

harsh treatment, for they were allowed to remain in possession of their estates until 1800, when the last survivor of the Order in Canada died. It was not until after that, the Crown took possession of the property, and when they did take possession of the property, the Crown did not confiscate it for any purpose of their own, but, as far as they could, having the legal title, executed the equitable trusts attached to the title; and after much negotiation and a good deal of dispute, conveyed the title to the Province of Quebec, in trust for educational purposes. In that position the property remained until the passage of the Act we are now discussing. Now, I have rather gone out of the way in referring to the legal title of these estates, because in his correspondence Mr. Mercier expressly admits that the Jesuits have no legal title, that their claim was only a moral one; but I have referred to the legal question and to the action of the Government to show upon what very flimsy foundation even this moral claim rests. I contend there was no claim moral, legal, or equitable, on the part of the Jesuits; I contend that the property had absolutely passed into the possession of the Crown and that the Crown had the power to deal with it as they chose, and the disposition made of the property was one eminently consistent with the objects for which the property had been given to the society. Instead of making the property a present to Lord Amherst, as they had been pressed to do, they handed it over to the Province of Quebec for educational purposes, and thus, as far as possible, carried out the trusts which were attached to the title in this property. Having done so, the Crown parted with the interest they had in it, and the property became that of the Province, but only upon trust for educational purposes. That trust the Province accepted in 1831 by its own legislation, and I contend that having taken that trust, the Province have now no right or power to dispose of the property in the way suggested. Now, among the first of the grounds upon which we claim this Act should be disallowed is the ground that it violates a fundamental principle of the Constitution by endowing a religious society. It matters not by what means that endowment is made or how the money is to be divided, the fact remains that, even after the disposition which has been suggested as likely to take place, a portion of this money, at any rate, goes direct to the Jesuits, and forms a practical, distinct, and direct endowment of a religious society. That, I contend, violates a fundamental principle of our constitution, established in this country for years, namely, that all denominations shall be equal before the law, and that there shall be no vestige of a state church in any part of the Dominion. That principle was laid down in unmistakable terms when the Clergy Reserves of Upper Canada were secularized. Not merely did the secularization of the reserves establish that principle, but the Act by which that secularization was accomplished laid down the principle as well. That Act recites the necessity of:

"Removing all semblance of connection between Church and State."

The Rectory Act of 1850 says:

"Whereas the recognition of legal authority 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 that the same should receive the sanction of direct legislative authority, recognising and declaring the same as a fundamental principle of our civil policy."

It may be contended that was not an Act binding upon the Dominion, but it was an Act to which Upper and Lower Canada united gave their assent, and those who sat in Parliament then, the predecessors of hon. gentlemen now sitting here, representing the same constituencies, gave their assent to the principle, by their votes upon the Clergy Reserve Bill, that all religious denominations should hereafter cease to be state-supported. Is it a proposition to be tolerated, that while the right to the Clergy Reserves

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was thus set aside for the sake of an abstract principle, this society should be allowed to stand in a totally different position, and that they should receive compensation for estates to which they have no title, while similar rights are to be denied the other bodies to which I have alluded? Is it to be tolerated that the grants made by George III to the people of the Protestant faith in the Province are to be set aside as contrary to a principle, and yet the grants made to the Jesuits by the King of France are to be held sacred so as to allow compensation to be made to them? I do not think the people of this country will agree to that contention; but that is practically the conclusion to which we are asked to come in regard to this Bill. Another strong point in relation to this Bill is a matter peculiarly affecting the Province of Quebec. I have said that these lands were given to Canada in trust for educational purposes. That trust was accepted and recognised in 1831. The grant was accepted and confirmed by the Legislature at that time, and it was re-affirmed by the United Parliament of Canada in 1856, and again at a later period. The fund was specially set apart for superior education, and the reference which is made to that in the British North America Act clearly establishes that the Province of Ontario has an interest in that fund, and therefore that Province has something to say in regard to the disposition of it, because it is the same estate which is dealt with, and that estate has never been parted with, but has been kept as a separate trust for special purposes; and, by the British North America Act, that trust is accepted and is made a part of the Dominion. The Province of Ontario has a direct interest in that fund, and, therefore, that trust is not one which the Province of Quebec has a right to deal with in any way whatever. It is a direct breach of trust, and a breach of a contract which was entered into by themselves, and was broken without any reason being adduced, any proposition being made, or any ground being shown. On that ground it is claimed that the power of disallowance should be exercised on behalf of the minority, because this grant of \$400,000 is taken directly from the funds of the Province to which all contribute alike; and to say that \$60,000 is voted as a sort of compromise, or as a bribe to the Educational Board of the Protestants of the Province, does not affect it. They are bribed with their own money to agree to a grant to a religious institution, and, if it is a compromise, it is a compromise of truth and a compromise of principle. One other ground of objection, and a very strong ground of objection, arises from the terms of the Act, in which the leave of His Holiness the Pope of Rome is asked to dispose of the estate which the Province had no right to dispose of. Can they think they could better their right to dispose of that estate by asking the consent of the Pope? Can they imagine, when they have no right to dispose of it, that they can supply the defect in their title by asking the Pope of Rome to make it good? Mr. Mercier says, in his correspondence:

"Under these circumstances, I deem it my duty to ask Your Eminence if you see any serious objection to the Government's selling the property, pending a final settlement of the question of the Jesuits' Estates."

I must say that is a very remarkable sentence to be found coming from the representative of a Government in a British Legislature—

"The Government would look on the proceeds of the sale as a special deposit to be disposed of hereafter, in accordance with the agreements to be entered into between the parties interested, with the sanction of the Holy See."

And this is a sentence which shows that Mr. Mercier was so affected by the atmosphere of Rome, where he was at that time, as absolutely to have lost his head—

"As it will perhaps be necessary upon this matter to consult the Legislature of our Province, which is to be convened very shortly, I respectfully solicit an immediate reply."