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REVUE CRITIQUE

DE

Legislation et de Jurisprudence.

E. L. Barreau

CONSTITUTIONAL LAW.

CHURCH AND STATE.

I. IN SPIRITUAL MATTERS.

§ 1. *Ecclesiastical law under the French Crown.*

(Continued from Vol. I., page 456.)

Since the publication of the first part of this article, we have examined the supplementary factum of Messrs. Doutré and Laflamme, in the Guibord case. According to the learned advocates, the revocation of the Intendant Dupuy's ordinance of 1728, proves only that he had no power to act without the concurrence of the Governor. Well, admitting that Governor De Beauharnois did not go farther than that, where is the law conferring upon our present courts the combined powers of the Governor and the Intendant?

Again, it is quite certain that the Intendant had no jurisdiction in ecclesiastical matters. The royal commissions uniformly say that he is to be judge in all matters civil as well as criminal, and even to be judge, solely and without appeal, in civil matters:

"Juger toutes les matières tant civiles que criminelles et même juger seul souverainement en matières civiles." *

Much stress is laid on the Edict of Installation of Mgr. de Pontbriand (1741), cited in the first part of this article,†

* 3 Ed. et Ord., 34, 39, 42; 46, 50, 56, 60, 62, 64, 66, 70, 75.

† Vol. 1, p. 437.

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