

The Church in Canada.

Under this heading will be collected and preserved all obtainable data bearing upon the history and growth of the Church in Canada. Contributions are invited from those having in their possession any material that might properly come for publication in this department.

THE TREATY OF PARIS, AND THE CAPITULATIONS AT QUEBEC AND MONTREAL.

It was shown by Mr. O'Sullivan, in an article on "The Treaty of Paris," in a former number of this journal, that the fourth section of that Treaty reads in effect to-day that the full and entire freedom of their worship is guaranteed to Roman Catholics, within the territory ceded by the Treaty to Great Britain. This Treaty terminated the seven years' war, and adjusted also the North American "possessions" of France, Spain and England, the French possessions including Canada, along the banks of the river St. Lawrence; the country north of the great lakes and westward, including part of the present State of Michigan, to the wilderness beyond; and northward to the limits of the Hudson Bay territories.

What follows on the subject of the Treaty, and the capitulations at Quebec and Montreal, is taken from Mr. O'Sullivan's article in the *American Catholic Quarterly Review* for April, 1885, on "The Treaty of Paris, 1763, and the Catholics in American Colonies."

The fall of Quebec, the stronghold of the French, was in the year 1759, and in the following year the capitulation at Montreal surrendered the whole of Canada to the English.

The terms of capitulation at Quebec and Montreal are not now of any real value, except in so far as they throw light upon a similar question in the Treaty of Paris. It is much to the credit of the French in Canada, and correspondingly uncomplimentary to their enemy, the English, that in every treaty between these two powers in this country, the French stipulated for the free exercise of their own—the Roman Catholic religion. About 130 years before the date we are now considering, the French surrendered Canada to Sir David Kirk, the English commander, and stipulated for these terms. The same was done, in Quebec, between De Ramezay and the English commanders, and in Montreal the matter was gone into more fully.

The following articles and the replies thereto are useful on other than historical grounds:

Article 27. "The free exercise of the Catholic, Apostolic, and Roman religion shall subsist entire, in such manner that all the States and people of the towns and country places and distant posts, shall continue to assemble in the churches, and to frequent the sacraments as heretofore, without being molested in any manner, directly or indirectly. These people shall be obliged, by the English Government, to pay to the priests the tithes, and all the taxes they were used to pay, under the Government of His Most Christian Majesty.

Answer. "Granted, as to the free exercise of their religion. The obligation of paying tithes to the priests will depend on the King's pleasure.

Article 28. "The chapter, priests, cures, and missionaries shall continue, with an entire liberty, the exercise and functions in the parishes of the towns and country.

Answer. "Granted.

Article 29. "The grand vicars named by the chapter to administer the diocese during the vacancy of the episcopal see shall have liberty to dwell in the towns or country parishes, as they shall think proper. They shall at all times be free to visit in different parishes of the diocese, with the ordinary ceremonies, and exercise all the jurisdiction they exercised under the French dominion. They shall enjoy the same rights in case of death of the future bishop, of which mention will be made in the following article.

Answer. "Granted, except what regards the following article.

Article 30. "If, by the treaty of peace, Canada should remain in the power of His Britannic Majesty, His Most Christian Majesty shall continue to name the bishop of the colony, who shall always be of the Roman communion, and under whose authority the people shall exercise the Roman religion.

Answer. "Refused.

Article 32. "The communities of nuns shall be preserved in their constitution and privileges. They shall continue to observe

their rules. They shall be exempt from lodging any military, and it shall be forbid to trouble them in their religious exercises, or to enter their monasteries; safeguards shall even be given them if they desire them.

Answer. "Granted.

Article 34. "All the communities, and all the priests, shall preserve their invariables, the property and revenues of the seignories, and other estates which they possess in the colony, of what nature soever they may be. And the same estates shall be preserved in their privileges, rights, honours, and exemptions.

Answer. "Granted."

The negotiations for the treaty begun in 1761 were mainly intrusted to two representatives from France and England who exchanged protocols, etc., as is the custom in such formal proceedings. Mr. Pitt represented the English—the French side was intrusted to the Duke de Choiseul.

It cannot be supposed, therefore, that each party did not minutely understand the business in hand, or what was meant by the free exercise of religion; nor was any one ignorant of the fact that the laws of Great Britain—the penal laws—were aimed directly at the Roman Catholic religion, and in fact that there was no toleration of it in England at the time. The first memorial from the English contained no reference to this question of religion. Subsequently a French memorial of propositions was submitted, of which the second clause is as follows:

"The King, in making over his full right of sovereignty over Canada to the King of England, annexes four conditions to the cession.

"1st. That the free exercise of the Roman Catholic religion shall be maintained there, and that the King of England will give the most precise and effectual orders that his new Roman Catholic subjects may as heretofore make public profession of their religion according to the rites of the Roman Church."

To this, so far as religion is concerned, Mr. Pitt made no objection, and in the ultimatum of France in reply to England, 5th August, 1761, it is reasserted that his majesty "will not recede from the conditions he has annexed to the same memorial relative to the Catholic religion."

An answer to this ultimatum came on the 16th August. *Inter alia* it says: "As to what concerns the public profession and exercise of the Roman Catholic religion in Canada, the new subjects of his Britannic Majesty shall be maintained in that privilege without interruption or molestation."

In November, 1762, the preliminary articles of peace were signed at Fontainebleau, between Great Britain, France and Spain, and in the 2d article "his Britannic Majesty on his side agrees to grant to the inhabitants of Canada the liberty of the Catholic religion. He will in consequence give the most exact and effectual orders that his new Roman Catholic subjects may profess the worship of their religion according to the rites of the Roman Church as far as the laws of Great Britain permit."

The words of the Treaty, as finally agreed upon, do not differ from the foregoing, except that the word "precise" is used for "exact" in the official reports. The last article, XXVI., reads:

"Their Sacred Britannic, Most Christian and Catholic, and Most Faithful Majesties promise to observe sincerely and *bona fide* all the articles contained and settled in the present treaty; and they will not suffer the same to be infringed directly or indirectly by their respective subjects; and the same High Contracting parties generally and reciprocally guarantee to each other all the stipulations of the present treaty."

THE CLAIMS OF ANGLICANISM.

37TH ARTICLE, CONTINUED.

THIRD PROPOSITION, "*The Realm of England is not, nor ought to be, subject to any foreign jurisdiction.*"

THE falsity, nay, even the glaring absurdity, of this proposition, is evident to every man who has intelligence sufficient to grasp the proper *idea* of the Church, founded by Jesus Christ. That Church, by the very essence of its constitution, must of herself have power and authority of an organized body. Being a perfectly organized