### THE TRUE WITNESS AND CATHOLIC CHRONICLE

APRIL 3 1889



Dalton McGarthy Presents the **Case for Disallowance.** 

SIR JOHN THOMPSON'S CRUSHING REPLY.

History of Jesuit Claims in Canada.

### CONSTITUTIONALITY OF MR. MERCIER'S ACT UPHELD\_

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

Orrawa, March 27 .-- Resuming the debate on Col. O'Brien's Jesuits act resolution this after-noon, Mr. Dalton McCarthy said that consider ing the nature of the motion before the House is would have been not unreasonable for some member of the Government to vaste to the House upon what grounds they had allowed the bill before the discussion had proceeded so far, and he would not have moved the adjournment of the debate had it not appeared that the debate was in danger of terminating for want of speakers. It was due to those who had already condemned the action of the administration that some defence should have been made from the Treasury benches. He did not think the de-fence made by the member for Lincoln (Mr. Rykert) required consideration, but the remarks of the member for Stanstead (Mr. Colby) be would deal with at some length. The question had to be considered in a twofold aspect, as to its constitutionality in the narrower sense of the term, and as to its constitutionality in the wider sense of the term. Whether intra vires or ultra vires of the Provincial legislature, the act should have been disallowed. It would not do to ignore the past, or, as Mr. Colby had said, avoid fine spun legal arguments. The first question which the Minister of Justice had to report upon was whether the act was beyond the power of the province before the next ques-tion came up, whether it ought to be disallowed on the ground of public policy. He would give

SOME OF THE SALIENT FRATURES. of this extraordinary piece of legislation It commenced with a letter from Premier Mercier asking of the Pope if he had any serious objection to the Guebec Government selling property providing if the settlement of the Jesuits estates' claims followed. You might search the records of any British parliament in vain without finding a parallel for this humi-liating passage. It had not excited surprise, however, in the quarter from which permission was asked, for the answer came graciously was asked, for the adawer came graviously was content on particular participation and the set of the state of ed upon, with the result that the estates were to be left intact and a money compensation grant-ed. Two millions were asked, but as halt this property belonged to the Dominion be supposed that even the Government of Canada wou be asked to give recompense for this half. But to come back to the Quebec bargain. it was only to be valid when ratified by His Holiness the Pope, upon whose act the province is thus made dependent. This act in effect sneaks away from the purposes for which the Jesuits' estates had been appropriated. He could only be astonished at the indifference which it had ex-Cited among the minority in the province of Quebec. The school funds of the province were misappropriated from their original purpose without serious protest from this minority. These estates were originally given to the Jesuit body for their own purpose. It was not an uncommon thing for the Jesuit fathers to acoumulate both lands and goods. Notwith-standing the yow of poverty they had, avarice was commonly charged against them. It was sometimes forgotten in the province of Quebec that

dissolved, and their properties vested in the Crown. It was therefore, plain that these estates had beyond question passed to the Crown. Sir James Marryatt's opinion, again evoked, declared that the Society of Jesus could not legally have any estates in Canada invested in them, and, therefore, could not transfor any tioned to be compensated out of the Jeruits estates for his conquest of Canada, and the King ordered that he be so compensated. Another proof of the King's possession of the lands was that when the province was granted in 1792 a

apecies of constitutional government, a protest was raised against the King thus handing over the property to General Amherat, and the alle-gation was first put up then that these estates had been given to the Jesuits for the purpose of ducetion. As agitted are commended in education. An agitation was commenced in the Legislature, and was kept up until 1831, when the Orown ceded these lands to the province for this purpose for which they were asked—that was, for educational pur-posses. In 1856 the estates and all the proceed funded or invested were formed into porceeds funded or invested, were formed into a fund to be called the Lower Oanada superior a find to be called the hower Owneds superior education investment fund. This special pro-perty, set spart for the minority as well as the majority of the Province of Quebec, had now been swept away by this act which it was asked should be disallowed, taken away from the minority by a parliament elected under the excitement of race and revenge.

