# A GREAT SPEECH BY DR. STOCKTON, M. P. SUNLIGHT

Hon. Mr. Fitzpatrick Was in an Unenviable Position--His Interruptions Were Severely Dealt With by the Member For St. John.

specious an argument in favor of im- that interesting topic. sive break, and generally succeeds. night when he attempted to break the prime minister to have his down Dr. Stockton of St. John by interjecting questions at the essential stages of his legal argument. Dr. speaking, and profits thereby. His ininterruptions last night caught the would have to form a wholly learned doctor did not pursue his ad- finance vantage, as less experienced speakers would have been tempted to do, but proceeded with his argument as if nothing of a digressive nature had hapfirst opportunity, in an endeavor to lower jaw in close contact with its wiser than the minister of justice.

all-important question. The proposition brought before the house by the first minister is too great, too comprehensive, too far-reaching, for me to hon. friend (R. L. Borden), the exponvote that I am about to give when I right; liberty and freedom on your left. vote for the amendment proposed by the leader of the opposition. I have tions I intend to offer or for the reasons that impel me to vote for the amendment of the leader of the opposi- ditable to this house of commons. Ortion except that I hope that I may give dinarily speaking, that is true, but, sir, utterance to no sentiment, that no expression may drop from my lips, that beral remarks made by the supporters can wound the feelings of the most of the government in respect to gentlesensitive. I agree with the minister of justice and those who have precedme, that this discussion has proceeded ordinarily with perfect good why should I be called a bigot or a umor, and in perfect decorum. There probably call attention to them before I conclude. What, however, is the real question before the house at the that I am trying to trample upon some present time? The discussion has race or upon some religious belief? I which has been introduced by the first minister and the first minister is responsible to a large extent for that departure, because, sir he unnecessarily first reading of the bill a disquisition upon the relative merits of public schools and clerical schools.

Therefore, if there was discussion far afield from the real point involved in the bill presented by the first minister, he himself is the gentleman primarily to blame for this extended discussion. And, sir, what is the question before the house? It is not a question of separate schools; it is not a question of race or religion, and probably it may be necessary—it may, at all events, be opportune-at this particular time to state to the house what is the question before us and upon which we are soon to vote.

## THE QUESTION IS THIS:

This parliament by virtue of constitutional rights has had introduced to it by the first minister a bill to organize unorganized territory into a province, and in that bill he has inserted clauses which we on this side of the house say are not justified by the constitution, clauses we say that should be eliminated, and in support of our contention the leader of the opposition has proposed his amendment. That is the only question before the house. It is a question of law, it is a question of constitutional interpretation, and when gentlemen supporting the government say it is a question of race and religion they are trying to throw dust in the eyes of the members of this house and in the eyes of the people of

this country. Now, sir, let me refer to the policy of the first minister upon this question. In 1896 the right hon, gentleman declared, or professed to declare, that he stood upon the rock of provincial rights; today he and his party stand upon the slippery platform of coercion. The policy of the right hon, gentleman today is directly opposed to the policy security of the rights of minerities in he pursued in 1896. And how shall I any country is to stand solidly by the characterize his policy now? Well, I constitution. It may suit the convenmight say that it could be aptly char- lence or the inclination of the minoracterized as a sort of kangaroo policy ity today to encroach upon the pro--first a hop in one direction and then visions of the constitution, but it will

