

*Validity of Quebec Statute*

That will be found at page 56 of the index. My right hon. friend is not concerned about the several adjournments that took place, and therefore I quote the following:

The order of the day being read, for resuming the adjourned debate on the question which was, on Tuesday last proposed, That Mr. Speaker do now leave the chair (for the house again in committee of supply);

And proposed amendment thereto, That all the words after "That" to the end of the question be left out, and the words "it be resolved, That an humble address be presented to His Excellency the Governor General setting forth:

"1. That this house regards the power of disallowing the acts of the legislative assemblies of the provinces, vested in His Excellency in council, as a prerogative essential to the national existence of the dominion.

"2. That this great power, while it should never be wantonly exercised, should be fearlessly used for the protection of the rights of a minority, for the preservation of the fundamental principles of the constitution, and for safeguarding the general interests of the people.

"3. That, in the opinion of this house, the passage by the legislature of the province of Quebec of the act intituled: "An act respecting the settlement of the 'Jesuits' Estates'," is beyond the power of that legislature. Firstly, because it endows from public funds a religious organization, thereby violating the undoubted constitutional principle of the complete separation of church and state, and of the absolute equality of all denominations before the law. Secondly, because it recognizes the usurpation of a right by a foreign authority, namely, His Holiness the Pope of Rome, to claim that his consent was necessary to empower the provincial legislature to dispose of a portion of the public domain, and also, because the act is made to depend upon the will, and the appropriation of the grant thereby made is subject to the control of the same authority. And thirdly, because the endowment of the Society of Jesus, an alien, secret and politico-religious body, the expulsion of which from every Christian community wherein it has had a footing has been rendered necessary by its intolerant and mischievous intermeddling with the functions of civil government, is fraught with danger to the civil and religious liberties of the people of Canada.

"And this house therefore prays, that His Excellency will be graciously pleased to disallow the said act," inserted instead thereof;

And the question on the amendment being again proposed: The house resumed the said adjourned debate.

And the house having continued to sit till after twelve of the clock on Friday morning;

Friday, 29th March, 1889.

And the question being put on the amendment; the house divided: and the names being called for, they were taken down, as follow:

Yeas, 13; nays, 188.

So it passed in the negative;

Then, the main question being put; It was resolved in the affirmative.

[Mr. Bennett.]

Ordered, that Mr. Speaker do now leave the chair.

The house accordingly again resolved itself into the committee of supply.

The amendment was moved on March 26, 1889, and taken up on the next day on the motion to go into supply. It was again adjourned. It was maintained day after day until finally disposed of on March 29. I am speaking only from memory, but I have sent for Hansard of that date. My recollection is that Sir John Thompson on that occasion made that great speech which established his reputation, in answer to Mr. McCarthy; and if I remember rightly, he did not make any point as to the amendment not being in order. He made the great speech of his life on that occasion.

Mr. LAPOINTE (Quebec East): He had made up his mind against disallowance at the time he spoke.

Mr. BENNETT: The question whether he had made up his mind or not had not been indicated because the motion was that it should be disallowed.

Mr. LAPOINTE (Quebec East): Yes; but it was because they were still within the delay of one year. But everyone knew that the government refused to disallow.

Mr. BENNETT: No. The minister's memory, again, is not playing him fair. The governor general himself referred the matter to the law officers of the crown in England—the Attorney General and the Solicitor General of England—and among the letters of Sir John A. Macdonald, which I happened to be reading a few nights ago, I came across that one in which he dealt with a particular phase of the matter, namely, the date when the opinion of the law officers might be expected. It is also within my memory that Sir John Thompson sent him a memorandum with respect to his views upon a certain phase of the question, namely, the reference to the supreme court. The minister will recall that it was later proposed it should be referred to the court for an opinion and that was negatived. At page 842 of the Commons' Debates of March 27, 1889, we find Mr. McCarthy's speech; Sir John Thompson's speech begins at page 862 and continues for several pages, and in the course of it he reviews all the authorities.

Then the matter was debated by other members. My memory is that Mr. Mills of Bothwell made a substantial contribution to the debate. Sir John A. Macdonald was still living, and Mr. Mills commenced his speech by complimenting him upon the skill with