#### SOME BEASONS FOR DISALLOWANCE.

If he had satisfied the house that these were public domains he had shown that Her Majesty was made to recite that these estates of hers had not been taken, owned 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 Pontifi. If the Surremacy 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 another state. He thought that the Minister of Justice should have made some report upon this measure when he asked Governor-General not to disallow it. In answer to the appeal of the Evangelical Alliance the Minister of Justice had formed it a mere fiscal matter. He claimed this it a mere fiscal matter. He claimed this designation to be an erroneous one. He hoped that His excellency would yet be pleased to disallow the act and wipe from the statute book this blot on Legislature. He held that this act was virtually an attempt to establish a state church amongst us, to interfere with the liberty of religion guaranteed to the people of Ganaia. He had never regreted the secularization of the clergy reserves. The act providing for this had prescribed the free exer-cise and enjoyment of all forms of religion not in contravention of the law of the land. This act of the Quebec Legislature granting a sum of money to a particular church renewed the connection between the church and state swept away by the Clergy Reserve Act. He thought no man of common sense could say that this grant was not a recognition of connection be-tween church and state. He had heard it said that this grant was made for the purpose of education. But while the six thousand dollars granted to the minority was tied up for purposes of education within the province of Quebec, the rest of the grant was not so restricted.

### THE ACT OF INCORPORATION,

he thought, was not worth the paper it was written upon, and the other had not the slight-est shadow of a moral let alone a legal claim to any compensation. If there was a reasonable doubt at all he did not think it would be becom ing 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 should have the right of a decision of a court upon it, but he thought there was no doubt in this case 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 sub-ject It would have been qually objectionable hed the intervention of the President of the had the intervention of the President of the United States been asked, because no subject or no province had the right to ask the Presi dent to intermeddle with our affairs. If Parlia ment could find any evidence that his grant was dedicated to educational purposes, then his ment could have any service the facts that there had before stating the reasons, before which he him-case would fail; but he thought there could be before stating the reasons, before which he him-been such a distribution of the four hundred bear his accuser before he made his statement, after which his mouth would be closed. The bon after which his mouth would be closed. The bon

the people of Ontario?. The same persons who were incorporated did visit the province of Ontario. Mr. Amyot-Do you object to them going to

Ontario ? Mr. McCarthy said certainly he did. That was why he was here now. What had awakened and aroused the people of the province from 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 pur-pose of personal aggrandizement. The agitapose of personal aggrandizement. The agita-tion 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 the act. He would ask hon. gentleman to say whether it was nothing but biling and cooing between the Pro testants and Roman Catholics in the province of Quebec as stated by the member from Stan-stard Speaking of this televance by the member ity, the member for Stanstead had referred to Mr. Joly Why, that gentleman had been de-posed and had resigned his seat, being practic-ally driven from public life.

Hon. Mr. Laurier-Mr. Joly was deposed by the minority.

Mr. McCarthy-Well, whether by the min-ority or not I don't think the choice of his sucority or not 1 don't think the choice or his suc-cessor 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 get-ting 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 Deinsing Course and he adouted lithou gotte not do becter onan close with the language of Principal Caven, and he adopted all that gentle-man had said on the question. That gentleman had said that occasions did arise when it was the daty of the Dominion Government to revise provincial legislation, and he believed that the Jesuit Estates act should be revised by the cen-tral Covernment tral Government.

#### THE MINISTER OF JUSTICE.

Sir John Thompson, minister of justice spoke on the question after recess. He felt, be said, in addressing the House upon this question and in presenting to it at this stage of the debate the reason which he conceived justified the Government in advising His Ex-cellency not to exercise his power of disallow ance of the bill that he must ask more than the usual indulgence of the House. He would be compelied in the first place to deal at some con-siderable length, and he would have to speak under a sense of feeling that to one great portion of the community of Canada nothing that he could say would be satisfactory and to another, and he hoped the greater, portion of the peeple 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 for the patience of the House to make a plain statement of the reasons for which the Government advised His Excellency to allow the Government advised His Excellency to allow the act and for which he was held respon-sible to night. He wished to take exception to the statement of the hon. member from North Simose (Mr. McCarthy) with re-ference to the position the Government occupied in this debate. The hon. member complained that no member on the Trea sury benches had risen to take part in the debate upon this question, and complained of it almost as a matter of dis courtesy. 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 at the close of the debate last night no argument remained unnuwered that called for a reply from the Treasury banches. No mem-ber on either side of the House was unaware at the commencement of this debats that the main eround on which the right to the Government in this matter would be assailed would be pre-sented by the hon, member from North Simcoe. He (the speaker) was the most, if there be a difference between him and his colleagues, re-sponsible primarily for the allowance of the act by this Government. He submitted to she fair.

