

GREAT DEBATE

On the Jesuits' Estates Act.

STATUS OF THE CATHOLIC CHURCH.

Dalton McCarthy Presents the Case for Disallowance.

SIR JOHN THOMPSON'S CRUSHING REPLY.

History of Jesuit Claims in Canada.

CONSTITUTIONALITY OF MR. MERCIER'S ACT UPHOLD.

Only Thirteen Members Vote for Col. O'Brien's Resolution.

dissolved, and their properties vested in the Crown. It was therefore plain that these estates had beyond question passed to the Crown. Sir James Murray's opinion, again evoked, declared that the Society of Jesus could not legally have any estates in Canada issued in 1763, and that the Crown had no obligation to restore them.

Some Reasons for Disallowance. If he had satisfied the house that these were public domains he had shown that Her Majesty was made to recede that these estates of hers had not been taken over and granted by her, that this was all child's play and that all the time the lands were at the disposal of the Sovereign Pontiff. If the Surrender act is in force, and whether it is in force or not, he held it to be a rule of international law that no foreign authority, whether temporal or spiritual, could be allowed to interfere with the Government of this country.

The Act of Incorporation. He thought, was not worth the paper it was written upon, and the other had not the slightest shadow of a moral or legal claim to any compensation. If there was a reasonable doubt about all he did not think it would be coming in a Minister of the Crown to advise the disallowance of the act, because the parties should have the right of a decision of a court upon it, but he thought there was no doubt in his mind as to the intervention of a foreign potentate. It had been held that such intervention was common for purposes of arbitration. He did not, for he could not deny this, but this intervention could only be asked by the sovereign, not by the subjects.

The Principles of the Jesuits. He denied the right of any hon. gentleman to say the order is under the eyes of the Pope of Rome and that the Pope is the head of the religious question. During the reign of some pontiffs, it is received the support of that power under some other pontiffs it did not receive that support. In the Quarterly Review of 1874 it was stated in an able article on the objects of the Jesuit order that they are organized to war against the foes of the Papal system.

This was a British Country and that affect must be given to the laws to which the country became subject at the conquest. At the time of the treaty of 1763 the Jesuits had the estates. It was in the power of the conquering state to enact such laws as seemed proper, and in October, 1763, the King's proclamation in the country the laws of the country which laws continued in effect until 1774. The power of the king to introduce these laws is not now open to controversy. The Jesuits at that time were an organization which could not be, and were not, tolerated by the laws of England. It was an illegal one, and the moment British laws were introduced into the country the Jesuit estates became forfeited to the Crown.

The Claims to the Estates. Looking back at the history of that period it was found that the sovereign had declared the Jesuits beyond the pale, and that they could not be allowed to hold their estates, though the rest of the religious bodies were allowed to remain in possession. On the 13th of August, 1763, in the instructions to Governor Murray, it was stated that through the King's Roman Catholic subject in Canada are not to be restrained from exercising their religion, they were allowed to do only in so far as the laws of Great Britain would permit.

The Dominion's Interest. It was no argument to say that because a certain piece of legislation was within the power of local legislation it should not be disturbed. The legislatures were not to be allowed to run the Government of the Dominion. Provincial legislatures should not be allowed to make grants of money to this or that religious body. If this were allowed they would find the bonds of Confederation in danger. If they were to say the law that had been passed in the legislative province of the Dominion, they would have been acting in violation of the Dominion's law. It was possible to imagine that the establishment of such an order as he had showed it to be was not a matter of concern to

the people of Ontario? The same persons who were incorporated did visit the province of Ontario.

Mr. Amoyt—Do you object to them going to Ontario? Mr. McCarthy said certainly he did. That was why he was now speaking. He had mentioned and aroused the people of the province in which he had the honor to come as they had never been awakened and aroused before was the principles of the order. It was impossible to suppose that men of the principle who were behind this agitation were inspired by any purpose of personal aggrandizement. The agitation was genuine, heartfelt and sincere. He was not here to explain the cause of the laxity of the Protestants in the province of Quebec in not protesting against this act. He would ask hon. gentlemen to say whether it was nothing but bling and cooing between the Protestants and Roman Catholics in the province of Quebec as stated by the member from Stansfeld speaking in this House. He had referred to Mr. Joly Why, that gentleman had been deposed and had resigned his seat, being practically driven from public life.

