

As to the conclusion which the hon. member for Simcoe drew, that the Province had a good title to them, a perfect title under the law, I have not one word to say; and if this Act had come before us as legislation in recognition of a legal title, I would have felt bound to call the attention of my colleagues to the fact that a very great mistake had been committed, on which, perhaps, it might have been necessary to have advised the Provincial Legislature to reconsider its conclusions. But it is admitted by the Legislature of Quebec that a good title existed in the Province, and all that is said on the face of this Act or in the arguments in support of it, is this: That there existed a moral claim to some degree of compensation, little or much, which, to a greater or less extent, was binding upon the conscience of the Legislature of that Province. Now, Sir, the result of the existence of that claim—the result of the assertion of that moral right, whatever it may have been worth, was that, from year to year, when the Province went on to assert its right to those estates, and as the Province ventured to place piece after piece of the property on the market, it was met by a protest from the united hierarchy of Quebec, demanding that such properties should not be sold, should not be diverted from the original charitable and religious purposes for which they were intended, and so every step by which those estates were sought to be made useful to the revenues of the Province was contested in the most formal and solemn manner. It is recited in part of the preamble of this Act, that not many years ago, one of the most valuable parts of the property, being situate opposite the Basilica in the city of Quebec, was brought to market, and there was met by the solemn protest of all the hierarchy of the Province. In face of that protest, casting as it did, a cloud upon the title of the Province, involving as it seemed to do a dispute as to the right of the Government, and as to the title of the purchaser, that property had to be withdrawn from sale. Let me assure this House again that in presenting our case I am endeavoring to do so, not from my individual point of view at all, but simply from the point of view in which we may be asked to withhold or to give advice with respect to the great power of disallowing a provincial statute. Let me call attention then to all these details, and let me ask the House to keep in mind that state of affairs with respect to the property itself, with respect to the assertion of this claim, good or bad; with respect to the assertion of this moral right, worth little or much, and to remember the difficulty of marketing the property in the Province of Quebec under these circumstances. If the House will bear all this in mind, and then will read with me the statute which we are asked to disallow, I say that the provisions of that statute will cease to be obnoxious to any reasonable man, that they cannot be misunderstood and that they can hardly be misrepresented even by the most violent prejudice. The sale, as I have said, was forbidden. I am not driven at all to defend the policy of the Government of the Province, as to the propriety of opening up that question; as to the propriety of not insisting that these properties should be sold even if they should be sacrificed in the face of that formidable protest. That was for the Legislature of Quebec to say. The constitution has charged me with no duties and with no responsibilities, as to the weight of any legal or of any moral claim which the Legislature has thought proper to recognise. I may concur with gentlemen who have spoken this afternoon that it was unwise not to insist on the strict statutory title based on confiscation, severe though it may have been, but in this case the constitution has not made me the judge. It has not made me or my colleagues the arbiters between the two sets of opinions in the Province of Quebec; it has not clothed His Excellency with the power to step in and consider every question which arises among the people of the Province: it has vested that authority in the Provincial Legislature, which by a unani-

mous vote, as was pointed out by the hon. member for Northumberland (Mr. Mitchell) last night declared that this was the true and proper solution of the question. Under those circumstances have I any right to exercise a superior and overruling judgment over the Province? Is that the theory upon which our constitution is to be worked out? This moral claim, as they choose to call it, may have been as weak as air, but it was considered weighty by the conscience and the judgment of those whom the constitution solemnly appointed to decide and after that it is not for us to say: "The Legislature arrived at a wrong conclusion." I can state the matter no more forcibly than in the very words of one of our opponents on this question, who declares that the authority given to the Provincial Legislatures over certain classes of subjects carries with it, like all authority, a liberty to error which must be respected so long as the legal power is not exceeded, and the error is not manifestly subversive legally or morally of the principles of the constitution or of the great objects of the state. As far, therefore, as we have to consider the power of the Legislature to recognise a moral obligation—leaving out of sight for a moment the theological questions which my hon. friend from Simcoe (Mr. McCarthy) and I are to join issue on, with a view to the House passing judgment, as to which is the better theologian forsooth, and as to whose advice on the question of theology His Excellency the Governor General as the supreme theologian is to act—I contend that the Legislature had supreme authority to decide, and had a perfect right to decide, without veto or controlling authority at Ottawa, even though we thought they decided erroneously. Now, Sir, having asked the House to bear in mind the situation in which these properties stood in the Province of Quebec, the way in which an attempted sale was met by a protest which completely frustrated the sale, let me call the attention of the House to another state of facts as regards the various claimants upon this property. There were the Bishops of the Province who said: "As a result of the suppression of the Society of Jesus in this Province we were vested with all the estates as the ordinaries of the various dioceses in which these properties were situated." Nay, more, they said: "We have inherited their moral claim too, because when the means were stricken from their hands of carrying on the missionary work and the work of education, we took it up and, by the sacrifice of our people's labors and treasures, we built up institutions of education all over this country." The Society of the Jesuits had in the meantime been re-instated and re-organised in the Province, and upon this point let me call the attention of the House to the argument of my hon. friend from Simcoe (Mr. McCarthy) which was that by the decree of suppression in France the order became extinct in Canada. He cited to prove that the decision of the Parliament of Paris, which merely decided that the Jesuits in France were liable for the debts of the Jesuits in Paraguay, because the properties of the two sets of men were held in solidarity. That decision has not the remotest effect upon the status of the Jesuits in Canada, who, themselves, were a body corporate under the most solemn instrument which the King of France could give them to indicate his will in that regard. I have mentioned that the bishops claimed that they represented the moral right, which, as I have said, the Legislature thought was worthy of compensation, and the Jesuits claimed it likewise. Look at this as a business matter. Look at this matter simply as relating to a piece of land in the city of Quebec, and tell me how, under these circumstances, the title was ever to be cleared of this dispute. Obviously not by compensating first one party and then the other, because under those circumstances the Legislature would have had to pay twice the value of the claim. It could be only settled by getting the two parties to arbitrate and to leave it to some person to settle their mutual,