subjects, shall be and the same are hereby extended to the dissentient schools of the Queen's Protestant and Roman Catholic subjects in Quebec;

Subsection 3 says:

Where in any province a system of separate or dissentient schools exists by law at the union or is thereafter established by the legislature of the province, an appeal shall lie to the Governor General in Council from any Act or decision of any provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education;

Subsection 4 deals with the subject of remedial legislation under the circumstances there set out. I beg to observe that these restrictive subsections could not apply to Alberta and Saskatchewan, because they could only apply in favour of a province having existence as a province when brought into confederation, and not to a territory becoming a province only when brought in. We are dealing with a territory not with a province and therefore, in my opinion, this particular subsection 1 could not apply. Second, this subsection could only apply in case the provinces of Alberta and Saskatchewan have by law a right or privilege with respect to denominational—or, as the proposed amendment of section 16, says, separate—schools. The words 'by law' occurring both in subsection 1 and subsection 3, I submit, mean, by an independent law of the provinces, and do not mean by a law of the Dominion forced upon any province. The Act of 1875, as I have before observed, was a Dominion Act passed at a time when the Territories had no representation in this parliament. It was not a voluntary independent law of even a territory. The ordinances as I have also observed can only be regarded as the outcome of the Act of 1875, which, we cannot bear too strongly in mind, was a Dominion Act which forced separate schools upon the Territories. As a third reason it may be observed that the class of persons must have such right at the union. The Territories came into confederation, beyond question, in 1870, and there is no pretense that at that time such a right existed, for the very good reason that practically no schools of any kind then existed in the Territories. As regards subsection 2 of section 93, that admittedly relates only to Ontario and Quebec and does not enter into this discussion. For the same identical reasons which I have stated as to subsection 1 of section 93, I would contend that subsections 3 and 4 providing for a remedial order and for remedial legislation, do not, and could not apply to Alberta and Saskatchewan; except that under the provisions of subsection 3, if Alberta or Saskatchewan when they become provinces, should enact a separate school law and afterwards pass a law doing away with separate schools, appeal against the Act so attempting to abolish the separate schools would be available to the minority. The general result is that the Dominion parliament can create a province, and then the general provision of section 93 applies in all cases. Whether the restrictive subsections of section 93 apply or not is dependent on three facts, which, being facts, cannot be altered by legislation. And these facts are: First, whether the area to be admitted is or is not already a province; second, whether there is or is not a system of separate schools already in existence there by law of that province; and third, whether such law exists at the union. All three of these questions must be answered in the negative in the case both of Alberta and Saskatchewan. But as I have observed, if either of these provinces, after their erection into provinces, saw fit to enact a separate school law, such law at once would become irrevocable; and to that extent, but to that extent only, in my humble judgment, subsections 3 and 4 of section 93 would apply. In view of these considerations, which, it is clear to me, are beyond question, what does the government do by their proposed amendment to section 16? Let us keep that distinctly in mind. They say:

Section 93 of the British North America Act, 1867, shall apply to the said province, with the substitution for subsection 1 of said section 93, of the following subsection.

That is the action of the government upon it. This, of course, cuts out subsection 1 of the Act of 1893, and substitutes this whole amended clause 16, as being and constituting subsection 1 of section 93. This is assuming to amend the British North America Act in such manner as to compel the application of this restrictive subsection 1 as amended that is to Alberta and Saskatchewan, notwithstanding that the facts do not fit, notwithstanding that Alberta and Saskatchewan are not provinces, notwithstanding that the union was thirty years ago and not now, and notwithstanding that the Act of 1875 was a Dominion and not a provincial, or even a territorial Act. Let us look at subsection 3 of the amended clause 16:

Where the expression 'by law' is employed in subsection 3 of the said section 93, it shall be held to mean the law as set out in said chapters 29 and 30, and where the expression 'at the union' is employed, in said subsection 3, it shall be held to mean the date at which this Act comes into force.

It is impossible to reconcile the statement of the law, or what I respectfully submit it to be, with the provisions of this subsection. This means, Mr. Speaker, that parliament is asked to legislate in two instances that to be a fact which is not a fact, and then to say, that in consequence of those facts which are not facts that the whole of section 93 as amended shall apply to Alberta and Saskatchewan. It may be ob-