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OF THE

ROMAN CATHOLICS.

1803—1814.

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OFFICIAL PAPERS

RELATING TO THE REGULATION OF THE

ROMAN CATHOLICS,

IN

SEVERAL STATES OF EUROPE, AND IN THE BRITISH COLONIES;

AND,

PROCEEDINGS in COUNCIL, relative to the Estates of
the JESUITS in *Canada*:

*Ordered, by The House of Commons, to be Reprinted,
and to be Printed,
on the 17th and 24th days of May 1814.*

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—(1.)—

I.—Papers presented to the House of Commons, in pursuance of an Address, dated the 17th May 1813; viz. Copy of Dispatch from Sir Charles Stuart to Lord Viscount Castlereagh, dated Lisbon, 17th October 1812; with Three Enclosures.—First Enclosure: Translation of a Letter from Don Louis de Cunha to the Nuncio, dated 27th August 1770.—Second Enclosure: Translation of a Letter from Don Josef de Ayuso, to Sir W. Beresford; dated Salamanca, 20th July 1812.—Third Enclosure: Translation of a Royal Letter from the King of Portugal to the Cardinal Patriarch, dated 23d August 1770.

II.—Papers presented to the House of Commons, in pursuance of an Address, dated the 20th May 1813; viz. No. 1. Translation of the Manifesto of the Spanish Regency, relative to the conduct of the Archbishop of Nicea, the Pope's Nuncio in Spain; dated Cadiz, 23 April 1813.—No. 2. Extract from the Code of General Law for the Prussian States, relating to the Roman Catholic Church; dated Berlin 1791.

I.—*Copy of a Dispatch from Sir Charles Stuart to Lord Viscount Castlereagh, dated Lisbon, 17th October 1812:—(Three Enclosures.)*

My Lord,

Lisbon, 17th October 1812.

I HAVE been honoured with your Lordship's circular Letter, enclosing certain Queries from Sir John Cox Hippisley, tending to ascertain the extent of the Jurisdiction exercised by the Court of Rome, in this Kingdom; whether by the circulation of Bulls, the confirmation and nomination of Bishops, or in other cases, where the pretensions of that Church affect the temporal supremacy of the Sovereign.

The Question has been frequently and thoroughly canvassed by the principal legal authorities of the kingdom; and the reasoning they have brought forward in favour of the rights of the Crown, has been conclusive; and on few occasions has been combated by the Roman casuists with any degree of success.

In proof of this assertion, I transmit your Lordship, by the present opportunity, the accompanying works of the Jurist Antonio Pereira, and of Sûr Seabra, with several public theses, drawn up according to the statutes of the University of Coimbra; supporting the doctrines, on which, beyond a doubt, all the Edicts respecting these important subjects, published since the expulsion of the Jesuits, are legally grounded.

Among these Edicts, I send that respecting the Bull "de Apostolicum pascendi;" which positively refers to questions of this nature, and adverts to the prohibition of all publications under ecclesiastical authority, without the previous approval of the Government.

The same principle is laid down officially in the Letter addressed by D. Luiz de Cunha, the minister in 1770, to the Pope's Nuncio; which is not considered to contain doctrines in anywise derogatory to the established laws of the kingdom.

The following case, which is perfectly applicable to this question, occurred within the last month:

A Portuguese Clergyman, intimate with the Nuncio, who had written the enclosed pamphlet, in support of the Italian or Ultramontane Doctrines, having been refused the licences necessary to publication, printed the work in England. A number of copies having been distributed in this country, the principles they inculcated attracted the notice of the Censor, who immediately drew up and transmitted to the Government, the very able review I forward; not only at once going over all the points which have been submitted to my consideration by Sir John Cox Hippisley, but setting forth the actual law of the kingdom, shewing the dangerous tendency of the doctrines supported by the Court of Rome in Portugal, and inducing the Government to direct the Procurador da Coroa, or Attorney General, to commence legal proceedings against the author.

Though the Concordat drawn up by the Queen's ministers in 1778, and of which I enclose a Copy, does not answer the tone which is remarkable in M. de Pomal's communications with the Clergy and with the Court of Rome, yet the paragraph alluded to in the marginal note marked +, evidently shews the Italians do not understand that any of the rights formerly maintained by the Crown Laymen of Portugal have been given up.

Though your Lordship is, doubtless, well acquainted with the law of Spain on this subject, a consultum of the University of Salamanca, particularly adverting to the situation of the Catholics in H. M. Dominions, which was obtained by Marshal Beresford in that city, is so perfectly satisfactory, that I feel it my duty to forward the enclosed copy to your Lordship.

I have the honour to be, &c.

(Signed)

Ch^r Stuart.

(First Enclosure.)

Translation of a Letter from Don Luis de Cunha to The Nuncio; dated 27 August 1770.

HIS Majesty has been pleased to order, that the Briefs which Your Excellency transmitted to me, should pass through the usual examination: and on their contents, he has commanded me to acquaint Your Excellency in His royal name, That, being perfectly aware, it neither is, nor can be, the intention of his Holiness to alter and pervert the Laws, laudable customs and privileges of these Kingdoms, or that, from the powers granted to the Apostolic Nuncios, should arise any thing that might disturb the public tranquillity, or be detrimental to the interests and the welfare of His Majesty's subjects, and to the good administration of justice,—

His Majesty therefore desires, that Your Excellency do not exceed these just limits of the powers with which you are invested; and also do abstain from any thing that may be contrary to the above-mentioned Laws, laudable customs and privileges, as well as from whatever abuses may have been introduced against them. Your Excellency will also keep in mind, that the Judges of the Crown will take cognizance of every thing which your Excellency may practise, or allow to be practised contrary to the laws of His Majesty: And further, that in those cases in which Appeals may be laid before His Majesty, the prosecution of the Suits is to be suspended, and the original Evidences transmitted to the said Judges, that they may decide whether any violation or abuse has taken place in said suits, and also whether the laws, customs and privileges of this kingdom, have been faithfully observed.

I am particularly desired to acquaint your Excellency, that you are not to visit the Cathedrals, nor take cognizance of any thing appertaining thereunto in the first instance, nor allow the judges and officers of the Legation to make any exorbitant charges; but merely those which are customary to be made in the Courts of Auditorship of this Metropolis; nor ought the fees in verdicts respecting matters of justice and grace, to be more than those which are legally established; thus avoiding all cause of complaint and scandal, which His Majesty is perfectly aware would be derogatory to your Excellency's character, and to the orders you have received.

His Majesty further commands me to acquaint your Excellency, that you should appoint a person to fill the office of National Promoter, as has always been the custom; His Majesty also cannot but praise the wise resolution he knows your Excellency has taken, of choosing for the Legation, men of talents, experience, and integrity; by which means the inferior Prelates will not be hurt, or complain at their decisions being revoked, by ministers who do not possess these requisite qualifications. His Majesty also acquaints your Excellency (as one of those cases which most frequently happen) that the religious members are in the habit of appealing to the court of Nunciature, in order to frustrate the correction of their superiors, and withdraw themselves from that obedience which they owe to them, demanding without any just cause, actions, exemptions, permissions, grants, licences, &c. from whence result (as long experience has clearly proved) the greatest disorders, relaxations of their regular institutes, disturbances in the communities, and scandal to the people abroad: Of all these circumstances, His Majesty informs your Excellency, that it should come to your knowledge, that it is His pleasure your Excellency do not decide or judge of any thing which may concern matters respecting the economical government of the regular communities of both sexes within their respective cloisters, nor admit any appeal from them in any degree whatever; and in conformity thereunto, His Majesty has already acquainted all the superior Prelates, in order that they might know it and fulfil it, as also enjoin it to all under their jurisdiction.

Not only the enlightened spirit with which his Holiness has edified the whole universe, by separating the most holy rights of Apostolic Supremacy from his supreme power, which God has made distinct, in order to establish thereupon the reciprocal union of the Altar and the Throne, and with it the perpetual peace of the Church, and the public tranquillity of those Kings and States, who are devout Sons of so holy and revered a mother; but also the great confidence the King places in the well-known talents and worthy intentions of your Excellency, make His Majesty hope your Excellency will always act in such a manner, as to call forth His praise; and that your Excellency may experience the most repeated effects of the profound veneration and respect, which His Majesty entertains for His Holiness and the Apostolic Faith, and of the great esteem in which he holds the person of your Excellency, not only for the dignity of your public character, but also for the distinguished qualities and recommendable virtues that so highly adorn your Excellency.

Your Excellency will be pleased to favour me with an answer in writing, to what is herein contained; and on receipt of which I will deliver the Briefs now in my hands to the person whom your Excellency may send to receive them; in the meanwhile I make a tender of my services in the most ready and willing manner. May God take your Excellency in his holy keeping!

Court, 27 August 1770.

Most Illustrious, and
most Reverend Sir,
B. uf maos, &c. &c.
D. L. de Cunha.

(Second Enclosure.)

Translation of a Letter from Don Josef de Ayuso, to Sir W. Beresford; Salamanca, 20th July 1812.

Most Excellent Sir,

I HAVE the honour to transmit your Excellency a Copy of the Dictamen, which the University of Salamanca gave, upon the Affair (consulta) of the Roman Catholics of Ireland, by order of the King of Spain, on the 3d of March 1789. It's then Rector, Don Diego Muñoz Forrero, now a deputy of the Cortes for Estremadura, is well known, and is now President of the Commission of the Constitution.

I have seen few *Claustros* (so are called the Meetings of the Doctors and Masters to deliberate on matters belonging to the University) that have been so fully attended by the Members of the University, and few in which there has existed so much unanimity of opinion.

Three things were consulted on: First, If the Pope, the Cardinals, or any other Ecclesiastical Authority, hold any Civil or Political Power over the Supreme Civil Power of the King of Great Britain?

Secondly: If any Ecclesiastical Power could absolve his Subjects from their Oath of Fidelity?

Thirdly: If any Ecclesiastical Authority can break the Agreements and Contracts made with persons who profess a Religion different from the Catholic?

The University did not hesitate to declare, that it ought to answer in the Negative to those three Questions; and named six Commissioners of the Theologians, and four of Jurisprudence, to draw up their opinion.

These held a Meeting, and appointed two of themselves, the fourth and fifth of those who sign the Paper, to form the Answer. In a very short time and at another Session, it was presented, and unanimously approved of, and thence presented to the general Meeting (*Claustro*) where it was confirmed without hesitation. The University was so immediately convinced of the justness of this opinion, that it required but little time to consider, and in fact, no one can prove that it is a principle of the Roman Catholic Religion, or a dogma of the Romish Church, to give any political power to its Prelates over the temporal sovereignty, over the fidelity that is due to it from its subjects, or over the contracts or pacts made by Catholics with persons of a different Religion.

It is certain that there have been individual writers who have held different opinions (*sus opiniones*, their opinions) upon this point: but the Catholic Church has never received them as Doctrine or Articles of Faith, nor have those writers ever presumed to give them such authority.

On the contrary, many learned and pious Authors have supported the opposite doctrine, founded on that most solid foundation of not being able to discover this political power, which the former wish to attribute to the ecclesiastical Prelates, in any of the books of Holy Writ, and it being totally unknown to the first ages.

The Romish Church acknowledges two Supreme Powers, but of different kinds, and in all things distinct. The political, temporal and civil, and the spiritual; between which may reign great harmony, but no dependency. The Civil can do nothing which respects Articles of Faith; nor has the Spiritual any right to interfere in what is temporal.

The political power can decide nothing upon the essential points of Religion; it cannot determine upon an Article of Faith, nor administer the Sacraments, nor determine any thing upon what belongs to the worship of the Divinity; nor has the spiritual any right over civil Society, over the State, or over the Chiefs in the civil or political.

The Christian princes preserve all their authority entire and full, without subjection to the Church, in the same manner as the infidels; and similarly as individuals are masters of their own houses and privileges, without any dependence upon priests, so the monarch enjoys this power entire, without the least diminution, and without acknowledging over it that of the priesthood. Jesus Christ neither exercised, or transmitted to the Apostles or their successors, any temporal power whatever; on the contrary, he subjected himself with the greatest submission to the established authorities, ordering to be given to Cæsar that which was Cæsar's, 'paying tribute, and acknowledging the authority of Pilate himself. St. Peter and St. Paul taught, that all, of whatever class or condition, ought to be subject and obedient to the King, and to all other legal authorities, and to abstain from a desire to govern, and declaring that whoever resisted the legal authorities resisted the order of God; and Paul himself appealed to, and sought redress, at the tribunal of Cæsar.

In the first and most flourishing ages of the Church, the most submissive subjects were the Christians; and their priests and the Roman pontiffs have testified themselves, in a thousand manners, their respect for the Emperors in what was political: so far were they from arrogating to themselves in that point any pre-eminence. Such are the principles of religion. Nor does the King of Great Britain stand on any other footing than all other kings; consequently it is most clear that no ecclesiastical prelate can assume any

civil power in that illustrious kingdom, nor have any power to absolve or dispense subjects from their oath of allegiance. The maxims of our Faith order obedience to superiors, though they do wrong; and it does not permit, that under any pretence of Religion, any one should omit what is his duty to them. The great Apostle of the Gentiles, *inculcated* subjection to princes, and directed they should be prayed for, even though Pagans; and as it is not fit that any one should renounce that which he is not authorized for, the dispensation of an oath made to the king, by another authority, and of an order different and distinct, would be very extraordinary, as that the Prelates should exercise a power over the temporal, that was neither delegated to them from Christ, or known to the first ages.

When even the Emperors were Christians, and some strayed from the faith, we do not see that the Popes or the Bishops dispensed (or broke) the oaths of allegiance which their subjects had made to them; nor did the famous St. Ambrosio, who had the firmness to excommunicate Theodosio the Great, and to prevent his entering the Church, attempt to absolve his subjects from the obedience they owed him; thus there is no foundation for the Ecclesiastics of our times assuming powers relative to the subjects of Great Britain unknown to their predecessors.

Religion not less than reason manifests that we ought to observe with the greatest exactness, fidelity in our agreements and contracts, whoever may be the person with whom they are concluded, without any regard to his religious principles or opinions. There is no doctrine which prohibits contracting with those who are of a different belief. David, and other religious Princes made alliances with the kings of the Infidels; and we do not see that they were reprehended for it in the Holy Writ. Our pious Kings of Spain have made many treaties with Mahometans and with other States, in which the religion differs from the Catholic; but they never on that account believed themselves exonerated from the obligations contracted. They treat, they agree, they contract with them, as men. So that as the Catholics would not desire to be deceived by those of a different belief, they cannot and ought not themselves to deceive under so frivolous a pretext, since a difference of religion does not derogate from the great principle of nature (the great general principle) inculcated by Jesus Christ: "That which you desire not for yourself, wish not for another; and whatsoever ye would that men should do to you, even so do ye unto them."

