

Legislature. And yet this letter has been put to the House, as if, forsooth, the fair and true meaning of it was that it was only *perhaps* necessary to consult the Legislature, but at all events it was necessary to consult the Holy See. Now, the answer to that letter was in these words:

"I hasten to notify you that, having laid your request before the Holy Father at the audience yesterday, His Holiness was pleased to grant permission to sell the property which belonged to the Jesuit Fathers before they were suppressed, upon the express condition, however, that the sum to be received be deposited and left at the free disposal of the Holy See."

The claimant representing this moral claim says: "I agree that you shall sell that lot in the city of Quebec, but if you sell it, place the fund to my credit in order that we may know where it is, when we arrive at a satisfactory conclusion as to what shall be done with it." The answer of the First Minister was that he declined to accede to that, but he proposed a reasonable alternative, that the Government retain the proceeds until this dispute should be settled. Thus what is declared to be an assumption of authority on the part of the Pope, actually in contravention of the Supremacy Act, and what we are told actually trails the Queen's honor in the dust, is that the Pope consents to the Quebec Government retaining the proceeds of the sale of the Jesuits' estates, subject to a future settlement of the dispute. The Government of Quebec, pending the settlement of the claims of these two litigants, which were to be held in suspense to be settled, not before the sale of the property but afterwards, retained custody of this fund; and when the authority representing these rival claimants agrees to this proposition, it is asserted, forsooth, that because he uses the word "allows," meaning evidently "consents," he has encroached on the prerogative of the Queen. In agreeing to the Government retaining the proceeds of the sale of the Jesuits' estates, he acted simply as the arbiter between the two contesting claimants. He allows this simply as the person who, as the head of the church to which the claimants belong, has, by their own choice, a right to give this consent; and yet when he consents to that, it is actually declared that he is asserting the prerogative of a foreign potentate in derogation of the prerogative of the Queen. I repeat that when we know the facts with regard to the situation of this property, and with regard to the position of the two rival claimants, it is impossible to misunderstand, and almost impossible for ingenuity to misrepresent, the preamble of this Act, as unfortunately it has been misrepresented during the long discussion which has taken place, since the Act was passed, in various parts of the country. The letter of Cardinal Simeoni, of the 27th March, 1888, contains this passage with regard to the conclusion arrived at:

"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."

As I have said, down to that time, the power of attorney which enabled any one to negotiate with regard to this question had been withdrawn, and then there was simply a new authority given to a new attorney, namely, the fathers of the society, to treat with the Government of Quebec, and the stipulation, not that the property of the Province should be subject to any conditions, but that if there should be a conveyance made of it to any parties—to the Jesuits on the one side or the hierarchy on the other—in settlement of the claim, these parties should not take a deed which would preclude the Pope from giving a final decision as to the way in which the proceeds should be divided between them. Then, in his letter dated 1st May,

1888, the First Minister of the Province of Quebec distinctly stipulates that he is not recognising any civil or, as we would call it, any legal obligation, but merely the moral obligation in this respect. He says:

"6 That you will grant to the Government of the Province of Quebec a full, complete and perpetual concession of all the property which may have belonged in Canada, under whatever title, to the Fathers of the old society, and that you will renounce to all rights generally whatsoever upon such property and the revenues therefrom in favor of our Province, the whole, as well as in the name of the old Order of Jesuits, and of your present corporation as the name of the Pope, of the Sacred College of the Propaganda and of the Roman Catholic Church in general."

Then follows the clause to which above all others, exception is taken, and to which I shall ask the special attention of the House:

"7. That any agreement made between you and the Government of the Province will be binding only in so far as it shall be ratified by the Pope and the Legislature of this Province."

Now, when we look at the Act itself, when we see what the Government of Quebec asked the Legislature to do, when we see them ask the Legislature to vote, in extinction of this moral claim, whatever it was worth, the sum of \$400,000, we cease to be surprised and to be deceived as regards the effect of that provision of the statute. The Ministry of Quebec were dealing with two rival claimants—the hierarchy and the Jesuit Society. They were dealing also with a third party, the Pope, who occupied the position of mediator by consent between these two, and the First Minister of Quebec stipulated that before the Province should be asked to pay one dollar of the money, it should have a conveyance, in the first place, from the fathers of the society, in the second place from the Pope himself, and, in the third place, from the Sacred College of the Propaganda and the Roman Catholic Church in general. He stipulated that before he should be bound to pay a dollar of that money, nay, even before he should ask the Legislature of Quebec to authorise him to pay a dollar, he should be in a position to say: "I have obtained a complete release from all the parties who forever after can assert the slightest right or title or the slightest claim, legally or morally, in regard to these estates." Why could he not do this? Could he have said: "I ask the Legislature of the Province of Quebec for authority to pay this money on obtaining a conveyance from the fathers of the society?" Would he not have left outstanding the rights of the hierarchy, who contested, every inch of the way, the rights of the fathers of the society to the proceeds of the settlement? Would he not have left outstanding still the possible claim of the authority superior to them all? I assert it, without fear, that the contention will not commend itself to the good sense of the House, that that provision No. 7, which is taken such great exception to, is a distinct provision *against* the authority of the Pope and not in favor of the authority of the Pope. In fact by that provision, the substance of the agreement was this: "While I am willing to offer to you \$400,000, I am not willing to be bound by my offer until your master ratifies your agreement to accept it. I will not only not pay you a dollar of that \$400,000 until every one of you gives me your conveyance, but until the greatest superior you have on earth gives me his deed; and until I get all that, I will not ask the Legislature of Quebec to give me authority to pay you a single dollar." And yet, because the Legislature of Quebec demanded, before it should put that money even at the disposition of the Governor in Council, that they should have everybody's rights foreclosed, and that the highest authority the claimants recognised on earth should give his deed also, and more, that the College of the Propaganda should also give its release, and that every step down to that point should be without prejudice to the rights of the Province of Quebec, we are told that this is an assertion of the prerogative of a foreign potentate. I am dealing with