

Manitoba School Case.

various subsections as to give effect to the whole of the matters which require to be provided for, and yet so as to leave the legislature of Manitoba in the free and untrammelled possession of the powers which *prima facie* were given to it under the initial words of the section.

(Mr. BLAKE was then heard in reply.)

The Lord CHANCELLOR.—In the old Canada, before the separation into the provinces of Ontario and Quebec, the old province of Quebec—I think it was called Quebec?

Mr. BLAKE.—Yes, at one time.

The Lord CHANCELLOR.—Included Ontario and Quebec?

Mr. BLAKE.—Lower Canada and Upper Canada is at present Quebec and Ontario.

The Lord CHANCELLOR.—Had they latterly separate legislatures?

Mr. BLAKE.—No, my Lord, the province was a united province.

The Lord CHANCELLOR.—It remained so down to?

Mr. BLAKE.—From 1841 to 1867. They had a sort of double system. They attempted to create an imperfect federation and a common legislature; for instance they had an Attorney General for Upper Canada and an Attorney General for Lower Canada, but the legislature was common.

The Lord CHANCELLOR.—At that time if you take Ontario and Quebec together, would there be an opposite policy in regard to religious faith?

Mr. BLAKE.—That depends upon the time your Lordship takes, because the population of Ontario was increasing fast, much faster than the population of the province of Quebec; but at the end of the time, I should think I am right in saying that in the aggregate there would be a Protestant popular majority, but the circumstances were such that perhaps that might not answer the question that is in your Lordship's mind, because the distribution of the population has a good deal to do with it.

The Lord CHANCELLOR.—It is not so material which party is actually in the majority, because at all events if the Protestants were in a majority in the Commons House, the Catholics would be in so large a minority that they would be a very substantial power in opposing legislation.

Mr. BLAKE.—A very substantial power.

The Lord CHANCELLOR.—Of course when they came to be separated into two provinces a totally different state of things arose, because in such case, though in opposite directions as regards the opposite creeds, there would be a very large majority and a very small minority in each separate province.

Mr. BLAKE.—Your Lordship has just hit the point.

The Lord CHANCELLOR.—At all events there was a predominate majority in Quebec of Catholics and a predominant majority in Ontario of Protestants.

Mr. BLAKE.—Yes, and they were in a common legislature, with equal numbers in the legislature, although the Protestant province had the larger population. The practical result was that with the division of parties and so forth, it was impossible for the Protestants of Ontario to abolish the separate schools which had been, after a long contest, established in that province, and on the other hand the Protestants were sufficiently powerful to protect their brethren in Quebec from any encroachment on their rights.

Lord WATSON.—Legislation became impossible except on the footing that they were to be dealt with as two separate states.

Mr. BLAKE.—Yes, but each side agreed before the separation which, as your Lordship said, left a very small minority of a different faith in each province, each side agreed to stereotype the situation. That is public and notorious.

The Lord CHANCELLOR.—It appears on the face of the legislation.

Mr. BLAKE.—Yes, it appears on the face of the legislation; and the public documents preceding the legislation show that fact.

Lord MACNAGHTEN.—You do not know what the population in Manitoba amounted to, and how it was divided when the province of Manitoba came in? I thought it was in the pleadings in the former case, but I cannot find it.