

special enactment. Can we doubt that when the provisions of the Confederation Act were passed by that same Imperial Parliament, and clauses were inserted providing that in case of abuse of undoubted jurisdiction, the aggrieved parties were to have the right of appeal to certain other jurisdiction, the intention was that that would be acted upon, as the House of Lords, possessed itself of appellate jurisdiction was expected to exercise its powers? In other words the appeal is to be heard in Parliament as a judicial body in a judicial manner. That is the technical and also the preferable and natural construction to be placed on the intent of the jurisdiction in this case. I question if justice can be done on any other terms, and I think that any other mode of construction will greatly militate against the peace and harmony of the State. If we deny or refuse to give the true appellate character to Parliament in this matter, we are doing a wrong with reference to the intent of this Act which imperial Rome did not exhibit. An appeal is an act by which a decision is brought in review from an inferior to a superior court. I do not move an amendment because I should not wish to have these propositions voted down, and from the present position, there being an amendment moved by the leader of this House he would presumably on consultation with his followers carry his own amendment in preference to anything emanating from this side of the House, unless the Government chooses to adopt these propositions I have laid before the house and taking this view of the case, embrace this opportunity of putting themselves on record. If the course that I have laid down in these resolutions were followed, the effect would be that each and every member of the Dominion Parliament could freely, and without bias, consider the merits and the policy involved, and the best means of dealing with the appeal, and when it had been voted upon the matter would have ended. There would be no Government to punish for it, and no temptation as now, for a party, which may be defeated in one appeal, to use all its party agencies to create a question of the same kind in some other province for the purpose of embarrassing some other Government. I take exception to the hon. Attorney-General's amendment in that he only proposes to keep the pot boiling over for another Parliament. Instead of a Remedial measure it is a most pernicious and injurious measure which will continue this agitation and turmoil perhaps for generations to come.

MR. WHITNEY (Dundas) objected strongly either to the consideration by the House of the motion of the hon. member for Toronto west, or of the acceptance of the amendment of the hon. the Attorney-General, and this for the following reasons:—

"When the proper time comes, Mr. Speaker, I shall be ready to define my position on the matter clearly to my constituents, and to the country generally, but I do not think, sir, that it is any part of my duty, or of the duty of this House, to attempt to deal with a matter which is outside of our proper consideration. I might, perhaps, make political capital for myself by supporting the resolution of my hon. friend the member for west Toronto, but I have no intention, sir, of being a traitor to my honest convictions; and I maintain that we do not assemble here for the purpose of busying ourselves with other people's concerns. We cannot legislate upon the question at issue, and therefore the question is not before our people and is not before us."

The hon. member quoted the remarks of the late Minister of Public Works for the Province of Ontario, the Hon. Mr. Frazer, upon the desirability of attending to one's own affairs, and of avoiding a discussion in the Legislature of subjects foreign to the business of the House. He should move the following amendment to the amendment in the precise terms (*mutatis mutandis*) of Mr. Frazer's

motion on the Irish prisoners question:—

"That any expression of opinion by this House relating to the legislation proposed by the Dominion Government, and known as the Remedial bill, would be an unwise and unwarranted intrusion upon the proper domain of the Parliament of Canada, and that this House consequently refuses to express or commit itself to any opinion bearing upon or having reference to the said bill."

