

exceptional treatment. If any other province were to try to do as Manitoba has done it would receive the same treatment. Take Nova Scotia for instance. At the time that confederation came into existence there was no law providing for a separate school system in that province. Consequently the minority could not under the constitution come here and appeal against the existing law. Suppose, however, that Nova Scotia were to establish by law such a system of schools. The minority would thereby acquire rights and privileges which could not afterwards be injuriously affected by subsequent legislation. If their rights were so affected the minority would have a right to appeal, and the province of Nova Scotia would have to abide by the results. On this point I will quote subsection 3 of section 93 of the British North America Act, which is my authority :

Where in any province a system of separate or dissentient schools exists by law at the union, or is thereafter established by the legislature of the province, an appeal shall lie to the Governor General in Council, from any Act or decision 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.

I claim that if at the present day Nova Scotia were to pass an act establishing separate schools, the rights acquired by the minority under that law could not be taken away from them without giving them a right of appeal to this government and afterwards to this Parliament. The position of the province of Manitoba to-day is just the same as the position of Nova Scotia would be in that case, because the judgment under which they are seeking redress is based upon legislation by the province since confederation. The same principles pervade the federal and local charters, and I hold that Manitoba ought not to be relieved from the application of these general principles. Why should not the Catholics of Manitoba be accorded the protection that the English Protestants in other portions of the Dominion demanded to be made a clause of the compact under which they entered confederation? It may be very well to say in a superficial way, that the majority does not want to be fettered by any restriction nor to see its rights encroached upon. Any one who makes himself familiar with the circumstances of the case and gives to the subject his honest and earnest consideration, will admit that nothing of the kind is intended. There is

no wish to place restrictions or fetters upon the majority, there is no proposition to preclude that majority from continuing to have their own schools conducted in such manner and under such laws and regulations as they desire.

Hon. Mr. BOULTON—Will the hon. gentleman permit me to interrupt him once more. The objection we have out west, where I reside, to the separate school system is, that we have in the one district a separate school containing say, 20 Roman Catholic children, and another district containing 20 Protestant children. Thus we have two poor schools instead of one good one. We want to have a good school and we can only have that by having a united school.

Hon. Mr. BERNIER—That is a very small matter—a matter of detail which certainly cannot be taken in opposition to the general principles that we are seeking to have applied to the province. The majority in Manitoba have had their own schools in the past without interference on the part of the minority or anybody else. They have them at present, and there is no intention to interfere with them in the future. The only thing that is desired by the minority is to be treated in the same way, and have their schools conducted according to the dictates of their own consciences, just as the majority have. That right the minority had before 1890, and the recent judgment of the Privy Council declares that it was wrong to dispossess them of that right, that this grievance should be remedied, and Her Majesty acting on the advice of the Judicial Committee of the Privy Council has ordered that "the recommendations and directions therein contained be punctually obeyed and carried into effect in each and every particular, whereof the Governor General of Canada, for the time being, and any other person who may be concerned, have to take notice and govern themselves accordingly." On that judgment the government of Canada has notified the provincial authorities in Manitoba to govern themselves according to the command of Her Majesty, and that in default they would have to conform themselves to the constitution and propose such remedial legislation as the circumstances may require. It might not be useless to remark that the government has been acting