

que le préliminaire, et qui fut fait et rédigé par les autorités souveraines réglant définitivement le sort du Canada, Sa Majesté Britannique consent d'accorder la liberté de la religion catholique aux habitants du Canada, et leur permet de professer le culte de leur religion *autant que les lois d'Angleterre le permettent*. Il faut avouer que cette restriction enlevait pour ainsi dire la valeur de la première disposition et assurément que l'on ne pouvait plus formellement réserver la plénitude de la suprématie royale et souveraine même en matière ecclésiastique."

The learned counsel, in support of his opinion, attempts to resuscitate an ancient policy of some Crown officers, a policy based solely upon religious prejudice and fanaticism, and which has been long since forgotten. He relies upon the following authorities:

1st. Opinion given to the Imperial Government on the 3rd July 1811: "We notice the condition of such benefices as a destruction arising out of the general question, and also as showing that the right of patronage under the French Government was dependent, in some measure, on the Sovereign, and cannot be considered to have been vested in the Bishop by virtue of rights or powers derived solely from the Pope. If, however, the right be supposed to have originated from the Pope, we think the same consequence would result from the extinction of the Papal authority in a British Province. For we are of opinion, that rights of this nature, from whichever source derived, must in law and of necessity be held to devolve on His Britannic Majesty as the legal successor to all rights of supremacy, as well as of Sovereignty when the Papal authority, together with the episcopal office, became extinct at the conquest by the capitulation and treaty, and the 1 Eliz. cap. 1, sec. 16, as specially recognized in the act for the Government of Canada."

2nd. Opinion of the Canadian Attorney General Sewell, given in 1806, relative to the dismemberment of parishes: "That the office of the Roman Catholic Bishop of Quebec was annihilated and all the powers inherent therein transferred to His Majesty by the capitulation of Quebec and Montreal, by the conquest of Canada, the treaty of peace of 10th February, 1763, the Statutes of Henry VIII, cap. I. the 1 of Elizabeth cap. I., and 14 George III, cap. 83, and that the said office hath not at any time since been by law reestablished; that no such office as superintendent of the Romish Churches hath at any time existed in this Province,