

introduced into a British Act of Parliament the power given to a foreign potentate, to negative or affirm legislation. Now, we are taught again and again that the right of assenting to or dissenting from an Act of Parliament is a right so peculiar to the prerogative of the Crown that the sovereign herself cannot delegate. It is quite true that the Governor General is given the right to assent to or dissent from Acts of Parliament; so are the Lieutenant Governors of the different Provinces; through them the Sovereign acts, not in *propria persona*, but by them, they by supposition in the person of the Sovereign, for whom they speak; but they have not the right to delegate that power to anybody else. "Delagata est non potest delegare" is a maxim especially applicable to the Lieutenant Governors of the Provinces in cases of this kind. Now, to show that my contention is well founded, I want to refer to the Statutes, and thereby prove my contention by legislation. First, I will refer to the Statute of 1 Elizabeth, chapter 1, which has already been referred to, and clause 16 of which reads as follows:—

"That no foreign prince, person, prelate, state or potentate, spiritual or temporal, shall at any time after the last day of this Session of Parliament, use, enjoy or exercise any manner of power, JURISDICTION, superiority, authority, pre-eminence, or privilege spiritual or ecclesiastical within this realm or within any other of your Majesty's dominions or countries that now be, or hereafter shall be, but from thenceforth the same shall be clearly abolished out of this realm, and all other Your Highness' dominions forever. Any statute, ordinance, custom, constitution or any other matter or cause whatsoever to the contrary in any wise notwithstanding."

The hon. member for Lincoln (Mr. Rykert), although he referred to that statute, did not for one moment contend that it was not in force in this country; but it has been said that because it is an old statute, therefore it is not applicable. Well, I want to read from the Treaty of Paris, and I will read only those portions which bear on my argument, His Britannic Majesty engaged:—

"To grant the liberty of the Catholic religion to the inhabitants of Canada; and to

give precise and effectual orders that his new Roman Catholic subjects might profess the worship of their religion according to the rites of the Romish Church, AS FAR AS THE LAWS OF GREAT BRITAIN PERMITTED."

I want to emphasize these last words, "AS FAR AS THE LAWS OF GREAT BRITAIN PERMITTED," because at the time of the making of that Treaty of Paris this Statute of Elizabeth was in force, so that the treaty did not negative the existence of that statute in this country, but on the contrary perpetuated it. Now, the hon. member for Lincoln said that there was a distinction between His Holiness the Pope as a foreign potentate, and as the head of the church. I grant you that; but does anyone mean to say that the Statute of Elizabeth is not directed, as all the statutes of Elizabeth were, to His Holiness the Pope? No one can argue to the contrary, if he is possessed of the least atom of historical knowledge. Every one of the penal Statutes of Elizabeth were pointedly directed to his Holiness the Pope, and, therefore, the Treaty of Paris did not discontinue the Statute of Elizabeth or prevent its application to this country. If we want any further legislative authority, let us look at the Quebec Act of 1774, the 5th section of which reads as follows:—

"And for the more perfect security and ease of the minds of the inhabitants of the said Province, it is hereby declared that His Majesty's subjects professing the religion of the Church of Rome at and in the said Province of Quebec may have, hold and enjoy the free exercise of the religion of the Church of Rome, subject to the King's supremacy, declared and established by an Act, made in the first year of the reign of Queen Elizabeth over all the dominions and countries which then did or hereafter should belong to the Imperial Crown of the realm, and that the clergy of the said church may hold, receive and enjoy their accustomed dues and rights with respect to such persons only as shall profess the said religion."

There we have, first of all, the Statute of 1 Elizabeth positively, in a legislative way, disapproving of the Pope in any way exercising a jurisdiction; then we have the Treaty of Paris coming after that, not preventing the operation of that Statute;