OTTAWA, May 4.—The autonomy a hop in the opposite direction, and n bill debate closed last night in a blaze mortal man can tell what will be the of oratorical glory. Hon. Charles Fitz- direction of the next hop. Time will patrick, minister of justice, put up as not permit me to dilate further upon I regret that posing federal domination for all time my hon. friend the minister of finance to come on the new provinces of Al- is not in his place tonight. When this berta and Saskatchewan as was pos- bill was introduced the minister of sible for a well trained legal mind and finance was not in Ottawa; he came astute practical politician that realized here shortly afterwards, and the rumor it had a bad case to advocate. Fitz- was that there was a sort of civil in patrick is a man of impetuous moods. surrection in the ranks of the govern-Realizing that his quick temper ment. But, presto; in a few days the prompts him to say things on the spur minister of finance rose in his place of the moment that thirty seconds and said—what? Not that he saw a later he would bite off his tongue for ghost, but something almost as alarm-uttering, he does the best possible to pull himself together after an impul- great proportions looming on the political horizon. And what was the crisis? But he lost his head completely last was that if we did not permit prime minister might take it into his head to resign—a very remote possi bility indeed-and the prime ministe having resigned, it would dissolve his Stockton, as all St. John people know, government, and then, under the con-welcomes interruptions when he is stitutional usages of our country, the speaking, and profits thereby. His ingovernor general would call upon my stantaneous retorts are often the best hon, friend the leader of the opposition part of his speech. They catch the to form a government, and, mirabile multitude. His electric replies to all dictu, the leader of the opposition house with as firm a grip as it was ant government without a Roman Capossible to imagine in parliament tholic in it. That was the entire crisis; Fitzpatrick and others evidently be- but if the minister of finance had only lieved, from the smooth flowing cur- waited a few days he would have lisrent of Stockton's speech, that all they tened to a speech. one of the best had to do was to interrupt and throw speeches delivered in this house, one him off the track. But within thirty of the best reasoned speeches, from the minutes they were discomfited and member for South Toronto, a Roman silenced, with the conservatives cheer- Catholic, objecting to and opposing the ing and Stockton, cool and collected, proposal of the right hon, gentleman. smiling at the battered hulks. The In 1896 my hon, friend the minister of

> THUNDERED FROM THE PLAT-FORMS

nothing of a digressive nature had hap-pened. Johnston of Cape Breton, who shoots off his offensive mouth at the imposition of separate schools upon the please his leader, for once sized up the west. In 1896 the minister of finance man on the floor and kept his heavy stated on the public platform of Nova Scotia Sir Charles Tupper, upper brother. Therein Johnston was though the influence of the Roman Catholic pulpits of Cape Breton, was

friend the minister of finance.

there have been ungenerous and illimen on this side of the house Because I choose to support the amendment of the leader of the opposition, fanatic? When I come here and seek to give my best judgment to the solution of a question which is constitutional and legal, how can it be said am bound to say, sir, that when I with respect to the city of Toronto, I felt that it was a shame that such a city should be so characterized in this parliament. A few days ago I went to the city of Toronto, and I found the people there clothed in their right mind; I saw no blatant mob; on the contrary, I saw a city magnificent in its universities and its colleges, in its ask the minister of justice to correct public institutions, in its private enterprise, in the energy and intelligence of its people, and I came away feeling that Canada should be proud of Toronto. Let me refer for amoment to the hen. member for Labelle (Mr. Bourassa). I think he was the greatest sinner in this respect; and yet there were some things in the hon, gentleman's speech that I agreed with-that I felt were in keeping with the dignity and the tone of the debate. But a large part of his speech seemed to me to be a mixture of fact and fiction. lit up by a somewhat lurid declamation of a rasping character; and therefere I felt that if that hon. gentleman expects, as I believe he does, to become a man of light and leading for the people of united Canada, it will be necessary for him to mend his methods and moderate his language. But the member for Labelle has also gone back on his record with respect to the question before the house. In 1902, when an effort was made in parliament to have a dominion registration for the medical men of the whole of Canada, the hon. member for Labelle opposed it on the ground that it was a question of education, saying that educational questions belonged exclusively to the province. Why this change? Is this not an educational question? Does it not, then, as exclusively be-

long to the province as the question

of dominion registration for medical

men? And yet the hon, gentleman to-

day is taking a directly opposite po-

sition from that which he took in 1902.

Let me say, Mr. Speaker, that the

sheet anchor of the permanence and

Ragged clothes quicklythat's what common soaps with "premiums" cost; but

come back to them in the years to ome with double force and when they least expect it. Therefore my view is that we should always stand unflinchingly and solidly in line with the terms of the constitution.

