

and when this is completed it may then be deduced what such "rights and privileges consist of. (2) in order to know what the present state of those rights or privileges are it is necessary that the laws subsequently enacted should be similarly examined.

The First Separate School Act.

An examination of the earlier laws discloses the following state of affairs. On the 5th of May, 1863, the Legislative Council and Assembly of the former Province of Canada (which, between the first day of July, 1840, and the 1st of July, 1867), had legislative jurisdiction in Lower Canada, now known as Quebec, as well as Upper Canada, enacted a law (popularly known as "The R. W. Scott Separate School Act"), entitled, "An Act to restore to Roman Catholics in Upper Canada certain rights in respect to Separate Schools," which repealed sections 18 to 36, both inclusive, of Chapter 65, of the Consolidated Statutes for Upper Canada, entitled, "An Act Respecting Separate Schools," and substituted in their stead 27 sections, which, it provided, were to be deemed part of the said Act. Both these statutes, together with a record of the division list of the votes recorded, upon which they were carried, are set out in the appendix hereto. From these statutes it has been deduced (by Mr. W. H. P. Clement, in his work on "The Canadian Constitution," on page 493), that the rights and privileges referred to may be shortly stated as follows:

1. The right to establish denominational schools.
2. The right to invoke State aid in the collection of taxes necessary for the support of such schools from the supporters thereof.
3. The privilege of exemption from taxation for the support of the Public Schools of the Province.
4. The privilege of having taught in such Separate schools, tenets of their denomination, to which we should perhaps add the right or privilege which any member of any denomination has to choose, as between the Separate Schools of his denomination, and the public schools of the Province, which he will support.

Separate Schools to Share Government Grant.

It is to be noted, however, that Mr. Clement's summary does not include the very important rights (provided for by Sec. 20 of the Act of 1863), "to a share in the fund annually granted by the Legislature of this Province for the support of Common Schools, and . . . also to a share in all other public grants, investments and allotments for Common School purposes now made, or hereafter to be made, by the Province, or the municipal authorities (but see Sec. 21), according to the average number of pupils attending such school during the twelve next preceding months, or during the number of months which may have elapsed from the establishment of a new Separate School, as compared with the whole average number of pupils attending school in the same city, town, village or township."

Again, in a speech delivered by Hon. Oliver Mowat in the Legislative Assembly of Ontario on the 25th of March, 1890, another right or privilege claimed was referred to as follows:

"At the Union of 1867 these (Roman Catholics) schools, by express enactment, were entitled to employ teachers qualified as teachers by the then law of either Upper or Lower Canada and teachers so qualified by the law of Catholic Lower Canada were entitled to be employed by any Separate Schools in Upper Canada which chose to employ them, I presume the object was to include