

porated by the Province of Quebec. The first clause of the Act is as follows:—

“The ‘Society of Jesus’ shall be a corporation, composed of the Reverend Fathers Henri Hudon, Adrien Turgeon, Léonard Lemire, George Kenny, Arthur Jones, and all persons who now or may hereafter form part of the said Society, in accordance with its rules, by-laws and regulations. Under the above name it shall have perpetual succession.”

So that the Act of Incorporation, which I venture to think is not worth the paper it is written upon—and I trust it may be found so—actually incorporates the whole body of Jesuits, and only in that sense. They pretend to represent the body of 1763 which was suppressed in 1774, but I place no reliance on that suppression. I admit we cannot take notice, standing in an English country, governed by English laws, paying regard, as we are bound, to the Act of Supremacy, of that suppression. The English law officers of the Crown could not notice the suppression by the Pope of the Order of the Jesuits. I affirm that beyond all fear of contradiction. I say it is impossible, in an English community, to say that the Pope's bull or the Pope's brief dissolving a corporation could have the slightest possible effect. So that the matter stands in the way I have endeavored to point out, and I say, without fear of contradiction, that my hon. friend from Stanstead (Mr. Colby) was right, when he said, there was not the shadow of foundation, or even the pretence of a moral claim. Under these circumstances, is there any possible standing ground for this Act? Does it not violate the rule of the separation of Church and State in this country, and the equality of all religions? I need not go through the second ground of this resolution, because I have sufficiently dealt with it; so I have now come, and I trust without undue delay, to the other branch of the argument which I desire to present. In all fairness to my hon. friends, I must say that, if there is, in the legal propositions which I have endeavored faintly to put forward, a reasonable doubt, I do not think that, standing alone, it would be becoming on the part of a Minister of the Crown, to disallow the measure, because that would place it, as you will see, in the hands of the Government here, to disallow, on pretence of *ultra vires* of the Local Legislature, enactments which might be open to question, and which the parties ought to have the benefit of the ruling of a court upon. But I have endeavored to point out, upon the grounds I have already stated, that this Act ought to have been disallowed as being beyond the power of a Local Legislature. I do not desire to be at all misunderstood. I do not pretend that the Crown of England, or the Crown of any other country, cannot submit matters to a foreign Power. We know it is done continually. We know that matters are settled by arbitration, and that generally, and almost always, it is done by calling in the arbitration of a foreign Power; but I contend that, while the Sovereign Power can do that, the private subject cannot. There is a broad distinction. If I have a dispute with my hon. friend, I cannot submit that to the President of the United States, because the dispute would be between British subjects. And I say that a Province cannot do that, because it does not represent the plenary power of the Crown; and I say that even this Parliament cannot do it, and, of course, it does not stand in the same position as the Parliament of Great Britain and Ireland. But on the grounds of policy, surely I am right. Surely there are not men enough in this House who will cast any doubt upon the clause of this resolution which declares that there should be a separation of Church and State, and absolute equality of all religions before the law. Surely, in this part of the nineteenth century, and in free Canada, we will not have to fight for a principle which we thought was determined for all time when the secularisation of the Clergy Reserves took place. Is it because this is a particular church? If it is right in the Province of Quebec to grant money to the Church of Rome, it would be equally

Mr. McCARTHY.

right in the Province of Ontario to grant money for the maintenance of the Methodists or the Episcopalian body or Scotch Church; and, if we did that, there would be no hesitation—and properly so—in bringing before the House the complaint of the minority whose money would be spent in that way and for that purpose. We never find that, when the body to which I refer feels that its interests are at stake, and that injustice is being done, it has any hesitation or makes any delay at all in coming at once before Parliament and proclaiming its grievances. These people never say: We are afraid we will be stirring up religious strife, causing hard feelings, or putting race against race and Catholic against Protestant. No, they come here—as they have a right to do—and boldly put their case before Parliament, no matter what it may be; and they always manage to get justice, at all events. If Parliament think any doubt is to be cast upon this measure, if they find that this money is dedicated for educational purposes, I think in that case the point I am attempting to make would fail; but when I observe the definiteness of the provision under which the \$60,000 is granted, I cannot see that any such purpose is intended with regard to the \$400,000. I, therefore, say that that part of the case is made out. Let me now come to a question which I would have willingly avoided. Let me invite the attention of the House to the greater question which is before it. These are technical matters that I have dealt with so far—matters perhaps of moment, matters of great importance, but still, after all, they are more or less purely legal in the narrow sense of the word, or purely constitutional in the same narrow sense of the word. But I assail this legislation upon broader and higher grounds. I say that the incorporation of, and the grant of money to, the Jesuit body under any pretext or for any purpose, was an Act which should have at once been disallowed if it were passed by a Provincial Legislature. I put that upon the highest possible grounds. I think I have a right, and it is a right which I propose to exercise, to speak with freedom on this subject. I will assail no man's religion. I will not utter a word, which, properly understood, will give offence to the most sensitive on this subject; but I deny the right of my hon. friend behind me or any one else to gag me, and to say, You must remember that the Jesuit body is under the protecting ægis of His Holiness of Rome, and you must not speak of it except with bated breath. I deny that any such rule can apply to this free Parliament. It is not a question of religion. It is not a question whether the religion of the Church of Rome is better than the religion which I was brought up in, and which I profess. I am not to sit in judgment on my fellow members. They are quite right to worship their God in the manner they choose, as I am right in worshipping Him in the manner I choose, but I contend that the Church of Rome needs not the Jesuit body for its organisation or its support. It is true that, during the reign of certain Pontiffs, that order has received the support of the church. It is also true that, during the reign of other Pontiffs, it has been banned and sometimes dissolved. One case has been mentioned, and it was once before, if my hon. friend will go so far back, though it is perhaps unfair to bring it up here in judgment against them. The fact, however, proves that the order, or company, or society of which we are speaking, is not in any sense essential to the free, perfect and full enjoyment of the Roman Catholic religion. And what is the society, what is the object of its founder? I will quote from what appears to be a very fair statement in the *Quarterly Review* of 1874, containing a summary of what appears to have been the object of the founder. It was:

“To effect an organisation which would result in a thoroughly disciplined and mobilised body of men, moving like a highly trained military unit at the word of command, and standing ever ready under the proclaimed chieftainship of Jesus, to war against and smite by superior