The contrary would be prejudicial to the Catholics themselves, as no one would contract with them under the knowledge that their religion furnished them with a pretext for not fulfilling their engagements.

If it was a doctrine of the Catholic faith, that the prince was politically dependent upon another authority, and which would dispense his subjects from the allegiance they owe him; and that it was permitted to break obligations made in favour of those who held a different belief; the English Government and all others would justly mistrust citizens, who under so specious a pretext could throw off their civil obligations, and acknowledge another political power greater than that of the chiefs of the State. However, there is not certainly any such doctrine in the Catholic religion; and whatever may be the opinions of some particular writers on this subject, the Church has not acknowledged them nor ever will, as articles of faith or as principles of belief.

The very reverse, it holds as a certain and necessary maxim, obedience in the political to the supreme temporal power; looking to it as its protector and that of religion, and acknowledging all the rights of the sovereignty without any diminution, conceding to it on these principles, the right that no Bishop shall be nominated except persons of his approbation, that they may not be suspected by the state; a right that has been constantly exercised by all the Sovereigns of Europe, and more particularly by the Kings of Spain from the most remote times, by the express approbations of the ancient Councils of Toledo, and of the Popes of the later ages, who never confirm any Prelate, but such as are presented by the Spanish Monarchs. These acknowledge the Pontiff's supremacy only in spiritual concerns, without conceding to him a right or power of any kind in political affairs, on which account they keep and have always reserved the right to examine the Bulls or Rescripts; and none are allowed to be published, but when approved of by the King; on which particular and others relative to this matter, we have many authors of high repute and estimation; and amongst them of very particular merit, is the work, "The impartial Judgment of the Conde de Campomanes on the Monitorio de Parma," published in 1768.

Salamanca, 20th July 1812.

(Signed) *Josef de Ayuso.*

To His Excellency
Marshal Beresford.

(Third Enclosure.)

Translation of a Letter from the King of Portugal to the Cardinal Patriarch.

23d August 1770.

For the Cardinal Patriarch; Royal Letter.

TO the most Illustrious and most Reverend in Christ, the Cardinal Patriarch of Lisbon, my beloved brother! I Don Joseph by the Grace of God King of Portugal and of the Algarves

Algarves on both the Continents of Europe and Africa, Lord of Guinea and the Conquests of the Navigations and Commerce of Ethiopía, Arabiá, Persiá, Indiá, &c., Do greet you as one whom I love and cherish :

Whereas with the just and indispensable motives which constituted the basis of My general and perpetual Law given in this Palace of our Lady of Ajuda, on the sixth day of May, of the year one thousand seven hundred and sixty-five, issued for the purpose of preserving and keeping in full force and vigour, the inviolable observance of the laws and the ancient and laudable customs not only of this kingdom, but also of all other Monarchies, Estates and Sovereigns of Europe, who are the most distinguished for their veneration to the Apostolic See ; I commanded that the bulls, briefs, decrees, orders, mandates, decisions, or any other rescripts and mandates of the Roman Court, should not be acted upon until I had heard the Attorney General's opinion respecting them, and that after they had passed through the usual forms and examinations, I had granted My Royal Assent : And whereas My Royal and Pious intention expressed in the said Law, was to maintain the temporal independence of My Throne, the constant firmness of My Laws, the observance of the laudable customs of My Kingdom and of My Courts of Judicature, that by these means I might preserve the public tranquillity of the People committed to My care, without ever attempting to deprive the High Pontiff and the Tribunals of the Roman Court of their just and lawful jurisdiction, in those matters which immediately concern them ; I therefore thought proper to explain you this Law, which I do by these Presents ; assuring you, at the same time, that in the said Law were not, nor ought not to be included the briefs issued *a Penitenciaria*, or the ordinary rescripts that have any respect to business between private individuals, provided these do not contain any matter relating to or connected with any of the above-mentioned points that constitute principles always unalterable, as they are directed to maintain the public tranquillity of My Realms and Subjects.

To the Most Illustrious and Most Reverend Father, Cardinal Patriarch of the City of Lisbon, may God take you into his holy keeping ! Given at our Palace of our Lady d'Ajuda, on the 23d day of August 1770.

(Signed) THE KING.

An exact copy of the above was transmitted to all the Archbishops, Bishops, and Prelates, invested with Spiritual Jurisdiction in this Kingdom and its Dominions.

II.—No. 1. Translation of the MANIFESTO of the Spanish Regency, relative to the Conduct of the Archbishop of Nicea, the Pope's Nuncio in Spain.

To the Prelates and Chapters of Spain,

The Regency of the Kingdom.

UPON taking into My hands the government of the Kingdom, I find myself under the painful necessity of interfering with a subject, equally delicate from its publicity and transcendent nature, as from the character of the persons who were concerned in it. The Chapter of the Cathedral of Cadiz, with their Capitular Vicar, and the Ordinary and Military Vicars of this town, pretending the defence of Religion, and a fear of acting against their own consciences, opposed themselves to the publication, in the parish churches, of the Decree and Manifesto of the Cortes, concerning the establishment of the Tribunals for the protection of the Faith, instead of the lately abolished INQUISITION ; I therefore adopted the most energetic measures, in order that whilst those decrees were duly enacted, Spain might be preserved from the convulsions which threatened her at that moment. To those measures, equally tending to maintain the dignity of the Holy Church, and the tranquillity of the State, we owe the extinction of a flame which might have consumed the kingdom. But the circumstance of having desired from the Chapter of this Church, and from some others with whom I had been in correspondence, an authentic copy of their Resolutions, and other documents, that we might take such steps as the justice of the government and the offended Sovereignty of the nation called for, led to the discovery of a fact which greatly increased my sorrow, both on account of the character of its author, and the danger to which it exposed the country.

Among the documents that were laid before us, there appeared a letter from the most Reverend Peter Gravina, Archbishop of Nicea, and Nuncio of his Holiness for Spain, to the Dean and Chapter of the Cathedral of Malaga—(1) dated 5th March last ; in which he exhorted them to delay, and even to oppose the execution of His Majesty's decrees concerning the Inquisition. The Most Reverend Nuncio appeared by his signature to act in that instance only in his archiepiscopal character, notwithstanding that he was protesting against the injury which he supposed to have been done to the Holy See, in the abolition of the Inquisition, and the Decree for promulgating it in the parish churches. He also says, in his letter, that the Bishops now resident in this town, had it in contemplation to answer to government,—that they could not put those decrees into practice, until they had heard the opinion of their Chapters,—at the same time, throwing a slur upon those Bishops by the intimation, that this was intended as a mere pretext ; after which, he explicitly adds, *That they thus gained time to make all the proper remonstrances upon the matter.*

matter. He further states, that the Chapter of this Church, *sede vacante*, had declined to execute the Decree; upon which he exhorts the Chapter of the Church of Malaga to adopt the opinion of all the Prelates (thus reckoning upon their disobedience,) and endeavours to persuade them, that, *by acting according to his advice, they would do an important service to religion, to the Church, and to our Most Holy Father, whose authority and rights he conceived to be endangered, without thereby favouring the Episcopal power.* It is also added, that he had thought it his duty to remonstrate (2), in the name of his Holiness, opposing the execution of such Decrees, until the Pope had given his consent or approbation; or, in defect of the Pope, the same were done by a national council; and he, finally, closed his letter with a promise of communicating to them, under the greatest secrecy, every circumstance, as it should take place, which might contribute to regulate their conduct for the future.

Copies of Letters have been also forwarded to me by the Rev. Bishop of Jaen (3) and the Chapter of Granada, *sede vacante*, (4)—similar to the above mentioned, and which, with the same object, and under the same date, were directed to them by the most Rev. Nuncio. From these it appears, that the said Nuncio, trampling on the first principles of international Law, overlooking the boundaries of his public mission, and abusing the veneration in which this pious people hold the Legates of the Apostolic See, has endeavoured to promote, and actually has promoted, under the cloak of Religion, the disobedience of some very respectable Prelates and Ecclesiastical bodies to the Decrees and Orders of the Sovereign Power. If the most Reverend Nuncio had only intended to act as a Legate of the Holy Father, and to avoid any expostulation, to which he might conceive himself exposed for his silence on the present subject, nothing obstructed his way to me through the medium of the Secretary of State. I might overlook his avoiding this regular and official means of communication, when he remonstrated as he thought proper upon the matter, and should have attributed the informality of the conduct which he chose to adopt, to inadvertency, or rather to an excess of confidence. I should have only paid attention to his arguments, and, with the advice of the supreme Congress, taken such Resolutions as the defence of the Holy Church and the temporal good of the State, demanded with one voice from me.

The justice of the national cause makes me feel quite confident that, had this been the case, I should have satisfactorily answered the note of the most Reverend Nuncio, and that I should have been found equal to meet those vague and common-place arguments, which the wisdom of the most August Congress has already defeated. His uneasiness would have been calmed when he should see that the abolition of the Inquisition can, by no means, either endanger Religion, or injure the rights of the Roman Pontiff; and that all the fears which he entertains, on that account, for the primacy of the Holy Father, and the supreme authority which he holds in the Church, are most vain and ungrounded. His qualms would have been allayed, concerning the impropriety which he seems to find in the circumstance of declaring to the people during the celebration of Mass, that a tribunal which was established, and for three centuries protected by the Popes, is useless, injurious, and contrary to the laws of the kingdom. In fine, he would have seen that the August Congress, in this purely political question, has acted in virtue of its sovereign authority, without injuring in any way whatever, the rights of the Holy Father, or, much less, those of the Catholic Church; so that they might, either now, or in future, be in need of the remonstrances of Nuncios or Councils.

But the private letters, which under the same date as the note, were written by the most Reverend Archbishop of Nicca, and the fact of his having mentioned therein that he forwarded a remonstrance to the Government upon the subject, are circumstances which clearly prove, that whilst he betrayed the secrecy which he himself recommended, he aimed not merely to avoid the charge of negligence in the fulfilment of his office, but rather to raise in the pious clergy of Spain, and by their means in the People at large, a distrust of the temporal authorities which he thus strove to decry; and to check their influence over a class of the State, the members of which, by reason of their conspicuous rank, ought to be true samples of subordination and obedience.

This unlooked-for behaviour of the most Reverend Nuncio, has compromised the honour of the National Congress, the security of the Kingdom, the authority of the Episcopal Order, the true rights of the Roman Pontiff, and the respect which is due to the Church. He, on the one hand acknowledges in his note the authority of the Cortes, whilst on the other, by means of a secret correspondence, he sows disaffection and insubordination amongst the Spanish Clergy. In the character of a public Envoy he makes application to the Supreme Government, claiming redress; whilst as an individual Prelate he spreads private letters tending to the discredit of that very Government. When addressing the Regency he conjures the zeal of the Ministers of Religion; and when speaking to those Ministers, he insults that same Religion, by making it a tool to foment the insubordination which it condemns. With the Government he assumes the character of a delegate of the Holy Father, who is thereby to be supposed incapable of making an ill use of his mission; with the subjects of that Government he becomes an intriguer, a secret agent ready to give them private intelligence of the progress of that disobedience, of which he is the promoter and fosterer. As a Nuncio of his Holiness, he affects an eager desire for the concord of the Empire and the Priesthood: as an Archbishop he strives to burst asunder the only bonds which keep them together.

What

What might not the nation fear from this foreign Prelate, who, forgetting his dignity and the character of his mission, transforms the Representative of the head of the Church into an agent of petty interests, very different from those of the primacy of order and jurisdiction which belongs to his Holiness, into a kindler of feuds, which could end in nothing but a civil war. The imagination can hardly encompass the mass of evils to which he has exposed our afflicted nation, by such an unheard-of step. The letters imply that he had previous notice of the resistance which the Chapter and Vicars of Cadiz were to make. Of the object of those dilatory measures which the Bishops, now resident in this town had agreed to adopt, as well as of other steps which were in contemplation, tending to confirm that resistance, and to spread it over the kingdom. The plan being one, the interest the same, the measures every where analogous, it evidently appears that the effects of the cooperation and support of the Reverend Nuncio, must have been fatal to the representative body, and to the government on which the nation reposes its hopes of independence.

The Spanish people are fully aware, that the Decrees of the Cortes have no other scope but the combined support of the Catholic Faith, and the temporal prosperity of the kingdom. To shake this just conviction, and blast all the hopes which are grafted on it, was the object of those letters, and those injunctions of secrecy with which the Most Reverend Nuncio supported the schemes of the Chapter of Cadiz. This illustrious personage has, therefore, been wanting to the rules of his office, to the consideration due to the National Congress, and to the confidence with which a Catholic nation has sheltered him in its bosom,—a nation which now, more than ever, requires the most perfect internal union, if she is to hope for success in her struggle with tyranny. He has besides done a great injury to the Christian Religion, whose interests he pretends to promote, by inducing the loyal and peaceful Spaniards to disaffection and resistance. Neither is the offence slight with regard to the Holy Father, whose disapprobation of a conduct so openly at variance with the Gospel, is ensured by his heroic virtues. That man insults the religious principles of the Pope,—who can suppose him capable of asserting in a foreign kingdom, the pretensions of his Court,—nay, even his undoubted rights, by encouraging rebellion amongst the people. The false step of the Most Reverend Nuncio is one of the greatest evils which the captivity of the Holy Father has produced to our pious nation : and nothing but the special care of Providence could prevent its fatal consequences. But such has been the loyalty and obedience of the Bishops and the Chapters of Spain, that they have adopted the apparently uncivil course, of not even answering the Nuncio's letters.

However, this is not enough to appease my mind. The flame which has been quenched so luckily might be raised at another time, and they might grasp at some opportunity of imposing upon the loyalty and exalted piety of our nation : and I should not be worthy of the trust which the nation has reposed upon me, if I did not provide against such danger. What I could not wink at in a Spanish Bishop, I will not suffer in a foreign Prelate, who so ill requites the hospitality and generosity of the Spaniards. I am ready to excuse the errors of what some people are willing to call Policy ; but I cannot dissemble to myself, that any degree of connivance in this particular instance, would be highly criminal, both from the injustice of the act, and the ruinous consequences which it might bring upon the country.

