

right, nay, the necessity of interference on the part of Ottawa. I ask for an honest and unpartizan expression of opinion, and I hope, Sir, that it may be in support of my motion, and that Manitoba may be left to settle her own affairs. (Hear, hear.)

SIR OLIVER MOWAT, Premier of the Province, rose to reply to the motion. The first minister began his speech with a suave admission that he could find no cause for quarrel in the opinions expressed by his hon. friend, the member for West Toronto. He intended for his part to be very brief in what he had to say, but would remind the House in the first place that according to the British North America Act, matters of education belonged to the Provincial Legislature, and not to the Dominion Parliament, when the rights of a minority were not affected by the introduction of special legislation. The second appeal to the Privy Council elicited the decision that the Manitoba School Act of 1890, did interfere with certain rights and privileges of the Roman Catholic minority, and that proper provisions must be made for removing what the judicial committee called "a grievance existing."

"We in Ontario," observed the hon. Attorney-General, "are not in general in favour of Separate schools, but we have ourselves faithfully observed the provisions of the constitution upon that subject, in recognizing the duty incumbent upon us in that respect; nor do we find that the Protestants of Manitoba take a different view of their constitutional duty; it is only in the application that there is a difference of opinion. It will be, indeed, unfortunate if the duty of remedying a grievance should devolve upon the Dominion in lieu of the Provincial Parliament; whatever the subject of controversy, coercion would naturally provoke resistance, but in such a matter as religious education, the question becomes more serious still. I agree fully with the hon. member's remark that Remedial Legislation should be introduced by the Dominion Parliament only as a last resort; and I am sure this House will be of the same opinion. It cannot be the wish of any that the Dominion Parliament should put itself into an antagonistic attitude upon a question of this kind. The hasty action of the Ottawa authorities has been protested against by the Manitoba Government, and there is no doubt that the Dominion Government have been very hasty in their coercive action hereupon. They have got their answer. Manitoba is not prepared to retrace her steps. I cannot imagine anything more unstatesmanlike than the issuance of this Remedial Order. I cannot imagine a greater treason to this country than the enactment of such a piece of legislation. (Hear, hear.) In our own case we dealt at our leisure with this question of Separate Schools for Ontario: with the full concurrence of the people we legislated upon it during a period of quiet, for the common interest of all concerned demanded that a matter of such grave import should not be dealt with hastily. Such a careful consideration is valuable for the peace and harmony, and even essential for the well being of the country, and if there ever existed an occasion when the utmost deliberation and caution were desirable in dealing with a knotty problem that occasion has arisen in the case of the claims of the minority of Manitoba for recognition. I shall ask the House to adopt the resolution which I move now in amendment:—That by the British North America Act the matter of education (subject to certain provisions therein specified) belongs to the Provincial Legislatures, and not to the Dominion Parliament; That the Act of the Manitoba Legislature abolishing Separate schools has been declared by the Judicial Committee of the Privy Council to be within the authority of the said Legislature, and, is therefore, in point of law, a valid Act; That the said Judicial Committee has further decided that the provisions of the said Act deprive the Roman

Catholic minority of "affected rights or privileges in relation to education in a manner which constitutes (in the language of the judgment) a "legitimate ground of complaint," which should be removed by supplemental or other "provisions which would remove the grievance."

That while probably the great majority of the people of Ontario do not favour Separate schools, yet they have always recognized the constitutional duty of giving effect by provincial legislation and otherwise to the provisions in the constitution on the subject:

That it will be extremely unfortunate if the remedy for the alleged grievance in Manitoba is to be accomplished by the action of the Dominion Parliament instead of the Manitoba Legislature;

That in the judgment of this House remedial legislation by the Dominion is only to be thought of at all as a last resort;

That the Legislature of Manitoba has protested against the hasty action which is proposed by the Dominion Government, has asked for a thorough investigation by Dominion authority of all the facts bearing or believed to bear on the subject before any action is taken, and has declared that "in amending the law from time to time, and in administering the system, it is their earnest desire to remedy every well-founded evil, and to remove every appearance of inequality or injustice which may be brought to notice," and has stated that "with the view of doing so the Government and the Legislature will always be ready to consider any complaint that may be made in a spirit of fairness and conciliation."

That in view of these statements this House is of opinion that the proposal of remedial legislation by the Dominion should not be entertained until after the request of the Manitoba Legislature for a thorough investigation on the part of the Dominion of all the facts is acted upon, and all reasonable and proper efforts for conciliation have been made and have failed.

