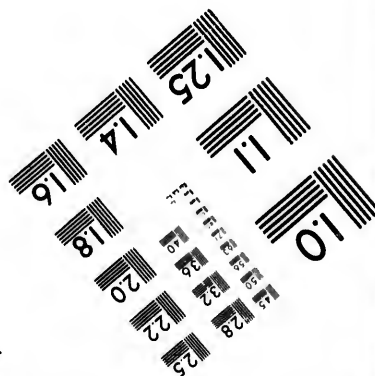
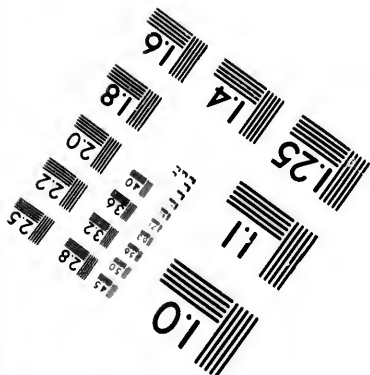
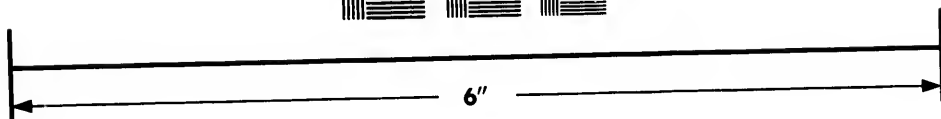
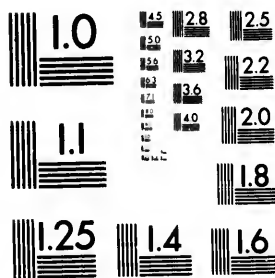


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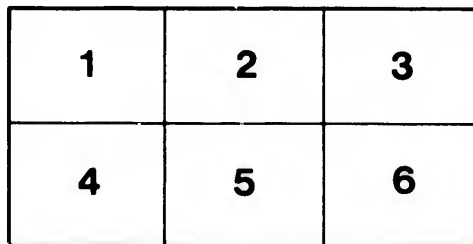
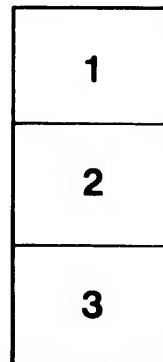
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AN ACT

RESPECTING THE SETTLEMENT

OF

THE JESUITS' ESTATES.

[Exact Reprint of the Official Copy of the Act.]

PUBLISHED BY
THE CITIZENS' COMMITTEE,
9½ Adelaide Street East,
TORONTO.

*Copies may be obtained at the rate of ten cents each on application to W. Banks, Secretary,
at the above address.*

CAP. XIII.

An Act respecting the settlement of Jesuits' Estates.

[Assented to 12th July, 1888.]

Preamble.

WHEREAS at the opening of this session of the Legislature, it pleased His Honor the Lieutenant-Governor, in his gracious Speech from the Throne, to give expression to the following words:—

“I am happy to inform you that the question of the Jesuits' Estates, which has been so long pending between the religious and civil authorities, and which has caused so much uneasiness in this country, will soon be decided favorably, and to the satisfaction of all who are interested, and that my Government hopes, during this session, to submit a settlement in this connection for your approval.

“The obstacles which prevented the sale of the site of the old college of the Jesuits in this city have been removed; the principle of restitution in kind has been abandoned by the interested parties, and all that remains to be done is to determine the amount of the compensation to be granted.

“On the occasion of the settlement of this delicate question certain Protestant educational institutions will receive a fair allowance, proportionate to the numerical importance of the minority in this Province.”

Whereas the said estates were confiscated by the Imperial authorities under the reign of George III, after the suppression of the Order of the Jesuits, and were afterwards transferred to the authorities of the former Province of Canada.

Whereas a large portion of the said estates was, at the time of and since Confederation, ceded to this Province.

Whereas energetic representations have been made to the civil authorities respecting these estates, by the religious authorities and the citizens of this country, and, especially, by His Lordship Jean Francois Hubert, Bishop of Quebec, on the 10th November, 1799; by the citizens of Quebec, on the 4th February, 1793; by their Lordships, the Bishops Joseph, Bishop of Quebec, Pierre Flavien Turgeon, Bishop of Sidyme, Coadjutor of Quebec, and Jean Jacques Lartigue, Bishop of Telmessa, suffragan of the Bishopric of Quebec, and Grand Vicar of the district of Montreal, in or about the year 1835; by their Lordships, the Bishop Joseph, Archbishop of Quebec, Pierre Flavien Turgeon, Bishop of Sidyme, Coadjutor of Quebec, Pius, Bishop of Kingston, Patrick, Bishop of Carraha, Coadjutor of Kingston, Ignace, Bishop of Montreal, T. Charles, Bishop elect of Martyropolis, Coadjutor of Montreal, Michael, Bishop of Toronto, in January, 1845; by the clergy

of the dioceses of Quebec and Montreal, in June, 1847; by the Reverend Father Théophile Charaux, Superior General of the Mission of the Jesuits in Canada, in January, 1874; by their Lordships, the Bishops E. A., Archbishop of Quebec, L.F., Bishop of Three Rivers, Jean, Bishop of Rimouski, Edouard Charles, Bishop of Montreal, Antonio, Bishop of Sherbrooke, J Thomas, Bishop of Ottawa, L. Z., Bishop of St. Hyacinthe, Dominique, Bishop of Chicoutimi, on the 9th of October, 1878; and, finally, by His Grace the Archbishop of Quebec, on the 2nd of January, 8th of April and 27th of April, 1885.

