

I have now concluded with the constitutional aspect of this case. I hold that the incorporation of the Society of Jesus is unconstitutional because the existence of that society is prohibited by English law. In England the Jesuits' society is an illegal body; the initiation into the Society of Jesus of a member is illegal, it is illegal on the part of the man who does it, and it is illegal for the one initiated. They are under pains and penalties, it is an unconstitutional society, it is under the ban of English law; and that being the case, it is not an order that can be constitutionally incorporated in any part of the British realm. Then I hold that the Jesuits' Estates Act, being predicated upon, that Act, is itself necessarily unconstitutional. It is unconstitutional further in the fact that it calls in a foreign potentate, recognises him, places money at his disposal, places a piece of legislation at his disposal to ratify or to set aside, and in that respect it is clear that it is in contravention of British law and British supremacy. For these reasons I hold that the measure is clearly unconstitutional, and as such should be without delay disallowed by the Government of this Dominion.

But even if it was constitutional, even if the whole argument I have constructed so far was baseless and was swept away, and if this measure was shown to be constitutional, constitutional as regards the Bill, constitutional in being founded on a constitutional Act, permitting the incorporation of the Society of Jesus, yet I hold that, as a question of public policy, the measure should be disallowed. The position which the Liberals of this country occupy in this case is briefly this: They take high ground in defence of provincial rights; they take high ground upon the question of the Dominion Government interfering with provincial legislation. And I suppose, with their views upon this case, with their record, even though they did not approve of this Bill, even if they considered it was an improper Bill, they would not counsel and support the proposition to disallow the Bill, on the ground that it was interfering with provincial rights. But whether it is desirable that the Government should be debarred from the exercise of the prerogative of this disallowance, is an abstract question; whether it would be a good thing to reconstruct our constitution and to bar the Government from the exercise of that privilege or not, I do not venture to say, but I do say that the right exists and is clearly conferred on the Government. And further, the right has been repeatedly exercised. The hon. member for Bothwell (Mr. Mills), in the course of his argument said that the prerogative of disallowance was not essential to the maintenance of our constitution, and he said that in the United States no such prerogative of disallowance was permitted on the part of the Central Government, that the remedy there lay in an appeal to the Supreme Court of the United States. That is perfectly true. But the hon. gentleman is aware that there is a vast difference between the structure of the Dominion constitution and that of the United States. The principle of the United States Government I believe is that the State is sovereign, within its own proper sphere, and all the powers exercised by the Government of the United States are powers delegated by the States, which in their individual capacity as States ratified the original constitution, and must ratify all amendments to the same, and every power not thus specially delegated to the Central Government by the constitution is reserved to the States. What is the case in the Dominion of Canada? All powers not specially granted to the several Provinces by the British North American Act are reserved to the Dominion and any Act passed by a Provincial Legislature may be disallowed by the Privy Council. That is the difference between the two. We had in this country a Legislative Union and we parted with that and entered into Confederation, and whether it was wise or whether it was unwise to invest the Government at Ottawa with the

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power of disallowance or not, this Government can exercise the power, it has exercised the power, and it has in repeated instances put that power into operation. It has done it in the case of railway legislation in Manitoba, and it has done it in the case of the Streams Bill, and numerous other cases. I am willing to admit that this power should be exercised with the utmost caution; I am willing to admit that the plainest and most palpable reasons should exist for the exercise of this power, but I am ready to assert, Sir, that there has never been a case in the history of the Dominion of Canada where, upon broad constitutional grounds, and having due regard to the general interests of the great mass of the people of this country, it was more proper to disallow a Bill, than in this particular instance; and that the settlement of the Jesuits' Estates Act was, above all other measures that have ever come under the cognisance of this Government, a measure that should be disallowed. My hon. friend the member for Bothwell (Mr. Mills) says that there are two classes of cases where disallowance is warrantable, and one is the case where the Bill is clearly unconstitutional. This is a case of that kind; this Bill is clearly unconstitutional in my opinion. He says the other case is where a Bill is not in the interest of the entire Dominion. Well, this case covers this Bill also. The Bill is clearly unconstitutional and it is clearly not in the interest of the Dominion, and so, by the hon. gentleman's own logic, this Bill should be disallowed. This power of veto is clearly a constitutional power which may be exercised by the Government, which the Government has the right to exercise, which the Government has exercised in former cases, and which, in my opinion, in view of the character of this Bill, and of the probable future consequences of allowing this Bill to become law, the Government ought, upon the highest ground of public interest, to disallow.

Now, as I said some time ago in considering this question of disallowance, in considering as to whether it is proper to do so or not, the Government were warranted in investigating the character of the Jesuits. I have a list here of the countries from which this order had been expelled before its suppression by Clement XIV. They were expelled from the following countries at the dates mentioned:—

Saragosa.....	1555	Moravia.....	1619
La Palatine.....	1558	Naples and Netherlands.....	1622
Venice.....	1568	China and India.....	1623
Avignon.....	1570	Malta.....	1634
Portugal and Segovia.....	1578	Russia.....	1723
England.....	1579	Savoy.....	1729
England.....	1581	Paraguay.....	1733
England.....	1586	Portugal.....	1759
Japan.....	1587	France.....	1764
Hungary and Transylvania.....	1588	Spain.....	1767
Bordeaux.....	1589	The Two Sicilies.....	1767
France.....	1594	Parma and Malta.....	1768
Holland.....	1596	All Christendom by the Bull	
Tournon and Berne.....	1597	of Clement XIV.....	
England.....	1601	Russia.....	1776
England.....	1604	France.....	1804
Denmark.....	1606	Grisons, Swiss Canton.....	1804
Venice.....	1612	Naples.....	1806
Japan.....	1613	France.....	1810
Bohemia.....	1618		

The order was restored by Pius VII on 7th August, 1814, and since that date this self same order has been expelled from the following countries:—

Belgium.....	1816	Switzerland.....	1847
French towns.....	1819	Bavaria.....	1848
Russia.....	1820	Naples and Papal States,	
Colleges in France.....	1828	Parma, Arch Duchy of	
France.....	1831	Austria, Galicia, Sardinia,	
Portugal.....	1834	Sicily.....	1848
Spain.....	1835	Paraguay.....	1858
France.....	1845	Italian towns.....	1859

Now, we are told that the character of this order has changed, forsooth; that it is not the order it was when Clement XIV suppressed it; that it is not the order it was