made he had reserved all those rights which tonch this question even in the remotest degree, and it was the idle for them to discuss how far he could have made penal laws applicable to this country. In the year 1800 the last Jesuit died, and on the death of the last surviving member of the order the Crown could have taken possession of the pro-perty 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 ordinaries of the diocese in which they were sit-uated. He would admit the contention of his hon, friend from North Simcoe that by the law these estates should have been escheated to the Crown, There was

#### NO CLAIM FOR COMPENSATION

which was binding on the conscience of the Leg-lalature of the province of Quebec. The consid-eration of that mora 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 bierarchy of the province of Quebec made a solemn protest against the sale of these estates. They might look at this question as a business matter, as relating 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 re-ferring the matter to some person who had authority over both parties to the dispute. It so hs ppened that the hierarchy of Quebec and the other contesting parties who struggled for con-tention in this claim both belonged to the same church, and they applied 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 estile their claim. In 1884 the Pope named the Archbiehop of Quebec to act for him in the matter of the settlement. In 1887, and this was one of the means of creating hostility to this act, the head of the church reserved to to this act, the head of the church reserved to himself the right to settle that claim, and with-drew the authority he had given to the Arob-bishop of Quebec. He simply withdrew the au-thority 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 :---

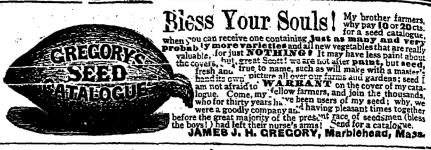
" My predecessors in the Government deem ed it their daty in 1376, I believe, to order the demolition of the college and the division of the property into building lots in view of an immediate sale, which, however, did not take place owing to certain representations from exalted personages at the time. To avoid further dificulties, 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 be-

come a public scandal. Under these circumstances, I deem It my duty to ask Your Eminence if you see any serious objection to the Government selling the thirty-seven years behind, because in 1852 the St. Mary's college was incorporated to teach the doctrines of the Jesuitz. For this act of incor-poration 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 mark-ed than at the present. He referred to the numerous educational institutions under the control of the low it order in Group Ratio and property pending a final settlement of the question of the Jesuits' estates."

This his hon, friend from North Simcoe con-ceived to be a petition on the part of the Gov-erament of the province of Quebec to ask per-mission of a foreign potentate to sell the promission of a roreign potentate to sell the pro-perty. 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 solemn i rotast against the sole of property and solemn property mite the sale of property, as had been made before, and so on. Mr. Mer-cier went on to say in his letter :--

"The Government would look on the pro-ceeds of the sale as a special deposit to be disposed of hereafter in accordance with the agree-ments to be entered into between the parties ments to be entered into between the parties interested with the sanction of the Holv See. As its will, perhaps, be necessary upon this mat-ter to consult the legislature of our province which is to be convened very shortly, I respectfully solicit an immediate reply."

They were told that it was absolutely neces-sary 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 pristed the property to which it is related, he held that in regard to the sale of the property the statute gave the province no greater title than it had before. The minority of the pro-vincel of Quebec had not suffered one whit by the passage of the act. The re-venue from these estates had from year to year the head of the church to sell these lands and to put aside the funds there was no necessity to consult the Legislature, because 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 absolbeen paid into the Consolidated Revenue fund not to the fund for higher education. The utely necessary to consult the Holy See. Ano-ther letter fron Hon. Mr. Mercier to the Rev. ther letter fron Hon. Mr. Mercier to the Rev. allowance for education paid from the Con-Father Turgeon, procurator of the Jesuits at Montreal, stated :-



had reported the Quebec clergy entitled to col-lect tithes. In 1817 the Roman Catholic bishop

at Quebec received a mandamus calling him as such to be one of the legislature of the province.

In 1839 Governor Colborne incorporated the bishop of Quebec and all his successors. In 18-

38 a Romau Catholic college was incorporated in Prince Edward Island, and the law officers

of the Orown advised that there was no abrog-stion of the Act of supremacy if the act could be held to apply to that province. Since then the provinces 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

PROVINCIAL AUTONOMY.