I bear in mind the unwearied zeal with which our monarchs have defended their own authority against the pretensions of the Court of Rome. The mere suspicion that Briefs might contain some doctrines or decrees contrary to the privileges of the Crown, has been deemed sufficient reason to stop their circulation, until they are examined and approved by Government. Whenever any relaxation appeared to glide in on this point, Government has instantly applied a steady hand to stop its progress. Our history presents very awful examples of this kind, which might have been a warning to the most Reverend Nuncio. A Government which has been so jealous of its unalienable rights, is now doubly bound to take the most effectual measures against an agent of that same Court, who by means of intrigue and underhand practices, endeavours to promote and organize a religious and political schism, which might endanger the security of the State. These reasons have roused my justice : but, although I conceive myself fully authorized to exercise it on the Most Reverend Peter Gravina, by ordering him out of Spain, and seizing his temporalities, I have limited myself to command that the following Royal Decree be transmitted to him ; and this for the reasons expressed therein :—

DECREE.

“ THE REGENCY of the Kingdom expected that your Excellency having regard to the public character of a Legate of his Holiness, with which you are accredited, to a Nation equally heroic and religious, would have kept within the limits of that character, forbearing to abuse the consideration with which the Spanish government has continued to acknowledge you in an Embassy, the legitimacy of which was rendered very doubtful by the captivity of the Holy Father and of our King Ferdinand VII. as well as from other circumstances. His Highness relied on the strong motives which might and should have regulated your private conduct. But he has now beheld with surprise the steps which your Excellency has taken on the affair of the Inquisition. When on the 5th of March, you presented a Note to the President and Supreme Council of Regency, that very day

as Archbishop of Nicea, you wrote to the Chapters of Malaga and Granada, and to the Archbishop of Jaen, exhorting them, especially the two first, to delay, and even refuse their acquiescence in the Decrees which his Majesty had issued concerning the establishment of Tribunals for the Defence of the Faith, instead of the abolished Inquisition, and for the publication, in the Parish Churches, of a Manifesto of the Cortes. Your Excellency was not contented with writing such letters as might, through the perversion of public opinion, lead to a schism upon that delicate and important subject. Besides this, your Excellency had the boldness to betray that secrecy, which you had recommended in your Note; at the same time that you enjoined it to the Chapters and Bishop, in order that they might look upon you as the author of a scheme, which tended to stop the exercise of the temporal authorities, and promised them to transmit intelligence of every circumstance, as it should take place, which might contribute to regulate your combined plans for the future. A conduct so contrary to the law of nations; a conduct by which, overstepping the limits of your public character, your Excellency has availed yourself of the immunity which that character enjoys, that you might, as a foreign Prelate, organize the resistance of those individuals, who by reason of their rank, should be true samples of subordination, cannot be looked upon by his Highness with indifference; much less when you represent that conduct as an important and indispensable service due to Religion, to the Church, and to our most Holy Father, whose authority and rights, according to the opinion of your Excellency, are wounded by the Decrees in question, without their favouring thereby the Episcopal Dignity; his Highness is horror struck at the consideration of the fatal consequences which threatened the State, and which naturally must have followed the advice which your Excellency has given, supported as it is by arguments of such an inflammatory nature. But although his office, of Guardian of the state and Defender of Religion, fully authorized him to order you out of these kingdoms, and seize upon your temporalities, his desire of evincing the veneration and respect which the Spanish Nation has always had for the sacred person of the Pope, and the fear of now increasing his sorrows, have dissuaded his Highness from resorting to that measure. His Highness has limited himself to command, that the disapprobation of your Excellency's conduct be expressly declared; as also that he expects that your Excellency will keep in future within the limits of your mission, without availing yourself again of the opportunity, which your character of foreign Prelate affords you, to take the same or similar steps; but that all your remonstrances will be made to government through the medium of the Secretary of State; and your Excellency may be sure, that should you henceforward forget the duties of your charge, his Highness will find himself in the painful, though absolute necessity, of exercising his full power in the execution of those which he swore to fulfil, when he accepted the high trust committed into His hands.

God preserve, &c.

(Signed) *Antonio Cano Manuel.*

Cadiz, April 23, 1813.

To his Lordship the Archbishop of Nicea.

The reasons which have compelled Me to this resolution, and the incontrovertible truths which, as protector of the sacred laws of the Church, I have pointed out in this Manifesto, make me trust, that the worthy Prelates of the Spanish Church, and their respectable Chapters, will contribute, by means of their authority and sound learning, to the fulfilment of the good wishes of the Sovereign Congress, and My own, in favour of Religion and the State.

(Signed) *L. de Bourbon,*

Cardinal of Scala, Archbishop of Toledo,
President.

Cadiz, April 23, 1813.

NOTES.

(1.) Most Illustrious Sir,—My most respected Sir, The Manifesto of the Cortes, the Decree addressed to the Bishops, for reading it on the three first following Sundays during high mass; and several others, relating to the abolition of the Inquisition, to which a Tribunal is substituted, with the title of Protector of the Faith, are on the eve of publication.

The Lords Bishops, resident in this town, intend to answer, that they dare not take any step upon such an important subject, without consulting their Chapters; and so they will gain time to expose whatever may be deemed fit upon the subject.

The Chapter of this Church *sede vacante*, grounded on a petition of their Vicars, and other reasons which shall be expressed in their answer, will refuse to execute the Decrees. I have deemed it my duty to represent, in the name of his Holiness, against the Decrees, unless they are previously consented to, or approved by the Pope; or, in his defect, by a national Council. I think it necessary to transmit this information to your Illustrious Lordships, trusting that on such an important business you will conform yourselves with the opinion of all the other Prelates; doing thereby a great service to religion, to the Church,

and

and to our Most Holy Father, whose authority and rights are vulnerated, according to my opinion, and that, without favouring the Episcopal authority. All this, as your prudence will suggest, requires the greatest secrecy; and with the same, I will communicate to you every circumstance, as it shall take place, that may contribute to direct our proceedings for the future.

God preserve, &c.

Most Illustrious Sir, &c.

(Signed) *P. Archbishop of Nicca.*

To the Most Illustrious Dean and Chapter
of the Holy Church of Malaga.

Cadiz, March 5, 1813.

(2.) Most Serene Lord,—The Nuncio of his Holiness has heard in the greatest bitterness of his heart, that your Highness is on the eve of circulating and publishing the Manifesto and Decree of the August Congress, in which his Majesty declares the tribunal of the Holy Inquisition to be incompatible with the Political Constitution of the Monarchy, and substitutes another which may, according to wise and just laws, protect the Catholic Apostolic Roman Religion, the only true one, which exclusively of all others, his Majesty has so piously sanctioned. No one, even among the native Spaniards, feels more respect than I do towards that August Congress, nor will any one exceed my punctuality in obeying its wise commands. But the subject in question belongs to the Church, and is of the greatest importance, and of a very highly important nature, as one in which Religion is concerned, and from which it may suffer irreparable injury. A Tribunal is going to be suppressed or abolished, which was established by the Holy Father in the exercise of his Primacy and Supreme Authority over the Church, for objects purely spiritual, as the preservation of the Catholic Faith, and the extirpation of Heresies; thereby leaving without effect the power which his Holiness had delegated to that tribunal. In such a case, and being enjoined to me by the brief of my legation to make the greatest possible exertion in all things concerning the Catholic faith, and the Holy Roman Church, as also to do whatever I may find to be in favour of the Church; and for the consolation and edification of the people, and the honour of the Holy See, I should be wanting to all these sacred duties, if, with the greatest respect as well as with the Christian Liberty of an Apostolic Legate and a Representative of the Pope, I did not state to your Highness, that the abolition of the Inquisition may be extremely injurious to Religion, whilst it actually wounds the rights and primacy of the Roman Pontiff, who established it as necessary and beneficial to the Church and the Faithful. What can henceforward prevent the diminution of that reverence and submission which all Christians owe to the decisions of the Vicar of Christ, the visible head of the Church, when in her very bosom, and during the holy sacrifice of the Mass, they shall be told that a Tribunal established, kept up and defended for three centuries, under the sanction of the most severe penalties, by the Popes, is not only useless, but detrimental to Religion itself, and contrary to the wise and just laws of a Catholic Kingdom?—If his Holiness were free at the present moment, I should content myself with giving him notice of this event; but as He is, most unfortunately, kept in the captivity which we so much lament, I find it necessary and indispensable to protest, in his name, against an innovation of such influence in the Church of Spain, and which wounds the rights of the Supreme Pastor of the Universal Church, the Vicar of Jesus Christ; and trust that your Holiness, led by your well-known religious feelings and consummate prudence, will take the most effectual measures, in order that the August Congress, who so ardently desires to protect the Religion we profess, may be pleased to suspend the execution and publication of their Decrees, until, at some more happy period, the approbation or consent of the Roman Pontiff may be obtained, or, in his default, that of the National Council, whose peculiar province it is to regulate these religious and ecclesiastical matters. None of these considerations can escape his Majesty's wisdom; nor can his great piety take it amiss that I, in the exercise of my ministry, and with all the necessary secrecy and due sense of submission, should, through your medium, lay before His Majesty this most humble Petition, so intimately connected with the good of the Universal Church, and especially of the Church of Spain, the happiness of the Monarchy, and even the honour and prosperity of His Majesty; which is the object of my most ardent wishes, as well as of my incessant prayers to Heaven. God preserve, &c.

(Signed)

P. Archbishop of Nicca,

Most Serene Lord President, and
Supreme Council of Regency.
Cadiz, March 5, 1813.

Nuncio of his Holiness.

(3.) Most illustrious Sir!—Sir, my most esteemed Brother.—I have thought that it became my office to remonstrate to the Regency, concerning the Decrees of the august Congress, which are ordered to be circulated and published, for the abolition of the Holy Inquisition; and also to give you this information, and let you know that the Chapter of this Cathedral, *sede vacante*, with the approbation of the Bishops resident in this town, are determined not to put the said Decrees into execution, without the
181. previous

previous and mature consideration, which a subject of such weight demands. I leave it to the wisdom of your most illustrious Lordship to make use, with due secrecy, of this information, and regulate your proceedings according to what you may deem just.

God preserve, &c.

Most illustrious Sir, &c.

(Signed) *P. Archbishop of Nicca.*

To the Most Illustrious Lord Bishop of Jaen.
Cadiz, March 5, 1813.

(4.) This letter is similar to that which the Nuncio addressed to the Dean and Chapter of Malaga, under the same date.

No. 2.—Extract from the Code of General Law for the Prussian States, relating to the Roman Catholic Church :—Dated Berlin, 1791.

(Part II.) *Of Ecclesiastical Functionaries in general.*

1. In the Roman Catholic Church, § 114. seq.
Of Bishops within the realm.

a. Their relation to the State.

ALTHOUGH the Churches of those religious Sects, which have been received in the State, stand under the direction of their Ecclesiastical Superiors, still the State exercises over them, through the medium of the Ecclesiastical department, such rights, as constitute part of its Supreme Power, and which have not been expressly reserved to their Superior. No Bishop can, without permission of the State, make new Regulations in Ecclesiastical Concerns, or accept such from any Foreign Ecclesiastical Authority, unless such Privileges have by the State been expressly granted him. The Publication and Execution of such Regulations, as Ecclesiastical Bulls, Briefs, &c. must always be preceded by the examination and approbation of the State.

(I.) *Immediately.*

(A.) *Diocesan Rights.*

The Bishops in the Roman Catholic Church, are the Superiors of all Religious Establishments situated in their respective Dioceses, and not expressly exempted from their jurisdiction.

Their Diocesan Rights consist of the following :

(a) On their approbation depends the admission of Candidates to the Ecclesiastical Dignity.

(b) They have the Right of Inspection over the Clergy, who owe them obedience and respect.

(c) They are entitled to make Visitations.

(d) To them belong the Church Discipline and Punishments, consisting either in Ecclesiastical Penitential Exercises, or in Penalties not exceeding 25 Dollars, or in Imprisonment, not exceeding the space of One Month.

Gross misdemeanors, also private actions originating in the exercise of Ecclesiastical Functions, belong to the Ecclesiastical *Forum*. Long Imprisonment and other Corporal Punishments fall under the Criminal Jurisdiction.

(e) Their Jurisdiction may be also exercised in temporal affairs, if that Privilege be expressly granted them by the State.

(B.) *Synods.*

Synods within the Realm, and consequently in a more particular manner Invitations to Foreign Councils, must, as well as their Decrees, be sanctioned by the Cognizance, Cooperation, and Approbation of the State.

Immediately, in the Person of other Vicars.

The Bishops are at liberty to exercise their Functions by Delegates ; but the appointment of Vicars General must be sanctioned by Government, and it is only then they can exercise the Faculties conferred upon them by the Pope.

The jurisdiction of a Foreign Bishop within the realm, depends entirely on the express permission of the State. The jurisdiction to foreign superiors within the limits of the State, must

must be exercised by a Vicar, whose appointment has been sanctioned by Government; and he has strictly to observe the limits prescribed to him.

Formerly the Chapters of Cathedral Churches possessed the Congé d'élire, in the same manner as in England, though, at the same time, the recommendation of the Sovereign amounted to a virtual nomination of the Bishop. In the year 1810-11, however, even this privilege has been abolished in the Prussian states; and since that period all nominations to higher Roman Catholic Ecclesiastical benefices, are exclusively vested in the King.

— (2.) —

PAPERS relating to the Roman Catholic Religion in *Malta*; viz. I. Copy of a Letter from Sir Alexander John Ball to the Right honourable William Windham, dated *Malta*, 7th May 1807:—II. Copy of a Letter from Sir Alexander John Ball to Viscount Castlereagh, dated *Malta*, 6th January 1808. (Two Enclosures.)—III. Extract of a Letter from Viscount Castlereagh to Sir Alexander John Ball, dated Downing-street, 1 April 1808:—IV. Copy of a Letter from Sir Alexander Ball to Viscount Castlereagh, dated *Malta*, 3d of June 1808.—(Two Enclosures.)

I.—Copy of a LETTER from Sir Alexander John Ball to the Right honourable William Windham, dated *Malta*, 7th May 1807.

SIR,

Malta, 7th May 1807.

I HAVE the honour to acquaint you, that the see of *Malta* became vacant on the 30th ultimo, by the death of Monsignor Labini, the late bishop of this diocese, and titular archbishop of Rhodes.

Whilst I wait the commands of His Majesty relative to the appointment of a successor to that important dignity, I think it my duty to communicate such information as may be required, regarding the former mode of election, and other particulars.

At the period of the grant of these islands to the Order of St. John of Jerusalem by the Emperor Charles the Fifth, that sovereign established, that whenever the see might become vacant, three ecclesiastics of their society were to be named by the grand master and council of the order, one of whom should be elected to the bishopric by his (the emperor's) successor in the crown of the Two Sicilies; and the person so elected became ex officio a dignitary, or grand cross of the order.

