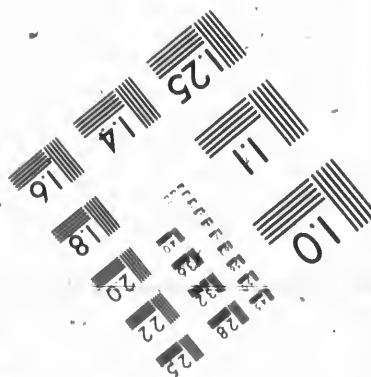
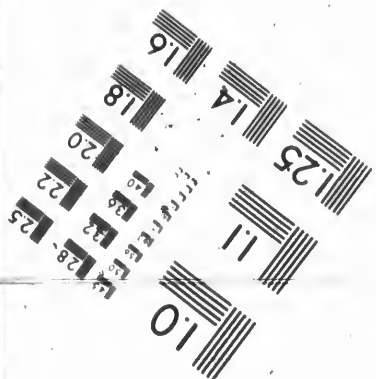
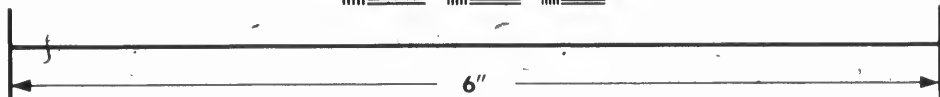
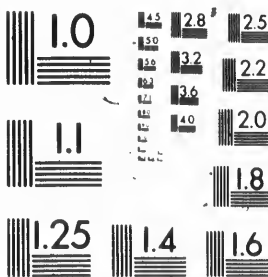


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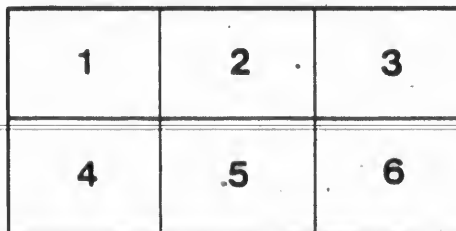
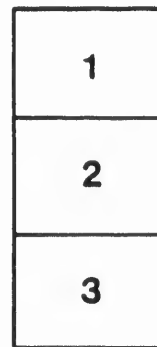
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M E M O R I A L
IN SUPPORT OF THE PETITION
 OF THE
INHABITANTS AND PROPRIETORS OF THE CITY AND ISLAND OF MONTREAL,
 PRAYING THAT THE
ECCLESIASTICS OF ST. SULPICE
 MAY NOT BE CONSTITUTED A
BODY CORPORATE AND ECCLESIASTICAL,
AND THEIR TITLE CONFIRMED TO CERTAIN VALUABLE SEIGNORIES
AND ESTATES.

THE claim of the St. Sulpicians to the Estates in their possession, has frequently undergone investigation by the high Law Officers of the Crown, both here and in England, and in every instance an opinion has been expressed decidedly adverse to their pretensions.

The first official notice of this subject appears to be the Report of the Advocate General, Sir James Marriott, in 1773, on the reference made by the Order in Council of the 14th June 1771, relative to the laws and Courts of Judicature of Quebec.

In 1789, the Provincial Law Officers of the Crown submitted their "Observations and Remarks respecting the St. Sulpicians at Montreal," confirming the opinion of Sir James Marriott.

In 1804, Mr. Attorney General Sewell prepared an able and comprehensive Report, a copy of which will accompany this Memorial.

In 1811, the whole subject was referred to the Imperial Law Officers of the Crown, and a joint Report made thereon, by Sir Christopher Robinson, the Advocate General, Sir Vicary Gibbs, the Attorney General, and Mr. Solicitor General Plumer, in which the opinion of those Officers is stated, that the St. Sulpicians in Canada had not a valid title to the lands transferred to them by the Community at Paris.

Some further proceedings took place in 1819, under the Administration of His Grace the Duke of Richmond, the precise nature of which is not publicly known, except in so far as may be judged by the subsequent action of the Government.

In 1834, instructions were sent to His Excellency Lord Aylmer, to require the St. Sulpicians to surrender the property to the Government.

In 1836, the subject was referred to the Commissioners of Inquiry, who were unanimously of opinion that the St. Sulpicians had not a valid title to the Estates.

