The Victoria Warder

FRIDAY, APRIL 5, 1889.

The Debate in the House of Commons on Col. O'Brien's resolution re Jesuit Bill.

OTTAWA, March 26th.—The galleries of the House today were crowded with spectators eager to hear the long-threatened debate on the Jesuit Estates Bill. The expectant multitude were not long kept in suspense. The House had not been in long many minutes when amid intense silence the man from Shanty Bay, Col. William, Edward O'Brien opened the debate.

Col. O'Brien declared his desire to avoid the religious side of the question and to deal only with the constitutional aspect. He would not have undertaken the responsibility of bringing before the House such a delicate subject were it not that he felt he was expressing the convictions of the people he represented and of the great majority of the people of Ontario. Though elected as a supporter of the Administration he had, speaking in anticipation of just such an event as the present, said that regardless of consequences he would oppose any attempt on the part of any religious body to exercise powers not guaranteed by treaty.

He thought this resolution was so explicit as to need no explanation. In view of the history of the last twenty years it ought to meet the approval of the House that without the consent of the power of disallowance vested in the Governor General a continuance of the Confederation would be impossible. He considered that this House had the right to discuss any such legislation, which had made so great a stir in the country. It would be admitted that the act was one entirely within the province of the Quebec Legislature and with which this House had nothing to do. In this connection he wished to review the history of the society endowed by the act—the Jesuits.

He referred to the first establishment of the Jesuits in Canada and praised the zeal, fervor which animated them and their self-sacrificing martyrdom in their efforts to Christianize the Indians. But while we could only speak in terms of admiration of those who were carrying on the work in New France, the condition of affairs in the Old World was different and the society was subsequently suppressed because of the disfavor into which it had fallen. From the time of Elizabeth downwards the Jesuits had been proscribed in the British territories as a menace to the public peace and for their attempts to overthrow the Protestant succession. They had been expelled from nearly every country in Europe.

WHY THE JESUITS HAD NO CLAIM.

Considering all these things it was not surprising that the Jesuits had been regarded with disfavor and suspicion by England, and when the opinion of the officers had been taken and it was found that the title to their estates in Canada had been confiscated, the Government had concluded that this was not a society which should be permitted to carry on its operations in Canada, and that their estate should not be handed back to them to be used contrary to the ends of their foundation. Having taken possession of the property the Crown executors had transferred it to the Province to be administered for educational purposes. In his correspondence Mr. Mercier claims that the Jesuits had a moral claim for only a moral one, but Mr. O'Brien contended that there was no claim, legal, moral or equitable. The property became the property of the Province for educational purposes, and having taken that trust the Province had a perfect right to dispose of it for any reasonable purpose.

THE GROUNDS FOR DISALLOWANCE.

Considering the grounds for disallowance, the first was that a fundamental principle of the constitution was violated by the establishment of any religious body. But principle was indisputably laid down by the act for the secularisation of the clergy reserves, it was distinctly declared that there should be no countenance of a state established church in Canada. It was a principle to be tolerated that the grants to which the presbyterian churches and the church of England were entitled should be set aside for a principle, and that the grant to this superannuated society of Jesus should be resumed by the Province.

By the British North America Act the Jesuits Estates trust was recognized by the Dominion as a trust to be administered for educational purposes, and it should be claimed that it was competently for the province of Quebec. As regards the defect in their title the Jesuits had left the disposition of the proceeds to the Quebec legislature to be dealt with by the Pope, and, as shown by his correspondence, the Pope allowed the Ontario Government to dispose of the revenues. He denied that the Province of Quebec enjoyed any constitutional liberty to appeal to the Pope, and declared that there were no civil or religious rights secured by the Quebec Act that were not guaranteed by the act of supremacy.

The pope on act of Parliament so expressed and so declared that its validity should be determined by any foreign authority whatever was childishness. No Parliament under the British Crown had such power. If the assent was necessary to make the act valid, a negation would enable to condemn the act; it mattered not who the foreign authority might be, pope or president, kaiser or king, the position was the same. It had been contended that an analogous case would be a grant to the Diocese of Ontario subject to the assent of the Archbishop of Canterbury, but he held that there was no analogy here, because the Archbishop was a subject of the British Crown. Even were it an analogous case he held that an act making such a grant to the diocese would be unconstitutional.

AN APPEAL FROM THE HOUSE TO THE PEOPLE.

It had been said that though this Society of Jesus had once been bad, it had thrown off its evil habits and was now a society worthy of encouragement, but if the weapons it used were different the end sought to be accomplished was the same. The society was as dangerous as in the past, and in this free country it was not proper to encourage a society which inculcates principles dangerous to the public welfare. He realized that the verdict of the House would be against his resolution, but he was willing to appeal from the jury of the House to the jury of the people, who he thought would unmistakably declare that no foreign authority, civil or religious, should be allowed to have any voice in its government.

