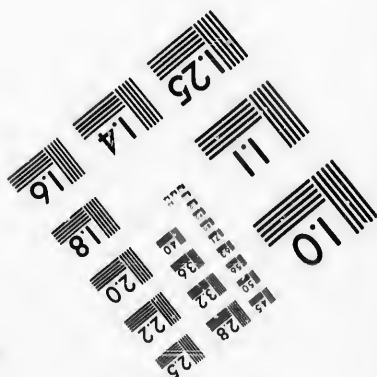
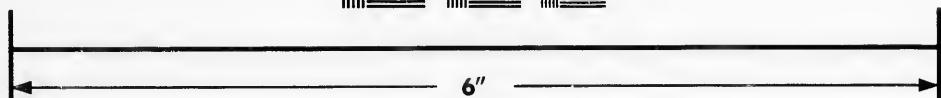
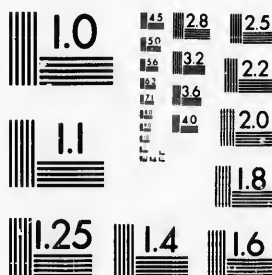


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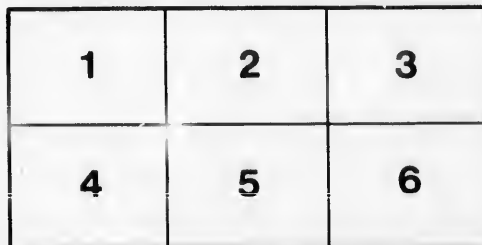
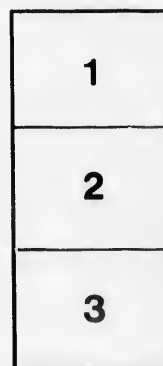
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CONSIDÉRATIONS

ON THE
EXPEDIENCY OF PROCURING AN ACT OF PARLIAMENT FOR THE

SETTLEMENT

OF THE

PROVINCE OF QUEBEC.



By *FRANCIS MASERES, Esq.*

Then lately appointed his Majesty's Attorney-General for the Province of Quebec, in
North-America.

London, printed in April, 1766.

THE difficulties that have arisen in the government of the province of Quebec, and which are likely still to occur in it, notwithstanding the best intentions of those who are intrusted by His Majesty with the administration of affairs there, are so many and so great that the Officers, whom His Majesty has been pleased of late to nominate to the principal departments in that Government,* cannot look upon them without the greatest uneasiness and apprehension, and despair of being able to overcome them without the assistance of an act of Parliament to ground and justify their proceedings. Two nations are to be kept in peace and harmony, and moulded

* Lieutenant-General *Guy Carlton*, (who has been since created a Peer of Great Britain, by the title of *Lord Dorchester*) was appointed Lieutenant Governour of the Province of Quebec at this time, and *William Hey, Esq.* Barrister-at-Law, was appointed Chief Justice of the Province.

moulded, as it were, into one, that are at present of opposite religions, ignorant of each other's language, and inclined in their affections to different systems of laws. The bulk of the inhabitants are hitherto either French from old France, or native Canadians, that speak only the French language, being, as it is thought, about ninety thousand souls, or, as the French represent it in their Memorial, ten thousand heads of families. The rest of the inhabitants are natives of Great Britain or Ireland, or of the British dominions in North-America, and are at present only about six hundred souls; but, if the province is governed in such a manner as to give satisfaction to the inhabitants, will probably every day increase in number by the accession of new settlers for the sake of trade and planting, so that in time they may equal, or exceed, the number of the French. The French are almost uniformly Roman-Catholics; there were only three Protestant families among them at the time of the conquest of the province; and probably that number is not much increased among them, as no endeavours have been used for their conversion. But, what is more to be lamented, is that they are violently bigotted to the Popish religion, and look upon all Protestants with an eye of detestation. This unhappy circumstance has been, and is still likely to be, a ground of enmity and disunion between the old and new inhabitants! The French insist, not only upon a toleration of their public worship, but on a share in the administration of justice, as jury-men and justices of the peace and the like, and on a right, in common with the English, of being appointed to all the offices of the government. The English, on the contrary, affirm, that the laws of England made against the Papists ought to be in force there, and consequently that the native
Canadians,

Canadians, unless they think proper to turn Protestants, ought to be excluded from all those offices and various branches of power: and in some degree they seem to be supported in this opinion by a part of the Governor's Commission; I mean that part which enables him to call and constitute a general assembly of the freeholders and planters of the province; for it is there expressly provided, that no person elected to serve in such an assembly shall sit and vote there till he has subscribed the declaration against Popery prescribed by the statute 25 Car. II. which would effectually exclude all the Canadians.

The grounds upon which the French demand a toleration of the Catholic religion, are partly the reasonableness of the thing itself, they being almost universally of that religion, and partly the stipulation made on that behalf in the fourth article of the definitive treaty of peace, and which is expressed in these words. "His Britannic Majesty on his side agrees to grant the liberty of the Catholic religion to the inhabitants of Canada; he will consequently give the most effectual orders that his new Roman-Catholic subjects may profess the worship of their religion, according to the rites of the Romish church, as far as the laws of Great Britain permit."

Toleration
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ligion.

These last words, "as far as the laws of Great Britain permit," render the whole stipulation in favour of this toleration very doubtful; for it may reasonably be contended, that the laws of England do not at all permit the exercise of the Roman-Catholic religion.

For in the first place, these words seem to refer to some degree of toleration of the Roman-Catholic religion, already actually subsisting in some part of the British dominions, and by virtue of the laws of Great Britain; and if so, they

they convey no right to any toleration at all, because no degree of toleration of that religion is already actually allowed by the laws of Great Britain in any part of the British dominions.

2dly, Supposing these words not to refer to any toleration of the Catholic religion now actually subsisting by virtue of the laws of Great Britain, but to mean only such a degree of toleration as (though it does not actually subsist in any of the British dominions by virtue of the laws of Great Britain, yet) may subsist without a breach of the laws of Great Britain, yet still there will be great reason to think that the laws of Great Britain do not permit this toleration in any degree. For in the first place, the statute of 1 Eliz. cap. i. for restoring the supremacy in ecclesiastical matters to the Crown, expressly extends to all the Queen's future dominions, as well as to those belonging to the Crown at the time of making the act. The words of the 16th section are as follows: "Be it enacted, &c. that no
 " foreign prince, person, prelate, &c. spiritual or temporal, shall at any time hereafter use, or exercise, any
 " manner of power or jurisdiction, Spiritual or Ecclesiastical, within this realm, or within any other your
 " Majesty's dominions, or countries, that now be, or
 " *hereafter shall be*, but shall be clearly abolished out of
 " this realm, and all other your highness's dominions
 " for ever." And in the next section, all this ecclesiastical jurisdiction, or supremacy, is united and annexed for ever to the Crown. It is clear therefore that the King is, by the laws of Great Britain, supreme head of the church in the province of Quebec, as well as in England itself. Now it is the very essence of Popery, that the Pope, and not the King, is supreme in all spiritual matters. Consequently this essential article of
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Popery cannot, by virtue of the stipulation in the defini-
tive treaty, be tolerated; but all appeals to the Pope,
all exercises of ecclesiastical authority in Quebec, by the
Pope, or his legates, or any other person commissioned
by him, all nominations to benefices, or to the bishop-
rick of the province, (which is a power the Pope has
hitherto exercised, at least so far as to approve the bishop
before he entered upon the functions of his office) must
now be illegal and void.

But this act goes a great deal further; for it requires
all ecclesiastical persons whatsoever, and likewise all
lay-persons holding temporal offices, or employed in
the service of the Crown, and likewise all persons hold-
ing lands of the Crown, and doing homage for them, to
take the oath of supremacy to the Queen, or her suc-
cessors, under pain of losing their benefices, or tempo-
ral offices, &c. and this not only in the realm of Eng-
land, but in any of the Queen's highness's dominions.
So that by this part of the act, all the Canadian clergy,
and a great part of the laity, might be required to take
the oath of supremacy, which it is well known the most
moderate Catholics cannot take, it being contrary to the
fundamental article of their religion; for the difference
between the moderate Catholics and the more furious
and zealous Papists, who are mostly guided by the Je-
suits, consists principally in this circumstance, that
the latter ascribe to the Pope an unlimited power in
temporal as well as spiritual matters, and affirm that
he may depose kings, and absolve subjects from their
allegiance, and do other the like extravagant mischiefs,
whereas the former deny his temporal, and acknowledge
only his spiritual supremacy.

It is true indeed, this oath of Supremacy is taken
away by the statute of 1 Will. cap. 8. - But another shorter
oath of Supremacy, containing a mere denial of the
Spiritual,

Spiritual, or Ecclesiastical power of the Pope, or any other foreign Prince, and which is therefore equally contrary to the sentiments of all Roman-Catholics, is appointed to be taken in its stead, and by the same persons, and under the same penalties, as before.

It appears therefore, from the statute of 1 Eliz. cap. i. alone, without considering any other of the laws against Popery, that the exercise of the Popish religion cannot be tolerated in the province of Quebec, consistently with the laws of England; and consequently that it cannot be tolerated there at all by virtue of the stipulation of the definitive treaty above-mentioned, because that stipulation has an express reference to the laws of England.

Further by the next act in the statute-book, or stat. 1 Eliz. cap. ii. for the uniformity of common-prayer and service, it is enacted, "That every minister of a parish-church, &c. within this realm of England, Wales, and marches of the same, or *other the Queen's dominions*, shall be bound to use the book of common-prayer, and shall use no other service, under pain of incurring certain heavy penalties."

By this act, the mass is prohibited in all parish-churches in all her Majesty's dominions.

This act does not indeed say expressly, as the former does, that it shall extend to all her Majesty's dominions that hereafter shall be, as well as those that at present are, belonging to the Crown of England. But there is reason to believe it meant so; or at least there is room for doubt. And, if it does mean so, the mass is prohibited by it in the province of Quebec.

Upon these reasons we may conclude, that the exercise of the Catholic religion cannot, consistently with the laws of Great Britain, be tolerated in the province of Quebec.

Yet

Yet that it should be tolerated is surely very reasonable, and to be wished by all lovers of Peace and Justice and Liberty of conscience.

By what authority then shall it be tolerated? this is the only question that remains. Shall the King alone undertake to tolerate it? will it be adviseable that he should exercise, though for so good an end, a power of dispensing with the laws? will it not give room to a thousand censures and odious reflections and comparisons? The authority of Parliament seems to be a much safer foundation to establish this measure upon, in a manner which neither the new English inhabitants of the province can contest, nor the French Catholics suspect to be inadequate.

The next great difficulty that occurs, is the settlement of the laws, by which the province of Quebec is for the future to be governed. The law upon this subject seems to be this; 1st, That the laws of the conqueror continue in force till the will of the conqueror is declared to the contrary; this follows from the necessity of the case, since otherwise the provinces would be governed by no laws at all. 2dly, That after the declaration of the will of the conqueror the conquered are to be governed by such laws as the conqueror shall think fit to impose, whether those are the old laws by which they have been governed before, or the laws by which the conquerors are governed themselves, or partly one, and partly the other, or a new set of laws different from both. 3dly. That by the *conqueror* is to be understood the *conquering nation*, that is, in the present case, the British nation; that consequently by *the will of the conqueror* is to be understood *the will of the British nation*, which in all matters relating to legislation is expressed by the King and

Settlement
of the
Laws.

and Parliament, as in all matters relating to the executive power it is expressed by the king alone; that therefore the Parliament only have a power to make laws for the province of Quebec, or to introduce any part of the laws of Great Britain there, or to delegate such a power of making or introducing laws to any other hands, notwithstanding it may happen that in fact such a power may inadvertently have been delegated to the governor and council of the province by a private Instruction of the King alone. For, if the contrary doctrine were true, that the King alone had the whole legislative power in the province of Quebec, it would follow, that not only all the conquered Canadians, but all the new English settlers there, would become *slaves*, or subject to an absolute and arbitrary government, the moment they set their foot there. The King might introduce the severest laws, and most cruel punishments, the inquisition, the rack, and the wheel, and might make all his subjects there, both old and new, tenants at will of their lands and other property, and tax them in any degree whensoever he thought fit. He might keep a standing army there, without consent of Parliament, and raise money to pay them by his own authority; and with such an army, a prince of James II's. disposition, might oppress the liberties of the other adjoining colonies, or even of Great Britain itself. These are dreadful consequences, but follow clearly from such a doctrine; for which reason the doctrine itself ought not to be maintained. The other opinion, that the conquered people, when once ceded to the Crown of Great Britain, are thereby admitted to be British subjects, and immediately intitled to participate of the liberties of other British subjects, and are therefore to be governed according to the rules
of

the Limited Monarchy of Great Britain, by which the executive power is vested solely in the King, but the power of making laws and raising taxes in the King and Parliament, is a much safer and more reasonable opinion.

It is therefore to be wished, that an act of Parliament might be obtained that at once declared what laws should take place in the province of Quebec, whether the laws of the conquered, or the laws of Great Britain, or some of the laws of the conquered, and some of the laws of Great Britain; or whether any other laws should be introduced there, more peculiarly fitted to the circumstances of the province; and, if any, then what laws should be so introduced: Or, if this detail be thought too troublesome for the Parliament to enter upon, and their informations concerning the state of the province should be deemed to be as yet too imperfect to enable them to go through such a business with propriety, then it is to be wished that an act of Parliament may be obtained, by which such a legislative power of making laws and ordinances for the good government of the province might be delegated to the Governor and Council, as has been already exercised by them by virtue of an Instruction from the King alone. By such a delegated parliamentary authority, they may enquire into the state of the Canadian laws and customs already in force there, and may revise them and reduce them into writing, and enact such of them as shall be found beneficial to the province, and fit to be continued, and may introduce such parts of the laws of England as they shall think to be for the advantage of the province; and likewise, as occasion offers, make such other new laws and regulations as shall be necessary for the good government of it: And in so doing they will have

have a due regard to the heads of advice suggested by Mr. Attorney Yorke, and to such other intimations and instructions as the government shall think proper to communicate to them. And, lest this legislative power should be abused, or injudiciously executed, by the Governor and Council, there might be a clause in the act of Parliament directing them to transmit these several Laws and Ordinances to the King and Privy Council in England, to be by his Majesty in Council allowed or disallowed, as his Majesty shall see cause. Only they should be in force till disallowed, and, if not disallowed within a certain time, (as, for instance, two years,) they should then be in force for ever, unless repealed by act of Parliament. Laws and Ordinances founded on such a parliamentary authority will easily find obedience from the people, which it is to be feared no others will; and the Judges of the province will carry them into execution with ten times as much spirit and confidence as if they were doubtful of their legal validity.

Suppose a criminal in Canada to be guilty of an offence that is capital by the laws of England, but is not so by the laws of Canada that have hitherto been received, (a supposition that is no way difficult, as the criminal law of England abounds with capital offences) in what manner shall such a man be punished, unless there is a parliamentary declaration determining the punishment that shall attend his crime; Could any lesser authority warrant the infliction of death for such a crime? Or would any Judge chuse, though he should be sure of never being called to account for it, to pass such a sentence without this highest authority? But, i. the punishments of crimes be settled by authority of Parliament, whether immediately by the Parliament itself, or mediately by ordinances made by the Governor
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and Council of the province, by virtue of a legislative authority communicated to them by act of Parliament, the judges will be under no other difficulty what punishments to inflict upon the several criminals that come before them, than they are in Great Britain itself.

Some persons are of opinion, that the laws of Great Britain do at once take place in a conquered province, without any authoritative introduction of them, either by the King, or the Parliament. But this opinion seems destitute of foundation, and is sufficiently refuted by the advice of the learned Mr. Yorke, His Majesty's Attorney-General, who has advised that the Canadians should be permitted to retain their own Laws, relating to Inheritances and the Alienation of their real estates, which would be impossible without an act of Parliament for that purpose, if the whole system of the Laws of England did *ipso facto* become the Law of the province upon its being conquered, or ceded to the Crown. Indeed, the whole system of the Laws of England, taken in the gross, and without a selection, would be by no means a blessing to the Canadians. The game-laws, the poor-laws, the fictions and subtleties in various sorts of actions and conveyances, the niceties arising from the doctrine of uses, and the tedious and operose instruments founded on them, would really be a great misfortune to them; and, from their novelty and strangeness, would be thought to be a much greater. This Doctrine therefore of the instant validity of the whole mass of the Laws of England throughout the conquered province cannot be true. And if the whole system of those laws is not valid there, then certainly no part of them can be so. For if they are, then who shall distinguish which of them are valid there, and which are not?

It may therefore be concluded, as at first, that none

of the laws of England are valid in the conquered province *ipso facto* by virtue of the conquest, or cession, without a positive introduction there by a sufficient authority: and this sufficient authority seems, for the reasons already mentioned, to be only the Parliament of Great Britain.

Settlement
of the
Revenue.

The next great difficulty that calls loudly for the interposition of Parliament, is the low state of the Revenue of the province of Quebeck. Under the French government this Revenue amounted to about thirteenthousand pounds *per annum*, but is now sunk to less than three thousand. The cause of this is the change in the course of trade; by which means it falls-out, that those taxes which formerly produced the principal part of the revenue, do now, though still in force, produce nothing at all. The principal of those taxes was a duty upon French wines, which were imported there from old France in great quantities. This single duty produced 8000l. a year; now it produces nothing, because no wines are allowed to be imported there from old France. Nor would it be replaced by an increase of the consumption of Spanish or Portuguese wines, supposing the tax might be construed to extend to those wines; for the Canadians do not like them, and will not drink them. From a like cause, another duty which formerly made a considerable part of the publick revenue, which was a duty upon French brandies imported from old France, and French rums imported from the French West-India islands, now produces nothing at all. From these causes the Revenue is sunk so low that it is insufficient to defray the expence of the civil government, though the establishment of it is so very moderate. It is therefore become necessary, either for the treasury of England to issue a sufficient annual sum to make good the salaries

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salaries of the several Officers of the Government, or that
some new tax should be imposed upon the inhabitants,
in aid of those which by reason of these accidents have
failed, sufficient for all the purposes of the Government.
And if this latter method should be adopted, it is presumed
that the authority of Parliament will be the proper power
to have recourse to, that there may be no colour or
pretence for contesting the legality of the taxes so im-
posed. This power also the Parliament may exercise,
either immediately itself by imposing a tax upon the
province of Quebeck this very session before the Parlia-
ment rises, or it may delegate to the Governour and
Council a power to impose such taxes as they shall find
necessary for the support of the Government, subject,
as above, to the disallowance of the King and Privy
Council, in order to prevent abuses, and with proper
clauses of Restriction and Appropriation of the money so
raised, in order to prevent a misapplication of it, either
by the Officers of the province, or at home.