Whereas in his letter of the 2nd of January, 1885, addressed to the Honorable John J. Ross, then Premier of this Province, His Grace the Archbishop of Quebec stated :

" I have the honor to inform you that, in virtue of an Indult of the 13th of October, 1884, I am personally authorized by the Holy See to treat with the Government of the Province of Quebec, and, for a reasonable compensation, to settle the question of the ownership of the property formerly owned in this Province by the Jesuits when their order was suppressed in 1773."

Letter from Archbishop of Quebec to Hon. J. J. Ross, Premier, informing him that he was authorized to treat with the Government respecting Jesuits' Estates.

Whereas, in answer to one of these representations of His Grace the Archbishop of Quebec, dated on the 8th April, 1885, the Honorable John J. Ross, then Premier, replied as follows on the 25th of April of the same year :

" If His Honor the Lieutenant-Governor in Council decides to re-open and reconsider this question of the Jesuits' Estates, I will not fail to notify Your Grace and the Reverend Jesuit Fathers, so that, with your assistance and theirs, he may, if expedient, be able to submit to the Legislature a measure which will settle this question in a satisfactory and definite manner."

Reply of Hon. J. J. Ross, to Archbishop of Quebec.

Whereas, consequent upon these various representations and especially that of the 9th of October, 1878, signed by the Bishops of the Province, protesting against the Government putting up for sale the property of the old Jesuits' College at Quebec, such sale did not take place and the property was allowed to fall into a wretched condition.

Whereas, on the 17th of February, 1888, the Honorable Honoré Mercier, Premier of this Province, wrote the following letter :

" Rome, 17th February, 1888.

" To His Eminence Cardinal Giovanni Simeoni,

" Prefect of the Sacred College of the Propaganda.

" May it please Your Eminence :

" A despatch from Your Eminence, dated on the 7th May last, 1887, informed His Eminence Cardinal Taschereau that the Holy Father reserved to himself the right of settling the question of the Jesuits' Estates in Canada.

Letter from Hon. H. Mercier to Cardinal Simeoni respecting the

An Act Respecting the Settlement of the Jesuits' Estates.

sale of the old
Jesuits' col-
lege, Quebec.

"Among the property so-called Jesuits' Estates, there is the property of the old college of the fathers situate opposite the Basilica, in the very centre of the capital of the Province of Quebec.

"My predecessors in the Government deemed it their duty, in 1876, I believe, to order the demolition of the college and the division of the property into building lots, in view of an immediate sale, which, however, did not take place, owing to certain representations from exalted personages at the time.

"To avoid further difficulties, as I suppose, my predecessors let the matter lie and allowed the property to be so neglected that it has become a grazing ground and a receptacle for filth, so much so that it is openly said in Quebec that the matter has become a public scandal.

"Under these circumstances, I deemed it my duty to ask Your Eminence if you see any serious objection to the Government's selling the property, pending a final settlement of the question of the Jesuits' Estates.

"The Government would look on the proceeds of the sale as a special deposit to be disposed of hereafter, in accordance with the agreements to be entered into between the parties interested, with the sanction of the Holy See.

"As it will perhaps be necessary upon this matter to consult the Legislature of our Province, which is to be convened very shortly, I respectfully solicit an immediate reply.

"Your Eminence will be pleased to accept the filial consideration with which I have the honor to subscribe myself.

"Your Eminence's devoted servant,

"(Signed) HONORÉ MERCIER,
"Premier of the Province of Quebec."

To which letter the following reply was sent :

(Translation.)

Rome, 1st March, 1888.

"Illustrious Sir,

Cardinal Si-
meoni's reply
respecting
sale.

"I hasten to notify you that, having laid your request before the Holy Father at the audience yesterday, His Holiness was pleased to grant permission to sell the property which belonged to the Jesuit Fathers before they were suppressed, upon the express condition, however, that the sum to be received be deposited and left at the free disposal of the Holy See.

"In making this communication to you I wish you all good in the name of the Lord.

"Your Lordship's very affectionate,

"(Signed) GIOVANNI CARDINAL SIMEONI,
"Prefect, &c."

An Act Respecting the Settlement of the Jesuits' Estates.

5

Whereas, on the 21st March, 1888, the following telegram was sent from Quebec to His Eminence Cardinal Simeoni at Rome :

Preamble.

"In the matter of the Jesuits' Estates, the Government respectfully objects to the condition imposed in the letter of your Eminence of the first of March instant, and cannot expect to succeed in the settlement of this delicate question unless permission is given to sell the property upon the conditions and in accordance with the exact terms of my letter of the seventeenth of February last.

Telegram from Mr. Mercier to Cardinal Simeoni, objecting to conditions.

"I respectfully solicit an immediate favorable answer in the interests of the final settlement of the question.

"(Signed) HONORÉ MERCIER,
"Premier."

Whereas, on the 24th of March, 1888, the following answer was sent from Rome by His Eminence Cardinal Simeoni :

Cardinal Simeoni's reply.

"The Pope allows the Government to retain the proceeds of the sale of the Jesuit Estates as a special deposit to be disposed of hereafter with the sanction of the Holy See.

Whereas, consequent upon these negotiations, the following correspondence was exchanged between the Premier and the Very Reverend Father Turgeon, rector of St. Mary's College, Montreal, and agent for the Holy See :

Preamble.

"St. Mary's College, 25th April, 1888.

"Honorable HONORÉ MERCIER,
"Premier of the Province of Quebec.

"Sir,

"I have the honor to forward you a copy of the official letter, dated Rome, the 27th March, 1888, by which the Sacred College authorizes the Jesuit Fathers to treat with the Government, in the matter of the 'Jesuits' Estates.'

Letter from Rev. A. D. Turgeon to Mr. Mercier notifying him of Mr. Turgeon's appointment as attorney to settle the Jesuits' Estates question.

"I have also the honor to inform you that, at a meeting of the corporation of the 'Society of Jesus,' on the 2nd April, 1888, I was appointed general and special attorney for that purpose.

