

Hon. Mr. Curran—It may be necessary to hear why justice should not be done. But there is a grievance.

Mr. McCarthy—I am not going to say that there is not a grievance ; I am precluded from that by the judgment.

Now, that is a question which it was unnecessary to occupy the time of the House in proving. It is not the existence of the grievance we dispute, but the extent of the grievance which ought to be inquired into.

A great deal has been said by the Ministers to prove that the principle of provincial rights had nothing to do with this question. Well, we know perfectly well that this question of education does not stand on the same footing as the other questions with reference to which the provinces have exclusive right to legislate, and in connection with which what is called the question of provincial rights has been raised, from time to time, since confederation. But I say this : the question of provincial rights does arise in this way. It does not arise by denying the jurisdiction ; but a respect for provincial rights in general should teach us how to interpret and how to endeavour to exercise those powers which we undoubtedly have. In that sense alone, the question of provincial rights arises in this case, and that is a most important sense which should have very great influence upon this House. Now, this Government at least cannot dispute, it does not lie in the mouth of this Government to dispute, the fact that the question of education should be left to the provinces except as a last resort, because the present Government, or at least the Government of Sir Mackenzie Bowell, on the 27th of July last, passed an Order in Council, which was sent up to Manitoba, in which they used these words :

In the interests of all concerned, it will not be disputed that, if possible, the subject of education should be exclusively dealt with by the local legislature. Upon every ground, in the opinion of the sub-committee, this course is to be preferred.

So to that extent provincial rights are to be considered. The Government have agreed with us, but why they are not doing it is another question. The position in which this Parliament finds itself to-day is this. We are in search of a remedy for that grievance of the minority. What is the best way to apply the remedy ? Why, it is through the province, as the Government themselves admit, in that passage I have just read from their Order in Council of the 27th of July, and also as they admit in this very Bill we are considering now. They admit by their Bill that the province of Manitoba is the proper machine for carrying out, not only the executive, but the legislative functions connected with the separate schools and religious education in that province. Section 1 of the Bill refers it to the Government to appoint a board of education in the first instance. Another section,

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section 7, I think, empowers the local government to appoint a superintendent. So much for the executive functions which they think properly should belong to the province. Then take section 74, the great section on which the whole machinery of this Bill depends, the section which provides money for the establishment of schools under this Bill. Why, that is frankly left to the legislative powers of the province of Manitoba. So I say that by their admissions under the Order in Council, and by the way they have drafted this Bill, the Government is estopped from denying our contention that the provincial legislature of Manitoba is the place of all others to deal with this question of education. Then, Sir, we must consider in connection with this subject, what is the best time to apply this remedy. Surely the people of this country, as a whole, when they see the unfortunate agitation and the bitterness that is being raised from one end of this country to the other, will say that this remedy is only to be applied as a last resort. The Manitoba legislature have frankly admitted that the jurisdiction is here, but they say and they contend that the power resting with us should only be exercised as a last resort and after the clearest possible case has been made of flagrant wrong-doing on the part of the provincial authorities.

Then, Mr. Speaker, we must consider what the details and particulars of that remedy shall be. The Government have admitted by this Bill and by their Order in Council of 27th July, 1895, that the remedy need not be the same as that prescribed by the remedial order of March last. They have let that slide, so to speak ; they only undertake to come under one corner of it. Therefore, apparently, according to their judgment, it is unnecessary for us to legislate according to the terms of the first remedial order. Well, then, what guide have we ? Have we the infallible wisdom of the Treasury benches alone ? Do the Ministers by intuition and instinct know exactly what this legislation should be ? They had one idea in March, 1895, when they passed the remedial order ; they have evidently another idea to-day when they bring forward this Bill. Which is right ? What has caused them to change their opinions ? Where has the new light come from ? They made no inquiry ; they refused to make any inquiry. Therefore, I contend, the House is absolutely at liberty, following the example of the Government, to exercise their own judgment as to the best form which that remedy should assume. But how can members of this House say what form the remedy should take without inquiry, without further information ? A few blue-books are brought down to us. But do they give us information ? Why, Mr. Speaker, the Government had all this information on the 21st March, 1895. They took one view of the position then ; but they take another