Now, I am not going to discuss certain questions which I might have otherwise discussed at greater length, because this has been rendered unnecessary by the remarks of the hon. minister of justice this afternon. You have heard, sir, considerable discussion during this debate as to the meaning of the British North America Act and as to the powers to be given to provinces, not only those in esse, but in posse; that was the language used, and you heard that because Lord Carnarvon, when the British North America Act was before the house of lords, had said that certain clauses of that act would apply in esse and in posse,

THAT WAS THE INTENTION

of the imperial parliament, and we particular occasion, and indeed whenever we interpreted the British North America Act. Now, sir, an act of contracting parties is discovered by the language which we have used, and Mr. Fitzpatrick—Then the hon. memthe courts will so determine, and if ber had better not vote on the second this or any other legislature enacts a reading in that case. statute, the intention is the mind of the legislature as expressed in the that that is the correct canon of inacts of parliament as well as to written contracts between private individuals.

Now, I listened with very much insaid that there was a compact between these provinces even reaching out to the great Northwest; but when he was interrogated by the leader of the opposition he admitted that whatever the of parliament—that you could not go he can tell the difference himself. back of the act of parliament. But, sir, on the top of that, with a kind of qualified to understand that ourselves, Dr. A. A. Stockton (St. John city and trying to climb into power-today the ernment sitting behind the first min- and we want to know from the hon. county).—Mr. Speaker, I regret that would be no Roman Catholic in a conpact and the terms that physically I am not in that condition servative government. And what do were agreed used to know from the hon. It must continue. It must continue, how? By law? The minister of justice will not say that as a lawyer. physically I am not in that condition would be no Roman Catholic in a continue? Where is the law say in a servative government. And what do by? And he was applauded to the the confidence of the men behind him.

In the confidence of the men hon, friend the leader of the govern- own men behind you. cion; on this side of the house is the ment moved a little uneasily in his seat Mr. Stockton—What did the hon. genliberal conservative party led by my when the minister of inland revenue when the minister of inland revenue made that statement; because he was know, with a young member. If the the great exponent of going back on hon. minister says yes: there is a difhensive, too far-reaching, for me to ent of liberty and freedom. Mr. spive a silent vote in this house upon it. I have no apology to make for the statement, because he was know, with a young member. If the the great exponent of going back on the compact in 1836, when he refused ference, then the hon member for Beauties. Mr. the great exponent of going back on your the compact in 1816 when he refused ference then the hon member for Beautiful for the compact in 1816 when he refused ference then the hon member for Beautiful for the compact in 1816 when he refused ference then the hon member for Beautiful for the compact in 1816 when he refused ference then the hon member for Beautiful for the compact in 1816 when he refused ference then the hon member for Beautiful for the compact in 1816 when he refused ference then the hon member for Beautiful for the compact in 1816 when he refused ference then the hon member for Beautiful for the compact in 1816 when he refused ference then the hon member for Beautiful for the compact in 1816 when he refused ference then the hon member for Beautiful for the compact in 1816 when he refused ference the hon member for Beautiful for the compact in 1816 when he refused ference then the hon member for Beautiful for the compact in 1816 when he refused ference then the hon member for Beautiful for the compact in 1816 when he refused ference then the hon member for Beautiful for the compact in 1816 when he refused ference then the hon member for Beautiful for the compact in 1816 when the comp to carry out the terms of the Mani- harnois (Mr. Bergeron) is right, and a toba act as to remedial legislation; and therefore it seems to me that it friends of separate schools. But if, on was hardly worth while for the minis- the contrary, he says no; then in what It has been said that this debate has ter of inland revenue to dwell upon position are the members from the the minister of justice in his very made this afternoon surprised me -1 taken a tone that is worthy of and crethat the intention was within the four government on the strength of the corners of the act itself. No wonder that the hon. member for Labelle, in Brandon and the minister of finance? I consequence of the action of the first leave those questions for the considminister in 1896, in answer to the mineration of the liberal members of the by the hon, member. ister of inland revenue, then said that west and the province of Ontario. I he was rather skeptical about any re- have failed to get any information medial legislation that might hereafter arise in consequence of what happened in 1896.