We had been told that a provincial legislature was only a delegated authority, but he con-tended that within its sphere the provincial legislature is as absolute as the Imperial Parlia-

ment itself. The B. N. A. act gave such au-thority, though the act seemed to contain in the

129th section a reservation against repealing or modifying an Imperial statute relating to a sub-

ject under control, but he did not so regard it. We had three distinct decisions of the Judicial

Committees of the Privy Council that legislating

upon a power within its control a provincial legislatura 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 derogature from the oppressive restric-tions of the Supremery 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 in common with the See of Rome. In 1854 the same thing was done for Quebec. In 1862 all the bishops of New Bruns-

THE PROTESTANT PROTEST.

THE PROTESTANT PROTEST. We have been told that because by a lapsus there had been no protest against the incorpor-ation of the Jesuits in 1837 the people had not forfeited their rights to protest; but in protest-ing those who did so were not only one year but thirty-seven years behind, because in 1852 the St.

control of the Jesuit order in Great Britain and

taking from the wall a rusty weapon which has hung there for two years. There were shatules yet unrepealed which would put one third of the people of this country into prison to morrow for

heresy for not taking the sacrament, for profess-ing the Unitarian doctrine and for similar pre-

scribed 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 de Notre Dame de Societe

de Jeaus, and no protest against this had been raised, though it was the same in effect as that

THE EDUCATION CHANTS.

As to the branch of the arguments put for-ward that the Jesuits' Estates act misappro-priated the property to which it is related, he

of 1887.

of three hundred years ago.

rick were incorporated.

restrictive on the people of this country than PERSECUTING A PRIEST IN LOR. the sovereigns of Great Britain had been to RAINE. the sovereigns of Great Britain had been to themselves. In 1776 the Attorney-General

The Germanizing of Alsace-Lorraine necas-sitates a system of Balfourism, or petty per-secution, in that province. The Imperial Chamber of Leipsic has just pronounced an edict which will not tend to minimise the strug-cla accient the suppression of the French law edict which will not tend to minimize the strug-gle against the suppression of the French lan-guage. It has deprived of his stipend the parish priest of Neuenkerchen, near Sarregue-mines, who has been condemned to six 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, basing his refusal on the fact that by a Decree of the Ererch Council of State of 1865 French was introduced as the official lan-guage of the Ohurch. The Pressian authorities regard this plea as an aggravation of the priest's 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 committée meets in Paris, and is also engaged in publishing the transactions of the first congress, held last year. The secre-tary is Monsieur J. Guien, 20, Rue de la Chaise Chaise.

### **LINPRECEDENTED ATTRACTION 1** OVER A MILLION DISTRIBUTED



Louisiana State Lettery Company. Incorporated by the Legislature in 1868, for Educa-tional and Charitable purposes, and its franchise made a part of the present State Constitution, in 1879, by an overwhelming popular vote.

Its MAMMOTH DRAWINGS take place Semi Annualy (June and December), and its GRAND SINGLE NUMBER DRAWINGS take place in each of the other ten months of the year, and are all drawn in public, at the Academy of Music, New Orleans, La.

### FAMED FOR TWENTY YEARS

For Integrity of its Drawings, and Prompt Payment of Prizes, Attested as follows:

A USES USE AN INITIAL DESCRIPTION AND A USES 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



Commissioners

We the undersigned Banks and Bankers will pay an Prizes drain in The Louisiana State Lolleries which may presented at our counters.

R. M. WALMSLEY, Pres. Louisia 78 Nat'l Bk PIERBE LANAUX, Pros. State National Bank A. BALDWIN Pres. New Orleans Nat'l Bank CARL KOHN, Pres. Union National Bank.

GRAND MONTHLY DRAWING At the Academy of Music, New Orleans, Tuesday, April 16, 1889. CAPITAL PRIZE, \$300,000 100,000 Tickets at Twenty Dollars each. Halves \$10; Quarters \$5 Tenths \$2; Twentieths \$1. LIST OF PRIZES

#### THIS WAS A BRITISH COUNTRY

and that affect must be given to the laws to which the country became subject at the con-quest. 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 seeme proper, and in October, 1763, the king introduc-ed into the country the laws of the country, which laws continued in affect 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 this country the Jesnit estates became forfeited to the Orown Not only had we the law as stated, but we had the action of parliaments before and after the union, declaring possession of the estates, and yet a hundred years later we saw the Premier of Quebec in the humiliating position of sung for the sanction of the Pope to dispose of them. The spiritual power of the Pope of the right to excommunicate kings and countries was what was struck out by the Act of Supremacy, not his temporal power, his gurs and his men had never been so numerous as to excite the apprehension of any great power.