The revenues of the see are very considerable, amounting to nearly three thousand eight hundred pounds currency of *Malta*, besides the two palaces attached to the dignity, forage for horses, and some other inferior advantages.

£. 3,800.

Of the above revenues, upwards of two thousand pounds arise from land and other property, situated in *Malta*; and the remainder is derived from the rents of certain lands in the island of Sicily; which, it may be observed, are fully secured from alienation, by the circumstance of a Benedictine convent in *Calania* holding property of equal value in this island.

£. 2,000.

I am fully aware, Sir, that the bishop of *Malta* ought to enjoy such a revenue as will enable him to support his dignity, as head of the church; but I beg, with great deference, to observe, that in an island of so limited a circumference, and where the estates of the richest native inhabitants are comparatively so very inferior (for there is scarcely one instance of an individual possessing a fourth part of the revenue of the bishop), so large an income in the hands of one ecclesiastic may give him an undue influence, especially when it is considered that the dignity itself bestows very considerable patronage, and that all persons connected with the church are placed beyond the reach of the civil power, and are amenable only to the ecclesiastical court. I should, therefore, with deference submit, whether it might not be advisable that the annual revenue of the bishop be, in future, limited to two thousand pounds; and that the overplus be applied, partly for the benefit of the seminary for educating the clergy, partly in the amelioration of the condition of the parochial priests, whose stipends are, in many instances, inadequate to their support, and the remainder to be disposed of for other pious uses.

Such an arrangement, I have reason to believe, would prove highly satisfactory to the clergy and to the people; and I am fully persuaded, that any candidate for the bishopric would be amply satisfied with the salary proposed, as fully adequate to the support of his dignity.

I further beg leave, Sir, to suggest, that should the person, to be nominated bishop of *Malta*, be a member of the Order of St. John, it ought to be stipulated, that he shall not continue to wear the insignia of that institution, or to exercise any authority as such.

The suggestion I am particularly desirous of submitting for the approval of His Majesty, from a conviction that the inhabitants will still regard the order as existing in the island, whilst

whilst the insignia continue to be worn by the head of the church. So much, indeed, did the late bishop consider himself the representative of the order, that he continued to administer to the effects of such of the knights as have died here since the island was ceded to Great Britain.

The proceeds of such effects remain still in deposit; and, I conceive, that the amount may, with great propriety, be applied towards the maintenance of the public hospitals, which are at present a very serious expense to government.

I have only to add, Sir, that the Chapter yesterday assembled in the cathedral church, and elected one of their number (the archdeacon Xerri), to officiate as head of the church, during the vacancy of the see, under the title of Vicario Capitolare.

I have, &c.

To the Right Hon. William Windham,
&c. &c. &c.

(Signed) *Alex. Ball.*

II.—*Copy of a LETTER from Sir Alexander John Ball, to the Viscount Castlereagh, dated Malta, 6th January 1808.*

My Lord,

Malta, 6th January 1808.

I HAVE the honour to transmit to your Lordship the Copy of a Letter which I have received from the Marquis Circello, signifying the nomination by the Pope of Monsignor Mattei, titular bishop of Paphos, to the vacant see of Malta; and expressing the desire of his Sicilian Majesty, that that prelate may be allowed to enter immediately upon the functions of the bishopric, and the enjoyment of the revenues attached to it. In my answer to the marquis, (a copy of which I enclose for your Lordship's information) I have stated, that however much I am inclined to favour the views of Monsignor Mattei, I must decline giving effect to the papal bull until His Majesty's pleasure is known.

In justice, however, to this gentleman, I think it proper to add, that of the candidates for the vacant see, none is more attached to the British government, or, in my opinion, better qualified to fill with respectability the high situation to which he aspires.

I beg, however, with great deference to suggest, that should Mr. Mattei's nomination be sanctioned by His Majesty, he should be required to accede to the terms proposed in my letter on this subject, addressed to your Lordship's predecessor in office; as, without some restriction, the bishop of Malta, possessing a larger revenue than is necessary for the support of his dignity, might become a formidable opponent of the measures of government. In proof of this assertion it may be proper to state, that since the death of the late bishop of the diocese, I have discovered that several adherents of the order, and of the French party, were pensioned by that prelate.

I have the honour, &c.

The Right
Hon. Viscount Castlereagh,
&c. &c. &c.

(Signed) *Alexander John Ball.*

(Enclosure, No. 1.)

Copy of a LETTER from the Marquis of Circello, to Sir A. Ball; dated Palermo, 28th October 1807.

ECCELLENZA,

TRA i Vescovi preconizzati dalla Santità di Papa Pio 7^a, nell' ultimo concistore delli 18 dell passato Settembre vi è stato Monsig. D. Ferdinando Mattei per Vescovo di codesta Chiesa. Il Re, Mio Signore, essendo stato informato di ciò, è ben volentieri divenuto ad ordinare, che si dia il solito corso ed effetto alle Bolle Apostoliche. Allo stesse spedite, e che in conseguenza sia egli Autorizzato alla percezione delle rendite, che la mensa Vescovile di Malta gode in questo Regno.

Non dubitando, che questa benigna determinazione presa dalla Maesta Sua a favore di Monsignor Mattei sarà per riuscire grata a V. E. trattandosi di un Sogetto da lei particolarmente raccomandato, allorché si portò egli in questa Capitale, e che ha saputo meritarsi colla sua Famiglia la di lei stima, e la considerazione del Governo di Sua Maesta Britannica, mi Affretto di renderne informata L' E. V., e profitto di questa occasione per esprimerle, la conferma del particolare ossequio con cui ho l'onore di airmi.

Di V. E.

Palermo, 28 Ottobre 1807.

Dev^{mo} Ob^{mo} Servo veir

(Signed) *Il Marchese de Circello.*

Sign^r. Cav. Ball,
Malta.

A Copy.

(Signed) *Alex Jn^r Ball.*

7th May
1807.

(Enclosure, No. 2.)

Copy of a LETTER from Sir Alexander John Ball to the Marquis di Circello, Malta,
7th January 1808.

SIR,

Malta, 7th January 1808.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 28th October; which, however, did not reach me until the 16th of last month.

The information which it communicates of Monsignor Mattei having been nominated by his Holiness the Pope to succeed to the vacant see of Malta, is to myself, individually, highly acceptable; but as I have not yet received the commands of my Sovereign, on a subject of so much importance, your Excellency will be aware that I cannot, as yet, comply with the desire of his Sicilian Majesty, by giving effect to the papal bull in favour of that prelate. I have, however, transmitted your letter to His Majesty's ministers in England; and have not failed to express the favourable sentiments which I entertain of Monsignor Mattei.

I have the honour, &c.

His Excellency
The Marquis di Circello,
&c. &c. &c.

(Signed) *Alex^r John Ball.*

III.—*Extract of a Letter from Viscount Castlereagh to Sir Alexander John Ball, dated Downing Street, 1st April 1808.*

"HIS Majesty has directed me to convey to you His Royal Commands, that you should take the necessary measures for causing Monsignor Mattei to be received into the vacant see of Malta. At the same time, I am to signify to you His Majesty's approbation of the suggestions submitted by you in your dispatch of the 7th May last, wherein you state, that the annual revenue of the bishop of Malta should be reduced to an income of 2,000 *l.* a year, and that the remainder of the proceeds of the bishoprick, amounting to 1,800 *l.* a year, should be applied partly to the seminary for educating the clergy, partly for the amelioration of the condition of the parochial priests, and the remainder to other pious uses. As you have stated that an arrangement of this nature would be highly satisfactory to the clergy and the people, I have no doubt that, in your arrangement of this business, you will take care not to fail in producing the beneficial result you so fully expect; and I am to desire you will take an early occasion of transmitting to me the detail of the measures you adopt."

IV.—*Copy of a Letter from Sir Alexander Ball to Viscount Castlereagh, dated Malta, 3d June 1808.*

My Lord,

I HAVE the honour to acquaint your Lordship, that, in obedience to His Majesty's commands, Monsignor Mattei has been received into the vacant see at Malta; and it is with much satisfaction I add, that his appointment has afforded very general satisfaction to the clergy, and to the Maltese at large: In testimony of which I beg leave to transmit to your Lordship the copy of a letter addressed to me, by direction of the Chapter of the cathedral.

Previous to the installation of the bishop, I did not fail to make the necessary arrangements relative to the restriction of the episcopal salary to two thousand pounds per annum; and I am happy to say that he not only acceded cheerfully to that measure, but to the several other stipulations contained in the Paper (No. 2.) which I have the honour to enclose, respecting which I shall beg leave to submit a few remarks to your Lordship.

Having frequently observed, during the life of the late bishop, a disposition on the part of the clergy to divest themselves of every appearance of dependence on the civil government, and to establish as it were, an *imperium in imperio*; I conceived it necessary to counteract a bias, which, considering the number of ecclesiastics and their influence over the people, might ultimately have led to very serious consequences. By the first article, therefore, I have established that a throne shall be erected in the cathedral, and the principal churches throughout the island, and that on all great festivals the royal arms shall be suspended over it, as those of the Grand Master were during the government of the Order of St. John. By the second article it is stipulated that every mark of respect and homage shall be paid to the King's Civil Commissioner for the time being, as His Majesty's representative; and the following article provides for due respect being shewn in his absence to the *Surgo tenenti*, or Chief Civil Magistrates of the Casals.

The fifth article relates to the *pirmizice*, a very odious and oppressive tax upon oxen, which has hitherto formed a branch of the revenue of the parochial clergy. In many instances

instances this was evaded by the employment of mules instead of oxen, for country labour; which, besides being a cause of contention between the clergy and their parishioners, was a serious detriment to the public.

This is now abolished; and a sum has been allotted from the surplus of the episcopal revenues, to be annually distributed amongst the parochial clergy of Malta and Gozo, in such proportions as the civil government and the bishop shall judge expedient.

The last stipulation was suggested by the discovery that the late bishop, who was a zealous adherent of the Order of St. John, had granted pensions to various partisans of that government. It is therefore established that the bishop has no right whatever to the disposal of any part of the surplus revenues of the see, without the concurrence of the civil government.

I had inserted a condition that Monsignor Mattei should not openly wear the insignia of the Order of St. John, of which, under the ancient government, the bishops were decorated with the grand cross. This, for very satisfactory reasons, he declined to subscribe; but he signified, at the same time, that if a letter were addressed to him directing his conduct on that head, he would strictly conform to the wishes of the government; and in justice to this prelate, I think it my duty to add, that he has hitherto most scrupulously complied with that and with every other condition required of him.

I have, &c. &c. &c.

To Viscount Castlereagh.

(Signed) *Alexander Jno. Ball.*

(Copy)

(Enclosure, No. 1.)

DISPOSIZIONE del Governo de Sua Maesta B^{ca} alle quali si attende l'adesione del Vescovo di Malta, prima del suo possesso.

I.—Nelle Chiese principali, nel luogo medesimo, ove avean per lo passato il loro Trono i Principi dell' Isola vi sia un Trono, nel fondo del quale scin ricamate in tutta cerimonia le Armi Britanniche.

II.—Il Governatori, ossia Regio Civile Commissionario pro tempore portandosi in Chiesa abbia una Sedia ed apparato distinti nel lato destro, ea abbia tutti gli Onori, che gli convengono come rappresentanti di Sua Maesta, e fuori della Chiesa gli si usino tutti quei riguardi, che si usavano ai Principi ossia Gran Maestri sotto l'Antico Governo.

III.—I Luogotenenti dello stesso Governatore, o Regio Civile Commissionario in asseuza del medesimo abbiano nelle Chiese de loro rispettivi distretti quelle distinzione, e quegli onorifici, che si usano attualmente ai tre Luogotenenti della Vettoriosa Senglea e Cospicua.

IV.—Che dalle rendite del Vescovato, il Vescovo di Malta abbia alla sua disposizione l'equivalente or due mila lire Sterline.

V.—Che dal di piu la Somma di Scudi quattro mila Maltesi sia distribuita in una maniera da concertarsi col Vescovo istesso ai Parochia di Malta, e dopo in vice del loro dritto delle principe in isgravio delle rispettive Popolazioni e questo sara perpetuamente un peso annesso al Vescovato.

VI.—Di cio, che avanza dopo dedotte le premesse due Somme non potrà il Vescovo fare veruna disposizione se non di concerto col Governatore, o Regio Civile Commissionario.

Aderisco agli articoli premessi, e vi presto il mio pieno consenso in tutto quello che dipende da me.

Oggi, li 12 Maggio 1808.

(Segnato)

Fra. Ferdinando Mattei,

Vescovo di Malta.

(Copy)

(Enclosure, No. 2.)

ECCCELLENZA,

Deputati espressamente da questo capitolo, adempiamo con sincero piacere l'incarico datoci di esprimere all' Eccellenza vostra l'universale sentimento di compiacenza e di gratitudine, che ha eccitato in chiunque, l'esaltazione di Monsignor Ferdinando Mattei alla sublime dignita Vescovile di questa Diocesi, e di supplicare la stessa Eccellenza vostra di umiliare al Trono di Sua Maesta questi medesimi sentimenti deltati ad ognuno da un senso di dovere, si per l'onore e bene presente compartito alla nazione intera, con essere stato promosso ad un grado cosi eminente un Maltese, ed un individuo del capitolo medesimo, degno di occuparlo, facendo il carattere di Monsignor Mattei concepire le piu belle speranze, si ancora per il bene avvenire promesso ci dall' E. V. coll'assicurazione fattaci in nome di Sua Maesta, che Maltese sara sempre il Vescovo di quest' Isola.

Preghiamo

Preghiamo però l' E. V. permetterci di soggiungerle, non creder noi di avere compiutamente eseguito la nostra Commissione, senza assicurarla, che le misure adottate da V. E. nello eseguire gli ordini di sua maestà, han meritato l'applause di tutta la Nazione, ed han reso doppio il valor della grazia, tenendo tutte ad assicurare alla Nazione istessa, costante, e perpetua la protezione del Governo di Sua Maestà per la Cattolica Religione, che professiamo.

Dalla Cattedrale, li 31 Maggio 1808.

Devo^{me} obb. servitori,

(Sottoscritti)

Giuseppe Bartolomeo, Arcidiacono *Lerri*, Canonico *Salvatore Susano*,

Fra. Giuseppe, Canonico *Lauron*, Canonico *Simone Biagio*.

all'

Sig.^r Cav. *A. Geo. Ball*,
Regis Civile Commissionario.

—(3)—

Chapter TEN, of the Constitution of CORSICA.

“ Chapter X.—Of Religion.”

