

Manitoba School Case.

Lord WATSON.—You say it must be conferred *eo nomine*?

Mr. COZENS-HARDY.—Yes. Just as your Lordships in the Barrett case held that the only rights and privileges which were preserved were privileges that any class of persons had, so here the only privileges which are in any way to be considered are the rights or privileges of the Protestant or Roman Catholic minority of the Queen's subjects.

Lord SHAND.—But supposing in any district there is a minority, and that that minority is injured by the legislation?

Mr. COZENS-HARDY.—If they are injured, not as a minority, but if every member of the community is treated alike——

The Lord CHANCELLOR.—With the result that the minority, Protestant or Catholic, is injured.

Lord WATSON.—With the result that the minority are not quite so well treated as they were before.

Mr. COZENS-HARDY.—My submission will be, when I take your Lordships through the Acts, which I hope to do very shortly, that there is no part of this legislation which in any way does confer any right or privilege upon the Protestant or Roman Catholic minority.

The Lord CHANCELLOR.—Is it a privilege with reference to education to tax your own pockets and so have denominational education?

Mr. COZENS-HARDY.—The privilege of paying the taxes?

Lord SHAND.—The privilege of imposing taxes.

Mr. COZENS-HARDY.—The whole taxing system of these Acts is gone. They had a certain exemption from liability to pay taxes to schools of another faith.

Lord WATSON.—They had a subvention.

Mr. COZENS-HARDY.—Every school had a subvention.

Lord WATSON.—Not in their character as a minority.

The Lord CHANCELLOR.—This does not mean surely in their character as a minority, but it means those who from time to time form the minority who may be Roman Catholics at one time and Protestants at another, and perhaps Roman Catholics in one place and Protestants in another.

Lord WATSON.—I should doubt if minority has the sort of meaning you attribute to it. I think it plainly contemplates where the majority was powerful enough to carry in the provincial legislature measures which took away that which the majority were willing to surrender, but which the minority in the legislature did not agree to.

Mr. COZENS-HARDY.—Your Lordship is interpreting the word "minority" as meaning a minority in the Legislature.

Lord WATSON.—A minority in the state. They do not have to go into every village and find who is the minority there, or into every district and find who is the minority there, and give the minority in that district, because they happen to be a majority in the other place, no remedy.

Mr. COZENS-HARDY.—If that be, your Lordships, true, your Lordship is striking out the words "Protestants or Roman Catholics."

The Lord CHANCELLOR.—No, because it might be at any future time. At one time being a Protestant majority and at another time a Catholic majority. At the time this Act was passed it may have been contemplated that the Catholics were likely to become a minority.

Lord WATSON.—It is quite obvious from the division into districts under the Act of 1890 that there are Catholic and Protestant districts, and in some places you find under the administration of that Act they are all Catholics together, and in a great majority, but they are the legislative minority, and they feel aggrieved because they have not any denominational schools. They have unsectarian schools with certain rules, and they are advised by an Advisory Board to use their discretion of saying what books Catholic children shall be allowed to use in the course of education, and such religious exercises as are permitted.

Mr. COZENS-HARDY.—I was going to refer to the passage which Lord Watson has alluded to, namely that in Manitoba it was perfectly notorious there were certain dis-