If the Parliament should think proper itself to lay a
tax upon the province, Information has been received
from persons well acquainted with the state and trade
of the province, that British spirits would be the com-
modity that could best bear a duty, and would produce
the best revenue; that there are annually imported into
the province about 250,000 gallons of these spirits, and
that they might bear a duty of three-pence a gallon,
without hurting the trade, but not more; and this
would produce about 3000*l.* a year.

The malicious and desperate enemies of an upright
and popular Administration, may perhaps traduce such
a measure as inconsistent with their late indulgent con-
duct with respect to the other American colonies in the
late repeal of the stamp-act. But the difference of the

eases is too striking to make such a calumny in the least degree formidable. The other American colonies have internal legislatures of their own, who have been permitted, ever since their first establishment, to be the assessors of all their internal taxes; and, as they had not abused this privilege with which they had been so long indulged,—and further, as their exercising this privilege seemed to be noway prejudicial to the mother-country,—it seemed to have been a harsh and ungracious measure in the Parliament, by the advice of the late ministry, to revive and exert a dormant and inherent right of taxing them; which, however, the whole Parliament, excepting a very few members of both houses, have highly declared themselves to be possessed-of. But the Canadians have no such internal legislature, no such usage of taxing themselves by representatives of their own choosing. Unless, therefore, they have the singular privilege of not being liable to be taxed at all, they must be liable to be taxed either by the King alone, or by the King and Parliament; and the milder of these two opinions is, that they are taxable by the King and Parliament. Those therefore who should promote the taxing them by authority of Parliament, would act like the truest friends to civil liberty, and with the same spirit of mildness and moderation that conducted them in the repeal of the stamp-act.

If it should be said, that the province of Quebeck ought to have an Assembly in the same manner as the other American colonies, and that the taxes ought to be imposed by the consent of such an Assembly, it will be sufficient for the present purpose, and to support the measure, here suggested, of taxing them by authority of Parliament, to answer, that as yet no such Assembly has been constituted; and till an assembly is erected,
whether

whether that time be short or long, the safest and mildest method of imposing taxes is to do it by authority of Parliament.

As to the erecting an Assembly in that province, it is a measure which probably will not for some years to come be found expedient. If an assembly were now to be constituted, and the directions in the Governour's Commission, above alluded to, were to be observed, by which none of the members elected there are to be permitted to sit and vote in the Assembly till they have subscribed the declaration against Popery, it would amount to an exclusion of all the Canadians, that is, of the bulk of the settled inhabitants of the province. An Assembly so constituted, might pretend to be a representative of the people there; but in truth it would be a representative of only the 600 new English settlers, and an instrument in their hands of domineering over the 90,000 French. Can such an assembly be thought just or expedient, or likely to produce harmony and friendship between the two nations? Surely it must have a contrary effect.

On the other hand, it might be dangerous in these early days of their submission, to admit the Canadians themselves to so great a degree of power. Bigotted, as they are, to the Popish religion, unacquainted with, and hitherto prejudiced against, the laws and customs of England, they would be very unlikely for some years to come, to promote such measures as should gradually introduce the Protestant religion, the use of the English language, or the spirit of the British laws. It is more probable they would check all such endeavours, and quarrel with the Governour and Council, or with the English members of the Assembly, for promoting them. Add to this, that they are almost universally ignorant

Of an
Assembly.

of the English language, so as to be absolutely incapable of debating in it, and consequently must, if such an Assembly were erected, carry-on the business of it in the French language; which would tend to perpetuate that language, and with it their prejudices and affections to their former masters, and postpone to a very distant time, perhaps for ever, that coalition of the two nations, or the melting-down the French nation into the English in point of language, affections, religion, and laws, which is so much to be wished-for, and which otherwise a generation or two may perhaps effect, if proper measures are taken for that purpose. And further, it may be observed, that the Canadians themselves do not desire an Assembly, but are contented to be protected in the enjoyment of their religion, liberties, and properties, under the administration of his Majesty's Governour and Council. If, to give a proper stability to this mode of government, it is carried-on by authority of Parliament, and is properly superintended, (as no doubt it will be,) by the wisdom of his Majesty's Privy-Council, they will think themselves extremely happy under it. The persons who most desire the immediate constitution of an Assembly, are some of the six hundred English adventurers, who probably are ambitious of displaying their parts and eloquence in the characters of leading Assembly-men.

But, if an Assembly is to be constituted, even this too had better be done by act of Parliament than by the King's single authority, as it is no less than severing from the general body of his Majesty's dominions a particular part of them, with respect to the purposes of making laws and imposing taxes. Could the King, if he thought proper, and a particular County of England was to desire it of him, sever that County from the

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rest of England, and no longer summon any of its
 members to Parliament, but, instead thereof, constitute
 a little Parliament in that County itself, that should make
 laws and lay taxes for the inhabitants of that single
 County? It is presumed that he could not: and the
 erecting an Assembly in a conquered province is an act
 of much the same nature. It is true indeed, that some
 of the American Charters and Assemblies owe their rise
 to this authority: but this was in the reigns of the
 STUARTS, who were fond of extending their Preroga-
 tive; and, on account of the inconsiderableness of the
 colonies at that time, these things were then unnoticed;
 so that they do not prove the strict legality of the prac-
 tice. Since that time these Charters have been put in
 practice by the Colonies, and acquiesced-in by the
 mother-country, and in some measure recognized in
 Parliament; and this usage, acquiescence, and recog-
 nition, are in truth their best support.

But, if an Assembly is to be constituted, in which the
 Catholicks or Canadians are to be admitted, (as in just-
 ice and reason they ought to be, if any assembly at all
 is to be erected) the authority of Parliament seems to
 be still more necessary to give validity to such a measure.

For the reasons that have been just now mentioned,
 it seems evident that the measure of erecting an Assem-
 bly in the province of Quebeck is somewhat premature.
 How soon it will become expedient and proper, Expe-
 rience only can shew. But in the mean time, however
 short that time may be, it seems necessary to have re-
 course to the authority of Parliament for settling the
 government of the province, and removing the difficul-
 ties that obstruct that settlement in the three great arti-
 cles of Religion, Law, and Revenue. It is therefore
 the humble request of all the gentlemen who have lately

appointed to the principal Offices in the government of Quebeck, to his Majesty's Ministers of State, that they would use their influence and endeavours to procure such an act of Parliament as they shall, upon the whole matter, think to be necessary, to remove the difficulties that have been stated, and to enable the said gentlemen to administer the government of that province in their several departments, with security to themselves, and advantage to the province.

Signed,

Perhaps an act of Parliament to the following purport might answer the intended purposes.

A sketch of an act of Parliament for tolerating the Roman-Catholick religion in the province of Quebeck, and for encouraging and introducing the Protestant religion into the said province, and for settling the Laws, and augmenting the publick Revenue of the same.

CHAP. I.

Concerning the Toleration of the Roman-Catholick Religion.

WHEREAS it has been humbly represented to the King's Most Excellent Majesty, by His loyal and faithful subjects, the French inhabitants of the province of Quebeck, that they are, for the most part, members of the church of Rome, and are, from motives of conscience, most earnestly desirous of a permission to continue in the same church, and to worship the Supreme Being according to the rites and ceremonies thereby prescribed, and have alledged that they conceive themselves to have some reasonable claim to such permission and indulgence,

ence, not only from the innate goodness and clemency of his Majesty's disposition, which inclines him at all times to shew himself a tender father of all his people, and the generosity, which always actuates the Parliament of Great Britain, to co-operate with his Majesty in all such his gracious purposes, but from a stipulation made in this behalf in the fourth article of the last definitive treaty of peace concluded at Paris, in the year of our Lord one thousand seven hundred and sixty-three which is contained in these words: "His Britannic Majesty, on his side, agrees to grant the liberty of the Catholic religion to the inhabitants of Canada. He will consequently give the most effectual orders that his new Roman-Catholick subjects may profess the worship of their religion, according to the rites of the Romish church, as far as the laws of Great Britain permit." And whereas certain doubts have arisen, and may arise, whether the laws of Great Britain will permit the exercise of the Roman-Catholick religion in any degree, even in the remotest dominions of the Crown of Great Britain: and whereas His Majesty and the British Parliament judge it to be reasonable in the present case to grant a toleration of the exercise of the said Roman-Catholick religion throughout the said province of Quebec, both on account of the almost universal prevalence of that religion among the French inhabitants of that province, and the stipulation in that behalf made in the definitive treaty of Paris, as is above mentioned; yet not without such restrictions as may prevent the ill consequences that might otherwise follow from such indulgence: **IT IS THEREFORE ENACTED**, by his said Most Gracious Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and the Commons, in Parliament assembled, that

Toleration
of the Ro-

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tholick wor-
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it shall and may be lawful for the Curates and Vicars, and other priests belonging to the several parishes in the Province of **Quebeck**, to celebrate the mass, and to administer the sacraments of the church of Rome, and to perform all the other functions of the priestly office, according to the rites and ceremonies of that church; and that it shall also be lawful for any of the inhabitants of the said province to attend the mass, or other Roman-Catholick offices of religion, without any hindrance or molestation; any law, statute, or custom, of England to the contrary thereof in any wise notwithstanding.

Seminaries
for Roman-
Catholick
priests.

And, to the end that the said Roman-Catholick inhabitants of the said Province of **Quebeck** may be under no necessity, or temptation, to keep-up a correspondence with **Old France**, in order to be supplied with Roman-Catholick priests to officiate in their several parish-churches, upon the several vacancies which may happen by the deaths of the present Incumbents, **IT IS HEREBY FURTHER ENACTED**, that it shall and may be lawful for the Governour, or Commander in chief, and Council of the said Province, to tolerate and licence by an ordinance made and published for that purpose, such and so many of the Seminaries already established in the said province for the education of persons intended for holy orders according to the church of Rome, as they shall think sufficient to supply a proper number of the said Popish priests for the service of the Roman-Catholick inhabitants of the said Province. And the said Governour, or Commander in chief, and Council of the said Province shall have power by new Ordinances to tolerate more, or fewer, of these Seminaries, as occasion may require.

Roman-
Catholick
Bishop.

And, to the end that the persons that dedicate themselves to the service of the church, according to the rites

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of the Romish religion, may be enabled to receive Episcopal Ordination, according to the forms of that church without going to Old France, or any other Roman-Catholick country of Europe, for that purpose, IT IS HEREBY FURTHER ENACTED, that it shall be lawful for His Majesty to appoint from time to time, by letters-patent under his great seal of Great Britain, or to empower the Governour, or Commander in chief, of the said Province, to appoint, by letters-patent under the seal of the Province, a Bishop, or Superintendent, of the Roman-Catholick clergy of the said province, with such reasonable salary, not exceeding the sum of four hundred pounds sterling a year, as His Majesty, by the advice of his Privy Council, shall direct, to have and to hold the said office of bishop, or superintendent of the Roman-Catholick clergy, and the revenue thereto annexed, during his Majesty's pleasure.

Also it is hereby provided, that the Governour, or Commander in chief, of the said Province of Quebeck, shall present all the Roman-Catholick priests to the several parish-churches, whenever they become vacant; and the Bishop, or Superintendent, shall, upon such presentation, institute them to the same. And it shall be lawful for the said Governour, or Commander in chief, to present to the said churches, and for the said bishop to institute thereto, any of the Jesuits, or other monks, now belonging to any of the monasteries, or religious houses, in the said province of Quebec. But no other Jesuits, or monks of any other religious order whatsoever, besides those that are now in the said province, and no secular priests whatsoever, but such as were, or shall hereafter be, educated in the Canadian Seminaries, shall be capable of being presented, or instituted, to any of the said churches.

Governour shall present to all the churches.

Regulation
of the
Seminaries.

Also it is hereby further provided, that the Governour and Council shall have power to regulate, as often as they think proper, by Ordinances made for that purpose, the several Seminaries which they shall think fit to tolerate and license, as aforesaid.

Carrying
the Host
in proces-
sion.

Also it is further provided, that it shall be lawful for the Governour and Council to prohibit, or restrain, in any manner they think proper, the carrying-about the Host in procession through the streets and publick highways, by an Ordinance made and published for that purpose, and to confine the exercise of the Romish religion to churches and private houses, in order to avoid giving offence and scandal to the English inhabitants and others of the Protestant religion.

Marriages
of Priests.

Also it is further enacted, by the authority aforesaid, that it shall and may be lawful for the aforesaid Roman-Catholick bishop, or superintendant, and likewise for all the Roman-Catholick priests, so as aforesaid tolerated in the said province, to enter into the holy state of matrimony, if they shall so think fit, without incurring any damage, censure, or disability, ecclesiastical or temporal, whatsoever; any canon, rule, law, or custom of the Romish church, to the contrary thereof in any wise notwithstanding. And the children arising from such marriages shall be, and be deemed, legitimate to all intents and purposes.

Establish-
ment of
church-
dues.

And, to the end that the Roman-Catholick clergy that are hereby tolerated may have a reasonable maintenance suitable to their office and character, **IT IS FURTHER ENACTED**, that the same legal profits and dues, whether they be glebe-lands or tithes, or of any other kind whatsoever, that belonged or were payable to the Roman-Catholick priests of the several parishes in the time of the French government, and might
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then have been recovered by process of law, in any Court either spiritual or temporal, and were not mere voluntary donations or oblations, shall still belong to the said Roman-Catholick priests, and be paid to them by the Roman-Catholick inhabitants of their respective parishes, and the payment of them by such Roman-Catholicks shall be enforced by process of law in the Court of the Chief Justice of the province, by some short and convenient suit to be appointed for that purpose by the Governour and Council of the province, by an Ordinance made and published by them for that purpose. And, in order to prevent unnecessary disputes concerning these profits and dues, the said Chief Justice of the province shall enquire by the oaths of twelve, or more, Canadian house-keepers of good reputation in every parish throughout the province, what those legal profits and payments were in the time of the French government, and shall transmit a written account of the same to the Governour and Council of the province, who shall thereupon cause them to be printed. And two copies of the said printed lists of the said profits and dues shall be preserved, the one among the records of the Council, the other among the records of the Court of the Chief Justice, and shall be deemed authentick evidence, on all future occasions, of the dues of the clergy in the several parishes of the said province.

And further, whereas it can be in no degree necessary to the free exercise of the Roman-Catholick religion in the said province of Quebeck, that the Cathedral or Collegiate-churches of deans and chapters, or the religious societies of monks and nuns, should be permitted to continue, and, as there is reason to apprehend that the continuance of them might prove detrimental and burthenfome to the said province, **IT IS THEREFORE**

Collegiate
churches,
and religious
houses.

HEREBY

HEREBY FURTHER ENACTED, that all such members of any Cathedral or Collegiate churches, or religious societies, as think proper to depart from them and resign their rights to any profits from them, and cease to be members of them, whether they be Deans, or Prebendaries, or Canons, or other members of any Cathedral or Collegiate church, or monks, or nuns, or other members of any religious society or monastery, shall be at full liberty to depart therefrom, whensoever they think fit: any custom, law, or statute of such Cathedral or Collegiate church, or religious society, or any canon, rule, law, or custom of the Romish religion, to the contrary hereof in anywise notwithstanding.

Also it shall be lawful for any of the said Deans, or Prebendaries, or Canons, or other members, of any Cathedral or Collegiate church in the said province of Quebeck, and for any Abbot or Prior, Abbess or Prioress, monk or nun, or any other member of any monastery or religious house in the said province, to enter into the holy state of matrimony, if they shall think fit so to do; any law, canon, or custom of the Romish religion to the contrary thereof in any wise notwithstanding. And the said marriages shall be valid, and the issue of them legitimate, to all intents and purposes whatsoever.

All such of the said persons as enter into the holy state of matrimony shall be deemed to have thereby departed voluntarily from the Cathedral, or Collegiate church, monastery, or religious house, to which they belonged, and to have renounced all their connection therewith, and all their right to any profit arising from them.

Also it is hereby provided, that no new members be admitted hereafter into any of the said Cathedral or Collegiate churches or monasteries, or religious houses;

but

but that those who are there already, and desire to continue there, be permitted so to do during their lives; and that after the death, or marriage, or voluntary departure, of all the members of all the said Cathedrals or Collegiate churches, monasteries, or religious societies, their houses, lands, revenues, and goods of every kind, moveable and immoveable, shall be taken into the King's hands, and make part of the publick revenue of the Province; and that in the mean time the stipends of such members of the said Cathedral or Collegiate churches, monasteries, or religious houses, as either die, or marry, or voluntary depart from the said churches or religious houses, shall not accrue to the surviving or remaining members of the said societies, but shall be immediately taken into the King's hands, and make a part of the said publick revenue of the Province.

Also, to the end that the Roman-Catholick inhabitants of the said province may, by the free exercise of their reason, and the light of the holy gospel, be converted from the errors and superstitions of the church of Rome, to the profession of the true Protestant religion; **IT IS HEREBY FURTHER ENACTED**, that it shall be lawful for all the inhabitants of the said province, Roman-Catholicks as well as Protestants, to read the books of the Old and New Testament in the French or English language, or in any other language whatsoever, any canon, rule, or custom of the Romish religion, to the contrary hereof in anywise notwithstanding. And no priest shall inflict any ecclesiastical censure, or penance, upon any Roman-Catholick inhabitant of the said province for so doing, upon pain of being imprisoned for a year, upon an indictment and conviction thereof before the Chief Justice of the province.

Liberty to
read the
Holy
Scriptures.

And,

Provision
of Protest-
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converts
from the
Romish
religion.

