

"Mais," say the learned Counsels in conclusion, "l'ordonnance de 1667, qui a toujours eu tant d'autorité en Canada, où elle a été exécutée avant même d'avoir été enregistrée (en 1678) au Conseil Supérieur (voir arrêt du Conseil Supérieur du 10 Sept. 1674, *in re* Abbé de Fénélon, registre A, folio 194), consacre le titre XV aux procédures sur le possessoire des bénéfices et sur les régales. L'art. 4 de ce titre dit: 'Les plaintes pour bénéfice, seront poursuivies pardevant nos juges, auxquels la connaissance en appartient, *privativement au juge d'église*, etc.' L'art. 8 du même titre dit: 'Il ne sera ajouté foi aux signatures et expéditions de la Cour de Rome, si elles ne sont vérifiées, etc.'"

The reason why complaints on account of the benefices of the Church were declared to be within the jurisdiction of the Civil Courts, is a very simple one: these matters, being temporal, were necessarily within the range of the Civil Courts. As to article 8, do the learned Counsels wish it to be understood that the bulls and decrees of the Holy See were to be verified and previously approved by the Superior Council? Such must be their intention, since they endeavour to prove the Council's jurisdiction in matters ecclesiastical. Well, article 8, when quoted more fully and as it stands in the Edicts and Ordinances, (vol. 1, p. 141), reads as follows: "Il ne sera ajouté aucune foi aux signatures et expéditions de Rome, si elles ne sont vérifiés, ET SERA LA VERIFICATION FAITE PAR UN SIMPLE CERTIFICAT DE DEUX BANQUIERS ET EXPÉDITIONNAIRES, ÉCRIT SUR L'ORIGINAL DES SIGNATURES ET EXPÉDITIONS SANS AUTRE FORMALITÉ."

In France, all benefices were, by law, granted by the King. In Canada they were also granted by him, not by virtue of the law of the realm, but in his quality of founder and patron of the Diocesan Chapter of Quebec, "conformément," says an Edict of 1713, "à la bulle du mois d'Octobre, 1674, qui attribue la nomination des bénéfices du dit chapitre à ceux qui les fonderont." *

Messrs. Doutre and Lareau in the October number of their *Histoire Générale du Droit Canadien*,† (pp. 217-312) speaking

* 1 Ed. et Ord. 339.

† By an entirely involuntary omission, the name of Mr. Edmond Lareau was not mentioned in our reference to this publication in the first part of this article, precisely as a lawyer, in pleading, cites *Chitty on Carriers*, without alluding to his colleague, Temple. We