

ought not to come before this House, but like the Bill of the Christian Brothers, it should go to the local legislature.

Hon. Mr. PENNY said he thought the hon. member from Kingston had not quite caught the point raised by the hon. gentleman behind him (Mr. Bellerose). That hon. gentleman had asked whether under the second clause of this Bill it would not be possible for the Association to open schools in this country. He (Mr. Penny) thought anybody who read the second clause would see that it gave no such power; it had nothing to do with education or anything else in this country. There was nothing in the Bill so far as Canada was concerned, but power given to the Society to hold property. He quite agreed with the hon. gentleman from Kingston as to the impropriety of the very wide powers given in that respect.

Hon. Mr. BOTSFORD said he rose for the purpose of objecting to this Bill. They were year by year increasing their legislation in matters which, in his opinion, came within the jurisdiction of the local legislatures. This was a Bill that should have been passed through the local legislature, and he, for one, did not wish to encourage applications to this House for Acts which could be obtained through another source. This was the strongest objection which he had to the Bill. The decision of the Judges of the Supreme Court on the Bill of the Christian Brothers, which had been referred to in this debate, was short, and he would read it to show the reasons why the Judges considered that Bill came within the purview of the local legislature.

"In pursuance of the order of reference of your honorable House of the 4th day of April, 1876, we have considered the Bill intituled 'An Act to incorporate the Brothers of the Christian Schools in Canada,' and we are of opinion that it is a measure which falls within the class of subjects exclusively allotted to Provincial Legislatures under section 93 of the British North America Act."

Hon. Mr. GIRARD said he felt a great deal of uneasiness about assenting to the second reading of this Bill, because in the second reading the principle was admitted. It seemed to him there was no difference between this Bill and the Bill of the Christian Brothers that had been before this House two or three years

ago. If there was any difference it was in favor of the Bill of the Christian Brothers, who came before this House asking for an act of incorporation, their object being to disseminate education throughout the Dominion. The present Bill was not for the same purpose, though as it was for a praise-worthy object, it should be treated with the greatest liberality. But there was a principle of this House which they were bound to abide by. This Bill was merely a local affair, affecting only two Provinces in the Dominion—the Provinces of Ontario and Quebec. If the Association mentioned in the Bill, the Baptist Foreign Missionary Society of Ontario and Quebec, had now a legal existence, there was nothing else required. They existed for the spread of religious principles and education, and could employ as many persons in that way as they pleased. If something more was required—if they wanted an act of incorporation to permit them to employ other missionaries and teachers in other Provinces, they should go to the local legislatures for it. It seemed to him it would be more satisfactory to have the Bill submitted to the Supreme Court for the decision of the Judges, before it passed a second reading. If a motion to refer it to the Supreme Court were made, he would support it.

Hon. Mr. McMASTER said the Society had been under the necessity of acquiring property in India; that property had to be taken in the name of the missionaries. Hon. gentlemen were aware how uncertain life was in those countries, and when a missionary died with the title of the Society's lands invested in him, nothing could be done with it, but it had to remain locked up until the heirs came of age. It was to meet just such difficulties as this that the Act of incorporation was required.

Hon. Mr. AIKINS said he thought the exception of the hon. Member from Kingston was very well taken. To avoid the evil of those societies holding large amounts of real estate, a clause might be inserted, the same as the 6th clause of the Act passed in 1872, for the incorporation of the Wesleyan Missionary Society, by which the association might take devises, but to be subject to provincial laws. The clause was as follows:—

"The said Society shall be capable of taking, holding, and receiving any real or personal