ORANGEMAN RYKERT ON THE OTHER SIDE.

Mr. Rykert rose to reply. Declaring himself an Orangeman, he ridiculed the threats made in certain newspapers of Ontario against such of the members of that order as should dare to oppose disallowance in this House. It was one of the first principles of the Orange Order that civil and religious liberty should be maintained, but while contending for such liberty he did not feel called upon to join the alliance which had been formed against his roman catholic fellow citizens. He thought that a canvass of the people of Ontario would show that a large majority of the people of that province took the same view of the question. He pointed out that the inevitable result of the encouragement of an Ontario crusade against roman catholicism would be a crusade in the province of Quebec against protestantism, and that every protestant would be driven from that province.

He dwelt at some length upon what he termed the extraordinary course of the Globe on this question, and characterized the Mail as even more extraordinary in the stand it had taken of late upon every question affecting the interests of the French-Canadian and roman catholic people.

To show that this was not a case in which the Dominion was called upon to interfere to protect the rights of the minority in the province he referred to the fact that the Endowment Act, as well as the Act incorporating the Jesuit Order had been passed not only without opposition on the part of the protestant minority, but with the approval of their representatives in Parliament, and that the sixty thousand dollars awarded for protestant educational purposes by the act now questioned has been accepted without demur. He cited the public utterances in Ontario against the disallowance agitation, the Dorchester Orange Lodge which had disagreed with the Grand Lodge resolution, the utterances of Principal Grant and other protestants of note.

Referring to the agitation which had been raised in favor of appealing to the Queen to disallow the act, he declared that this power of Her Majesty applied only to acts passed by the Dominion Parliament, not to those passed by provincial legislatures. He cited authorities to show the inadvisability of Dominion interference in legislation within the competence of the provincial legislatures.

THE REMEDY IN THE COURTS.

Mr. Rykert, continuing after recess, cited instances to show the impossibility of Imperial interference with provincial legislation, notably in the case of the memorial from New Brunswick in 1875, when Lord Carnarvon replied that though he had laid the petition before the Queen, Her Majesty's ministers could not advise her to pass judgment upon an act of a provincial legislature.

Mr. Rykert argued to show that if an act be constitutional it should be allowed to take its course. Any person feeling aggrieved by it should go to the courts for redress. If a provincial act, its disallowance should not be made a question of policy with the Dominion Government.

He next referred to the intervention of the Pope invited and allowed by this act, and asked what evidence there was that the Pope is a foreign potentate. While so much objection was taken to what was called the interference of the Pope in the case, how was it that no fault had been found with his intervention in Ireland after the British Government themselves had invited him to use his influence in it for the suppression of boycotting and general violence? He pointed out that this settlement in Quebec was not with the Jesuits, but only a settlement of the claims arising out of the Jesuits estates.

He considered that there was no question of Dominion policy involved in this and that it was unwise and unexpected for the House to discuss such a question in the manner in which this had been presented.

THE MEMBER FOR VICTORIA.

Mr. Barron expressed regret that on this measure he had to vote against the party with which he had worked so harmoniously since his entry into the House and had to vote against his political leader and combat his opinion. He was in taking this step imbued with no hatred of the Jesuits or of the roman catholics, among whom he had many warm friends. He had no sympathy with the clamor which had been raised outside the House with respect to the question, clamor which might be right or wrong but did not meet with his approval. He objected, however, that in this act the Pope was made the end of this legislation, that this foreign potentate had been given the right of asserting or dissenting to legislation was so peculiar a prerogative of the crown that the sovereign herself could not delegate it.

He held that the statute of Elizabeth had distinctly disavowed the jurisdiction of the Pope in Canada, that the treaty of Paris had not repealed the statute of Elizabeth, and that this was recognized in the Quebec Act of 1774, which granted the right to exercise the catholic religion subject to the King's supremacy as provided by the act passed in the reign of Elizabeth.

He quoted the late Alpheus Todd to show that in this country there existed no right for the Pope to exercise civil rights. He maintained that common as well as statute law forbids the intervention of the Pope in our legislation. In England the Ecclesiastical Titles Act provided that he could not divide the country off into dioceses, and this being so he held that the common law of England must have prevented him also from such an act as distributing this money. He held that this common law of England had become the common law of Canada.

