

one month later, on June 10th, these two law officers of the Crown returned a negative answer to the following question submitted to them by the Lords of Plantation Affairs:—"Are not the Roman Catholic subjects of His Majesty, residing in the countries of America ceded to His Majesty, subject in those Colonies to the same civil disabilities and penalties to which Roman Catholics in the realm are subject by law?" (Pamphlet, p. 67.)

The King himself understood perfectly well and admitted the principle that he was bound by the treaty over and above all other obligations, though as a matter of fact he may not have been thoroughly informed as to the full contents of the treaty itself. This is evident from a clause in the Royal Instructions of 1791:—

*Ibid.*, pp. 49, 50:—"It is our will and pleasure that all other religious seminaries and communities (that of the Jesuits only excepted) do for the present, and *until we can be more fully informed of the true state of them and how far they are not essential to the free exercise of the religion of the Church of Rome* as allowed within our said Province, remain upon their present establishments." (Chisholm Papers, p. 150, Library of Parliament, Ottawa, E. No. 421.)

Not to speak, therefore, of the fact that the Jesuits remained a body corporate down to 1791, and very likely to the moment of their extinction, all these different facts go to prove not only the principle that the different enactments quoted so voluminously by The Law Journal were never considered as binding in Canada, but that in practice they never found their application in the Colony.

What now of the principle so strongly emphasized by The Law Journal, "That the statutes of Elizabeth in express words abolish the usurped power and jurisdiction of the bishops of Rome, heretofore unlawfully claimed and usurped within this realm and other dominions to the Queen's Majesty belonging"?

I say that even in the hypothesis that they had in general any force in the Colonies, by treaty they were excluded from finding application here. The treaty was of a nature to suspend such application in other points, as is clear from what has preceded. If it had power in one point, regarding such enactments as penal, it had it in all; for there was never question of any other save spiritual jurisdiction. Nor could there be any free exercise of the Roman Catholic religion in any country without toleration in the exercise of that spiritual jurisdiction.

But in Canada it went beyond toleration, it extended to recognition, and Lord Bathurst, in his letter dated the 2nd July, 1813, was the first Secretary for the Colonies to officially recognize M. Plessis, who had been consecrated on the authorization of Papal Bulls, as the Catholic Bishop of Quebec. The extract from this letter may be found in Vol. 6, p. 312, of CHRISTIE'S HISTORY OF CANADA.

Mr. H. W. Ryland's conscientious scruples as to the propriety of such recognition were allayed by Secretary Brenton's letter of the 2nd November, 1813, which runs as follows:—

"As by the enclosed extract from Lord Bathurst's letter respecting the additional allowance to the Rev. M. Plessis, he appears to recognise him as the Catholic Bishop of Quebec. His Excellency does not see any objection to a compliance with Mr. de Plessis' wishes in styling him Roman Catholic Bishop of Quebec, unless there should