The official papers above alluded to (and more particularly the Report of Sir James Marriott, printed and published in London in 1771.) will, it is believed, afford ample information as to the legal merits of the case; but since the St. Sulpicians have endeavoured, by laboured arguments, to involve the subject in obscurity, a brief outline of some of the leading facts will be given.

In the year 1663, the Island of Montreal was, by a deed duly executed, made over to the Seminary of St. Sulpice of Paris, subject to the condition, "That the domain and property of the said Island shall be inseparably united to the said Seminary, without any possibility of their being separated, for any cause or reason whatsoever." In 1667, the Seminary memorialized His Most Christian Majesty, praying that His Majesty would be pleased to grant to them Letters Patent, to enable them to hold the Island of Montreal in mortmain, and to establish a Seminary in the said Island. Letters Patent were accordingly issued in the month of May, 1667, granting both these requests.

On the surrender of Montreal to the British Army, several Ecclesiastics of St. Sulpice were found residing in that city, but whether legally established as a Community is not known, and indeed admits of much doubt; and to these Ecclesiastics, calling themselves the Community of St. Sulpice of Montreal, the Seminary of Paris made over by deed, in 1764, (after the cession of the Colony) the property and estates in this country.

In the year 1781, on the occasion of their tendering fealty and homage to Sir Frederick Haldimand, this conveyance was brought forward as constituting their only title; although, subsequently, a prior claim has been set up founded on the Letters Patent of 1667. As it is now admitted that the St. Sulpicians of Paris had no right to sell or alienate these Estates, the only point of inquiry is, whether the Letters Patent alluded to, conveyed the property to the St. Sulpicians, as affirmed by them.

The Letters Patent of 1667, are in the following words:—"Louis, by the Grace of God, &c. &c. Whereas the Ecclesiastics of the Seminary of St. Sulpice, of the Fauxbourg St. Germain les Paris, have humbly exposed to Us, that the Sieurs Faucamp, &c. &c. have, by Deed of Gift, bearing date the 19th March, 1763, given and conveyed to them the Seigniorie of the Island of Montreal, in New France, with its appurtenances and dependencies, whither they have sent Priests, who have laboured in the conversion of the Savages with so much success, that they have determined to send out other Priests, to the number of fourteen to establish a community, if it be our pleasure to grant to them the necessary Letters Patent for this purpose. For these reasons, being well informed that we cannot do anything more advantageous for the propagation of the Faith and for the establishment of the Christian religion in our Province of New France, and being willing to favour the said Memorialists, we have permitted, and by these presents do permit them, to erect a Community and Seminary of Ecclesiastics in the Island of Montreal, there to labour, according to the intentions of the Petitioners, in conformity with the Holy Councils of the Church, and the Ordinances of Our Kingdom, in the conversion and instruction of Our subjects, and in prayer to God for Us and Our Royal Successors, and the peace of the Church and of Our Kingdom; and the more to facilitate the said Establishment, we have accepted, consented to and approved, and do hereby, under Seal of Our Chancery, accept, consent to and approve the said donation, contained in the said deed of the 19th March 1663, hereunto annexed; and of Our further Grace we have amortized, and do amortize the said Estate and Seigniorie of Montreal for ever, as dedicated and consecrated to God, willing that it be for ever united to their Society, without being liable to be bound, mortgaged, or alienated by any individual member thereof, for any cause or reason whatsoever, to be by them and their successors of the said Seminary and Community, enjoyed freely and absolutely, without being held to dispossess themselves thereof to furnish a Man vivant et mourant (as representing the Seignior), or to pay to Us or Our Successors, any fine, indemnity, or mutation rights, or other dues whatsoever, from all which we have relieved and discharged them, and whatever sum the same be in amount, We do by these presents relinquish the same in their favour, on the condition of the payment by them of all rights and dues belonging to any Seignior other than Ourselves; and We enjoin Our trusty and well beloved subjects, holding our Supreme Council at Quebec, and all others Our Officers whomsoever, whose duty it shall be, to cause these presents to be registered, and to cause the said Ecclesiastics of the said Seminary to enjoy the contents thereof, fully, peaceably and perpetually, ceasing and causing to cease, all trouble and hindrance, &c. Given at St. Omer, on the ninth day of May, in the year of our Lord, one thousand six hundred and sixty-seven, and the thirty-fourth of Our Reign." Signed, "Louis."