> Let me say another thing. The bill other phase of the discussion, introduced by the first minister is de- I wish to say a few words with resigned as a law for the minority; it spect to the legal aspect of this quesdoes not pretend to look after the ma- tion and the constitutional rights of jority. The majority is supposed by the this parliament to enact this legisla-Only minorities are supposed to have that if the amendment is passed orseparate school provisions will apply provinces to be organized, how can we of ordinance 29, and if I am wrong I actly what the law is when these orme. You cannot bring a separate And yet this is being forced by legisschool into existence under section 41 lation by reference into the constituof that ordinance unless the minority without that. Well, then, what about in any legislature of Canada. conscientious scruples against being taught in the public schools under the law as new proposed by the right hon. the first minister? Suppose, for instance, there should be in a district twenty-five Reman Catholics and ten Methodists, the minority can have a separate school. .The majority must have a public school, separate and apart from every separate school, and yet, sir, the minister of inland revenue (Mr. Brodeur) yesterday said that there could be remedial legislation if the majority were not satisfied. Will my hon. friend the minister of justice inform this house where there can be in that case remedial legislation? The minister of inland revenue was interrupted by the hon, member for Labelle (Mr. Bourassa), and I am bound to say that I think that hon, gentleman get the better of the argument. Of course it might be possible nay quite probable—that there would be eccasions in which these great western provinces, when conditions that I have

> meek and penitential way, admitted statement on the floor of this house that he was the draftsman. I think, by any lawyer who cares anything for

which he referred to the draftsman upon that occasion. But, Mr. Speaker tive mood tonight, and I would like to know who was the draftsman of the proposed amendment to section 16. It was drawn by no 'prentice hand. Was it the minister of justice who was the draftsman? The hon. gentleman, I notice, this afternoon took particular care to steer clear of that inquiry. Well, the minister of finance (Mr. Fielding) and the ex-minister of the interior (Mr. Sifton) were satisfied at all events with the amendment that was drawn. In consequence of that amendment they withdrew their opposition to the bill; and when they gave us their reasons why they had withdrawn their opposition and were now in hearty support of the proposals of the right hon, the first minister, they said: Why, this amounts to nothing; this is only a little question of religious instruction from half-past three to four o'clock in the afternoon. And if you would believe the statements of these hon. gentlemen, you would think that this system of separate schools was a somewhat weak, attenuated thing, and that you would require a microscope to detect the first germs of the separate school principle in it. If that be true, then what crushing force is in the Beauharnois (Mr. Bergeron). Is it possible that the government is pre-

his opinion, is the difference?

before the house. parliament is an expression of the the interior (Mr. Sifton) and the minconstruction that applies to a contract | them to come back to the fold. The you apply to the interpretation of an hon, the minister of justice did not act of parliament; that is what the wait, in their case, to make an exminister of justice said this afternoon, planation, and in making the explanwhich will shorten my remarks upon ation to get the support of the liberal this particular point. If I meet with members of the west. I say it is due you, Mr. Speaker, and we enter into a to this house, before we vote upon the contract which for certainty we re- second reading, that we should have duce to writing, the intention of the an explanation from the first law officer of the crown.

Mr. Stockton-I want to say to my hon, friend that I am not voting on words that are used. My hon, friend his recommendation. I want to say the minister of justice will not deny that I am voting against both propositions, and therefore it is not necesterpretation that you are to apply to sary to give that explanation in that respect; but it is due, not only to the horse, but to the country, that the public should know what the government, at all events, consider is the erest the other day to the minister of difference between these two proposrevenue (Mr. Brodeur), who als. But the minister of justice either does not think there is any-

Mr. Fitzpatrick-Hear, hear. Mr. Stockton-Or he will not tellone thing or the other. Mr. Fitzpatrick-The hon. gentleman compact was, was expressed in the act is so well qualified that he has proved Mr. Stockton-We may both be triumphant wave of the hand, he but there may be others who may not turned to the supporters of the government sitting behind the first minand we want to know from the hon.

act of 1875 has existed in that country for thirty years, therefore it
this afternoon, unorganized territories into effect, including the ordinances
this afternoon, unorganized territories relating to schools.

