

Protestant or Roman Catholic separate school shall be liable only to the assessments of such rates as they impose upon themselves, in respect thereof.

Now, in that section is everything that is included in the Act of 1875, which gives these people the right to separate schools, and which gives them the rights the member for Brandon dilated upon a few days ago. Therefore, I take the position that there is not the slightest difference to-day between the amended Bill and the Bill that was originally presented to this House. Now an attempt was made by the Minister of Customs, who is not in his seat, and by a number of other gentlemen, to show that all the amendment gives to these local legislatures is the power to give a half hour's religious instruction at the end of the day. Now, Sir, there is nothing in these ordinances which pares down the rights given to them under section 41, so far as I have been able to find, except to designate at what time this religious teaching shall take place. They have attempted to make this House believe that under this amendment it is not possible to have a dual system of text books, a dual system of inspection, but that everything given under the Act of 1875 is preserved by the introduction of section 41 in chapter 29. Now, this amendment, which they argue will preserve to the people of that country what they have got to-day, simply continues the law, it does not continue the administration. The dual system of text books, the dual inspection and all that is a matter of administration. Therefore, if the argument of the member for Brandon is sound that the action of the local legislation in paring down the rights these people had under the Act of 1875 was ultra vires, then any Order in Council which was passed by the commissioner of education would be equally ultra vires.

Then the minority, under this section 41 which gives them the rights they had under the Act of 1875, and which are preserved to them under this amendment, would be able to demand that these rights be enforced.

Mr. SCOTT. Does my hon. friend understand that after the 1st of July they will not be able to do that? That after this legislation takes effect they will not be able to do as he says they can do at present?

Mr. M. S. McCARTHY. Why not?

Mr. SCOTT. Because this legislation removes any defects that may exist in the present ordinance.

Mr. M. S. McCARTHY. No, it does not.

Mr. SCOTT. Does my hon. friend say that this Act, when it passes, will not confirm chapters 29 and 30 as law?

Mr. M. S. McCARTHY. Yes.

Mr. SCOTT. Then that is the end of your argument.

Mr. M. S. McCARTHY. The hon. gentleman may think so. Let him take chapters 29 and 30 and show the section to this House where the rights under the Act of 1875 or of section 41 are pared down by them.

Mr. SCOTT. Are not those the ordinances which abolish the ecclesiastical schools in the Northwest Territories?

Mr. M. S. McCARTHY. The hon. gentleman will see that if you cannot take rights away by legislation you cannot take them away by Order in Council. If the opinion of the hon. member for Brandon is correct, that the local ordinances which pared down the Act of 1875 were ultra vires, then any Order in Council which is passed paring down the rights which are continued to them under section 41, would also be ultra vires, and they would have a right to insist upon their privileges.

Mr. SCOTT. He will not contend that these ordinances will be ultra vires after these Bills have passed this House.

Mr. M. S. McCARTHY. You will find that this amended Act does not preserve the administration, it simply preserves these ordinances, and all there is in these ordinances paring down the rights given under section 41, would be identically the same rights they had under the Act of 1875. The only thing that is pared down is the half hour I have mentioned.

Mr. SCOTT. My hon. friend is mistaken. One of the conditions that was pared down was the existence of dual management and dual boards, one board managing the Roman Catholic schools, and the other board managing the public schools.

Mr. M. S. McCARTHY. Is that not under the regulations of the Commissioners of Education?

Mr. SCOTT. Certainly not, it is a provision of the ordinance.

Mr. M. S. McCARTHY. I differ from the hon. gentleman entirely and I want to impress upon the House the fact that this amended Act continues these ordinances only, and it does not continue the administration of them; and if the Commissioner of Education passes certain Orders in Council which contravene the rights given under section 41, then this Order in Council will be just as much ultra vires and unconstitutional as the ordinances that were passed paring down the Act of 1875.

Mr. D. D. McKENZIE. How does the hon. gentleman suppose that the administration of these new provinces would formulate and try to pass ordinances that will be beyond the terms of the constitution? The hon. gentleman makes the statement that ordinances ultra vires of the constitution