It is almost superfluous to offer a single observation on a document where the meaning is so distinctly expressed. "The said donation contained in the said deed of 19th March, 1663," is subject to the condition "that the domain and property of the said Island shall for ever be inseparably united to the said Seminary (of Paris) without being liable to be separated therefrom for any cause or reason whatsoever," and this "said donation" His Most Christian Majesty "accepts, consents to and approves," "willing that it be for ever united to their Society." There is nothing vague or doubtful in this declaration of the Royal pleasure; the donation was to the St. Sulpicians of Paris, and the "said donation" is by the Letters Patent "for ever united to their Society." The absurdity of supposing that the words "to their Society," were meant to indicate the St. Sulpicians of Montreal, is still more apparent, when it is considered, that "to favour the said Memorialists" was the moving cause why the Letters Patent were issued; it would, indeed, be a most singular display of the Royal favour, if, as the

St. Sulpicians of Montreal contend, the Letters Patent deprived "the said Memorialists" of the donation, instead of permitting them to hold the Estates in mortmain as prayed for; such an interpretation of the Royal intention being yet more improbable as implying that the property was bestowed on a Community not then in existence, and which there was no certainty would ever be legally established and competent to accept the donation. Public documents of a later date put it beyond all doubt that the St. Sulpicians of Paris were the owners of these Estates. An Edict of 1693, other Letters Patent of 1714, and an Arret of the Council of State of 15th May 1716 established that fact; their title is also affirmed in leases and deeds of concession executed in this Province, wherein the St. Sulpicians of Montreal appear in the capacity of agents to the Community at Paris; and lastly, by the deed of cession of 1764, wherein it is declared and admitted by both parties, that the St. Sulpicians of Paris were the undoubted owners of the property and estates in this Colony. The evidence on this point is clear and convincing, and it follows as a natural consequence that the Estates in question are lapsed to the Crown by right of conquest, as the property of a foreign Society domiciled at Paris at the time of the conquest and cession of the Colony.

The act of fealty and homage, tendered by the St. Sulpicians to His Excellency Sir Frederick Haldimand in 1781, and described by them as an abandonment by His Majesty of the rights of the Crown in their behalf, scarcely merits serious notice. The extravagance of such a pretension will at once be exposed by observing, that it rests on the supposition that rendering fealty and homage to the Governor of a distant Colony is sufficient in itself to naturalize foreigners, to constitute a body corporate and ecclesiastical, to convey the right of holding lands in mortmain, and to dispossess the Crown of estates and revenues worth about £500,000; and these important results are said to have been obtained contrary to the Royal instructions in that behalf, and against the provisions of an Act of the Imperial Parliament, 14 Geo. III. Cap. 83, excluding the St. Sulpicians from all right, title or claim to these estates.

A reference to the authorities mentioned in a former part of this Memorial, and more particularly to the reports of Sir James Marriott and Mr. Attorney General Sewell, will shew that the rights of the Crown in this matter are not dependent on the decision of the Law Courts, and that the power of the Crown may be legally and properly exercised for the gradual suppression of the Ecclesiastics of St. Sulpice and the acquisition of the estates now in their possession, by adopting towards them the same means which have already been used in respect to the Jesuits and Recollets.

So far as the right of the Seminary is concerned, it cannot be controverted that the question is open to be dealt with by the Government, as sound policy may dictate with a view to the general interest of the Province; but the Royal Proclamation of 1763 conveyed to the landed proprietors an assurance of grace and favour, which, it is believed, renders it obligatory on the Government to renounce on the Estates of the Crown, the feudal dues and rights which have hitherto been enjoyed by the St. Sulpicians, and which constitute the chief part of their revenues. This part of the subject has already been noticed in a paper entitled "Remarks on the proposed Ordinance to erect and endow an Ecclesiastical Corporation, in the Province of Lower Canada." A copy of the "Remarks," and also a pamphlet entitled, "Representation against the title of the Seminary to the Seigniori of Montreal," will be circulated along with this Memorial, and will be found to contain much information on other points, which, to avoid repetition, will not be introduced here.

