

should be restored, or not, any more than we are entitled to inquire whether it is fair that the majority should have done as they have done. If the mechanical theory is the correct one, then it is useless for them to say that by their remedial legislation they will make the schools efficient, for that is not the complaint here. The complaint is that the statute of 1871, having conferred a right or privilege—no matter how extreme, no matter if it had gone ten times as far as it actually did go—it is binding for all time, and that if the local legislature of Manitoba repeals that Act, or interferes with it, we are bound, under the interpretation put forward by the Government, to give back to them what was taken away, whether we think it is right or not, whether we think it is fair or not. But, Mr. Speaker, that contention they have entirely failed to carry out. And why? Why has the Bill, as presented here, failed to follow the terms of the remedial order? Because, in spite of the Government's decision to close their ears, in spite of their decision to act without any investigation into the conditions in Manitoba, facts have come to their knowledge since the passing of the remedial order which have shown them that these schools were inefficient, that there were many reasons why the legislature of Manitoba were quite justified in dealing with the state of things as it existed in Manitoba prior to 1890. And they admit that by saying that they will not, in their Bill, give to the minority the relief that the remedial order gives, but they will temper that by making, of their own accord, provisions which did not exist in the old law, and which they propose to put in now, for the purpose of making these schools efficient. Surely they must be wrong, either in one instance or in the other. If we are a mere machine in this matter, if we have no discretion, then the only thing that we can do is to pass the Remedial Bill in the terms of the remedial order, giving back to the minority in Manitoba whatever they had before, without any attempt to inquire whether what they had before was right or wrong, fair or unfair. If, on the other hand, we have the right to do as the Government have done in presenting their Bill, if we have the right to take into consideration the circumstances, to look at the law that was passed, and make up our minds upon our responsibility as legislators, how far we will restore these schools, how far we will impose conditions upon the restored schools, with the view of making them more effective in the interest of the minority, for whose benefit they were established, if that is our duty in making a Remedial Bill, surely it follows that that was the course that the Government should have taken in connection with the remedial order. And I say, Mr. Speaker, that there is where the whole difficulty in this question has arisen, as I shall show when I come to deal with the suggestions which

have been made, and are being made, day after day, pointing to a compromise or settlement of this question through the Manitoba government.

Now, the Minister of Justice recognized the fact that there had been throughout Canada a great deal of very unfavourable, very hostile criticism of the remedial order; and he endeavoured to show that on the 21st March, 1895, when it was passed there was really no course open to the Government but to pass the remedial order in the terms in which it is couched. Let me examine for a few moments the reasons given by the hon. Minister in support of this contention. In the first place, he said, it was well known that Manitoba intended to do nothing in the premises, and, as a proof of that very broad and, I must say, very untrue statement, he instances the fact that in 1894 a communication was sent from the Government here calling the attention of Manitoba, and also of the North-west Territories to the unfair position of their school legislation, as affecting Roman Catholics, and that, in answer, the government of Manitoba sent a communication stating that they were satisfied with their school legislation, and did not intend to depart from it. Surely, Mr. Speaker, it cannot be argued that that was any indication of the position that Manitoba would take in view of the present position of the question. For that correspondence took place before the decision of the Privy Council was known, and the decision of the Privy Council entirely altered the position of Manitoba. The government of Manitoba have never said that they intended to defy the constitution, they have always admitted that they were bound by the constitution. But in 1894 there was no decision which made it clear to them. Therefore, anything they may have said or done prior to that decision is no indication what their position would be after they had the decision of the highest tribunal in the land pointing out to them the position in which the province was placed, and showing them that in case they refused to redress these grievances the Government here and this Parliament had the power to take the subject of education out of their hands, and legislate for them. The next thing that the hon. Minister of Justice cites as an indication of the position of Manitoba is the speech from the Throne, in 1895, and this, I may say, is the only indication whatever that Manitoba had given, up to the time of the passing of the remedial order, of what their position would be. I will read it, and I ask the House to consider whether what is said in the Speech from the Throne in Manitoba, in 1895, is couched in such language as to induce the Government here to believe that there was no use in attempting to negotiate with Manitoba upon this question. These are the words:

It is not the intention of my Government in any way to recede from its determination to up-