

supposed to deal, described in the same terms, viz., the Acts 53 Victoria, chapters 37 and 38. Now, Mr. Speaker, these Acts, 53 Victoria, chapters 37 and 38, at the time the petition of November 26th was presented, had ceased to exist. This assertion will probably be a matter of surprise for the members of this House. It is indeed astonishing enough that such an error should have found its way in bona fide proceedings, and I have frequently asked myself whether really this was not a voluntary blunder. I stated, Mr. Speaker, that on November 26th, 1892, the two Acts, 53 Victoria, chapters 37 and 38, had no existence. Here is the proof. I read in the Manitoba Act, 55 Victoria, chapter 41, section 2 :

On, from and after the coming into force of this Act, the Acts and parts of Acts set out in the schedule styled schedule A \* \* \* shall be and the same are hereby respectively repealed to the extent set out in the said third column of said schedule.

Now, looking up this schedule A, I read the following :—

Title of Acts : 53 V., 1890—ch. 37 : An Act respecting the Department of Education. Extent of repeal : the whole. Ch. 38, The Public Schools Act. Extent of repeal : the whole.

An hon. MEMBER. Carried, carried.

Mr. CHARBONNEAU. (Translation.) You will say carried when I am through with my argument, but not before. The Manitoba Act which I just mentioned, 55 Victoria, chapter 41, was sanctioned on April 20th, 1892. Was I right in saying that, on November 26th, 1892, the date on which the petition was presented, complaining of the Acts 53 Victoria, chapters 37 and 38, and on March 21st, 1895, the date of the remedial order calling upon Manitoba to repeal, amend and supplement in any manner, the Acts 53 Victoria, chapter 37 and 38, these Acts were no more in existence and had been repealed ? I would be curious to know what answer can be made to this. As I said a moment ago, our jurisdiction is under the authority of section 22 of the Manitoba Act, and we cannot go beyond. If there be no Order in Council obliging the province of Manitoba to act, if the province has not refused to do so, we have no jurisdiction and we cannot contend that the province of Manitoba has refused or neglected to amend, repeal or supplement in any manner, the statutes complained of. The Order in Council cited in the preamble does not mention the educational laws or those concerning the Department of Education, but the statutes 53 Victoria, chapters 37 and 38. These statutes having been repealed before the appeal of the minority, the Manitoba government could not be called upon to repeal or amend them. I say that under the circumstances, we have not the shadow of jurisdiction. I see the hon. Minister of Justice wishing to tell me that this law, which was repealed on April 26th, 1892,

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was re-enacted. But, Mr. Speaker, the law passed on April 26th, 1892, does not bear the same title. The remedial order does not speak of the statutes in any particular way, but mentions the title which I have given, and governs the procedure as far as the appeal is concerned. The statutes upon which the appeal was based not being in operation at the time the appeal was heard before the Governor General in Council, subsequent to which the remedial order was passed, it follows that the appeal as well as the Order in Council passed in consequence are worth nothing. The only Acts existing at that time were chapter 47 and chapter 127 of the Revised Statutes of Manitoba. These were, I repeat it, the only educational laws in force at the time the appeal was taken. Consequently we can only claim jurisdiction after an appeal from these laws and after an Order in Council rendered upon an appeal from laws in force on November 26th, 1892.

An hon. MEMBER. (Translation.) It does not matter.

Mr. CHARBONNEAU. (Translation.) I hear an hon. member say it does not matter. He probably agrees with those who say that there is no question of passing a bona fide law, but purely and simply of asserting a principle. The hon. member for Montreal West (Sir Donald Smith), after having told us that the Bill before the House is not the true constitutional way to a settlement of the question, but that we should rather use the conciliatory means recommended by the hon. leader of the Opposition, concluded his speech by saying : Let us pass the second reading of the Bill in order to sanction its principle. I ask myself what principle we can sanction by debating for three months over a Bill which we have no jurisdiction to deal with. At all events, a paramount principle of any Bill should be its genuineness and its being intended to become a statute. And we are told that what we are debating over now is not meant to become a law ; but that what is wanted, is that we should assert a principle ? What principle ? Is it the principle that the Federal Government has the right to intervene in this question ? Surely no, since this principle is stated in plain letters in the constitution of Manitoba, section 22. And besides, this right of intervention has been clearly declared to exist by the highest tribunal of the Empire. Surely then it cannot be to assert this principle of the right of intervention, that we can be asked to vote the second reading of this Bill. Well, I ask what other principle can be in the Bill. I can see no other. In my opinion this Bill can only be but a wretched Pandora's box, full of all imaginable evils, but at the bottom of which hope even is not to be found. No ; it is but a wretched rag.

Some hon. MEMBERS. Order, order.