Article 1st.—“ THE Christian, Catholic, Apostolic, Roman Religion, in all its Evangelical Purity, shall be the only National Religion in Corsica.

Article 2d.—“ The House of Parliament is authorized to determine on the number of Parishes; to settle the Salaries of the Priest; and to take measures for ensuring the discharge of Episcopal Functions in Corsica, in concert with the Holy See.

Article 3d.—“ All other Modes of Worship are tolerated.”

—(4.)—

Extract from the Report made by the Reverend Dr. Kerr, senior Chaplain of Fort St. George, to the Right honourable Lord William Bentinck; dated Madras, 3d November 1806, relating to the Roman Catholics in the British Settlements in India; with Copy of the Proclamation of the Government of Bombay, dated 2d August 1791.

Latin Roman Catholics.

WITHIN the provinces of Travancore and Cochin, there are, one Archbishop and two Bishops,—the Archbishop of Cranganore, and Bishops of Cochin and Verapoli. The two former have sees, the latter is titular. The Archbishop of Cranganore and the Bishop of Cochin, are nominated by the Queen of Portugal, after the following manner: Three names are sent (when either of these sees become vacant) by the Sovereign of Portugal to the Pope; and the Roman Pontiff is bound to select the name that stands first, and to issue his brevet or patent accordingly.

They are subject, in all Spiritual concerns, to the Primate of Goa, who has also the power, during a vacancy, of sending from Goa, a *locum tenens*, who is styled *Padre Governador*. Both sees are at this moment filled by such.

The Titular Bishop, who resides at the College of Verapoli, is appointed directly by the Pope, and is subject to no jurisdiction but that of his Holiness, or the Propaganda at Rome. This mission being more susceptible of controul and regulation than the others, have been countenanced by the Honourable Company, as the following Copy of a Proclamation issued by the Government of Bombay, will shew.

PROCLAMATION.

“ The honourable the Court of Directors of the honourable English East India Company, having been pleased to order that the ecclesiastical jurisdiction of the Roman Catholic churches under this Government, shall be withdrawn from the Archbishop of Goa and restored to the Carmelite Bishops of the Apostolic Mission: The President in Council has accordingly resolved, that the said restitution shall take place on the 1st of the ensuing month; from which time he hereby enjoins all the Catholic inhabitants in Bombay, as well as at the several Factories and Settlements subordinate thereto, to pay due obedience in spiritual matters to the said Bishops, on pain of incurring the severe displeasure of Government.

“ By order of the honourable the Governor in Council.

Bombay Castle, }
2d August 1791.]

(Signed) “ *William Page*,
Secretary.”

The priests attached to the College of Verapoli are all Carmelites, united to the Apostolic Mission at Bombay, but not subject to it. The jurisdiction of each Bishop is not marked by distinct bounds, the parishes and churches being so intermingled, that it is difficult to form a right notion of their extent. The Bishop of Cochin, however, may be said to have a controul over all the Romish churches situated on the sea coast immediately (with few exceptions) from Cochin to Ramnad, and thence round the whole island of Ceylon. The churches are numerous, but as they are in general poor, and are obliged to be supplied with Priests from Goa, it would appear that one Vicar holds upon an average five or six Churches; the number of Christians composing these Churches must be great, as all and every of the Fishermen are Roman Catholics. The Bishop of Cochin resides usually at Quilon. There are very few European Clergy; not above seven or eight under the three jurisdictions, and none of them men of education; and it cannot be expected that the native Priests who have been educated at Goa, or at the seminary of Verapoli, should know much beyond their Missals and Rituals. The Latin communicants in the diocese of Verapoli are estimated at 35,000. The Cotechuman suffers no persecution on account of his religion, when once converted, but the Country Governments are excessively jealous upon this point, and do their utmost to discountenance any conversion.

The converts are from various casts, viz. Chegas or Seers, Muckwas and Pullers; and there can be no doubt but that many of the higher casts would be baptised, if they did not dread the displeasure of their Governments.

It is well known that the Roman Religion was introduced by the Portuguese, at the commencement of the sixteenth century; the number converted in each year, upon an average, reach to nearly 300. The number of course naturally diminishes. The morality of the converts is very loose, and they are generally inferior, in this respect, to the heathens of the country.

—(5.)—

(Ireland.)

Copy of a Letter from the Reverend Daniel Murray, President of the Royal College Maynooth, dated the 23d of April 1813; to William Gregory, Esq.

Sir,

Royal College of St. Patrick, Maynooth, 23d April 1813.

IN obedience to your Letter of the 20th, accompanying two Orders of the House of Commons of the 13th and 14th instant, and requiring me to transmit to you the Returns therein desired, that they may be forwarded and laid before the House; and also Duplicates of said Returns, for Mr. Peel's information; I have the honour to transmit herewith the Returns so demanded.

No. 1.—Contains, as required by the Order of the 13th instant, Copies of the Dogmatical and Moral Treatises taught in the Royal College of St. Patrick Maynooth, during the last year: These Treatises are,

1st. Doctor Delahogue's *Tractatus de Sacramentis in genere, & de Eucharistia*, named in the Order of the House of Commons of the 14th instant.

2d. The following Moral Treatises, extracted from the Works of the Rev. Paul Gabriel Antoine—1. *De Legibus*—2. *De Justitia Jure, &c.*—3. *De Contractibus*. On the reverse of the title page of the accompanying quarto volume, the necessary references are made to the different parts of the Work, in which these Treatises will be found.

These latter Treatises were explained by the Rev. Doctor Anglade, Professor of Moral Divinity, and accommodated to the Laws of these Countries, by occasional references to the Commentaries of Judge Blackstone.

The Professor is not bound to support, in every instance, the Opinions of the Author. Besides the Treatises already named, there were no other Lectures on Dogmatical or Moral Divinity, which entered into the course of Theological Studies for the last year, except the *ad hoc* explanations of the Professors.

No. 2.—Contains the remaining Treatises of Doctor Delahogue, mentioned in the Order of the House of Commons of the 14th instant; namely,

1. *Tractatus de Religione*:—2. *Tractatus de Ecclesia*.

With a view to satisfy more fully the desire of the House of Commons, to be made acquainted with the entire Course of Theological Studies pursued in the Royal College of St. Patrick Maynooth, I have the honour to transmit another Theological Work (No. 3) published by Doctor Delahogue, for the use of the College, and not named in either of the Orders of the House of Commons; it is entitled,

“*Tractatus de Mysterio S. S. Trinitatis, & de Incarnatione Verbi.*”

I think

I think it my duty to add, for the information of the House of Commons, that there are now in the Press, for the use also of the College, the following Theological Works :

1. Tractatus de Pœnitentia ; Auctore Ludovico Ægidio Delahogue.
2. Commentarii totius Sacræ Scripturæ Johannis Stephani Memichii.
3. Theologia Moralis, Auctore Ludovico Bailly, Sacræ Facultatis Parisiensis Baccalaureo Theologo, &c. complectens sequentis Tractatus.
 - 1 VOL.—1. De Actibus Humanis.
 2. De Conscientiâ.
 3. De Legibus.
 4. De Virtutibus Moralibus.
 5. De Peccatis.
 - 2 VOL.—1. De Simonia.
 2. De Censuris & Irregularitatibus.
 3. De Jure, & Justitia, & Restitutione.
 4. De Contractibus.
 - 3 VOL.—1. De Præceptis Decalogi.
 2. De Variis Statuum Obligationibus.
 3. De Beneficiis.

I have, &c.

(Signed)

Daniel Murray,
President of the R. C. Maynooth.

A true Copy,

C. W. Flint.

—(6.)—

Copy of General Order of His Royal Highness The Commander in Chief.

NO. 211. GENERAL ORDER.

Horse Guards, 5th July 1811.

IN consequence of the operation of the Act, for allowing the mutual Interchange of the British and Irish Militias, His Royal Highness the Commander in Chief is pleased to direct, That the Commanding Officers of Regiments shall be particularly attentive, that no Soldier, professing the Roman Catholic Religion, shall be subject to any punishment for not attending the Divine Worship of the Church of England : And that every such Soldier shall be at full liberty to attend the Worship of Almighty God, according to the Forms prescribed by his Religion ; when Military Duty does not interfere.

By Command of His Royal Highness the Commander in Chief,

Harry Calvert, A. G.

—(7.)—

PAPERS relating to the Roman Catholic Religion in Quebec ; and Extracts of the Duke of Manchester's Commission and Instructions, as Governor of Jamaica.

(1.)—Extract of a MEMORIAL of the Dean and Chapter of Quebec ; dated —

A QUEBEC il y'a un Evêché en titre, un Chapitre et un Séminaire : c'étoit le Roi de France qui nommoit l'Evêque ; on pourroit entretenir dorenavant un vicaire apostolique, ou Evêque *in partibus*, mais cet Evêque, soumis à une Puissance étrangère, & toujours dépendant d'elle pour l'exercice de sa charge, pourroit encore être suspect, et a causer quelque inquiétude ; on en fait aussi le sacrifice, et l'on propose de faire élire l'Evêque par le Chapitre, comme c'étoit autrefois la coutume universelle, et comme ce l'est encore dans plusieurs Diocèses.

C'étoit le Roi de France qui pourvoyoit à la subsistence de l'Evêque et du Chapitre de Quebec ; les nouveaux sujets du Roi D'Angleterre, n'imaginent seulement pas d'être à charge au Gouvernement Britannique sur cet article.

(2.)—Extract of a LETTER from the Earl of Egremont to Governor Murray;
dated Whitehall, 13th August 1763.

THOUGH the King has, in the 4th Article of the Definitive Treaty, agreed to grant the "Liberty of the Catholic Religion to the Inhabitants of Canada;" and though His Majesty is far from entertaining the most distant thoughts of restraining "his new Roman Catholic subjects from professing the worship of their religion according to the rites of the Romish Church;" yet the condition expressed in the same article must always be remembered, viz. "as far as the Laws of Great Britain permit:" which Laws prohibit absolutely all Popish hierarchy in any of the dominions belonging to the Crown of Great Britain, and can only admit of a toleration of the exercise of that religion. This matter was clearly understood in the negotiation of the Definitive Treaty. The French Ministers proposed to insert the words *comme ci-devant*, in order that the Romish Religion should continue to be exercised in the same manner as under their Government; and they did not give up the point till they were plainly told that it would be deceiving them to admit those words, for the King had not the power to tolerate that religion in any other manner than "as far as the Laws of Great Britain permit." These Laws must be your guide in any disputes that may arise on this subject; but at the same time that I point out to you the necessity of adhering to them, and of attending with the utmost vigilance to the behaviour of the Priests, the King relies on your acting with all proper caution and prudence in regard to a matter of so delicate a nature as this of religion; and that you will, as far as you can consistently with your duty in the execution of the Laws and with the safety of the Country, avoid every thing that can give the least unnecessary alarm or disgust to His Majesty's new subjects.

(3.)—Extract of a LETTER from Governor Murray to the Earl of Shelburne,
First Lord Commissioner of Trade; 14 Sept. 1763.

This Enclosure
is not with the
Dispatch.

ON this errand the Vicar General of Montreal, Monsieur Montgolfier, sets out very shortly for Britain. What his schemes are I do not thoroughly understand, as he has never communicated them to me; that he aims at the mitre is certainly very probable; how unfit he is for that station, your Lordship may easily judge by the enclosed copy of a letter he had the assurance to write to a Mons. Houdin, at that time Chaplain to His Majesty's 48th Regiment, formerly a Recollet in this country. He pushed matters so far as to have the dead bodies of some soldiers taken up, because heretics should not be interred in consecrated ground. Such behaviour could not fail of giving great disgust to the King's British subjects in these parts. If so haughty and imperious a priest, well related in France, is placed at the head of the church in this country, he may hereafter occasion much mischief, if ever he finds a proper opportunity to display his rancour and malice.

I must here take the liberty to repeat what I had the honour to inform your Lordship of in my former one of the 22d July, that Mons. Bryant, Vicar General of this Government, has constantly acted with a candour, moderation and disinterestedness, which bespeak him a worthy honest man, and that I know none of his gown in the province so justly deserving of the Royal favour.

(4.)—Extract of a Letter from Lieutenant Colonel Irving, to ———
dated Quebec, 7th July 1766.

THE arrival of Mons. Briant, the Bishop, and the King's additional instructions relative to the Juries, must have the very best effects on the minds of the new subjects, already well disposed towards the British Government; indeed they seem quite happy, and it is but doing them justice to say, they deserve every indulgence consistent with our laws, for their pliability and obedience to the Government since the conquest.

(5.)—Copy of a LETTER from Lieutenant Governor Carlton, to the Earl of Shelburne;
dated Quebec, 30th October 1767.

THE Abbé de Toncaire, whom I have mentioned to your Lordship more than once, being now returned to Europe, I think it my duty to lay before you all that I have been able to gather of his views and intentions in crossing the ocean.

A Canadian clergyman of abilities and knowledge of the world, who had resided 27 years in France, returning to this his native country after its submission to a foreign Power, was at first matter of surprise to me, awakened my suspicions of his errand, and engaged me to give great attention to his conduct.

He professed that his views were to see an aged mother, to assist his brother, who was involved in difficulties, and to settle other family matters, in which he has indeed been constantly busied, and has to my knowledge been extremely useful to his brother, who has lived too long in the savage world to be much acquainted with any other.

I have some reason however to believe, from the private intelligence I have been able to obtain, that he has not been altogether free of the ambition of wearing a mitre, if Government should acquiesce in the appointment of a Coadjutor to the See, for which they are here extremely pressing, and which would be attended with this good consequence, of the
Bishops

Bishops being always consecrated here, without sending to foreign dominions for that purpose.

As far as I can find in his negociation with his brethren, he has not met with the encouragement he expected; and for this, indeed, I should think him, or any other person who has lived so long out of the country, an improper subject, as they reasonably may be suspected of attachments not altogether favourable to our interests.

They have likewise repeatedly applied for the approbation of Government to complete their Chapter, that out of that body, and by their election for the future, the See may be filled. I have put them off from both these requests, by telling them I must be well informed of the merits and characters of the candidates, before I can venture to report or recommend such a measure at home.

Two parties have ever subsisted here among the clergy, though without much noise or éclat between the natives of old France and the Colonies, the former of which, before our arrival, had the preference in every thing. I apprehend that at present it would be judicious to throw what advantages there are into the hands of the natives of Canada.

Mr. De Toncaire is now gone home, he alleges, to settle his brother's affairs in England, as well as his own little concerns in France, and intends returning early in the spring after next, with the little wealth he is master of, to settle here for the remainder of his days.

