

It was perhaps necessary to consult the Provincial Legislature, but it was absolutely necessary to consult the Pope of Rome; and this is the answer which is made:

"The Pope allows the 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."

It is contended, and very likely it will be contended in this House, that the grant of free religious liberty to the Roman Catholics of Quebec at the time of the Conquest carried with it the right of appeal to the Pope, that this is incidental to the right which was granted to them. I say that is untenable, and the British Government took very good care that no such ideas should enter into the minds of the people; because they took such good care to avoid that, that when the Quebec Act was passed in 1791, they made a distinct provision in regard to it. That Act is the charter of the religious as well as the civil liberties of the Roman Catholics of Quebec, and there we find the following words:—

"It is declared that His Majesty's subjects professing the religion of the Church of Rome, of and in the said Province of Quebec, may have, hold and enjoy the free exercise of the religion of the Church of Rome, subject to the King's supremacy declared and established by an Act made in the first year of the reign of Queen Elizabeth, over all the dominion and countries which then did or thereafter should belong to the Imperial Crown of this Realm."

It is mere child's play to pretend, in the face of this Act under which the religious liberties of these people are granted, which would not otherwise have existed, this Act which set aside in their favor a great part of the Statute law of England, that they have any right to appeal to the Pope or to pretend that the Queen's supremacy does not exist, or that they have any privilege or any right in this country which is not controlled by the Act of Supremacy. In order still further to render it impossible that these people should entertain any idea that they were not subject to the control of England in regard to these matters, and to prevent any idea that they could appeal to the Pope of Rome in the past, or that they might take any such position at any time, I will quote the instructions given to Governor Murray in 1762, when he received the following admonition:—

"You are not to admit of any ecclesiastical jurisdiction of the See of Rome, or of any other foreign ecclesiastical jurisdiction in the Province under your jurisdiction."

And again, in 1775, Governor Carleton is reminded:

"That all appeals to or correspondence with any foreign ecclesiastical jurisdiction of what nature or kind soever, be absolutely forbidden under very severe penalties."

There can, therefore, be no doubt that the Act of Supremacy was in force, and that the rights and privileges guaranteed were controlled by the Act, and that for some years they were so controlled; because, if I am not mistaken, no appointments were made by the Pope for many years subsequent to the Conquest. Of course, as time went on, the restrictions were relaxed and many things were allowed to be done which were contrary to the Act of Supremacy, but it is quite evident that that was toleration and not a grant. It is quite evident, I think, from these facts, that it cannot be consonant with the religious liberty guaranteed by the Quebec Act, to allow an appeal to the Pope, or to recognise his jurisdiction as being of any authority in the affairs of the Provinces. I think, Mr. Speaker, it is a contention which hardly needs to be made in this House, it is a contention which need hardly more than be stated, that to pass an Act of Parliament by the Lieutenant Governor, the Assembly and the Legislative Council of a Province, and so expressed that the validity of that Act shall be dependent upon any foreign jurisdiction whatever—I say it is almost childish to contend that such an Act can be constitutional. I have heard it said that this correspondence forms no part of the Act. Well, if it is not

intended to form part of the Act, what is it put there for? A clause of the Act expressly makes it a part of the Act; it would be a mere legal quibble to contend that it is no part of the Act, because without it the Act would be meaningless and would have no force at all. The agreement set forth in the correspondence is the very essence of the Act. It may be contended as a legal proposition that it is not part of the Act, but that is a proposition which will never commend itself to the common sense of the people at large. I say it is hardly worth while to argue that no Province, no Assembly, no Parliament under the British Crown, much less a Provincial Parliament, which has only a delegated power, can make an Act which is valid by the assent of any other power; because the affirmative implies also the negative, and if assent is necessary to make an Act valid, clearly inaction on the part of the referee would condemn the Act. The Act is made absolutely dependent upon the will of a foreign power. It matters not whether it is Pope or President, Kaiser or King, it does not matter who the authority is, it cannot be constitutional for the Parliament of this country to pass an Act which depends for its validity upon any foreign jurisdiction whatever. I have heard it contended that it would be a precisely analogous case were the Province of Ontario to make a grant to the Synod of the Diocese of Toronto, and that the distribution of the grant was made subject to the control of the Archbishop of Canterbury. Well, I think that such an Act would be absolutely invalid for the same reason, because the Provincial Legislature has no right to delegate its power to a foreign power, or to do anything that would diminish its own power, or the power of the Crown. But, moreover, there is no analogy between the two cases, because the Archbishop of Canterbury would still be a subject of the British Crown, whereas, in other cases, the foreign power is not so. But I do not think that the analogy is needed, because it cannot be contended that an Act is constitutional which depends for its validity upon the exercise of any foreign jurisdiction. But I will leave the constitutional question to be argued by the lawyers, if they think it worth while to spend their time in doing so; but I am very sure of this, that whatever the lawyers may say, the people of this country will be satisfied with the proposition that it is unconstitutional, and that it ought to be unconstitutional, for any Parliament in this country to pass an Act whose validity is made to depend upon the affirmation or the negation of any foreign jurisdiction, no matter what that jurisdiction may be. Now, Sir, in the resolution which I have read, we take another ground as one upon which this Act should be disallowed. We say it should be disallowed, because we contend that the endowment of the Society of Jesus, an alien, secret and politico-religious body, is fraught with danger to the civil and religious liberties of the people of Canada. Why do we say that? Because we find from the history of that society during the last 300 years, that wherever its operations have been known they have in various ways interfered with the functions of civil government, they have interfered with the independence of other religious bodies, and they have taught a system of morality which cannot be inculcated generally without destroying, not only the independence, but also the morality of the people. It may be said, perhaps it will be said, that all these are idle tales. It may be said that the principles and practices of this society are so altered, in conformity with modern usages and modern views, that the ideas which formerly prevailed, no longer have existence. But, unfortunately, there are too many modern writings, too many modern records, which contradict that view of the case, and make it impossible for us to believe that this society has so altered its principles, so departed from its previous practices, that it can now be recognised as a society which can be established and encouraged in this Dominion, or in any other country inhabited by Her