

provide for the continuance or establishment of that system. That in the opinion of the Judicial Committee the section fails to do what Parliament intended and strove to do can not be said to be the fault of the North-west delegates, and the moral obligation to do all that can be done to give effect to the agreement made by the Canadian Government and thus solemnly ratified, rests upon the Canadian Parliament whose the blunder and the failure were. It would be dishonourable in the highest degree were a majority in Parliament now to declare, as some newspapers contend, that the people of the North-west were rebels when the agreement was made with their delegates, and that faith should not be kept with rebels. The Government and Parliament of Canada had, in 1869, the same means of judging of the attitude and conduct of the people of the North-west that those newspaper writers have to-day. They deliberately entered into that agreement with the delegates of those people then and deliberately passed the Act of Parliament framed to give full effect to that agreement. Every one who sincerely desires to see Canada respected and honoured will say that the faith so pledged should be held inviolate.

Except as to the provisions with regard to education, the Act which gave a constitution to Manitoba, treats of the powers of the Legislature of the Province in the most general way. The 2nd section enacts that the provisions of the B.N.A. Act, 1867, shall "except those parts thereof which are in terms made or by reasonable intendment may be held to be specially applicable to, or only to affect one or more but not the whole of the Provinces now comprising the Dominion, and except so far as the same may be varied by this Act,—be applicable to the Province of Manitoba in the same way and to the same extent as they apply to the several

Provinces of Canada, and as if the Province of Manitoba had been one of the Provinces originally united by the said Act." This would have been quite sufficient to make the 93rd section of the B.N.A. Act, which relates to education, operative in Manitoba as far as circumstances permitted. No special provision authorizing the provincial Legislature to make laws relating to education would have been required if Parliament had not sought to give effect to the agreement with the delegates by making provision for the establishment or continuance of the denominational school system. It may be well to quote at length the section by which Parliament thought that this provision was made.

"22. In and for the Province the Legislature may exclusively make laws in relation to education, subject and according to the following provisions:—

(1) Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law or practice in the Province at the Union.:

(2) An appeal shall be to the Governor-General in Council from any Act or decision of the Legislature of the Province, or of any Provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education.

(3) In case any such Provincial law as from time to time seems to the Governor-General in Council requisite for the due execution of the provisions of this section is not made: or in case any decision of the Governor-General in Council on any appeal under this section is not duly executed by the proper Provincial authority in that behalf, then, and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial laws for the due execution of the provisions