

then, we have Sir A. T. Galt's provision, in order to protect the Protestant minority, in order to protect them so far as they could be protected, and because of the failure to pass the law in 1866, we had the clause of Sir A. T. Galt, which is found now as a part of the Confederation Act, and which was subsequently embodied in the Manitoba Act.

Now, Sir, I think we had better interpret this statute without these historical references. It is useless to talk about compacts. This is undoubtedly a Federal Parliament. This is a federal constitution. We are guided by the powers conferred upon us by the constitution, and our powers are limited and restricted by the same charter. There is no difficulty whatever in finding a meaning to the language of the constitution; and by the constitution I am as willing to stand and be bound as even the enthusiastic young gentleman who addressed us this afternoon. Although I am not a young Canadian, I am not going to say, as that young gentleman said, that I am prepared to die for the constitution. It is unnecessary. It is far better that we should live up to the Canadian constitution, than that we should attempt to sacrifice our precious lives when that is not called for by any exigencies that arise.

Now, assume it to be a fact that a bargain was made between Upper and Lower Canada, and that that bargain was, on behalf of Lower Canada, that it would not go into confederation unless the school law of 1863 in Upper Canada should remain a fixture; and that at the same time, on behalf of Upper Canada—although Upper Canada does not appear in the matter at all—or rather, on behalf of the Protestant minority of Quebec, it was said, that they would not be parties to the scheme of confederation. Remember, as far back as 1865, by a majority of 85 to 20 they had been committed to this scheme of confederation and all its terms, and they had prayed Her Majesty to pass an Imperial Act in pursuance of those terms. Remember all that; but let us assume for the sake of argument that Upper and Lower Canada made this bargain with regard to their own peculiar circumstances;—what has that to do with Manitoba? What has that to do with British Columbia? What has that to do with Nova Scotia and New Brunswick? Surely we shall be keeping faith with every person who spoke with reference to confederation if we keep the bargain between Upper and Lower Canada. There was no trouble in New Brunswick. There was no trouble in Nova Scotia. They were not seeking any limiting powers to be imposed on the local legislatures. They had rather scorned that than otherwise. They had full power with regard to education up to 1867; and in joining confederation they did not wish to tie the hands of the local legislatures. So that if we are keeping the bargain between Upper and Lower Canada, if we in Upper Canada are not seeking to destroy the separate schools there, and if the Lower

Canadians are not trying to destroy the rights of the Protestant minority in Lower Canada, then are we not doing all that we bargained to do at the time of confederation? And why are we having this brought forward as an argument with regard to the province of Manitoba? What has it to do with the province of Manitoba? Manitoba was not a part of the Dominion at the time. We had not acquired the territory out of which the province of Manitoba was carved; and when the Minister of Finance spoke of two compacts, he forgot—although a member of the Council of this country should be supposed to understand the subject when he agreed to pass the remedial order—that the Privy Council distinctly stated, in answer to the question, that the British North America Act had nothing at all to do with the province of Manitoba. Does the hon. gentleman want to have that pointed out to him at this time of day? Does he want to know that one of the questions submitted to the Privy Council, was, has the British North America Act anything to do with this question of the Manitoba schools? and the answer, the emphatic answer, was, "No." What have we to do with that, or with the matters that led up to confederation? I am astonished, Sir. The case must be bad indeed when arguments such as this have to be used in order to bolster it up. Let us meet it, Sir. Let us examine the constitution as we find it; but let us not be led away by the statement that there was not only one compact, but two compacts.

Mr. FOSTER. So there were two.

Mr. McCARTHY. No. What record is there of two?

Mr. FOSTER. I do not like to interrupt the hon. gentleman when he is making an argument; and it is impossible for me to interrupt him in the trend of his argument without almost making a speech myself. I am quite willing to allow what I actually said to be placed before the House and the country side by side with what the hon. gentleman has said, and he will be the first to acknowledge that he has pushed the argument, for the purpose of refuting what I said, far beyond what I did myself. On this last point, for instance, I said that there were two compacts. Will the hon. gentleman deny it? I did not say that the first compact, as a matter of law or as a matter of words, had its bearing directly on the Manitoba question. The second or Manitoba compact has that. But my argument was this, legitimately pushed, fairly pushed, that the spirit of the first compact was followed out by the spirit of the second compact.

Mr. McCARTHY. I am delighted at the explanation of the hon. gentleman.

Mr. FOSTER. I am very glad to afford you pleasure.