

In and for the province, the said 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 lie 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 of any 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 of this section, and of any decision of the Governor General in Council under this section.

What were the provisions of this section? They involved the declaration that the power to legislate exclusively by the legislature of Manitoba, ceased when they undertook to legislate to take away the rights or privileges enjoyed by the minority, as they had existed.

Mr. DAVIES (P.E.I.) Is the hon. gentleman not convinced yet that that is not so?

Sir CHARLES TUPPER. No. I am not only convinced that it is correct, but, if there are any terms in the English language which can establish the point conclusively, they are contained here, when the Act gives to the legislature of Manitoba exclusive powers to legislate in regard to education, subject to the condition that it shall not take away rights enjoyed by the religious minority; and there is further provision that, as regards that exclusive jurisdiction, an appeal lies to the Governor General in Council as to whether those rights have been taken away, and, if it is found that they have been taken away, power is conferred on this Parliament to legislate. That is the position. What has happened? No pretense is made in this House or country that those rights have not been taken away. It is admitted by everybody that rights and privileges enjoyed by the Roman Catholic minority in Manitoba down to 1890, were taken away by the legislation of 1890. We do not require to waste time in establishing that, because, I say, it is universally admitted. We have the decision of the highest tribunal in the Empire, which declared, after the subject had been argued fully before it, that the privileges of the minority had been invaded, and that the right thereby devolved on this Parliament to restore those privileges which had thus been taken. It is idle, under the circumstances, I hold, for any hon. member

to pretend for a single moment that we are in a position to make such a law as hon. gentlemen on both sides of the House would be disposed to make, if we were in the position to take up the question de novo. It is idle to waste time and discuss whether it was within our power and duty to see whether we could prepare a Bill better than the Remedial Bill. What devolved on the Government was this: When the Judicial Committee made that declaration, the Government of Canada were bound—and I do not believe any hon. gentlemen deny it—to recognize that the necessity for legislation was created and a duty imposed on this Parliament under the law and the constitution to redress the wrong. Then we must look at the question not as to what kind of a law we prefer, but what is necessary to restore to the Roman Catholic minority of Manitoba the rights which everybody is obliged to admit they have been deprived of and the privileges they enjoyed under the law as it existed when the law of 1890 was passed.

Mr. SUTHERLAND. The Finance Minister stated the position differently in his speech from the Secretary of State.

Sir CHARLES TUPPER. Although there may be a difference in phraseology, I say, in the presence of this House, that from the hour I entered the Government of this Dominion down to this hour, there has not been a difference of opinion on the question of this Bill or the necessity that devolves on the Government to carry it through this House.

Mr. SUTHERLAND. The Finance Minister said it was not required by the law or the constitution, but it was a matter of policy.

Sir CHARLES TUPPER. I reply that there is no difference of opinion in the Government in the slightest degree, that all these ideas are creations of a too active imagination on the part of hon. gentlemen opposite. There is no foundation whatever in fact, so far as I know, for an opinion that any difference of opinion in the Government has existed down to the present hour.

Mr. FRASER. Which of the two views is the view that all are agreed on?

Sir CHARLES TUPPER. The hon. gentleman had better spare his interrogations if they are as senseless as that one. I say there has been no doubt that the Government have been unanimous as regards the principle, while there may be a difference of opinion on minor details, which one Minister may consider the question more important than another. It is quite competent for the Minister of Finance to disagree with myself as regards the importance of this Bill, and not to hold it as important as I deem it; but that does not touch the vital essence as to whether this Bill restoring