thereby in ascertaining who have given the notices which are by law necessary, in order to entitle supporters of Roman Catholic Separate Schools to exemption from the Public School tax." Now, it would appear with these two precautions or warnings to all such officials that no mistakes could occur. How was it possible that mistakes could occur? The bill, however, anticipated such, and guarded the rights of the ratepayer as to how his taxes should be disposed of. It gave instructions to municipalities, as provided in section 5:—"In case of its appearing to the Municipal Council of any municipality after the final revision of the assessment roll that through some mistake or inadvertence any ratepayers have been placed in the wrong school tax column, either as supporters of Separate Schools or supporters of Public Schools, it shall be competent for the Municipal Council after due inquiry and notice to correct such errors if such Council sees fit, by directing the amount of the tax of such ratepayers to be paid to the proper School Board. But it shall not be competent for the Council to reverse the decision of the Court of Revision or the County Court Judge as to any ratepayer." The last and final and great review of this matter being with the Municipal Council. They were not aware that municipal officers and their clerks or assessors wilfully made mistakes, nor were they disposed to censure Municipal Councils with regard to the way in which these had discharged their duties, but the House knew mistakes had occurred, and in this case the Government had proceeded, just as in regard to all the legislation of the House, to fortify their legislation with such care in regard to every detail as to render mistakes almost impossible. It was not a strange matter that mistakes should sometimes occur. They had between 600 and 700 municipalities, and as many municipal clerks and assessors and Councils, and they had probably between 300,000 and 400,000 ratepayers. It was not a wonderful thing that mistakes occurred. In fact the marvel was that the mistakes had been so rare—that the officers of the municipalities had discharged their duties with so much accuracy. Yet an irritation was sought to be aroused because of those mistakes, and motives had been sought to be attributed to the Government because of those mistakes, but with the bill which they were now considering, and with the precautionary measures which they had adopted, they expected mistakes would more rarely occur, if they occur at all, and that the irritation which in certain quarters had been aroused because of those mistakes would be allayed. His hon. friend (Mr. Meredith) seemed to have been anxious also to provide legislation to guard against similar inadvertencies. He had a bill, the ostensible object of which was to see that no person should be rated as a Separate School supporter unless he had given notice required by the Act of 1855 and the Separate School Act of 1863. He confessed the bill of the hon. gentleman was marvellous in its structure, marvellous in its preamble, as well as in the two subsequent clauses which stated the main object of the bill. Let them notice the bill of the hon. member for London. In the preamble he says:—"Whereas every ratepayer ought to be by law prima facie a Public School supporter, and no one should be rated as a Roman Catholic Separate School supporter unless he by his own voluntary act declares his intention to be a supporter of Separate Schools in accordance with the provisions of the law; therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows."

The hon. gentleman ought to know that every ratepayer is now a prima facie supporter of Public Schools. He thought if he (Mr. Meredith) would read the Act of 1855 he would see that the Act not only intended that, but asserted it. The same provision was contained in the Act of 1863, it was embodied in the British North America Act at Confederation, in the Revised Statutes of 1877 and of 1887, and it was not until 1890 that his hon. friend discovered the mistake. If his hon. friend would turn to section 2 of the Separate School Act of 1855 he would see that "any number of persons, not less than five, being heads of families and householders or freeholders, resident within any school section of any township, incorporated village or town, and being Roman Catholics, may convene a public meeting of persons desiring to establish a Separate School for Roman Catholics in such school section or ward for the election of Trustees for the management of the same." Now, the existence of that was predicated upon the existence of a Public School. The same provision was embodied in the Act of 1863, that was to say, that until a Public School was first established by law they could not establish a Separate School. Now, if that did not make every ratepayer a Public School supporter, what did it mean? There could be no movement made for the establishment of a Separate School until first a Public School was established, and every person until its establishment was a Public School supporter. The first provision in the preamble was unnecessary. It was one this House never thought to be necessary. It was not thought to be necessary in 1855; it had not been considered necessary for over 35 years, and it was not necessary now. Mr. Ross then proceeded to refer to the first section of the bill.

Now, Mr. Meredith must know as a lawyer that this is the law now. He must know that it was always voluntary action on the part of a Roman Catholic to become a Separate School supporter if he desired to do so. There was no compulsion in the case. Where could the compulsion be? It was not in section 2 of the Act of 1855, whereby any number of heads of families, not less than five, were allowed to establish a Separate School. There was no compulsion in the corresponding section of the Act of 1863, or in the revision of 1887. Right through the process by which the Separate School was organised and established the action of the Roman Catholic was purely voluntary. He had already pointed out that the first step was entirely so; well, the next duty was the election of Trustees, a necessary consequence of the first, but there was no compulsion in regard to the election of Trustees. Under section 40, where notice is required to be given of the intention of a ratepayer to become a Separate School supporter, there was no compulsion. There was no compulsion as to whether a ratepayer should or should not give notice. Nor as to section 47, where provision was made whereby a Separate School supporter might withdraw and again become a Public School supporter, was there anything compulsory. Everything was voluntary as between the Roman Catholic and the support he gave to Separate Schools. So that running through all the legislation from 1855 to the present time the action of the ratepayer in regard to Separate Schools was purely and entirely voluntary. It was voluntary as to the first meetings of five or more heads of families where the first step in the establishment of such a school was decided on; it was voluntary as to the election of Trustees; it was voluntary as to the notice required from a ratepayer of his intention to become a Separate School supporter; it was voluntary as to his right of withdrawing from his position as a supporter of Separate Schools, and it was voluntary as to his proceedings in the Court of Revision, and as far as the proceedings before the County Judge were concerned. The liberty of the subject was not anywhere interfered with. He was not under any coercion, as Mr. Meredith would ask the House to assume in the preamble to the bill. Now, what was the first section of this bill? It provided as follows:—