> statements made by the member for will pass that by and proceed to an-

first minister to have no conscience. tion. Will the minister of justice deny consciences. I do not know whether dinances 29 and 30 of the Northwest the first minister applies that to particles become the organic law of relevancy — my hon, friend will particles become the organic law of relevancy — my hon, friend will particles of the provinces to be organized? He will don me for saying it — there is no the province of New Brunswick. Will while the law may be general, the not. If it is the organic law of the relevancy in citing that act with reany hon, gentleman on the other side only to minorities. Look at section 41 be blamed if we do not know just exThe Manitoba act received the saucThere is no authority and if there is 1998 To him I say today: If you dinances contain about 200 sections? tion of these new provinces in a way moves. There can be no separate school which I say ought not to be tolerated which has all power throughout the tain extent I agreed with him in that—

## I STATE, AS A LAWYER,

That no mortal man can tell with any degree of certainty what the constitution of either province will be if you legislate in the way that is proposed by the first minister in this bill. The minister of justice will not deny that this house. I am right in that statement. Now, the first minister, in introducing this thing. bill, said there was a necessity on the Mr. Stockton-Well, sir, if a man liament. part of the government to import into the constitution of the new provinces the school clauses of the British North the school clauses of the British North ring to the law officers of the crown in to separate schools and the question America Act. I think I am correctly stating the position taken by the first minister when he introduced this bill. about the legality of the power of this have sent forth does not controvert Where does any lawyer find in the British North America Act, or in the act of 1870, I think it was. But if there made that statement he made it either act of 1871, or in the act of 1886, any foundation for any such statement as that. Why, sir, section 93 of the Britten and the statement as authority of the imperial parliament to validate the act? There was no negative for the future or he made it either the prime infinitely because it is the proper that would be adopted by every government in the people of the west. (Cheers.) the future or he made it as a matter to validate the act? There was no negative for the future or he made it as a matter to validate the act? ish North America Act applies only to provinces at the time of the union.

And it was stated by the minister of policy that would be read into the conclear as stated by the minister of policy that would always be followed. And it was stated by some hon. gentleman yesterday — I think it was the hon. member for South Wellington that was made to validate that act as lowed by any government in Canada, named might actually arise, yet the named might actually arise, yet the right, hon, gentleman makes no provision for any such conditions.

| man yesterday — I think it was the hon, member for South Wellington it was read by the minister of justice this afternoon, there was a prevision for any such conditions.

| man yesterday — I think it was the hon, member for South Wellington it was read by the minister of justice this afternoon, there was a prevision and statement that no authority and statement that no authority as a matter of law then George Brown see Junction, broke out this afternoon. sion of the legal question, but that he should be given or read into the conwas going to answer my hon friend, the leader of the opposition, with respect to that proposition. But he foror two I would like to ask the minis- the leader of the opposition, with reter of justice. The hon, member for Brandon (Mr. Sifton) flung a very undisguised eneer at the draftsman of clause 16 of the bill as originally included. On a former occasion and the opposition (Mr. R. L. Borden) in provinces because it does not contain the leader of the provinces of Canada at the courts since have shown that it ne house opposite the depot. A number of that time. But my hon, friend puts that proposition to a strange use; he says that while that may be so, you cannot clip the sovereignty of the troduced. On a former occasion and the opposition (Mr. R. L. Borden) in provinces because it does not contain the courts since have shown that it ne house opposite the depot. A number of that time. But my hon, friend puts that the was in error; that is all of firemen and a steamer were sent to says that while that may be so, you cannot clip the sovereignty of the provinces because it does not contain the courts since have shown that it ne house opposite the depot. A number of the courts since have shown that it ne house opposite the depot. A number of the courts since have shown that it ne house opposite the courts since have shown that it ne house opposite the courts since have shown that it ne house opposite the courts since have shown that it ne house opposite the courts since have shown that it ne house opposite the courts since have shown that it ne house opposite the courts since have shown that it ne house opposite the courts since have shown that it ne house opposite the courts since have shown that it ne house opposite the courts since have shown that it ne house opposite the courts since have shown that it ne house opposite the courts since have shown that it ne house opposite the courts since have shown that it ne house opposite the courts since have shown that it ne house opposite the courts since have shown that it ne house opposite the courts since have shown that it ne house opposite the courts since have shown that it ne house opposite the courts since have shown that it ne house opposite traduced. On a former occasion and the opposition (Mr. R. L. Borden) in provinces, because it does not say so today the minister of justice, in a very that respect, and I have heard no that no less shall be given. sir, it is now due from the member for his reputation saying anything to the Brandon to make an apology to the contrary. But it is also said — and I For any less to be given after a state—say that they will not trust the people \$500, while freight shed was a little