Whatever may be determined upon, as to the claim of the landed proprietors to be unconditionally released from the payment of feudal exactions, it would unquestionably be in the highest degree arbitrary and unjust to reject their petition for the fulfilment of the Royal promise, in order to bestow these Estates on the Ecclesiastics of St. Sulpice, who have no legal right to the property, and are excluded by Act of Parliament from any beneficial interest therein, and whose permanent establishment as a Corporate Body, would be productive of many serious evils. The mere circumstance that the St. Sulpicians have, for a long time, enjoyed the Revenues of these Estates, to the prejudice of the Petitioners, certainly affords no justification for continuing and perpetuating the same injustice. The power to dispossess the Seminary rested in the Government and not in the Censitaires, and the proceedings at various periods, commencing with Sir James Marriott's Report in the year 1773, and continued at intervals up to the appointment of the Commissioners of Inquiry, in 1836, afforded sufficient grounds for believing, that the Government, being fully informed as to the facts, was engaged in considering the

subject, with a view to its final settlement on just and equitable principles. The Petitioners were in no wise accessory to the delay in determining this question, and it would be most unreasonable, on such a pretext, to assume that the Crown has abandoned its power to render impartial justice in the case, and that the Imperial Parliament is thereby constrained to the adoption of a measure impolitic, partial, and oppressive.

The following extracts of a despatch from Lord Aberdeen, to the Governor General of Canada, dated the 1st January 1835, refusing the Royal sanction to a Bill which had passed through both Houses of the Provincial Legislature, will shew in what light the subject was then regarded by His Majesty's Ministers, as affecting the rights of the British inhabitants of the Colony:—

“ Again, the permanent line by which all existing and all future institutions for the education of youth are to be distinguished from each other, merits peculiar attention. The one would be corporate bodies, capable of acquiring property, without limit, and defending it without difficulty; the other would labour under all the difficulties and disadvantages of voluntary societies. The liberal and tolerant spirit of the Legislature of Lower Canada is so directly opposed to every narrow principle, which would foster peculiar religious opinions by exclusive civil privileges, that the possibility of so injurious a construction of their motives has, probably, not occurred to themselves, yet I fear that the Protestant minority of the Province, watchful as they most properly are against the slightest encroachment on their religious liberty, might complain or surmise that this retrospective legislation was intended to confer an undue advantage on the Roman Catholic majority of their fellow-colonists. They might yield to the suspicion *that the language and the literature of France and the religious institutions derived from that kingdom, had been the objects of partial regard, and that existing scholastic foundations were preferred to those which might arise hereafter, because the first are principally under the control of the Roman Catholic Clergy, and the second may be expected to flourish and expand with the influx of a new population from Great Britain, and with the increase of British capital and settlements in Lower Canada.*

“ Finally, the terms of this Bill are so chosen, that I apprehend they would terminate the question so long in debate, whether the corporate character asserted by the Priests of the Seminary of St. Sulpice really belongs to them or not; the decision of that question, in favour of the Seminary, would involve consequences which every Canadian, whatever his national origin, or religious persuasion, would alike have reason to deprecate; such as the necessity of holding the great commercial city upon a feudal tenure so strict, as to prevent a foundation of quays, mills, wharfs, and warehouses and the improvements of buildings dedicated to commerce, which would otherwise have been multiplied, the consequent retardation, and, perhaps, the ultimate prevention, of that commercial greatness and prosperity which might be ensured to the city of Montreal, by its natural advantages, in the absence of these artificial restraints, *the dedication of a vast territory to purposes now become in a great measure obsolete, and for which, to the advantage of every class of society, other public objects of the same general character, might be substituted,* and the necessity of continually recruiting, by aliens introduced from France, the members of a Corporation which ought to be identified, in the highest possible degree, with the interest and feelings, not of the French inhabitants of a foreign country, but of the Canadian people.”

The revenues of the St. Sulpicians are not employed for educational purposes alone, a considerable part of their income being expended for the promotion of objects purely ecclesiastical, and in the relief and support of members of their own church. The possession of great wealth to be used for such purposes, in a country where there are no Poor Laws, and where the destitute poor of other religious denominations are thrown chiefly on the more wealthy individuals of their own persuasion, for support, would secure to the St. Sulpicians an undue predominance over those of another faith, and be the means of introducing in Canada the same practices which prevail in other countries, where similar endowments have been made.

But, apart from these considerations, it would still be most unwise and impolitic to constitute the Ecclesiastics of St. Sulpice, in perpetual succession, Commissioners of public education, with unrestricted authority to apply a large and increasing revenue, in furthering that object according to their own peculiar views, and entirely independent of the Imperial or Provincial Governments as to the system of education which should be pursued. One certain effect of this improvident delegation of power would be, the permanent establishment of Schools and Colleges essentially French, and devoted to confirm

and perpetuate those marked distinctions between the two races, which a considerate and humane policy would endeavour to obliterate.