Hon. Mr. Laurier—Mr. Joly was deposed by the minority. Mr. McCarthy—Well, whether by the minority or not I don't know, but his successor was a matter of congratulation. Mr. Colby had said if they raised this question the Quebec Protestant representatives would lose their seats. If these Protestants were only here to carry out the wishes of the Roman Catholics then they represented the majority and not the Protestant minority. Let the Protestants of the province feel that they were getting justice from this Parliament and they would then be up and doing. He had heard no one here say he approved of it; so far the measure had gone without defence. He could not do better than close with the language of Principal Owen, and he adopted all that gentleman had said on the question. That gentleman had said that the Government should allow the duty of the Dominion Government to revise provincial legislation, and he believed that the Jesuit Estates act should be revised by the central Government.

THE MINISTER OF JUSTICE.

Sir John Thompson, minister of justice spoke on the question after recess. He felt, he said, in addressing the House upon this question and in presenting it at this stage of the debate the reason which he conceived justified his intervention was his sense of duty and his belief that he must ask more than the usual indulgence of the House. He would be compelled in the first place to deal at some considerable length, and he would have to speak under a sense of feeling that once great portion of the community of Canada nothing that he could say would be recognized as a personal attack, and he hoped the greater portion of the people of Canada no defence of the Government would be necessary upon this question. Considering the interest this measure had excited in all quarters in Canada it was only necessary that he should ask the patience of the House to make a plain statement of the reasons for which the Government advised His Excellency to allow the act and for which he was held responsible to-night. He wished to take exception to the statement of the hon. member from North Simcoe (Mr. McCarthy) with reference to the position the Government occupied in this debate. The hon. member complained that no member on the Treasury bench had risen to take part in the debate upon this question, and complained of it almost as a matter of discourtesy. He seemed to think that the way the debate should be carried on was a mere matter of convenience. He would leave it to the House that as the close of the debate last night no argument was made in answer to the statements made from the Treasury benches. No member on either side of the House was unaware at the commencement of this debate that the main ground on which the right to the Government in this matter would be assailed would be presented by the hon. member from North Simcoe. He (the speaker) was the most, if there be a difference between him and his colleagues, and he was primarily for the allowance of this act by this Government. He submitted the facts before every member of this House whether before stating the reasons, before which he himself must stand or fall, it was not his right to hear his answer before he made his statement, after which his mouth would be closed. The hon. gentleman from North Simcoe had addressed the House for three hours and presented the case upon which the greatest doubt must lie. He presented the case from step to step, for the purpose of proving that the Jesuits of Quebec had no legal title to the estates in question, which was admitted in the preamble of the bill.

The History of Disallowance. In this country, in the history of disallowance of our own statutes in the old country, search would be made in vain to find that an act was disallowed because the preamble was an improper one. The preamble of an act was to explain anything that was doubtful in the act. The act of the agitation that had been aroused about this act was on account of the following telegram, received in March from Cardinal Simonei: "The Pope allows the Government to retain the proceeds of the sale of the Jesuits' estates as a special deposit, to be disposed of hereafter when His Excellency, the Hon. Sir John Thompson, shall be so advised."

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made he had reserved all those rights which touch this question even in the remotest degree, and it was the idle for them to discuss how far he could have made legal laws applicable to this country. The year 1804, the last year of the old regime, was the last year of the old regime of the Crown could have taken possession of the property of the order. The Pope had suppressed the order all over the world and the properties, instead of reverting to the order, passed to the ordinary of the diocese in which they were situated. He would admit the continuation of his friends from the time that by the law these estates should have been sequestered to the Crown. There was

