

"other Prayer may be used, by permission of the Board of Trustees; but no teacher may compel any pupil to be present at those exercises, against the wishes of his parents or guardian, expressed in writing, to the Board of Trustees;" to secure by Regulation, just what the Board of Education were bound to secure under the Parish School Act of 1858; that is, to make just such a Regulation as the Parish School Act required to be made? We have seen they have precisely the same, and only the same powers to make Regulations, as the Board had under the Parish School Act. By this simple means, the rights of all the children and their parents in the Province—as well Protestant as Roman Catholic—which existed at the Union, would be preserved, and all just cause of complaint on this head removed. Why the Board of Education should have departed from the principle and policy of the Parish School Act, and taken from the parents of all the children of the country—Protestant and Roman Catholic alike—the great boon and privilege of insisting on the Bible being read in schools, as they have done, and should have conferred on the teacher, not only the privilege of reading the Bible or not as he likes, but out of the Common or Douay version—not as the children or their parents may choose, but as the teacher may prefer, though he cannot compel the attendance of the pupils,—is not for us to attempt to explain; we simply point out the fact. But if the right secured by the Parish School Act is protected by 'The British North America Act, 1867,' we fail to see, because the Board of Education may not have made such a Regulation as they ought in such case to have made, or have made a Regulation they ought not to have made, that the action of the Board, or its non-action, can render the Act of the Legislature inoperative.

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 sub-section 4, of section 93 of 'The British North America Act, 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 their 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 a power of practical