

the effect that the educational system in the province of Manitoba is illegal and unfair with respect to the French and Catholic minority—and I do think so—we could not go back to the Privy Council because it has already rendered its decree on that matter. It would be necessary to submit again the remedial bill. But after so long, could we expect a satisfactory settlement? That is the question. As long as such a move is not made, neither Parliament nor the Senate have the necessary authority or jurisdiction to nullify the Manitoba school legislation.

I sympathize wholeheartedly with the Catholics of Manitoba in their predicament; it affects me deeply. But it is a very old issue now and the chance that a remedial measure be passed by the Canadian Parliament is definitely out of the question. And we know which are the authorities responsible for that situation. The only thing that can be done now is to ask the honourable senators whose integrity is beyond question and all Canadians with a sense of British fair-play to join with us and help us make representations to the majority in Manitoba and to their legislature, asking them to be fair, like Quebec and some other provinces. Let us make representations to the effect that through the laws of the British Parliament we have been granted, for us and for all Canadians who will come after us, rights and privileges guaranteeing absolute freedom, and that we have been well treated. There lies the problem; let us try to settle it; I submit the matter to the attention of all those who would like to see it settled.

I say it again, if we were to reject this bill which is now before us and if we did so for the reasons which were submitted, it would mean that the Federal Parliament would not have in that field the jurisdiction necessary to give back to the province the school properties; but the Manitoba school law has definitely been admitted as valid and therefore only the legislature of that province has the right and the duty to organize and direct education, and to levy the necessary funds. Therefore, the lands which were set aside and which were not located in the province of Quebec or elsewhere but within the Manitoba borders could be used for school purposes. Now we want to transfer not only the administration but the ownership of these lands in the province of Manitoba to that province; it is a problem which comes under the jurisdiction of the province of Manitoba.

However, the bill before us enacts that the province of Manitoba will have the free use of its funds; this apparently removes the existing obligation of the province of Manitoba to use these lands and funds for educational purposes. But, if at a given time, in

the province of Quebec where we have the absolute control over education and all the funds and properties which may be used for that purpose, we wanted to sell a property which had been set aside for educational purposes, let us say a university for instance, in order maybe to use for other purposes the funds deriving from that sale, shall we say that the province has no right to use it for provincial purposes? This is not acceptable because the loss would be made up some other way, through taxes or otherwise.

It would not be necessary for this to be written in the law. Likewise, if the province of Manitoba has property earmarked for educational purposes, and funds from such lands are used for other purposes than education, it will have to meet the same educational problems in some other way; it will levy taxes, as does the province of Quebec. If it uses for its own purposes funds reserved for education, it still has the obligation to provide for all expenses of its educational system through all its sources of revenue. And the question of denominational matters or religion in schools is not at stake in any way on account of that.

I want to associate myself again with the remarks of the honourable senator from Kennebec. The Confederation Centennial is coming fast. It will be a marvellous occasion to appeal to the spirit of our constitution and also to the spirit of the act instituting the province of Manitoba. This will be the best way to develop a common patriotic feeling, a true Canadian spirit.

Let us ask the Manitoba legislature and the people of that province to erase from their statute books before the celebration of the centennial the impediments introduced in them which are contrary to the spirit of justice if not to the letter of the Canadian Constitution. But if the intention is to try to make political capital of this affair—and there is something in the wind in this regard—it will not be difficult to trace the source of this unfortunate injustice. It will be easy, in going back to the source, to prove that those responsible for this situation, those who passed the Greenway act, did not belong to the same political party as those who in 1896, by the passage of a remedial bill and in accordance with the law, tried to render full justice to the French minority in the province of Manitoba.

(Text):

**The Hon. the Speaker:** Honourable senators, it has been moved by the Honourable Senator Pearson, seconded by the Honourable Senator Higgins, that this bill be now read the third time. Is it your pleasure to adopt the motion?

**Hon. Mr. Gouin:** On division.