NO CLAIM FOR COMPENSATION. which was binding on the conscience of the Legislature of the province of Quebec. The consideration of that more right was shown from year to year when the province went on to assert its rights to these estates and to put them on the public market for sale. The whole hierarchy of the province of Quebec made a solemn protest against the sale of these estates. They might have said, at least the church reserves the right to a piece of property situated in the city of Quebec. How was the title to be cleared of such a dispute? It could only be done by referring the matter to some person who had authority over both parties to the dispute. It so happened that the hierarchy of Quebec and the other contending parties who struggled for contention in this claim, both belong to the head of that church as the authority to settle their claim. The head of the church had the power by their choice to settle their claim. In 1824 the Pope named the Archbishop of Quebec to act for him in the matter of the settlement. In 1837, and this was one of the means of creating hostility to this act, the least the church reserves the right to settle that claim, and withdraw the authority he had given to the Archbishop of Quebec. He simply withdrew the authority from one to whom he had given it. In his letter on the matter to the Prefect of the Sacred College of the Propaganda, Hon. Mr. Mercier had said:

"My predecessors in the Government deemed it their duty in 1876, I believe, to order the demolition of the college and the division of the property into building lots in view of an immediate sale, which, however, did not take place owing to the representations from exalted personages at the time. To avoid further difficulties, as I suppose, my predecessors let the matter lie and allowed the property to be so neglected that it has become a grazing ground and a receptacle for filth, so much so that it is openly said in Quebec that the question has become purely secular, and that it is not a matter of religion."

Under these circumstances, I deem it my duty to ask Your Excellency if you see any serious objection to the Government selling the property pending a final settlement of the question of the Jesuits' estates."

This hon. friend from North Simcoe conceived to be a petition on the part of the Government of Canada to the Holy See, that a foreign potentate, to sell the property. Permission to sell the property they did not need, because from year to year they had sold portions of it and put the proceeds in the public Treasury. They simply did not want to be put into the position when they put that property into the market of being met with a claim, which would be a matter of great concern to be made before, and so on. Mr. Mercier went on to say in his letter: "The Government would look on the proceeds of the sale as a special deposit to be disposed of hereafter in accordance with the agreements to be entered into between the parties interested with the sanction of the Holy See. As it will perhaps be necessary upon this matter to consult the legislature of our province which is so convened very shortly, I respectfully solicit an immediate reply."

They were told that it was absolutely necessary to go to this foreign power, and that it had been stated that perhaps it would be necessary to consult the Legislature of the province of Quebec. The province already had the right to sell these lands. But once it was agreed with the head of the church to sell these lands and to put them on the market, it was necessary to place the property already in the hands of the Legislature already had the power to sell the property; and yet this matter had been put before the House this very day as being only perhaps necessary to consult the Legislature, but that it was absolutely necessary to consult the Holy See. Another letter from Hon. Mr. Mercier to the Rev. Father Turgeon, procurator of the Jesuits at Montreal, stated:

"That you will grant to the Province of Quebec a full, complete and preperal concession of all the property which may have belonged in Canada, under what ever title, to the fathers of the old society, and that you will renounce to them all rights generally whatsoever upon such property, and that you will not be necessary to your province, the whole as well in the name of the old order of Jesuits and of your present corporation as in the name of the Pope, of the Sacred College of the Propaganda and of the Roman Catholic Church in general."

That any agreement made between you and the Government of the province will be binding only if it be ratified by the Pope and the Legislature of this province."

It appeared to him from this that the object was that before the Legislature of Quebec should be asked to pay a dollar of the money they would be in a position to say that they had obtained the release from every party who might have any claim to this property and that the society of presbyters and teachers could be held to be an endowment of a church. It was no more a violation of the principle of the separation of church and state than would be the endowment of a hospital under church control.

MR. MCARTHUR CASTIGATED. He had listened with some surprise to the statements of Mr. McCarthy respecting the teachings of this society. When the case of some opposition to the money was placed in the hands of such an eminent legal authority as the member for Simcoe, it was only reasonable to suppose that if the act should be disallowed the reason for disallowance stated by him should have been such as to be fittingly presented by the Minister of Justice in asking the Government to disallow the act. But the Government had been asked to disallow the act, and the reasons given to the House this afternoon he would be just fit to be expelled from His Excellency's presence just as fast as he could be put out. If he told His Excellency that the act should be disallowed because in 1874 the Quarterly Review had published a series of articles, opposed to them, His Excellency would probably ask him if these articles had been answered. He would have to acknowledge that they had been. Similarly with the other arguments put forward by Mr. McCarthy and to which the speaker referred in detail. In conclusion he would say that for the securing of good will and kindly charity toward all our people two principles must be allowed to prevail in the government of the country, first, that as regards theological questions the state must have nothing to do, and second, that as regards the control of the Dominion over provincial legislatures no section of this country, whether it be the great province of Quebec or the humblest province of the confederacy could be dealt with in accordance with the legislation of three hundred years ago.



