

appears to be an organization in Montreal, dating their petition from Montreal on the 3rd of November, 1892, stated that there was a treaty in 1870 between the Government of Canada and the people of Manitoba, in which it was agreed that their separate schools should be preserved to them. It also refers to the Treaty of Paris of 1763, and it impugns the judgment of the Privy Council. Now, the whole complaint made by the petitioners, if we take the last document first, is that there was a treaty in 1870, founded, no doubt, upon the exploded fourth bill of rights, and that there was a Treaty of Paris, which no person here has ventured to refer to as having anything in the least to do with the subject. And, we come back, then, Sir, to the charges that were made in the petition emanating from the province itself, and these charges are: That these schools were Protestant schools, and the statement is made that these schools are unfit for Roman Catholics to attend. Now, Sir, with regard to these schools being Protestant schools, I can only say as has been said more than once in this discussion, that that charge has been completely disposed of, and that that charge is answered and decided by the first decision of the Privy Council. The Act of 1890 itself says that they are to be non-sectarian. If the schools are non-sectarian, according to the Act, then they are not Protestant, and the Judicial Committee of the Privy Council considered that very question, and if I may trouble the House with an extract from their judgment upon that point, I think it must dispose of it so far, at all events, as it is possible for a court of law to dispose of the question. I read, Sir, with your permission, an extract from that judgment:

Notwithstanding the Public Schools Act, 1890, Roman Catholics and members of every other religious body in Manitoba are free to establish schools throughout the province; they are free to maintain their schools by school fees or voluntary subscriptions; they are free to conduct their schools according to their own religious tenets without molestation or interference. No child is compelled to attend a public school. No special advantage other than the advantage of a free education in schools conducted under public management is held out to those who do attend. But then, it is said that it is impossible for Roman Catholics, or for members of the Church of England (if their views are correctly represented by the Bishop of Rupert's Land, who has given evidence in Logan's case), to send their children to public schools where the education is not superintended and directed by the authorities of the church, and that, therefore, Roman Catholics and members of the Church of England who are taxed for public schools, and at the same time feel themselves compelled to support their own schools, are in a less favourable position than those who can take advantage of the free education provided by the Act of 1890. That may be so. But what right or privilege is violated or prejudicially affected by the law? It is not the law that is in fault; it is owing to religious convictions, which everybody must respect, and to the teachings of

Mr. McCARTHY.

their church, that Roman Catholics and the members of the Church of England find themselves unable to partake of advantages which the law offers to all alike. Their lordships are sensible of the weight which must attach to the unanimous decision of the Supreme Court. They have anxiously considered the able and elaborate judgments by which that decision has been supported. But, they are unable to agree with the opinion which the learned judges of the Supreme Court have expressed as to the rights and privileges of Roman Catholics in Manitoba at the time of the union. They doubt whether it is permissible to refer to the course of legislation between 1871 and 1890, as a means of throwing light on the previous practice or on the construction of the saving clause in the Manitoba Act. They cannot assent to the view, which seems to be indicated by one of the members of the Supreme Court, that public schools under the Act of 1890 are in reality Protestant schools. The legislature has declared in so many words that the public schools shall be entirely unsectarian, and that principle is carried out throughout the Act.

If then, Sir, the schools are not Protestant, and if the schools are non-sectarian, we come back to the one remaining charge, and that is, that these schools are unfit—to use the language of the petition—for Catholics to attend. Now, I apprehend, Sir, that the gentleman who penned that probably wrote it in French, and that the words I have quoted are a translation. I do not think that if he had penned it in English that we would find the charge made, that these schools are unfit for children to attend. But what is the fact, Sir? The fact is, that these schools are the ordinary public schools, common to all the rest of the Dominion. I do not mean to say that they are exactly the same, but I do mean to say that there is no substantial difference between the public schools of this province of Ontario and those of Manitoba. And, so far as I know, there is no substantial difference between the public schools of the other provinces and the schools of the province of Manitoba. Nay, Sir, I will go further. If I am properly informed, the schools of the minority of the province of Quebec are of the same character; schools that are, and can be attended by Roman Catholics, even there. And, Sir, what is the fact in our own province? The fact in our own province, proved by statistics, is, that notwithstanding the right to separate schools, notwithstanding the power to have them, more than half—some say nearly two-thirds—certainly more than half of the children of the Roman Catholic inhabitants of Ontario are actually attending the public schools of that province.

Mr. CAMERON (Inverness). They will if they are fairly treated.

Mr. McCARTHY. They always will if they are fairly treated, says my hon. friend, and I hope they always will be fairly treated, and I certainly should be very sorry to see any attempt to proselytize or interfere