And, whereas there is great reason to hope, that, by the pious examples and exhortations of persons that profess the Christian religion in greater purity, and by the free perusal of the holy scriptures, many of the French inhabitants of the said province that now profess the Roman-Catholick religion, may be converted from the errors and superstitions thereof to the belief of the true Protestant religion; upon which most desirable event it will be reasonable that they should have places of publick worship to resort-to, and ministers of the Gospel to perform divine service to them; and that such ministers should have a proper reward for their pious labours: **IT IS HEREBY FURTHER ENACTED** that, if, upon any vacancy of a parish-church by the death of a Roman Catholick Incumbent, a fourth part, or more, of the inhabitants that are housekeepers in the said parish, or, in case there are more than four-score housekeepers in the said parish, if twenty, or more, of the said housekeepers, shall present a petition to the Governour, or Commander in chief, of the said province, setting-forth that they are Protestants, and that they are desirous to have a Protestant minister among them, to perform divine service, and exercise all the functions of the ministry among them, and praying the Governour to appoint them such a minister, it shall in such case be lawful for the said Governour, or Commander in chief, of the said province, to nominate and appoint to such vacant church, a Protestant minister of the Gospel by letters-patent under the publick seal of the province, to hold the said office of a Protestant minister of the Gospel for the said parish during his natural life, or till he shall accept some other benefice, which shall instantly make his appointment to the former benefice void. And the said

Governour

Governour, or Commander in chief, shall at the same time present, as abovementioned, a Roman-Catholick priest to the same church for the benefit of the Catholick inhabitants of the said parish. And all the tithes and other dues that are to be paid by the Protestant inhabitants of such parish shall be paid by them to the said Protestant minister, and shall be recovered by him, by process of law in the same manner as they might have been recovered before by the Roman-Catholick priest of the said parish. And all the tithes and dues that are to be paid by the Roman-Catholick inhabitants of the said parish, shall be paid to the Roman Catholick priest of the said province. And the glebe-lands, and other profits of the church that do not arise from payments of any kind made by the inhabitants of the said parish, shall be divided between the Roman-Catholick priest and the Protestant minister of the said parish, in proportion to the numbers of the housekeepers that profess the Popish and Protestant religions, at the time of filling-up the vacancy of the church in the manner hereby prescribed. And this division of the profits of the church between the Popish priest and the Protestant minister shall be made by virtue of an Order in writing from the said Governour, or Commander in chief, made for that purpose under his hand. And this Order of the Governour, or Commander in chief, shall be final and shall be deemed to have ascertained the proportion of this division beyond all litigation. And upon such appointment of a Protestant minister to any vacant church, though a Romish priest be presented thereto at the same time, all reliicks, images, pictures, and crucifixes, and other superstitious ornaments, shall be removed from the said church, in consequence of an Order to be made by the Governour, or Commander in chief, for that purpose, in writing

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and under his hand. But they may be kept by the Roman-Catholick priest of the said parish, in some convenient place to be provided by him and the Roman-Catholick inhabitants thereof for that purpose; and may be brought into, and placed in, the said church, during the time of divine service, as often as occasion shall require, but shall at the end of such service be again removed thereout. And the said Governour, or Commander in chief, may cause his said order to be enforced in such a manner as to him shall appear most effectual and expedient.

Also it is hereby further enacted that, if, upon any vacancy of a parish-church in the said province by the death of the Popish priest thereof, it shall appear to the Governour's satisfaction, that three-fourth parts, or more, of the inhabitants that are housekeepers in the said parish, are Protestants, he shall not present any Roman-Catholick priest to the said church, but shall only appoint a Protestant minister thereto. And the said Protestant minister shall receive and enjoy all the profits of the said church. And in this case the Governour, or Commander in chief, of the said province, shall take order that all the reliicks, images, pictures, and crucifixes, and other superstitious ornaments of such church, shall be removed from the said church, to be never more set-up therein, and shall be either destroyed or otherwise disposed-of, as the said Governour shall think fit.

Also it is hereby further enacted, that all the Roman-Catholick priests now in the possession of any churches in the said province, shall take the following oath of allegiance to his Majesty, appointed by the statute of 1 Geo. I. cap. 13. to wit, "I, A. B. do sincerely promise and swear, that I will be faithful and bear true allegiance to his Majesty King George. So help me
" God."

Oath of
allegiance
to be taken
By the Ro-
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tholick
priests.

God." And this oath they shall take, either before the Governour and Council, or the Chief Justice of the province, or such other person or persons as the Governour and Council shall, by an ordinance to be made and published for that purpose, impower to administer the same unto them. And upon refusal to take the said oath, they shall be instantly deprived of their respective benefices in the church, and shall be incapable ever after of being presented to any benefices in the said province. And the Governour shall, as soon as conveniently may be, present another priest to the benefice thereby become vacant.

And this oath the Governour, or Commander in chief, is hereby required to administer, or cause to be administered, to all the said priests with all convenient expedition.

Also the foresaid Roman-Catholick bishop, or superintendant of the clergy, shall take the said oath of allegiance before he can exercise any of the functions of the said office. And if he shall refuse so to do, being required thereto by the Governour, he shall thereby lose his said office of bishop, or superintendant, and shall be incapable ever after of holding that office or any other benefice or employment in the church during his life.

Also all the Roman-Catholick priests that shall hereafter be presented to any of the churches in the said province, shall, before such presentation, take the said oath of allegiance. Otherwise their presentation and institution to any of the said churches shall be void.

Also it shall be lawful for the Governour, or Commander in chief, of the said province, to requite all Deans and Prebendaries, or Canons, or other members of any Cathedral or Collegiate church, and likewise all

superiors of any seminaries, and all Jesuits or other monks, or other members of any religious house, to take the said oath of Allegiance. And if they refuse so to do, their places, offices, and profits in such churches or societies, shall immediately be void and cease, and they shall be expelled from such societies.

They may likewise be required to abjure the temporal power of the Pope.

Also it shall be lawful for the said Governour, or Commander in Chief, to require the said Bishop, or Superintendent, and all the Roman-Catholick priests of the several churches in the said Province, both those that are now in possession of the said churches, and those that shall hereafter be presented to them, and likewise all the deans and prebendaries, or canons, or other members of any cathedral or collegiate church, and all the Jesuits and other monks, and other members of religious houses in the said Province, to take also the following oath, being the first part of another oath appointed to be taken by the aforesaid statute of 1 Geo. I. cap. 13. to wit, "I, A. B. do swear, that I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position, that princes excommunicated or deprived by the Pope, or any authority of the see of Rome, may be deposed or murdered by their subjects, or any other whatsoever. So help me God." And those who, being required to take this oath, shall refuse so to do, shall incur the same penalties as have been above appointed for refusing to take the aforesaid oath of Allegiance.

No appeals to Rome.

Also it is hereby further enacted, that no appeal shall be made in any matter whatsoever, spiritual or temporal, arising in the said Province, to the Pope or Bishop of Rome, or to any other foreign authority whatsoever: and that no jurisdiction, spiritual or temporal,

moral, shall be exercised by the said Pope, or by any
 of his legates, or by any other persons commissioned by
 him in the said Province of Quebeck, under any pre-
 tence whatsoever. And no bulls, or dispensations, or
 instruments of any kind, founded on the authority of
 the said Bishop of Rome, or on any other foreign au-
 thority whatsoever, shall be brought into the said Pro-
 vince. And whosoever shall bring into the said Province
 any such bulls, dispensations, or other instruments,
 founded on such foreign authority, and whoever shall
 exercise in the said Province any legantine or other au-
 thority derived from the said Bishop of Rome, shall,
 upon indictment and conviction thereof before the
 Chief Justice of the Province, be punished by confisca-
 tion of all his goods and chattels, and imprisonment at
 the discretion of the Court, and, if he be a secular
 priest, by loss of all such benefices as he may have in
 the church, and an incapacity of holding any ever after.

And, to the end that the officers of the civil govern-
 ment of the said Province, and the officers and soldiers
 of the army that are quartered there, and the English
 merchants and settlers, and other Protestant inhabitants
 thereof, may be immediately accommodated with con-
 venient places of publick worship, **IT IS HEREBY**
ENACTED, that it shall be lawful for the Governour,
 or Commander in Chief, of the said Province, to cause
 such and so many of the churches already built in the
 said Province, as he shall think proper, to be prepared
 for the service of God according to the simplicity of the
 Protestant religion, by removing out of them all relicks,
 images, pictures, and crucifixes, and other supersti-
 tious ornaments, and to order divine service to be per-
 formed therein at such hours, and by such Protestant
 ministers, as he shall think proper to appoint. And

Churches
 may be as-
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 diate use of
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 ants.

the Romish priest, and other Roman-Catholick inhabitants of such Parishes, may at other hours of the day not interfering with those appointed for the Protestant service, perform and attend divine service there according to the rites of the Romish religion, and may at those times, if they think proper, replace in the said churches the said images and other church-ornaments, to continue there during the time of such divine service, but no longer; and, after such service is ended, they shall remove them to some convenient place to be provided by them for their reception and preservation.

Governour
and Council
may
make fur-
ther regu-
lations con-
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ligion.

Subject to
the disal-
lowance of
the King
in Council.

And whereas it is probable, that many other regulations may be found necessary by persons residing in the said Province of Quebeck, and well acquainted with the state thereof, for encouraging and introducing the Protestant religion in the said Province; and others may become necessary hereafter as occasions and circumstances shall vary: In order therefore that all such regulations may be made from time to time with due attention and expedition, **IT IS HEREBY FURTHER ENACTED**, that it shall be lawful for His Majesty's Governour, or Commander in Chief, of the said Province of Quebeck, by and with the consent of the Council of the said Province, or a majority thereof, to make such laws and ordinances for the toleration of the Roman-Catholick, and for the settlement and encouragement of the Protestant, religion, as to them shall seem most fitted for those purposes. And the Ordinances so made shall be transmitted to His Majesty with all convenient expedition, to be by his said Majesty considered and examined in his Privy-Council, and to be allowed or disallowed as his Majesty, by the advice of his said Council, shall resolve. And, if such Ordinances are allowed by His Majesty, they shall be valid Laws until they are repealed
by

by some subsequent act of Parliament. And if they are not disallowed by His Majesty in Council within the space of three years, they shall likewise be valid laws until they are repealed by some subsequent act of Parliament. And further, they shall be binding from the time of their being made and published in the Province, and shall not become void, in case of a disallowance, till the arrival of such disallowance and the publication of it by the Governour.

CHAP. II.

Concerning the Settlement of the Laws in the said Province of Quebeck.

AND whereas it is absolutely necessary for the welfare and good government of the said Province of Quebeck, that a system of Laws should be established therein upon a solid and incontestable foundation; And whereas it may not be convenient to impose upon the inhabitants of the said Province the whole body of the Laws of England at once, and thereby intirely overturn all the Laws and Customs by which the French inhabitants of the said province have hitherto been governed, and to which they are much devoted, nor on the other hand to leave all the said old Laws and Customs of the said Province in their full force without any alteration whatsoever; **IT IS THEREFORE ENACTED**, by the King's Most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and the Commons in Parliament assembled, that it shall be lawful for the Governour, or Commander in Chief, of the said Province, by and with the advice Governour and Council shall and

have power and consent of the Council of the said Province, or the
to make
 Laws for the majority thereof, to inquire into, revise, and examine
 Province. the Laws and customs that have heretofore prevailed in
 the said Province, and to enact by Ordinances made
 and published for that purpose, such of the said laws
 and customs as they shall judge to be fit to be conti-
 nued, and to make such alterations and reformations
 thereof as they shall think reasonable, and to introduce
 such parts of the Laws of England, and to make such
 new Laws and regulations, as they shall judge to be
 conducive to the welfare of the inhabitants of the said
 Province, and the honour of the crown of Great
 Britain.

Subject to
 the disal-
 lowance of
 the King in
 Council

And to the end that this great, but necessary, power,
 thus delegated by the Parliament of Great Britain to the
 said Governour and Council of the said Province of
 Quebeck, may not become detrimental to the said Pro-
 vince by any abuse, or injudicious exercise, thereof by
 the said Governour and Council, it is hereby further
 provided, that the Ordinances made by them by virtue
 thereof, be transmitted, as soon as they are made, to
 His Majesty in Council, in order to be there examined
 and fully considered and finally allowed or disallowed,
 as His Majesty, with the advice of his said Council,
 shall think fit. But they shall be binding on all the
 inhabitants of the said Province from the time they are
 passed, until His Majesty's disallowance arrives in the
 Province, and is made publick by the Governour: and
 if they are not disallowed within three years, they shall
 no longer be subject to such disallowance, but shall
 continue to be valid Laws until they are repealed or
 altered by some subsequent act of Parliament.

CHAP. III.

*Concerning the Publick Revenue of the Province of
Quebeck.*

AND whereas the publick Revenue of the Province of Quebeck did in the Time of the French government amount to about thirteen thousand pounds sterling a year, but now is reduced to about three thousand pounds sterling a year by various causes, one of which is that since the conquest of the said Province by the British arms no French wines have been imported into the said Province from Old France, which in the time of the French government used to be imported thither in such quantities, that the duty imposed and levied on the said wines, used, one year with another, to amount to no less than eight thousand pounds a year; And, whereas certain doubts and difficulties have arisen, and may arise, whether certain other profits of the Crown and duties on various kinds of goods which were enjoyed by the Crown of France, and levied and paid in the time of the French government, should still of right continue and belong to the Crown of Great Britain, and be levied and paid as heretofore; And, whereas, if all the said profits and duties were fully enjoyed and paid as heretofore, yet still the publick Revenue of the said Province would fall very short of what it was in the time of the French government: In order therefore to remove the said doubts and difficulties, and likewise to restore the publick revenue of the said Province to such a condition as may be sufficient for defraying in a proper manner the expence of the Civil Government thereof, **IT IS DECLARED AND ENACTED** by the King's Most Excellent Majesty, by and with the advice
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The
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Taxes shall
still con-
tinue.

And a new
Duty be
laid of 3
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gallon upon
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and consent of the Lords spiritual and temporal, and the Commons in Parliament assembled, that all such profits of any kind whatever as were enjoyed by the Crown of France at the time of the conquest of the said Province by the British arms, shall now belong, and of right ought to belong, to, and be enjoyed by, the Crown of Great Britain, and that all such duties upon any commodity of any kind exported from, or imported into, the said Province, as were levied and paid to the officers of the Crown of France at the time of the said conquest, shall now be levied and paid, and ought of right to be levied and paid, to the officers of the Crown of Great Britain; and further, that a duty of three-pence for every gallon be paid upon all British spirits of every kind imported into the said Province either from Great Britain, or Ireland, or the British West-India islands, or any other of the British dominions whatsoever, unless it shall be found and adjudged by the Governour and Council of the said Province, upon a careful inquiry and perusal of the edicts or ordinances of the French King whereby the several duties on goods imported into the said Province were imposed, that British spirits imported into the said Province were liable to pay a duty under the French government; and in that case the inhabitants of the said Province shall now pay the same duty as they were liable to pay under the French government immediately before the breaking out of the last war between the two Crowns of Great Britain and France, provided that the said duty does not exceed three-pence for every gallon; and, if it does exceed three-pence for every gallon, they shall pay only three-pence a gallon and no more. And in the mean time, and till it is declared by the Governour and Council what the duty on this commodity was under the

the French government at the said time of the last breach between the two nations, the said duty of three-pence for every gallon on all British spirits imported into the said Province shall be paid.

And it is hereby further enacted and provided, that it shall be lawful for the Governour, or Commander in Chief, of the said Province, by and with the advice and consent of his Council, and according to Ordinances to be by them made and published from time to time for that purpose, to issue warrants under his hand to the Receiver-general of the publick revenue of the said Province to pay such sums, as by such Ordinances shall be appointed, to the persons appointed therein to receive the same, for purposes relating to the government and publick welfare of the Province; such as building or repairing barracks for soldiers, building or repairing churches for the use of the Protestant inhabitants of the said Province, assigning salaries, or other rewards, to such Protestant ministers as labour zealously and successfully in the conversion of the Roman-Catholick inhabitants of the said Province to the Protestant religion, and erecting schools for teaching the English language, building or repairing fortifications or other useful publick buildings, widening or repairing publick roads and highways, and the like useful purposes relating to the said Province of Quebeck. But it shall in no case be lawful for the said Governour, or Commander in Chief, to issue warrants for the payment of any part of the publick Revenue of the said Province, nor for the Receiver-general, or any other officer, of the Revenue in the said Province to pay, by virtue of such warrant, or of any other order whatsoever, any part of the said publick Revenue of the Province, to any person not residing in the said Province, nor for any purpose whatsoever

Publick
Money to
be issued
by Order of
the Governour and
Council.

whatsoever but such as shall be expressed in an Ordinance of the Governour and Council made and published for that purpose, excepting only the salaries and fees of the Governour and other civil officers of the government of the said Province actually residing in the said Province.

Ordinances
to be sign-
ed by the
Persons
who enact
them.

Also it is further enacted, that all Ordinances of every kind, whether for issuing money, making or introducing laws, or any other purposes whatsoever, shall be signed by the Governour, or Commander in Chief, and the majority of the members of the Council present at the time of making them. And these original draughts of the ordinances so signed shall be kept among the records of the Council.

FINIS.

