

case under discussion, because these articles, of this Emancipation Act, clearly prove that the incorporation of the Society of Jesuits is an unconstitutional Act in this country or in any other part of the British realm :

"Section 28. And whereas Jesuits and members of other religious orders, communities or societies of the Church of Rome bound by monastic or religious vows, are resident within the United Kingdom, and it is expedient to make provision for the gradual suppression and final prohibition of the same, therein, therefore be it enacted that every Jesuit and every member of any other religious order, community, or society of the Church of Rome, bound by monastic or religious vows, who, at the time of the commencement of this Act shall be within the United Kingdom shall, within six calendar months after the commencement of this Act, deliver to the clerk of peace of the county or place where such person shall reside or to his deputy, a notice or statement in the form and containing the particulars required to be set forth in the schedule to this Act annexed; which notice or statement such clerk of the peace, or his deputy, shall preserve and register amongst the records of such county or place without any fee, and shall forthwith transmit a copy of such notice or statement to the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of Ireland, if such person shall reside in Ireland, or if, in Great Britain, to one of His Majesty's Principal Secretaries of State, and in case any person shall offend in the premises, he shall forfeit and pay to His Majesty, for every calendar month during which he shall remain in the United Kingdom, without having delivered such notice or statement as is hereinbefore required, the sum of fifty pounds.

"Section 29. And be it further enacted, that if any Jesuit, or member of any such religious order, community or society as aforesaid, shall, after the commencement of this Act, come into this realm, he shall be deemed and taken to be guilty of a misdemeanor and being thereof lawfully convicted shall be sentenced and ordered to be banished from the United Kingdom for the term of his natural life.

"Section 30. Provided always, and be it further enacted, that in case any natural born subject of this realm, being at the time of the commencement of this Act a Jesuit, or other member of any such religious order, community or society as aforesaid, shall, at the time of the commencement of this Act be out of the realm, it shall be lawful for such person to return or come into this realm; and upon his return or coming into the realm, he is hereby required, within the space of six calendar months, to deliver such notice or statement to the clerk of the peace of the county or place where he shall reside, or his deputy, for the purpose of being so registered and transmitted, as hereinbefore directed; and in case any such person shall neglect or refuse so to do, he shall for such offence forfeit and pay to His Majesty for every calendar month during which he shall remain in the United Kingdom without having delivered such notice or statement, the sum of fifty pounds.

"Section 31. Provided also, and be it further enacted, that notwithstanding anything hereinbefore contained, it shall be lawful for any one of His Majesty's Principal Secretaries of State, being a Protestant, by a license in writing, signed by him, to grant permission to any Jesuit or member of any such religious order, community, or society as aforesaid, to come into the United Kingdom, and to remain therein for such period as the said Secretary of State shall think proper, not exceeding in any case, the space of six calendar months, and it shall also be lawful for any one of His Majesty's Principal Secretaries of State to revoke any license granted before the expiration of the time mentioned therein, if he shall so think fit; and if any such person to whom such license shall have been granted shall not depart from the United Kingdom within twenty days after the expiration of the time mentioned in such license, or if such license shall have been revoked, then within twenty days after notice of such revocation shall have been given to him, every person so offending shall be deemed guilty of a misdemeanor, and being thereof lawfully convicted, shall be sentenced and ordered to be banished from the United Kingdom for the term of his natural life.

"Section 33. And be it further enacted that, in case any Jesuit, or member of any such religious order, community or society, as aforesaid, shall, after the commencement of this Act, within any part of the United Kingdom, admit any person to become a regular ecclesiastic, or brother, or member of any such religious order, community, or society, or be aiding or consenting thereto, or shall administer, or cause to be administered, or be aiding or assisting in the administering or taking any oath, vow, or engagement, purporting, or intended to bind the person taking the same to the rules, ordinances, or ceremonies of such religious order, community, or society, every person offending in the premises, in England, or Ireland, shall be deemed guilty of a misdemeanor, and in Scotland shall be punished by fine and imprisonment.

