

however, that the objection thus raised by the appellants is founded on an entire misconception of the true character and position of the Provincial Legislatures. They are in no sense delegates of or acting under any mandate from the Imperial Parliament. When the British North America Act enacted that there should be a Legislature for Ontario, and that its Legislative Assembly should have exclusive authority to make laws for the Province and for provincial purposes in relation to the matters enumerated in section 92, it conferred powers, not in any sense to be exercised by delegation from or as agents of the Imperial Parliament, but authority as plenary and as ample within the limits prescribed by section 92, as the Imperial Parliament in the plenitude of its power possessed or could bestow. Within these limits of subjects and areas the Local Legislature is supreme and has the same authority as the Imperial Parliament."

(1) 3 App. Cas., 889. (2) 9 App. Cases, 117.

Well, Sir, later on we had the not forgotten case of the Queen against Riel before the Privy Council in which this state of affairs was shown. There had been three Imperial statutes passed expressly for the regulation of the trial of offences in Rupert's Land, now known as the North-West Territories. The statutes of Canada contained provisions repugnant to those, and on the appeal to the Privy Council it was decided that the Parliament of Canada had the power to pass legislation changing those statutes and repealing them if necessary. I infer from this that in touching on a question of religious liberty, which is surely a civil right of the people of the Province, the Provincial Legislature is untrammelled in the exercise of its power by the Imperial legislation of centuries ago. I say, therefore, that, even though it can be contended that this statute was in any degree a derogation from the restrictions of the Supremacy Act—from the oppressive restrictions of the Supremacy Act—and if it should be seriously decided that the Supremacy Act prevails in British North America, that we have no freedom of religion, that no man has a right to dissent from the Church of England, that no man has a right to exercise the Catholic religion, that no man has a right to exercise submission to a superior, whether that superior be the president of a conference, the moderator of an assembly, or the first bishop of his church, then, I say, the first duty of this House, the first duty of every Legislature in the Provinces of Canada, would be to declare that we have in this 19th century the rights of freemen and the rights of religious liberty according to our consciences, and to say that that Act, 300 years old, and for 200 years and upwards ignored in the United Kingdom, shall not restrict the people of these Provinces in their right of belief, and freedom of worship and their right under the British North America Act to have a constitution similar in form to that which our fellow subjects in the United Kingdom enjoy. Let me see how far the Provinces, from time to time, in the exercise of their right of self-government conferred upon them, have insisted on that policy, and have insisted upon that right with the full recognition of the Imperial authorities, for let it be remembered that before 1867 our statutes had to go home and be revised by the Colonial Office under the advice of the Crown officers. Why, Sir, in the year 1850 the Roman Catholic bishops in the Province of Upper Canada were incorporated, and their successors from time to time canonically appointed. "Their successors," our friend from Simcoe will tell us, "oh, yes, but not successors recognising any authority from a foreign superior." Read the statute, and I will give up the argument if it does not say:

"In communion with the Church of Rome."

Therefore, in 1850, the Legislature of Upper Canada incorporated those bishops and gave them corporate powers, on the one condition which, according to the hon. member for Simcoe, it is unconstitutional we should allow in this country at all, namely, that they should be in communion with the See of Rome. In 1854, Sir, the same thing was done for all the bishops for all time to come in Lower Canada; and an Act for the division of the parishes of that Province for the purposes of public worship, under the supervision of those bishops, was authorised by the

Province. In 1862 all the bishops of the Province of New Brunswick for all time to come were incorporated. You can look at the statutes of every Parliament in British America, and you will find precisely the same legislation; and the main of those corporate powers is that those who are to exercise them shall be bishops in communion with the Church of Rome. We have heard to-night, and we heard last night, about the laches of the people, who, we are told, were not to be precluded, not having objected to the Jesuits' Incorporation Act of 1887, from objecting to it now. Perhaps not. We were told that a great evil had been done, that a great class of public sinners in this country had been given powers of incorporation in 1887, and that it was not too late to rise in indignant protest. We were told that a people does not lose its right to object to provisions which are repugnant to an English statute of 300 years ago, which they contend and we deny, has any force, or ought to have any force, in this country, in regard to people of other religious beliefs at any rate. It is perhaps not too late. But they are not only a year behind the time; they are 37 years behind the time, because 37 years ago the Parliament of Canada incorporated a body of these Jesuits, for the actual purpose of teaching what the hon. member for North Simcoe calls their wicked tenets, in the Province of Quebec. In 1852, Sir, St. Mary's College, in the city of Montreal, to be taught by Jesuits, and the corporators of which were Jesuits, was incorporated by the Legislature of Canada; and in turning to the division list on that Act, as one of my hon. colleagues did last night, he showed me that 29 Protestants and 27 Catholics voted for it, and only 7 voted against it altogether in that whole Legislature. We had, Sir, 37 years ago religious toleration which would have frowned down the argument which was presented to this House this afternoon, if it had been clothed in ten times the ability and force with which we saw it paraded before the House to-day. Then, in 1868, a college for the same purpose at Sault au Recollet, in the Province of Quebec, was incorporated; and I ask members on both sides of this question, whether, down to a few weeks ago we have ever heard any remonstrance against the powers which were conferred on those bodies, or whether any section of the people of this country, or any one, high or low, of one denomination or another—and I speak of those who have been appealing to public opinion on this question from the pulpits with the profoundest respect—has ever objected to the teachings of those institutions, or uttered any reproach with regard to their conduct in this country, with regard to their loyalty, or with regard to the effects of their instruction or example on the youth of this country. Again addressing myself to the argument that it is not necessary for us in British North America to be more restrictive as regards the rights and powers of the Crown than the Crown has been in England, let me call the attention of the House to the fact that 80 years ago, in the heart of England, a magnificent institution of learning was placed under the control of this same order, in which they have been carrying on, every year since, the education of hundreds of English youths, and that that institution at Stonyhurst has had added to it other like institutions all over England. Are we to say that the Act of Supremacy, the keen edge of which is not to be applied in Great Britain, or that the prohibitory legislation with regard to the Jesuit Order, which is not to be applied in Great Britain, must be applied to one section of the people in British North America, and applied under our federal system by the arbitrary power of disallowance with which His Excellency is entrusted? I might well reiterate, but I will not do further than refer to the eloquent and forcible argument which you, Sir (Mr. Colby) addressed to the House last night, in which you pointed out that we had lived to too late an age for any section of the people of this country to be willing to live under a government by