

served that that which is not true cannot be made true by legislation; and also that no legislature ought to be asked to pass legislation of this description. The truth is that the government finds itself compelled to adopt this utterly illegal and senseless course to effect an object which, without adopting such course, it admits it could not effect. If this legislation is passed, manifestly it must be confirmed in England. The hon. member for Brandon foreshadowed that as being the intention of the government. It seems to be a most extraordinary proposal for any government to submit to this parliament legislation which it must admit, and which, by the mouthpiece of one of its late colleagues, it admits, is totally inoperative, in fact is ultra vires, and as such could not be enforced even if passed. It would appear that the advocates of provincial rights in this country should, if that foreshadowed intention of the government is put in force, make the fight of their lives in that connection, and should submit to the imperial parliament the entire history of this subject with a view of showing what, with regard to Alberta and Saskatchewan is undoubtedly the fact, that the people of the Territories have from the first fought against the imposition of separate schools upon their territory. I have made this statement of what I humbly conceive to be the law in the hope that among the many thousands of our fellow citizens throughout this country who are intensely interested in this question of separate schools, and who have the statutes of our country at their hand and also copies of these Bills, may be led possibly to peruse and examine some of those Acts for themselves, and in the further hope that if they do so, they will come to a conclusion consonant with that which I have had the honour to submit to the House.

Mr. Speaker, I am opposed to the imposition of separate schools upon the population of the new provinces, because the people of that land, in my humble opinion, have a constitutional right under section 93 to exclusively to legislate upon the subject of education. This does not appear to me to be a question of the merits or demerits of public schools; it is not a question, as asserted by the Minister of Finance, of a moral obligation; neither is it a question of finding a solution which will satisfy all creeds and classes as advocated by the Minister of Customs, neither is it a question of saving the government, as indicated by the hon. member for Brandon. It is simply and solely, in my humble opinion, a question of law, and was properly put by the premier, in his speech in introducing these Bills, as one of legal obligation upon this parliament to impose separate schools upon the new provinces. If that ground is abandoned, and apparently, to a considerable extent, hon. members on the other side of the House speaking during the course of this

debate, have abandoned that ground, it appears to me that the government case is largely given away. Undoubtedly that legal question stands on the very threshold and in the forefront, and it must necessarily be decided, and decided in accordance with the contention of the government, or, as already observed, the Acts become in effect waste paper. If that is so, Mr. Speaker, of what avail has been the wilderness of words, the weary waste of verbiage with which this House has been daily deluged during the past three weeks, relating to the work and sufferings of the Jesuit fathers in the dim and distant past of New France, to a nice balancing of the volume of alleged tolerance of intolerance said to exist in the various provinces, to the results alleged to be attained by the various systems of schools, clerical and otherwise, established in the various provinces? On the contrary it seems to me that this legal question absolutely must be decided, and the decision must be upon the point as put by the premier. If the government were able to point to any competent decision,—it must necessarily be the decision of a court of last resort in this realm—if they were able to point to any such decision, our difficulties would be removed; but in the absence of any such decision it appears to me to be child's play to force these Bills through this parliament without any decision upon that subject. We have to look to the future of our great country. It appears to me, Mr. Speaker, that we need not inquire with too great nicety whether by possibility this parliament may have the power to enact legislation such as that now submitted because Canada is under no obligation, moral, legal or other, to any one, to experiment with her constitution. If doubts do exist on that score, and they do exist, then I say it would be our legal duty, our duty in justice and in equity to give full force to the doctrine of provincial rights leaving the new provinces educationally absolutely free. A free people may be trusted to be both just and generous. A restricted people will probably act as Manitoba acted. Having pointed out, Mr. Speaker, the dicta of a number of the members of the cabinet it plainly appears that they failed to agree in their views upon this school question, except as to the necessity of saving this government. But, is it not possible, Mr. Speaker, that we may find the true reason why the government insists upon forcing separate schools upon the new provinces in the utterances of the hon. Minister of Justice (Mr. Fitzpatrick)? Let us see what that hon. gentleman says. While neither the hon. Minister of Customs, nor the hon. Minister of Finance, nor the hon. member for Brandon was a member of the subcommittee which framed this legislation, the hon. Minister of Justice was a member of that subcommittee and is generally credited with having drawn section 16 both as

Mr. ALCORN.