"Section 34. And be it further enacted that, in case any person shall, after the commencement of this Act, within any part of this United Kingdom, be admitted, or become a Jesuit, or brother, or member of any other such religious order, community, or society, as aforesaid, such person shall be deemed and taken to be guilty of a misdemeanor, and being thereof lawfully convicted, shall be sentenced and ordered to be banished from the United Kingdom for the term of his natural life."

Now, that is the statute which imposes penalties and a fine upon any foreigner who is a Jesuit for coming into the United Kingdom, and which imposes penalties and a fine upon any person who inducts a person into the order, and upon any person who becomes a member of the order. That is taken from the Catholic Emancipation Act of 1829.

Now, I am unable to see, in the face of the provisions of that Act, how the incorporation of this order can be legal or constitutional either in Canada or in any other part of Her Majesty's realm. This case was referred to, some years ago, in a debate in the House of Commons. Mr. Disraeli who was then the First Minister of the Crown, stated, on the 10th of July, 1875, that :

"Although no proceedings had been taken against the Jesuits under the Act of 1829, he begged it to be understood that the provisions under the Act are not obsolete, but on the contrary are reserving powers of the law of which the government will be prepared to avail themselves if necessary."

And Mr. Gladstone, who was asked his opinion upon this matter, as to the legality of the residence of the Jesuits in England, referred his correspondents to this Act of Parliament, the provisions of which with regard to the Jesuit I have read. And the *Law Journal* of England, which contains an account of this matter, then adds :

"This Act, while it carried out the well known reform commemorated by its name, imposes restrictions on 'Jesuits and members of other religious orders, communities or societies of the Church of Rome bound by monastic or religious vows,' of which it recites it is 'expedient to provide for the gradual suppression and final prohibition.' Any of these persons, not including nuns, coming into the realm without a license which can last only six months, are, by section 28, declared guilty of a misdemeanor and may be sentenced to be banished for life. Similarly, any persons admitted within the kingdom to membership in any of the orders in question may, by section 34, be sentenced to banishment for life. If, although banished they do not go out of the country, the Sovereign in Council may have them conveyed to some place abroad. Moreover, if they are found in the country at the end of three months they may be convicted again and transported. Penal servitude is now substituted for transportation. Will this law be now enforced? Or will a charitable reserve be shown, entailing, as it naturally will do, further lawlessness."

Now, the treaty ceding Canada in 1763, provided for the freedom of the Catholic religion in this country, so far as the laws of Great Britain permitted the exercise of that religion, and the Act 14 George III, chapter 83, provided that the French Catholics in this country may exercise the religion of the Church of Rome subject to the King's supremacy. The right to exercise this provision is thus subject to the provisions of the law, and one of the provisions of that law I have called the attention of the House to with regard to the Jesuit organisation, contained in the Emancipation Act of 1829. It was claimed last night by the Minister of Justice that, at the time of the Conquest, the property of individuals was not forfeited or confiscated. It was claimed that the property of the Jesuits was not subject to forfeiture or confiscation under the terms of the Treaty of Paris ceding Canada to Great Britain. But I think it must be held that the Jesuit organisation would not be treated upon the basis of individuals, but as a corporation, and I find that the Act says :

"And be it further enacted, by the authority aforesaid, that all His Majesty's Canadian subjects within the Province of Quebec, the religious orders and communities only excepted—"

Are to have these privileges. So that the religious orders and communities were, by the terms of the cession, expressly excepted from the privileges granted to the inhabitants of the Province of Quebec, or the Province of Canada.

Mr. MILLS (Bothwell). What are you reading from?

Mr. CHARLTON. I am reading from 14 George III, chapter 83, the Quebec Act. All the rights possessed by the citizens of the Province of Quebec, or of Old Canada, were rights delegated by the British Crown, rights expressly granted, rights clearly defined, and rights, in every case, subordinate to the supremacy of the Crown, and subordinate to the supremacy of Imperial law; and, if that Catholic Emancipation Act of 1829 contains, as I have shown, express provisions, making it a misdemeanor for a foreign Jesuit to come into England, making it a misdemeanor to induce a British subject into the Jesuit Order, making it a misdemeanor on the part of the person who