"Further, that, on the 9th of April last, the Reverend Father Superior of the Mission in Canada gave me his power of attorney by deed made and passed in the city of Montreal, district of Montreal, in the office of Mtre. L. O. Héту, Notary Public, with full power to treat with the Government upon the conditions expressed in the letter of the Sacred College.

"I have the honor to be, Sir,

"Your very obedient servant,

"(Signed) A. D. TURGEON, S. J.
"Procurator of the Jesuits at Montreal."

An Act Respecting the Settlement of the Jesuits' Estates.

(Translation.)

"Rome, 27th March, 1888.

Letter from
Cardinal Si-
meoni to Rev.
A. D. Turgeon
giving him
authority to
effect settle-
ment.

"Very Reverend Father,

"I have the pleasure of notifying you that the question re-
specting the revindiction of the property of the Jesuit Fathers
in Lower Canada, having been referred to a special commission
of Cardinals on the 20th of March instant, the following
proposition was submitted for solution:

"Should authority be given to any one to claim from the
Government of the Province of Quebec the property which
belonged to the Jesuit Fathers before the suppression of
the society, and to whom and how it should be given."

"Their Eminences the Cardinals replied as follows:

"Affirmatively in favor of the Fathers of the Society of
Jesus and in accordance with the method prescribed in other
places, that is to say, that the Fathers of the Society of Jesus
treat in their own name with the civil government, in such a
manner, however, as to leave full liberty to the Holy See to
dispose of the property as it deems advisable, and consequently,
that they should be very careful that no condition or clause
should be inserted in the official deed of the concession of such
property which could in any manner affect the liberty of the
Holy See.

"Further, whatever the sum which the Jesuit Fathers
receive from the Government, that they should be obliged to
deposit it in a place of safety to be determined by the Sacred
College.

"The foregoing resolution was referred to the Holy Father
at to-day's audience and His Holiness was pleased to approve
of it in its entirety;

You are consequently authorized to revindicate the said
property upon the conditions above set forth.

"Whilst making you this communication, I pray the Lord
to preserve and prosper you.

"Reverend Father,

"Yours, &c.,

"(Signed) JEAN CARD. SIMEONI, Prefect.

"(Signed) D. ARCH. DE TYRE, Secy.

"The Very Reverend Father

"Procurator of the Jesuits,

"Montreal."

"PREMIER'S OFFICE,

"Province of Quebec,

"Quebec, 1st May, 1888.

"Reverend Father TURGEON,

"Procurator of the Jesuits at Montreal,

"Montreal.

"Very Reverend Father,

Letter from
Mr. Mercier to
Rev. Mr. Tur-

"I submitted to my colleagues the copy of the letter of the
Sacred College of the Propaganda, dated Rome, 27th March

last, which authorizes the Jesuit Fathers to treat in their own name with the Government of the Province respecting the property known as the 'Jesuits' Estates.' I also submitted to them your letter of the 26th of April last, by which you forwarded to me that of the Propaganda, and in which you inform me that you have been appointed general and special attorney for the above purposes and that the Reverend Father Superior of the Mission in Canada gave you power of Attorney before Mtre. Hètu, Notary, with full power, &c., &c.

geon fixing
bases of settle
ment.

" Before entering into negotiations with you respecting these estates, the Government desires you to bear in mind :

" 1. That you must deposit with a notary the original of the aforesaid letter from the Sacred College, with two solemn declarations made according to law, and identifying the signatures of the Prefect and Secretary of the said College, which are at the end of the said document ;

" 2. That authentic copies of the said letter and solemn declarations, as well as of the resolution of your corporation passed on the second of April last, and of the power of Attorney from the Reverend Father Superior of the Missions in Canada, be forwarded to us ;

" 3. That in consenting to treat with you respecting this property, the Government does not recognize any civil obligation, but merely a moral obligation, in this respect ;

" 4. That there cannot be a question of a restitution in kind; as this has been abandoned by those concerned, but only a compensation in money to be agreed upon amicably with you ;

" 5. That the amount fixed as compensation shall be exclusively expended in the Province ;

" 6. That you will grant to the Government of the Province of Quebec a full, complete and perpetual concession of all the property which may have belonged in Canada, under whatever title, to the Fathers of the old Society, and that you will renounce to all rights generally whatsoever upon such property and the revenues therefrom in favor of our Province, the whole, as well in the name of the old Order of Jesuits, and of your present corporation, as in the name of the Pope, of the Sacred College of the Propaganda and of the Roman Catholic Church in general ;

" 7. That any agreement made between you and the Government of the Province will be binding only in so far as it shall be ratified by the Pope and the Legislature of this Province ;

" 8. That the amount of the compensation fixed shall remain in the possession of the Government of the Province as a special deposit until the Pope has ratified the said settlement and made known his wishes respecting the distribution of such amount in this country ;

" That your corporation will receive the interest upon such deposit at four cent. from the date of the signification to the Provincial Secretary of the *acte* of the Pope confirming the said arrangement, up to the payment of the capital, which is to be

Act Respecting the Settlement of the Jesuits' Estates.

made to the persons entitled thereto within six months after the signification to the said Provincial Secretary of the decision of the Pope respecting such distribution ;

"9. Finally, that the statute ratifying such agreement shall contain a clause enacting that when such settlement is arrived at, the Protestant minority will receive a grant in proportion to its population in favor of its educational work.

"These, Reverend Fathers, are the bases upon which the Government wishes to treat with you the delicate question of the property called the 'Jesuits' Estates.'

"Hoping that you will second our wishes to settle the matter as soon as possible, for the advantage of all persons interested,

"I have the honor to remain,

"Your very devoted servant,

"(Signed) HONORÉ MERCIER,

"Premier."

"QUEBEC, 8th May, 1888.

