

false. Even, Sir, taking the maxim, *Finis determinat probitatem actus*, I believe that it bears no construction such as has been put upon it in certain quarters that "the end justifies the means." But, on the contrary, my reading and education has been such as to inspire me with admiration for the early Jesuit fathers. We need only recall Parkman's account (and he is by no means a very favorable historian toward Roman Catholicism) of the early Jesuit fathers, and we must be inspired and imbued with enthusiasm in our recollection of the work they accomplished in this country. We can recall, all of us, from history, the arrival, in this country, of the unfortunate Father Jogues, his capture by the Iroquois, his cruel and unheard of tortures, his determination to regenerate by baptism, notwithstanding his intense sufferings, his subsequent escape to France, his performing the sacred rites of the mass in his mutilated condition, his return to this country, his recapture and his fearful death at the hands of the father whose child he was trying to save by baptism. The only effect of that will be, the only result can be to inspire us with enthusiasm that such missionaries have lived in years gone by. I approach this grave and serious question entirely relieved from any bias whatever against the Jesuit fathers or against the Roman Catholic Church. Our admiration for them is one thing, our judgment regarding the constitutionality of this Act under discussion is another thing. Now, my first serious objection to the Act is that which has been mentioned by the hon. member for Muskoka. I claim, Sir, that the introduction into the Act of the mention of the Pope is such a serious encroachment upon the prerogative of the Crown, as to call for its disallowance at the hands of the Government. The sovereign is the *caput principium et finis* of all legislation; but in this particular case the Legislature of Quebec makes the Pope the end of its legislation. The Pope is given the right, notwithstanding what hon. gentlemen say, to negative this legislation entirely. Suppose the Pope did nothing, the Act would be a dead letter. It cannot be denied that the effect is to give a foreign potentate—and I shall show that the Pope is a foreign potentate—the right to disallow or negative this legislation; and if that is true, the converse must be true: if he has power to negative legislation, power to make an Act of Parliament a dead letter, it must follow logically that he has also the right to affirm legislation. And here we have introduced into a British Act of Parliament the power given to a foreign potentate, to negative or affirm legislation. Now, we are taught again and again that the right of assenting to or dissenting from an Act of Parliament is a right so peculiar to the prerogative of the Crown that the sovereign herself cannot delegate it. It is quite true that the Governor General is given the right to assent to or dissent from Acts of Parliament; so are the Lieutenant Governors of the different Provinces; but they have not the right to delegate that power to anybody else. *Delegata est non potest delegare*, is a maxim especially applicable to the Lieutenant Governors of the Provinces in cases of this kind. Now, to show that my contention is well founded, I want to refer to the Statutes. First, I will refer to the Statute of 1 Elizabeth, chapter 1, which has already been referred to, and clause 16 of which reads as follows:—

"That no foreign prince, person, prelate, state or potentate, spiritual or temporal, shall at any time after the last day of this Session of Parliament, use, enjoy or exercise any manner of power, jurisdiction, superiority, authority, pre-eminence, or privilege spiritual or ecclesiastical within this realm or within any other of your Majesty's dominions or countries that now be, or hereafter shall be, but from thenceforth the same shall be clearly abolished out of this realm, and all other Your Highness' dominions forever. Any statute, ordinance, custom, constitution or any other matter or cause whatsoever to the contrary in any wise notwithstanding."

The hon. member for Lincoln (Mr. Rykert), although he referred to that statute, did not for one moment contend that it was not in force in this country; but it has been said

that because it is an old statute, therefore it is not applicable. Well, I want to read from the Treaty of Paris, and I will read only those portions which bear on my argument. His Britannic Majesty engaged:

"To grant the liberty of the Catholic religion to the inhabitants of Canada; and to give precise and effectual orders that his new Roman Catholic subjects might profess the worship of their religion according to the rites of the Romish Church, as far as the laws of Great Britain permitted."

I want to emphasise these last words, "as far as the laws of Great Britain permitted," because at the time of the making of that Treaty of Paris this Statute of Elizabeth was in force, so that the treaty did not negative the existence of that statute in this country, but, on the contrary, perpetuated it. Now, the hon. member for Lincoln said that there was a distinction between His Holiness the Pope as a foreign potentate, and as the head of the church. I grant you that; but does anyone mean to say that the Statute of Elizabeth is not directed, as all the statutes of Elizabeth were, to His Holiness the Pope? No one can argue to the contrary, if he is possessed of the least atom of historical knowledge. Everyone of the penal Statutes of Elizabeth was pointedly directed to His Holiness the Pope, and, therefore, the Treaty of Paris did not discontinue the Statute of Elizabeth or prevent its application to this country. If we want any further legislative authority, let us look at the Quebec Act of 1774, the 5th section of which reads as follows:—

"And for the more perfect security and ease of the minds of the inhabitants of the said Province, it is hereby declared that His Majesty's subjects professing the religion of the Church of Rome at 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 dominions and countries which then did or hereafter should belong to the Imperial Crown of the realm, and that the clergy of the said church may hold, receive and enjoy their accustomed dues and rights with respect to such persons only as shall profess the said religion."

There we have, first of all, the Statute of 1 Elizabeth positively, in a legislative way, disapproving of the Pope in any way exercising a jurisdiction; then we have the Treaty of Paris coming after that, not preventing the operation of that statute; and then we have the Quebec Act of 1774, specially perpetuating that statute in the Province of Quebec. Now, Sir, let me refer to the opinion of a great judge to show that what I say is correct. Mr. Justice Smith, in the case of *Corse vs. Corse*, reported in the Lower Canada Reports, page 314, said:

"As soon as Canada ceased to belong to France, the public law of France ceased to exist, and the public law of England came in."

Now, it may be said that my construction of that statute is a forced one, is not a fair one, is not consistent with the time in which we are living, in 1889; when it was passed in 1554; but I will read from an authority whose name is a household word, well known to every gentleman in this House. I refer to Mr. Todd, who was cited by the hon. member for Lincoln in his attempts to demonstrate the truth of some of his statements. He says:

"The Statute of 1 Elizabeth, chapter 1, known as the Act of Supremacy, declares that no foreign prince, person, prelate, or potentate, spiritual or temporal shall henceforth use, enjoy or exercise any power, jurisdiction—"

Now, Sir, I want to ask hon. members of this House, how it is possible, if that construction be a correct construction of the Statute of Elizabeth, and I challenge assertion to the contrary, to contend that that construction is not infringed upon by the Act passed in the Province of Quebec last Session? At the very least by it the Pope is exercising the jurisdiction of distributing moneys, if nothing else, which I say is a violation of the statute according to the universal construction thereof. Mr. Todd goes on to say:

"—or authority within the realm, or within any part of the Queen's Dominions: and that all such power or authority heretofore exercised