

Excellency to reconsider that question, and see whether Her Majesty's name is thus to be trailed in the dust, is thus to be dishonored, and whether this legislation should not disappear from our Statute-books, whether it be provincial or federal. Well, I assail this, not merely upon that ground. I assail it upon other grounds. I say that either this Act is unconstitutional, that it is *ultra vires* of a Province, that it ought to have been disallowed upon that ground, because it violates a fundamental principle of this country, that all religions are free and equal before the law; or, if that be not so as a legal proposition, then, Sir, I claim that there should have been exercised that judgment, that discretion, that policy, which would at once stamp out in whatever Province it reared its head, the attempt which has been made here to establish a kind of State Church amongst us. Sir, is that law or is it not? We find that in the good old days a Protestant Church had to be despoiled; and for my part, Sir, I have never regretted that the Clergy Reserves were secularised, and I do not believe that anyone who belongs to that church can say that that measure has proved injurious to it. It placed it on a footing of equality with the other religious bodies throughout the Provinces; and I believe that church has grown and prospered far more as a church, holding no legal pretence of superiority over other religious bodies, than it would have done if it had continued to hold the Clergy Reserves, no matter how much wealth they might have added to its coffers. Now, what do we find in this Bill, enacted by the United Parliament of Canada—an Act referring to Upper Canada and to Lower Canada, and, so far as I know, to this very moment, the law of the Province of Quebec? First, we do know that the laws of the Provinces which were in force at the time of the British North America Act, remained in force until repealed. And what do we find?

"Whereas the recognition of legal equality among all religious denominations is an admitted principle of colonial legislation; and whereas, in the state and condition of this Province, to which such a principle is peculiarly applicable, it is desirable the same should receive the sanction of the direct legislative authority, recognising and declaring the same as a fundamental principle of civil policy."

Therefore the free exercise and enjoyment of religious profession, without discrimination or preference, so long as the same be not made an excuse for acts of maliciousness, or a justification of practices inconsistent with the peace and safety of the Provinces, is, by the constitution and laws of these Provinces, allowed to all Her Majesty's subjects therein. There is a legislative declaration of what every man who lives in this country has always understood to be the law. Does this enactment of the Province of Quebec violate that principle? Is the grant of \$400,000, to be distributed under the sanction of His Holiness of Rome, not a grant of public money to a particular church? I am not saying whether the church may or may not be the correct church; I am simply speaking of the legal principle. I ask, how is that? Let me give you an answer from the books of the Legislature when the Clergy Reserves were secularised. What were those reserves? They were lands belonging to the Crown, held in trust for the support and maintenance of the Protestant faith, and held to apply to the Church of England and the Presbyterian Church of Scotland. When these lands were secularised, it was declared that the Act was for the purpose of sweeping away the last vestige of connection between Church and State. The holding of these lands by the Crown for this purpose formed a connecting link between Church and State, which Parliament stated should be swept away, which the representatives of the Province of Quebec joined with those from the other Province in saying should be swept away. Will any man of common sense tell me that this grant of \$400,000, given as it is given, is not a recognition of Church and State? How is it given?

"The aforesaid arrangements, entered into between the Premier and the Very Reverend Father Turgeon, are hereby ratified, and the Lieutenant Governor in Council is authorised to carry them out according to their form and tenor."

"The Lieutenant Governor in Council is authorised to pay, out of any public money at his disposal, the sum of four hundred thousand dollars, in the manner and under the conditions mentioned in the documents above cited, and to make any deed that he may deem necessary for the full and entire execution of such agreement."

Then the document I have just cited declares that this \$400,000 is to be distributed under the sanction of His Holiness the Pope of Rome. Now, I have heard it said—I rather think I heard the First Minister applauding the sentence—that this was given for the purposes of education. Surely the First Minister has not read the Act, or he would never assent to a statement of that kind. Education—why, if it is possible to draw a distinction in an Act of Parliament, it is drawn here. While the \$60,000, which is the supposed compensation to the minority, is expressly given for education—expressly tied up, and is not to go to any sectarian purposes—the other is left subject to the disposition of His Holiness of Rome. There is but one condition annexed, and that is that this money is to be spent within the Province of Quebec. That is the sole condition. We have had an indication in the press this morning that a bull or a brief, whatever be the correct ecclesiastical term, either has been or is to be issued, disposing of this money. Do you want any further evidence that the grant was made absolutely subject to the disposition of a particular religious body? If so, on what pretence, on what ground was it made. Was there a legal claim? Mr. Mercier says no. Was there a moral claim? I would like to know who will answer yes to this. Even my hon. friend behind me will not say that. He and his Protestant friends have always repudiated the idea of a moral claim. What pretence of a moral claim is there? Where is it? In whom is it? Why, the Jesuits of those days, if they held it individually, are extinct. They left no heirs. If they held it as a community, and undoubtedly that was the opinion of the law officers of the Crown—an opinion which I humbly venture to think was right—it belonged to the whole body. That was held by the Parliament of Paris in the great Trading Case, where the General Superior of the Order repudiated the liability contracted by one of the communities or one of the Jesuits. After full investigation, after an appeal to the highest tribunal, the tribunal of the Parliament of Paris—and hon. gentlemen, I am sure, from the Province of Quebec will not object to that—my hon. friend from Montreal (Mr. Curran) laughs. He is an Irishman and perhaps despises the Parliament of Paris. I confess I do not join with him, although I am an Irishman also. I rather think that must have been a very important appellate tribunal. At all events, if you will read the report of the Attorney General with regard to that, if you will read the proceedings, if you will remember that all the books of the order were for the first time brought into court in order that the order might escape liability, and repudiate responsibility, and make it appear that they were not bound to these merchants for the money that Father Lavalette owed—if you will look at all that, you will see the result was the court determined there was a solidarity amongst all the communities, and that the Jesuit property belonged to, and was at the disposal of, the General of the Order and was vested in him alone. I have taken the trouble to examine into the authority of the General of the Order, and if it were not too tedious, I would give some extracts which would abundantly establish that. I, therefore, contend there can be no pretence of a moral claim. Is the incorporated body of the other day the successors of these men of 1763? On what pretence? If I read the Act of Incorporation aright, I understand it to mean that the whole body of Jesuits throughout the world are incor-