

The intention of this amendment is to continue to the majority in number in a school district, where it happens to be a minority in the province, the same rights and privileges with respect to religious education that they now enjoy. That is, we are not depriving them of one iota of the benefits of the provisions of the Northwest Territories ordinances. We are giving to the minority in general, whether Roman Catholic or Protestant, when they are a majority in a school district, the same privileges that they now enjoy. Now my hon. friend says that the result of this is to impose restraints on the action of the legislature. That is true; there is a restraint upon the action of the legislature. But here is the condition we have: My hon. friend says that we are vesting this control of religious education in the hands of the trustees. My construction of the Bill—I am not dealing with it otherwise than as I construe it—is that which is placed upon it by the leader of the government (Sir Wilfrid Laurier). Secular education, for which the state pays, is under control of the statute; but religious education, which is essentially that which concerns the parents themselves, remains under the control of the parents. The trustee is the representative of the parent, for he is elected by the parent. I take all the responsibility for saying that I have no desire to see the control of religious education vested in any other person or authority than the parent. I have no desire to see it vested in the superintendent of education or any person who is under the control of the state. I wish to see it vested in the person elected as representative of the parent. That is what I think my hon. friend's amendment carries out, and that, I think, we ought to give effect to.

Mr. BOURASSA. There is a point which is not very clear and which I would like to have explained, if the minister will allow me a question. Under clause 137, the minister has just stated, the trustees would decide what kind of religious instruction would be given. It is perfectly clear so far as that is concerned. But suppose a school section in which the majority is not Protestant or Roman Catholic—say, for instance, of the Greek Orthodox church. And suppose they decided to devote the half hour for religious instruction to instruction according to that church. Then, I suppose the minority would either have to simply prevent their children from attending the school during that half hour of religious instruction or form a separate school. In that case, which would be the minority to have the right to form a separate school under section 41?

Mr. FITZPATRICK. I am not able to answer that question. I am not giving off-hand legal opinions to-day.

Mr. BOURASSA. But, if the hon. Minister of Justice (Mr. Fitzpatrick) will allow me, I think I put my question courteously. In case the majority is neither Protestant nor Roman Catholic, would the minority have the right to establish a separate school? That is a simple question.

Mr. FITZPATRICK. It may be a simple question, but it is a question to which I have not given consideration, and I do not want to commit myself to anything that I have not considered. The leader of the opposition also referred to the right to use the French language, and as I understood him, he said that the right to use the French language was as sacredly guaranteed to those who speak that language in the Northwest Territories, as the right to separate schools.

Mr. R. L. BORDEN. I said there seemed to be as much of a parliamentary compact in the one case as in the other, because both depended on the statute.

Mr. FITZPATRICK. I will deal with that question when we have to consider the amendment which will be moved in that connection.

Mr. STOCKTON. I was unfortunately absent from the House when the hon. member for Saskatchewan (Mr. Lamont) moved his amendment, which was adopted by the government and passed. Therefore, I wish to make one or two observations upon section 16, subsection 1, as it is affected by the amendment of the member for Saskatchewan. I do not object to the interpretation put upon section 93 by the Minister of Justice. We know that a province has an absolute right to legislate with respect to education. I ask this question: What legislative authority outside of the legislative assembly of the province of New Brunswick has a right to legislate for that province in respect to education? No legislative authority whatever, Sir, except the assembly of the province of New Brunswick. But with the interpretation that has been put upon section 93 by the Minister of Justice, I agree. If the legislative assembly of the province of New Brunswick, to-day, or to-morrow, passed a law giving certain rights to the minority, and next year sought to withdraw those rights by which withdrawal they were prejudicially affected, then I entirely agree with the Minister of Justice that there might be an appeal to this parliament to interfere.

Mr. FITZPATRICK. That would be a case for remedial legislation.

Mr. STOCKTON. Yes.

Mr. R. L. BORDEN. And it would be subject to an appeal.

Mr. STOCKTON. It would be subject to an appeal. Under that explanation, I entirely agree with the interpretation which