

Sovereign power is the supreme arbiter in things spiritual and temporal." Relying on Blackstone and the statutes of Henry VIII and Elizabeth, by which all the powers of the Holy See were united to the Imperial Crown of the Realm, the learned advocate concludes: "Such is the law which governs us and which defines the limits of the royal jurisdiction and consequently of the Courts."

In England, the appeal for usurpation or abuse does not and never did lie from the ecclesiastical courts to the civil courts, but an appeal is allowed to the clerical authorities, to the Bishop, Metropolitan and other high tribunals, and finally to the Queen in her Privy Council (formerly in Chancery), according to Blackstone "as supreme head of the English Church in the place of the Bishop of Rome who formerly exercised this jurisdiction."\* Many imperial statutes have enunciated formal declarations to the same effect, among others section 3 of the 37 Hen. VIII, ch. 18: "But forasmuch as Your Majesty is the only and undoubted supreme head of the church of England and also of Ireland, to whom by Holy Scripture all authority and power is wholly given to hear and determine all manner of causes ecclesiastical." The *appel comme d'abus* from ecclesiastical strictures in all the other churches, and particularly from the protestant dissenting churches was impossible; this would have been tantamount to their recognition, and it is well known that for a long period the dissenting churches as well as the Catholic church were strictly repressed, as dangerous to public order and the peace of society. Not until 1829 did the British Government, by the great Emancipation Act, admit that a Roman Catholic could be a good and loyal subject of Her Majesty.

Furthermore, the existence of this English national church must necessarily have the effect of doing away with the *appel comme d'abus* established by the laws of France, supposing that it had been introduced into the colony. The Crown could not maintain the canons and doctrines of the Catholic Church and constitute itself judge in her spiritual matters, without deviating from the constitutional law which created the English State

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\* Book III, p. 65, see also, p. 67, Book I, p. 278; 26 Henry VIII, c. 1; 1 Eliz. c. 1.

Since the 1st January 1871, the Church of Ireland is disunited from the Church of England under a statute passed in 1869, 32-33 Vict. c. 42.