

katchewan evidently by reason of an understanding between himself and the members of the administration. What was proposed by the hon. member for Saskatchewan was this: He proposed to add to clause 16 as it had been amended these words:

Or with respect to religious instruction in any public or separate school as provided for in said ordinances.

So that the section as it now stands before us to receive the sanction of the House upon the third reading is as follows:

Nothing in any such law shall prejudicially affect any right or privilege with respect to separate schools which any class of persons have at the date of the passing of this Act, under the terms of chapters 29 and 30 of the ordinances of the Northwest Territories, passed in the year 1901, or with respect to religious instruction in any public or separate school as provided for in the said ordinances.

Now, I regard those words which I have just read and which are embodied in the amendment of the hon. member for Saskatchewan as an unnecessary and unwarranted attack upon the legislative power of the new province. They embody what my hon. friend from Labelle and my hon. friend for Beauharnois had in mind but they embody something more. They embody an absolute restriction of the powers of the provincial legislature at all times in the future in regard to the control of religious instruction in the public schools. There can be no doubt about that. The words are very distinct and very explicit. If you omit the immaterial words you have this language:

Nothing in any such law shall prejudicially affect any right or privilege with respect to religious instruction in any public or separate school as provided for in said ordinances.

It might be proper if the policy of the government were one in which we all agreed to go as far as my hon. friend from Labelle and my hon. friend from Beauharnois proposed to go, but it is absolutely unnecessary to go beyond that and to limit and restrict the powers of the legislatures of the new provinces in respect to religious instruction in all public schools. What is the provision relied upon? I have already read it, but I will read it again:

No religious instruction except as hereinafter provided shall be permitted in the school until one-half hour previous to its closing in the afternoon, after which time any such instruction permitted or desired by the board may be given.

Whatever right or privilege is embodied in that provision, whatever power is vested in the trustees, under that provision, so as to create a right or privilege, must remain at all times in the future as part of the organic law of the new provinces. That is to say, if the legislature of the new province

Mr. R. L. BORDEN.

should for any special reason in any district desire to divest the trustees of that power and to vest it in the commissioner of education or the council of public instruction or any other body, it would find itself unable to do so. This is a specific and definite provision 'that no right or privilege with respect to religious instruction in any public or separate school' shall be prejudicially affected. When this section first came down I called attention to this. The Prime Minister differed from me on the construction of the section. I was not able to precisely gather exactly what the view of the administration is with respect to the clause, but I am giving to the House my view as to what the difficulties would be. If the government have any different opinion it should be expressed in this House at the earliest possible moment in such distinct, definite and specific terms as will leave no room for misapprehension and misunderstanding. In view of the provisions contained in section 16; in view of its restrictions on the legislative freedom of the new provinces, once more I desire to test the opinion of the House upon that section, and I therefore move in amendment to the main motion:

That all the words after 'now' to the end of the question be left out, and that the following words be inserted instead thereof:

Recommended to a committee of the whole House with an instruction that they have power to strike out section 16 of the Bill and to substitute the following section therefor:

16. The provisions of section 93 of the British North America Act, 1867, shall apply to the said province in so far as the same are applicable under the terms thereof.

I make the motion now as I made it in committee for the reason that I believe it is wisest to adhere to the terms of the constitution. It is wisest, because the observance of the constitution is a protection to all of us; wisest, because the provisions of the constitution will leave these matters to be dealt with by the legislature of the new province; wisest, because that will in the end tend to better relations among the people of all Canada; wisest, because it will confine within the restricted provincial area differences and difficulties of an essentially local character. It will leave the wider area of Dominion politics free from questions which concern only a particular province, a particular district or a particular territory. All of us who have had experience of the far reaching and harmful effect of such differences when they overpass provincial bounds by such differences; all of us who have strong opinions on the desirability of not lighting fires which are so easily spread; we all believe that in the end it is better to leave such matters to be dealt with within the restricted area which is most directly concerned. The motion which I propose will have that result. It is a result that is not likely to be fraught with any injustice to the minority. That feeling of tolerance of