"Honorable HONORE MERCIER,

"Premier, Province of Quebec,

"Sir,

Letter from
Rev. A. D.
Turgeon to
Mr. Mercier,
accepting
bases of settle-
ment.

"I have to acknowledge receipt of your letter of the 1st of May last, in which you state that you had submitted to your colleagues the Indult of the Sacred College of the Propaganda, dated Rome, the 27th March last, authorizing the Fathers of the Society of Jesus to treat, in their own name, with the Government of the Province of Quebec, the question of the property known as the 'Jesuits' Estates.'

"You also state that you had submitted to your Honorable colleagues my letter of the 25th April last, by which I inform you that I was appointed general and special attorney for the aforesaid purposes, and that the Reverend Father Superior of the Mission in Canada, gave me a power of attorney before Mtre. Héту, notary, with power, &c., &c.

"Please accept my thanks, Sir, for the very prompt attention which you were pleased to give to my communication.

"I have now the honor to reply to the different points which your Government wishes me to bear in mind, following the order of the numbers in yours of the 1st May.

"1. The original of the aforesaid letter of the Sacred College, with solemn declarations made according to law, identifying the signatures of the Prefect and Secretary of the said College, which are at the end of the said document, have been deposited in the office of Mtre. Cyrille Tessier, notary, residing in the city of Quebec.

"2. Enclosed please find authentic copies of that letter and of two solemn declarations, as well as of the resolution of our Corporation passed on the 2nd of April last, and of the power of attorney of the Reverend Father Superior of the Mission in Canada, the original whereof under the number eleven thou-

sand eight hundred and fifty-four, remains in the office of Mtre. L. O. Héту, notary, residing in the city of Montreal.

"3. The moral obligation which the Government recognises in consenting to treat with me is a sufficient guarantee to permit of my entering upon the negotiation.

"4. The Holy See, the superiors of the Society of Jesus and the corporation which I represent, whilst praising your desire to render justice to the Fathers of the Society of Jesus, also wish to assist the Government in settling this question, and to give a proof of their devotion to this country and to the Province of Quebec in particular; they will consequently be satisfied with a fair compensation, regard being had to the value of the property heretofore in the possession of the Jesuit Fathers, in place of a restitution in kind.

"Such compensation in money will be fixed amicably, as I have reason to hope from the great kindness that you have so far shown me, and the generous assistance which will be given to us by your Honorable Colleagues, and the Honorable members of both Houses.

"If, however, it should be necessary to resort to arbitration, none of the parties interested can object thereto.

"5. Relying upon the constitutions of the Society of Jesus, and upon the intentions of the former donors, I can affirm that the sum fixed as compensation and which will be received by the Jesuit Fathers, will be exclusively expended in the Province.

"6. The Government of the Province of Quebec will receive a full, complete and perpetual concession of all the property which may have belonged in Canada, by whatever title, to the Fathers of the old Society, and the Jesuit Fathers will renounce to all rights generally whatsoever upon such property and the revenues therefrom in favor of the Province, the whole, in the name of the Pope, of the Sacred College of the Propaganda, and of the Roman Catholic Church in general.

"7. Any agreement between the Government of this Province and the Jesuit Fathers will be binding only in so far as it shall have been ratified by the Pope and the Legislature of this Province.

"8. The amount of the compensation fixed shall remain in the possession of the Government of the Province as a special deposit, until the Pope has ratified the said settlement, and made known his wishes respecting the distribution of such amount in this country.

"Our corporation will receive the interest upon such deposit at four per cent. from the date of the signification to the Provincial Secretary of the *acte* of the Pope confirming the said arrangement, up to the payment of the capital which is to be made to the persons entitled thereto within six months after the signification to the said Provincial Secretary of the decision of the Pope respecting such distribution.

"9. As this clause does not touch the question which I am entrusted to treat with the Government, I wish you would dispense with my replying thereto.

An Act Respecting the Settlement of the Jesuits' Estates.

"It now only remains for me, to again express my gratitude, and to promise you my assistance in aiding you to settle as promptly as possible this delicate question.

"I have the honor to be,

"Your very humble servant,

"(Signed) A. D. TURGEON, S. J.,

"Procurator of the Jesuits."

"PREMIER'S OFFICE,

"Quebec, 14th May, 1888.

"REVEREND FATHER,

Letter from
Mr. Mercier
calling upon
Rev. Mr. Tur-
geon to pro-
duce claim for
compensation.

"In reply to your letter of the 8th inst., I have the honor to inform you that the Government is prepared to receive your claim in writing as to the compensation to be allowed.

"It hopes that it will be very reasonable and moderate, in view of the financial and other difficulties of the Province.

"Your obedient servant,

"(Signed) HONORÉ MERCIER.

"Very Reverend Father TURGEON, S. J."

"QUEBEC, 20th May, 1888.

"The Honorable HONORÉ MERCIER,

"Premier, Province of Quebec.

"SIR,

Letter from
Rev. A. D.
Turgeon to
Mr. Mercier
claiming cer-
tain sum as
compensation.

"I have the honor to acknowledge receipt of your letter of the 14th instant, in which you inform me that the Government is prepared to receive my claim for a reasonable and moderate compensation.

"This, Sir, is what I think I should reply in support of the cause which I have the honor to defend:

"According to the official reports which you were kind enough to communicate to me, I find that the 'Jesuits' Estates' are valued at the sum of \$1,200,000.00.

"This is only approximate, and I think it is greatly less than the real value.

"Competent men whom I have consulted at Quebec, Montreal and Three Rivers do not hesitate to state that the Jesuits' Estates are worth at least \$2,000,000.00.