As to the royal supremacy, which could not exist if this statute was to become law, he quoted Todd to show that ecclesiastical supremacy had been conferred upon the Crown as a protest against the attempt of a foreign priest or potentate to exercise jurisdiction in the British dominions. He thought the clauses recognizing the Pope clearly made the statute an illegal one under the statute of Elizabeth.

He quoted from the correspondence the passage in which the Pope allows the Government to retain the proceeds of the sale of the Jesuits estates as a special deposit to be disposed of as might be directed by the Holy See and Mr. Mercier's tacit acknowledgement of the Pope's authority, and claimed that these letters being made the preamble to the act this foreign potentate was granted the power to ratify or nullify a Canadian act.

NOT AN ACT OF RESTITUTION.

The statute went on to talk about restitution, but it was impossible to restore anything except to some person who had previous possession of it. He claimed that the present Jesuit Society had nothing whatever to do with the society from whom the estates had been taken. That society had been dissolved by Parliament and by the Pope. The act incorporating them in 1887 made no reference whatever to their right to this particular property. This was not taken from the Jesuits at the time of the conquest as the statute said, and this Government should not have allowed the act to become law without having it amended in this particular.

He did not wish to go into the merits or demerits of the Jesuit claim, but to talk purely from a legal standpoint. It was indisputable that when property was given in trust for certain purposes and this trust became destroyed the property reverted to the private donors. He quoted from the address of Rev. Father Flannery in Toronto last February, in which he pointed out that this property was not given to the Jesuits by France, but was a donation from private individuals for educational purposes, and the trust having since been destroyed the property should revert to the heirs of the donors.

He denied that the provinces had the right to make money grants to denominational institutions. He quoted Sir John Macdonald's contention in support of the disallowance of the Rivers and Streams Bill, that all bills should be disallowed which injuriously affected the interests of the general community, and asked if anything more than religion affected the general interests.

He cited the various countries in which legislation had been passed adverse to the society before and after its restoration by Pius VII., and declared that a society the subject of such legislation as this could not be denied to be of general interest. It was absurd to say that Ontario was not interested. He did not wish to charge that the Premier made fish of one and flesh of another, but he did wish to point out the difference between the treatment of the Orangemen and the Jesuits.

(*To be continued.*)

Pope Leo XIII.

"HIS HOLINESS" WRITES HIMSELF DOWN AN ASS.

Æsop tell us in his "Fables" of an Ass which donned a lion's skin and tried to pass for the king of beasts but was soon betrayed by his big ears sticking out. If his ears had not betrayed him his bray must soon have done so.

And this is just what has happened to that Asinine Pontiff, Leo XIII. He has been giving voice in an "Encyclical Letter" and instead of a majestic leonine roar it is a distinct and emphatic Asinine bray.

Listen! What does the old Pope say? He is speaking of that system of religious liberty established by our National Constitution which make all faiths equal before the law and protects them all alike without favoring any. He call it that "FATAL THEORY of the separation of church and State," and bitterly denounces "that liberty in individuals which is so opposed to the virtue of religion, namely the LIBERTY OF WORSHIP, as it is called, which rests on the principle that every man is free to profess, as he chooses, any religion or none."

He proceeds: "This same liberty, if it be considered in relation to the State, clearly implies that no form of worship is to be preferred to another, but that all stand on an equal footing."

He brays on: "Justice and reason forbids the State to be Godless, or to adopt a line of action which would lead to Godlessness, namely, to treat the various religions, as they call them alike, and to bestow upon them, promiscuously, equal rights and privileges."

In conclusion, he claims that the State must profess some one religion, and the catholic being that which 'alone is true,' should be professed, preserved and protected by the State, and false doctrines should be diligently repressed BY PUBLIC AUTHORITY."

There it is, as plain as words can make it, in direct and emphatic opposition to the American doctrine of religious liberty and the liberty of speech and of the press. Does not this voice betray the thorough despot? Are not these lies distinct?

The catholics of the United States must now decide which of the two they will support, the Pope of Rome or the Constitution of the United States. The pope claims to be "infallible" and will never go back on his pronunciamento as above. Neither the Monitor, the California Catholic, the Catholic Review nor any other romanist publication will dare to dispute it.

But there are not a few American catholics, if we mistake not, who in spite of the pope's "encyclical" and in defiance of their priests, will continue to send their children to our public secular schools and to support the religious freedom guaranteed by that noble Constitution under which their church, in common with others, has grown and flourished. This is America and not Spain. This is the 19th century not the 13 th.

The issue then is at last made up; the gauge of battle is fairly thrown down. We believe in the survival of the fittest. Let the best win.