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cannot we do so today? I would like

A boon to those recovering from wasting evers and long illness. Davis & Lawrence Co., Ltd., Montres o get through as speedily as I can -that you must put these educational clauses in the constitution of the two new provinces Why? Because, under the act of 1875, there are clauses relating to separate schools. And my hon, friend the minister of justice said this afternoon: If we could legislate with respect to schools in 1875, why

to ask my hon. friend the minister of friend the minister of justice if he argument of my hon friend from tution of a province, but in 1875 an un- to my mind, at all events, and I do not is a system of separate schools in exorganized territory - two entirely dif- think the minister can reasonably sup- istence in the Northwest Territories at ferent things. And yet the minister post that there is much strength in an the time they are constituted a provtending to give something when it is of justice sought to convince the memargument like that. giving nothing? Now, I ask my hon. bers of the house - he did not believe friend the minister of justice what, in it himself, I am satisfied—that that Sir John A. Macdonald and the liberal-Mr. Fitzpatrick—If the hon, gentlenan really wants an answer, if he will prove that? Does at that time, saying in substance: I the minister of justice as a lawyer at that time, saying in substance: I man really wants an answer, if he will apply his logical mind to this debate, he will admit that the time to explain that will be when the amendment is would have to follow that upon this that will be when the amendment is only to be made to refute itself. The statesman, Sir John A Macdonald in ciple? The hon gentleman evoked Mr. Stockton-There must have been ly temporary, it applied to the organsome explanation to the ex-minister of ization of a territory for the time beday. Well, Sir, he need not have gone ing. And the minister of justice this quite so far back in history, he need clear before the election. legislative will. The same canon of ister of finance Mr. Fielding) to induce afternoon used the argument that the people of the Northwest Territories school system of that province. Did er in 1896 and his position in 1905. of justice point it out? It cannot be case, he referred to the words 'peace, prior to the election a great many gendone, Mr. Speaker. Why, what he order and good government of Canada.' the men behind the first minister would referred to was this - that under the referred to was this — that under the act of 1875 they made ordinances to that is essentially within the jurisdichas introduced. I may be wrong in that the terms of the separate tion of the parliament of Canada. I that, Mr. Speaker, or I may be right. school clause imposed upon the people of the west by that act. Was it a voluntary act on the part of the people of the west, passing these ordinances? Will the minister of justice say that? No; he cannot say that. It was not a voluntary act, and he

knows it, because, under section 11 of the act of 1875 it was provided that they "shall" make ordinances to carry out the terms of the legislation. Yet this is the kind of argument that was met with thunderous applause by hon. gentlemen opposite. Now, Sir, I go further. The act of 1875 never received the assent of the people of the west. They had no option in the matter; it was imposed upon them whether they willtion the right of parliament to pass under which the administration of the

J. D. Reid-Take your medicine.

Mr. Speaker-Order, gentlemen.

eloquent speech this afternoon.

me ask him to consider his own ad- I want to ask another question and of the Canadian constitution. vice to the members of this house at that is this: What other power tothis particular time. Now then let me day can legislate with respect to parliament has the power to pass this come back to the minister of justice. The minister of justice referred to sections 2, 22 and 30 of the Manitoba

