

"certain religious orders. This is claimed to be one of the rights or privileges conferred on Separate Schools by the constitution; and these teachers, in case of being selected by the Roman Catholic supporters of a Separate School, claim a right to be teachers of such a school, and to be employed in the capacity."

In the course of the same debate Hon. C. F. Fraser, a very prominent Roman Catholic, made the following remarks:

"At the time that the British North America Act was passed we had the privilege of selecting as teachers for Separate Schools those qualified under the then law or regulations of either Upper or Lower Canada—Ontario or Quebec—and I say that there was good reason for this privilege being given to us. I say that this House had no right under the British North America Act to change or alter this right."

#### Reasons for Open Voting.

In the same debate, Hon. C. F. Fraser also said: He objected to the proposal to impose the ballot upon Separate School supporters for various reasons. One reason, as had been well pointed out by the Minister of Education (Hon. G. W. Ross), was that the compulsory adoption of the ballot would be a violation of the constitution. It was only necessary to look at the system of election in operation at the time of Confederation to see in this what every reasonable person would be prepared to admit, an infringement of their rights, an attempt to do away with the privileges that the Roman Catholics then enjoyed. The point, however, would be made still more clear by supposing that the then system of voting had been by ballot, and that for any reason, no matter what, it was now proposed to abolish the ballot and to compel the election of trustees by open voting. Would it be contended that to so enact would not deprive Separate School supporters of a right and privilege—namely—the right and privilege of electing their trustees by ballot? What difference in principle, he asked, could there be between the supposed attempt to take away the ballot and the attempt now being made to take away the open voting?"

In the course of the same debate Hon. G. W. Ross (Minister of Education), said:

"To adopt his (Mr. Meredith's bill), which provided that: '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,' would be an admission that the notice under section 40 had been withdrawn. The Government had no right to withdraw that notice; it could not withdraw it, 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."

This explanation apparently overlooks the point of vital difference between Mr. Meredith's proposed change and section 40, inasmuch as section 40 permitted the notice to be given "by or on behalf of any ratepayer," whereas, the suggested alteration made no provision for the giving of notice on behalf of the ratepayer.

#### The Position of Post-Confederation Legislation.

Upon the very important question of the constitutional right of the Legislature of Ontario to repeal amendments to and changes in the Act respecting Separate Schools in Ontario enacted since Confederation, Sir Oliver Mowat was asked in the Legislature (on the