

Mr. HALDANE.—There was a system then which the Catholics as a whole in Quebec claimed the benefit of.

The Lord CHANCELLOR.—The Catholics who were in the majority.

Mr. HALDANE.—Who were in the majority.

The Lord CHANCELLOR.—But the Protestant minority had what were called dissentient schools?

Mr. HALDANE.—Yes.

The Lord CHANCELLOR.—What was intended was to preserve the rights of the minority amongst other things, certainly.

Mr. HALDANE.—Yes.

The Lord CHANCELLOR.—What was the right of that minority except this? It was not merely that they might send their children to dissentient schools, but that the schools specially in accord with the views of the minority should receive state assistance and be part of the general system of education.

Mr. HALDANE.—That was a right which a class of persons had by law at that time.

The Lord CHANCELLOR.—Yes, but I am pressing upon you your own argument. According to you subsection 2, which speaks of affecting the rights of the minority, refers to rights given by subsection 1. Therefore I am pressing upon you that according to your construction of subsection 2 the right of a minority to have denominational schools supported at the state expense, and being part of the school system of the province, was a right affecting education in relation to the minority within subsection 2.

Mr. HALDANE.—I did not limit it to the rights conferred by subsection 1, because then I should have struck on the rock which your Lordship points out.

Lord WATSON.—I cannot help thinking that it was intended by that clause to give to a certain class of the community when they were in the position of being in a minority, the right of defending the privilege which they had conferred upon themselves when they were in the majority.

Mr. HALDANE.—Which they had conferred on themselves?

Lord WATSON.—Yes.

Mr. HALDANE.—Yes, that is so, my Lord.

Lord WATSON.—It was not a privilege to all, because I suppose some might be at one time and for a considerable period the minority, and then might become the majority.

Mr. HALDANE.—I do not want to take an illustration as being exhaustive of all the individual cases which might come within the category, but take the case I put. There is a system of denominational education under which the Catholics may have their own teachers and rule themselves—that is to say, apply their own rates to the provision of their own teachers and their own books. That is a very valuable right or privilege which they have got, and which they conferred upon themselves while there was a system of denominational education.

Lord WATSON.—What occurs to me is this, that where a privilege is conferred upon themselves by the legislative majority, that privilege must devolve upon the original majority, as the minority before there can be legislation contrary to their interests. At the time that Act was passed, and on the eve of passing it, the persons who enjoyed the denominational schools and regarded them as a privilege were in the minority.

Mr. HALDANE.—Yes.

Lord WATSON.—That was the condition at the time the Act was passed. No doubt it may have been due to their own actions whilst they constituted a majority in the balance of the political power of the state. That may be quite so. At the time when the original minority having become the majority proceeded to legislate, the condition was that the original majority were the minority.

Mr. HALDANE.—That only carries you so far.

Lord WATSON.—It does.

Mr. HALDANE.—It does not carry you the whole length.

Lord SHAND.—The legislation, you say, provided equally for all—is not that the point?