

remedial legislation had to be taken into consideration. The litigation had resulted in a decision by the highest court of appeal adverse to the petitioners, so that the time came when we were bound to take those petitions into consideration. Having taken them into consideration, we found important legal questions involved which we thought it necessary to refer to the courts under the statute providing for the reference of such questions. The proceedings on that reference are still in progress. The results, so far as the Supreme Court of Canada is concerned, are that the majority of the court has negatived the right of the petitioners to make an appeal under the circumstances, and has negatived the power of the Governor General in Council to entertain the appeal for remedial legislation at all. What can be meant by the assertion which has been made upon that subject that, notwithstanding that decision, if it should stand unreversed, or if it should be confirmed on appeal, the responsibility of the Government will still remain as to remedial legislation, I have never been able to understand. If the courts should decide eventually that there is no jurisdiction on the part of the Government to entertain the appeal for redress—that the petitioners have no case for such appeal, and that this Parliament would, therefore, not have power to pass a remedial statute giving redress to the petitioners, it is impossible for me to understand how there can be any further responsibility upon the Government in the matter. I only say that by the way, because the information I have is that a considerable body of the petitioners, representing the religious minority in the province of Manitoba, have taken steps to appeal to the Judicial Committee of the Privy Council on that subject, and, therefore, I forbear to discuss that feature of the question further. I come now to the question of the Territories, and let me call the attention of the House briefly to an analysis of what the complaints were, and what the requests were on behalf of the minority for redress under the Ordinance of 1892 in the Territories. Now, in order that the House may appreciate the various steps that were taken to investigate the complaints of the minority, let me premise that the Ordinance itself was passed, I think, on the very last day of December, 1892, that it was late in the month of October, 1893, before the first complaint came to my knowledge, or to that of my colleagues, so far as I can tell, and that the first petition on the subject only reached Ottawa pretty late in the month of November, 1893. So that when the subject came to be a matter for practical investigation, the time at our disposal within which disallowance would be possible, was very brief, and was not made brief by any want of diligence on the part of the Government here. The complaints are of two kinds. First, there is a complaint that harm has actually been done by the Ordinance of 1892

and regulations made under it. So far those complaints, of course, relate to the past, but there is likewise a very strongly urged complaint that the safeguards for the future, which the supporters of Roman Catholic separate schools had in the Territories, are removed by the provisions of the Ordinance itself; so that there is alleged to be a case of grievance as regards what has already been done, and apprehension as regards the future. Now, I desire to call the attention of the House to this principle, the correctness of which I am sure no member of the House, on reflection, will dispute, and that is that what had been done by way of regulation in the Territories, whether before or after 1892, was absolutely beyond the power of the Executive here to redress by way of disallowance. When we come to state what the particular complaints made by the petitioners were, the House will perceive that several of them arose from educational regulations made in the Territories before the Ordinance of 1892 was ever written at all, and what I wish to impress upon the House at this moment is that as regards those regulations, the disallowance of the Ordinance of 1892 would have had, as a matter of course, no effect whatever, and that the grievances, if there be grievances, would have remained precisely the same after disallowance had taken effect, except, of course, as to the power of the Board of Education to alter matters, but that I will discuss by itself. But I wish to go a step further, and to say that as regards the regulations made under the Ordinance of 1892 itself, if those regulations were found to inflict a grievance upon the petitioners, that grievance would not be removed, those regulations would not be nullified, by the disallowance of the Ordinance. It is well established, it is clearly written in the British North America Act, as regards disallowance in the provinces, and the same principle would undoubtedly prevail as regards the Territories, that disallowance takes effect from the moment of its being proclaimed, gazetted or announced to the Legislature; and, therefore, it follows that what has been done under the disallowed Act in the meantime remains in full force and vigour. If the statute disallowed, or the Ordinance disallowed, has been void as being ultra vires, of course everything is null and void from the beginning; but if the statute or Ordinance had effect, that which has been done under it, while its life and vigour remains, until the moment of disallowance, remained still in full force and in effect, and is beyond the reach of the Executive here. Now, the first series of complaints relate to grievances which are said to exist by reason of certain regulations in the Territories. I do not propose to deny that those exist. We have here hon. gentlemen representing the Territories; they have as good a constitutional right as any man in this House to say whether com-