

THE JESUIT DEBATE

We present our readers this week with the balance of the principal speeches made in defence of the Jesuit settlement during the great debate in the House of Commons last week. They form, it need hardly be added, a most important page in the Parliamentary annals of Canada.

SIR JOHN THOMPSON'S SPEECH.

I feel that in rising to state the reasons which I conceive justified the Government in advising His Excellency not to withhold his assent to this bill, not to exercise the power of disallowance, that I must ask more than the usual indulgence of the House. I shall have to deal at considerable length with the points which have already been discussed. I shall have to speak with the sense of the fact that to one great portion of the community of Canada nothing I can say will be satisfactory, and to another great portion no defence of the Government is necessary. It is, therefore, only becoming that I should ask the indulgence of the House, in order that I should make a plain statement of the reasons which induced us to give His Excellency advice for which we are held responsible to-night. I desire to take exception to one statement made by my friend from Simcoe (Mr. McCarthy) with reference to the conduct of this debate. He complained that no member of the Government had spoken on this matter. He desired that I should speak before he did. I leave it to the members of this House if last night one argument which had been brought forward had not been answered. I am the Minister who is primarily responsible. I leave it to this House if it was fair that I should be required to speak and then when my principal accuser came forward to sit with my mouth closed. In presenting the case which I have to make on behalf of the Government to-night, I must ask your attention for a few moments to the question, to the wearisome narration as to the position of these lands occupied in the Province of Quebec, not that this matter has not been discussed in detail, but because in almost every essential detail I have a difference of opinion from my hon. friend, and because in some respects the merits of this case were lost sight of by the hon. member in his admirable address this afternoon. Why, sir, I will venture to say, without the slightest disrespect to the hon. gentleman, that one reason why this House ought not to address His Excellency now to disallow, if we had no better reason, is that the hon. member, who is a master of legal argument, addressed the House for nearly three hours this afternoon, and presented a case upon which the greatest doubt must depend. He presented a case in which for one whole hour he went from detail to detail for the purpose of proving what? Proving that the Jesuits of Quebec have no legal title to those lands in question, a fact which is admitted in the preamble of the bill. He spent an hour or more in discussing theological questions connected with the ecclesiastical history of England, which in England and in every one of her colonies have been sent to sleep for the last 200 years, in the spirit of tolerance which alone can make any country great. Allow me to call the attention of the House to a brief statement with regard to the position in which these estates stood, not for the purpose of showing that these people of the Province of Quebec, whatever their merits may have been, had a legal title to this property, but for the purpose of showing that this is not a question upon which we can decide, but which must and which ought to be left to everyone of the provinces—to that authority which the Constitution not only makes them entitled to deal with such a question, but which omnipotently empowers them to deal with such questions, subject only to control in so far as the rights of the whole Dominion and the policy of the Empire may be involved. Now, sir, the House will remember that long before the cession of Canada to the Crown of Great Britain, the Jesuits had laboured in the wilderness and in the schools and churches of Canada, and that as a reward for their missionary zeal, for their work as teachers, and for their services to this, one of the greatest colonies of France, they had been erected into an incorporated body, in one of the most solemn acts of the King of France, and had been endowed by the King of France and by private donors, who

wished to place in their hands the means by which the work of Christianity and civilization among the savages and the work of education among the people of Quebec could be carried on. These were the terms upon which they held their lands when the battle was fought on the Plains of Abraham and the conquerors took possession of Canada, under terms which are, in the first place, set forth in the Capitulation of Quebec, and afterwards in the Capitulation of Montreal, and in terms which are recognized by the law of nations as applicable to every civilized country in the world. What were these terms? By the law of nations, the conquering power took possession of all the rights and privileges and powers which the conquered monarch had in the country. He took possession of no more. He took possession of the sovereignty of the country. He took the King's fortifications in the country. He took the King's stores of arms and ammunition in the country. He took the King's lands in the country. He took the King's treasures in the country. But he was powerless by the law of nations to lay his hand upon the property, movable or immovable, of the humblest subject in the country. Had he violated this law, it would have been an outrage upon the law of nations, a disgrace to British arms, and a violation to the terms of capitulation. Now, it has been said in the course of this debate that by the terms of capitulation the Jesuits of Quebec and all their property were placed at the mercy of the conqueror. I do not so read the terms of capitulation. I do not so read any international law. Let me read Article 24 of the Capitulation of Montreal:—"All the communities and all the priests shall preserve their movable property, and the revenues of the seigniories and their estates which they possess in the colony of what nature soever they be and the same estates shall be preserved in their privileges, rights, honours, and exemptions." That was the request made, and what was the answer given to it? The answer, unequivocal and definite, was "Granted," and yet we are told to-night that these estates, which come within the exact words of that provision, as regards the seigniories, properties, movables or immovables of the priests and religious orders in the Province of Quebec escheated to the Crown.

Here the Minister entered extensively into the historical and legal aspects of the question. The conclusion of his masterly argument was as follows:)

Before I close my argument I will deal with the objection that this property is diverted from the purposes of higher education. It is said that this is a breach of trust and misappropriation of these estates. In regard to the sale of this property, this Act gives the province no greater power than it possessed before. It is simply a statute for the settlement of the question in dispute. It makes no provision that the proceeds of the sale shall be used for purposes other than education. It simply declares that this money shall be at the disposal of the Government. Are we to suppose that it will betray its trust? I will tell the House the facts of the two cases. No one in Quebec has suffered through the passage of this Act. The revenue from these estates has been applied to the consolidated fund of the province, and not to the educational fund. A large portion of this money has been applied for the general purposes of the Province, and why was this done? Simply because the Provincial Legislature made ample provision for the higher education of the province out of the general revenue. Why, Mr. Speaker, the money spent on higher education has been three times more than the proceeds of these estates. Not a single school has been assisted from the estates, because the fund supplied was amply sufficient, and yet we are told that the Legislature will be guilty of a breach of trust when they dispose of these estates. Mr. McCarthy challenged the propriety of my report to the Governor-General on the Act in not calling his attention to the importance of the measures. I have nothing to do with the importance or insignificance of the measures which come before me. I took the responsibility of advising his Excellency that this Act was no less within the power of Quebec than the eleven others that accompanied it. Seeing that these estates have never been applied to purposes of higher education, I think that my friend from Simcoe must agree with me that this is a fiscal matter within the jurisdiction of the province. This is not the first time that these objectionable personages have been dealt with in matters affecting the finances of Quebec. I