#### THE GLAIMS TO THE ESTATES.

Looking back at the history of that period it was found that the sovereing had declared the Jesuits beyond the pale, and that they could not be allowed to hold their estate, though the rest of the religious bodies were allowed to remain in possession. Un the 13th of August, 1763, in the instructions to Governor Murray, 1763, in the instructions to Governor Murray, it was stated that though the King's Roman Catholic subject in Canada are not to be re-strained from exercising their religion, they were allowed so to do only in so far as the laws of Great Britain would permit The Govern-ment was directed to exercise diligence in observing the action of the priests, so that no other purpless should be accurated. other privileges should be assured. A later instruction was to the effect that while the Jesuits were to be allowed to live on their estate for life, they should not be allowed to alienate or embezzle these estates, possession of which was to be ceded to the King at their death. Str James Marryatt had reported on this particular question that the rights of the Romish Church were to be exercised only so far as the laws for-bade the practice of that religion interpreted by their letter, and there remained a proposition to be worked out to reconcile the treaty stipulation with the British law. In the Quebec act the religion of the inhabitants of the country was protected, but the dvil institutions were dealt with as something entirely distinct. In

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under any pretence or pretext by a provincial legislature was an act that should be disallowed.

### THE PRINCIPLES OF THE JESUITS.

He denied the right of any hon. gentleman t say the order is under the eyes of the Pope of Rome and you must not interfere. It was not a religious question During the reign of some pontiffs, it is received the support of that power under some other pontifis it did not receive that support. In the Quarterly Leview of 1874 it was stated in an able article on the objects of the Jesuit order that they are organized to war The oath the foes adverse to the Papal system. The oath that was taken by the members of the Jesuit order was that to implicit obedi-ence to their chief. They were educated so that they should have no will. Nothing, per haps, was more true than the statement made in the report of the Attorney General of Paris, who was called upon to investigate the guiding principles of the order. He found from this investigation that every member was bound to the most implicit and blind obedience. They must even sacrifice their lives if ordered b do so. Other authors represented the Jesuits as bearing a two-faced shield, one representing the glory of God and the salvation of souls, and the other side the glory of the society and its future ascendancy. As the society has been in the past so it is now. There has been no change or shadow of turning. Quoting further from the Quarterly Review of 1874, it was found that the charge that the Pope who suppressed the order had been poisoned by Jesuits was exploded. The writer endeavored to show, and he thought he did show, that probablism, mental reserva tion and that the end justified the means were still the benets of the order. What was the history of the order? Were they held respon-Were they held responsible for the revocation of the Edict of Nautos? Cardinal Duffy had written of the Jesuits that they were the same to-day as they were two hundred years ago. It was useless to make citations, but he did think their expulsion from France would have been of use to his friends. Everybody else could not always be in the wrong and the Jesuits always in the right. They had been expelled from

every country. Mr. Amyot-They were not expelled from Russia.

Russia. Mr. McCarthy—They were expelled from Russia, and their expulsion put an end to the concordat that had existed between St. Peters-burg and the Papal authority at Rome. After reading from endorsed reports of the debates at Paris on the Jesuits at the time their expulsion was discussed, he said is would be for the House to judge whether the Jesuits were an order who were thought fit to be encouraged in this coun-try. The Jesuits were expelled from Germany in 1872. They had been admitted into Pressie ory. Inc. Jesuius were expelled from Germany in 1872. They had been admitted into Prussia by Frederick II. Their expulsion from that country was especially applicable to this coun-try. Having obtained a footbold in that country they had begun to spread Ultramontain principles that were considered inimical to civil governinent.

#### THE DOMINION'S INTEBEST.

It was no argument to say that because a cer tain piece of legislation was within the power of local legislation it should not be disturbed. The legislatures were not to be allowed to run in different directions. Different 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 has been passed is within the legislative pro-vince of the provincial legislature, they would soon see that the provinces would get more and king of England could not bring in the common king of England could not bring in the common king of England could not bring in the common king of England could not bring in the common king of England could not bring in the common king of England could not bring in the common the religion of the inhabitants of the country way protected, but the dvil institutions were dealt with as something entirely distinct. In 1775 express instructions were given to Gover-in 2 dealther to be was not a matter of concern to ner, Color that the Roman Catholic subjects in the volue of Quebec. The reported that the Roman Catholic subjects in the volue of Quebec. The reported that the Roman Catholic subjects in the volue of Quebec. The reported that the Roman Catholic subjects in the volue of Quebec. The reported that the Roman Catholic subjects in Creat and applied it to the provinces would got more and the ophical subject in the volue of Quebec. The reported that the Roman Catholic subjects in Creat and miss Ada Walmeley Williams, and miss Ada W

memoer for Norm Sincoe 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 JESUITS' POSITION.