restrictive on the people of this country than the sovereigns of Great Britain had been to themselves. In 1776 the Attorney-General had reported the Quebec clergy entitled to collect tithes. In 1817 the Roman Catholic bishop at Quebec received a mandamus calling him to act as one of the legislature of the province. In 1839 Governor Colborne incorporated the bishop of Quebec and all his successors. In 1838 a Roman Catholic college was incorporated in Prince Edward Island, and the law officers of the Crown advised that there was no abrogation of the Act of supremacy if the act could be held to apply to that province. Since then the province of British North America have received free institutions and legislative powers, and except in these matters of Imperial concern we are made self-governing. And yet we are told that we are under the restrictive legislation of three hundred years ago.

PROVINCIAL AUTONOMY. We had been told that a provincial legislature was only a delegated authority, but he contended that within its sphere the provincial legislature is as absolute as the Imperial Parliament itself. The B.N.A. act gave full authority to the provincial legislatures in the 19th section an Imperial statute repealing or modifying an Imperial statute relating to a subject under control, but he did not so regard it. We had three distinct decisions of the Judicial Committee of the Privy Council that legislating upon a power within its control a provincial legislature has power to repeal an Imperial statute even if it could be contended that this statute of the province of Quebec was in any way a derogation from the oppressive restrictions of the Supremacy act. In the year 1850 all the Roman Catholic bishops in Ontario were incorporated with their successors from time to time, and incorporated on the one condition that they were to come with the See of Rome. In 1854 the same thing was done for Quebec. In 1862 all the bishops of New Brunswick were incorporated.

THE PROTESTANT PROTEST. We have been told that because by a lapse there had been no protest against the incorporation of the Jesuits in 1837 the people had not forfeited their rights to protest; but in protesting those who did so were not only one year but thirty-seven years ago, because in 1837 the Jesuits' college was incorporated to teach the doctrines of the Jesuits. For this act of incorporation twenty-nine Protestants and thirty-seven Catholics voted, and there were all told only seven who voted against it. The religious toleration of that day seemed to be more marked than at the present. He referred to the numerous resolutions introduced under the control of the Jesuits order in Great Britain and asked for any evidence of evil resulting from the teaching of those institutions. There was no provincial legislature in Canada which would consent to have its powers curtailed by taking from the wall a rusty weapon which has hung there for two years. There were statutes which were repealed which would put the people of this country into prison to-morrow for heresy for not taking the sacrament, for professing the Unitarian doctrine and for similar prescribed grounds of offence. In 1871, by the statute of the province of Quebec there was an order incorporating the Jesuits under the name of the missionaries of the Holy See, de Societe de Jesus, and the protest against the incorporation raised, though it was the same in effect as that of 1837.

THE EDUCATION GRANTS. As to the branch of the arguments put forward that the Jesuits' Estates act misappropriated the property to which it related, he held that in regard to the property the statute gave the province no greater title than it had before. The minority of the province of Quebec had not suffered one whit by the passage of the act. The revenue from these estates had from year to year been paid into the Consolidated Revenue fund not to the fund for higher education. The allowance for education paid from the Consolidated Revenue fund was three times the revenue from the Jesuits' estates, which were altogether too small to be a security for purposes of higher education. There was no division of trust by the authority of this act, and this being so he thought the member for Simcoe must agree with him that he was right in deploring the bill to be only a fiscal matter, and rather late to treat it as anything else. The principle of supporting the higher education carried on by the society in the province has been recognized in the Supply bill for fifteen years past, yet we are asked now to disallow this act because it recognizes the principle to a larger extent. It was an absurd to discuss the provisions of the bill in the Parliament as it would be year by year to take up the Quebec provincial supply bill and discuss it here. We were told that the grant of money to this corporation was a church endowment which violated the separation of church and state in this country, but he failed to show the grant of money to a society of presbyters and teachers could be held to be an endowment of a church. It was no more a violation of the principle of the separation of church and state than would be the endowment of a hospital under church control.

