

trator-General to the Curé, which, after referring to a letter of the Bishop, written before Guibord's death, refuses ecclesiastical sepulture to him as a member of the Institute. The representatives of Guibord were neither summoned nor heard. This so-called *décret* had none of the essential elements of a judicial sentence.

It remains for their Lordships to consider what is the substantive law upon which the Respondents rely in support of their contention that Guibord is to be considered a public sinner within the terms of the Quebec ritual.

They appear to place their principal reliance on Rule X of the Council of Trent:—

“Omnibus fidelibus præcipitur ne quis audeat contra harum regularum præscriptum, aut hujus Indicis prohibitionem libros aliquos legere aut habere.

“Quod si quis libros hereticorum vel cujusvis auctoris scripta ob heresim vel ob falsi dogmatis suspicionem damnata, atque prohibita legerit vel habuerit, statim in excommunicationis sententiam incurrat.”

Various observations arise on this citation, which seem to deprive it of all authority in the present case.

In the first place it is a matter almost of common knowledge, certainly of historical and legal fact, that the decrees of this Council, both those that relate to faith, were never admitted to have effect *proprio vigore*, though a great portion of them has been incorporated into French Ordinances. In the second place France has never acknowledged nor received, but has expressly repudiated, the decrees of the Congregation of the Index.

*Gibert*, in his *Institutes*, says that the *ipso facto* excommunication inflicted by the Council of Trent as the punishment of reading or possessing prohibited books would have no effect in France *dans le for extérieur*. *Dupin*, a jurist already mentioned denies the authority in France of the decrees of the Congregation. He says:—

“En effet, en consultant les précédents, on trouve un célèbre arrêt du Parlement de Paris qui l'a jugé ainsi en 1647, après un éloquent plaidoyer de l'Avocat-Général Omer Talon:—

“*Nous ne reconnoissons point en France*, dit ce Magistrat, *l'autorité, la puissance, ni la juridiction des congrégations qui se tiennent à Rome; le pape peut les établir comme bon lui semble dans ses Etats; mais les décrets de ces congrégations n'ont*