The foregoing Tract and Sketch of an act of Parliament were drawn-up by me at the desire of General Carleton, (the Lieutenant-Governour,) and Mr. Hey, the Chief Justice, of the Province of Quebeck; and a few copies of it were printed for the inspection of the Marquis of Rockingham, and Mr. Dowdeswell, (the Chancellor of the Exchequer,) and General Conway, (the Secretary of State,) and Mr. Charles Yorke, (the Attorney-General,) and Mr. De Grey, (the Solicitor-General,) and others of his Majesty's servants, who were likely to take a part in procuring for them an act of Parliament to be the ground of their proceedings in the Settlement of the Government of that Province, if such a measure had been thought adviseable. But no copies of it were published, or sold. Nor had either

General

General Carleton, or Mr. Hey, carefully read and examined every clause in the foregoing sketch of an Act of Parliament for the foregoing purpose, and given a deliberate assent to it; but they thought that, such as it was, it might be sufficient to point-out to his Majesty's Ministers the several important subjects which they wished to have determined, by the authority of Parliament, before they entered upon the discharge of their several offices in the Province; and the Ministers might alter and modify the proposed sketch of an Act of Parliament in the manner they thought proper, before they brought it into Parliament. But Mr. Yorke, the Attorney-General, was not inclined to bring the subject into Parliament; and the other servants of the Crown adopted his opinion, and accordingly no bill of the kind here described was brought into Parliament. The reasons for their refusal to employ the Authority of Parliament in this important and difficult business, I do not know: but I conjecture that it might be, partly, from the fear of engaging in violent debates, that might arise from the subject, on the extent of the Power of the Crown over conquered and ceded territories, and the effect of the mere conquest and cession of them as to the continuance, or discontinuance, of the old Laws that had prevailed in them before the conquest, and the right of introducing into them either all, or some, of the laws of England; and, if only some of them, then determining which should be so introduced, and which should not,—and as to what degree of indulgence ought to be shown to the Roman-Catholics in the said Province, and whether the Popish religion should be only *tolerated* there, by permitting the Roman-Catholics of the Province to attend Mass and all the Sacraments and Ceremonies of
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the Church of Rome, or to enjoy and practice *the worship* prescribed by that Religion, (which is all that is granted to them by the Capitulation of the Province with Sir Jeffery Amherst, in September, 1760; and by the Treaty of Peace between France and England, concluded at Paris, in February, 1763,) or whether the said Popish religion should be not only tolerated in the said Province, but *established* there, by giving the Romish Priests that officiate in the Province a legal right to demand their tithes, and other antient dues, by Law, and to sue for them in the Courts of Justice; which has since been enacted by the Quebec-act of the year 1774, though it had been asked by the French General, the *Marquis de Vaudreuil*, in the Capitulation of September, 1760, but refused by the wise and cautious English General, *Sir Jeffery Amherst*;—and whether it would be expedient to permit a Popish French Bishop to go into the Province, though the Province had done without one for six years, or, ever since the Surrender of it to General Amherst, in 1760; the former French Bishop having died a little before that event; (all which subjects might have afforded matter for long and warm debates in Parliament;) and, partly, from an opinion, that they themselves were not likely to continue long in the great Offices they then held; which opinion was but too well grounded, as they were removed from them about three months after, in the month of July, 1766. They might, also, perhaps, think it prudent to obtain more accurate informations concerning the state of the Province, in various important points; such as the number of English settlers there; the number of the French or Canadians, and their inclinations and qualities; the number of the Priests, Monks,

and

and Nuns; the number of the parishes and the values of the tithes; the size and values of the several Seignories, and the annual profits of them; and many other such interesting particulars; before they drew-up a plan to be presented to Parliament for settling their Laws and Government. But the two former reasons seem sufficient to account for their unwillingness at that time to bring the subject before the Parliament.

Whoever reads the foregoing sketch of an Act of Parliament with attention, cannot fail to observe that the person who drew it up was desirous of introducing by gentle means the Protestant religion amongst the French, or Canadian, inhabitants of the Province: and he may, in consequence, be somewhat surprized that it should contain a clause for permitting a Roman-Catholick Bishop to be sent into the Province, and to exercise his Episcopal functions there; which seems more likely to prevent, than to encourage, the conversion of the Roman-Catholicks from Popery to the Protestant Religion. To remove this surprize, I must inform my readers that I found that a resolution had been already taken by his Majesty's Ministers of that time to permit a certain Roman-Catholick Priest, who had long resided in the Province of Quebeck, (though he was not a native of it, but of the Province of Britany in Old France,) to come from Quebeck to England, in the winter of the foregoing year, 1765; and to go-over to the North of France, in the month of January, or February, 1766, in order to be consecrated by some Bishops in France, as Bishop of Quebeck; which ceremony of Consecration was (as I was told,) performed at the City of *Amiens* in *Picardy*. And it was agreed amongst the King's Ministers of that time, that he should be permitted to return to Quebeck in
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the spring of the same year, 1766, to exercise his Episcopal functions in the Province, as Bishop of Quebec. His name was *Olivier Briand*, or *Oliver Briand*; and he was a well-sized, comely, man, of about 50 years of age, of easy and agreeable manners, and said to be a man of sober and regular life, and unimpeached morals. And he accordingly went to Quebec in the said spring of the year 1766, and lived there many years in the exercise of his office of Bishop of Quebec; but, as I am informed, has been dead now several years, and has been succeeded by another Popish Bishop. Now, as this measure of permitting *Mr. Oliver Briand* to go to Quebec, in the character and station of a Bishop, and to exercise his Episcopal functions there, was already agreed to by his Majesty's Ministers, I thought it better to have it done openly by the Supreme Authority of Parliament, than privately and almost clandestinely, by the mere connivance of the Ministers of State, in opposition to the above-mentioned, important, and fundamental, Statute of Queen Elizabeth, which prohibits all exercise of the Pope's authority, or of any authority derived from the Pope, (as that of a Popish Bishop is expressly,) not only in the kingdom of England itself, and the dominions then belonging to the Crown, but in all the dominions that should belong to the Crown *in any future times*. And this must be my excuse for inserting in the foregoing sketch of an Act of Parliament the Clause for permitting a Popish Bishop to exercise his Episcopal functions in the Province of Quebec. For, as for the measure itself, "of permitting a Popish Bishop to reside there," I never could approve of it, nor, if I had been one of his Majesty's Ministers, whose consent had been necessary to it's adoption, would I ever have consented to it.

I have

I have just now said, that this permission to Mr. Briand, to reside in the Province of Quebeck, as Bishop of the Diocese, was given only *by the connivance* of his Majesty's Ministers of state of that time, because I never could find that there was any patent, or warrant, under his Majesty's Signature, or any of his Seals, that gave him the title of *Bishop of Quebeck*, or, authorised him to ordain Priests, or execute any one of his Episcopal functions, but only an instruction either to the Governour or the Receiver General of the Revenue, (I forget which), in which he is called *Super-intendant of the Clergy*, with an order, (if I remember right,) to pay him the moderate sum of 200l. a year, for his support. And, perhaps, the unwillingness of his Majesty's Ministers to have this measure "of permitting a Popish Bishop to reside in the Province," publicly discussed, might be an additional reason to the two already mentioned, for their not chusing at that time to bring the settlement of the Laws and Government of the Province under the consideration of Parliament.

I was told at the time, by Mr. Fowler Walker, (a Barrister at Law, who practised with success and reputation in the Court of Chancery, and, who was well acquainted* with the then state of the Province of Quebeck,)

* This Gentleman had been employed, by the agents of several of the English and Scotch merchants that were settled in the Province of Quebeck, in drawing-up and conducting their complaints to the King in his Privy-Council, against the late General James Murray, (then Captain-General and Governour in Chief of the Province of Quebeck,) for several acts done by him in his first office of Military Governour of the Province, as Commander in Chief of the Troops that were

beck,) that this permission, thus granted by connivance, to *Mr. Oliver Briand*, to return to *Quebeck*, in the character of Bishop of the Province, was obtained from his Majesty's Ministers of State at that time, and particularly from the Marquis of Rockingham, (who was considered as the principal Minister,) by the influence of the late celebrated *Mr. Edmund Burke*, who was at that time his Lordship's private Secretary, and who had then acquired, and ever after retained, a very great degree of his confidence. And I am much inclined to believe this to have been the case. For, otherwise, it seems somewhat surprising that, that respectable Nobleman, who, had been placed at the head of the Whig Party, and had been earnestly solicited and pressed, by the then Duke of Newcastle, (who thought himself too old to return again into that active and important station,) to accept the Office of First Commissioner of the Treasury, almost against his will, and who, therefore, might be supposed to entertain the sentiments that had always heretofore been professed by that party, and consequently to have considered *Poperly* and *Slavery* as the two grand objects of fear and abhorrence to all true English Patriots, against

quartered in it, during the years 1761, 1762, and 1763, and of some few acts done by him afterwards in his second office of Captain-General and Governour in Chief of the Province, in the years 1764 and 1765, which they alledged to be illegal and injurious to them; and by his conversations with these agents and with the merchants of London who were the correspondents of the said complainants, concerning the grounds, and proofs, and circumstances, of the Acts complained-of, he had acquired a more intimate knowledge of the state of the Province, and all that was done and doing in it at that time, than any other person that I then conversed with.

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the return of which, into the Laws and Government of the Nation, it was their duty to provide by every possible precaution; — I say, it seems very surprising, and almost unaccountable, that the great Leader of the Whig Party, should have consented to a measure so different from the former measures of that Party as this permission of a Popish Bishop to exercise his Episcopal functions, in the now English Province of Quebec, in direct opposition to the above-mentioned Statute of the first year of Queen Elizabeth. But the influence of Mr. Burke over the Political conduct of this worthy Nobleman is said to have been almost unbounded.

And, here, perhaps, it will be asked, How came Mr. Burke to give such advice, and interest himself so much in support of Popery? was he not himself a Protestant, and had he not always been educated in the Protestant Religion? or was there any truth in a report that was frequently mentioned in conversation, and even published in News-papers, concerning him, namely, that he had been educated in a College of Jesuits, at Saint Omer's, in Flanders; and afterwards, when come to Man's estate, had quitted the Church of Rome, and adopted the Protestant religion, the better to advance his fortune in the world?—In answer to these questions, I must declare that I believe he was educated in the Protestant religion, and always continued in it, and that the report of his having been educated in a College of Jesuits, at Saint Omer's, in Flanders, was entirely groundless. And of this I am the more assured from having had in my possession for a year, or more, about three years ago, a set of Letters of Mr. Burke, in his own hand-writing, written for the most part, in the year 1748, when he was only twenty

years of age, and when he was still a student in Trinity College, in Dublin; which he could not have been, unless he had been a Protestant. The greater part of these Letters were written to a young friend of nearly his own age, of the name of *Shackleton*, who was the son of a respectable Protestant School-master to whom Mr. Burke had been a scholar before he was removed to the University of Dublin. The letters are written in a style of cordial friendship and affection for his correspondent, and relate mostly to classical learning and fine writing, without any mention of the Roman-Catholic religion; and they shew that Mr. Burke at that time was ambitious of making a figure in the world as an elegant writer of Moral Essays, or periodical Papers, such as *the Spectator* and the *Guardian*, after the example of Mr. Addison and Sir Richard Steele. And, indeed, it appears, that he and one, or two, of his young friends at Dublin College, did actually set-up a periodical paper of that kind in Dublin, but which was not continued for more than a few months. These letters were lent me by the reverend Dr. William Hales, D. D., rector of Killesandra, in the bishoprick of Meath, in Ireland, and were afterwards returned, according to his direction. They contain nothing very curious, or interesting, that might make it of importance to publish them; but they do honour to Mr. Burke's memory, as they shew him to have been a friendly, open-hearted, well-disposed young man, with an ardent love of elegant learning, and a laudable desire of distinguishing himself in the cultivation of it: and they prove, beyond a doubt, the falsehood of the story of his having been educated at the Jesuit's College of St. Omer's. But it is, nevertheless, certain, that Mr. Burke, in the subsequent part of his life, became (though not perhaps a papist,) a great

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great *Philo-papist* (if I may be allowed to use that expression,) or favourer and protector of Papists, and a great enemy to all the Laws both in Great-Britain and Ireland that had been made from time to time to prevent them from renewing their repeated attempts to destroy the Government in both countries, to which the principles of their religion continually excited them: for *that* was the only ground upon which any of those restraining and disabling Acts of Parliament had been passed. And Sir Richard Musgrave, in his faithful History of the several rebellions in Ireland, informs us, in page 35, that, the first publick proof of this favourable disposition of Mr. Burke towards Popery, was given by him in the year 1762, or the second year of the reign of his present Majesty, when Mr. Burke was 34 years of age, and had been married for some years to an excellent and amiable young Lady, who had been educated in the Roman-Catholick Religion. Sir Richard speaks with so much candour of Mr. Burke, and with so much respect for his uncommon talents and attainments in Political knowledge and wisdom, that I shall here insert all he says upon the subject, and even the whole Section of his work in which he speaks of him, which, is intitled, "*Origin of the White Boys.*"

"ORIGIN
OF
THE WHITE BOYS."

*An Extract from Sir RICHARD MUSGRAVE'S
Memoirs of the Different Rebellions in Ireland,
pages 32, 33, 34,——46.*

"In the year 1759, and under the administration of the Duke of Bedford, an alarming spirit of insurgency appeared in the South of Ireland, which manifested itself by the numerous and frequent risings of the lower class of Roman-Catholics, dressed in white uniforms, whence they were denominated *white-boys*; but they were encouraged, and often headed, by persons of their own persuasion of some consideration. They were armed with guns, swords, and pistols, of which they plundered the protestants, and they marched through the country, in military array, preceded by the musick of bag-pipes, or the sounding of horns. In their nocturnal perambulations, they enlisted, or pressed into their service, every person of their own religion, who was capable of serving them, and bound them by oaths of secrecy, of fidelity, and obedience to their officers; and those officers were bound by oaths of allegiance to the French King, and Prince Charles, the Pretender to the Crown of England; which appeared by the confession and the information of several of the insurgents, some of whom were convicted of high treason, and various other

other crimes. The pretext they made use of for rising and assembling was, to redress the following grievances: The illegal enclosure of commons, the extortion of tythe-proctors, and the exorbitant fees enacted by their own clergy, though it appeared that they were deeply concerned in encouraging and fomenting them, in the commission of outrages.

“ They committed dreadful barbarities on such persons as hesitated to obey their mandates, or refused to join in their confederacy; they cut-out their tongues, amputated their nose or ears; they made them ride many miles in the night on horseback, naked and bare-backed; they buried them naked, in graves lined with furze, up to their chins; they plundered and often burned houses; they houghed and maimed cattle; they seized arms, and horses, which they rode about the country, and levied money, at times even in the day. I shall refer the reader to Appendix, No. I. for their designs and practices.* They resembled the modern defenders in every respect, except in the title which they assumed; and their object was exactly the same, that of subverting the constitution, and separating Ireland from England, with the assistance of France.

“ These miscreants became so formidable in many parts of the Provinces of Leinster and Munster, that many laws, which I shall explain in the sequel, were enacted for their suppression.

“ In the year 1762, the Marquis of Drogheda was

* * There is a gross misrepresentation of these Insurgents in the Encyclopædia Britannica, under the title of Ireland, printed by James Moore in College-green, in the year 1790.

sent to command a large district in the Province of Munster, and made Clogheen in the County of Tipperary, his head-quarters; at that time much disturbed by the white boys, who used to assemble in bodies of from five hundred to two thousand.

“ On the night of the day on which he arrived at Clogheen, a number of white boys, well armed and headed by Father Nicholas Sheehy, assembled close to that town, and were on the point of attacking it, which induced his Lordship to double the guard. From this, the inhabitants of it, having a suspicion that he was going to march-out against the insurgents, Father Doyle, parish-priest of Ardfinnan, (alluded to in the information of David Landregin, Appendix No. I. 2.) after having expostulated with them on the danger of assaulting the town, went to Lord Drogheda, pale and trembling with fear, assured his Lordship that his garrison was in no danger, and besought him not to march-out against the insurgents. I received this information from the Marquis himself, and it corresponds exactly with the deposition of Landregin.

“ His Lordship’s regiment killed great numbers of them, in that and the adjacent country; and he assured me, that French money was found in the pockets of some of them.

“ His Lordship, during his residence there, took the famous Father Nicholas Sheehy, who was afterwards hanged at Clonmel. He had been a noted leader of the White-boys, and incited them to commit murder, and various outrages; and yet his memory is held in such veneration by the popish multitude, and the clay of his tomb is supposed to be endued with such supernatural powers, that various miraculous cures are imputed

puted to it ; in consequence of which, it is in such request among the popish rabble, that the sexton of the church, where the body was interred, is obliged very often to renew it.

“ The Marquis of Drogheda took, in the Castle of Cahir, the domeſtick chaplain of the then Lord Cahir, who constantly sided with his Lordship, on serious charges against him for high treason.

“ It is most certain, that the *white-boy* system was at first formed to co-operate with the French, who meditated an invasion of Ireland under Conflans ; but when that was defeated, and even during a time of profound peace, the barbarous rabble, free from all moral restraint, elate with the hope of plunder, and fraught with disaffection to a Protestant state, continued to commit the most horrid enormities in many parts of Leinster and Munster, for above twenty-five years after.

“ John Twohy states in his information, that they begun to enlist men for the French so early as the year 1756. See Appendix, No. I. 7.

“ At first they were headed, marshalled, and disciplined, by officers who had served in the Irish brigades, in the French service ; but when peace was concluded, their leaders consisted of popish farmers and persons in a mean situation.

“ Mr. Conway, an Irish Roman-Catholick gentleman, resident at Paris, used to remit money to them, on the part, and by the orders, of the French Government ; and some popish merchants, of the province of Munster, who received and distributed it among the insurgents, were afterwards Members of the Catholick Committee in 1792.

“ In the year 1762, they committed such dreadful
excesses

excesses in the South of Ireland, that Sir Richard Aston, Lord Chief Justice of the Common Pleas, was sent down with a special commission to try them : and the mistaken lenity which he shewed them, in the course of his circuit, was such, that it encouraged them to persevere in the commission of enormities for some years after.

“ The late Earl of Carrick and the Reverend Mr. Hewetson, in the County of Kilkenny, Sir Thomas Maude, Baronet, (afterwards Lord de Montalt,) William Bagwell and John Bagenall, Esquires, of the County of Tipperary, took a very active part in suppressing the White Boys ; for which they were as much traduced and vilified as the Orange-men, yeomen, and all loyal subjects, who endeavoured to put down the defenders.

“ The Grand Jury of the County of Dublin were so much incensed at this, that they voted an address of thanks, Appendix I. 6. to the Earl of Carrick, and those gentlemen, for their spirited and laudable exertions. It appears by the examination of David Landreghin, (Appendix No. I. 2.) that a party of White Boys took a solemn oath, in the Town of Clonmel, to assassinate the Earl of Carrick and the other gentlemen.

Of Mr. Edmund Burke.

“ As Mr. Edmund Burke, who always shewed a decided attachment to Popery, manifested it for the first time on this occasion, I shall, in touching on it, relate a few of the early circumstances of his life.

“ In doing so, I must premise, that I do not mean to disparage him. I had the honour of being acquainted with him; and I was so sensible of his exalted moral and intellectual excellence, that I gave the following character of him in a pamphlet published in London

by

by J. Stockdale in 1794, which was noticed in the Monthly Review of April, 1795: "

" ' His book on French affairs contains more political wisdom, and more profound knowledge of practical government, than any that ever appeared; and in future ages will tend to endear the British constitution to its subjects. Of his excellent Book on the French Revolution.

