

tions only, they never attempt to coerce the performance of those of a spiritual character."

If under the public common law of England as affirmed by these authorities, all colonial churches are on a footing of equality; if the Sovereign himself, although Head of the Established Church of England, cannot receive appeals from the judgments given by the ecclesiastical authorities in communion with that Church; if, furthermore, the constitution of every colonial church is sacred and inviolable, to be maintained and protected by the civil courts, provided, of course, that it be not at war with public morality and the public peace, or positively condemned by the legislation of the colony; if, finally, no court can take cognizance of any matter purely ecclesiastical, how can it be asserted that, by virtue of that constitutional law, the Church of Rome, whose members are religiously bound to exclusive and entire obedience to the authorities of their church in matters spiritual, is subject likewise to the jurisdiction of the civil courts in the same matters? No! the Church of Rome, like the Church of England, like all Protestant dissenting Churches in Canada, is entirely free in spiritual things, and is therefore subject, so far as these matters extend, to the sole jurisdiction of her own constituted authorities.

That such is the law existing in and applicable to the colonies, ought not to be matter of surprise: such was the law in England before the reformation; that is before the changes made by the statutes of Henry VIII and Elizabeth. Whatever diversity of opinions may prevail among jurists as to the legality of Papal intervention in temporal matters before the era of the Conqueror, there can be no doubt that the English Crown did not arrogate to itself any pretention to be supreme judge in ecclesiastical matters until it had effected the complete separation from the Church of Rome. In the year of 1533, when Henry VIII had secretly married Anne Boleyn and had determined on a rupture with Rome, the statute 14 Henry VIII, c. 19 was passed, the preamble whereof declares: "*that the body politic of the realm of England is divided in terms and by name of spirituality and temporality;the body spiritual whereof having power when any cause of the law divine happened to come in question, or of spiritual learning, then it was declared, interpreted and showed by that part of the said body politic, called the spirituality, now being usually called the English Church..... and the laws temporal, for trial of property of lands and goods, and for the*