

SESSIONAL PAPER No. 18

of the illegality and inadmissibility as well of any appeals to any foreign Church, Tribunal, or Jurisdiction, as of any order or regulation whatever in Ecclesiastical Matters, other than such as proceed immediately from His Majesty, or from those acting under His Royal Authority.

We shall, My Lords, proceed in the next place to state to your Lordships such propositions, respecting the toleration of the Religion of the Church of Rome in Quebec, in consequence of the fourth Article of the Treaty of Paris, as appear to us essential to the execution of that Treaty, conformable to its just sense and spirit.

Upon this occasion we have the satisfaction to find it declared in the Report of His Majesty's Law servants, annexed to your Lordships order of reference, that, as the several Acts of Parliament which impose disabilities and penalties upon the public exercise of the Roman Catholic Religion, do not extend to Canada,¹ His Majesty is bound by no ties or constitutional necessity to prohibit the profession of this Worship there; and that as His Majesty is not bound to prohibit, He is at liberty to tolerate such Worship, so far, and in such form as not to impeach or violate His Royal Supremacy.

Upon the ground of this opinion, and upon what is further set forth in their Report upon the plan for regulating Ecclesiastical Affairs in the Colony of Quebec Submitted by this Board in 1765,² we do not hesitate to propose to your Lordships,

First, That, as being necessary to the due execution of the Treaty of Paris, a proper person be licensed by His Majesty, during Pleasure, to Superintend the affairs of the Romish Church; but it will be essential to the legality of such appointment, that the powers should be so limited and circumscribed, as that it may not violate or impeach His Majesty's Supremacy in all causes, as well Ecclesiastical as Civil, which, as we have before observed, is inseparably inherent in the Crown; or have the effect in any manner whatever to obstruct His Majesty's Service, or the due course of Law.

Secondly, That to this end the conduct of the Superintendant in the execution of this Office should be governed by the following limitations and restrictions, to be prescribed by Instruction to the Governor, that is to say,

Thirdly, That such Superintendant shall not take upon him any outward Pomp or Parade incident to the dignity of Episcopacy in Roman Catholic Countries; nor take upon himself, nor appoint others to take cognizance of any matters of a civil, criminal, or ecclesiastical nature, except in such cases, as respect the conduct of the inferior Clergy in religious Matters; and in those cases, not to exercise any authority or Jurisdiction without the consent and approbation of the Governor; nor is the said Superintendant to use any other powers than such as the Governor and

¹ See Report of Norton and de Grey, p. 236.

² Referring to the "Heads of a Plan, &c.," already cited.