general experience of all countries, as to be altogether unworthy of regard. This is one of those questions on which the general principles of commercial policy may be confidently opposed to individual opinions founded on local knowledge.

I further concur with my predecessors in deprecating the continuance of an institution, which, instead of supplying the vacancies which occur in the governing body from amongst its own pupils, has been compelled to recruit its strength from the priesthood of a foreign country, closely allied to Lower Canada by many ties of language, origin and ancient subjection.

I also agree with Lord Bathurst and Mr. Huskisson in thinking it a just subject of regret, that so large and important a portion of a new country should be held in mortmain, and should be placed under the government of an ecclesiastical corporation, which, to the ordinary objections incident to the secular transactions of all such bodies, adds the peculiar difficulty of claiming its estate by so disputable a title, as scarcely to venture upon the most necessary controversy with its own tenants.

The preceding considerations, with others of a similar tendency, convince me that it would be highly desirable to carry into effect Mr. Huskisson's design, supposing that it could be accomplished without injustice to individuals, and without incurring the obloquy of an unpopular contest with a body of ecclesiastics, who enjoy a strong and just hold on the respect and attachment of society.

Were I disposed to advert with much care to the abstract question of legal right, I apprehend there would be little difficulty in establishing the title of the Crown to the Seigneurie of Montreal. On this head I find the most perfect coincidence of opinion amongst all the successive law-officers of the Crown under whose consideration the question has been brought. I am not unaware of the weight of the legal authorities which have been adduced on the other side; nor is it possible to deny the existence of many circumstances which would constitute an equitable claim to relief against the rigid application of the rules of law to this case. Still the legitimate conclusion from the whole appears to be, that should his Majesty be advised to assert his right by an action at law, it would be impossible to make a valid and successful defence.

I thus advert to the powers which I believe to be vested in his Majesty, not with any view to enjoin or to justify their exercise on this particular occasion; my design is altogether of a different, and indeed of an opposite nature. I have no measure in view by which the members of the College of St. Sulpice could sustain any loss, or by which the religious designs of that institution would in any degree be frustrated, or by which any part of their endowment would be desecrated or rendered applicable to secular objects. The members of the Seminary themselves can scarcely be more solicitous than I am to prevent whatever might seem to derogate from their just claims to esteem and confidence, or might defeat the pious and charitable designs of their foundation.