

civil part of a mixed cause. Finally, the reader may form an idea of the legal weight of some of these decisions when he is informed that there were no lawyers in the colony, it being thought to its advantage to exclude them; and that even the greater part of the judges, as the King says in his instructions to the Intendant Duchesneau, were possessed of very little experience.* It is therefore not surprising to find that some of these decisions are based upon statutes of the Mother Country which were never in force in the colony; as for instance that of 1714 rendered in the case of the Recollet Father in pursuance of the ordinance of 1695, although it is universally admitted that this ordinance had never been registered by the Superior Council, and consequently has never formed part of the laws of Canada.

It is further argued that General de Tracy was commissioned to "commander tant aux peuples qu'à tous nos autres sujets, *ecclesiastiques*, nobles et gens de guerre et autres de quelque qualité et condition qu'ils soient." Who has ever pretended that the ecclesiastics were not subjects of the French King, as they are to-day of Her Britannic Majesty?

Messrs. Doutre and Laflamme likewise bring forward the instructions given by the King to M. de Tracy, dated 15th November, 1664: "de tâcher de n'avoir pas de querelle avec les R.R. P.P. Jésuites, ce qui a été la cause pour laquelle le gouvernement a été retiré à M. d'Avangour et à M. de Mézy; mais en les ménageant, qu'il prenne garde de les laisser rien entreprendre sur l'autorité qui lui a été commise ainsi que contre les intérêts de sa Majesté." It must be confessed that a very clear mental vision is required to find in this counsel any trace of the introduction into Canada of the liberties of the Gallican Church.

. The instructions given to M. Talon on the 23rd March, 1665, and to Count de Frontenac on the 7th April, 1672, do not afford any stronger proofs. M. Talon is informed "que ceux qui ont fait des relations les plus fidèles et les plus désintéressées du pays ont toujours dit que les Jésuites (dont la piété et le zèle ont beaucoup contribué à y attirer les peuples qui y sont à présent) y ont pris une autorité qui passe au-delà des bornes de leur véritable profession, qui ne doit regarder que les consciences. Pour s'y maintenir ils ont été bien aises de nommer le Sieur Evêque de Pé-

* 1 Ed. et Ord. 107.