"They calculate :

- "1. The seigniories and fie's at..... \$ 5,000 00
- "2. The property in the centre of the city of Montreal, a superficies of 330,003 feet, may be valued at \$3 a foot, as the authorized valuator's assert even that the real price is \$6 a foot, as it is \$10 at the *Place d'Armes* and \$16 at Victoria Square, representing, for half the real value, a sum of..... 990,009 00

- " 3. At Quebec, the property of the old college is valued in the official reports at a price varying from \$50,000 to \$200,000, say 100,000 00
- " 4. The revenues since 1867 reach the sum of . . . 400,000 00
- " 5. The capital of the *lods et ventes* is 92,572 00
- " 6. A property at N.D. des Anges was sold for . . . 18,200 00

" Which gives a total of over two million dollars

" You will notice, Sir, that nothing is said of interest even since Confederation.

" It is, therefore, in view of those documents that I am called upon to make a claim for a reasonable and moderate compensation before putting the Government in full enjoyment and lawful possession of all the Jesuits' Estates in Canada.

" Now, my reasonable and moderate proposition is this :

" I ask from the Government of the Province of Quebec one-half of the actual value of only one of the properties which our Fathers bought with their own money, of our property in Montreal, that is to say, \$990,009.00, and the Jesuit Fathers will abandon all the other properties. (See list of the Jesuits' Estates.)

" I base my moderate claim upon the following reasons :

" 1. I ask only one-half of a single property and I concede twenty others (see list of the estates) ; is not that reasonable and moderate ?

" 2. Our present debts amount to \$200,000.00 ; for our three establishments for study and training we require not less than \$30,000.00 of annual revenue ; to make the urgent repairs which are required at our establishments of Quebec, Three Rivers, Montreal, Sault au Recollet and Lake Nominigue, it would require not less than \$200,000, so that my demand is reasonable and moderate.

" 3. Will the Government find my demand exaggerated when it considers that the sale of one property alone would reimburse it and be more than enough ?

" For instance, the *Champ de Mars*, at \$5 a foot, would bring \$1,024,110.00 ; would not a similar result be obtained with the seigniori of Cap la Magdeleine, which is forty leagues in superficies ?

" That is the reason why I consider my demand reasonable and moderate.

" I am not unaware that, in a document presented at Rome some years ago, the whole of the Jesuits' Estates were valued at \$400,000.00 ; but the incorrectness of that valuation is shown even in the official reports above cited.

" The same document contains other statements none the less incorrect to prove that the Society of Jesus would be unable of itself to recover the property owing to the opposition which it would meet with in the Legislature.

" In protesting against this insinuation, I am happy to affirm that since the Society of Jesus entered into negotiations with the Government it has met with the most kindless from

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you, and your Honorable colleagues and the Honorable members of both Houses.

" In conclusion may I suggest :

" As soon as the settlement is arrived at, would it not be possible, beyond the compensation allowed, to give to the Jesuit Fathers a lot of land which would be a monument to commemorate the eminently Catholic and conservative act which you are about to perform.

" I would suggest the Common of Laprairie ; this property, in its present condition, is of little value, but it would suffice for the commemorative purpose indicated.

" It is also one way of commemorating, in the political history of the country, that glorious concordat, the effecting whereof would be associated with the name of your Government, as soon as the Holy Father has ratified it ; that is, that the establishments of the Jesuit Fathers in this Province are always allowed, in accordance with their deserts and if they ask for it, to participate in the grants which the Government of this Province allows to others institutions to encourage teaching, education, industries, arts and colonization.

" The reason of this favor is that these grants would be made in great part out of the funds of the ' Jesuits' Estates.'

" Would it not be strange, to say nothing further, to refuse the Jesuits a share, granted to others, out of the pecuniary benefits derived from the revenues of these same Estates with which the Jesuits enriched the Province.

" Here then, Sir, is what I think it necessary to say to you before knowing what the Government is ready to offer as compensation for the ' Jesuits' Estates.'

" Awaiting the honor of a reply I depend upon the justice of my claim and upon the liberality of a wise Government.

" I have the honor to be,

" Sir,

" Your humble servant,

" (Signed) A. D. TURGEON, S. J.

" Procurator of the Jesuit Fathers."

" PREMIER'S OFFICE,

" Province of Quebec,

" Quebec, 4th June, 1888.

" VERY REVEREND FATHER,

Letter from
Mr. Mercier
to Rev. A. D.
Turgeon, de-
clining to give
amount

" I have the honor to acknowledge receipt of your letter dated the 20th May last.

" You acquaint me with the conditions upon which you are prepared to settle the question of the ' Jesuits' Estates' by

means of a compensation equal to one-half of the value of one of the properties of the Jesuits bought with their own money. claimed and making counter offer.

"I submitted your letter to my colleagues, assembled in Council, and we came to the conclusion to answer you, as follows:

"1. Seeing the difficulties surrounding the settlement of this question and the situation of the Province, we are obliged with regret to say that we can not offer you more than \$400,000.00.

"2. To arrive at this figure we do not take as a basis the intrinsic value of the property, as the religious authorities long ago abandoned the claim for a restitution in kind, and invariably limited their claim to a compensation.

"The amount of this compensation was even indicated by the religious authorities of this country, at Rome, which authorities on several occasions declared themselves willing to accept \$400,000.

"3. It is therefore impossible for us to exceed that sum.

"We are ready to offer it to you upon the conditions contained in my letter of the 1st May last.

"4. Further, in commemoration of the settlement, we will retrocede to you the rights which the Government possesses in the Common of Laprairie.

"Such rights, small it is true, are, however, the same which the Jesuit Fathers reserved for themselves by the deed of concession to the inhabitants of Laprairie de la Madeleine, passed on the 19th May, 1694, before Mtre. Adhémar, royal notary of the Island of Montreal, less the few changes in such rights made by Acts of the Legislature.

"These are the offers which my colleagues charged me to make to you.

"Hoping that, under the circumstances above set forth, you may accept them.

"I have the honor to be

"Your very devoted,

"(Signed) HONORÉ MERCIER.