I cannot but observe to your Lordship, how necessary it were to oblige any Priests who have an inclination to come over to this country, to furnish themselves with a passport from your office, in order to ensure their reception here; and at the same time that it proved a check to those who had not very good reasons for undertaking the voyage, it would create less disturbance, and not come so home to the Canadians, that the restraint which it is judged right to lay upon that intercourse should proceed from the other side of the water rather than from this, and that for reasons so obvious, I think it needless to trouble your Lordship further about the matter.

I have the honour to be,

(Signed) *Guy Carlton.*

(6.)—Extract of a LETTER from Lord Shelburne to Lieutenant Governor Carlton; dated Whitehall, 14 Nov. 1767.

IT has been represented to His Majesty that the Jesuits of Canada make large remittances to Italy, and that they imperceptibly diminish their effects for that purpose: you will therefore enquire into the truth of this report, and keep a watchful eye over them for the future. If the accounts we have received of their affairs be just, their annual rent amounts to near 4,000*l.*, and their effects and moveables are consequently estimated at more than 70,000*l.* This account may be exaggerated; nevertheless, it is sufficient to prove that too much care cannot be taken that they do not embezzle an estate of which they enjoy only the life rent, and which must become, on their demise, a very considerable resource to the province, in case His Majesty should be pleased to cede it for that purpose.

As Pere Roubaud asserts the above state of the Jesuits affairs to be just, nay, to be moderately estimated, you may find him useful in investigating the truth of it. As this man is in the utmost want, and complains that he has received no allowance from the Jesuits since his being sent over here by General Murray, it is His Majesty's commands that you require these fathers to allow him a reasonable annuity from their funds, and pay him up the arrears; and you will afterwards judge whether it is fit that he should be retained in the province, or have leave to retire. His character is very dubious here; some representing him as a worthless, and others as an honest man. He is no doubt better known in the province of Quebec than here, and therefore you will judge what reception or degree of credit he merits. However, as he has abilities, has been employed both by General Murray and Lord Halifax, and has been found useful, he ought to receive some reward, and not be allowed to perish from indigence.

(7.)—Extract of a LETTER from Lord Hillsborough to the Lieutenant Governor of Quebec; dated Whitehall, 6 March 1768.

YOUR observations and informations relative to L'Abbé Toncaire, in your Letter, No. 15, will have due attention given to them; and when the consideration of the state of religion in Canada is taken up by the King's servants, which I trust will be very soon, I will not fail to state your opinion (in which I entirely agree) concerning a coadjutor. Your idea of giving every preference to the clergy, natives of Canada, before those of old France, is certainly very judicious, and in my opinion, if it could be done in such a manner as not to give disgust to the latter, it might be of advantage. It will certainly be right to discourage the introduction of foreign priests, and it may, in my opinion, be done in such a mode as to be popular and pleasing to the Romish clergy in that province; but as to any measures to be taken thereupon at present, I must leave them entirely to your discretion, till I shall be authorized to signify His Majesty's pleasure with regard to a regulation of religion in general, in which it will be for consideration whether such introduction should not be prohibited under severe penalties.

(8.)—Extract of a LETTER from Lieutenant Governor Cramahé to the Earl of Hillsborough; dated Quebec, 25 July 1772.

THE Canadian Clergy are strongly interested to prevent any change; they begin to see it; and it appears more than ever necessary, as much as possible, to encourage this disposition: It was in this view, that the Bishop having lately obtained the requisite powers for consecrating the coadjutor, whom Governor Carlton had pitched upon, I agreed to his performing that ceremony, but in a private way, because it was not the act of Government, and to avoid giving a handle to busy and troublesome people. It is to be hoped that this event, as well as young Mr. Lanaudiere's preferment, will be attended with very salutary effects for the King's interests in this province.

(9.)—Extract of LETTER from Lord Dartmouth to Lieutenant Governor Cramahé; dated Whitehall, 2d September 1772.

YOUR having permitted the person styling himself Bishop of Quebec, to consecrate a coadjutor, in consequence of powers which you say he had received for that purpose, and which, I presume, must therefore mean from some foreign Ecclesiastical Authority, appears to me to be a matter of the highest importance, and the more so as I do not find, upon the fullest examination, that any authority whatever has at any time been given by His Majesty for the exercise, within the colony, of any powers of Episcopacy in matters relative to the religion of the Church of Rome.

In this view therefore of that measure, it seems to me of a nature that will require the most serious consideration; and as every thing that concerns the state of Quebec, with regard as well to its Civil as to its Ecclesiastical Constitution, is now in deliberation at the Privy Council, I shall accordingly receive His Majesty's commands to lay before that Board such parts of your secret dispatch of the 25th July as relate to that proceeding.

(10.)—Extract of a LETTER from Lord Dartmouth to Lieutenant Governor Cramahé; dated Whitehall, 9 Dec. 1772.

SINCE my Letter to you of the 4th ult. I have not failed to give the fullest consideration to what you mentioned in your secret Dispatch of 25 July last, with regard to the appointment, with your approbation, of a person under the name of Coadjutor, to assist in the performance of episcopal functions in the Romish Church in Quebec.

I have already acquainted you that the state of the colony, in whatever regards its civil constitution, and the arrangements which have hitherto been made, or may be further necessary, is now before the Privy Council, who will I doubt not very shortly submit to His Majesty their advice and opinion thereupon; and more especially with regard to what concerns the toleration of the religion of the Church of Rome, and the establishments incident thereto. In this situation, therefore, it would ill become me, unacquainted as I am with any of the regulations which have been made or indulgencies allowed, respecting this important matter, to give any countenance or encouragements to establishments or arrangements, of what nature soever, concerning the religion of the Romish Church in Quebec; much less can I warrant the exercise of any episcopal powers in that colony, which I do not find, upon the fullest enquiry, have at any time been authorized by instructions from His Majesty.

At the same time I do not take upon me, as I stand at present uninformed upon the subject, to say that the admission of some episcopal authority, under proper restrictions, may not be necessary to that toleration of the religion of the Church of Rome, which the King, reserving to himself his Royal supremacy, has been graciously pleased to allow.—That is a question that must remain for the consideration of the Privy Council, whose determination, as well on this as on every other arrangement respecting the state of ecclesiastical affairs in Quebec, will in a great measure depend upon such informations as have been and still may be received from the servants of the crown in the colony, and such lights as can be collected from those who have been in chief command there. And I should do injustice both to their merit and to yours, if I did not add, that it appears to me that whatever indulgencies have been allowed to the Canadian subjects, they have been granted to them with no other view than to conciliate their affections, and to create that attachment to and dependance on the British Government, upon which the safety and prosperity of the colony depend.

(11.)—Extract of a LETTER from Lieutenant Governor Cramahé to the Earl of Dartmouth; dated Quebec, 22d June 1773.

It has ever been my opinion, I own, that the only sure and effectual method of gaining the affections of His Majesty's Canadian subjects to his Royal Person and Government, was, to grant them all possible freedom and indulgence in the exercise of their religion, to which they are exceedingly attached; and that any restraint laid upon them in regard to this, would only retard, instead of advancing a change of their ideas respecting religious matters. By degrees the old priests drop off, and a few years will furnish the province with a clergy

a clergy entirely Canadian. This could not be effected without some person here exercising episcopal functions; and the allowance of a coadjutor will prevent the bishop being obliged to cross the seas for consecration, and holding personal communication with those who may not possess the most friendly dispositions for the British interests,

(12.)—EXTRACT of a LETTER from Lord Dartmouth to Lieutenant Governor Cramahé; dated Whitehall, 1st December 1773.

YOU may be assured that I will not fail in this consideration, to urge the justice and expediency of giving all possible satisfaction to the new subjects, on the head of religion; and to endeavour that the arrangements with regard to that important part of their interests ----- on such a foundation, that all foreign jurisdiction be excluded, and that those professing the religion of the church of Rome, may find within the colony a resource for every thing essential to the free exercise of it, in the true spirit of the Treaty.

(13.)—EXTRACT from the Duke of Manchester's Commission, as Governor of Jamaica; dated the 13th day of November 1807.

AND we do by these presents authorize and empower you to collate any person or persons to any churches, chapels, or other ecclesiastical benefices within our said island and territories, as often as any of them shall happen to be void.

(14.)—EXTRACT from the Duke of Manchester's Instructions, as Governor of Jamaica; dated 14th day of November 1807.

(Clause 61.)—IT being our intention that all persons inhabiting our Island under your government, should have full liberty of conscience, and the free exercise of all such modes of religious worship as are not prohibited by law; we do hereby require you to permit all persons within our said Island to have such liberty, and to exercise such modes of religious worship as are not prohibited by law; provided they be contented with a quiet and peaceable enjoyment of the same, not giving offence or scandal to the Government.

62. You shall take especial care that God Almighty be devoutly and duly served throughout your government, the Book of Common Prayer (as by law established,) read each Sunday and Holiday, and the Blessed Sacrament administered according to the rites of the Church of England. You shall be careful that the churches already built, be well and orderly kept, and that others be built as the Island shall (by God's blessing) be improved; and that, besides a competent maintenance to be assigned to the Minister of each orthodox church, a convenient house be built at the common charge for each Minister, and a competent proportion of land assigned him for a glebe and exercise of his industry; and you are to take care that the parishes be so limited and settled as you shall find most convenient for the accomplishing of this good work.

63. You are not to prefer any Minister to any Ecclesiastical Benefice in the said Island without a certificate from the Right Reverend Father in God the Lord Bishop of London, of his being conformable to the doctrine and discipline of the Church of England, and of a good life and conversation; and if any person already preferred to a Benefice shall appear to you to give scandal, either by his doctrine or manners, you are to use the best means for the removal of him.

64. You are to give orders forthwith (if the same be not already done) that every orthodox Minister within your government be one of the vestry; and that no vestry be held without him, except in case of sickness, or that after notice of a vestry summoned he omit to come.

65. You are to enquire whether there be any Minister within your government who preaches and administers the Sacrament in any orthodox church or chapel without being in due Orders, and to give an account thereof to the said Bishop of London.

66. We do further direct that no Schoolmaster be henceforth permitted to come from this Kingdom and to keep a school in the Island without the license of the said Bishop of London; and that no other person now being at the Island, or that shall come from other parts, be admitted to keep school without your license first obtained.

67. And to the end the ecclesiastical jurisdiction of the said Lord Bishop of London may take place in the Island, so far as conveniently may be, it is our will and pleasure that you give all countenance and due encouragement to the said Bishop of London, or his Commissaries, in the legal exercise of such ecclesiastical jurisdiction, excepting only the collating to Benefices, granting licenses for marriages, and probates of wills, which we have reserved to you our Governor, and to the Commander in Chief of our said Island for the time being.

68. And whereas doubts have arisen whether the afore-mentioned powers of collating to Benefices, granting licenses for marriages, and probates of wills, commonly called the Office of Ordinary, which we have reserved to you our Governor as aforesaid, can be exercised

exercised by deputation from you to any other person within our aforesaid Island under your government; it is our express will and pleasure and you are hereby directed and required not to grant Deputations for the exercise of the said powers, commonly called the Office of Ordinary, to any person or persons whatsoever in our said Island under your government.

—(8.)—

Extracts from PAPERS which were presented to The House, by Mr. Chancellor of the Exchequer, on the 25th day of February 1791:—*viz.* I. Sixth Article of the Capitulation of Quebec, dated 18th September 1763:—II. Extract from the 4th Article of the Definitive Treaty, concluded at Paris the 10th of February 1763:—III. The 29th, 30th, 31st and 32nd Paragraphs of His Majesty's Instructions for James Murray, Esq. Governor of the Province of Quebec, dated 7th December 1763:—IV. The 3d, 4th, 20th, 21st, and part of the 56th Paragraphs of the Instructions to Guy Carleton, Esq. Captain General and Governor in Chief in and over the Province of Quebec, dated 3d January 1775:—V. The 5th Paragraph of the Memorial of His Majesty's new Subjects of Quebec; dated 31st December 1788.

I. Sixth Article of the Capitulation of Quebec dated 18th September, 1763.

6th.—THAT the exercise of the Catholic, Apostolic and Roman Religion, shall be preserved, and that safeguards shall be granted to the houses of the Clergy, and to the monasteries, particularly to the Bishop of Quebec, who, animated with zeal for religion, and charity for the people of his diocese, desires to reside constantly in it, to exercise freely and with that decency which his character and the sacred mysteries of the Catholic, Apostolic and Roman Religion require, his Episcopal authority in the town of Quebec, whenever he shall think it proper, until the possession of Canada shall have been decided by a treaty between their Most Christian and Britannic Majesties.—The free exercise of the Roman Religion, safeguards granted to all religious persons, as well as to the Bishop, who shall be at liberty to come and exercise freely and with decency the functions of his office whenever he shall think proper, until the possession of Canada shall have been decided between their Britannic and Most Christian Majesties.

II. Extract from the 4th Article of the Definitive Treaty, concluded at Paris the 10th of February 1763.

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 precise and 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.

III.—The 29th, 30th, 31st, and 32d Paragraphs of His Majesty's Instructions for James Murray, Esq. Governor of the Province of Quebec, dated 7 December 1763.

29th. YOU are as soon as possible to summon the inhabitants to meet together, at such time or times, place or places, as you shall find most convenient, in order to take the Oath of Allegiance, and make and subscribe the Declaration of Abjuration mentioned in the aforesaid Act, passed in the first year of the reign of King George the First, "for the further security of His Majesty's Person and Government, and the succession of the Crown in the Heirs of the late Princess Sophia, being Protestants, and for extinguishing the hopes of the pretended Prince of Wales, and his open and secret Abettors;" which Oath shall be administered to them by such person or persons as you shall commissionate for that purpose; and in case any of the said French inhabitants shall refuse to take the said Oath, and make and subscribe the Declaration and Abjuration as aforesaid, you are to cause them forthwith to depart out of Our said Government.

30th. And it is Our further Will and Pleasure, that all such inhabitants professing the Religion of the Romish Church, do at all such meetings, or at such other time or times as you shall think proper, and in the manner you shall think least alarming and inconvenient to the said inhabitants, deliver in upon oath an exact account of all arms and ammunition of every sort in their actual possession, and so from time to time of what they shall receive into their possession as aforesaid.

31st. You are as soon as possible to transmit to Us by Our Commissioners for Trade and Plantations, an exact and particular account of the nature and constitution of the several religious communities of the Romish Church, their rights, claims, privileges and property, and also the number, situation and revenues of the several Churches heretofore established in Our said Province, together with the number of Priests or Curates officiating in such Churches.

32d. You

32d. You are not to admit of any Ecclesiastical Jurisdiction of the See of Rome, or any other foreign Ecclesiastical Jurisdiction whatsoever, in the Province under your Government.