Long b-fore the cession of Canada to Great Britain the Jesuits had labored in the wilder-ness of this country and in the schools and churches of Canada. As the reward for their missionary zeal and the work of teachers that missionary zeal and the work of beachers that order had directed in this country they were erected into a corporate body by one of the most solemn acts of the King of France, pass-ed under his hand and by private donors who wanted to place in their hands that by which their work could be carried on. These were the terms by which they had their lands when the battle of the Plains of Abraham was fought. What were those terms? By the law of na-tions, recognized in every civilized country in the world, the conquering power took possession of all the rights and privileges which the con-quered monarch had in the country. He took In the king's stores, cannons, srms, and ammuni-tion and the king's treasures in the country, but he was powerless by the law of nations to lay his hand upon the property moveable or im-moveable of the humblest subject in the coun-try, and if he had been otherwise it would have an outrage upon the law of nations, which the conquering general solemnly awars he will ob-serve. In the course of this debate it had been said by the terms of capitalation of their property they were placed at the very feet of the conqueror. He did not so read the international law as that being the right of the conquerers. Article 3rd of the terms of the conquerers. Article 3rd of the terms of capitulation referred to the property, revenues, etc., of the setgniory and asked that their estates should be preserved in their rights and exemptions. The answer to this was granted, and yet they were told to-night that these estates, which came within the direct working of these terms, were reserved for the king's mean. The areading section 38 was desilved of these terms, were reserved for the kings marcy. The preceding section 33 was declined until the king's pleasure be known. Not that there was any distinct question of the Jesuits, that article relating not t. the property only of the Jesuits, but provided that in addition to that they should have all their rights and privileges of their religion, and to this section the answer was reserved until the king's pleasure in known. But to that section that they should keep their property, the answer was given "granted." The gist of the supremacy act was that persons outside of the realm of England should not exercise within the Queen's domin-ions any spiritual supremacy. If there was spiritual supremacy in the province of Quebec then there could be no priest in the province of Quebec, and if no priest uo bishop and if no priest in the province of Quebec no sacrament for a dying person in the province of Quebec, Obviously

THE TREASY MEANT NO SUCH THING. Reference has been made to the fact that there was no freedom of worship for Roman Catholics at that time in Great Britain, but that was not Britain, as Great Britain permitted freedom of Britain, as Great Britain permitted freedom of worship in her colonies twenty-five or thirty years after the conquest of Canada. The King of Great Britain issued a proclamation suppress-ing the order of Jesuits in the province of Que-beo. The King of England had not the power to revoke the terms of the charter which the Jesuits had received from the King of France.

them all rights generally whatsoever upon such property and the revenues therefrom in favor of our 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 ble Government of the province will be binding only in so far as it shall be ratified by the Pope It appeared to him from this that the object and

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 obbained the release from every Larty who might have any claim to this property and this letter, which was taken such grave objection to, was more against than in favor of the Holy See,

#### THE HISTORY OF DISALLOWANCE

in this country, in the history of disallowance of cur own statues in the old country, search would be made in vain to find that an act was disallowed because the preamble was an impro-per one. The preamble of an act was to explain anything that was doubtful in the act. Ninetenths of the agitation that had been aroused about this act was on account of the following telegram, received in March from [Cardinal Simeoni :

"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 with the sanction of the Holy See."

This telegram was was erroneously interpreted to mean that the Pope had given his permission to the Government to retain the proceeds of the sale of the Jesuit estate, whereas if the telegram was taken with the other communita-tion, it was clearly found to bear a different meaning, for the Legislature possessed the right to sell these lands and retain the proceeds as already shown. It was said with much gravity and force in this House that the bill denied the subtority of the Queen. The bill did not in the slightest degree deny any right spiritual or temporal of Her Majesby the Queen. It had but what was its real meaning. He denied that this act derogated from the authority of Her Majesty as the head of the British Em pire. It did not, as had been charged, place the public money of Quebec at the disposal of a foreigner. When the \$400,060 was paid out of the treasury, Her Majesty had not the elightest claim to it. In ordinary course it would have been paid to one of the claimants; it was left in this instance to the head of the church to say how the claimants should have share in it.

