

Church, or that has been proved to have been assented to by the Catholics of Lower Canada, cannot be made a sin or a cause for deprivation of sacraments by mere order of the bishop. 2. A bishop cannot under any canon law in force in the Province of Quebec, forbid the faithful to publish, or to help in the publication of a journal, under pain of deprivation of the sacraments. 3. If the bishop had jurisdiction to issue the *mandement* in question as to substance, he has not complied with the formalities required by the canon law in such cases, nor with such as are required by every system of jurisprudence as essential to the administration of justice. The Acting Chief Justice said the action admittedly was not one of defamation. That being so, it must rest on the ground that the condemnation and prohibition in the *mandement* were beyond the Archbishop's jurisdiction, and constituted an invasion of the plaintiff's rights, from which it (the plaintiff) suffered damages for which the defendant was responsible. The Acting Chief Justice proceeded to contend that the presumption was that the circular was issued in the lawful exercise of the Bishop's authority, and although the act injured the plaintiff, yet as it had not been shown that there had been excess of jurisdiction, or any fault within the meaning of article 1053 of the Code, an action of damages could not be maintained. Considerable importance was attached to the fact that the issues of the journal between the time of the warning contained in the bishops' pastoral and the subsequent *mandement*, had not been produced by the plaintiff to show that the *mandement* was unjustified. The opinions read from the bench are elaborate, and indicate that the case received very careful consideration; but as these opinions will soon be in the hands of every member of the profession through the medium of the bar reports, it is not necessary to cite further from them at present. The case possesses so much interest that there is a general desire that it should be submitted to the Judicial Committee of the Privy Council.