" The bright effulgence of his genius, like the sun, raised-up some buzzing insects, who cavilled at the doctrines which he advanced; but the state of France proves the futility of their assertions, and that he spoke prophetic truth.

" His long and luminous life, devoted to the cause of wisdom and virtue, was more bright in its setting, than the meridian blaze of most other geniuses."

" He was the son of a popish Solicitor in Dublin, at the University of which he received his education; but I have been assured by his contemporaries, that he did not, in the course of it, display any symptoms of those shining abilities, which afterwards made the progress of his life so brilliant.

" Soon after he went to the Temple to study the law, he married a daughter of Doctor Nugent, who had been bred at Doway, in Flanders, and was a most bigotted Romanist. A year after he had gone to the Temple, Mr. Griffith, who was at that time serving his apprenticeship to Mr. Burke's father, informed me, that his master sent him to London, relative to some law-business, and that Mr. Edmund Burke detained him many days longer than he had permission to remain there: that during his stay, he seemed much agitated in his mind, and that, when they were alone, he frequently introduced religion as a topic of conversation.

versation, and said, that he had strong reasons for thinking more favourably of the Romish persuasion than he formerly did. For these reasons, this gentleman assured me, he verily believed, that he was become a convert to Popery.

“ Soon after this gentleman’s return, Mr. Burke, senior, having heard a report that his son had really changed his religion, was much concerned at it; because he had entertained the most sanguine hopes that he would acquire great wealth and fame at the Irish bar, from practising at which Romanists were excluded by law.

“ He therefore employed Mr. Bowen, his brother-in-law, who, as a linen merchant, had a very extensive correspondence in London, to make strict enquiry about the conversion of his son.

“ Some days after, Mr. Bowen entered his office, and in the presence of the gentleman who gave me this information, threw him a letter, saying, ‘ There, your son is most certainly become a Roman-Catholick.’ On reading the letter, Mr. Burke became furious, lamenting that the rising hope of his family was blasted, and that the expence he had been at in his son’s education was now thrown-away.

“ As some of the greatest men, even at an advanced period of life, have become slaves to the passion of Love, it is very possible that Mr. Burke, in the spring of life, when its influence is irresistible, and endued with a lively imagination, and all the tenderness of sensibility, might have conformed to the exterior ceremonies of Popery, to obtain Miss Nugent, of whom he was very much enamoured; but it is not to be supposed, that a person of so vigorous and highly-cultivated an understanding,

standing, could have continued under the shackles of that absurd superstition.

“ At last, when he had served a sufficient number of terms to be called to the bar, he refused to return to his native country, declaring, that the climate of it disagreed with him; and that he expected to get some employment in the line of his profession in America, through one of the Grenville family. He therefore remained in London, where he subsisted chiefly by his pen, and he soon acquired a considerable degree of celebrity, as a writer, and a man of genius, by his publication of his *Treatise on the Sublime and Beautiful*, and by his *Vindication of Natural Society*, in imitation of Lord Bolingbroke, which introduced him to the notice and acquaintance of Mr.* Hamilton. When that gentleman came to Ireland, as Secretary to the Earl of Halifax, he, wishing to avail himself of Mr. Burke’s talents, solicited him to attend him, but in no official capacity; and he accordingly complied.

“ He accompanied him a second time to Dublin, when Mr. Hamilton was Secretary to the Earl of Northumberland; and was rewarded with a pension of 300*l.* a-year.

“ When they returned to England, Mr. Hamilton intended to have spoken a speech on the peace in the year 1763, which he had prevailed on Mr. Burke to compose.

“ It unfortunately happened, that, as he was about to rise, Mr. Charles Townshend entered the house; and, as his wit and eloquence had been always terrific to him, his appearance palsied his exertions, and struck him dumb. Mr. Burke, enraged at this, (as they had united their talents in a kind of partnership) said, with

“ * William Gerrard Hamilton, Esq.

some warmth, 'What signifies my making speeches for you, when you cannot speak them?'

"A warm altercation ensued, in the course of which Mr. Hamilton informed Mr. Burke, that he had been overpaid; on which Mr. Burke, with becoming spirit, resigned his pension, which was afterwards given to a gentleman who enjoys it at this time. Mr. Mc. Cormick, in his *Life of Mr. Burke*, is mistaken in this circumstance. Their quarrel became a matter of curiosity and debate, in the superior circles of society, in which the partizans on each side were very warm.

"The discussion of this affair introduced Mr. Burke to the notice of Lord Rockingham, who having formed a friendship for him, made him an under-secretary in the Treasury; but having lost that employment in six months, the period of his lordship's administration, he brought him into Parliament, where the eloquence and the great intellectual powers displayed in his speeches, will remain a striking and an eternal monument of his genius.

"When the enormities committed by the White Boys were about to draw on them the vengeance of the law, and some time before Sir Richard Aston proceeded on his commission to try them, Mr. Edmund Burke sent his brother Richard, (who died Recorder of Bristol,) and Mr. Nagle, a relation, on a mission to Munster, to levy money on the Popish body, for the use of the White Boys, who were exclusively Papists.

"Some Roman-Catholicks complained bitterly of the sums of money which they extorted from them. * The
despotism

"* I have no other proof that these gentlemen were employed by Mr. Burke, than that they declared so without reserve to the persons from whom they obtained money. In doing so,
he

despotism which the Romish prelates have over their own body is such, that they can at any time levy large sums of money on them, to promote the interest of their Church, which is a most dangerous engine in a well-governed state. The open and general exercise of it in the years 1792, and, 1793, and again in 1794 and 1795, was sufficient to create an alarm in the Government. At those periods, some of the lower classes of people in Munster complained loudly of the exactions practised on them; and, on being asked, for what purpose they were? they answered, that they had made that enquiry, and were informed, at one time, that it was to obtain for them the elective franchise; at another, to procure the privilege of sitting in Parliament for persons of their own persuasion. It is well known that Mr. William Todd Jones was their warm partizan while in the House of Commons*; and, from the intemperate zeal with which some members of that body showed in promoting their designs, it was universally believed that they were actuated by sinister motives.

“It was strongly suspected, that a person in an elevated situation in England, from his singular pertinacity in adhering to their cause, when in actual and open rebellion, had received some of their contributions; and the debates which took place in the Romish Convention in the year 1792, and which the reader will see in the sequel, and the sudden, successful, and

he might have been actuated by motives of charity and humanity.

“* Mr. Jones afterwards accused, in the publick prints, the Catholick Committee, of not giving him the whole of the money which they had promised to pay him.

unexpected

unexpected turn which their affairs took in the year 1793, left very little room to doubt, but that some extraordinary secret influence was exerted in England*.

“In the year 1757, there appeared a very singular and unquestionable proof that those doctrines of the Romish Church, which had disturbed the peace of many protestant countries ever since the Reformation took place, existed in full force in Ireland.

“In that year, a bill was introduced into the House of Lords, to secure the Protestant succession; in which there was an oath of allegiance.

Objection
of the Po-
pish Bishop
of Ossory to
taking an
oath of alle-
giance to
King
George the
third.

“Thomas Burke, titular Bishop of Ossory, and publick historiographer to the Dominican Order in Ireland, made the following observations on that oath. After animadverting on the severity of setting aside the different foreign branches of the Stuart family, he says, “Would it not exceed the greatest imaginable absurdity, that a Catholick Priest, who instructs his Catholick people in the will of God, from scripture and tradition, by his discourse and actions, and nourisheth them with the Sacrament of the Church, shall swear fidelity to King George, as long as he professeth a heterodox religion, or has a wife of that religion; that then, and in that case, the same Catholick Priest ought instantly to abjure the very King to whom he had before sworn allegiance.” Impiety most horrible †!

“Thomas Burke was made Titular Bishop of Ossory in 1759, and died at Kilkenny in September 1776. He was, as he frequently tells us, a favourite of Pope Benedict XIV., was a man of respectable learning, and

“* It cannot be supposed that I allude to any of his Majesty's Ministers, whose honour and integrity are far above my praise.

“† Hibernica Dominicana, page 723.

perfectly

perfectly well acquainted with the doctrines of the Romish Church, the bulls and epistles of the Popes, and the sentiments of the Irish Roman-Catholicks; and yet some of the heads of the Irish Clergy have had the effrontery and duplicity to vilify the talents and information of this writer, and to represent him as a dotard, haunted with dreams of pontifical omnipotence. But such perversion of truth, and such varnishing of odious doctrines, are only calculated to deceive, and can impose on no rational man; for all the tenets contained in his book were carried into practice during the late rebellion.

“Burke, after reciting part of Pope Paul V.’s bull, encouraging the Irish in the rebellion, exclaims, *Quid celebrius? Quid insignius?*”

“On the flight of King James II. he says, that he seasonably test the British nation, whom he brands as perjurers and traitors, who conspired against his life, subject to the slavery of this new Cromwell (meaning King William,) *vilissimi novi hujus Cromwelli servitute.*

“The first part of his *Hibernica Dominicana* was printed at Kilkenny, in the year 1762, the second in 1772, both by Edmund Finn; but it was stated to have been published at Cologne, *Coloniæ Agrippinæ.*

“In speaking of the Gun-Powder-Plot, he says, it was an invention, and that the gun-powder was secretly put under the Parliament-House, by the order of Sir William Cecil, to afford a specious pretext for extirpating all the Catholicks of England.

“Again, in the year 1768, when an oath of allegiance to be taken by the Roman-Catholicks of Ireland, was

* What can be more famous? What more illustrious?

in the contemplation of Parliament, Thomas Maria Ghillini, the Pope's legate at Brussels, who had a complete controul and superintendance over all the northern churches, and spoke *ex cathedrâ*, made the following animadversions on that oath, in four letters to the Titular Archbishops of Ireland; and these letters are styled by Thomas Burke, (who published them in his *Hibernica Dominicana*;) *literæ verè aureæ cedròque dignæ*.

“The legâte treats the clauses in the proposed oath, containing a declaration of abhorrence and detestation of the doctrines, “that faith is not to be kept with hereticks; and that Princes, deprived by the Pope, may be deposed or murdered by their subjects,” as absolutely intolerable; because, he says, those doctrines are defended and contended-for by most Catholick nations, and the Holy See has frequently followed them in practice. On the whole he decides, that, as the oath is in its whole extent unlawful, so in its nature it is invalid, null, and of no effect; inasmuch that it can by no means bind or oblige consciences*.”

N. B.

“It is well known, that similar decisions have been uniformly made by the Roman pontiffs, on the validity of oaths any way detrimental to the Holy See. In the late rebellion, the Popish multitude, and many of the Romish clergy and gentlemen, paid no regard whatever to the oath of allegiance.

N. B.

“When the Emperor and the Roman-Catholick Princes of Germany concluded a peace called the Treaty of Westphalia, in the year 1648, with the Protestant Princes, they mutually bound each other by a

* Page 925. This was in the supplement of that work published in the year 1772.

solemn oath, to the observance of it; on which the Pope published a flaming bull, in which he pronounced the oath to be null and void, as no oath could bind them to hereticks. This bull was exposed by Hornbeck, a famous German divine, in a work entitled, "*Examen bullæ papalis, quâ Innocentius X. abrogare nititur pacem Germanicæ.*"

"The conduct of the Parliament of Ireland, from the beginning of his present Majesty's reign, till the end of the year 1793, presents the reader with an uninterrupted series of blunders in politicks.

"All our disgraces and misfortunes are to be found in the history of our penal laws, and in the feeble execution of them, beginning with the third of George III. cap. 19. for indemnifying all such persons as have been, or shall be aiding in the dispersing of riots, and apprehending the rioters, which was enacted for the suppression of the White-boys. As the boldness and temerity of these insurgents continued to encrease, the fifth of George III. cap. 8. passed, and was entitled, "An Act to prevent the future tumultuous risings of persons within this kingdom." The want of enforcing the salutary provisions of these laws tended to encourage the White-boys in the commission of atrocities for above twenty years after. About the year 1773, that system of conciliation and concession, which laid the foundation of the late rebellion, began; for, while this Popish banditti, encouraged by their clergy, were committing the most dreadful enormities, the thirteenth and fourteenth of George III. cap. 35, to enable Roman-Catholicks to testify their allegiance to his Majesty by oath, was enacted; but the folly and absurdity of that law were fully proved by the necessity of passing, soon after, the thirteenth and fourteenth of

George III. cap. 45. to prevent malicious cutting and wounding, and to punish offenders, called *chalkers*; for the assassin in the morning testified his allegiance to his King, and at night, with his chalking knife, renounced his allegiance to his God, by mangling and maiming his fellow-creature, and houghing his cattle.

“As the barbarous excesses committed by the White-boys continued to encrease, the fifteenth and sixteenth of George III. cap. 21. was enacted against them. It recites that the fifth of George III. cap. 8. was insufficient for suppressing them; and it states, “That they assembled riotously, injured persons and property, compelled persons to quit their abode, imposed oaths and declarations by menaces, sent threatening and incendiary letters, obstructed the export of corn, and destroyed the same.” This is an exact description of the defenders.

“As their turbulence and ferocity continued to encrease, and as they made a constant practice of houghing soldiers in a wanton and unprovoked manner, the chalking act was extended, and amended by the seventeenth and eighteenth of George III. cap. 49.

“Concession and conciliation holding pace with an encrease of the enormities committed by those savages, a law passed soon after, the seventeenth and eighteenth of George III. cap. 49. to enable Roman-Catholics to take leases for nine hundred and ninety-nine years, or five lives, at any rent; and by it, all lands of which a Roman-Catholick was at that time seized, were made descendible, devisable, and transferable, as fully as if the same were in the seisin of any other person.

“The preamble of this act recites, “That for their uniform peaceable behaviour, for a long series of
years,

years, it appears reasonable and expedient^d to relax several of their incapacities and disabilities.' The falsity and inconsistency of this assertion will be an eternal stain on the Parliament of Ireland.

"There is no doubt, but that the Romanists had some hired agents in that assembly at this period. A strong argument in favour of an Union!

"As a mark of gratitude for these indulgencies, this infamous banditti proceeded to commit greater enormities than they had practiced before, in consequence of which the legislature were obliged to pass the eighteenth and nineteenth of George III. cap. 37. and the title of it will shew how necessary it was: 'An Act to prevent the detestable practice of houghing cattle, burning houses, barns, haggards, and corn; and for other purposes.'

"Though they continued to commit their usual excesses, the legislature, actuated by what was called *Liberality of sentiment*, put the Roman-Catholicks on the same footing with Protestants, as to property, in the year 1782; and almost the whole of the restrictive laws were repealed. The volunteers checked, in some degree, the barbarous outrages committed by the White-boys, from the year 1780 to the year 1784, when the institution began to languish; and then we find them as furious as ever in the province of Leinster. This proves how necessary a numerous and well-armed police, consisting of protestants, is to the prosperity of Ireland.

"In December, 1784, a body of White-boys broke into the house of John Mason, a Protestant, in the county of Kilkenny, in the night, placed him naked on horseback, and having carried him in this manner five or six miles from his house, they cut-off his ears,

and in that state buried him up to his chin; they also robbed him of his fire-arms*.

“This year they were so outrageous in the Province of Leinster, particularly in the County of Kilkenny, that a denunciation was read against them in all the Popish chapels in the diocese of Ossory, on the seventeenth of November, 1784.

“This was a strong proof of the returning loyalty and obedience to the laws of the Popish clergy of that diocese; or, if they were insincere and secretly encouraged the White-boys as much as formerly, of their extreme duplicity.

“As Doctor Butler, brother of Mr. Butler of Ballyragget, and of the noble house of Ormond, was at that time titular Archbishop of Cashel, a gentleman who was sincerely loyal, it is very likely that he prevailed on his clergy to adopt this procedure. He should not be confounded with Doctor Butler, who was in that See when the White-boys began their excesses.

“All these privileges were granted with a good grace by Parliament, and they met with no opposition from the constituent body, who were at that time exclusively Protestants.

“Notwithstanding such liberality on the part of the Protestant state, the White-boys still continued to commit nocturnal depredations in different parts of Leinster and Munster; but in the latter they were succeeded by a set of insurgents called Right-boys in 1786, who resembled them in every respect, except in the title which they assumed. Their proceedings, chiefly directed against the Protestant clergy, were not

* See Appendix, No. 1. 8. for a few specimens of White-boy atrocity.

the wild and extravagant efforts of rash and ignorant peasants, but a dark and deep-laid scheme, planned by men skilled in the law and the artifices by which it might be evaded. Such men suggested to the farmers, to enter into a combination under the sanction of an oath, not to take their tythes, or to assist any clergyman in drawing them.

“Some of the Protestant gentlemen hoping to exonerate their estates of tythes, by the machinations and enormities of these traitors, secretly encouraged them; and others connived at their excesses, till they began to oppose the payment of rent, and the recovery of money by legal process; and then they came forward in support of the Law.

“A form of a summons to the clergy to draw their tythe, penned with legal accuracy, was printed at Cork, and circulated with great diligence through many parts of Munster. In order to make the combination universal, some of the most active and intelligent members of it administered oaths to all the lower class of people, at the Romish Chapels and market-towns.

To varnish over the knavery and turpitude of their designs, they published a tything-table, according to which they pretended that they would pay the clergy; but to which they did not adhere; and, if they had done so, it would not have afforded them a subsistence. Besides, by swearing not to hire horses to them, and by a great number of them combining to sever the tythe, and draw their corn, on the same day, they completely robbed them of their property; and the Protestant clergy would actually have starved, but that an Act of Parliament passed in the year 1787, to enable them to

recover the tythes of which they had been defrauded in this manner.

“ At last, the Protestant clergy in the County of Cork were so much intimidated by the menaces and insults which they received from them, that many were obliged to fly to the City of Cork for protection. These traitors soon proceeded from one act of violence to another, and established such a system of terror, that landlords were afraid to distrain for rent, or to sue by civil process for money due by note. They took arms from Protestants, and levied money to buy ammunition. They broke open goals, set fire to hay and corn, and even to houses, especially to those occupied by the army. At last they had the audacity to threaten the Cities of Limerick and Cork, and the Town of Ennis, the capital of Clare, with famine; and took measures to prevent farmers and fishermen from conveying supplies of provisions to them. They proceeded by such a regular system, that they established a kind of post-office, for communication, by which they conveyed their notices with celerity for the purpose of forming their meetings, which were frequent and numerous.

