—the Catholic minority in the Northwest Territories were granted rights and privileges to the fullest extent they could desire and enjoyed these rights and privileges down to 1892. But, I am sorry to have to confess, those rights and privileges were considerably curtailed in 1892 by the legislature of the Territories. They were curtailed by their own local legislature, whose members were elected by the people, whose executive council was responsible to the people, and to which was given the supervision of the status and condition of education in that country. The law existing previous to 1892 was amended, not to the advantage of the Catholic minority, I admit, but still that was done by the local legislature elected by the people, and we must take it for granted that in amending a law, a legislature has the intention of bettering the existing conditions, said legislature may err, may make a mistake, but intendedly its action is supposed to be moved towards an improvement. If I understood the hon. member (Mr. Sproule) correctly, he said that section 93 of the British North America Act did not apply to the maritime provinces, did not apply to the province of New Brunswick. Mr. Chairman, in the course of the speech which I had the honour to deliver on the second reading of this Bill, I proved that section 93 did apply to the province of New Brunswick and to the maritime provinces; and the judges who gave decision on the question of the constitutionality of the Act against which we appealed upheld the view I take.

Mr. SPROULE. The hon. gentleman (Mr. Turgeon) has misunderstood me. I did not say that section 93 of the British North America Act did not apply to New Brunswick. I said it did apply.

Mr. TURGEON. The hon. member said that it applied to Quebec and Ontairo, but I understood him to say that it did not apply to New Brunswick. If I misunderstood him, of course I accept his correction. But, at the same time, it may be as well that I should continue my argument. In New Brunswick, we had the privilege of denominational schools—both the Catholics and the Protestants; but we did not apply to the court against the law under which the schools were inaugurated. To eliminate any doubt that may exist in the minds of any of my colleagues, I may say that we had not appealed to the court on the privileges which had been granted to us by the board of education, or the inspectors under that board. The Supreme Court judges said they would be prepared to look into our claim were we coming before them upon the merits of those privileges. Instead of taking that step, after so many years of struggle, the Catholic minority of New Brunswick preferred to work out their own fate. Before I go further, it may be that I ought to substantiate my statement by quoting the words of the judges in giving their judgment. With reference to the privileges which the Catholic minority had been enjoying, the judges say:

If the right and privilege falls under section 93, and if there is no power to compel the board of education to make such a regulation, or the legislature should have inserted a clause in the Common Schools Act, requiring them to do it, is not this just a case where subsection 4 of section 93 of the British North America Act of 1867, applies? viz.:

In case such provincial law, as from time to time seems to the Governor General in Council requisite for the due execution of the provisions of this section is not made, then as far only as the circumstances of the case may require, the parliament of Canada may make remedial laws for the due execution of the provisions of this section. In this connection we may refer also to the 20th regulation, which, it has been contended, prejudicially affects the rights and privileges which the Roman Catholics had under the Parish School Act. This regulation declares that 'symbols or emblems distinctive of any national or other society, political party, or religious organization, shall not be exhibited or employed in the school room, either in its general arrangement or exercises, or on the person of any teacher or pupil.' It may be, that the board of education have disregarded the general policy of the Common Schools Act, and interfered with the rights of teachers, parents and children, in excluding from the schools alike, teachers and pupils, who may exhibit on their persons, in dress or ornament, symbols or emblems distinctive of any national or other society, political party, or religious organization; for, however clear the right of the board of education may be to make regulations necessary for the good government and discipline of the schools, to make arbitrary, restrictive regulations, as to the dress or personal adornment of the teachers and pupils, or which are calculated unnecessarily to interfere with the feelings, national, social or religious, in matters not calculated to give any just cause of offence to others, or to interfere with good order in the schools, is quite another question. And while it is by no means clear to us that any power exists in the board of education, under the Common Schools Act, by regulation, to deprive teachers, parents and children, of their right of access to the free schools of the country, to the support of which they, and all others, are forced to contribute, unless they submit to such regulations; and though the assumption of such power of practical expulsion by the board of education raises a question involving important and delicate rights—rights which, in this land of civil and religious freedom, few may be willing to see infringed—or at any rate, raising discussions which must be unpleasant to those engaged in them, and calculated to result in consequences which can scarcely fail to produce acrimonious feelings, and in the end be injurious to the cause of free education, which we must presume the regulation objected to was intended to further.

Now, I wish to call the attention of the House particularly to these words:

All we can say is, as the case stands, the regulations are not before us in such a way that we can deal with them, and therefore we