MR. GERMAN (Welland) did not feel, he said, like giving a silent vote upon this topic. He was greatly surprised at the position taken by certain gentlemen representing the Conservative party on the floor of that House. There had been a great wave of agitation in the country regarding Separate Schools. It had been stated that that agitation was brought about because this Government had seen fit to make concessions to the Roman Catholics; it was charged against the Government that an attempt had been made to influence the Catholic vote throughout this province by means of such concessions; that this Government had been too free-handed with regard to Ontario Catholics; and it had been the stock cry of the Conservatives that Separate Schools should be abolished, or if not abolished, very much curtailed in their efficiency. But was the position of the hon. gentlemen opposite consistent to-day? Could they support the amendment to the amendment? Having shouted from every platform that Separate Schools should not be allowed to exist, he was compelled to believe, from their present attitude, that if the proposition made by the Dominion Government had been made by a Liberal Government, they would hear a howl through this province louder than the roars of the Atlantic and Pacific together. He was free to admit that a man should stand by his party, but after a man had contended for four years that Separate Schools were wrong, he should have acquired the courage of his convictions. He did not believe that the province should express an opinion in a matter that did not directly concern it. (Ironical cheers from the Opposition.) But he believed that was mainly done by the friends of the gentlemen opposite. (No, no.) If an occasion could arise, however, which called for an expression of opinion upon a matter outside of the business of the Legislature, this was surely the occasion. "The sheet anchor of the Confederation, sir," cried the hon. gentleman, "is provincial rights; and the Liberal party has stood by this. (Hear, hear.) With regard to the administration of the license law, were the hon. gentlemen opposite very particular whether the Province of Ontario should have its full rights then? I do not think so. I agree in the main with the proposition of the hon. member for west Toronto, but there is one portion I cannot accede to. I say we have no business to rejoice because a certain section of the people of a sister province believe they were deprived of certain privileges which they thought they were entitled to. Why should we rejoice? I have never hesitated to say that I was always opposed to Separate Schools in this or any other province. I have done so on a dozen platforms. But the hon. gentlemen opposite are not so honest. They are scared. They are trimming. They are between the devil and the deep sea. They are so anxious to support the Dominion Government that they are afraid to stand up here and declare their policy on the question. I challenge them to say whether they are in favour of Remedial Legislation or not! I challenge them to state their policy here upon the floor of the House. It has been said that if Mr. Laurier gets into power he will bargain with Mr. Greenway respecting the establishment of Separate Schools in the Province of Manitoba. Is this not one of the weakest statements that could be made? Is Dalton McCarthy going to sit down while the bargain is made? Is Clarke Wallace to be idle? The argument is an insult to the intelligence of the people of Manitoba. It is by an expression of the will of

the people of Manitoba upon this point that Mr. Greenway to-day holds office by an overwhelming majority. It is admitted that there is an appeal to the Governor-General-in-Council from the minority in that province. But granting this, should the Government do something that is wrong? The Court does not decide in favour of the appellant simply because he has the right of appeal. I say that in this matter the hon. Wilfrid Laurier has placed himself on a platform which will do credit to him in the future. (Hear, hear.) He has voiced the feelings of Manitoba. You are not seized of the facts," says Manitoba. "Investigate and inquire into the matter!" But no, the Dominion Government, in their desire to catch the Catholic vote of Quebec, endeavours to force on Manitoba something that province does not want, and will not have. How justly indignant they are is shown by the position taken by our Attorney-General, the best man that stands in the Province of Ontario to-day!

MR. WHITNEY:—"Say North America and be done with it!"

MR. GERMAN:—"Yes: I accept it. (Laughter.)"

A voice:—"And the adjacent islands!"

MR. GERMAN:—"There is not a man among the hon. gentlemen opposite, who dare say 'I am in favour of Remedial Legislation,' or 'I am opposed to Remedial Legislation.' (Laughter.) Who is complaining of the National school system in Manitoba? No one in Manitoba that I know of! If no one is complaining in Manitoba, why should the Dominion Government interfere? The only allegation I have heard of in this connection is in the shape of an affidavit from a Roman Catholic resident in Manitoba, to the effect that he is perfectly satisfied with the National School system. (Laughter.) Sir Mackenzie Bowell thought that his membership as an Orangeman would hold the Orange vote, while his passage of Remedial legislation would catch the Catholic vote, but he will do neither. We can take the position outlined by the hon. the Attorney-General of this province and say, 'Let the question be settled outside of the arena of politics!'"

The hon. member in a paroxysm of metaphorical illustration referred to his friends upon his side of the House as being engaged in "shaking the shackles of partyism off their back," and concluded by hoping that the amendment of the hon. the Attorney-General would carry by an overwhelming majority.

MR. LITTLE (Cardwell), supported the resolution of the member for west Toronto. The school system of Manitoba was a purely non-sectarian one, all denominations were on the same level, and special privileges were denied to any sect. The introduction of the Remedial Bill in the House at Ottawa was therefore a mistake, and not in keeping with the best interests of the country at large.

MR. HAYCOCK (Frontenac) did not wish to be silent on this question. It was the custom of the grand Association of Patrons to avoid binding themselves to any distinct course of action with respect to questions involving religious belief, therefore his statement would be taken as being merely his own individual expression of opinion. He had listened during the evening to a discussion on the legal aspect of the case from gentlemen learned in the law, and he was bound to say that he had been greatly interested in what he had heard: but he wished to present the view of the case as it appeared to him; the attitude, in fact, of the lay mind upon the point involved. According to section 92 of the British North America Act, there were 16 subjects upon which the Dominion Government had no right to interfere in legislative enactments with the Provincial Government, but he found that the subject of education was set apart by itself in a separate section, and that if the Local Legislature was proved incompetent to deal with the matter, then the Dominion had a right to interfere.