

Mr. McCARTHY. Therefore, I won't mind doing it. The law demanded this, we are told. That was a ridiculous statement when the hon. gentleman (Mr. Taylor) here from Gananoque made it; but, Sir, in him it was excusable. But to have a gentleman who calls himself a lawyer, who has actually been at the head of the law in this country, who has had the power of life and death and other very important powers—to have him come on the floor of Parliament and tell us that the Privy Council had determined that we were to pass this law, is ridiculous. Why, even the Minister of Finance could not tackle that. He is equal to most things, but he was not equal to that. Now, what did the law say? Listening to the hon. Minister of Finance, as I did the other evening, one could not but wonder what had been the cause of all the delay. Here was compact No. 1, compact No. 2—the matter was so clear that I wondered why, in the name of fortune, this unfortunate minority had not had their rights restored to them four years ago. But it did not seem to the distinguished Minister of Justice of that day quite so simple a matter. Take the chronology of this case—let us recall it for a moment. It was hastily given to us this afternoon, but let me re-state some of the dates. Remember that it was in 1892 that the law was found to be a constitutional law. Remember that it was in the fall of that year that the minority petitioned for redress under the clause that we are now reconsidering. And remember that a committee of the Privy Council was appointed, with Sir John Thompson at the head of it, and that that committee actually laid down the questions which were to be considered, and that it actually heard one day's argument on the question and then broke up, finding that the problem was too difficult for it to solve. What was it they wanted to know? They did not ask the Privy Council in England what to do, but they did ask the Supreme Court, whether, under the circumstances, and assuming the circumstances to be true which were stated in the petition—as was very properly pointed out by the hon. leader of the Opposition—there was a case that gave the minority the right to appeal and gave the Governor General in Council jurisdiction to pass the remedial order. And the Supreme Court of Canada was called upon to determine that simple question of law. The Supreme Court, as we know, said that no case had arisen. The same law which gave the Supreme Court jurisdiction gave the right of appeal from the Supreme Court to the Judicial Committee of the Privy Council. That appeal was made, not because it is Her Majesty's Judicial Committee, but because there is a right of appeal under the law from the judgment given by the Supreme Court in answer to the questions that our Government then submitted to that tribunal; and the judgment of the Judicial Committee is, in fact,

Mr. McCARTHY.

the answers which the Supreme Court, in their opinion, ought to have given. And what are the answers? The answers are, in effect, that there is a jurisdiction under the circumstances that have arisen; that the British North America Act has nothing at all to do with it; that the whole question rests upon the Manitoba Constitutional Act; and that, under these circumstances, the Governor in Council has power to pass a remedial order.

Now, Sir, if I might, without wearying the House, I would like to call attention to the conduct of the Government at that time. And, while I do not go with the leader of the Opposition in requiring any further investigation, while from the investigation I have made I am perfectly satisfied that there is no possible case for interference, I ask the attention of the House and the country to the conduct shown and the course taken by the Government of Canada after this appeal was made. I care not whether you call it an appeal or whether you call it a complaint. What the laws said was that if separate schools are established in a province, or if separate schools exist in a province, when it is brought into the union, and if these separate schools are abolished or interfered with, although it is perfectly competent for the local legislature to do that, nevertheless, the minority may come to the central power and ask that the whole subject may be reconsidered. Well, Sir, the minority came as they had a right to do. The Government, after much difficulty, ascertained what the meaning of the clause was. It was found that the minority had a case which gave the Governor General power to hear them and to pass an order. What ought to have been the conduct of the Government with a province, one of its own provinces? There was not a war with Manitoba raging at that time. Manitoba was one of the provinces of this Dominion which had passed a law within its constitutional rights. Surely the proper course would have been, even as between friendly states, to communicate with the government of Manitoba: to say to that government: Here is a minority who have enjoyed what, to them, is a privilege, and what they claim as a right, from 1871 to 1890, and you have passed a law and swept that right away, and they have come to us and complained, and we ask why and wherefore this has been done. Not a word of it. They were treated as a hostile people. A summons, an order, was issued for them to appear—not, remember, in 1895, for the first time, but in the winter of 1893, without a word of warning, without the courtesy of a communication. They were treated as wrong-doers and were summoned here to the bar of the central power to answer for themselves, to defend their rights and justify their proceedings. I challenge any hon. gentleman on the Treasury benches—and they are all mixed up in this, more or less,