

## Appendix (D.)

The first proposal of the Government was to present them to Lord Amherst, by way of compensation for his military services in the reduction of Canada. This it at length abandoned; not, however, until after a long struggle, and after the grant had been actually made out in favour of his Lordship. Nor were the French Canadians alone in their complaints. At the first session of the newly-constituted legislature, in 1792, a petition, signed wholly or in greater part by the inhabitants of British origin, was presented to the House of Assembly from the city and county of Quebec, setting forth the original destination of the Jesuits' estates, and showing, that, owing to their diversion, the province was utterly without the means of education. An address to his Majesty Geo. III., upon this petition, was unanimously adopted by the Assembly and transmitted to England, but no answer was received till upon the presentation of a similar address on the following year, the Governor informed them, that, in consequence of the previous one, the claims of the province had been considered by his Majesty in Council, and that the result of that consideration had been an order to take possession of these estates for the Crown. He concluded by suggesting, that possibly any further applications on the subject might be inconsistent with the accustomed respect of the House of Assembly for the decision of his Majesty on matters connected with his prerogative.

Accordingly, the subject was dropped for the moment. However, as it was resumed almost annually from that period to the final surrender of the estates to the Provincial Legislature, in 1832, it will be more convenient to dispose at once of this part of the question by presenting certain facts reported by a committee of the House of Assembly in that last-mentioned year, in which the grievances, as far as relates to the misappropriation of this fund, are brought together, and, it would seem, fully substantiated.

It appears that, from the year 1800 to 1831, the gross receipts in respect of the estates amounted to 49,000*l.*: of this 8,650*l.* odd were expended in their management; 622*l.* in pensions; for unknown services (which in fact comprised an allowance to the then Attorney-general for his expenses in going to England to defend himself against the impeachment of the House of Assembly), 1,719*l.*; law expenses connected with M<sup>r</sup>. Gill's college, a Protestant institution, 780*l.*; the maintenance of a Protestant chaplain (authorized in a despatch of Sir George Murray, dated 2d June 1828, 984*l.*; building Protestant churches, 9,793*l.* There appears certainly an item of 12,389*l.* for the support of three schools; but it should be remarked that these were all what the Catholics looked upon as purely Protestant establishments, and were by them avoided as such. The English Government might maintain that in these appropriations it merely exercised the right which it undeniably possessed of doing what it liked with its own; but it cannot be matter of surprise that the Catholics of Canada should have felt discontented, when they saw the great Catholic legacy of their forefathers thus converted into a fund for the establishment of a rival Church. At length, after years of incessant struggling, Lord Goderich announced, in his despatch of the 7th July 1831, the determination of the Crown to resign to the Colonial Legislature, for the purposes of education exclusively, the Jesuits' estates (with the exception of the barracks, and even these on condition of others being built), and the then existing balance in respect of them. His Lordship then goes on to mention, that two sums, the one of 7,154*l.* odd, and the other of 1,200*l.* odd, had lately been recovered from the estate of Mr. John Caldwell, and directs that both shall be placed at the disposal of the Legislature, the former for general purposes, and the latter, with reference to principles previously noticed, for purposes of education exclusively. The reason of this distinction is rather curious: it appears that the two sums were recovered from different estates: on the former the Government had claims on the ground of Mr. J. Caldwell's default as receiver-general. These claims, however, were posterior to those of several private individuals, and therefore were of no value. The prior claim of all was that of "the Jesuits' estates," to which, for a debt incurred as their treasurer, both properties had been mortgaged by Mr. J. Caldwell's father. The Crown accordingly effected the recovery by availing itself of its capacity of proprietor of the Jesuits' estates, to sue Mr. J. Caldwell, as heir-at-law to his father, for this debt. As regards the smaller property, it never having come into Mr. J. Caldwell's hands, and not being, therefore, liable for his default as receiver-general, the claim of "the Jesuits' estates" to the 1,200*l.* recovered out of it was unopposed. However, there is really no distinction between these two claims of the Jesuits' estates: both were equally good: the only difference is, that against the one there were no pretensions to set up at all, and, against the other, none that had the slightest show of legal weight, both being founded on the same original debt.

Reverting to Lord Goderich's despatch, it must not be forgotten that the larger sum of 7,154*l.* was directed by his Lordship to be placed at the disposal of the legislature for general purposes.

A committee of the House of Assembly, by their report, dated 7th February 1832, after finding, among other things, that both the above sums mentioned in Lord Goderich's despatch were then in the hands of the receiver-general, conclude by recommending that they shall both be carried to the account of the Jesuits' estates, &c. &c.

Accordingly, in pursuance of this report, and embodying every one of its recommendations, is passed the 2 Will. 4, c. 41, whereby it is enacted, "That all the monies arising out of the Jesuits' estates then in or that might thereafter come into the hands of the receiver-general, should be placed in a separate chest, &c., and should be applied to the purposes of education exclusively." Now, it is clear that both sums in question did arise out of the Jesuits' estates, and that both were then in the hands of the receiver-general.

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