

Quebec are entitled under the British North America Act not only to all the rights and privileges enjoyed by the Catholic minority in the province of Ontario, but also to all the rights and privileges the Protestant minority in the province of Quebec enjoyed at the time of the union. So, any point that is attempted to be made for the Government based on this aspect of the affair falls to the ground; and we come to find that the only change of importance to Protestants in Quebec that was made since confederation, was a change by which, under the law, they are entitled to a certain number of members on the Board of Public Instruction. As I said before, a repeal of that law would not be pleasant or palatable to the Protestants there; but still it would not be such an infringement of their rights as to create any trouble or difficulty; and therefore it is a matter of very little moment, so far as this Bill is concerned.

One other matter with regard to the remarks of the hon. member for East Lambton. He made use of an argument which I have heard used upon the stump, in connection with this question, but which I have not heard in the House, and had not expected to hear in the House from any lawyer of standing. It was not put forward by the hon. Minister of Justice on behalf of the Government, and it requires only a moment's consideration to show its absurdity. The hon. gentleman read from the formal part of the Order in Council adopted by the Imperial Privy Council on the report of the Judicial Committee. It is as follows:—

Her Majesty having taken the said report into consideration, was pleased, by and with the advice of Her Privy Council, to approve thereof and to order, as it is hereby ordered, that the recommendations and directions therein contained be punctually observed, obeyed and carried into effect in each and every particular. Whereof the Governor General of the Dominion of Canada for the time being, and all other persons whom it may concern are to take notice and to govern themselves according.

The hon. member for East Lambton interpreted that to mean that we were bound to do what the Government proposed to do by means of this Bill. In the speeches on the stump to which I referred, gentlemen representing the Government, reading these words, have alleged that it would be high treason to Her Majesty on the part of the Government, here to refuse remedial legislation to Manitoba in pursuance of these words. Now, Sir, every lawyer knows that these words are contained in every Order in Council that is passed on the recommendation of the Judicial Committee of the Privy Council—that they are purely formal, and have no reference particularly to this question. And if it were necessary to allude further to an argument of that kind, it merely drives us back to the question what the Privy Council decided in their judgment contained in the Order in Council; and, so

far as these words are concerned, they throw no light upon the question one way or the other. Now, Mr. Speaker, the hon. Secretary of State, in moving the second reading of this Bill, dwelt at considerable length upon the negotiations which finally resulted in the confederation of the first four provinces of Canada. As I understood him, he urged as an argument why this Bill should be passed, that difficulties and troubles existed at the time of the union and long prior thereto with regard to the question of separate schools in the province of Ontario, and the question of dissentient schools in the province of Quebec. As the founders of confederation were able to adopt certain provisions contained in section 93 of the British North America Act for the purpose of finally settling those disputes, he held that to be a reason why this coercion Bill should be passed. Now, in the first place it is evident that the negotiations and the legislation resulting therefrom had no reference whatever to any other province than the four provinces in question. The constitution of Manitoba was established long after that time, and the section as to education in pursuance of any provisions of the British North America Act. If it were intended, at the time that settlement took place, that in the new provinces of Canada as well as in the old provinces, this agreement as to separate schools for Catholic minorities, and as to dissentient schools for Protestant minorities, should apply, we would have found a provision in the British North America Act that in establishing a constitution for a newly-created province thereafter, the same provisions should be inserted. But nothing of that kind was found in the Act, and the provisions made with regard to the provinces of Nova Scotia and New Brunswick are quite different from the provisions made with regard to the provinces of Ontario and Quebec. Although the words are the same in the first subsection of the clause giving to any class of persons the rights and privileges they enjoyed at the time of the union, it is well known that Nova Scotia and New Brunswick enjoyed by law no rights and no privileges, and therefore those two provinces are confined to that section providing that if, after confederation, any rights and privileges should be conferred by legislation, there should be an appeal to the Government here. So each province was dealt with according to its own circumstances, and nothing whatever was said with regard to new provinces that might afterwards be brought into the union, as Prince Edward Island, British Columbia and Manitoba have been. Therefore, I fail to see what possible reason can be derived from the negotiations which then took place, or from the parliamentary settlement that was made in pursuance of those negotiations with regard to the provinces of Ontario and Quebec, why this particular Bill should be passed.