IV.—*The 3d, 4th, 20th, 21st, and part of the 56th Paragraphs of the Instructions to Guy Carleton, Esq. Captain General and Governor in Chief in and over the Province of Quebec; dated 3 January 1775.*

3d. AND you are with all due and usual solemnity to cause Our said Commission to be read and published at the said meeting of Our Council, which being done, you shall then take and also administer to each of the Members of Our said Council (not being a Canadian professing the religion of the Church of Rome) the Oaths mentioned in an Act passed in the first year of the Reign of His Majesty King George the First, intituled, “An Act for the further security of His Majesty’s Person and Government, and the succession of the Crown in the Heirs of the late Princess Sophia, being Protestants, and for extinguishing the hopes of the pretended Prince of Wales, and his open and secret Abettors,” as altered and explained by an Act passed in the sixth year of Our reign, intituled, “An Act for altering the Oath of the Abjuration, and the Assurance, and for amending so much of an Act of the seventh year of her late Majesty Queen Anne, intituled, ‘An Act for the improvement of the Union of the two Kingdoms,’ as after the time therein limited requires the delivery of certain Lists and Copies therein mentioned, to Persons indicted of High Treason or Misprision of Treason;” as also make and subscribe and cause them to make and subscribe the Declaration mentioned in an Act of Parliament made in the twenty-fifth year of the reign of King Charles the Second, intituled, “An Act for preventing Dangers which may happen from Popish Recusants;” and you and every one of them are likewise to take an Oath for the due execution of your and their places and trusts, with regard to your and their equal and impartial administration of justice; and you are also to take the Oath required by an Act passed in the seventh and eighth years of the reign of King William the Third, to be taken by Governors of Plantations, to do their utmost that the laws relating to the Plantations be observed.

4th. And whereas by an Act passed in the fourteenth year of Our reign, intituled, “An Act for making more effectual Provision for the Government of the Province of Quebec in North America,” it is enacted and provided, That no person professing the religion of the Church of Rome, and residing in the said Province, shall be obliged to take the Oath of Supremacy required by an Act passed in the first year of the reign of Queen Elizabeth, or any other Oaths substituted by any other Act in the place thereof; but that every such person, who by the said statute is required to take the Oaths therein mentioned, shall be obliged, and is thereby required, under certain penalties, to take and subscribe an Oath, in the form and words therein prescribed and set down: It is therefore Our will and pleasure, that you do administer to each and every member of Our said Council, being a Canadian and professing the religion of the Church of Rome, and cause each of them severally to take and subscribe the Oath mentioned in the said Act passed in the fourteenth year of Our reign, intituled, “An Act for making more effectual Provision for the Government of the Province of Quebec in North America;” and also cause them severally to take an Oath for the due execution of their places and trusts, and for their equal and impartial administration of justice.

20th. The establishment of proper regulations in matters of Ecclesiastical concern is an object of very great importance, and it will be your indispensable duty to lose no time in making such arrangements in regard thereto, as may give full satisfaction to Our new Subjects in every point in which they have a right to any indulgence on that head; always remembering, that it is a toleration of the free exercise of the religion of the Church of Rome only to which they are entitled, but not to the powers and privileges of it as an Established Church, for that is a preference which belongs only to the Protestant Church of England.

21st. Upon these principles therefore, and to the end that Our just Supremacy in all matters Ecclesiastical as well as Civil, may have its due scope and influence, it is Our Will and Pleasure,—

First. That all Appeals to or Correspondence with any Foreign Ecclesiastical Jurisdiction, of what nature or kind soever, be absolutely forbidden under very severe penalties.

Secondly. That no Episcopal or Vicarial powers be exercised within Our said Province, by any person professing the religion of the Church of Rome, but such only as are essentially and indispensably necessary to the free exercise of the Romish Religion; and in those cases not without a licence or permission from you under the seal of Our said Province, for and during Our Will and Pleasure, and under such other limitations and restrictions as may correspond with the spirit and provision of the Act of Parliament “for making more effectual provision for the Government of the Province of Quebec;” and no person whatever is to have Holy Orders conferred upon him, or to have the Cure of Souls, without a Licence for that purpose first had and obtained from you.

Thirdly. That no person professing the religion of the Church of Rome be allowed to fill any Ecclesiastical Benefice, or to have or enjoy any of the rights or profits belonging thereto, that is not a Canadian by birth (such only excepted as are now in possession of any such Benefice) and that is not appointed thereto by Us, or by or under Our authority, and that all Right or claim of Right in any other person whatever to nominate present or ap-

point to any vacant Benefice, other than such as may lay claim to the patronage of Benefices as a civil Right, be absolutely abolished. No person to hold more than one Benefice, or at least not more than can reasonably be served by one and the same Incumbent.

Fourthly. That no person whatever professing the Religion of the Church of Rome, be appointed Incumbent of any Parish, in which the majority of the Inhabitants shall solicit the appointment of a Protestant Minister; in such case the Incumbent shall be a Protestant, and entitled to all tythes payable within such Parish. But nevertheless the Roman Catholics may have the use of the Church, for the free exercise of their Religion, at such time as may not interfere with the religious worship of the Protestants: And in like manner the Protestant Inhabitants in every Parish, where the majority of Parishioners are Roman Catholics, shall, notwithstanding, have the use of the Church for the exercise of their Religion, at such times as may not interfere with the religious worship of the Roman Catholics.

Fifthly. That no Incumbent professing the Religion of the Church of Rome, appointed to any Parish, shall be entitled to receive any tythes for lands or possessions occupied by a Protestant, but such tythes shall be received by such persons as you shall appoint, and shall be reserved in the hands of Our Receiver General as aforesaid, for the support of a Protestant Clergy in Our said Province, to be actually resident within the same and not otherwise, according to such directions as you shall receive from Us in that behalf. And in like manner all growing rents and profits of a vacant Benefice shall, during such vacancy, be reserved for and applied to the like uses.

Sixthly. That all persons professing the Religion of the Church of Rome, which are already possessed of or may hereafter be appointed to any Ecclesiastical Benefice, or who may be licenced to exercise any power or authority in respect thereto, do take and subscribe before you in Council, or before such person as you shall appoint to administer the same, the Oath required to be taken and subscribed by the aforesaid Act of Parliament, passed in the fourteenth year of Our Reign, intituled, "An Act for making more effectual Provision for the Government of the Province of Quebec in North America."

Seventhly. That all Incumbents of Parishes shall hold their respective Benefices during good behaviour, subject however, in cases of any conviction for criminal offences, or upon due proof of seditious attempts to disturb the peace and tranquillity of Our Government, to be deprived or suspended by you, with the advice and consent of a majority of Our said council.

Eighthly. That such Ecclesiastics as may think fit to enter into the holy state of Matrimony, shall be released from all Penalties, to which they may have been subjected in such cases by any authority of the See of Rome.

Ninthly. That Freedom of Burial of the Dead in Churches and Churchyards be allowed indiscriminately to every Christian persuasion.

Tenthly. That the Royal Family be prayed for in all Churches and places of holy worship, in such manner and form as are used in this kingdom, and that our arms and insignia be put up, not only in all such Churches and places of holy worship, but also in all Courts of Justice; and that the arms of France be taken down in every such church or court where they may at present remain.

Eleventhly. That the Society of Romish Priests, called the Seminaries of Quebec and Montreal, shall continue to possess and occupy their houses of residence, and all other houses and lands, to which they were lawfully entitled on the 13th of September 1759; and it shall be lawful for those societies to fill up vacancies, and admit new members, according to the rules of their foundations, and to educate youth, in order to qualify them for the service of parochial cures, as they shall become vacant: It is nevertheless Our Will and Pleasure, that not only these seminaries, but all other religious communities, so long as the same shall continue, be subject to visitation by you Our Governor, or such other person or persons as you shall appoint for that purpose; and also subject to such rules and regulations as you shall with the advice and consent of Our council think fit to establish and appoint.

Twelfthly. It is Our Will and Pleasure, that all other religious Seminaries and Communities (that of the Jesuits only excepted) do for the present, and until we can be more fully informed of the true state of them, and how far they are or are not essential to the free exercise of the Religion of the Church of Rome, as allowed within our said Province, remain upon their present establishment; but you are not to allow the admission of any new members into any of the said societies or communities, the religious communities of women only excepted, without our express orders for that purpose. That the Society of Jesuits be suppressed and dissolved, and no longer continued as a body corporate and politic, and all their rights, possessions, and property shall be vested in us, for such purposes as We may hereafter think fit to direct or appoint; but We think fit to declare Our Royal intention to be, that the present members of the said society, as established at Quebec, shall be allowed sufficient stipends and provisions during their natural lives. That all Missionaries amongst the Indians, whether established under the authority of, or appointed by the Jesuits, or by any other Ecclesiastical authority of the Romish Church, be withdrawn by degrees, and at such times and in such manner as shall be satisfactory to the said Indians, and consistent with the public safety, and Protestant Missionaries appointed in their places. That all ecclesiastical persons whatsoever of the Church of Rome, be inhibited

inhibited upon pain of deprivation, from influencing any person in the making a Will, from inveigling Protestants to become Papists, or from tampering with them in matter of religion; and that the Romish Priests be forbid to inveigh in their sermons against the Religion of the Church of England, or to marry, baptize, or visit the sick, or bury any of our Protestant subjects, if a Protestant minister be upon the spot.

Part of the 56th Paragraph:

To an Allowance to the person licensed to superintend the Romish Church - £. 200.

V. The 5th Paragraph of the Memorial of His Majesty's new Subjects of Quebec; dated 31st December 1788.

IT is our Religion, our Laws relative to our Property, and our personal surety in which we are most interested; and these we enjoy in the most ample manner by the Quebec Bill. We are the more averse to an House of Assembly, from the fatal consequences which will result from it. Can we, as Roman Catholics, hope to preserve for any length of time, the same prerogatives as Protestant subjects in an House of Representatives; and will there not come a time when the influence of the latter will overbalance that of our posterity? In this case, should we and our posterity enjoy the same advantages which our present Constitution secures to us? Again, have we not reason to dread lest we should soon see those taxes levied upon the estates, which are at present actually levied upon articles of Commerce, which the inhabitant pays indirectly it is true, but in proportion to what he consumes? Shall we not fear that we may one day see the seeds of dissension created by the Assembly of Representatives, and nourished by those intestine hatreds, which the opposite interests of the old and new subjects will naturally give birth to? We will now turn the weapons of these zealous partizans of an Assembly of Representatives against themselves, and make use of their own calculations, in order to demonstrate the errors of those assertions with which they support their Addresses.

—(9.)—

Extract of INSTRUCTIONS, under the Sign Manual, to Lieut.-General Sir GEO. PREVOST, Bart. as Captain-General and Governor in Chief, in and over the Province of *Lower Canada*; dated at Carlton-House, the twenty-second day of October 1811, in the fifty-third year of His Majesty's Reign.

Paragraph 42d.

WHEREAS the Establishment of proper Regulations in matters of Ecclesiastica concern is an object of very great importance, it will be your indispensable duty to take care that no arrangements in regard thereto be made but such as give full satisfaction to Our new subjects, in every point in which they have a right to any indulgence on that head; always remembering, that it is a toleration of the free exercise of the religion of the Church of *Rome* only to which they are entitled, but not to the powers and privileges of it, as an Established Church, that being a preference which belongs only to the Protestant Church of *England*.

Paragraph 43.—UPON these principles therefore, and to the end that Our just Supremacy in all matters Ecclesiastical as well as Civil may have its due scope and influence, it is Our will and pleasure;—

1st.—THAT all Appeals to, or Correspondence with, any foreign Ecclesiastical Jurisdiction, of any nature or kind soever, be absolutely forbidden under very severe penalties.

2d.—THAT no Episcopal or Vicarial powers be exercised within Our said Province, by any person professing the religion of the Church of *Rome*, but such only as are essentially and indispensably necessary to the free exercise of the Romish Religion; and in these cases not without a License and Permission from you, under the seal of Our said Province, for and during Our will and pleasure; and under such other limitations and restrictions as may correspond with the spirit and provisions of the Act of Parliament of the fourteenth year of Our Reign, for making more effectual provision for the government of the Province of Quebec; and no person whatever is to have Holy Orders conferred upon him, or to have the cure of souls, without a license for that purpose first had and obtained from you.

3d.—THAT no person professing the religion of the Church of *Rome* be allowed to fill any Ecclesiastical benefice, or to have or enjoy any of the rights or profits belonging thereto, who is not a Canadian by birth (such only excepted as are now in possession of any such benefice), and who is not appointed by Us or under Our authority; and that all right or claim of right in any other person whatever, to nominate, present or appoint to any vacant benefice, other than such as may lay claim to the patronage of benefices as a civil right, be absolutely abolished; no person to hold more than one benefice, or at least not more than can be reasonably served by one and the same incumbent.

4thly.—THAT no person whatever professing the religion of the Church of *Rome*, be appointed incumbent of any parish in which the majority of the inhabitants shall solicit the

the appointment of a Protestant minister; in such case the incumbent shall be a Protestant, and entitled to all tythes payable within such parish; but nevertheless the Roman Catholics may have the use of the Church for the free exercise of their religion, at such times as may not interfere with the religious worship of the Protestants; and in like manner the Protestant inhabitants of every parish, where the majority of the parishioners are Roman Catholics, shall notwithstanding have the free use of the Church for the exercise of their Religion, at such times as may not interfere with the religious worship of the Roman Catholics.

5thly.—THAT no incumbent professing the Religion of the Church of Rome appointed to any parish shall be entitled to receive any tythes for lands or possessions occupied by a Protestant, but such tythes shall be received by such persons as you shall appoint, and shall be reserved in the hands of Our Receiver General as aforesaid, for the support of Our Protestant Clergy in Our said Province, to be actually resident within the same, and not otherwise, according to such directions as you shall receive from Us in that behalf; and in like manner all growing rents or profits of a vacant benefice shall during such vacancy be reserved for and applied to the like uses.

6thly.—THAT all persons professing the religion of the Church of *Rome*, who are already possessed, or may hereafter be appointed to any Ecclesiastical benefice, or who may be licensed to exercise any power or authority in respect thereto, do take and subscribe before you in Council, or before such person as you shall appoint to administer the same, the Oath required to be taken and subscribed by the aforesaid Act of Parliament, passed in the 14th year of Our Reign, intituled, “An Act for making more effectual Provision for the Government of the Province of Quebec in North America.”

