

and that the claims of the Pope to coercive power, or to any authority over the State, were obsolete.

In Quebec the case was different. By the liberality of the British Government, the Roman Catholic religion was, from the very first, established in the fullest freedom. By virtue alone of the Imperial Act, 14 Geo. III. cap. 83, the Catholics of Canada obtained privileges not enjoyed by their English co-religionists. We are aware that upon this point a wide-spread misapprehension exists now in Quebec, even in the highest quarters, and we regret to read the following in a pastoral of the Roman Catholic Bishop of Montreal:

"Le Canada était donc vaincu, mais le patriotisme Canadien ne l'était pas. Car nos pères, avant de mettre bas les armes, se souvinrent qu'ils n'étaient venus peupler le pays, que pour en faire un pays religieux. Ils capitulèrent donc avec les vainqueurs; et, forts de leur patriotisme, ils demandèrent hardiment, pour tous les habitants de la colonie 'le droit d'être conservés dans la possession de leurs biens;' pour tous les Catholiques 'le libre exercice de la religion'; pour leur clergé et leurs communautés, des sauve-gardes, les dîmes, et tous les droits accoutumés; et pour les Evêques, le libre exercice de leurs fonctions épiscopales. Voilà comme nos religieux ancêtres pensèrent et agirent, dans les circonstances si critiques pour eux, puisqu'ils étaient sur le point de passer sous une domination étrangère, et de toucher au pouvoir d'un gouvernement qui, à cette époque, faisait mourir ses propres sujets pour cause de religion."*

* Fioretti Vescovili, p. 105, Pastoral, dated May 31, 1858, and reprinted in this collection in 1872:—"Canada was then conquered, but Canadian patriotism was not. For our fathers, before laying down their arms, bethought themselves that they had come to settle in this country only that they might make it a religious country. They made terms then with the conquerors; and, strong in their patriotism, they boldly demanded for all the inhabitants of the colony the right of being established in the possession of their property; for all Catholics, the free exercise of religion; for their clergy and their religious communities, safeguards, tithes, and all accustomed dues; and for the bishops the free exercise of their episcopal functions. This is how our religious ancestors thought and acted in circumstances so critical for them, since they were then on the point of passing under a foreign domination, and were touching the power of a Government which at that time was putting its own subjects to death for the sake of religion."

A reference to the Articles of Capitulation, Nos. 28 to 35, will show that the right to tithes and accustomed dues to the clergy was distinctly refused; and that the right of the Bishops to exercise episcopal functions, in Article 31, was also refused by implication, for it was classed by General Amherst with Article 30, which was expressly refused. Lest, however, there should be any doubt as to this misapprehension of the exact facts, we quote from another pastoral dated the same day: "En passant sous la domination Anglaise, nos pères demandèrent et obtinrent à la capitulation du pays pour leur clergé le droit de percevoir les dîmes et autres oblations accoutumées."†

It will be evident to any one reading the documents, that the free exercise of their religion was alone granted, and that is defined by the treaty of cession, which expressly states that the inhabitants of Canada shall have the free exercise of their religion *so far as the laws of Great Britain permit*. We purposely abstain from any comment upon the statement that at that time (1760) the British Government was putting its own subjects to death for the sake of their religion. It remains to be observed that, at that time in Canada, the Church of Rome was Gallican. This Sir Alex. Galt shows was decided by the Privy Council in the Guibord case; consequently, even if there had been no further enactment, the King of England became possessed of all the rights of sovereignty held by the French monarch.

Returning, however, to the subject of Roman Catholic Emancipation in Great Britain, it is important to remember that during the whole agitation Rome kept silent. Still the rule *qui tac consentire videtur* did not bind her. We find, from the replies of Cardinal Manning, Monseigneur Capel and others, that all the Roman Catholics at that time were mistaken, and did not really know the principles of their own Church. Even Dr. Newman thinks that Bishop Doyle's evidence needs a little "pious interpretation," and adds that these representations of the Roman Catholic hierarchy in Great Britain had no real value, because Rome was not a

† Fioretti Vescovili: Pastoral on Tithes, p. 106, May 31, 1858:—"In passing under the English domination, our fathers demanded and obtained at the capitulation of the country for their clergy the right of collection of tithes and other customary oblations."