"Very Reverend Father TURGEON,
"Agent of the Holy See,
"Quebec, P.Q."

"Quebec, 8th June, 1888.

The Honorable HONORÉ MERCIER,
"Premier,
"Province of Quebec.

"Sir,

"In view of your letter of the 4th of June instant, declaring that it is impossible for the Government to offer more than \$400,000.00, and for the reasons given by you and the diffi- Acceptance by Rev. A. D. Turgeon of Mr. Mercier's counter offer.

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culties you allege, I think I am fulfilling the mandate entrusted to me and carrying out the wishes of the Holy See and of the Superior of the Company of Jesus, who have at heart the removal of the uneasiness caused by this question in the country, by accepting your offers, small as they are, and by hoping that the Holy See will agree to them and be pleased to ratify them.

"I have the honor to be,

"Sir,

"Your very humble servant,

"(Signed) A. D. TURGEON, S. J.

"Procurator of the Jesuits."

"PREMIER'S OFFICE,

"Province of Quebec,

"Quebec, 8th June, 1888.

"Very Reverend Father,

Letter from
Mr. Mercier
to Rev. A. D.
Turgeon
acknowledging
receipt of ac-
ceptance of
counter offer.

"I have the honor to acknowledge receipt of yours of this day, in which you inform me that in your official capacity you accept the offers made by the Government to you in my letter of the 4th of June inst.

"There only remains for me to prepare the necessary documents and to submit them to the proper persons.

"Believe me, Very Reverend Father.

"Your very devoted,

"(Signed) HONORÉ MERCIER,

"Premier.

"The Very Reverend Father TURGEON,

"Procurator of the Jesuits,

"Quebec, P. Q."

"Whereas copies of the said letters of the Reverend Father Turgeon, dated the 25th April, 1888, and of the Premier of the 1st May, 1888, have been communicated to His Eminence Cardinal Taschereau, as appears by the following correspondence:

"PREMIER'S OFFICE,

"Province of Quebec,

"Quebec, 3rd May, 1888.

"To His Eminence Cardinal Taschereau,
Quebec.

"May it please Your Eminence:

Letter from
Mr. Mercier
to Cardinal
Taschereau
forwarding

"I have the honor to forward you herewith, for the information of Your Eminence, copies of the following documents:

"1. A letter of the Prefect and Secretary of the Sacred Congregation of the Propaganda, dated Rome, 27th March,

1888, authorising the Procurator of the Jesuits, at Montreal, to treat with the Government of this Province, on the question of the Jesuits' Estates. (Italian version).

him certain documents respecting settlement.

"2. French version of the same letter, the translation having been made by the Reverend Jesuit Fathers:

"3. A letter of the Reverend Father Turgeon, enclosing the said letter from the Propaganda ;

"4. The reply of the Government to the Reverend Father.

" I remain

" Your Eminence's

" Most obedient servant,

" (Signed)

" HONORE MERCIER,

" Premier."

His Eminence was pleased to reply to the said communication as follows on the 4th May, 1888 :

" Sir,

" I have the honor to acknowledge the receipt of your letter of yesterday, with the documents which accompany it, respecting the matter of the Jesuits' Estates.

Letter from Cardinal Taschereau to Mr. Mercier acknowledging receipt.

" Please accept my thanks,

" Your obedient servant,

" (Signed)

E. A. CARDINAL TASCHEREAU,

Archbishop of Quebec."

Whereas the documents transmitted by the very Reverend Father Turgeon, with his aforesaid letter of the 8th May, 1888, are in the following words:

" Extract from the minutes of the corporation of the Society of Jesus at a meeting of the members of the said congregation, held on the second of April, eighteen hundred and eighty-eight, at the house of the Immaculate Conception in Montreal, Rachel street.

Extract from minutes of corporation of society of Jesus appointing Rev. A. D. Turgeon as general and special attorney to treat with Government respecting Jesuits' Estates.

(Translation.)

" Father Adrien Turgeon is appointed general and special attorney of the Reverend Father Superior for the purpose of treating with the Government of the Province of Quebec, respecting the question of the estates of the late order of Jesuits in Canada (Jesuits' Estates), or any other question."

" (Signed)

F. VIGNON, S. J.

Secret."

" Before Léonard Ovide Héту, notary public, duly admitted in and for the Province of Quebec, one of the Provinces of the

Delegation of powers Rev. Pierre Hamel

to Rev. A. D. Dominion of Canada, residing in the city of Montreal, in the district of Montreal, in the said Province of Quebec, undersigned, appeared :

"Reverend Father Pierre Hamel, Superior of the Society of Jesus in Canada, residing in the city of Montreal, in the district of Montreal, who, by these presents constitutes and appoints as his general and special attorney, the Reverend Father Adrien D. Turgeon, Rector of St. Mary's College, of the city and district of Montreal, to whom he gives and delegates all rights and powers which he possesses or may possess hereafter, either in his personal capacity or as Superior of the Society of Jesus, or as delegate, attorney or *chargé d'affaires* of the Reverend Father General of the Society of Jesus, or as delegate, attorney or *chargé d'affaires* of the Holy See, with reference to the property of the Jesuits now held by the Government of the Province of Quebec, and to any matter directly or indirectly connected with the question of the former estates of the Jesuits in Canada, and with reference to all transactions of any kind whatsoever, which might be effected from and after this date with the Government or Legislature of the Province of Quebec, or with any minister or member of the federal or provincial Governments in Canada, and also with reference to any petition, bill or measure which might be submitted of the parliaments or legislatures of Canada by the Society of Jesus or by any establishment of the Order of Jesuits, or submitted to the said parliaments or legislatures by other persons, but affecting directly or indirectly in any manner the rights or interests of the Society of Jesus or of any of its establishments, especially the power of asking and receiving from all persons to whom it may appertain, the movable and immovable property and movable and immovable claims belonging to the Society of Jesus or of which the party appearing, in any of his aforesaid qualities, shall have the control, direction, or administration or disposal, by any title whatsoever, the power to sell, abandon, exchange, transfer or lease the said property to such person by such means and for such prices, charges, clauses, conditions and considerations, as the constituted attorney shall deem advantageous or acceptable, to bind himself to all guarantees, to receive the price of the said property and give a discharge therefor, to accept any indemnity and consent to any arrangement or compromise of any kind whatsoever, to receive the said indemnity or compensation and to give a good and valid acquittance therefor, to name and appoint all advocates, counsel, arbitrators, umpires and experts, etc., to substitute one or more persons in the whole or in a portion of the present powers, to revoke the same and substitute others therefor, and sign all deeds to the above effect and generally to do, in the most ample manner, everything which the appearing party might himself do, although not herein provided, ratifying and promising to ratify the same at once upon being so requested, these presents to remain valid until expressly revoked, notwithstanding their expiration or lapse of time.