7thly.—That all incumbents of parishes professing the Romish religion, not being under the Ecclesiastical Jurisdiction of the Bishop of *Quebec*, shall hold their respective benefices during their good behaviour, subject however, in case of any conviction for criminal offences, or upon due proof of seditious attempts to disturb the peace and tranquillity of Our Government, to be deprived or suspended by you.

8thly.—That such Ecclesiastics as may think fit to enter into the holy state of matrimony, shall be released from all penalties to which they may have been subjected in such cases, by any authority of the See of *Rome*.

9thly.—That freedom of the burial of the dead in the Churches and Church-yards be allowed indiscriminately to every Christian persuasion.

10thly.—That the Royal Family be prayed for in all Churches and places of public worship, in such manner and form as is used in this kingdom; and that Our arms and insignia be put up not only in all such Churches and places of holy worship, but also in all Courts of Justice; and that the arms of France be taken down in every such Church or Court where they may at present remain.

11thly.—That the society of Romish Priests, called the Seminaries of Quebec and Montreal, shall continue to possess and occupy their house of residence, and all other houses and lands to which they were lawfully entitled on the 13th of September 1759; and it shall be lawful for those societies to fill up the vacancies, and admit new members, according to the rules of their foundation, and to educate youth in order to qualify them for the service of parochial cures, as they shall become vacant. It is nevertheless Our Will and Pleasure, that not only those seminaries, but all other religious communities, so long as the same shall continue to be subject to visitation by you, Our Governor, or such other person or persons as you shall appoint for that purpose, and also subject to such other regulations as you shall, with the advice and consent of our said Executive Council, think fit to establish and appoint.

12thly.—It is Our Will and Pleasure that all other religious seminaries and communities (that of the Jesuits only excepted) do for the present, and until We can be more fully informed of the true state of them, and how far they are, or are not, essential to the free exercise of the religion of the Church of *Rome*, as allowed within our said province, remain upon their present establishment; but you are not to allow the admission of any new members into any of the said societies or communities, (the religious communities of women only excepted) without Our express orders for that purpose:—That the Society of Jesuits be suppressed and dissolved, and no longer continued as a body corporate or politic; and all their rights, possessions and property, shall be vested in Us, for such purposes as We may hereafter think fit to declare Our Royal intention to be:—That the present members of the said society, as established at Quebec, shall be allowed sufficient stipends and provisions during their natural lives:—That all Missionaries amongst the Indians, whether established under the authority of or appointed by the Jesuits, or by any other ecclesiastical authority of the Romish Church, be withdrawn by degrees, and at such times and in such manner as shall be satisfactory to the said Indians, and consistent with the public safety, and Protestant Missionaries appointed in their places:—That all ecclesiastical persons whatever of the Church of *Rome* be inhibited, upon pain of deprivation, from influencing any person in the making of a will; from inveigling Protestants to become Papists; or from tampering with them in matters of religion; and the Romish priests be forbidden to inveigh in their sermons against the religion of the Church of *England*.

—(10.)—

CANADA:—ESTATE OF THE JESUITS, 1770.

Abstract of Proceedings in Council, relative to the Grant, to the late Jeffery Lord Amherst, of the Estates belonging to the Jesuits in Canada: With the dates of the several Orders made by His Majesty in Council, in that behalf; and Reports of the late Board of Trade, and of His Majesty's Law Officers for the time being.

ON the 24th May 1770 His Majesty was pleased to refer to a Committee, a Petition from Jeffery Lord Amherst to His Majesty in Council, stating, that His Majesty having been graciously pleased to signify his intention of bestowing a mark of His Royal favour, in America, on the Petitioner; and praying a grant of the estates belonging to the Jesuits in Canada. May 1770.

This Petition was referred by the Committee, to the Board of Trade; who made their Report thereon, dated 7th June following, but offered no decided opinion upon the Petition of Lord Amherst.

On the 2d November 1770 the Lords of the Committee made their Report to His Majesty; and submitted that His Majesty's Attorney and Solicitor General should be directed to prepare the draft of a proper Instrument, to be passed under the Great Seal, for granting to Lord Amherst the estates belonging to the Jesuits in Canada; reserving to His Majesty, for public uses, the Colleges and Chapels, with their appurtenances, which belonged to the Society in Quebec, Montreal, and Trois Rivières; the Grantee engaging to make satisfaction to such of the then Possessors as were in possession at the time of the Conquest.

The Report was approved, and an order made containing directions as above, to His Majesty's Attorney and Solicitor General; who, by a Report dated 14th December 1770, submitted that they could not proceed in preparing the Instrument, for want of an authentic account of the nature and description of the Estates intended to be granted by His Majesty.

On the 20th December 1770 another Petition was presented by Lord Amherst, praying, that His Majesty would renew his Order to the Attorney and Solicitor General, for preparing the draft of Grant, and containing a Particular of the Estates, &c. with an Affidavit annexed of General Murray (the then Governor of Quebec) to the same effect; which Petition was referred to the Law Officers by His Majesty's Order in Council, bearing date the 21st December 1770; and in case the same contained an authentic account of the nature and description of the said Estates, they were to prepare the draft of the Grant, &c. But it appears by the Report of His Majesty's Law Officers, in return to the said Order, that the said Affidavit of General Murray did not, in their opinion, set forth an authentic account of the nature and description of the Estates intended to be granted.

On the 8th March 1771 a further Petition was presented by Lord Amherst, stating, that he had lately received from Canada a particular account and description of the Estates belonging to the Jesuits in that Province, certified by the Clerk of Enrolments to be conformable to the Registers of the Intendant's Office, and those of the superior Council of Quebec, &c. &c.; which Petition, and Papers annexed thereto, were referred to His Majesty's Law Officers, to consider the same, with such further accounts and proofs as should be laid before them, and to prepare the draft of Instrument for making a Grant to the Petitioner, agreeable to His Majesty's former Order. 1771.

A further Petition was presented by Lord Amherst, praying, that His Majesty would renew his former Order to the Attorney and Solicitor General, for preparing the draft of Grant, and would empower them to receive and admit such further evidence as should be laid before them, for ascertaining the description, boundaries, and tenure of the said lands; and was referred to the Law Officers accordingly. March 1799.

On the 6th July 1786, His Majesty's then Attorney and Solicitor General made their Report to His Majesty, in return to the preceding order, and to the former orders of the same tenour; by which it appears, that Lord Amherst had forborne to lay before them some document or documents, in his possession, for the better ascertaining the nature, &c. of the lands, by reason of the troubles which, in 1779, and for some years afterwards, subsisted in North America; and submitting, that the additional evidence produced, was still insufficient to ascertain various particulars necessary to be known; viz.

The present titles, by which the lands were possessed:

The persons by whom possessed:

Their present value, and the nature of the tenures by which they were holden:

The exact local situation; their extent and population; and whether any and what claims are made by the heirs of the donors of such part of the lands as were given to the Religious Order by private persons.

And the Report concludes by submitting, that the said several particulars, and all other material circumstances attending the lands in question, may be best ascertained by an enquiry instituted in the Province by Commissioners to be appointed by His Majesty's Governor, 181. H or

or by such proceedings in the nature of an inquisition as he should find most consonant to the laws and usages of the Province, to institute for that purpose; and that until these particulars should be fully ascertained, they were still unable to prepare such grant to the petitioner as would be valid in law.

This Report from the Law Officers was referred by His Majesty to the consideration of the Lords of the Committee of Privy Council for Trade and Foreign Plantations; who, by their Report to His Majesty, dated the 10th of the said month, submitted their opinion, That, in consideration of the difficulties and delay that had hitherto attended the carrying into effect His Majesty's gracious intention in favour of the Petitioner, His Majesty might authorize and direct the Governor of the Province of Quebec, to cause the several particulars stated by the Attorney and Solicitor General in their above Report, and all other circumstances attending the lands in question, to be ascertained by Commissioners to be appointed, &c. &c. &c.; and that upon return thereof, the Governor should pass a Grant, under the seal of the Province, to the Petitioner, his heirs and assigns, of so much of the estates belonging to the Jesuits, in the said Province, as might be legally granted, under such tenures and subject to all such payments and other rights of seignior, as might by law belong to His Majesty; and under the reservations and conditions mentioned in His Majesty's former Order of the 9th November 1770, and excepting thereout such parts or parcels thereof as His Majesty's Governor should judge necessary to be reserved for public uses; and such Grant to be submitted to His Majesty's further consideration.

On the 18th August 1786 the foregoing Report of the Lords of the Committee for Trade was approved by His Majesty, and an Order issued accordingly to the Governor of the Province of Quebec.

In pursuance of this Order, a Return was made by Lord Dorchester, the then Governor of Canada, of all the proceedings which had taken place in that province, with respect to the survey of the lands in question; and his Lordship, in his letter accompanying the same, assigned his reasons why he had not prepared a Grant of the said Lands, in conformity thereto.

At a later period a Return was made by Governor Milne, of the actual value and revenue of those estates, as made out by the Commissioners for the management of the same. Governor Milne, in his letter transmitting the same, which bears date 23d February 1801, observes, that the information most to be depended on would certainly have been obtained by means of a Papier Terrier; but his objections to that arose from finding it would not only have been attended with a considerable expense, but that it would have taken up much more time.

The Governor believes however, that the valuation (as now made) cannot be materially wrong, and states the annual revenue in 1801, according to the First Report dated the 13th January, as amounting to 1,245*l.* 5*s.* 4*d.* exclusive of the property situated within the cities of Quebec and Montreal.

The letter refers to a Second Report, dated the 6th of February 1801, and mentions that it is computed that the concessions made since that time, have increased the annual revenue to 1,358*l.* 13*s.* 4*d.*

July 1791.

In the month of June 1791, the late Lord Amherst presented another Petition, renewing his prayer, That the Governor or Lieutenant Governor for the time being, might be ordered to pass without further delay the Grant in question, of all the said estates, which should appear, from the Reports of the Commissioners appointed in pursuance of His Majesty's Order of the 18th August 1786, and by the Report of His Majesty's Law Officers in the Province, His Majesty might legally give and grant.

This Petition was also referred to the Committee; but it does not appear to have been taken up during the life of the late Lord Amherst.

May 1798.

On the 9th of May 1798 the present Lord Amherst presented his Petition to His Majesty in Council, stating all the Proceedings which had taken place, and particularly the Order of the 18th August 1786, which directed the Governor to appoint Commissioners, and institute an inquiry in the province for ascertaining the nature of the lands, &c. and that the proceedings, under the said Commission, had been returned, together with a digest or analysis thereof, and the Report of the Law Officers in Canada; and praying that the said Law Officers in Canada might be directed to prepare a Grant of all such parts or portions of the Estates late belonging to the Society of Jesuits, as are particularly ascertained by the said Report; or that a Grant might be prepared of such parts of the said estates, and the profits thereof, as His Majesty should think proper and best calculated to effectuate His Majesty's bounty to the late Jeffery Lord Amherst.

This Petition was referred to a Committee; who recommended to His Majesty to make such Grant accordingly, under the special reservation, provision, and declaration, that when the clear yearly profits of the said Estates shall exceed 2,400*l.* sterling, Lord Amherst should account to His Majesty for the surplus profits, after being allowed such sums as he should have expended in settling, cultivating, and improving the said Estates, and all other expenses which Lord Amherst should in any manner have been put to, in and about the said Estates; which had not hitherto appeared to have yielded any revenue or advantage to His Majesty; and

and also to be allowed the charges attending the several Orders and Commissions in Canada, and other proceedings, to ascertain the nature and description of the said Estates, and also such further expences as might be incurred in passing and carrying the Grant of the said lands into effect; and that His Majesty's Attorney and Solicitor should prepare a draft of such Grant to be passed under the Great Seal of the Province, under the before-mentioned special reservation, provision and declaration, respecting the surplus profits, and containing the reservations specified in the former Orders; and further reserving to His Majesty such other parts and parcels of the lands as His Majesty's Governors had actually applied to the erection of hospitals, barracks, and other public uses; and on the 23d January 1799, this Report was approved, and Order issued to the Attorney and Solicitor General accordingly.

In return to the above-mentioned Order, His Majesty's Law Officers made their Report, with the draft of a Grant annexed, but submitted, that the lands to be conveyed by the said Grant, lying within the Province of *Lower Canada*, with the particular circumstances of which, and more especially with the tenures, and proper description thereof, not being perfectly informed, they could not consider themselves as being perfectly competent to frame an Instrument which might not be liable to objection, and therefore submitted, that the same should be fully considered by the Law Officers in Canada; and thereupon the Lords of the Committee, to whom the said Report and Draft of Instrument had been referred, recommended that His Majesty should approve of the draft; but that, previous to the same passing the Seal of the Province, the Governor should be directed to consult the Law Officers of the Province with respect to such provisions and alterations, as, upon due consideration of the nature of the tenures, and proper description of the lands, might appear to them advisable to be added to or inserted in the said Grant.

It is presumed, that a Return was made to this Order by the Governor, in the spring of 1801; for it appears by the Council Book, that, on the 14th April 1801, a Letter was written to the Attorney General, stating, that several proceedings had taken place in the province upon the reference made to His Majesty's Law Officers *there*, of the draft of the Grant prepared here and transmitted as above-mentioned; and that the Law Officers in Canada had, by their Report to the Governor, bearing date the 15th November 1799, stated certain objections to the validity of the said Instrument, as then constructed, according to the existing laws of Canada; and the Letter went on to direct His Majesty's Attorney and Solicitor General *here*, to take into consideration the draft of the original Instrument, and also the said Report of the Law Officers in Canada, and report their opinion,—

First, Whether the said Alterations and Amendments were proper to be adopted?

Secondly, In case they should be of opinion, that such were proper, Whether it would be necessary that a new draft of Instrument should be prepared and submitted to His Majesty for approbation; or whether it would be sufficient, in case His Majesty's Attorney and Solicitor concurred in opinion with the Law Officers in Canada, to direct the Governor to cause the said alterations and amendments to be inserted in the Instrument already prepared?

In answer to this Letter, His Majesty's Law Officers made a further Report to the Lords of the Committee, stating many objections which occurred to them in respect to the provision under which Lord Amherst was to hold the lands, and be made accountable for the surplus profits of the Estates beyond 2,400*l.* per annum.

That it would render his Lordship a public accountant, and expose him and his under-tenants to endless difficulties and perplexities; and that it would operate as a bar to the full improvement of the Estates, and consequently to the revenue to be derived from the same to His Majesty; inasmuch as the agents employed by Lord Amherst could hardly be expected to look further than the perception of the proportion of rent granted to Lord Amherst for his own use.

Official Papers *relating to the* Regulation

OF THE

ROMAN CATHOLICS.

1803—1814.