As an evidence of the views and intentions of the St. Sulpicians in this latter respect, it is only necessary to mention, that a Free School has recently been established under their auspices, the management of which is confided to a number of Frenchmen lately arrived in the Province, calling themselves "Freres des Ecoles Chretiennes." A valuable piece of land has been purchased, and preparations are being made to erect buildings on a large scale, to establish this new order of foreigners in a British Province, to superintend the education of the Canadian youth. The vast influence the St. Sulpicians will acquire as Ecclesiastics richly endowed, and, through their Schools and Colleges, governing the education of the entire Roman Catholic population, whether intended for professional or mechanical pursuits, is justly regarded by the British inhabitants with a deep feeling of distrust and apprehension. Some curious observations as to the extent of their influence, and the vast advantages resulting therefrom to the Crown, are reported to have found place in a private memorial presented by the St. Sulpicians, in the year 1819, to His Grace the Duke of Richmond; but, whatever reliance may have been placed on these representations and assurances in times past, the history of the Canadian rebellion conveys a salutary warning against trusting to such assurances for the future. The District of Montreal, where the St. Sulpicians are established, was notoriously the most disturbed part of the Province, and in no other District did the rebels assemble in arms, in opposition to Her Majesty's Forces. Nearly all the French leaders of any note—chefs de rebellion—were educated at the St. Sulpician's College in Montreal; and the number of persons enrolled in the Hunters' Lodges was so great, as almost to justify the remark, that the desire of expelling British power from the Colony was universal with the Franco-Canadians of the District of Montreal. The influence of the St. Sulpicians, although inefficient to check rebellion, and to imprint on the minds of the Canadian youth sentiments of loyalty to their Sovereign and attachment to British institutions, has nevertheless been exercised with remarkable effect in a case where their temporal interests only are concerned. Seigniorial exactions are known to be unpopular with the mass of French landed proprietors; so much so indeed, that in the list of pretended grievances exhibited by the Canadian chiefs as justifying their rebellion, feudal dues and rights are especially denounced, and their abolition, without any remuneration to the Seignior, is held out as an inducement to the Censitaires to join the rebel army. Notwithstanding this natural desire to free their lands from feudal servitudes, the St. Sulpicians have prevailed upon the French landed proprietors of the Island of Montreal, not only to refuse their support to a petition praying that feudal rights may be abolished, but to prefer a humble request to the Government that the title of the St. Sulpicians may be confirmed, and that they may be invested with all the feudal rights and privileges, which they possessed or could have exercised before the 18th day of September, 1769, when the Colony appertained to His Most Christian Majesty the King of France. This sudden change of sentiment in the French petitioners, has been chiefly brought about by misrepresenting the intentions of the British inhabitants, and inflaming the religious prejudices of an illiterate and uninformed population, thus furnishing another evidence of the impolicy and the danger of establishing and endowing an institution, powerless as a means of retaining the Franco-Canadians in the observance of their duties as British subjects, and formidable only when engaged in stimulating their enmity against those of another origin.

The partiality of the proposed measure is not less obvious than its impolicy. By the Act of the Imperial Parliament 31st Geo. III. cap. 31, one-seventh of the lands then unconceded in the Province, were set apart for the maintenance and support of a Protestant Clergy. Up to the present time, but a trifling sum has been realized from this grant; nor will the entire proceeds of the lands, when sold, be sufficient to fulfil the expectations of the Legislature, in providing a moderate and decent support for the Protestant Clergy of this Province, who are in this respect in a much worse situation than the Roman Catholic Clergy, to whom are secured by the Act 14, Geo. III. cap. 53, their accustomed rights and dues, comprehending tithes, with all the advantages of an immediate revenue, fully equal to their wants and of greater prospective value than the appropriation for Protestant purposes. With the exception just named, there are no endowments* in Lower Canada, whether Ecclesiastical, Benevo-

* A small landed estate and £10,000 in money were bequeathed by the late Mr. McGill, in the year 1811, for the establishment of a College, but the Government has contributed nothing towards this object, and the design is not yet carried into effect.

lent or Educational, for the use and benefit of the British inhabitants, while there are numerous Institutions possessed of great wealth for the exclusive advantage of the French. A list of some of these endowments is subjoined:—

*Seminary of Quebec (possessed of the following Estates).—*The Seigniorship of Beaupré, containing about 520,000 acres, and the Seigniorships of Isle aux Coudres, Isle du Cap Bonté, Coulange, St. Michel, Isle Jesus, and Saulx au Matelot (in the City of Quebec).

