

matter of internal or civil government, to the ratification or veto of a foreign power? And (2), can the Crown constitutionally assent to such foreign power dispensing and distributing a grant of public money, and adjudging who of its subjects are to share and the quantum of their share in the public moneys of which it is the sovereign trustee? And in fairly considering these questions, the name of any other foreign power may be substituted for that of the Pope.

We think both questions must be answered in the negative. The law does not permit the Crown, its ministers, or subjects, or any colonial legislature, to grant or delegate any such authority to any foreign power. To submit any matter of executive government, or any question between the Crown and its subjects to a foreign or alien power, involves an abdication by the Crown of its regal sovereignty as the supreme executive and head of the nation. Such a submission to a foreign power concedes to that power the right to veto as well as to ratify the act of the Crown affecting its own subjects, and is therefore inconsistent with, and destructive of, the ordinary prerogatives of an independent sovereignty.

By the express words of this agreement and Act, there is an attempt to vest in an alien (potentate or cleric, it matters not) a power (1), to ratify or veto an agreement with the Crown; (2), to determine the persons entitled to, and the quantum of their shares in, the \$400,000 voted by the Act. The legal vitality and operation of the agreement and of the statute are thus made to depend upon "the *acte* of the Pope." If the Pope vetoes the agreement, the Act becomes null and void. If he neglects or refuses to accept the delegation of power to distribute the \$400,000, the Act becomes inoperative. These regal or executive powers granted to a foreign potentate concede to and vest in an alien by his title of sovereignty a right of control and veto in the supreme affairs of a sovereign government, when in the lesser affairs of the political franchise, no rights of voice or vote are allowed to aliens by our own or any other civilized nation.

The ratification or veto of the Pope, and his decision respecting the distribution of public money in Quebec, are to be signified by the written *actes* of the Pope, which when deposited in one of the Public Departments of the Crown in Quebec, will be "instruments in writing from the Bishop of Rome, called the Pope," forbidden by the statute of Henry; and, if carried out, will be the written evidence of a foreign potentate's exercise of executive and temporal jurisdiction over the territorial possessions and moneys of the Crown in this part of the dominions of the Empire. No one will contend that the Pope could lawfully exercise such executive or temporal jurisdiction in England, and if not there, neither can he lawfully exercise it in any of the Provinces of Canada.

Even the short-lived statute 1 & 2 Phil. and Mary, c. 8, which re-established the spiritual supremacy of the Pope in England, may be cited as hostile to the validity of this Quebec Act, for it confirmed the confiscations of monasteries, etc., by prior sovereigns, and provided that the titles of all lands in the realm should be tried and judged in the Queen's Courts and not elsewhere, and declared that nothing in the Act should derogate, diminish, or take away, any prerogative, pre-eminences, authorities or jurisdictions of the Imperial Crown of the realm.

We have cited in these articles Imperial statutes which provide that their