IS THERE ANY NECESSITY

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in this parliament to create a province Clement, who has written an exceljustice if he thinks that is a fair ar- and to give it autonomy and bring it lent work on the constitution of Cangument? I would like to ask my hon. into the sisterhood of provinces under ada. He quoted a letter from Mr. the constitution of Canada, and not Clement with respect to section 93 of thinks that is a legal argument? He put it on a footing of equality with the British North America act, to the does not. For he well knows that to- the other provinces? Why, sir, the effect that if a constitution is now day we are legislating for the consti- suggestion is something remarkable formed for these Territories and there

act of this parliament of 1875 was onthe liberal-conservative party in to-

not have gone further back than 1896, and have said: Explain the difference voluntarily voted in support of the between the position of my own leadthey? Where is it? Will the minister My hon. friend referred to the Riel the province of Ontario and in the west that case which was referred to by my far as I have been able to gather it,

hon, friend the minister of justice this afternoon, but I shall takt an early opportunity of reading it. But the hon, gentleman says that because, in 1871, the imperial parliament confirmed the Manitoba act - I do not wish to misrepresent what the hon, gentleman said-therefore power is given to do in this case what is claimed by the first minister in his bill. Is that the argument? The hon. gentleman does not deny that. now, what was the act of 1871? You confederation took effect there were but four provinces that came into the union, the two Canadas and Nova Scoright of parliament to pass the act of section 146 provision was made for the section 146 provision was made for the ances to carry out the separate school unorganized territory. But Ldo guesunorganized territory. But Lado ques- foundland, British Columbia and clauses. Prince Edward Island, the latter two 3. The legislation of 1875 was not the legislation now proposed. But hon, of which came in also. Under author- legislation sanctioned or agreed to by gentlemen opposite say that because ity given to the parliament of Canada act of this parliament, imposed upon the separate school system under that act of 1875 has existed in that country for thirty years, therefore it try for thirty years, therefore it into effect including the ordinances. It must continue, could be brought in and become part relating to schools. tice will not say that as a lawyer. Now, then, what is there in the act of tion for a continuance of the educa-Must it continue? Where is the law say-1871? Take the act of 1867, the act tional clauses. Those who contend to was an act that could be changed every have to be construed together as one statute of limitation, confirming the year by this parliament, it was a law act; the minister of justice knows that. right, began to run, and when the prevoluntarily adopted the principle of were originally in the act of 1867separate schools is—well, putting it in would the minister of justice then from that, that the people were in deception is being practiced on the the mildest way, contrary to the fact. make the argument that he made this favor of separate schools or had voluntary. Now, I want to refer to one or two afternoon? Certainly not. Another tarily adopted the principle is contrary, matters mentioned by my hon, friend statement that the hon, gentleman to fact. was not surprised before. The hon. gentleman said that there was no pro-Mr. Fitzpatrick-Mr. Speaker, I vince in Canada today which had the withhold full provincial sovereignty draw your attention to the observation exclusive right to legislate with re- under the terms of the constitution. It just made across the floor of the house spect to education. In admitting you can withhold one right of self-Prince Edward Island and British Co- government you can go further, so lumbia into the union was anything that a province might be compelled to Mr. Stockton-Well, I am going to said about education? The minister from my hon, friend the minister of be just as good natured as I can, and of justice cannot say that, Mr. Speaker; as my hon. friend the minister of jus- nothing was said about education and communicative mood, and therefore I tice this afternoon deplored anything therefore the educational clauses autothat might stir up personal animosi- matically were read into the consti- construction cannot be and I venture

## EDUCATION IN NEW BRUNS-

WICK spect to the case before the house. of the house answer that question? tion of the imperial parliament, and no authority then, sir, under existing was to all intents and purposes an imperial act, and therefore it was the the province of New Brunswick has Northwest Territories, they are not constitution given to the province of the exclusive legislative power today. Manitoba by the imperial parliament, The hon, gentleman said—and to a cerrealms of the British empire. Then my that we have not gone far in nation hon, friend referred to the law officers building if we cannot today do what of the crown. I have great respect for we did in 1875. We are today legisthe law officers of the crown - in lating for a constitution, for a province, not a territory, for the people of let me tell the right hon, gentleman Mr. Fitzpatrick - Very clever, in- these western provinces in which will be read a clause over which they have Mr. Stockton-And for my hon, friend no control, which has been placed try and places these constitutions upthere without the consent of the peo-ple of the Northwest and which they the minister of justice as a lawyer in there without the consent of the peo-Mr. Fitzpatrick—Thank you for no- can never change; which can only be be but sowing the dragons' teeth which thing.

