

the original province and yet afterwards the hon. gentlemen comes and says that they do not apply.

Hon. Mr. BOULTON—Would the hon. gentleman take the ground that the Parliament that extended the boundaries of the province of Manitoba and included the added territory within its limits has no power to repeal its legislation if it sees fit?

Hon. Mr. BERNIER—As to that I do not think it has, seeing that all this legislation has been ratified by the Imperial Parliament.

Hon. Mr. BOULTON—Not as to the extension. The Imperial Parliament has nothing to do with the extension.

Hon. Mr. BERNIER—If the Imperial Parliament has nothing to do with the extension, it may be right to say that this Parliament would have the right to repeal what it has done. That is a general principle. There may be some clause in the constitution which would have the effect of preventing that; at present I am not prepared to answer the question fully. The general principle, however, is that the power which makes a law has also the power to repeal it unless some restriction is expressly placed upon that law which is the case with regard to educational matters in the province of Manitoba. Now, let us for a moment take the ground of the hon. gentleman that the Manitoba Act or the agreement of which the Manitoba Act was the result, does not apply to the added territory. Then surely there must be some law which does apply to that territory. What is that law? It is the Confederation Act, that and no other act can apply. In what position are we then? We certainly are in a better position: that is to say, the Catholics of the added territory are in a better position if we adopt the ground of the hon. gentleman than those of the old Selkirk settlement. The province of Manitoba has, by its own legislation extended to that new territory the application of the statutes in respect of matters of education. That means that they had given them the same rights and privileges that the older portion of the province enjoys. In either case there is undoubted right of appeal from any injustice subsequently done by the local government to this Parliament. It is only because rights

and privileges have been affected that the way is open for an appeal. That is decided by the judgment of the Imperial Privy Council from which I quote as follows:

So the question to be determined is whether a right or privilege which the Roman Catholic minority previously enjoyed has been affected by the legislation of 1890. Their lordships are unable to see how this question can receive any but an affirmative answer.

For that added territory we have the post-union legislation of the province, which legislation gives rights and privileges to the minority; and you also have here a judgment of the Privy Council which declares that these rights and privileges have been affected by the Act of 1890, thus giving a clear right of appeal to the Governor in Council and to this Parliament, under the third subsection of the 93rd section of the British North America Act, which reads as follows:

Where in any province a system of separate or dissentient schools exists by law at the union, or *is thereafter established* by the legislature of the province, an appeal shall lie to the Governor General in Council from any act or decision of any provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education.

The Manitoba legislature having established in the added territory, after its union with confederation and with the province of Manitoba, a system of separate schools, it follows that this section, should the contention of my honourable friend be right, would be applicable to that added territory, and would give a right of appeal to the Catholics living there, in view of the recent judgment of the Privy Council. Therefore I hold that the contention of the hon. gentleman as to that portion of territory is not tenable at all. If it were, it would go against him. I now return to the hon. gentleman's statements with regard to the agreement which was made by the then population of the province, as not being binding upon the present population. As a matter of fact that agreement was made not only with the 12,000 people who were there at the time but with them, their heirs and successors, as all agreements are made. I would just like to put a practical question which, it seems to me, is a very pertinent one in this connection. How could the agreement have been made with the 12,000 people only and for their sole benefit and not for the benefit of those who were to come after