Religieuses de L'Hopital General de Québec.—Seigniorships of Perthier d'en Bas, and St. Augustine: *Hotel Dieu of Quebec.*—Seigniorships of St. Ignace and Cap Santé Port Neuf.

Ursulines of Quebec.—Seigniorship of St. Croix, and a part of the City of Quebec.

Ursulines of Three Rivers.—Seigniorships of Rivière du Sud, St. Jean, and Rivière du Loup.

Grey Nuns of Montreal.—Seigniorship of Chateauguay.

Hotel Dieu of Montreal.—Fiefs Nazareth, St. Augustine, and St. Joseph.

Seminary of Montreal.—The Estates and Revenues in possession of this Institution, will be more particularly described in another place.

In addition to their Seigniorial properties, the Nuns of Quebec, Three Rivers, and Montreal, possess landed estates and *Rentes perpetuelles*, to the value of about £300,000, a great part of their lands within the Cities producing no revenue, from their refusing to appropriate them for building or commercial purposes.

The estates above enumerated, constitute more than one-seventh in value, and nearly one-seventh in extent, of all the Seigniorships in the Province, and are held by the respective Communities in contravention of the Imperial Act 14, Geo. III. cap. 83, conveying a solemn and deliberate Parliamentary pledge, that Canada as a British Province shall not be afflicted with those aggravated evils which endowments of such a nature have produced elsewhere. Several of these Communities, like the St. Sulpicians, have no legal title even by the laws of France, to the revenues which, by the culpable neglect of the Government, they are permitted to enjoy; one case out of many will be cited, that of the Nuns of the Hotel Dieu of Montreal, claiming to be Seigniors over the Fief Nazareth, and other valuable domains, but whose title is notoriously invalid, the lands never having been amortized in their favour, and who consequently would not be entitled to retain the property although the Province were at this moment a dependency of France. Fief Nazareth containing about one hundred acres in a commercial quarter of the City of Montreal, has been leased in small detached portions for building purposes, the Nuns illegally exercising the rights both of Landlord and Seignior, receiving a considerable sum as an annual rent, besides exacting all the customary seigniorial dues and rights. In addition to these properties and estates, the Nuns of Quebec, Montreal and Three Rivers obtain an annual grant from the Provincial revenue usually exceeding £3,000, for the support of Foundations and for other objects; a perpetual annuity of £2000 per annum has been secured to the Roman Catholic Bishop of Quebec, and five Collegiate institutions exclusively French generally speaking, with small landed estates are chiefly sustained by annual grants from the Provincial Parliament. The comparative numbers of the British and French population, afford no justification for this marked partiality in favour of the latter. The census of 1831 is known to be inaccurate and, probably, designedly so on that head, but although prepared, in a great measure, by French partisans, the British inhabitants are there stated as forming one-fourth of the entire population, and there is little reason to doubt that, at the present moment, they constitute one-third. When it is borne in mind, that not eighty years have elapsed since Canada became a British Colony; that immigration, to any extent from the Parent State, only commenced about twenty years ago; and that the settlement of Lower Canada, during the whole of that period, has been retarded by the operation of vicious laws, and latterly by political events, the ultimate preponderance in numbers of the British race, and that at no very remote day, cannot but appear as a natural consequence to all who attentively consider these facts. The utter disregard to British interests, in permitting the Religious Communities to retain estates and revenues of immense value, without any legal title, and in disparagement of the national faith and honour, has long been the subject of complaint in the Colony, and the attempt now being made by the Provincial authorities, in the case of the St. Sulpicians, to confirm and perpetuate that abuse, is rendered still more intolerable by the reflection, that it precludes every prospect of an amicable adjustment of this question, on terms fair and equitable to all

parties, and will, if carried into effect, be the certain means of introducing discord and civil strife hereafter.

Various opinions have been expressed as to the probable amount the St. Sulpicians will realize, if their title is confirmed on the terms proposed by the Provincial Executive. An accurate estimate, under this head, cannot be prepared, without going into a previous valuation of all the landed properties within the three Seigniories; but the following estimate as to the Seignior of Montreal, will, it is believed, approximate pretty near to the truth.

