

change the established institutions and laws of a ceded and settled colony without the sanction of the Imperial Parliament. That is indeed the case; but the proclamation proves, nevertheless, that His Majesty had no intention of exercising ecclesiastical supremacy in Canada.

The next act of the legislative authority relating to the courts of justice in Canada is the *Quebec Act*. Mr. Justice Badgley, in the *Guibord case*, referred to it in the following terms:—

“ Whatever the treaty of that year, or the proclamation of the same year, or the capitulations of Montreal and Quebec may aver, the Imperial Act of 1774, surely removed all possible difficulty upon that score, having declared by s. 4, ‘ that the inhabitants at the conquest,’ (not the cession), ‘ professed the religion of the Church of Rome, and enjoyed an established form of constitution and system of laws, by which their persons and property had been protected, governed and ordered for a long series of years from the first establishment of the Province of Quebec, &c.,’ and again afterwards, by the 8th section, ‘ that all His Majesty’s Canadian subjects may hold and enjoy their property and possessions, together with all their customs and usages relative thereto, and all other their civil rights, in as large, ample and beneficial manner, as if the proclamation, &c., had not been made, and as may consist with their allegiance to His Majesty and subjection to the Crown and Parliament of Great Britain; and that in all matters of controversy relative to *property and civil rights*, resort shall be had to the laws of Canada, as the rule for the decision of the same; and all causes that shall hereafter be instituted in any of the courts of justice, to be appointed within and for the said province by His Majesty, shall, with respect to such property and *rights*, be determined agreeably to the said laws and customs of Canada, until varied or altered, &c.’ I presume it would be, therefore, no difficult thing to ascertain and fix the jurisdiction of our courts in matters of ecclesiastical *abus*, the more so as the Court of King’s Bench has been more than once declared to have inherited all the superior jurisdictional powers of the highest jurisdictions and courts in Canada previous to the conquest. The necessity for such an examination does not present itself in this cause.”

It is evident that in the opinion of the learned judge international treaties are not of much legal weight. There is no reason to fear, however, that Canada will be considered a *conquered*