

**BROWN,**

*Appellant*

vs.

**LES CURÉ ET MARGUILLIERS DE L'ŒUVRE ET FABRIQUE DE  
VILLE MARIE DE MONTRÉAL,**

*Respondents.*

The Court, etc.

Considering that the writ and mandate thereon in this cause issued and made upon the demand and at the requisition of the said appellant were informal and irregular and therefore liable to be quashed and set aside, considering that in the judgment rendered on the tenth day of September 1870 in review of the judgment herein rendered on the second day of May 1870, there was no error, doth maintain and confirm the said judgment in review with costs of this Court in favor of the respondents against the said appellant.

Mr. Justice Drummond being of opinion that the said writ of Mandamus was properly addressed and was, as well as all the proceedings taken thereon by the Petitioner, good and valid, concurs in this judgment solely on the ground that the jurisdiction power and authority vested in the civil Courts of old and New France to adjudicate in certain cases affecting spiritual rights and duties, have ceased to be enjoyed by any of the civil Tribunals of Canada since its cession by a Roman Catholic King to a Protestant Sovereign.

Mr. Justice Badgley concurs by reason only of the illegal joinder in the said writ and mandate of two separate and different duties enjoined for performance by the Respondents in their said quality and for one only of which they could be held liable.

Mr. Justice Monk being of opinion that all the proceedings adopted in this case were and are regular and sufficient, but that seeing the tender and offer made by the Respondents, this Court has no jurisdiction to adjudicate upon the matters really in dispute between the parties and therefore, that as the Appellant cannot obtain the conclusions of her demand, doth concur in the judgment confirming the decision of the Superior Court sitting in review.