

P A P E R S

RELATING TO

THE ROMAN CATHOLIC RELIGION:

VIZ.

Extracts from Papers which were presented to The House, by
Mr. CHANCELLOR of THE EXCHEQUER, on the 25th day of
February 1791.

Ordered, by The House of Commons, to be printed,
17 May 1813.

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- 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 - - - - - ibid.
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I.

SIXTH ARTICLE of the Capitulation of Quebec; dated 18th September 1763.

6th. **T**HAT the exercise of the Catholic, Apostolic and Roman Religion, shall be preserved, and that safe-guards 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, safe-guards 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 of 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.

32nd. 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.

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IV.

The 3rd, 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.

3rd. 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 Plagues 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,

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 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 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

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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 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 dissention 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.

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