"Thus done and passed in the city of Montreal, in the district of Montreal, in the office of the said undersigned notary, in the year one thousand eight hundred and eighty-eight, on the ninth day of the month of April, in the afternoon, under the number eleven thousand eight hundred and fifty-four.

"And the party appearing has signed with me the said notary.

"(Signed) P. HAMEL, S. J.,
" (Signed) L. O. HÉTU, N. P.

"True copy of the original remaining of record in my office.

"(Signed) L. O. HÉTU, N. P.

"In the year one thousand eight hundred and eighty-eight, on the fifth of May, before the undersigned Notary Public for the Province of Quebec, Canada, residing in the city of Quebec, appeared :

"The Very Reverend Father Adrien D. Turgeon, of the city of Montreal, member of the Society of Jesus, rector of St. Mary's College, at Montreal, in his quality of representative or attorney, in accordance with the deed of delegation of powers of the 9th of April last (1888), before L. O. Héту, notary, at Montreal, of the Very Reverend Father Pierre Hamel, of the city of Montreal, Superior of the Society of Jesus in Canada, in the different capacities detailed in the said act, who hereby deposits with Cyrille Tessier, the undersigned notary, and requires him to place the same among his minutes, dated this day, the original of a letter (or Indult) in Italian and Latin, addressed to the Very Reverend Father, the Procurator of the Jesuits of Montreal, by His Eminence Jean Cardinal Simeoni, Prefect of the College of Propaganda, dated at Rome, on the 27th day of March last: which letter, to which is affixed the signature of His Lordship the Archbishop of Tyre, Secretary of the said College, is annexed to the minute hereof, after having been by the appearing party, duly certified and signed in presence of the said notary.

Deed of deposit of original letter of Cardinal Simeoni.

"To the minute of this deed are also annexed two solemn declarations verifying and identifying the signatures affixed to the end of the said letter; one of Monsignor Henry Tétu, of Quebec, priest, Private Chamberlain of His Holiness Leo XIII, Almoner of the Archbishop of Quebec, and the other of Monsignor Cyrille Alfred Marois, priest, private Chamberlain of His Holiness Leo XIII, Secretary of the Archdiocese of Quebec, residing at Quebec, which declarations are dated this day and were received before Cy. Tessier, the undersigned notary, at Quebec, under the number seven thousand four hundred and seventy-nine, of the minutes of Cy. Tessier, the undersigned notary.

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"In faith and testimony whereof, the party appearing has signed with the said notary, the same having been duly read.

"(Signed) A. D. TURGEON, S. J.,
 "(Signed) CY. TESSIER, N. P.

"True copy of the original remaining of record in my office.

"(Signed) CY. TESSIER, N. P."

Original letter
 from Cardinal
 Simeoni to the
 Procurator of
 the Jesuits.

"S. Congregazione di propaganda

"Segretaria

"No. 1590.

"Oggetto.

"RMO PADRE,

"Roma li 27 Marzo, 1888.

"Ho il piacere di significare alla P. V. che deferita la questione concernente il riacquisto dei beni dei Padri Gesuiti nel basso Canada ad una speciale commissione Cardinalizia nel giorno 23 corr. Marzo fu ad essa proposto a risolvere il dubbio seguente: "Se, come, ed a chi convenga dare l'autorizzazione di reclamare dal Governo della Provincia di Quebec i beni appartenuti ai PP. Gesuiti prima della soppressione della compagnia." Orra gli Emi Cardinali risposero: "Affirmative, favore PP. Societatis Jesu et iuxta modum alias praescriptum, scilicet PP. Societatis Jesu suo nomine cum civili Gubernio agant, ita tamen ut Sedi aplice plena libertas maneat de iis bonis disponendi, prout opportunum indicaverit, et ideo curandum illis omni studio est, ut nulla conditio vel clausula in publico instrumento cessionis bonorum apponatur, quibus S. Sedis libertas quocumque modo afficiatur. Insuper quaecumque summan PP. Societatis Jesu percepturi erunt a Gubernio, deponere teneantur in loco tuto a S. Congue determinando."

"Riferita la sud^a. risoluzione nell'Udienza del giorno stesso 20. Marzo al S. Padre Sua Santità si degnò approvarla in tutte le sue parti. Quindi è che la P.V. è autorizzata a rivendicare i beni stessi con le condizioni già esposte.

"In questa intelligenza prego il Signore, che La conservi, e La prosperi.

"Di V. P.

"Affmo

"GIOVANNI CARD. SIMEONI Prefetto.

"Reymo

"P^o Procuratore dei Jesuiti di

"Montreal.

"D. ARCHIV. DI TYR Segret.

"This is the original letter mentioned in a certain deed of

deposit made by me this day before Cy. Tessier, notary, at Quebec, which letter I certify to be true.

