

McLaren and Caldwell has long since ceased, or at all events, ceased so far as this is concerned, because I have no personal interest, nor any interest such as I might be expected to have if my client's interests were affected.

Sir, the statement made on that occasion is a condemnation of the member for North Simcoe (Mr. McCarthy) all through this story. And, Sir, why do I refer to it? Is it in order to stir up ill-will between him and me? No, Mr. Speaker. I would deplore such a spirit on the part of any hon. gentleman on the floor of this House, but I am glad to know, that he has been the arch-offender in introducing a spirit of discord, both in this House and in this country, into the important question of the education of the minority in the different provinces. I am glad to know, that it has laid upon his (Mr. McCarthy's) shoulders, more than on any other in this Parliament, or out of it, to wage the war, to make the fight, and to renew the strife on this question. I congratulate myself on the opinion—I will do it until the general elections are over, at any rate—that an agitation led by him, or led by the hon. member for York (Mr. Wallace), can amount to very little, after the defeat of a similar agitation raised by men like George Brown, without fee or award, but relying simply upon the intelligence of his countrymen and upon the allegiance of his party. They were beaten. Happily for the peace of this country, they were defeated; and I do not believe it will be written in history, that a lost battle, led by champions, and by independent men of the calibre of George Brown, can be won by men such as I have referred to to-day.

Now, then, Sir, coming back to the question under debate. I ask you, Mr. Speaker, to remember the long speech of the member for Queen's (Mr. Davies). I will remind you of what he had to say in regard to the law, as he called it, relating to this question, that was laid down by the Secretary of State (Sir Charles Tupper). I never was a champion of the Secretary of State in this House, when he ceased to be a member of it. I did not think, in regard to his parliamentary record and life, that it would be any compliment to him, if I attempted to make myself his champion. I have less occasion to be his champion now. The denunciation of his law by the member for Queen's (Mr. Davies) I will leave to the consideration of the House. But the member for Queen's (Mr. Davies) must not blame me, if I, in turn, proceed to denounce his law, and to challenge, as I propose to, any member of his profession on either side of the House, or in the third party, to rise now or subsequently in the debate, and to say, that he agreed with the interpretation of the legal decisions which are before us, as given by the hon. member for Queen's. What did that hon. gentleman say? He said:

The Privy Council have taken the educational code to be found in the Manitoba Act, and they

Sir CHARLES HIBBERT TUPPER

have on appeal determined that these alleged religious privileges and exercises and franchises, have not been interfered with directly or indirectly by the School Act of 1890.

Now, Sir, that has been absolutely determined upon by the highest tribunal of the Empire in language which cannot be misunderstood, and will any one agree with the hon. gentleman (Mr. Davies), that that is a good and sound interpretation of this question, which at times we are told, is not a question for the statesmen of this country, but a question, forsooth, for two constitutional lawyers—and we only possess two of them in this House, one on each side—a question for lawyers and members of the bar; then I will use an 'ad captandum' argument, and show the hon. member for Queen's (Mr. Davies) was not long in contradicting the very bad law which he laid down. In the same speech he said, for instance:

It is equally true and decided by the same judicial body in 1895, that the legislation of 1890 by interfering with post-union privileges granted to the minority by the legislature of Manitoba created a grievance which gave the aggrieved minority a right of appeal.

If that is not satisfactory to the member for Queen's; if he will not take himself, as against himself—for the point is an important one—I appeal to the opinion of the Privy Council itself, when they used the following language in the Brophy case:—

The sole question to be determined is whether a right or privilege which the Roman Catholic minority previously enjoyed has been affected by the legislation of 1890. Their lordships are unable to see how this question can receive any but an affirmative reply. * * * In view of this comparison it does not seem possible to say that the rights and privileges of the Roman Catholic minority in relation to education, which existed prior to 1890, have not been affected. * * * The appeal is given if the rights are in fact affected.

And they so decided.

Now, I pass on to the speech of the hon. member for Guysboro' (Mr. Fraser). Mr. Speaker, it is one thing to be beaten in a fight; it is one thing to be rejected by the votes of your fellow-countrymen; but if there is ever any consolation for a beaten man, it is to find that the man who beat him, after he enters the halls of this legislature, has to repudiate all the arguments with which he met you at the polls; and the hon. member for Guysboro's position—if it is parliamentary for me to say so—is humiliating, indeed. He fought me through Antigonish from platform to platform; but on this question, which I frankly put to that Roman Catholic constituency—not, forsooth, as a Roman Catholic question altogether, but as affecting Roman Catholics in the far province of Manitoba—I told the people that a defeat of the Government candidate in that riding would be most material and most injurious to the Government that was committed to the policy of remedial legislation. I