

Is it to be said in this British country that we are to be told by a foreign potentate that he allows the Government of this country—a British Government—to “retain the proceeds of the sale of the Jesuit estates as a special deposit to be disposed of hereafter with the sanction of the Holy See?” Yet, allowing this Act is tantamount to saying that we allow the Pope to assume this important position. In another place, Cardinal Simeoni, replying to the question:

“Should authority be given to any one to claim from the Government of the Province of Quebec the property which belonged to the Jesuit Fathers before the suppression of the society, and to whom and how should it be given?”

Says as follows:—

“Affirmatively in favor of the Fathers of the Society of Jesus and in accordance with the method prescribed in other places, that is to say, that the Fathers of the Society of Jesus treat in their own name with the civil government, in such a manner, however, as to leave full liberty to the Holy See to dispose of the property as it deems advisable, and, consequently, that they should be very careful that no condition or clause should be inserted in the official deed of the concession of such property which could in any manner affect the liberty of the Holy See.”

Then in another place Mr. Mercier appears to acknowledge all that the Pope, through his secretary, demands. He says:

“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.”

Now, the letters containing these sentences are a preamble to this statute. They are referred to by a section of this statute and are made part and parcel of the law of Quebec—a British Province—and that law is that nothing is to be done until the Pope has ratified the settlement and made known his wishes as to the distribution of the property. There is an admission on the part of a Premier of a British Province that a foreign potentate—for such I claim he is—has the power to ratify British legislation. If he has the power to ratify it, he has the power to nullify it, and that is a power which no one, whether he be the head of a church or not, should possess. Then the statute goes on, in order to give it a sort of meritorious effect, to talk about restitution. In the very front of the statute, it speaks of restitution being necessary to be made to the Jesuit Society. What is restitution? You cannot restore anything to a person who was not at one time or other entitled to it, or to some one who is entitled to claim it on his behalf. I contend that the Jesuit Society, which was incorporated in 1887, has nothing whatever to do with the original Jesuit Society. Suppose a society is incorporated by charter in this Parliament, and for some reason or other it becomes extinct, and fifty years afterwards another society is formed under the same name, can anyone say, will anyone argue, that the society so formed can have any claim to the estates of the former society which has become extinct? Certainly not; and the same state of things exists here, and there can be no principle whatever of restitution involved. Sir, to contend the affirmative is to contend, not for the principle, but for the irony of restitution. I find that the Jesuit Society was incorporated in the year 1678 in France. I shall not trouble the House by reading at length the diploma or letters patent incorporating that society, but, with your consent and the consent of the House, I shall ask permission to hand it in.

Sir JOHN A. MACDONALD. No.

Some hon. MEMBERS. Read.

Mr. BARRON. On the 2nd August, 1701, that Society was dissolved in France, and, if the House is determined to have lengthy words read, I shall read the decrees of dissolution, contenting myself with the bold statement that the Society was incorporated as I have said. The Society was dissolved by the self-same Parliament which originally incorporated it, and the declaration of the King of France at Versailles was:

“Moreover, we ordain, that during one year from the date of the enrolment hereof, nothing shall be ordered, either definitely or provisionally, upon what may relate to the said institutes, constitutions and establishments of the houses of the said society, unless we shall otherwise so ordain.”

Then on the 6th August 1761, by another sentence, the Parliament of France, with reference to the report to them made of the doctrine of the Jesuits, made the following provisions:—

“In like manner it is provisionally inhibited and forbidden unto the said priests, and others of the said society, to continue any lessons, either public or private, of theology, philosophy or of the humanities in the schools, colleges and seminaries within the jurisdiction of the court, under penalty of seizure of their temporalities, and under such other penalty as to right and justice shall appertain; and this, from and after the first day of October next, as well with respect to the houses of the said society which are situated at Paris as to those which are situated in the other towns, within the jurisdiction of the court, having within their limits schools or colleges other than those of the said society; and from the first day of April next, only with respect to those which are situated in towns within the jurisdiction of the court, where there are no other schools or colleges than those of the said society, or in which those of the said society shall be found to occupy any of the faculties of the arts or of theology in the university there established, and, nevertheless, in case the said priests, scholars, or others of the said society, shall claim to have obtained any letters patent duly verified in the court, to the effect of performing the said scholastic functions, the court permits the said priests, scholars, and others of the said society, to produce them before the court, all the chambers assembled, within the delays above prescribed, such order, upon view of the same, and upon the conclusion of the King's Attorney General, to be made by the court as to right shall appertain.”

“The court most expressly inhibits and forbids all subjects of the King from frequenting, after the expiration of the said delays, the schools, boarding schools, seminaries, noviciates and missions of the said persons styling themselves Jesuits, and enjoins all students, boarders, seminarists and novices to quit the colleges, boarding houses, seminaries and noviciates of the said society, within the delays above fixed; and all fathers, mothers, tutors, curators or others having charge of the education of the said scholars, to withdraw them or to cause them to be withdrawn therefrom, and to concur, each in respect to himself, in carrying into effect this present decree, as good and faithful subjects of the King, zealous for his preservation. The court in like manner prohibits them from sending the said children to any colleges or schools of the said society, held without the limits of the jurisdiction of the court, or out of the kingdom. And as for the said scholars, the court declares all those who shall continue after the expiration of the said delays to frequent the said schools, boarding houses, colleges, seminaries, noviciates and instructions of the said persons styling themselves Jesuits, in whatever place they may be, incapable of taking or receiving any degrees in the universities, or any civil or municipal offices, or of discharging any such public functions. The said court reserving to itself to deliberate on Friday, the 8th day of January next, upon the precautions which it shall judge necessary to take upon the subject of the offenders, if any there be.”

Then the society, having been dissolved by the same Parliament that brought it into existence, appears to have got a respite for a short time. But the letters patent were enregistered, and provided:

“Subject, nevertheless to this: That the respite contained in the said letters patent shall take place only to the first of April next, upon which day the provisional decree of the court of the sixth August last shall be executed *ipso jure*, and also without that the necessary proceedings to enable the court to render judgment on the *appel comme d'abus*, instituted by His Majesty's Attorney General, prove the bulls, briefs, constitutions, forms of vows, and other regulations relating to the said society, can be suspended, and in like manner without prejudice to the provisional execution of the said *appel comme d'abus*.”

“And also subject to this: That the public or private lectures on theology, philosophy or the humanities, held and given by the priests or scholars in all the towns or places within the jurisdiction of the court, without distinction, cannot be provisionally continued after the expiration of the said respite, the whole under the pains contained in the provisional decree of the sixth August last.”

Thus I maintain that the same Parliament which brought the Jesuit Society, as a corporate society, into existence, by its decree, dissolved the society. Then, we find that His Holiness the Pope, on the 20th July, 1773, dissolved the society by his celebrated brief *Dominus ac Redemptor*. I shall not ask the House to listen to the reading of that brief, which is not necessary for my purpose, and in any event it is familiar to the ear of most hon. gentlemen in this House. A year later, this society was suppressed by royal instructions to the Governor General as follows:—