

the owner of the property in question; the agent of the Department of Justice, who examined the title, stating:

"It is plain that Miss Hubert has no title to the property in question; and as the works do not extend above the line of high water mark, no grant of a water lot for that spot having ever issued, and no damage being done to the premises, it is evident the parties actually owning those lands have likewise no right to claim damages."

This opinion was conveyed to Miss Hubert under date 8th November, 1886.

CORRECTION.

Mr. COOK. I notice in the *Toronto World* of the 22nd of March the following statement:—

"Mr. Cook's Bill to compel owners of elevators to provide proper precautions to prevent accidents, came to grief to-day in the Select Committee to which it had been referred. They came to the conclusion that the subject was one for provincial legislation."

I am not the author of the Bill. It was introduced by the member for North Ontario (Mr. Edgar).

Mr. MADILL. The Bill got the six months' hoist.

SUPPLY—JESUITS' ESTATES ACT.

House resumed adjourned debate on the proposed motion of Mr. Foster: "That Mr. Speaker do now leave the Chair for the House to go again into Committee of Supply;" and the motion of Mr. O'Brien in amendment thereto.

Mr. McCARTHY. At the close of the sitting last evening I rose somewhat reluctantly, and only because I thought if I did not seize that opportunity, you, Sir, would call in the members, and the opportunity of addressing the House would be lost. I thought then, and I think now, that considering the nature of the motion which is before the House, it would not have been unreasonable for the Government, or some member of the Government, to have defended their action in the past in allowing the Bill under discussion, and to have given those reasons to us which, perhaps, would have justified their course, and, at all events, would have enabled those who differ from them to show wherein that difference lies. My hon. friend from Muskoka (Mr. O'Brien) is entitled to the thanks of this House and country for bringing this matter before Parliament. It would have been, I think, an everlasting disgrace to us if, in this, a free Parliament and free country, there would be no member found out of the 200 odd who compose this House, to give voice to the opinions of a very large body of the people who have been aroused with regard to this measure. I say when my hon. friend from Muskoka (Mr. O'Brien) gave reasons why he thought this Bill should still be disallowed, notwithstanding the action of the Government, when he assailed the action of the Government upon constitutional grounds, and when to that was added the attack made by my hon. friend from West York (Mr. Wallace), and the more elaborate attack, upon legal grounds, made by the hon. member for North Victoria (Mr. Barron), it does appear to me that it would have been ordinary courtesy to those hon. gentlemen, and to the House itself, that some defence should have been made from the Treasury benches. I hardly think that we can take seriously the defence which has been offered by the hon. member for Lincoln (Mr. Rykert). I do not for myself take it seriously. With regard to the hon. member for Stanstead (Mr. Colby), the case is different. His remarks require attention, and from me they shall receive serious consideration. But, although my hon. friend from Lincoln (Mr. Rykert) is a gentleman of long standing in the House, he frankly told us that he prayed, as I understood him, that he never again would have to present himself before his constituents to ask for a renewal of their confidence.

Mr. RYKERT. I did not say so.

Sir HECTOR LANGEVIN.

Mr. McCARTHY. I must have misunderstood the hon. gentleman, and, of course, take that back. Then my hon. friend, the other gentleman to whom I have referred (Mr. Colby), who spoke so feelingly and so ably, whose voice we are always glad to listen to, whose wisdom we all recognise, is possibly a prospective Minister; but, although that be so, I think it would still have been perhaps better if we had heard from an actual Minister, and not a prospective Minister, on a question of this importance. It may be that before this debate closes the House will hear from the Treasury benches upon this subject. Their silence so far in the discussion is, I consider, hardly giving us fair play. Fortified by the leaders opposite, fortified by the great number of hon. gentlemen who are going to support them in this House, I do think they should have allowed the small band here who are opposed to their action any possible advantage that could be given by the debate, and not have remained silent, but have given the reasons why the course of the Government should be sustained. However that may be, we must take the situation just as we find it, and I was not willing the discussion should close without giving the reasons why I am taking the course which I propose taking on this important matter, and in which I will have to separate myself from my political friends with whom it has been my pride and pleasure to act up to this time. The question must be considered in a two-fold aspect. It has to be considered as to its constitutionality in the narrower sense of the term, and as to its constitutionality in the wider sense of the term. If it is *ultra vires* the Legislature of Quebec, it ought to have been disallowed. If it is *intra vires*, if it is within the powers of the Legislature of that Province, then I still say it ought to have been disallowed. But the matters are so entirely separate and distinct—the one resting upon legal constitutional principles of one description, and the other depending upon considerations of a widely different character, that I have to ask the permission of the House to deal with these matters separately and distinctly. First, it is well we should clearly understand the character of the legislation which is assailed. It will not do to ignore the past; it will not do, as the hon. member for Stanstead (Mr. Colby) did, to say it is not necessary to consider fine spun legal arguments, or to deal with the question in that way. All these questions have first to be considered from the legal point of view. We have a very large volume, not down to the present time, of the cases which have been disallowed, most of them because they were beyond the power of the Provincial Legislatures to enact. Therefore, the first question which the Minister of Justice had to report upon was whether this Act was constitutional in that sense of the term. The first question was whether it was within the powers of the Legislature of the Province. Then the other question came before himself and colleagues—a matter more of great public policy than of law—as to whether on these grounds the measure ought to have been disallowed. It is well to look at the Act, and although I have no doubt that all of us have read the Act and pretty well understand it, yet I will ask the House to bear with me while I give shortly a summary of what I consider to be the salient features of this most extraordinary piece of legislation. It commenced by a letter from the Premier of Quebec, in which he addressed His Eminence the Cardinal, who, I suppose, occupies somewhat the position of the Prime Minister of His Holiness the Pope. In that letter Mr. Mercier, having recited the history of the case, says:

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

Here we have the Premier of one of our Provinces asking of His Holiness, or of the Secretary of the Propaganda, occupying the position to which I have referred, for per-