

the Minister of Justice has put upon section 93 of the British North America Act. Now, Mr. Speaker, I will very briefly show in what respect the Bill as now before the House is a departure from the Bill as originally presented by the Prime Minister, and as afterwards amended by him. Separate schools, under section 41 of the ordinance 29, can only be established by a minority of the ratepayers. Under the Act of 1875, section 11, the majority of the ratepayers can establish a school district and provide for education. After the school district is established then the minority can ask for and have separate schools. The question was asked the Minister of Justice by the hon. member for Labelle (Mr. Bourassa), under what circumstances could a school be established if there were neither Catholics or Protestants in the district. Now if you put a construction upon section 11 of the Act of 1875, that ratepayers mean only Catholics or Protestants, then a difficulty might arise. But under section 2 of the ordinance 29, a meaning is given to the word 'ratepayer,' such as you would expect to be given it, that is, a person who pays rates, with the limitation of a certain residence within the district before he casts his vote for the election of a trustee. Now, the First Minister provided in his Bill for the minority but not for the majority. The amendment of the member for Saskatchewan, following the amendment moved by the member for Labelle, and following to a certain extent the amendment moved by the hon. member for Beauharnois (Mr. Bergeron), sought to cure this defect, with the exception that the amendments of the member for Labelle and the member for Beauharnois were summarily voted down at the instance of the government and afterwards, when the member for Saskatchewan, under the inspiration I imagine of the First Minister, or some member of the government, moved his amendment, it was accepted by the government and adopted by the House, under the authority of the First Minister. What is the effect of that amendment? I think, Sir, that many members of this House do not fully understand the element that has been introduced into the organic constitution of the province by this amendment. At the end of subsection 1, section 16, these words are added:

With respect to religious instruction in any public or separate school as provided in the said ordinances.

Now, under section 137 of the ordinance 29 religious instruction can be given from 3.30 p.m. to 4 o'clock, under the direction of the trustees in separate schools. But what if you apply it to all the schools? As the law now stands it can be changed, it can be amended by the provincial authorities, because the amendment does not form part of the organic law; but by introducing this amendment into the constitution you make

Mr. STOCKTON.

it a fixture, you make it part of the organic law, and it puts the trustees for the time being above the educational authority of the province, it puts them above the Minister of Education, above the government of the province, and it makes them for all time supreme with respect to their action on this matter. It takes the control away from the provincial authorities, and it makes the amendment, as I have said, a part of the organic law, incapable of amendment or repeal by any authority in Canada, either in the Northwest or in this House, incapable of amendment except by an appeal to the imperial authorities. I think the Minister of Justice will agree with me that that is the effect of the amendment which was moved by the member for Saskatchewan and adopted by the government; it places the provincial authority for all time to come in a position of servitude to a law which they have not asked for, and which they do not want. But the irony of the situation is accentuated by the fact that this is an amendment, moved by the hon. member for Saskatchewan, which, at the instance of the government, puts shackles upon the freedom of action of the people of the west, an amendment moved by a gentleman from the west, who should have been solicitous to look out for the freedom and liberty of the people of the west.

House divided on amendment Mr. R. L. Borden):

#### YEAS:

##### Messieurs:

Alcorn,	Lake,
Barker,	Lalor,
Barr,	Lennox,
Bennett,	Macdonell,
Blain,	MacLaren,
Borden (Carleton),	McCarthy (Calgary),
Boyce,	Martin (Queen's, P.E.I.),
Chisholm,	Northrup,
Christie,	Ratz,
Cochrane,	Roche (Marquette),
Cockshutt,	Schaffner,
Crocket,	Sproule,
Daniel,	Staples,
Elson,	Stockton,
Gunn,	Taylor,
Haggart,	Tisdale,
Henderson,	Walsh,
Herron,	Wilmot,
Hughes (Victoria),	Wilson (Lennox & Add.),
Jackson (Elgin),	Wright (Muskoka).—41.
Kemp.	

#### NAYS:

##### Messieurs:

Adamson,	Kennedy,
Archambault,	Lachance,
Beauparlant,	Lamont,
Béland,	Lapointe,
Belcourt,	Laurier (Sir Wilfrid),
Bergeron,	Laurier (L'Assomption),
Bickerdike,	Lavergne (Drummond & Arth.),
Black,	
Borden (Sir Frederick),	Lavergne (Montmagny),