

House of Commons Debates

THIRD SESSION, SIXTH PARLIAMENT.—52 VIC.

HOUSE OF COMMONS.

TUESDAY, 26th March, 1889.

The SPEAKER took the Chair at Three o'clock.

PRAYERS.

FIRST READINGS.

Bill (No. 121) to amend the Summary Trials Act (from the Senate).—(Sir John Thompson.)

Bill (No. 122) respecting collection of certain tolls and dues mentioned therein (from the Senate).—(Sir John Thompson.)

THE *MODUS VIVENDI*.

Mr. JONES (Halifax). Before the Orders of the Day are called, I would like to ask the leader of the Government whether the report is true which we see in the newspapers, that the Government have agreed to the *modus vivendi* for the coming year; and, if so, whether the Orders in Council and further instructions relating thereto will be laid on the Table of the House? This is a very important question, and one in which the people take so much interest that I think the decision arrived at by the Government should be given in a formal way to this House.

Sir JOHN A. MACDONALD. I can answer the hon. gentleman, "Yes." We have been in communication with the Government of Newfoundland on this matter with a view to have joint action, as I have mentioned before. On Friday or Saturday, I forget which, but I think it was Saturday last, we received a communication from the Government of Newfoundland to the effect that they decided to allow the *modus vivendi* to go into operation for the coming season, and this Government acted accordingly. The papers will be brought down.

BEHRING'S SEA FISHERIES.

Mr. MITCHELL. Before the Orders of the Day are called, I would like to ask the right hon. gentleman if he has noticed the published report, or departmental order of the American Government, in relation to the Behring's Sea, and whether any correspondence has taken place in relation to that question which is likely to create so much dispute. I may state that I have heard a very great many opinions as to what the effect of that order of the American Government is, but my own impression is that the order is much more limited in extent than the general public seem to believe it is. I think it would be well if the Government should make some explanation on the subject so as to ease the public mind.

Sir JOHN A. MACDONALD. There has been no correspondence with the American Government on this subject. I can quite understand the hon. gentleman asking the

question, because there is a great deal of misapprehension existing with regard to the matter. An Act was passed by Congress some years ago respecting the Behring's Sea, and it is a clause or provision of that Act of Congress that every year there shall be a proclamation issued warning the people as to the provisions of that statute. The present is only the ordinary proclamation which was issued last year, and probably the year before and for some years past. There is nothing in it to cause any alarm.

Mr. MITCHELL. Is there any new feature in it?

Sir JOHN A. MACDONALD. There is no new feature.

SUPPLY—THE JESUITS' ESTATES ACT.

Mr. FOSTER moved that the House again resolve itself into Committee of Supply.

Mr. O'BRIEN. I beg, Sir, to move in amendment:

That all after the word "That" be left out, and the following inserted in lieu thereof: Mr. Speaker do not now leave the Chair, but that it be resolved, that an humble Address be presented to His Excellency the Governor General, setting forth: 1. That this House regards the power of disallowing the Acts of the Legislative Assemblies of the Provinces, vested in His Excellency in Council, as a prerogative essential to the national existence of the Dominion; 2. That this great power, while it should never be wantonly exercised, should be fearlessly used for the protection of the rights of a minority, for the preservation of the fundamental principles of the Constitution, and for safeguarding the general interests of the people; 3. That in the opinion of this House, the passage by the Legislature of the Province of Quebec of the Act intituled "An Act respecting the settlement of the Jesuits' Estates" is beyond the power of that Legislature. Firstly, because it endows from public funds a religious organisation, thereby violating the undoubted constitutional principle of the complete separation of Church and State and of the absolute equality of all denominations before the law. Secondly, because it recognises the usurpation of a right by a foreign authority, namely, His Holiness the Pope of Rome, to claim that his consent was necessary to empower the Provincial Legislature to dispose of a portion of the public domain, and also because the Act is made to depend upon the will, and the appropriation of the grant thereby made as subject to the control of the same authority. And, thirdly, because the endowment of the Society of Jesus, an alien, secret and politico-religious body, the expulsion of which from every Christian community wherein it has had a footing has been rendered necessary by its intolerant and mischievous intermeddling with the functions of civil government, is fraught with danger to the civil and religious liberties of the people of Canada. And this House, therefore, prays that His Excellency will be graciously pleased to disallow the said Act.

I should like to say, in the first place, that, in addressing the House upon this question, which I shall do as briefly as possible, I desire to avoid as far as may be what may be called its religious side, and to confine myself to its constitutional and political aspect. I would further say that I would not have undertaken the serious responsibility of bringing before the House a subject of so delicate a nature, attended with so many difficulties, and so likely to give rise to angry