The assessment on landed property within the City of Montreal, is $2\frac{1}{2}$ per cent. on the rental; and according to evidence furnished to the Commissioners of Inquiry in 1836, the assessments in that year amounted to £4150. Buildings being supposed to pay on an average 8 per cent. interest, this would give the total value of property with the city as . . . £2,075,000

The Island of Montreal, exclusive of the City, contains about 140,000 acres, mostly in a high state of cultivation. There are several villages in the Island, and numerous country-seats in the neighbourhood of the city. An average valuation of £10 per acre, is considered too low by those who are well informed on the subject 1,400,000

£3,475,000

The commutation fixed by the Ordinance varies from 5 to $12\frac{1}{2}$ per cent., according to the extent of improvement on the land. Assuming an average of $7\frac{1}{2}$ per cent., the St. Sulpicians would receive for the commutation of *lods et ventes* £260,625

Mills and water privileges 25,000

St. Gabriel Farm of 300 acres, comprised partly within the city limits. Fief Nazareth, adjoining this property, has been conceded on building leases, at an annual rent of £3 for the eighth part of an acre; and besides paying that rent, the lots bear a value of from £10 to £75 each, according to situation. St. Gabriel Farm would certainly produce at present, if divided into building lots and sold on credit, a sum not less than 50,000

£335,625

The assessment on buildings within the city, is, generally speaking, below the real value, and on farms, orchards and vacant lots, forms no criterion as to the actual worth. A few instances, in exemplification, will be given:—An estate belonging to John Redpath, Esq. of 235 acres, of which that part only within the city limits is valuable, the rest being mountainous and rocky, unfit either for building or agricultural purposes. This estate cost the proprietor £10,000, and is assessed in the city books at an annual rental of £85. An estate, owned by the heirs of the late Simon McTavish Esq., of 300 acres, adjoining the above named property, present value about £12,000, assessed at £80 per annum. Farm and orchard, of about 40 acres, belonging to the Hon. Chief Justice Reid, present value about £4,000, assessed at £36 per annum. A vacant lot of land, belonging to John Fisher, Esq. assessed at £6 per annum, present value about £400. The assessed rental of these four properties collectively is £207, which according to the previous calculation, would represent landed estate to the value of £2,587, and yield to the St. Sulpicians, on a commutation of $7\frac{1}{2}$ per cent., the sum of £194. The real value of these properties being £26,400, the St. Sulpicians would actually receive £1,980, being more than ten times the amount previously estimated.

Not much more than one-fourth of the land within the city limits is yet built upon, and taking that circumstance into view, together with the manner in which the Assessment Roll is usually prepared, vacant lots being frequently altogether omitted, and the number of valuable buildings erected since 1836, the St. Sulpicians will, probably, receive for commutation, within the City over and above the amount already stated, a sum not less than 50,000

The arrears of *Lods et Ventes*, in the City of Montreal, by the Seminary's statement to the Commissioners in 1836, amounted to 34,000

£419,625

The account of arrears differing so materially from what was expected, occasioned, at first, some perplexity, until it became known on inquiry, that anticipating the Seigniorship would be assumed by the Crown as the result of the investigation then going forward, the landed proprietors, during the years 1835 and 1836, very generally compromised with the St. Sulpicians for the arrearages; both parties being gainers by this arrangement—the St. Sulpicians, in collecting for their own use revenues to which they had no legal right, and the Censitaires, in obtaining a considerable reduction on their respective debts, and an acquittance in full from the Seigniors in possession, who, by the French law, however defective their title, can grant a good and valid discharge to the Censitaires for the seigniorial dues and rights. The excess of income over expenditure, during the years just named, must amount to a large sum, which is, probably at the present moment, deposited in the Seminary's vault. This surplus fund, together with the commutation of Cens et Rentes, about 900 acres of wood land and other landed estate in and near the city, will, collectively, form more than an equivalent for the few small fiefs held by other religious communities and by individuals dependent on the Seigniorship of Montreal, and which would otherwise require to be deducted from the estimated sum, which a commutation of the Seigniorial rights throughout the Island will produce.