" Quebec, 5th May, 1888.

"(Signed) A. D. TURGEON, S. J.

" In presence of

"(Signed) CY. TESSIER, N. P.

" A true copy,

"(Signed) CY. TESSIER, N. P."

" I, Henri Tétu, Priest, Private Chamberlain of His Holiness Leo XIII, Chaplain of the Archbishop's Palace, Quebec, residing in the city of Quebec, solemnly declare that the signatures, "Giovanni Card. Simeoni Prefetto" and D. Arciv. di Tyr Segret, at the foot of the letter—or indult—in the Italian and Latin languages, addressed to the Rev. Father Procurator of the Jesuits of Montreal, dated at Rome on the 27th March last (1888) and bearing the number 1590 are, severally, the signatures of Cardinal Simeoni, Prefect, and of his Lordship the Archbishop of Tyre, Secretary of the College of the Propaganda. Declaration of Rev. H. Tétu as to signatures to letter.

" And I make this solemn declaration, conscientiously believing the same to be true and by virtue of the Act passed in the thirty-seventh year of Her Majesty's reign, intituled: 'An Act for the suppression of voluntary and extra-judicial oaths.'

"(Signed) H. TETU, Priest, C. S.

" Declared before me, notary, at Quebec, this fifth day of May, 1888.

"(Signed) CY. TESSIER, N. P.

" This is one of the solemn declarations of which mention is made in a certain deed of deposit made by me this day, before Cy. Tessier, notary, at Quebec, to the original of which deed it has remained annexed.

" Quebec, 3rd May, 1888.

"(Signed) A. D. TURGEON, S. J.

" In presence of

"(Signed) CY. TESSIER, N. P.

" A true copy,

"(Signed) CY. TESSIER, N. P."

" I Cyrille, Alfred Marois, Priest, Private Chamberlain of His Holiness Leo XIII, Secretary of the Archdiocese of Quebec, residing in the city of Quebec, solemnly declare that the signatures: "Giovanni Card. Simeoni Prefetto" and "D. Arciv. di Tyr Segret," at the foot of the letter or indult in the Italian Declaration of Rev. C. A. Marois as to signatures to letter.

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and Latin languages addressed to the Reverend Father Procurator of the Jesuits at Montreal, dated at Rome the twenty-seventh of March last (1888), and bearing the number 1590, are, severally, the signatures of Cardinal Simeoni, Prefect, and of His Lordship the Archbishop of Tyre, Secretary of the College of the Propaganda.

"And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Act passed in the thirty-seventh year of her Majesty's reign, intituled : ' An Act for the suppression of voluntary and extra-judicial oaths.' "

"(Signed) C. A. MAROIS, Priest, C. S.

"Declared before me, notary at Quebec, this fifth of May, 1888.

"(Signed) Cy. TESSIER, N. P."

" This is one of the solemn declarations mentioned in a certain deed of deposit made by me, this day, before Cy. Tessier, notary at Quebec, to the original of which deed it has remained annexed.

"Quebec, 5th May, 1888.

"(Signed) A. D. TURGEON, S. J.

" In presence of

"(Signed) Cy. TESSIER, N. P.

" A true copy,

"(Signed) Cy. TESSIER, N. P."

Preamble,

Whereas it is expedient to put an end to the uneasiness which exists in this Province, in connection with the question of the Jesuits' Estates, by settling it in a definite manner : Therefore, Her Majesty, by and with advice and consent of the Legislature of Quebec, enacts as follows :—

Certain agreements ratified and may be carried out.

1. The aforesaid arrangements, entered into between the Premier and the Very Reverend Father Turgeon, are hereby ratified, and the Lieutenant-Governor in Council is authorized to carry them out according in their form and tenor.

Certain sum may be paid out for purpose of such settlement.

2. The Lieutenant-Governor in Council is authorized to pay, out of any public money at his disposal, the sum of four hundred thousand dollars, in the manner and under the conditions mentioned in the documents above cited, and to made any deed that he may deem necessary for the full and entire execution of such agreement.

3. The Lieutenant-Governor in Council is authorized to transfer to the Society of Jesus, a society incorporated under the Act of this Province, 50 Victoria, chapter 28, all the rights of this Province in and to Laprairie Common.

Government rights to Laprairie Common may be transferred to Society of Jesus.

4. On such settlement being effected, the Lieutenant-Governor in Council may pay, out of any public money at his disposal, a sum of sixty thousand dollars to the Protestant Committee of the Council of Public Instruction to be invested by the said Committee.

On settlement being effected certain sum to be paid over to Protestant Committee of Council of Public Instruction investment of such sum and application of interest thereof.

The interest from said investment shall be annually apportioned by the Protestant Committee, with the approval of the Lieutenant-Governor in Council, among the Protestant institutions of superior education, in addition to and in the same manner as any sums now granted by law for the purpose of Protestant superior education in this Province.

5. The Lieutenant-Governor in Council is authorized to enforce wherever necessary all claims that may become due to the Government of the Province owing to the execution of the aforesaid agreement.

Powers of Lieutenant-Governor in carrying out such agreements.

6. The Lieutenant-Governor in Council is hereby authorized to dispose, in the manner he deems most advantageous to the Province, of the whole of the property, movable and immovable, interests and rights, generally whatsoever of the Province upon the said property known as the Jesuits' Estates.

Property known as "Jesuits' Estates" may be disposed of by Lieutenant-Governor in Council.

7. The Act of the Legislature 48 Victoria, chapter 10, notwithstanding section 5 of the said Act, and notwithstanding any other Act to the contrary, shall apply to the said estates, the proceeds whereof may be applied also, notwithstanding any Act to the contrary, for the above mentioned purposes, or for any other purposes approved by the Legislature

48 V., c. 10, to apply. Application of proceeds arising from disposal of such property.