"Notwithstanding the provisions of any Act or law to the contrary, no person otherwise liable for Public School rates shall be exempt from the payment thereof, or be liable for the payment of rates in support of a Roman Catholic Separate School, unless he shall have given the notice provided for by section 40 of the Separate Schools Act."

Now, continued Mr. Ross, Mr. Meredith laid down in that section of the bill the necessity of the notice; in other words, he proposed to re-enact what had been always the law since Separate Schools were first established. He asked the House to stultify itself in regard to its previous legislation. What he now proposed had been enacted in 1885, it had been enacted in 1863. In 1877, the House—Mr. Meredith being a consenting party—re-enacted the Act of 1863, including the clause referring to the notice. In 1886, during his (Hon. Mr. Ross') own time, it had been again re-enacted. The House had three times placed upon record and enacted or re-enacted the section in the Act of 1863 requiring that a notice should be given. And yet Mr. Meredith proposed now to insert this clause de novo into the Act, and virtually to assume that all previous Acts of the House were null and void. He wanted again to re-enact the clause in the Act of 1863. Had Mr. Meredith any reason to believe that the clause had been withdrawn by any legislation of the House, or by any authority of the Courts? Those who had spoken and who were entitled to speak with authority on this point had always declared that section 40 was operative and binding. The hon. speaker then read a memorandum of the late Mr. Crooks, made in 1882 on this question, as follows:—

"There has been no change in the principle on which Separate Schools are based, namely, the permission or option which each Roman Catholic has to become a supporter of a Separate School or not. His being a Catholic is merely prima facie evidence on which the assessor could place his name among the supporters of the Separate School; but he cannot do so if the Roman Catholic ratepayer instructs him to the contrary; and in that case, not being a supporter of a Separate School, he would be liable to Public School rates, and entitled to send his children to the Public School. The law permits each Roman Catholic ratepayer his individual option in supporting the Separate School, and provides the proper machinery for having this so settled that he must pay a school rate for one or the other."

There was also, said Mr. Ross, a very definite statement on the subject from the Attorney-General in his open letter to Mr. Milligan before the last general election of Ontario. It ran thus:—

"But the ludicrous absurdity of the objection is that the preliminary notice has not been dispensed with. On the contrary, it is expressly continued by the 41st section of the Act of last session, the section which gives Roman Catholics exemption from school rates, and any Protestant or other ratepayer of the municipality may object to the exemption before the Court of Revision on the ground that the necessary preliminary notice was not given, and he may do so without the consent and even contrary to the wish of the ratepayer whose case is in question. Could anything show more clearly the mortal weakness of our assailants than the necessity of setting up so idle a criticism?"

Here, then, pursued the Minister of Education, was the united opinion of Mr. Crooks, in his time an eminent lawyer, and of the Attorney-General, that the notice was not withdrawn. In 1887 Mr. Meredith proposed an amendment in which he asked the House to re-affirm the necessity of this notice. The matter was discussed, and the Attorney-General repeated his contention and convinced the House that the clause being in force was not in need of being operated.

Where, asked Mr. Ross, did Mr. Meredith find a justification for submitting to the House such an amendment as that which he proposed? There was no such justification in the opinion of the highest legal authority of the Province. Nor did Mr. Ross believe that Mr. Meredith himself was satisfied that from anything that had occurred he looked upon this section of the bill as absolutely necessary. The Government had no right to withdraw that notice; it could not withdraw that notice, because it was a privilege the Roman Catholics had a right to under the B.N.A. Act of 1867, and they would have been placed in an anomalous and unfair position were it withdrawn.

But besides the authorities he had quoted on this point, there was the decision of the Courts on the questions submitted to them by himself some time ago. What had Chancellor Boyd and Mr. Justice Robertson to say on this question? The question was submitted to them as to whether this notice was really dispensed with or not; and this was their reply:—

"If the assessor is satisfied with the prima facie evidence of the statement made by or on behalf of any ratepayer that he is a Roman Catholic, and thereupon (seeking and having no further information) places such person upon the assessment roll as a Separate School supporter, this ratepayer, though he may not by himself or his agent have given notice in writing pursuant to section 40 of the Separate Schools Act, may be entitled to exemption from the payment of rates for Public School purposes, he being in the case supposed assessed as a supporter of Roman Catholic Separate Schools."