“ This spirit of riot and insurrection occasioned the passing of a law in the year 1787, drawn by the present lord Clare, entitled, “ An Act to prevent tumultuous risings and assemblies, and for the more effectual punishment of persons guilty of outrage, riot, and illegal combination, and of administering and taking unlawful oaths;” and in the formation of that law, he shewed the same political wisdom, and firmness of mind, which he evinced on all subsequent occasions. By that law Government were empowered to raise an armed police in any county they chose; and the
introduction

introduction of it into the Counties of Kilkenny, Tipperary, Cork, and Kerry, occasioned such a revolution in the morals and manners of their inhabitants, and was so efficient in preserving social order, that some of the principal landholders in them declared openly in Parliament, that their estates were encased two years purchase in value by that salutary statute.

N. E.

“An ingenious foreigner observed to me, that he never saw a country in which so many proclamations were issued against malefactors, and the commission of crimes, as in Ireland; a sure proof of the feeble execution of the laws!

“At last, Doctor Woodward, Bishop of Cloyne, flocked and alarmed at seeing his clergy driven from their houses to the City of Cork, whither they went for an asylum, and that a conspiracy was formed for the destruction of the Protestant Church, wrote a very able pamphlet, stating the origin and progress of the insurrection in Munster, hoping thereby to rouse Government to take measures for its defence.

Of Dr.
Wood-
ward, Bi-
shop of
Cloyne

“Nothing marked so strongly the depravity of the times, as the malignant attacks, attended with ferocity and abuse, which were made on this amiable prelate, for this seasonable and spirited discharge of his pastoral duty. I had the honour of being well acquainted with him, and I never knew a person more profoundly and elegantly learned, or so well versed, not only in every thing that concerned the ecclesiastical department, but in the various duties of every line of social life. Having visited every part of the Continent, he spoke the modern languages with great fluency and purity, and had uncommon ease and affability of manner.

“ He

“ He had the most exalted piety, and was not only very charitable himself, but an active promoter of publick charities. His eloquence in the pulpit was irresistible, as his style was nervous and elegant; his voice was loud and harmonious, and he had great dignity of manner.

“ With all these exalted qualities and endowments, he possessed the most brilliant wit, and such a happy vein of humour, as enlivened society wherever he happened to be.

“ This necessary and important duty, the neglect of which would have been criminal, drew on him a host of foes, consisting of Popish Bishops, Priests, Friars, and Presbyterian Ministers, who abused and vilified him with singular malignity; and even some Members of Parliament had the hardened audacity to arraign him with much severity.

“ This amiable prelate made a most eloquent speech in support of the privileges granted to the Roman-Catholicks in the year 1782.

“ This spirit of insurrection spread over most parts of Munster. The conspirators bound each other by oath to resist the laws of the land, and to obey none but those of Captain Right; and so strictly did they adhere to them, that the High Sheriff of the County of Waterford* could not procure a person to execute the sentence of the law on one of these miscreants who was condemned to be whipped at Carrick-on-Suir, though he offered a large sum of money for that purpose. He was therefore under the necessity of performing that duty himself, in the face of an enraged mob.

* The writer of these pages was High Sheriff at that time.

After

AFTER this long, but, I trust, not uninteresting extract from Sir Richard Musgrave's Memoirs of the Rebellions in Ireland, I return to the permission which the King's Ministers of State in April, 1766, gave, by connivance, to Mr. Oliver Briand, a Roman-Catholick Priest of the Province of Quebeck, to go to France in order to be consecrated as Bishop of that Province, and then to return to Quebeck, and exercise his episcopal functions in that Province; which permission was at that time reported to have been obtained from the Marquis of Rockingham by the advice and influence of Mr. Edmund Burke. The only argument I hear'd alledged at that time in defence of that measure, was to the following effect; "That, since, by the Capitulation which Sir Jeffery Amherst granted to the Marquis of Vaudreuil, the French Governour of Canada, in September, 1760, when that country was surrendered to the British arms, and by the subsequent cession of it to the Crown of Great-Britain by the Treaty of Peace, signed at Paris, in February, 1763, it had been stipulated 'that the worship prescribed by the Roman-Catholick Religion should be tolerated in the Province, and that the Roman-Catholick inhabitants should be permitted to assemble in their Churches and Chapels to hear Mass, and receive the Sacraments of the Romish Religion, as heretofore,' it was necessary not only to permit the Roman-Catholick Priests that were then in the Province to continue to officiate in the said Churches and Chapels without any molestation, but to permit other
" Priests,

“ Priests to succeed them in the discharge of those
 “ religious duties, when death, or any other event,
 “ shall have deprived the people of the services of those
 “ who were then in office. But in the manner of pro-
 “ viding for this succession of new Romish Priests upon
 “ the death of those now in Office, it is necessary for
 “ the Government to be very cautious. For, if they
 “ neglect to make some safe and prudent provision for
 “ the regular supply of new Priests to succeed to the
 “ present set upon the vacancies that will arise by death
 “ or any other cause, there is great reason to apprehend
 “ that fresh Priests will come into the Province, from
 “ Old France, who will be attached to the interests of
 “ that Kingdom, and, perhaps, be employed by the
 “ French Ministers of State, as spies and emissaries, to
 “ keep-up a spirit of disaffection in the minds of the
 “ French, or Canadian, inhabitants of the Province
 “ to the English Government, and a secret wish to be
 “ again subject to the Crown of France. And, to
 “ avoid this danger, the easiest and most prudent way
 “ of proceeding seems to be to permit a Popish Bishop
 “ of well-known Loyalty to the King of Great-Britain,
 “ and who has resided for many years past in the
 “ Province, and who has few, or no, connections with
 “ Old France, such as *Monsieur Olivier Briand*, to
 “ reside in the Province in a very humble and private
 “ manner, with a small revenue to support him; that
 “ he might be ready, upon the vacancy of any Parish-
 “ Church in the Province, by the death of the incum-
 “ bent, immediately to ordain a new Priest that had
 “ been both born and bred in the Province, to be
 “ presented to the said vacant benefice; for which
 “ employments there would, probably, be always a
 “ sufficient number of young Candidates, both born
 “ and

“ and educated in the Province, because there is in
 “ the Town of Quebeck a Seminary, or College,
 “ of Roman-Catholick Priests, of about five or six
 “ in number, which has been long ago built and
 “ endowed sufficiently with landed estates for the
 “ maintenance of the Priests that belong to it, and
 “ whose duty it is to educate young men for the Ro-
 “ man-Catholick Priest-hood. And it was alledged
 “ that such an humble and private Bishop, who would
 “ exercise no other of his Episcopal powers but that of
 “ ordaining Priests, and that only at the requisition of
 “ the Governour of the Province, and who might
 “ therefore be considered as *a mere manufacturer of*
 “ *Priests*, or (according to a French expression which
 “ was at that time reported to have been used by Mr.
 “ Oliver Briand himself upon the occasion,) *un simple*
 “ *faiseur de prêtres*, would be a very safe and conve-
 “ nient instrument in the hands of the Governour for
 “ carrying into execution the promise made to the
 “ inhabitants of the Province, of tolerating the worship
 “ of their Religion, without at the same time incurring
 “ the danger above-mentioned of admitting French
 “ spies into the Province under the character of Ro-
 “ man-Catholic Priests.”

This was the argument that I hear'd mentioned at
 the time, as *that* which had been employed by the
 advocates of this measure to prevail upon the King's
 Ministers of that time to consent to it, and which
 (enforced, probably, by the address and eloquence of
 Mr. Edmund Burke,) proved successful. It is, however,
 in my opinion, rather specious than solid and satisfac-
 tory. But, if it was perfectly just and conclusive in
 favour of the measure of permitting a Popish Bishop to
 reside in the Province of Quebeck, it must at least be al-
 lowed

lowed that such a measure ought not to have been adopted without the authority of an Act of Parliament, to take it out of the operation of the important and fundamental Statute above-mentioned of the 1st of Queen-Elizabeth, which prohibits the exercise of any power derived from the Pope, not only in the Kingdom of England itself, and the dominions thereunto belonging at that time, but in all the dominions that shall belong to it *at any future time*. And therefore, for want of such an Act of Parliament to authorize it, the said measure was illegal.

But, if it had been legal, it would not have been a prudent measure, notwithstanding the plausibility of the foregoing argument in it's favour. For it was almost certain, that any Roman-Catholick Priest who should be permitted to reside in the Province of Quebeck after having been consecrated Bishop of it, would (notwithstanding any declarations that he might have made to the English Government, in order to obtain such permission, "that he should consider himself only as *an Ordainer of New Priests* when they should be wanted to supply the vacant benefices, and would never exert any of the other powers belonging to his Episcopal Office,)—I say, it was almost certain that he would (notwithstanding such declarations) exert many other powers of his office over the Roman-Catholick inhabitants of the Province, which might have very important effects both on the Roman-Catholick Priests and the laity of the same religion, and would probably greatly check and discourage both those descriptions of his Majesty's new, or Canadian, subjects from conversing freely and associating with the British inhabitants of the Province, and from reading the books of the New Testament, and inquiring into the nature

of

of the Protestant Religion and it's difference from that of the Church of Rome; of which inquiries the natural consequence would have been that many of them would have become converts to the Doctrine of the Church of England. And accordingly it was found that, when Mr. Oliver Briand returned into the Province of Quebeck, he took upon himself the title of *Olivier Briand, par la Grace de Dieu et du Saint Siège, Evesque de Québec*, and, after having, upon his arrival in the Province in June, 1766, declined the compliments usually paid to his predecessors in that high office, and declared to his friends, "that he did not come into the Province to be a Bishop upon the same high footing as his predecessors in the time of the French Government, and was not therefore intitled, and did not desire, to be treated with the same ceremony and respect as had been used towards them, but that he was only *un simple faiseur de prêtres*, "a mere Ordainer of New Priests," and having, for a month or two, worn only a common black gown, like the other Roman-Catholick Priests, he grew tired of this humble way of proceeding, and dressed himself in a purple robe, with a golden cross at his breast, which are the usual ensigns of the Episcopal dignity among the Roman-Catholicks; and afterwards he very freely exercised the tremendous powers of suspending priests from the exercise of their clerical functions and depriving them of their benefices, and excommunicating and depriving persons of the Sacraments, and interdicting divine worship in Churches and Chapels. Amongst other exercises of these high powers belonging to him as Bishop of Quebeck, he published a circular Letter to the Roman-Catholick inhabitants to exhort them to take arms for the Crown against the

other

other Americans in the beginning of the American war, in which he promised indulgencies to those who should comply with his exhortations, and threatened those who should refuse to do so, with excommunication. And by this Letter as well as by several acts of haughtiness and violence, he very much disgusted the Canadians, as my readers may see by consulting the second volume of my Quebeck papers, in pages 111, 112, 113, — 144. So different did his conduct in the Province, when in actual possession of the office appear to be from that of the mere occasional ordainer of new priests, *le simple faiseur de prêtres*, which he had promised to be when he solicited the permission to return to the Province after having been made it's Bishop.

As for the advantages that, it was pretended, would result to the Province of Quebeck, from the permission given to a Popish Bishop to reside there, by furnishing a means of supplying the vacant benefices with fresh Priests without admitting any to come there from Old France, they might easily have been obtained without this dangerous and illegal measure, by pursuing the following plan. The Seminary, or College, of Quebeck, might have been preserved, with all its members and teachers of Popish divinity, and its revenues, (which are said to amount to six or seven hundred pounds sterling a year,) for the education of young Canadians to the profession of the Priest-hood: and, when they had attained the proper age for taking orders in that Church, these young men might have been sent-over to England at the King's expence with the Governour's recommendation to his Majesty's Secretary of State for America, as young men of good behaviour and principles, that were fit to be made

Priests

Priests and hold benefices in the Province. And from England they might have been sent to Munster in Germany, or to the Popish canton of Lucerne in Switzerland, (attended by some proper and trusty companion, who should have taken care that they should not have set their foot in Old France) with recommendations, if they had gone to Switzerland, from the Secretary of State for America to his Majesty's Resident, or other Minister, to the Swiss Cantons; and there they they might have been ordained to the Priest-hood of the Church of Rome by the Bishop of Munster, or of Lucerne, or such other Roman-Catholick district, (not in Old France,) as his Majesty, in his Royal Wisdom, should have thought fit to send them to. And, when thus ordained Priests of the Church of Rome by such foreign Popish Bishop, they should have returned to England, and from thence to Quebeck by the first convenient opportunities, at the King's expence. Such a voyage to Europe would probably have been considered, by the young Candidates for the Priest-hood who should have had occasion to take it, as a party of pleasure rather than a hardship. And the expence of it to the Publick would have been trifling; perhaps 300l. or 400l. once in three or four years. For, as the whole number of parishes in the Province is but 128, (at least it was no greater in the year 1767; I know not how many new parishes may have been created since :) a supply of two new Priests a year, or six or seven every three years, would have been sufficient to keep the benefices always full. By this obvious and easy method of procuring new Priests for the support of the Roman-Catholick Religion agreeably to the toleration promised by the Capitulation and Treaty of Peace, the supposed necessity of permit-

ting a Popish Bishop to reside in the Province might have been avoided.

If the young French, or Canadian, scholars, educated at the Popish Seminary at Quebeck, for the priest-hood in Canada, had been ordained priests in this manner by the Bishop of Munster, or some other Roman-Catholick bishop in Germany, or Switzerland, and been immediately sent back to Quebeck in a King's ship, to be appointed to officiate in the vacant Churches of the Province, it would, I presume, have been expedient to direct that they should be appointed, or collated, to those Churches by the Governour of the Province, to hold the same during his Majesty's pleasure: and thus the whole body of them would have been dependant on the Crown, and would, probably, have used their influence over the Inhabitants of their several parishes, to promote their attachment to the English Government, and to induce them to relinquish their former prejudices in favour of that of France. And, in this state of things, it is highly probable that several of these Roman-Catholick parish-priests, or *Curates*. (as they were there called,) being free from the controul, or authority, of any Popish bishop, or other Ecclesiastical Superiour in the Province, would have ventured to read with attention the books of the New Testament, and to inquire into the grounds of the differences of the doctrines of the Church of Rome from those of the Church of England, and, in consequence of such examination, would often have been inclined to adopt some of the doctrines, if not all, of the Church of England, and particularly to think it lawful to use the Liturgy of the Church of England, translated into French, in their Churches, instead of the Latin Mass; and that, upon these changes
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in their opinions upon these subjects, they would have become the means of converting their parishioners to their new way of thinking upon them, as Wickliff, the great English Reformer, did in England, with astonishing success, in the reign of King Richard the II. And, that such changes of opinion in religious matters as should have been recommended by the parish-priests to their Parishioners, would have been readily adopted by the latter,—and, more especially, that of the lawfulness of making use of the English Liturgy, translated into French, in their Churches instead of the Latin Mass,—I have hardly any doubt, from all that I could collect of the sentiments and inclinations of the people of that province from a residence in it during three years, from September, 1766, to September, 1769, and from conversing during that time with a great variety of the French, or Canadian, inhabitants of it. And this was also the opinion of that wise and judicious Statesman as well as great and successful General, Sir Jeffery Amherst, who conquered that whole Province and granted the Marquis of Vaudreuil, the French Governour of it, the Capitulation of September, 1760. For, about the month of May, 1774, when the Bill for regulating the government of the Province of Quebec, was brought into the House of Lords by the late Earl of Dartmouth, Sir Jeffery called upon me at my chambers in the Temple, to converse upon the provisions of that Bill, of which he expressed a strong disapprobation, and more particularly of the clause that *established* the Popish Religion in Canada, by giving the Popish priests a legal right to their tithes, which he had expressly refused to grant them by the Capitulation of September, 1760, and had referred to the future Declaration of the King's pleasure on that subject; which Decla-

ration had never been made from the surrender of the Province in September, 1760, to the introduction of that Quebec-bill into the house of Lords in May, 1774, and the right of the Priests to sue their parishioners for their tythes in courts of Justice, had therefore been considered as suspended during the long interval of 14 years from September, 1760, to May, 1774. This clause he therefore highly disapproved-of, as being a wanton and unnecessary *establishment* of Popery in the Province, instead of a mere toleration of it, or permission to attend *the worship of it* in their Churches and Chapels without any molestation, either to themselves or their priests; which was all that was stipulated by either the capitulation of September, 1760, or the Treaty of Paris in February, 1763. And it was certainly not necessary for the satisfaction of the bulk of the Inhabitants of Canada, because they were very well pleased to be left at liberty either to pay their tythes, or to let it alone, as they thought fit; though, from an attachment to their religion, they, for the most part, thought fit to pay them. And I remember that Sir Jeffery told me at the same time, that he thought it would have been sufficient for the satisfaction of the Inhabitants of the Province, to have only permitted the Curates, or Parish-priests, who were in the Province at the time of the Capitulation, to have continued in possession of their benefices during their lives, and then to have supplied their places by Protestant French ministers, who should have conformed to the Church of England and have read the Liturgy of it, translated into French, to their several Congregations. And I remember that a French merchant at Quebec, who was a native of old France, and a man of uncommon talents and great reading and knowledge, and

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was a professed Roman-Catholick, (though he was reckoned by many persons of that city, to be what the French call a *Philosopher*, or an unbeliever in all revealed religion,) went further still than Sir Jeffery Amherst in the opinion that the Protestant religion of the Church of England might have easily been introduced into the Province. For one day, when he dined with me at my house at Quebec, he told me of his own accord, (I having said nothing to lead to it,) that he was surprized that the English Government had not, immediately after the cession of the Province to the Crown of England, by the Treaty of Peace in February, 1763, introduced into it at once the Protestant religion as settled in the Church of England; adding, that he was persuaded that it would have been readily submitted-to and acquiesed-in by the inhabitants of the Province, who, as the Clergy of the Church of England have retained some of the Ecclesiastical vestments of the Romish Clergy, such as the gown, and band, and surplice, would have hardly perceived the change from one religion to the other. In this, however, I could not agree with the Philosopher, but was always desirous, from motives both of Justice and Prudence, that they should enjoy a compleat toleration of their religion to the full extent of the Capitulation and the Treaty of Peace, but without an establishment of it, which the body of the People in the Province did by no means wish-for, and which was afterwards unnecessarily re-imposed upon them, rather than granted to them, by the Quebec-act of the year 1774.

