

No. 2.

REPORT of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council on the 4th April, 1891.

The Committee of the Privy Council have had under consideration the annexed Report, dated 21st March, 1891, from the Minister of Justice upon the two Acts of the following titles passed by the Legislature of the Province of Manitoba at its session held in the year 1890, which Acts were received by the Secretary of State on the 11th April, 1890, namely:

Chapter 37—"An Act respecting the Department of Education," and
Chapter 38—"An Act respecting Public Schools."

The Committee submit the same for approval, and they advise that the Secretary of State be authorized to forward a copy of this Minute, together with the Report of the Minister of Justice, to the Lieutenant Governor of Manitoba.

JOHN J. MCGEE, *Clerk Privy Council.*

DEPARTMENT OF JUSTICE, CANADA, 21st March, 1891.

To His Excellency the Governor General in Council:

The undersigned has the honour to report upon the two Acts of the following titles passed by the Legislature of the Province of Manitoba at its session held in the year 1890, which Acts were received by the Honourable the Secretary of State on the 11th April, 1890:

Chapter 37—"An Act respecting the Department of Education," and
Chapter 38—"An Act respecting the Public Schools."

The first of these Acts creates a Department of Education, consisting of the Executive Council, or a Committee thereof, appointed by the Lieutenant Governor in Council, and defines its powers. It also creates an Advisory Board, partly appointed by the Department of Education, and partly elected by teachers, and defines its powers. Also,

The "Act respecting Public Schools" is a consolidation and amendment of all previous legislation in respect to Public Schools. It repeals all legislation which created and authorized a system of Separate Schools for Protestants and Roman Catholics. By the Acts previously in force either Protestants or Roman Catholics could establish a school in any school district, and Protestant ratepayers were exempted from contribution for the Catholic Schools, and Catholic ratepayers were exempted from contribution for Protestant Schools.

The two Acts now under review purport to abolish these distinctions as to the schools, and these exemptions as to ratepayers, and to establish instead a system under which public schools are to be organized in all the school districts, without regard to the religious views of the ratepayers.

The right of the Province of Manitoba to legislate on the subject of education is conferred by the Act which created the Province, viz.: 32-33 Vict., chapter 3 (The Manitoba Act), section 22, which is as follows:—

"22. In and for the Province of Manitoba the said Legislature may exclusively make laws in relation to education, subject to the following provisions:—

"(1) Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law or practice in the Province at the Union.

"(2) An appeal shall lie to the Governor General in Council from any act or decision of the Legislature of the Province, or of any Provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education.

"(3) In case any 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, or in case any decision of the Governor General in Council, on