If the old, effete, tyrannous doctrine of a theocratic government and a State religion with religious persecution is, after all, the fittest and best, let it survive and flourish; but if, as we believe, the new American doctrine of a democratic government, the rule of the people, no union of Church and State, with equal rights for all and favoritism for none, be the fittest and best, let it survive and the other forever perish. We repeat, the lines are now drawn, and the sooner the trumpet sounds for the fray the better. If the roman priesthood for a moment imagines that they can commit to the doctrine of this "encyclical," when it comes to a practical test, the majority or even a large minority of American catholics, educated in our free schools and having their eyes open to the advantages of our free institutions, they only prove once more the truth of the old proverb "Whom the gods would destroy they first make mad."

The California Catholic, a paper published in Los Angeles, claims that the catholics have the balance of power in this country already. That it was "the power of the catholic vote" that elected Cleveland in 1884, and will elect the President of the United States, "not only this year but every fourth year from 1888 to the end of time."

Since this was written the election has been held, and Cleveland with the catholic vote, which he undoubtedly had, has been beaten.

It was to secure that vote and show his appreciation of the fact that the catholics did vote for him in 1884, that Cleveland toadied to the pope on the occasion of his jubilee, notwithstanding his avowed enmity to the principles of our Constitution, as shown above.

That truckling letter of congratulation cost him more votes than it gained him and contributed materially to his defeat. And from this time on let it be clearly understood that any candidate for the Presidency, democratic or republican, who is favored by roman catholic priests, who without exception endorse the views of this Encyclical, will be defeated, snowed under by the votes of free Americans. Don't forget it.

That ASS PAR EMINENCE, Leo XIII., may kick as hard as he pleases at the American Eagle, but his venomous heels will not reach it.—San Francisco Gazette.

Dr. Low's worm syrup has removed tape worms from 15 to 30 feet long. It also destroys all other kinds of worms.—72-4.

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Register of Societies.

MASONIC. FAITHFUL BRETHREN, No. 77, meetings held on the first Friday of each month, in Keenan's block. Mr. G. S. Patrick, secretary.

"MIDLAND" Chapter of R.A.M. meets in the Masonic Hall, in Keenan's block, the third Thursday of every month. R. G. Cornell, S. E.

T. L. O. B. meets the second Monday of every month over Woods' store.

LINDSAY LOYAL ORANGE BOYS meet the second Monday in every month. G. Elliott, secretary; W. Jones, Master.

TRUE BLUE LODGE, Hacket, No. 38, meets the first and third Mondays of each month over Woods' store. Jas. Shaw, secretary.

ORANGE LODGE, No. 557, meets on the second Tuesday of every month over Dobson's store. Mr. Joseph Ingles, secretary.

ORANGE LODGE, No. 954, meetings held on the first Thursday of each month over Woods' tinshop. Mr. John Reynolds, secretary.

ROYAL BLACK KNIGHTS OF IRELAND meets second Wednesday in each month in Orange Hall, Dobson's block. Joseph Brown, secretary; J. L. Winters, Master.

I. O. O. F., No. 100 meets every Monday evening in Britton's block Mr E. Anderson, secretary.

ODDFELLOWS' ENCAMPMENT, No. 23, Guiding Star, meetings held on the first and third Wednesdays of each month in Britton's block Mr J. Britton, secretary.

ANCIENT ORDER OF FORESTERS, No. 7142, meetings held on the first and third Tuesdays of each month in Baker's block Mr. J. McHugh, secretary.

CANADIAN ORDER OF FORESTERS, No. 125, meets on the first and third Wednesday of each month over Woods' tinshop. Mr. W. Galbraith, secretary.

SONS OF ENGLAND, No. 20, meets first and third Wednesdays of each month in Baker's block. Mr. J. L. Dunsford, secretary.

HIVE CIRCLE, No. 34, meetings held on the last Monday of each month in Dobson's block. Sheriff McLennan, secretary.

UNITED WORKMEN meets 2nd and 4th Thursdays, in Orange Hall, over Woods' store. W. H. Gross, secretary.

ROYAL ARCANUM, No. 1105, meets on the second and fourth Tuesdays of each month in Woods' block. A. P. D. McGeachie, secretary.

SONS OF TEMPERANCE, No. 226, meets every Thursday in Baker's block. Mr. J. L. Dunsford, secretary.

Y. M. C. A meets every Tuesday and Sunday in Hamilton's block Mr. Henry Miller, secretary.

THE BROTHERHOOD OF LOCOMOTIVE FIREMEN meet in the Sons' Hall every alternate Saturday at 7.30 o'clock p.m. R. N. Johnston, Secretary.

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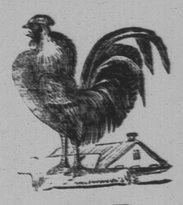

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