But, whatever might have been the probability of success in a plan of gradually converting the Canadians to the Protestant religion, by encouraging, or, at least, permitting, their own priests to become the instruments of

such conversions, in consequence of their own free examination of the grounds of the differences between the doctrines of the two religions and their subsequent conviction of the errors of the Romish doctrines;—all hopes of that kind were counter-acted, and almost destroyed, by the unfortunate measure, adopted in the year 1766, of permitting *Mr. John Oliver Briand* to return to Quebeck in the character of Bishop of the Province. For, by the power of suspending priests from the exercise of their clerical functions, and depriving them of their benefices, and interdicting the performance of divine worship in whole parishes, which he claimed and exercised on various occasions, he kept the clergy in such a state of terror and subjection to him, that no priest would ever venture to express any doubts concerning the doctrines of the Church of Rome, or take the smallest step towards an adoption of the doctrines of the Church of England. Two remarkable instances of his exercise of these dangerous episcopal powers in the Province of Quebeck, exhibit so clearly the imprudence of the measure of permitting him to return into the Province in the character of its Bishop, that, though they have already been published in the year 1776, in the second volume of my Quebeck-papers, I will here reprint them. They are a translation from an extract from a letter written in French by a Roman-Catholic gentleman in the Province of Quebeck to a friend in London in September, 1775.

A Translation of two anecdotes concerning the conduct of JOHN OLIVER BRIAND, the Popish Bishop of Quebeck; extracted from a Letter written by a person of credit in the Province of Quebeck to his friend at London about the end of September, 1775.

SEVEN years ago Monsieur Vincelot, the Seignior of Ilette, at the requisition of the bishop of Quebeck in his visitation of the parishes of his diocese, gave a piece of ground, eight French arpents square, for the inhabitants of that parish to build a church upon. And he himself built upon it, at his own expence, an uncommonly spacious parsonage-house, in which the people of the parish might meet to hear mass during the time the church would take-up in building. And in this house the priest of the parish lived. At the end of two years Monsieur Briand, the bishop, at the request of the inhabitants of the higher part of the parish, appointed another place for the situation of the church which the inhabitants of it were to build: and the inhabitants accordingly began to build the church in this latter place; and in the course of three years (they proceeding but slowly in the work) made it fit for the performance of divine service. When the building of the church was compleated, Mr. Vincelot resumed the possession of the former spot of ground and of the parsonage-house which he had built upon it; grounding his right to make this resumption upon the non-performance of the condition upon which alone he had given this

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ground

ground to the parish, which was "that they should erect a church upon it." This proceeding gave offence to the bishop, who immediately sent orders to the Curate of the parish to inform Mr. Vincelot, that what he had once given to the church, he could never after resume; and that he, the bishop, therefore required him immediately to restore the piece of ground in question to the Curate of the parish; and that, if he refused to do so, he, the bishop, would immediately excommunicate him and all his family. This threat was disregarded by Mr. Vincelot; and he continued to keep possession of the piece of ground. Upon this the Prelate flew into a rage, and immediately commanded the same Curate of the parish to acquaint Mr. Vincelot that he had excommunicated him, and had extended the excommunication to his wife also, if she joined with him in his refusal to restore the land. Upon this Mr. Vincelot brought the matter before one of the courts of Justice, and there openly reproached the bishop with his passionate and violent behaviour, and his inordinate ambition and desire of making himself an absolute ruler in the province, and declared him to be nothing less than a disturber of the publick peace. The Judges observed a profound silence while Mr. Vincelot was speaking, and then decided, that, as the conditions upon which Mr. Vincelot had made the donation of that piece of land to the parish, had not been observed, the land must revert to Mr. Vincelot. This affair happened in the month of May, 1774, and was the occasion of the bishop's relaxing very much from the haughtiness and severity with which he had before treated Mr. Vincelot.

Another and a much stronger instance of this bishop's violence of temper happened about four months after the

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the former. A man that lived in the parish of St. John, of which Monsieur Gaspé is the Seigneur, wanted to marry a woman who was his cousin, though in a pretty distant degree. In order to this he applied to the bishop for a dispensation to enable him to do so. As Mr. Briand is rather fond of money, he required of this poor man, for the dispensation he wanted, a sum of money which was greater than the whole value of the land he held in the parish. This threw the poor man into despair; and he went to the protestant minister of Quebeck, and desired him to marry him. But the minister refused to do so, and informed him of the reasons which induced him to make this refusal. Upon this the man resolves to take a new course of his own contriving. He invites his relations and friends to his house, and gives them a feast; and, before they sit-down to table, he produces his intended bride; and, in the presence of the girl's father and of all the company there assembled, the two parties declare their consent to take each other for man and wife. Now this proceeding was undoubtedly blameable; and the man was liable to be punished for it. But the punishment of the guilty parties was not sufficient to satisfy the bishop's vengeance. Besides the man and the woman who had been thus married, he excommunicated all the company who had been present on the occasion, and all the inhabitants of the parish without exception; so that Monsieur Gaspé, the Seigneur of the parish, and his Wife, who live at the distance of four miles and a half from the place where the offence was committed, were involved in this excommunication. The Curate of Ilette, who does the duty of the parish of St. John, was sent thither by the bishop to carry this sentence of excommunication into execution. He accordingly comes

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to the parish-church, and extinguishes the lamp of the principal altar, throws-down the wax-tapers upon the ground, orders the bell to ring, burns the consecrated bread, and carries-away the box that contained it, the calice, and the sun, and reads the sentence of excommunication, and declares that it is to continue in force so long as the parish shall harbour within it those two rebels to the authority of the church. Alarmed at this terrible threat, the inhabitants of this unfortunate parish depnte their church-wardens to the bishop to implore his mercy. The church-wardens repair to Quebeck, and on their knees intreat the bishop to take-off the excommunication. But they could make no impression on him. On the contrary he behaved to them with the greatest rudeness and contempt, saying, "*No! I will by no means take-off the excommunication. I will teach you to dread the power of a bishop: and the rest of the province will, in consequence of your example, become more obedient to the church. I therefore command you to drive those two wretches from among you: and, if you obey this command, I will then consider what it may be proper for me to do with respect to the excommunication.*" The poor church-wardens, still on their knees, fell into tears at those harsh words, and said in answer to them, "*that, as those persons were upon their own land, they, the other parishioners, had no authority to drive them out of the parish, as his Lordship now required them to do: but that this could only be done by the Judges.*" *Get you gone, you black-guards, get out of the room this moment;*" replied the bishop, and at the same time opened them the door. Upon this they rose from their kneeling posture, to go out of the room. But one of them, growing bolder than the rest, stayed behind in the room for a short space

space of time after the rest had quitted it, and said to the bishop in a steady tone of voice, in the hearing of Mr. Mabane, (one of the Judges of the court of common pleas,) who happened to be with the bishop at the time, "*My Lord, if this man had given you the 150 Dollars which you asked of him for a dispensation to marry his relation, you would have granted him the dispensation; and then he would not have been guilty of this offence. And, now, my Lord, that he has been guilty of it, you ought to have confined your punishment to him alone, and not have extended it to the inhabitants of a whole parish, who are entirely innocent.*" Mr. Mabane was struck with the justness of the observation, and could not refrain from laughing when the man delivered it; and he earnestly interceded with the bishop to take-off the excommunication. But he did not succeed. For the bishop thought fit to continue it for two months longer, and then at last took it off at the humble and urgent request of Monsieur and Madame Gaspé. This story was related to me by Francis Le Clerc, one of the church-wardens above-mentioned, who waited on the bishop at the desire of the other inhabitants of the parish on the occasion above-recited.

The French extract, of which this is a translation, may be seen in the second volume of my Quebeck papers, in pages 120, 121, 122—126. F. M.

*Remarks on the true meaning of the words
TOLERATION, ENDOWMENT, and ESTABLISH-
MENT, when applied to a Religion adopted
and permitted in any country.*

I HAVE observed that some people are apt to use these words in a confused manner, or without annexing distinct Ideas to them, when applied to a mode of Religion that is permitted or adopted in any country; which makes it difficult to understand their reasonings on the subject and to come to any just and satisfactory conclusions on it. It will therefore be useful to state the several distinct Ideas which ought to be annexed to them in discussions upon this subject.

Now it appears to me that there are three different methods in which a Religion, that is permitted by the Government of a country to be professed and practised in it, may be supported, which may be distinguished from each other by the words *Toleration, Endowment, and Establishment.*

The Tole-
ration of a
Religion.

When the Government of a country permits the professors of a Religion to meet together in places of worship of their own building, or hiring, and to have divineworship performed in them, according to the Rites and Ceremonies which they chuse to adopt, by priests, or ministers, of their own, whom they employ and hire for the purpose, that Religion is said *to be tolerated.*

Thus the Quakers are tolerated in England, and such of the Presbyterians and other Protestant Dissenters from the church of England as comply with the conditions
required

required by the two Toleration-acts of the 1 William and Mary, and the 19 of the present king George the III. are also Tolerated. But the other protestant dissenters, who do not comply with those conditions, are not tolerated, but are exposed to the penalties of severe laws for worshipping God according to their consciences in their meeting-houses, or *conventicles*, as they are called in those penal statutes. And in like manner the Roman-Catholick religion was tolerated in Canada from the conquest of the country by Sir Jeffery Amherst in September, 1760, to the passing of the Quebec-act in June 1774, when it was established by that Act. For the people were permitted to assemble in their churches and chapels to hear Mass and to receive the Sacraments, according to the rites of the Church of Rome, and the priests were permitted to officiate therein, without any molestation whatsoever: and the tythes and other profits paid to the priests on this account, were paid voluntarily by the people who followed that mode of worship without any right in the priests to compel the payment of them by a suit at law. This was *perfect toleration*.

But it is possible that a government, though it may think it necessary in point of Justice to permit the followers of a particular religion to meet together in moderate numbers to worship God in their own way, may yet not think it expedient to let that religion take root in the country in a manner that is likely to increase the number of its votaries. And in this case they may forbid its being endowed by gifts of land, or other permanent property, assigned to trustees for the permanent support of it. This, I apprehend, would not be inconsistent with toleration, nor at all unjust towards the professors of such barely-tolerated religion; because every state has a right to judge of the utility of the purposes

poses for which it allows the property of any of its members to be aliened in mortmain.

The Endowment of a Religion.

But on the other hand it is possible that a government may think a particular mode of religion, though not worthy to be supported and encouraged by publick authority, yet to be so very innocent and inoffensive to the state that they may indulge the professors of it with a liberty to alien their land, or other property, in mortmain for the permanent support of the ministers and teachers of it; as in England and other countries in Europe, men are permitted to found Professorships of the Sciences in Universities, or to alien a part of their property in Mortmain for the maintenance of the Professors of them. Where this is permitted with respect to any particular religion, and private persons have made use of such permission, and have settled permanent funds for the maintenance of the ministers and teachers of such religion, that religion may be said to be *endowed*.

The Establishment of a Religion.

Lastly, where the government of a country provides a fund by their own publick authority for the maintenance of the ministers and teachers of any Religion, such a Religion is said to be *established*.

Thus, before the Reformation the Popish religion was established in England; because tythes, and other publick funds, were appointed by the Law of the land for the maintenance of the priests that taught it. And at the Reformation, by the statute of 1st of Elizabeth, cap. 1. for abolishing the foreign Jurisdiction of the Pope; all priests who held benefices were required to abjure the supremacy of the Pope, and acknowledge that of the Queen; that is, the benefices, or publick funds assigned for the maintenance of the publick teachers of religion, were transferred from the Popish priests, who acknowledged

acknowledged the Pope to be the head of the church, to the Protestant priests who acknowledged the Queen to be so; and by that transfer the Protestant Religion became *established*. This is the only sense in which the Church of England can be said to be established at this day. Its priests are paid for performing its ceremonies, and teaching its doctrines, by funds assigned to them by the publick authority of the state. And in the same sense the Roman-Catholick religion may be said to be established in Canada by the late act of parliament in the year 1774. For a publick fund, to wit, the tythes of the Popish parishioners, that is, of 49 persons out of every 50 throughout the province, is hereby assigned to the Romish priests as a maintenance and reward for performing the ceremonies, and teaching the doctrines of that religion.

I know that some persons have asserted that this measure is not an establishment of the Popish religion in Canada, because the Protestant parishioners are not obliged to pay tythes to the Romish priests. But this affects only the *quantum* of the Provision made for the maintenance of those priests and the religion they are to teach. It is somewhat less ample than it would be if the Protestants were forced to pay the tythes to them as well as the Roman-catholicks. But the nature and design of the Provision are the same in both cases. It is a fund provided by publick authority for the support of priests, to exercise and teach the religion of the church of Rome. And this, I presume, is all that is meant by those who have affirmed that the Popish religion is *established* by this act of parliament, and is all that the words, *establishment of a religion*, naturally and usually import.

OF

TRUE RELIGION,
HERESY, SCHISM, TOLERATION;

AND

WHAT BEST MEANS MAY BE USED,

AGAINST THE

GROWTH OF POPERY.*

BY JOHN MILTON, ESQ.

The Author of Paradise Lost.

IT is unknown to no man, who knows aught of concernment among us, that the increase of Popery is at this day no small trouble and offence to the greatest part of the nation; and the rejoicing of all good men that it is so: the more their rejoicing, that God hath given a heart to the people to remember still their great and happy deliverance from Popish thralldom, and to esteem so highly the precious benefit of his gospel, so freely and so peaceably enjoyed among them. Since therefore some have already in publick with many considerable arguments exhorted the people to beware the growth of this Romish weed; I thought it no less than a common duty to lend my hand, how unable soever, to so good a purpose. I will not now enter into the labyrinth of Councils and Fathers,—an intangled wood which the papists love to fight in, not with hope of victory, but to obscure the shame of an open overthrow: which yet in that kind of combat, many heretofore,

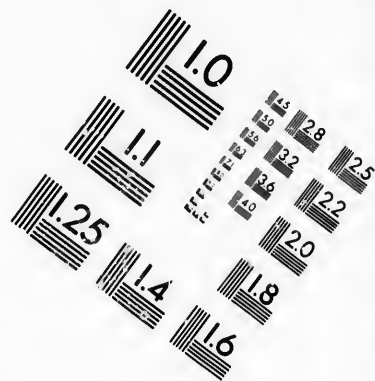
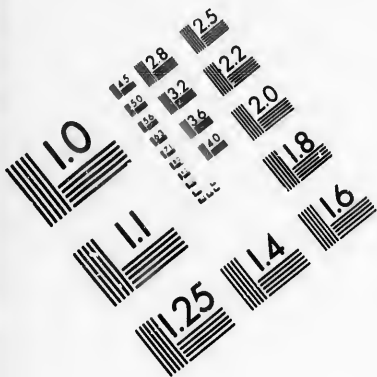
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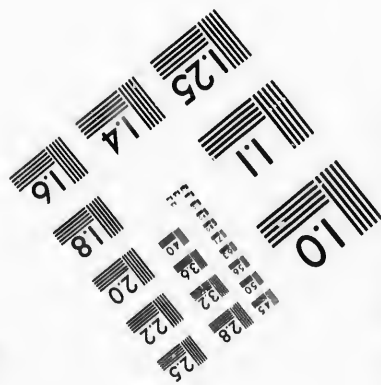
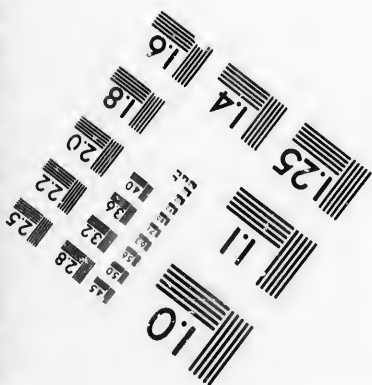
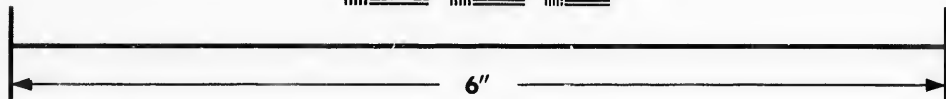
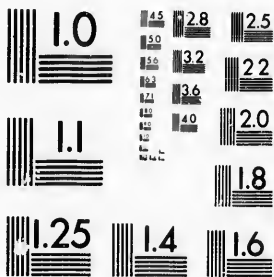
and one of late, hath eminently given them. And such manner of dispute with them, to learned men is useful and very commendable. But I shall insist now on what is plainer to common apprehension, and what I have to say, without longer introduction.

True religion is the true worship and service of God, ^{Of True Religion:} learnt and believed from the word of God only. No man, or angel, can know how God would be worshipped and served, unless God reveal it. He hath revealed and taught it us in the Holy Scriptures by inspired ministers, and in the Gospel by his own Son and his Apostles, with strictest command to reject all other traditions, or additions, whatsoever. According to that of St. Paul, "Though we, or an angel from heaven, preach any other Gospel unto you, than that which we have preached unto you, let him be *anathema*, or accursed." And Deut. iv. 2. "Ye shall not add to the word which I command you, neither shall you diminish aught from it." Rev. xxii. 18, 19. "If any man shall add, &c. If any man shall take-away from the words," &c. With good and religious reason, therefore all Protestant churches with one consent, and particularly the church of England in her thirty-nine articles, artic. 6th, 19th, 20th, 21st, and elsewhere, maintain these two points, as the main principles of true religion: that the rule of true religion is the word of God only: and that their faith ought not to be an implicit faith, that is, to believe, though as the church believes, against, or without, express authority of Scripture. And, if all Protestants, as universally as they hold these two principles, so attentively and religiously would observe them, they would avoid and cut-off many debates and contentions, schisms, and persecutions, which too oft have been among them, and more





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firmly unite against the common adversary. For hence it directly follows, that no true Protestant can persecute, or not tolerate, his fellow-protestant, though dissenting from him in some opinions, but he must flatly deny and renounce these two his own main principles, whereon true religion is founded; while he compels his brother from that which he believes as the manifest word of God, to an implicit faith (which he himself condemns) to the endangering of his brother's soul, whether by rash belief, or outward conformity; for "whatsoever is not of faith, is sin."

What Heresy is.