#### ROMAN CATHOLIC BIGHTS,

He would be content to rest the case here were it not that we had been taken back to the legislation of three hundred years ago, and were asked to apply to this measure the Supremacy act, and had we not been told that the Dominion was to apply to one of its provinces the coercive legislation which used to exist three hundred years ago. In 1765 the law officers of the Grown reported that the Roman Oatholic subjects in the colonies were not subject to the same inca-

Montreal, stated :--That you will grant to the province of Que-bec a full, complete and prepetual concession of altogether too small to be a security for pur-poses of higher education. There was no divis-altogether too small to be a security for pur-poses of higher education. There was no divis-bec a full, complete and prepetual concession of altogether too small to be a security for pur-poses of higher education. There was no divis-tion of trust by the authority of this act, and this being so be thought the member for Simcoe must agree with him that he was right in de-there all rights generally whatenever unon much claume the built to be call a final matter. The claring the bill to be only a fiscal matter. It was 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 fif been years past, yet we are asked now to disal-low this act because it recognizes the principle low this act because it recognizes the principle to a larger extent. It was as absurd to discuss the provisions of this bill in this Par-liament as it would be year by year to take up the Quebec provincial sup-ply bill and discuss it here. We were told that the grant of money to this corporation was a church endowment which violated the separ-ation of church and state in this country but stion of church and state in this country, but

he failed to see how the grant of money to a society of preachers 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 en-

## dowment of a hospital under church control,

He had listened with some surprise to the statements of Mr. McCartby respecting the teachings of this society. When the case of bhose opposed to the society 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 Governor-General to disallow the act. But he thought that if he appeared before His Excellency with

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 Ris Excellency that the act out. should be disallowed because in 1874 the Quarterly Review had published a series of Quarterly Review had published a series of articles, opposed to them, His Excellency would probably ask him if these had not been answered. He would have to acknow-ledge that they had been. Similarly with the other arguments put forward by Mr. McCartby and to which the speaker refer-ed in detail. In conclusion he would say that for the securing of good will and kindly charity hetween all our people two principles must he temporal of Her Majesty the Queen. It had been stated that the preamble was passed as a protection, yet we were asked to advise His Excellency that it was no protection at all, but a distinct challenge to Her Majesty. In advising the Governor-General on the subject of disallowence or allowance of an act the Ministry had to consider not the skill of the drafteman who had made the act, but what was its real meaning. He denied of Quebec or the humblest province of the con-federacy should be dealt with in accordance with the legislation of three hundred years ago. THE DEBATE AGAIN ADJOURNED.

Mr. McNeill followed, speaking for only a few minutes in support of the disallowance re-

solution. 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 earn-est solicitation of Messers. Mills, Cartwright, Mulock and Laurier, the adjournment was agreed to, Sir John and Mr. Laurier stating 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 Easter week, between Mr. Charles Russell, second son of Sir Charles Russell, Q.C., M.P. and miss Ada Waimsley Williams, eldest daughter of the late Mr. William Williams, of

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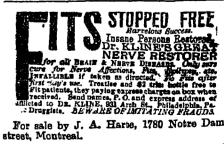
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### INFORMATION WANTED

of one Eilen Elligett, daughter of John Elligett deceased, who lived in the Parish of Kilkon-nelly, County of Kerry, Ireland, Blacksmith. The party who desires this information is James Elligett, a brother of Ellen. The last known of Ellen Elligett was that she left Ireland for Of Ellen Enligers was that the fell field formed Ganada about twenty-six years ago. Parties having any knowledge of the whereabouts of Ellen Elligett are requested to address JAMES ELLIGETT, Fremont, Obio,

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DROVINCE OF QUEBEC, DISTRICT OF MONTHEAL, Superior Court. No. 826. DAME GUTA. BEBECOA MECKLENBURG, of the City and District of Montreal, duly authorised a setter en justice, Plainriff, against JAOOB BOBHEGOIANY, ovids ROGALSKY, of the same place, trador. An ac-tion for separation as to property has been instituted in this case on the 14th intern.

Montreal, 27th February, 1850. 81-6 \$.29,27M-3A T. C. de LORIMIER Atty. for Pliff

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