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THE DEBATE AGAIN ADJOURNED. Mr. McNeill followed, speaking for only a few minutes in support of the disallowance resolution. Hon. David Mills moved the adjournment of the debate. It was then 11.40, and Sir John Macdonald objected, that the debate might proceed for an hour yet. However, at the earnest solicitation of Messrs. Mills, Cartwright, Mulock and Laurier, the adjournment was agreed to, Sir John and Mr. Bourne saying that they would do their best to have the debate and to-morrow.

The House adjourned at 11.50 p.m. (Continued on seventh page.) A marriage is arranged, and will take place in a few weeks, between Mr. Charles Russell, second son of Sir Charles Russell, G.C.M.G., M.P., and Miss Ada Wainman Williams, eldest daughter of the late Mr. William Williams, of Glamawddach, Dolgelly, North Wales.

Bless Your Souls! My brother farmers, why say 10 or 20 cents more for your vegetables than you really need? Buy from the GREGORY SEED CATALOGUE. It contains a list of the best seeds for your garden, and is sent to you free of charge. Write to JAMES J. H. GREGORY, Marblehead, Mass.

PERSECUTING A PRIEST IN LORRAINE. The Germanizing of Alsace-Lorraine necessitates a system of Balfourism, or petty persecution, in that province. The Imperial Chamber of Leipzig has just pronounced an edict which will not tend to minimize the struggle against the suppression of the French language. He has deprived of his stipend the parish priest of Neuchâtel, M. Sarraguines, who has been condemned to two weeks' detention in a fortress for "exciting the people against law and order." The rev. gentleman had refused to substitute French for German at his church, having his refusal on the fact that by a Decree of the French Council of State of 1825 French had been introduced as the official language of the Church. The Prussian authorities regard this plea as an aggravation of the priest's offence.

Arrangements are already in progress for the second International Scientific Congress of Catholics, which will be held in 1891. The organizing committee meets in Paris, and is also engaged in publishing the transactions of the first congress, held last year. The secretary is Monsieur J. Guieu, 20, Rue de la Chaise.

UNPRECEDENTED ATTRACTION! OVER A MILLION DISTRIBUTED! L.S.L. Louisiana State Lottery Company.

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GRAND MONTHLY DRAWING. At the Academy of Music, New Orleans, Tuesday, April 16, 1899. CAPITAL PRIZE, \$300,000. 100,000 Tickets at Twenty Dollars each. Halves \$100 Quarters \$50 Tenths \$20 Twentieths \$10.

Table of prize amounts and ticket prices for the Louisiana State Lottery Company. Includes categories like 1 PRIZE OF \$300,000, 1 PRIZE OF 100,000, etc., and ticket prices for 100, 500, and 1000 tickets.

IMPORTANT. Address H. A. DAUPHIN, New Orleans, La. By ordinary letter, containing MONEY ORDER issued by all Express Companies, New York Exchange, Draft, Postal Note, or any other form of remittance, sent to us by Express in sums of Five Dollars or over.

FITS STOPPED FREE. Nerve Restorer. For sale by J. A. Harris, 1780 Notre Dame street, Montreal.

INFORMATION WANTED. Of one Ellen Elliggett, daughter of John Elliggett, deceased, who lived in the Parish of Kirkcubbin, County of Kerry, Ireland, Blacksmith. The party who desires this information is James Elliggett, a brother of Ellen. The last known address of Ellen Elliggett was that she left Ireland for Canada about twenty-six years ago. Parties having any knowledge of the whereabouts of Ellen Elliggett are requested to address: JAMES ELLIGGETT, Fremont, Ohio.

PROVINCE OF QUEBEC, DISTRICT OF MONTREAL. Superior Court, No. 836. DAME GUYA BEBECIA MEKLEBURG, of the City and District of Montreal, duly authorized, on behalf of the heirs and assigns of the late JAMES ROGALSKI, of the same place, petitioner. An action for separation and for property has been instituted. Montreal, 27th February, 1899.