

large estates which were possessed by the Jesuit Societies, as well as those possessed by other religious societies, were referred to in the Act of Capitulation; and so far as the terms of that Act go, that property was secured to them. But, Sir, when the Treaty of Paris came to be made, we find that the reservation made by the Act of Capitulation was not carried out. We find, on the contrary, that while all the rights of property of private individuals were reserved and maintained, those of the various religious communities were expressly exempted, and it was held that those properties had by operation of the law passed into the possession of the Crown. We need not pursue further the history of the estates of the other religious bodies, because we know, as a matter of fact, upon enquiry into the character and operations of these various societies—the Sulpicians and others—that their estates were handed back to them, and have remained in their undisturbed possession ever since. But with regard to the Jesuits a different view was taken; and is it surprising that a different view should be taken when we consider who and what the Jesuits of that day were? Although we can only speak in terms of admiration of the operations of those who were carrying on their work in New France; yet the society at large occupied a very different position, and, Mr. Speaker, had the heads of the society, elsewhere than in Canada, been single-minded and single-hearted, devoted men like Brébeuf and L'Allemand, the history of the last century would have been differently written; the name of Jesuit would not have become a bye-word of reproach throughout all the nations of Europe, and the great Gallican Church, once the bulwark of the French nation, renowned for its independence as well as its piety and learning, would not be dependent on the huge pretensions of ultramontane Rome. That sentiment, I dare say, will not meet with approval on the part of many members of this House. But those who have studied with care the history of Europe during the past three centuries, know that what I have stated is the truth, know that no one has ever more violently opposed the pretensions of the Jesuits than writers of the Roman Catholic Church itself; and in reference to that, I would say that one of the original grounds on which the society was subsequently suppressed was the fact of its interference with various other religious communities belonging to the Catholic Church. Well, Sir, we find that the Jesuits' Estates were not restored; and it is not surprising when we consider the position of the society. From the time of Queen Elizabeth downwards the Jesuits had been proscribed in the British realm, and why? Because it was found that they were enemies of the public peace, that they were determined by every possible means—means which I will not characterise here, because it is not essential to the argument to do so—to overthrow the Protestant succession as established in England; that they would lose no opportunity and hesitate at no means to accomplish that object. Fortunately for the liberties of Europe and the peace of the world their efforts were unsuccessful. At the same moment, if they had not been actually expelled, they were on the point of being expelled from every country in Europe, just at the time when the question of the legality of their estates came before the law officers of the Crown;—from Spain, the country where they had their origin, by the Government of His Most Catholic Majesty, the King of Spain; from Naples, under the very shadow of the Pontifical chair. In France, they were brought before the High Court of Paris, the highest tribunal in France, one might almost say in Europe, and there their transactions were a matter of judicial investigation, and the result of that investigation was, that they were suppressed and expelled from France; and, only a few years later, as everyone knows, in 1773, Pope Clement XIV, pronounced their suppression and abolition in terms which can leave

no possible doubt as to his intention to do away with and abolish the society entirely. I say, considering all these things, considering the odor in which the society stood with regard to the Church of Rome itself, considering its actions with regard to the realm of England in times past, it is not surprising that the British Government felt mistrust towards the body they found established in their own country, and hesitated in giving them the means to carry on operations which they would be censurable if they had not regarded as dangerous to the state. Because, why should they suppose that a Jesuit in Canada would act from different principles or motives from what the same men did when they had access to the shores of England? But they did not confiscate the estates, and the term used in the Act is an improper one. They took the opinion of the law officers of the Crown, as to the title of these estates, and that opinion clearly established that the estates had lapsed to the Crown, and that the Crown of England had a right to do with them as it pleased. In 1865, the question of the title to these estates was referred to Sir James Marriot, Judge Advocate General, and in giving his opinion, he said:

"That the order never had in France any legal establishment as part of the civil and ecclesiastical constitution of the realm, having refused the conditions on which it was admitted, because those terms were radically subversive of the whole order. Their title, therefore, to estates in Canada had no better qualification than those titles had by the laws and constitution of the realm of France previous to the Conquest. This society differed from other societies in that it had nowhere any corporate existence. All its property was vested in its General living at Rome, who was neither a French nor a British subject, and could not be either, and, therefore, could not avail himself of the 4th article of the Treaty, being neither an inhabitant of Canada nor a subject of the King of France."

Matters appear to have remained in *statu quo* until 1775, the year after the suppression of the society by the Pope, when, in the instructions to the Governor General, Sir Guy Carleton, it was ordered:

"That the society be suppressed and dissolved, and no longer continue as a body corporate or politic, and all their rights, possessions, and property shall be vested in us for such purposes as we may hereafter think fit to direct or appropriate."

Well, at the same time, all the other religious societies were permitted to retain possession of their property, and anyone will easily understand from what I have said the distinction the Government made between these various bodies. They judged the one by its historical record, and they judged, I think the people will say rightly, in assuming that it was not a society to which they could give encouragement or which they could permit to carry on operations such as the society had been carrying on previously. A similar statement was given later on by the Attorney General and the Assistant Attorney General of Lower Canada, in which they said:

"The nature of their institution prevented them, individually, from taking anything under the capitulation of all Canada, and to their society under one head and domiciled at Rome, nothing was granted or could be legally or reasonably be supposed to be conveyed, but even that head, and with it the whole society, wheresoever dispersed, was finally dissolved and suppressed in 1773, so that the existence of the very few members of the order in this Province can in no shape be construed as forming a body, corporate or politic, capable of any of the powers inherent and enjoyed by communities. * * * As a derelict or vacant estate, His Majesty became vested in it by the clearest of titles, if the right of conquest alone was not sufficient, but even upon the footing of the proceedings in France and the judicial acts of the Sovereign Tribunals of that country, the estates in this Province would naturally fall to His Majesty and be subjected to his unlimited disposal, for, by those decisions, it was established, upon good, legal and constitutional grounds, that from the nature of the first establishment, or admission, of the society into France, being conditional, temporary and probational, they would, at all times, be liable to expulsion, and having never complied with, but rejected the terms of their admission, they were not even entitled to the name of a society; wherefore, and by reason of the abuses and destructive principles of their institution they were stripped of their property and possessions."

However, although the legal title was in His Majesty, as representing the Crown of Great Britain, according to this opinion, the Jesuits certainly had no reason to complain of