

no merely legal theory upon this question. I am not devising any excuse for the legislation of Quebec. I say that the Legislature of Quebec so understood it. It was so explained to them. I hold before me a statement which the First Minister who introduced that Bill into the Legislature made to that Legislature, and upon which they passed the Bill. He says:

"In the first place we must not mistake the bearing of this declaration nor forget that it was inserted as a protection."

The Legislature of Quebec passed it as a protection on the statement of their First Minister. They passed that provision unanimously as such protection, and yet months after we are to put a different interpretation upon what their intention was, and to ask that His Excellency, a stranger to that Legislature, a stranger to their motives, should decide that that was not their true motive at all, that it was not a protection but a distinct challenge of the supremacy of Her Majesty Queen Victoria. Mr. Mercier said:

"Any serious objection to it, however slight, may disappear, for it is we, the Ministers, who insisted on it, in order not to give effect to the transaction, unless it was sanctioned by the religious authority, in the person of the Pope. And it is easy to understand why. In all important treaties made by mandatories (agents as we understand) ratification must be made by the principal, *i.e.*, the mandator. Thus, for example, take what concerns me personally, what concerns Ministers,—what is it usual to state in resolutions and letters?—that the transaction will not avail unless sanctioned by the Legislature. Well, the Rev. Father Turgeon, who was charged by the Holy See to settle this question with us, is only an agent, a mandatory, an attorney. And so that there may be no misunderstanding, so that the transaction may be final, so that the settlement may no longer be open to discussion by the religious authorities, we insist that the Pope shall ratify the arrangement. There is no question of having the law sanctioned by the Pope. Let us not play upon words. The law will be sanctioned by the Lieutenant Governor, and it will take effect in the terms of the agreement. That is to say, Sir, that if the Pope does not ratify the arrangement there will be neither interest nor principal paid, but we shall then say to the religious authorities: 'You appointed an agent to settle this question; we came to an understanding, and if you do not ratify the act of your mandatory it is your own fault, for we, the inhabitants of the Province of Quebec, through the constituted authorities, have done our part, have kept our promise.' I am pleased to believe that the importance of the precaution taken by us will be understood. But once more, if there is any serious objection to that part (of the matter) it is very easy to come to an understanding. But in that case we must substitute something equivalent. What shall we put? We must, after all, put something to express that the transaction will not avail till the Pope ratifies it. Well, Sir, we said 'the Pope' intentionally. We did not say the Congregation of the Propaganda. We did not say the Secretary of State. We said the Pope. We desire that the ratification be given by the head of the church, in order that all those interested may be bound."

When we know that that was the intention of the Legislature of the Province, when we know it from the statutes, from the correspondence, and from all that we know of the facts regarding these estates, and when we know it also from the declaration of the First Minister of the Province in which the Act was passed—an explanation which was accepted by both sides of the House, for he it remembered, as the hon. member for Northumberland (Mr. Mitchell) said last night, the Act was afterwards passed unanimously, and the First Minister was not asked, after his explanation, to substitute anything for that provision—we are now actually asked to advise His Excellency that all this had a different and an occult meaning, and that the Legislature of Quebec did not mean what the First Minister of that Province said it did in passing this Act. Then, in the letter of the 1st May, 1888, he goes on to say:

"That the amount of the compensation fixed shall remain in the possession of the Government of the Province as a special deposit until the Pope has ratified the said settlement, and made known his wishes respecting the distribution of such amount in this country."

Before I leave this stage of the transaction, I repeat that this was distinct legislation against any possible rights or claims on the part of the Pope, and that any Protestant Legislature in this country—I say more—the Parliament of the United Kingdom, if it had been called upon to pass a statute affecting property in regard to which there were foreign claimants, high or low, would have passed a provision to that effect, and achieving that result. I admit

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that the words which give offence to persons of various other persuasions throughout Canada and make distinct reference to the Pope, might not have appeared in the preamble to an Act of the United Kingdom. I admit that it would have been in better taste, in view of the great difference of opinion which exists in this country on matters of that kind, if that language had not appeared in the Act, and if the same result had been obtained, as the First Minister of Quebec says it might have been, in a different way; but the result, whatever may be the form of words used, is a proper result, guarding all the rights of the Province until everyone else had given up his claim. And, when it comes to a question of disallowance, we are here to advise disallowance or allowance, not upon the form of words, not upon the question of the draftsman's taste, but according to what we believe was the true meaning and intent of the Act itself. Now, let me again, before I leave the subject of the Act, call the attention of the House to the fact that all the argument which has been made with regard to the necessity for disallowance is based on objections to the preamble of the Act. In the history of disallowance in this country, in the history of the disallowance of our own statutes in the mother country—and we know that scores of them were disallowed—the records will be searched in vain to find one which was disallowed because the preamble was not agreeable to anybody. I do not pretend to dispute the statement of my hon. friend from Muskoka, (Mr. O'Brien), that the preamble is a part of the Act. So is the title a part of the Act, and so are the head-notes of sections; but has anyone ever heard of a Government being asked to disallow an Act because they did not like the wording of the title or of the head notes? The preamble is understood to be a part of the Act, for the purpose of interpreting the Act, but there is nothing in this Act for which interpretation is needed, and I distinguish, in referring to this, the most trivial and technical objection which could be taken to a statute, between those parts of the preamble which assert that certain correspondence has passed, such as this between the Premier and the Cardinal at Rome, and those preambles which recite certain agreements which the statute validates. Who can doubt that nine-tenths of the agitation, and nine-tenths of the trouble, in reference to this measure have arisen from the fact that in March, 1888, there came from Rome a telegram stating that the Pope allowed the Government to retain the proceeds of the sale of the Jesuits' estates as a special deposit, forgetting that this was a part of other negotiations, which gave it an inoffensive meaning. Yes, nine-tenths of the agitation for disallowance has arisen from the fact that that telegram came from Rome and that this Act asserts that such a telegram did come, although within the four corners of the Act there is not a word based upon that telegram; and although all the statute does is to ratify and confirm an agreement between Father Turgeon and the Government of Quebec—the terms of which were that \$400,000 should be paid as between the two litigants, and that, before any money should be within the power of the Lieutenant Governor of Quebec to dispose of, the two litigants should give up any claim whatsoever on the estates—I assert, without fear of contradiction among people who will consider this matter in a calm and business-like way, that that part of the preamble, which is the only part relevant to the purposes of the Act itself, is utterly harmless, entirely business-like, free from the slightest suspicion of derogating from any right of Her Majesty, and from the slightest suspicion of infringement of the Constitution. Now, it is said, and the House will remember with what gravity, and force, and eloquence it was urged upon the House this afternoon, that this statute denies the supremacy of the Queen. I have read to you all the passages which refer in the slightest degree to any person outside of Her