

Now can any unprejudiced mind entertain for a moment the idea that the expression "as far as the laws of Great Britain permit," have had the effect of rendering illusory the stipulation for the liberty of the Catholic religion? Is it not an elementary principle of international law that in interpreting a treaty the intention of the parties is the chief object of research, and that a clause susceptible of two meanings must be understood in the sense in which it will produce some effect rather than that in which it can produce none? Can it for a moment be doubted that the intention of the high contracting parties to the Treaty of Paris was to guarantee the free exercise of the Roman Catholic worship to the inhabitants of Canada? Or can it reasonably be supposed that when His Britannic Majesty entered into a solemn engagement, he acted in bad faith and with the intention of really promising nothing? Certainly not. That promise was and is a binding one not only in the light of international law, but also by and under the laws of Great Britain; for as observed by Lord North, and decided repeatedly by the Privy Council, all churches in the colonies are by the common law on a footing of perfect equality, free and untrammelled by the civil power in the management of ecclesiastical matters. That freedom not only accompanies the exercise of Catholic public worship, but comprises the exercise of the spiritual authority of its constituted authorities, and consequently of the Pope, inasmuch as it is a fundamental tenet of the Catholic faith that the Sovereign Pontiff is head of the Catholic Church.

It is not necessary for the determination of the subject matter under consideration to inquire whether the Imperial Parliament or a colonial legislature can validly nullify the stipulations of an imperial treaty; this question has been already discussed in the first volume of this Review in an article entitled "Le Droit Constitutionnel du Canada" to which the reader is referred. The statutory laws of Canada are in accordance with the Treaty of Paris and with the public common law of England.

An Imperial act passed in 1774\* commonly called the "Quebec Act," makes the ensuing declaration (by its 5th section): "And, 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

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\* 4 Geo. 3, C. 83.