The value of the other Seigniorships held by the St. Sulpicians cannot be so satisfactorily established as that of Montreal. The Seigniorship of the Lake of the Two Mountains and its augmentations contains about 200,000 acres, a great part unwooded and having a valuable growth of timber. The number of inhabitants is supposed to be between 9000 and 10,000, and there are two villages of some magnitude, St. Benoit and St. Scholastique. The Seminary has two Corn Mills and eight or ten farms in its own management, and several Saw Mills and manufactories are possessed by individual proprietors.

The Seigniorship of St. Sulpice contains about 70,000 acres, all conceded. The population is about 12000. There are three villages in this Seigniorship, St. Jacques, St. Sulpice, and L'Assomption, the last named contains about 200 houses, many of them costly and commodious stone buildings. The St. Sulpicians have four Corn Mills on this Seigniorship, and there are eleven Mills belonging to individuals for sawing, carding and fulling, besides several manufacturing establishments, a Distillery and Brewery. The Cens et Rentes or fixed annual rent are stated to be 10 sols (5d.) and half a bushel of wheat for every twenty superficial acres.

It would occupy too much space to go into a minute detail as to the probable sum to be levied on these two Seigniorships on the terms provided in the Ordinance; but it may be assumed with certainty, that the capital represented by the *Cens et Rentes*, the mills and farm property and the commutation of *Lods et Ventes* would amount to more than £100,000, yielding to the St. Sulpicians, the Seigniorship of Montreal, inclusive, a sum total of about £520,000, in addition to which they would acquire a valid title to nearly 150,000 acres of land in the Seigniorship of the Lake of Two Mountains, and the arrears of *Cens et Rentes* and *Lods et Ventes* on the two Seigniorships amounting it may be supposed to a large sum.

The annual collection of *Cens et Rentes* to be continued as heretofore and the rents and profits of their numerous mills and farms would provide in part for the current expenses of the St. Sulpicians, and as the rate of commutation for *Lods et Ventes* increases with the delay in commuting, and landed property especially in the Commercial City of Montreal may be expected to acquire a greater value in succeeding years, the present value of this endowment will not vary materially from the estimate, although a considerable time should elapse before the principal sum is paid up. Interest at the rate of six per cent. per annum, with ample security, can readily be obtained in the North American Provinces, and the St. Sulpicians will consequently possess under the proposed arrangement, a revenue at the lowest calculation exceeding £30,000 per annum, to be employed at their own discretion for the exclusive advantage of those professing their faith; other Roman Catholic communities being likewise permitted to retain most extensive and valuable estates for the same purposes, contrary to law, while no public provision whatever has been made to supply the wants of the Protestant population in those respects.

This Ministerial scheme of endowment in Lower Canada, where rights secured by the Royal promise and by Acts of the Imperial Parliament are to be set aside, and the Protestant landowners compelled to pay "dues and rights" to the Roman Catholic Clergy, strongly contrasts with the recent

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Ministerial measure in Upper Canada, where also an Act of the Imperial Parliament is to be violated, but with a widely different intent, and the Ecclesiastica of the Church of Rome are to be endowed in that Province with one-fifth of the lands specially appropriated by law for the maintenance and support of a "Protestant Clergy." The estates granted to the St. Sulpicians by the Provincial Ordinance are more valuable than all the Clergy Reserves of Upper Canada, and this heavy blow and discouragement to Protestantism in Lower Canada not only establishes the predominance of another Faith; but confirms a French system of education which has largely contributed to separate the Franco-Canadians from the British race, and to cherish their desire for a distinct national existence, occasioning such calamitous results, that the Legislative re-union of the Canadas is advocated by the Government, as a means of destroying that French *nationalité*, which the endowment of the St. Sulpicians will animate and sustain.

The petitioners do not approach Parliament with the prayer that the settled institutions of the country may be despoiled of Revenues secured to them by law; and they utterly disclaim the intention or desire to interfere with the free exercise of the Roman Catholic Religion, or with the perfect equality of civil rights now existing in the Province. Admitting and respecting the rights of others, they claim for British interests an equal participation in Royal and Parliamentary favour and protection, which the tried loyalty of the British inhabitants, in times of difficulty and peril, justly entitles them to expect.

MONTREAL, March 20, 1840.

The foregoing Memorial was submitted to a Meeting of the General Committee of the Petitioners and approved, and 500 copies ordered to be printed, to be distributed with the petition to the Queen.

JOHN FISHER,
Chairman.
W. BADGLEY,
Secretary.

