

of the townships in the county in which I now live, we have there the well-known Bishop O'Connor, and there too we had the Rev. Father McBrady, one of the most talented priests of the city of Toronto. We got on well, and I believe our children would still get on in the same way, were the conditions the same. I do not think, that because we Conservatives in the province of Ontario have endeavoured to bring the two classes of schools as nearly together as possible, that we should be spoken of in this House, as we have been, and as the member for Lambton (Mr. Lister) suggested I deserved to be spoken of, in an observation made here to-night. At any rate, Sir, I propose voting against the amendment of the leader of the Opposition.

Mr. CHARBONNEAU. (Translation.) Mr. Speaker, I cannot allow the vote to be taken upon this measure without drawing the attention of the hon. Minister of Justice and of this House to an irregularity in procedure which I consider as serious. This question has now ceased to have in my mind the importance it had up to yesterday, because of the statements which were made to the House in the early part of the present protracted sitting. What took place to-day convinced me that what we are doing now is nothing but a legislative play. I think it my duty, before the second reading of this Bill, to raise a purely technical point. The jurisdiction of this House covers only a particular and altogether special case. We cannot extend our jurisdiction by a single jot. The jurisdiction which allows us to legislate in this matter, is given us by section 22 of the constitution of Manitoba, which, I think, is very clear, by the way, I may say that I do not see what need there was for the Government to have this clause interpreted by the Judicial Committee of the Privy Council in England. Our jurisdiction is dependent upon an Order in Council summoning the Manitoba government to do a thing which it be in their power to do, and which they refuse to do. Now, I submit to this House as a constitutional point, that there was no Order in Council summoning the Manitoba government to do a thing which it was in its power to do, and consequently, I contend that we cannot have any jurisdiction, and that we very uselessly for the last three months spent our time in shouting abuse at each other. For the last three months this House has been working at a Bill which has no significance. This may seem strong language, but I think it is justified. Let us see first the preamble of the Bill :

Whereas the Roman Catholic minority of Her Majesty's subjects in the province of Manitoba, appealed to His Excellency the Governor General in Council under the provisions of section twenty-two of chapter three of the Statutes of 1870, intituled : "An Act to amend and continue the Acts thirty-two and thirty-three Victoria, chapter three, and to establish and provide for

the government of the province of Manitoba," from certain Acts of the legislature of the province of Manitoba, passed in the fifty-third year of Her Majesty's reign, chapters thirty-seven and thirty-eight—

I particularly draw the attention of the hon. Minister of Justice and of the former Minister of Justice to this description of the Acts, 53 Victoria, chapters 37 and 38 :

—affecting the rights or privileges of the said Roman Catholic minority in relation to education, namely : "An Act respecting the Department of Education" and "An Act respecting Public Schools," and whereas such appeal having been duly heard and decided by His Excellency the Governor General in Council, such provincial law as seems to the Governor General in Council requisite for the due execution of the provisions of the said section twenty-two of the first mentioned Act has not been made and the circumstances of the case require that the Parliament of Canada should make a remedial law as hereinafter enacted for the due execution of the provisions of the aforesaid section twenty-two.

Referring now to the Order in Council of March 21st, 1895, upon which our jurisdiction depends, I find the laws in question described in exactly the same terms. First, the petition is recited forming the preamble of the remedial order, as follows :—

That subsequently in the 53rd year of Her Majesty's reign, two statutes were passed by the legislature of the province of Manitoba relating to education, which statutes came into force on the first day of May, 1890, and are entitled respectively "An Act respecting the Department of Education," and "An Act respecting Public Schools," and that the effect of the two last mentioned statutes was to repeal the previous Acts of the province of Manitoba in relation to education, and to deprive the Roman Catholic minority of the rights and privileges which it had acquired under such previous statutes.

Then comes the enactment, the essential part of the Order in Council :

And His Excellency the Governor General in Council was pleased to adjudge and declare, and it is hereby adjudged and declared, that by the two Acts passed by the legislature of the province of Manitoba, on the first day of May, 1890, intituled respectively : "An Act respecting the Department of Education," and "An Act respecting Public Schools," the rights and privileges of the Roman Catholic minority of the said province have been affected.

His Excellency the Governor General in Council was further pleased to declare and decide, and it is hereby declared that it seems requisite that the system of education embodied in the two Acts of 1890, aforesaid, shall be supplemented by a provincial act or acts which will restore to the Roman Catholic minority the said rights and privileges of which such minority has been so deprived as aforesaid, and which will modify the said Acts of 1890 so far as may be necessary.

If I refer now to the petition of the Catholic minority presented to the Governor General in Council on November 26th, 1892, I again find the Acts with which we are