England, I understood the minister of that has been brought out by the govjustice to say that they had no doubt ernment in the argument which they opposition because it is along the line reople. The free will of the people? freight shed were burned. The Basten And he quotes Mr. Haultain as saying house was occupied by Edward Casey, that he wishes the preservation of the who saved most of the furniture. The status quo and yet the first minister house was an old landmark and was minister of justice for the manner in shall not dwell on this, because I wish ment of that kind? Did any man ever of the west with respect to this school less.

suppose there would be an attempt question. My hon, friend quoted Mr. ince, that system will automatically But the hon, gentleman referred to go into the constitution of the new Clear before the election? I want to say that so far as I am informed and so far as I can understand, if the pol-That was under a criminal law, and not be here supporting the bill that he have not lately read the report of The general consensus of opinion, so is that I am right. I now wish

the legal conclusions which I have been arguing and to put them in as concise language as I can. 1. No duty under the law or the constitution is laid upon the government to include any educational clause in the bill.

2. The act of 1875 was passed by this will remember, Mr. Speaker, that when parliament for the government of unorganized territory, subject to change from year to year, during the period ed it or not. I am not questioning the tia and New Brunswick. But under der that act the government of the territory was compelled to pass ordin-

4. No right arose under the legislathe contrary must inform us when the Suppose that section 2 of the act of scriptive right became complete. There they were bound to obey. To argue

5. In granting provincial status to a enter the union a dwarf in respect of provincial sovereignty, shackled and shorn of legitimate power for efficient ties, or race or religious feelings, let tution of Prince Edward Island. But to assert is not the frame and intent

Suppose, however, outside of the law bill, then what as to the expediency of passing it? My right hon, friend the first minister declared-and I admire the first minister for that-against coercing Manitoba. what he deplored in 1896. Trust the people, do not coerce them; that was the language of the 1896. To him I say today: If you African savages, they will do what is right by their fellow citizens; them and leave this legislation in their hands. The people of the west are freemen, or they suppose they are freemen. They hope to be freemen, but who leads the government that if he forces this legislation upon that counbe but sowing the dragons' teeth which produce an abundant crop of discord the people of the east. the amendment of the leader of the of liberty and fredom of action for the west; I vote against the proposition of the prime minister because it is of the

FIRE AT PAINSEC JUNCTION.

**Open** 

OTTAWA, conservative n Queens, does observers of liament, is in gularity, and the meetings to him by here ed father, he i well grounded, mind enables of a public que anced scales, frequently cor servatives from parts of Canad tional issues. convictions, Mi that courtesy which many m the house ove bate, so that place he is givis not subject ruptions. It v when the mer Queens took omy debate, a tle after mi congratulated tive M. P.s.

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advocate of fe new provinces the early part dividual capaci the sentiments Canada, I bel the Northwes difference of But I think have taken th fidence before grave import. would not hav ence as has b part of our h party. The pr in this measur stand or fall b that he took amend his me ference of opin ranks of his time was not ment of those f have been use the country. mistake to intr portant as thi islation had s The governmen people an of fore it was in ernment did no consequently humble judgme the boundaries been known to west, I think t would have h Northwest Ter posed bounda Manitoba have one supporter the Territories tingent had it control of the l from their pos a reply. Wou isfled? I say feat would ha ernment had th at the last ger that Manitoba extreme injusti vince with an : must be a my an apportionm entire province more independ serve. I think

> I think tha should be free cational syster jorities will gir Roman Catho handed justice ment can be ber in this ho that such will from a provin thelic and Proharmony. The their children religious belief centres of population what is called school was fir some friction matter of con desire on the on harmonio and everythin

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Now, Mr. S few words to my position o to be a mem voted in favo

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