That no more delicate matter can be dealt with by the Federal Government or Legislature than the matter of Separate schools during the period of excitement upon the subject.

That it is in the common interest that it should not be dealt with hastily; and

That hasty action by the Dominion Parliament is, in the judgment of this House, fraught with great danger to the best interests of the Dominion as a whole, including the interests of the Roman Catholic minority, for whose benefit the proposed remedial legislation is designed.

MR. HOWLAND (Toronto south) rose to oppose the amendment.

"We must all of us, Mr. Speaker," he said, "be more or less of the opinion of one of the learned judges of the Judicial Committee of the Privy Council, who, when this remarkable clause was brought under his observation, remarked, 'It's very curious!' It seems to me indeed to be prolific of curious situations. The hon. member for West Toronto has laid before us certain propositions, and has asked for an opinion thereon. Is it not rather curious, in the first place, that the substance and object of his motion is to ask the Ontario Legislature to express an opinion affecting the adjudication of this question, while the reason given for the resolution is that the province of Manitoba is not to be interfered with? That is to say, although the constitution declares that the jurisdiction lodged in the Dominion House to interfere with Manitoba does exist, but in the hon. member's opinion should not be exercised, yet this province is to asked to interfere! It seems quite evident that the members of this House, if called upon to vote on this question, must not be regarded as acting in their official capacity. They will be voting practically as if at a public meeting, each member being required to convey the opinions of his particular constituents on the point at issue. I should not have the slightest difficulty in expressing the opinion of South Toronto:

it has been declared already at the public meeting held a few days ago, and I should be perhaps deceiving the Parliament if I did not state that this opinion is in fullest sympathy with the resolution of the hon. member for Toronto West. But it is obvious that in entertaining this question an expression of opinion by this House, given in the form of a resolution, could have no moral or legal effect in any ears to which it might be conveyed. Such a resolution could not affect the action of any member of the Parliament of Canada, and I am by no means sure that in so employing our time we are honorably accounting for the same to our constituencies. It seems to me like time thrown away. But it is also apparent that we run the risk by taking peremptory action in this matter of foreclosing this House from expressing any other opinion on this subject during this session. It would be unfortunate indeed if, in our attempt to dissolve the heavy cloud rolling over the Dominion from east to west, and from north to south, any right or privilege of this province, endangered by some subsequent action of the Parliament of Canada, should be in danger of violation because our own resolution, passed and approved by our own Parliament, had stopped the protest in our mouths. But although this House must have primarily the interests of this province in mind, there is a possibility of our contributing to the alleviation of the difficulties which beset and surround this question. The way has been partly bridged by much that has been said by the hon. member for Toronto West, and by the hon. Minister who followed him. They seem to imply that the object to be attained is that this matter be further entertained by the two Legislatures concerned. I am not surprised, sir, that the hon. the Attorney-General should treat us to a repetition of Mr. Laurier's constant proposition, that the matter should be postponed until it could be investigated by a commission appointed for the purpose. This would mean briefly that if the issue can remain an issue until the Government of Manitoba will be able to negotiate with a Government of the Dominion of the same party as themselves, then the Government of Manitoba will be prepared to make every concession to ease the way of the Government of the Dominion. (Laughter.) If this were the only way to secure a settlement of the question, I should be willing, sir, for my own part, to accept it at the price proposed, if it were the only way, and if the pursuance of such a method would give security for the peace and happiness of the Dominion. But I am doubtful if through this particular method there is any hope of such a good result accruing. While it is declared on one side that concessions ought to be made, and on the other that concessions some day will be made, both sides are of opinion that such concessions can only be made, and the approach be effectual, when the right parties come together. If further time for conference is necessary before the Dominion Parliament act upon this question, then let it be laid down, and clearly understood, that this province and Parliament have not looked upon it, and will not regard it, as a party issue. In the event of our being unable to agree upon this principle, then a prolongation of the agony only can ensue; an intensifying of the state of party agitation, and the exigencies of the point involved must conduce to throw it out of Parliament and into an election. The only way in which this matter can be considered creditably to the country at large is to deal with it not as a party question, but as a judicial question. That is a very proper subject for this House to express an opinion on. It is possible that under the same clause of the British North America Act legislation of this province may some day be under appeal. What spirit of procedure will animate the court to which we may some day be driven ourselves on such a question? Surely our action and attitude at this juncture will not be without its effect. It is within our jurisdiction to express an opinion upon this point. Even if both sides of the House unite in making the appeal which has been indi-