

which, during the consideration of the appeal in the Barrett case, had been referred to as applicable to the question—that was the power of appealing to the Federal Government for clemency and for redress. Now, Sir, I ask hon. gentlemen to mark well that latterly that phase of the question has been discussed, as it must be remembered, and the record will prove it, that when the question came before the Privy Council whether the Act was constitutional or not, it was openly stated and contended that even if under their legal rights the minority were estopped, they had at least left to them the right to appeal to the Federal power for clemency. Now, in 1890 this question was before the Parliament and the people of Canada; and, taking advice from cases of a somewhat analogous nature which had produced dissension and discord in this country on previous occasions, an hon. gentleman who then had the honour of representing a constituency in this House, and who was an acknowledged jurist—I refer to the Hon. Edward Blake—caused to be placed upon the statute-books of this country a resolution which reads as follows:—

That it is expedient to provide means whereby on solemn occasions touching the exercise of the power of disallowance, or of the appellate power as to educational legislation, important questions of law or of fact may be referred by the executive to a high judicial tribunal for hearing and consideration, in such mode that the authorities and parties interested may be represented, and that a reasoned opinion may be obtained for the information of the executive.

Now, Sir, I repeat that the Federal Government being appealed to, had no other course open to them than to hear the appeal that was presented by the minority of the province of Manitoba; and when that case came on in its proper course by way of petition or memorial, the Government of the day under the late Premier referred it to the Supreme Court of Canada for a decision as to whether or not that course should be followed. A series of questions were submitted, some six in all, and they were all negatived by a majority of the Supreme Court. Estopped in that direction, another avenue was open to the minority, and that was by an appeal to the Law Lords of the Imperial Privy Council; which appeal was taken in due time. It has been argued that the Federal Government in this regard, had done something that was not at all incumbent upon them, in fact that they had gone out of their way in listening to the appeal for clemency put forward by the minority of Manitoba. But, in answer to that, I have this to say, that throughout these proceedings, as I believe, not only were the Government of the day acting within the constitution, but, moreover, and beyond that, the very fact that in these proceedings, and in all subsequent proceedings, the Manitoba Government were represented by counsel indicated, that even

in the opinion of that Government every step taken in the case was regular and proper. Now, Sir, what were the questions submitted, and to these questions what answers were given? I do not propose to read them at length, because they are in all the reports. But when the matter came before the Law Lords in England, among other questions, this one was asked:

Has His Excellency the Governor General in Council the power to make the declarations or remedial orders which are asked for in the said memorials and petitions, assuming the material facts to be as stated therein, or has His Excellency the Governor General in Council any other jurisdiction in the premises?

And another question propounded for answer was this:

Did the Acts of Manitoba relating to education, passed prior to the session of 1890, confer on or continue to the minority "a right or privilege in relation to education" within the meaning of subsection 2 of section 22 of the Manitoba Act, or establish a system of separate or dissentient schools, within the meaning of subsection 3 of section 93 of the British North America Act, 1867; if said section 93 be found applicable to Manitoba; and if so, did the two Acts of 1890 complained of, or either of them, affect any right or privilege of the minority in such a manner that an appeal will lie thereunder to the Governor General in Council?

The answers to these questions were respectively as follows. To the first:

That the Governor General in Council has jurisdiction, and the appeal is well founded, but that the particular course to be pursued must be determined by the authorities to whom it has been committed by the statute.

And in answer to the second:

That the Acts of Manitoba relating to education passed prior to the session of 1890, did confer on the minority a right or privilege in relation to education within the meaning of subsection 2 of section 22 of "The Manitoba Act," which alone applies; that the two Acts of 1890 complained of did affect a right or privilege of the minority in such a manner that an appeal will lie thereunder to the Governor General in Council.

Now, Sir, these were the answers delivered by the Imperial Privy Council to the two questions propounded, and I submit, and every fair-minded man will agree, that the duty was incumbent upon the Privy Council of Canada to hear the matter complained of. Well, Sir, in due course, that appeal was heard; in due course that appeal was argued. And once again did the province of Manitoba show that they believed that everything that had been done by the Government was right, that they believed the Dominion Government was acting within the strict letter of the law, was entirely within its constitutional rights and privileges by their acquiescence in having a representative and counsel at that hearing. I have recapitulated all the facts, I have recapitulated all the steps that have been taken in the case; and all that has