dictum of Lord Selborne against the authority of the Toronto *Law Journal*, and I think those hon. gentlemen who were converted to that side by the powerful argument of the Toronto *Law Journal*, may be converted back again by the still higher authority of Lord Selborne. The *Law Journal* says:

"But the statutes of Elizabeth, the express words, abolish the usurped jurisdiction of the Bishop of Rome, heretofore unlawfully claimed and usurped within the realm and other the dominions to the Queen belonging."

I ask the indulgence of the House for a moment while I call its attention to the position of this question. It is necessary to look to some extent to the history of the question in order thoroughly to understand the pretensions of the Pope, and his relation to the church in questions of this sort. I will refer to the views that are expressed by Lord Selborne in his book on the English Establishment. He says it was the practice in various times, in order to maintain the ancient privileges of the church, not to permit of appeals to Rome, that it is shown by the constitution of Clarendon, and by earlier provisions of the law, that this was then the practice; but that when Stephen came to the Throne, and his brother, who was the Pope's Legate, was also the Bishop of Winchester, he introduced another practice and they permitted, and in fact authorised appeals to Rome, which were at fitful intervals continued down to the time of Henry VIII. The statutes that are found in the period of Henry VIII (and which were repealed under Mary), which put an end to the appeals to Rome, were re-enacted by this statute of Elizabeth. Let me call your attention just for a moment to indicate in a brief summary the provisions of these Acts. Henry the Eighth legislated in favor of ecclesiastical emancipation in this particular. Before his day, and up to the middle of his reign, appeals were taken to the Pope in testamentary acts, and on the questions of matrimony, divorce, tithes and oblations, and by the statute of the 24th year of Henry VIII, chap. 12, those appeals were abolished, and it was declared that hereafter they were all to be adjudicated by the King's temporal and spiritual courts. It will be seen that in every one of these cases there was involved some material interest. They were not purely spiritual cases, they grew up because the ecclesiastical law was applied to parties who made their wills, and so on, at the period of their deaths; and as the ecclesiastical law was not understood by the English lawyers, appeals were frequently taken on civil cases from England to Rome. By an Act of the 25th year of Henry VIII, cap. 19, it provided for the settlement of all those cases by the King's Majesty. It forbade the clergy, under penalty of fine and imprisonment, to make a constitution without the King's assent, and it forbade appeals to Rome other than those that were permitted by cap. 12 of an Act passed in the 24th year of Henry VIII. By an Act passed in the 25th year of his reign, cap. 20, he prevented the payment of annates, and the first fruits that were allowed still to continue after the former statute; that is, that the persons entering into an ecclesiastical office, to which a salary was attached, were obliged to pay the first year's salary to the Pope as apart of his revenue. After that it was declared that the archbishops and bishops were to be elected, presented, and consecrated within the realm of England. In the 25th of Henry VIII, cap. 21, exoneration from exactions by the See of Rome was secured, and they were declared to be independent of all foreign interference. The same statute forbade the payment of Peter's pence, and declared that neither the King, nor his subjects, shall sue to Rome for any dispensation or license. The Archbishop of Canterbury was to grant such in future, but he was never to do so unless he obtained the approval of the King in Council. The 5th and 6th of Edward VI, cap. 1, enacted the principle of uniformity, the use of the Book of Common Prayer, and enforced attendance at church on Sundays. All these statutes were repealed in the reign of Mary, and they were all re-enacted by this Act. The 1st of Elizabeth, cap. 1, declared that "All foreign jurisdiction is abolished, and all spiritual jurisdiction united to the Crown." All these measures amount simply to this, that as the Church was connected with the State, the administration of the affairs of the State, executive and judicial, were declared to belong to the Sovereign. They were vested in the Sovereign, and not one of them was to be invested in any other tribunal. As long as the power of the Sovereign extended over the religious community, and as long as strict observance of the laws of the establishment were enforced, those Acts of Supremacy, and all those other Acts, were rigidly enforced against the Roman Catholics. But, when it was once admitted, that dissent might be recognised as possible, without treason, sedition, revolution or disloyal intent, variation in divine services, in church polity, and in church rites, were overlooked, and were ultimately tolerated, and they were admitted not to fall within the penal provision of this statute of Elizabeth. It was so held by Lord Selborne, in the case I have mentioned. It is true, that the judgment of the Pope has not, in England, nor in Ireland to-day, so far as the Roman Catholics are concerned, the force of a judgment of an ordinary civil tribunal. There are no means, except those which belong to him, as the moral head, to enforce his conclusion; there are no means of enforcing obedience to his judgments, except excommunication or exclusion from the church's privileges, but that he may (as Lord Selborne said) be appealed to, and that he is a moral arbitrator, acting according to certain judicial principles, and that he has the right so to act, and that the Roman Catholics of the United Kingdom have a right so to appeal to him, is beyond all question. We have here submitted to us in this amendment, and in the speeches which have been delivered in its defence, a proposition as to whether the law is in that respect the same in this country, or whether the Roman Catholics of the Province of Quebec are more restricted in their rights than the Roman Catholics in the United Kingdom. Let me say, Mr. Speaker, that the rule which I have quoted from Lord Selborne came into being after the statute of Elizabeth was relaxed, when the dissent from the Establishment was permitted, and when a large portion of the population of the United Kingdom were privileged to worship in some other form or way than according to the Establishment without having their civil rights impaired or their liberties interfered with. Now, Quebec received its law from the King, subject to the terms granted in the capitulation. There was no statute of Elizabeth in force and that statute was not carried to any one of the colonies. I might quote the view of Lord Mansfield, whose authority is unquestioned both in judicial decisions and in a letter addressed to Mr. Grenville, the Prime Minister, in 1764, in which he says that the penal laws of the United Kingdom are never carried to a colony as part of the common law they take with them. If that is so in a colony settled by the people of England, it is much more so in the case of a colony that is secured by conquest. Such a law cannot operate, as the hon. the Minister of Justice pointed out last evening, unless it would be by the abrogation of all those rights that were ceded by capitulation and contained in the Treaty of 1763. Now, we have in the Act 14 George III, chapter 83, this provision:

"For the more perfect security and ease of the minds of the inhabitants of the said Province, it is hereby declared, that His Majesty's subjects professing the religion of the Church of Rome, of and in the said Province of Quebec, may have, hold, and enjoy the free exercise of the religion of the Church of Rome, subject to the King's supremacy, declared and established by an Act made in the first year of the reign of Queen Elizabeth, over all the dominions and countries which then did, or thereafter should belong to the Imperial Crown of this realm; and that the clergy of the said church may hold, receive and enjoy