I will now as briefly show what is false religion or heresy, which will be done as easily: for of contraries the definitions must needs be contrary. *Heresy* therefore is a religion taken-up and believed from the traditions of men and additions to the word of God. Whence also it follows clearly that of all known sects, or pretended religions, at this day in Christendom, Popery is the only, or the greatest, Heresy: and he who is so forward to brand all others for Hereticks, the obstinate Papist, the only Heretick. Hence one of their own famous writers found just cause to stile the Romish Church "Mother of error, school of Heresy." And, whereas the Papist boasts himself to be a Roman-Catholick, it is a mere contradiction, one of the Pope's bulls, as if he should say, universal particular, a Catholick schismatick. For *Catholick* in Greek signifies *universal*: and the Christian Church was so called as consisting of all nations to whom the Gospel was to be preached, in contradistinction to the Jewish Church, which consisted, for the most part, of Jews only.

The true meaning of the phrase *Catholick Church*.

Of Sects.

Sects may be in a true Church as well as in a false, when men follow the doctrine too much for the teacher's sake

fake, whom they think almost infallible; and this becomes, through infirmity, implicit faith; and the name *Sectary* pertains to such a disciple.

Sectaries.

Schism is a rent, or division, in the church, when it comes to the separating of congregations; and may also happen to a true church, as well as to a false; yet in the true needs not tend to the breaking of communion, if they can agree in the right administration of that wherein they communicate, keeping their other opinions to themselves; not being destructive to Faith. The Pharisees and Sadducees were two sects; yet both met-together in their common worship of God at Jerusalem. But here the Papists will angrily demand, what! are Lutherans, Calvinists, Anabaptists, Socinians, Arminians, no Hereticks? I answer, all these may have some errors, but are no Hereticks. Heresy is in the will and choice professedly against Scripture; error is against the will, in misunderstanding the Scripture after all sincere endeavours to understand it rightly: Hence it was said well by one of the ancients, "Err I may, but a Heretick I will not be." It is a human frailty to err, and no man is infallible here on earth. But so long as all these profess to set the word of God only before them as the rule of faith and obedience; and use all diligence and sincerity of heart, by reading, by learning, by study, by prayer for illumination of the Holy Spirit, to understand the rule and obey it, they have done what man can do: God will assuredly pardon them, as he did the friends of Job: good and pious men, though much mistaken, as there it appears, in some points of doctrine.

Difference
between
Heresy and
Error.

But some will say, "with Christians it is otherwise, whom God hath promised by his spirit to teach all things." True, all things absolutely necessary to salva-

tion: But the hottest disputes among Protestants, calmly and charitably enquired-into, will be found less than such. The Lutheran holds *Consubstantiation* an error indeed, but not mortal. The Calvinist is taxed with *Predestination*, and to make God the author of sin; not with any dishonourable thought of God, but, it may be, over-zealously asserting his absolute power, not without plea of Scripture. The Anabaptist is accused of denying infants their right to baptism; again they say, they deny nothing but what the Scripture denies them. The Arian and Socinian are charged to dispute against the Trinity: They affirm to believe the Father, Son, and Holy Ghost, according to Scripture and the Apostolick Creed; as for terms of *Trinity*, *Trini-unity*, *Co-essentiality*, *Tri-personality*, and the like, they reject them as scholastick notions, not to be found in Scripture, which, by a general Protestant maxim, is plain and perspicuous abundantly to explain its own meaning in the properest words, belonging to so high a matter, and so necessary to be known; a mystery indeed in their sophistick subtilities, but in Scripture a plain doctrine. Their other opinions are of less moment. They dispute the satisfaction of Christ, or rather the word "Satisfaction," as not Scriptural: but they acknowledge him both God and their Saviour. The Arminian, lastly, is condemned for setting-up free will against free grace; but that imputation he disclaims in all his writings, and grounds himself largely upon Scripture only. It cannot be denied that the authors, or late revivers, of all these sects, or opinions, were learned, worthy, zealous, and religious men, as appears by their lives written; and the same [may be said] of their many eminent and learned followers, perfect and powerful in the Scriptures, holy and unblameable in their

their lives; and it cannot be imagined that God would desert such painful and zealous labourers in his Church, and oft-times great sufferers for their conscience, to damnable errors and a reprobate sense, who had so often implored the assistance of his Spirit; but rather, having made no man infallible, that he hath pardoned their errors, and accepts their pious endeavours, sincerely searching all things according to the rule of Scripture, with such guidance and direction as they can obtain of God by prayer. What Protestant then, who himself maintains the same principles, and disavows all implicit faith, would persecute, and not rather charitably tolerate, such men as these, unless he mean to abjure the principles of his own religion? If it be asked, how far they should be tolerated? I answer, doubtless *equally*, as being all Protestants; that is, on all occasions ready to give account of their faith, either by arguing, [or by] preaching in their several assemblies, [or by] publick writing, and the freedom of printing. For, if the French and Polonian Protestants enjoy all this liberty among Papists, much more may a Protestant justly expect it among Protestants; and yet sometimes, here among us, the one persecutes the other upon every slight pretence.

But he is wont to say, he enjoins only things indifferent. Let them be so still; who gave him authority to change their nature by enjoining them? if by his own principles, as is proved, he ought to tolerate controverted points of doctrine not slightly grounded on Scripture, much more ought he not to impose things indifferent without Scripture. In religion nothing is indifferent; but, if it come once to be imposed, is either a command or a prohibition, and so consequently an addition to the word of God, which he

professes to difallow. Besides, how unequal, how uncharitable must it needs be, to impose that which his conscience cannot urge him to impose, upon him whose conscience forbids him to obey? What can it be but love of contention for things not necessary to be done, to molest the conscience of his brother, who holds them necessary to be not done? To conclude, let such an one but call to mind his own principles above-mentioned, and he must necessarily grant, that neither can he impose, nor the other believe or obey, aught in religion, but from the word of God only. More amply to understand this, may be read the 14th and 15th Chapters to the Romans, and the contents of the 14th, set-forth no doubt but with full authority of the Church of England; the gloss is this: "Men may not contemn, or condemn, one the other for things indifferent." And in the 6th article above-mentioned, "whatsoever is not read in Holy Scripture, nor may be proved thereby, is not to be required of any man as an article of Faith, or necessary to Salvation." And certainly what is not so, is not to be required at all; as being an addition to the word of God expressly forbidden.

Thus this long and hot contest, whether Protestants ought to tolerate one another, if men will be but rational and not partial, may be ended without need of more words to compose it.

The claims
of Popery.

Let us now enquire whether Popery be tolerable or no. Popery is a double thing to deal with, and claims a twofold power, *Ecclesiastical*, and *Political*, both usurped, and the one supporting the other.

But *Ecclesiastical* is ever pretended to *Political*. The Pope by this mixt faculty pretends right to kingdoms and states, and especially to this of England; thrones,

thrones, and unthrones kings, and absolves the people from their obedience to them; sometimes interdicts to whole nations the publick worship of God, shutting-up their churches: and was wont to drain-away the greatest part of the wealth of this then miserable land, as part of his patrimony, to maintain the pride and luxury of his court and prelates: and now, since, through the infinite mercy and favour of God, we have shaken-off his Babylonish yoke, hath not ceased by his spies and agents, Bulls, and Emiffaries, [to endeavour] once to destroy both king and parliament; [and] perpetually to seduce, corrupt, and pervert as many as they can of the people. Whether therefore it be fit or reasonable, to tolerate men thus principled in religion towards the state, I submit it to the consideration of all magistrates, who are best able to provide for their own and the publick safety. As for tolerating the exercise of their religion, supposing their state-activities not to be dangerous, I answer, that toleration is either publick or private; and the exercise of their religion, as far as it is idolatrous, can be tolerated neither way: not publickly, without grievous and unsufferable scandal given to all conscientious beholders; not privately, without great offence to God, declared against all kind of idolatry, though secret. Ezek. viii. 7, 8. "And he brought me to the door of the court, and, when I looked, behold a hole in the wall. Then said he unto me, son of man, dig now in the wall: and when I had digged, behold a door; and he said unto me, go-in, and behold the wicked abominations that they do here." And ver. 12. "Then said he unto me, son of man, hast thou seen what the ancients of the house of Israel do in the dark?" &c. And it appears by the whole chapter, that God was no less offended with these secret idolatries, than with those in

The exercise of the Popish worship is idolatrous, and therefore ought not to be tolerated.

publick; and no less provoked, than to bring-on and hasten his judgments on the whole land for these also.

Having shewn thus, that Popery, as being Idolatrous, is not to be tolerated either in publick or in private; it must be now thought how to remove it and hinder the growth thereof; I mean in our natives, and not foreigners, privileged by the Law of nations. Are we to punish them by corporal punishment, or fines in their estates, upon account of their religion? I suppose it stands not with the clemency of the gospel, more than what appertains to the security of the state: but, first, we must remove their Idolatry, and all the furniture thereof, whether Idols, or the Mass, wherein they adore their God under bread and wine: for the commandment forbids to adore, not only "any graven image, but the likeness of any thing in heaven above, or in the earth beneath, or in the water under the earth; thou shalt not bow-down to them, nor worship them; for I the Lord thy God am a jealous God." If they say, that by removing their Idols we violate their consciences, we have no warrant to regard conscience which is not grounded on Scripture: and they themselves confess in their late defences, that they hold not their images necessary to salvation, but only as they are enjoined them by tradition.

Images and all materials, or instruments of idolatry, ought to be prohibited and removed.

Shall we condescend to dispute with them? The Scripture is our only principle in religion; and by that only they will not be judged, but will add other principles of their own, which, forbidden by the word of God, we cannot assent to. And [in several places of the gospel] the common maxim also in Logick is, "against them who deny principles, we are not to dispute." Let them bound their disputations on the Scripture only, and an ordinary Protestant, well-read in the

the Bible, may turn and wind their doctors. They will not go-about to prove their Idolatries by the word of God, but turn to shifts and evasions, and frivolous distinctions: Idols, they say, are laymen's books, and a great means to stir-up pious thoughts and devotion in the learnedest. I say, they are no means of *God's appointing*, but plainly the contrary: let them hear the prophets; Jer. x. 8. "The stock is a doctrine of vanities." Hab. ii. 18. "What profiteth the graven image that the maker thereof hath graven it: the molten image and a teacher of lies?" But they alledge in their late answers, that the laws of Moses, given only to the Jews, concern not us under the Gospel; and remember not that Idolatry is forbidden as expressly: but with these wiles and fallacies "compassing sea and land, like the Pharisees of old, to make one profelyte, they lead-away privily* many simple and ignorant souls, men and women, "and make them twofold more the children of hell than themselves," Mat. xxiii. 15. But the Apostle hath well warned us, I may say, from such deceivers as these; for their mystery was then working. "I beseech you, brethren," saith he, "mark them which cause divisions and offences, contrary to the doctrine which ye have learned; and avoid them: for they that are such, serve not our Lord Jesus Christ, but their own belly, and by good words and fair speeches deceive the heart of the simple," Rom. xvi. 17, 18.

The next means to hinder the growth of Popery, will be to read dully and diligently the holy scriptures, which, as St. Paul saith to Timothy, (who had known

Protestants should be diligent in reading the scriptures.

* "Besides what the grim wolf with privy paw
Daily devours apace"

In Milton's Elegy on the death of his worthy and learned friend, the Rev. Mr. Edward King, written in the year 1638, and intitled *Lycidas*,

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them from a child,) "are able to make wise unto salvation." And to the whole church of Colossi; "Let the word of Christ dwell in you plentifully, with all wisdom," Col. iii. 16. The Papal, Antichristian, church permits not her Laity to read the Bible in their own tongue: our church on the contrary hath proposed it to all men, and to this end translated it into English, with profitable notes on what is met-with obscure, though what is most necessary to be known be still plainest; that all sorts and degrees of men, not understanding the original, may read it in their mother-tongue. Neither let the countryman, the tradesman, the lawyer, the physician, the statesman, excuse himself by his much business from the studious reading thereof. Our Saviour saith, Luke x. 41, 42. "Thou art careful and troubled about many things; but one thing is needful." If they were asked, they would be loth to set earthly things, wealth, or honour, before the wisdom of salvation. Yet most men, in the course and practice of their lives, are found to do so; and, through unwillingness to take the pains of understanding their religion by their own diligent study, would fain be saved by a deputy. Hence comes Implicit faith, ever learning and never taught, much hearing and small proficiencie, till want of fundamental knowledge easily turns to superstition or Popery: therefore the Apostle admonishes, Ephes. iv. 14. "That we henceforth be no more children, tossed to and fro and carried-about with every wind of doctrine, by the sleight of men, and cunning craftiness, whereby they lie-in-wait to deceive." Every member of the church, at least of any breeding or capacity, ought to be so well grounded in spiritual knowledge, as, if need be, to examine their teachers themselves, Acts xvii. 11. "They searched the
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the Scriptures daily, whether those things were so. Rev. ii. 2. "Thou hast tried them which say they are apostles, and are not." How should any private Christian try his teachers, unless he be well-grounded himself in the rule of Scripture, by which he is taught? As therefore among Papists, their ignorance in Scripture chiefly upholds Popery; so among Protestant people, the frequent and serious reading thereof will soonest pull Popery down.

Another means to abate Popery, arises from the constant reading of Scripture, wherein believers who agree in the main, are every-where exhorted to mutual forbearance and charity one towards the other, though dissenting in some opinions. It is written that the coat of our Saviour was without seam; whence some would infer, that there should be no division in the Church of Christ. It should be so indeed; yet seams in the same cloth, neither hurt the garment, nor misbecome it; and not only seams, but schisms will be while men are fallible: but, if they who dissent in matters not essential to belief, while the common adversary is in the field, shall stand jarring and pelting at one another, they will be soon routed and subdued. The Papist with open mouth makes much advantage of our several opinions; not that he is able to confute the worst of them, but that we, by our continual jangle among ourselves, make them worse than they are indeed. To save ourselves, therefore, and resist the common enemy, it concerns us mainly to agree within ourselves, that with joint forces we may not only hold our own, but get ground; and why should we not? The Gospel commands us to tolerate one another, though of various opinions, and hath promised a good and happy event thereof; Phil. iii. 15. "Let us therefore, as many

many as be perfect, be thus minded; and if in any thing ye be otherwise minded, God shall reveal even this unto you." And we are bid, 1 Theff. v. 21. "Prove all things, hold-fast that which is good." St. Paul judged that not only to tolerate, but to examine and prove all things, was no danger to our holding fast that which is good. How shall we prove all things, which includes all opinions at least, founded on Scripture, unless we not only tolerate them, but patiently hear them, and seriously read them? If he who thinks himself in the truth, professes to have learnt it, not by implicit faith, but by attentive study of the scriptures, and full persuasion of heart; with what equity can he refuse to hear or read him, who demonstrates to have gained his knowledge by the same way? Is it a fair course to assert truth, by arrogating to himself the only freedom of speech, and stopping the mouths of others equally gifted? This is the direct way to bring-in that papistical, implicit, faith which we all disclaim. They pretend it would unsettle the weaker sort; the same groundless fear is pretended by the Romish clergy. At least then, let them have leave to write in Latin, which the common people understand not; that what they hold may be discussed among the learned only. We suffer the Idolatrous books of Papists, without this fear, to be sold and read as common as our own: why not much rather of Anabaptists, Arians, Arminians, and Socinians? There is no learned man but will confess he hath much profited by reading controversies, his senses awakened, his judgement sharpened, and the truth which he holds, more firmly established. If then it be profitable for him to read, why should it not, at least, be tolerable and free for his adversary to write? In Logick, they teach, that contraries laid-together more evidently appear;

appear; it follows then, that, all controversy being permitted, falshood will appear the more false, and truth the more true; which must needs conduce much, not only to the confounding of Popery, but to the general confirmation of unimplicit truth.

A vicious course of life disposes men to fall into Popery.

The last means to avoid Popery, is to amend our lives. It is a general complaint that this Nation, of late years, is grown more numerous and excessively vicious than heretofore; pride, luxury, drunkenness, whoredom, cursing, swearing, bold and open atheism, every-where abounding: where these grow, no wonder if Popery also grow a-pace. There is no man so wicked, but sometimes his conscience will wring him with thoughts of another world, and the peril of his soul; the trouble and melancholy which he conceives of true repentance and amendment he endures not, but inclines rather to some carnal superstition, which may pacify and lull his conscience with some more pleasing doctrine. None more ready and officious to offer herself than the Romish, and opens wide her office, with all her faculties, to receive him; easy confession, easy absolution, pardons, indulgences, masses for him both quick and dead, Agnus Dei's, reliques, and the like: and he, instead of "working-out his salvation with fear and trembling," strait thinks in his heart (like another kind of fool than he in the psalms) to bribe God as a corrupt Judge; and by his proctor, some priest, or fryer, to buy-out his peace with money, which he cannot with his repentance. For God, when men sin outragiously, and will not be admonished, gives-over chastizing them, perhaps, by pestilence, fire, sword, or famine, which may all turn to their good, and takes-up his severest punishments, hardness, besottedness, of heart, and idolatry, to their final perdition. Idolatry brought the Heathen to heinous

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transgressions, Rom. ii. And heinous transgressions oft-times bring the light professors of true religion, to gross Idolatry: 1 Theff. ii. 11, 12. "For this cause God shall send them strong delusion that they should believe a lye, that they all might be damned who believe not the truth, but had pleasure in unrighteousness." And Isaiah xlv. 18. speaking of Idolaters, "They have not known nor understood; for he hath shut their eyes that they cannot see, and their hearts that they cannot understand." Let us therefore, using this last means, (last here spoken-of, but first to be done,) amend our lives with all speed; lest through impenitency we run into that stupidity, which we now seek all means so wearily to avoid, the worst of superstitions, and the heaviest of all God's judgements, Popery.

By this tract on Toleration it appears that *Milton*, (though a most powerful and vehement advocate for both Civil and Religious Liberty), yet thought that Papists, from the hostility of their principles to the members of all other Churches but that of Rome, were not proper objects of Toleration, under a Protestant Government. How much more would he have been shocked, if he had been now living, at the opinion that is now adopted by the new Whigs, as they call themselves, who wish not only to tolerate them, or permit them to profess the Popish Religion, and make use of the mass, and the Popish sacraments in their places of worship, (which is properly *Toleration*;) but to make them capable of holding judicial offices and administering the laws of England in our Courts of Judicature, and of commanding our Navies and Armies. This they call *Catholick Emancipation*; but I should think it ought rather to be called *Catholick Exaltation*.

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