ant, of necessity, as Lord Herschell, keeper of the Queen's conscience, is—men not only trained at the great bar of England, but trained, every one of them, I believe, with the exception of Lord Shand, in the halls of Westminster, advising year in and year out, their Protestant countrymen, as to the legislation, not only of England, Scotland, Wales and Ireland, but of the whole Empire. I say those men, removed from the exciting issues here, removed from our local prejudices, and all Protestants, would have voted for this Remedial Bill to do justice to the Catholics of Manitoba, or any part of Canada. I, as a Protestant, and a Canadian, make a small concession, when I say I am willing to go with them and do as they would do. But, oh, hon. gentlemen say, what about the bargain? what about the compact? And we have heard how important these ante-confederation compacts were. Oh, the Protestants of Quebec, forsooth, they need not be disturbed; there was a compact preceding 1867 that it would be an outrage to disturb; but in regard to these post-union rights which concern Catholics chiefly, there is no such thing as a compact. But if there was a compact, I asked the hon. member for Queen's—what then? Would he vote for remedial legislation? Not he. I asked him the question, and he said it would be a very important consideration.

Mr. DAVIES (P.E.I.) The hon. gentleman will excuse me in calling his attention to the fact that we were speaking of a pre-union compact, and he asked me if there was such a thing as a pre-union compact, would I then vote for remedial legislation. I told him that our right to carry remedial legislation could in no way be dependent on a pre-union compact, but that the Privy Council decided that our right to carry remedial legislation depended upon rights given to the Roman Catholics after the union.

Sir CHARLES HIBBERT TUPPER. You may, Mr. Speaker, understand that to be an answer to the position I was taking. I do not. I say the hon. gentleman's argument amounted to nothing. I say that the time he took up was absolutely wasted if he did not distinguish between a compact before confederation, and legislation after confederation. Now, with regard to both these matters, I throw aside compact after compact outside the statutes. I go on the judgment of the Privy Council, and on the facts which led Lord Herschell and his colleagues to be of the opinion that remedial legislation is demanded and is right. They go upon the statutory compact, upon what they call this parliamentary compact, and I know, in connection with the provinces, of no compact higher than a parliamentary compact.

The hon. member for Simcoe (Mr. McCarthy), when acting as counsel for Manitoba, himself admitted that the proceedings anterior to the Act are entirely irrelevant. He also admitted that the judgment is binding in establishing a grievance, and the leader of the Ontario government (Sir Oliver Mowat), in his resolution passed the other day, interprets the decision as establishing, to use the language of his resolution, a legitimate ground of complaint which should be removed. And, speaking afterwards in support of that amendment, the only change he made in the language I have referred to is the substitution of "ought to be" instead of "should be removed"—that it is a grievance which ought to be removed. Those opinions, I think, are of some importance. We cannot argue with men like the hon. member for Albert (Mr. Weldon). He admitted that he was subject to passion and prejudice; and, after the decision of the court, when apparently it was not given as he hoped or wished, he told us in 1895:

> What meaning do you give to section 93 of the British North America Act? Is that section not a constitutional guarantee? Yes. And would you abridge it in this way? I frankly say I will.

Now, he is against separate schools, hit or miss, every time. Compacts, parliamentary, ante-union, post-union, bargain—all those things fall to the ground. His position is easily understood, and I hope it will never be commended by any important section of the people of this country.

Now, then, I arrive at a very important aspect of this case, and I again call to my aid the hon. member for Simcoe (Mr. McCarthy). I said a little while ago that up to 1889 no man dreamed that you could interfere with these post-union compacts, these parliamentary bargains, these parliamentary compacts, because this right of appeal precluded successful interference. So the hon. gentleman from Simcoe went, under a retainer, to London, to argue the Barrett case; and there the question involved was as to whether the Act of 1890 was within the ordinary powers of the Manitoba legislature. In that case, I find that he argued, and with great ability, that this section providing for an appeal—and I think it is better to express the section this way than by its number in the Manitoba Act—was not a substantive section, that it was to be read in connection with the section preceding it, and he then contended that no ante-union rights on the part of Roman Catholics had been interfered with by the Act of 1890; and he afterwards developed that idea that there was no appeal for the minority in Manitoba. But, mark you, he went on to say that in the case of New Brunswick and Nova Scotia, under the British North America Act providing for an appeal, the very fact of the right to that appeal guaranteed to the minority in those provinces a permanency of the separate school system, if, after 1867, a separate school system should be established. The very fact of that section of the British North America Act being a substantive section,