shall be forever united and annexed to the Imperial Crown of this realm. This declaration remains in force to the present day, and it is the statutory warrant for the supremacy of the Crown, in all matters and causes civil or ecclesiastical, throughout the British Empire, as well as for the renunciation of the papal claims therein."

Now, it has been said in this House, and has been written to the press by the hon. member for Bellechasse (Mr. Amyot) that there is a distinction between the Pope in his spiritual capacity, as the head of the church, and the way he has been brought into this statute; but here we have the opinion of Mr. Todd that his right to exercise papal claims in this country ought not to and does not exist. But, Sir, I shall cite earlier authorities. I understand that some of the gentlemen who are opposed to this resolution rely upon the authority of Lord Thurlow. Now, I ask the attention of this House for a few minutes until I read his opinion regarding the statute:

"By the 1st of Elizabeth, I take it that there is no reason whatever, why the Roman Catholic religion should not have been exercised in this country as well as in that; confining it entirely to that Act, I know no reason to the contrary * * * * for the language of the Act is only this, that no foreigner whatever should have any jurisdiction, power or authority within the realm."

Then I will refer to the language of the celebrated Wedderburn:

"I can see, by the article of this bill, no more than a toleration. The toleration, such as it is, is subject to the King's supremacy, as declared and established by the Act of the 1st of Queen Elizabeth. Whatever necessity there be for the establishment of ecclesiastical persons, it is certain they can derive no authority from the See of Rome, without directly offending against this Act."

Then it may be argued that this statute is not in force now, by reason of some Provincial or Federal legislation which prevents its application in this country. No one who makes that contention could have read the British North America Act, because Imperial legislation, which was in force at the time of Confederation, could not since be repealed or destroyed by any Dominion or Provincial legislation. The 129th section of the British North America Act reads as follows:—

"Except as otherwise provided by this Act, all laws in force in Canada, Nova Scotia or New Brunswick at the Union, and all courts of civil and criminal jurisdiction, and all legal commissions, powers and authorities, and all officers, judicial, administrative, and ministerial, existing therein at the Union, shall continue in Ontario, Quebec, Nova Scotia and New Brunswick respectively, as if the Union had not been made; subject nevertheless (except with respect to such as are enacted by or exist under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland) to be repealed, abolished, or altered by the Parliament of Canada, or by the Legislature of the respective Provinces, according to the authority of the Parliament or of that Legislature under this Act."

Even if there had been legislation in any way detracting from the Statute 1st Elizabeth, which was undoubtedly in force at the time of Confederation, no legislation, either in this House or in the Province of Quebec, could in any way legally detract from or diminish the extent of the application of that statute. I think I have shown conclusively what is now the statute law of the land, namely, that resulting from the enactments of 1 Elizabeth. But I maintain that the common law, altogether apart from the statute, is such as to prevent the introduction of His Holiness the Pope into this legislation. Some of us can recollect the fact—I only from my reading—that, prior to 1850, the Pope attempted to divide England into different dioceses or divisions, but a statute was passed in 1850 to prevent him from doing so. This statute was the Ecclesiasticals Act of that year. Now, I want to refer to Mr. Todd again, who says, on page 313, that that statute passed in 1850 declaring that the Pope had no power as a foreign potentate, either in his individual capacity as head of the church or as a foreign potentate, to divide England into dioceses, had always been the common law of England.

Mr. Todd says:

"The Ecclesiastical Titles Act was in substance a declaration of the common law, which was affirmed before the Reformation, and ratified by Parliament some five hundred years ago."

If it was always the common law of the land, Sir, that the Pope could not divide England into dioceses, surely it must have been the common law of the land that he had not the right to distribute money, and that money the money of the State. I would like to know which is the most important—dividing a country into different parcels or dioceses with the view of placing church authorities over each, or distributing certain moneys? If it was the common law of the land that His Holiness the Pope could not divide England into dioceses, it must have been also the common law that he could not distribute moneys in the way provided by the statute aimed at by the amendment now before the Chair. That common law of England became the common law of Canada. On this point Sir Richard West gives his opinion, on the 20th June, 1720 (*see* Chalmer's Colonial Opinions, page 510):

"The common law of England is the common law of the plantations, and all statutes in affirmance of the common law passed in England, antecedent to the settlement of any colony, are in force in that colony, unless there is some private act to the contrary, though no statutes, made since these settlements, are there in force, unless the colonies are particularly mentioned."

Mr. MILLS (Bothwell). That is a settlement not a conquest.

Mr. BARRON. No, but it matters not. I maintain on that authority that the common law of England was such at that time that no distribution of moneys could be made by the Pope in England, and that common law became part and parcel of the common law of this country. Some reference has been made to correspondence from officers of the Crown in England, or others in high authority regarding the right of His Holiness the Pope to exercise any jurisdiction in this country. I refer, in support of my view, to the Royal Instructions to the Duke of Richmond, on his appointment in 1818 as Governor in Chief of Upper and Lower Canada, with reference to the inhabitants of Lower Canada:

"That it is a toleration of the free exercise of the religion of the Church of Rome only to which they are entitled, but not to the powers and privileges of it as an established church. * * * * It is our will and pleasure that all appeals to a correspondence with any foreign ecclesiastical jurisdiction, of what nature or kind soever be absolutely forbidden under very severe penalties."

Then as to the royal supremacy, which cannot exist if this Statute is to become law, I will refer also to Mr. Todd who says at page 313:

"The source of the authority of the Crown in ecclesiastical matters and of its jurisdiction in the last resort all over ecclesiastical causes is to be found in the doctrine of the Royal Supremacy. This doctrine is a fundamental principle of the British Constitution. It was authoritatively asserted by Parliament at the era of the Reformation, and it is interwoven with the very essence of the monarchy itself."

Further on he says:

"While by previous enactment, ecclesiastical supremacy had been conferred upon the Crown, as a perpetual protest against the assumptions, by any foreign priest or potentate, of a right to exercise coercive power or pre-eminent jurisdiction of British subjects."

Now, I think I have fairly shown that, at all events, the statute law is against the introduction of the Pope into any matters in this country in the way this statute provides. I will refer now to what I believe to be the objectionable clauses, and I will ask how it is possible for anyone not to admit, in the face of the statute, that these clauses to which I refer certainly make this law an infringement of the law as it is defined by the Statute of Elizabeth. In reply to a letter of Mr. Mercier, Cardinal Simeoni says:

"I hasten to notify you that, having laid your request before the Holy Father at the audience yesterday, His Holiness was pleased to grant permission to sell the property which belonged to the Jesuit Fathers before they were suppressed, upon the express condition, however, that the sum to be received be deposited and left at the free disposal of the Holy See."

Then, in another place, Cardinal Simeoni replies to Mr. Mercier:

"The Pope allows the Government to retain the proceeds of the sale of the Jesuits' estates as a special deposit to be disposed of hereafter with the sanction of the Holy See."