

The committee advise that a certified copy thereof be forwarded to the Lieutenant Governor of Manitoba and also to Mr. Ewart, Q.C., of Winnipeg, the solicitor of the petitioners.

All which is respectfully submitted for your Excellency's approval.

JOHN J. MCGEE, *Clerk of the Privy Council.*

DEPARTMENT OF JUSTICE, OTTAWA, CANADA,
5th February, 1895.

To His Excellency The Governor General in Council.

The undersigned has the honour to report that certain correspondence and petitions have been referred to him concerning chapter 28 of the statutes of the province of Manitoba, passed in the fifty-seventh year of Her Majesty's reign (1894), intituled :

"An Act to amend the Public Schools Act" which Act was assented to on the 2nd of March, 1894, and received by the Secretary of State for Canada on the 6th of March, 1894.

The correspondence and petitions include the following :—

1. A petition of His Eminence the Cardinal Archbishop of Quebec, the Most Reverend Archbishops and the Right Reverend the Bishops of the Roman Catholic Church of Canada, and others.

These petitions having regard to the Statute in question seek the exercise of the power of disallowance.

The undersigned observes that, while the enactment of the amending statute is made the occasion for the submission of these petitions, the grounds of complaint are mainly directed to the principal legislation of 1890 rather than to the amending Act now under consideration, and so far as any grounds are urged against the validity of the latter Act they do not differ in character from those which have been previously set up and are still being pressed with regard to the statute of which it is an amendment. It appears to the undersigned, and the petitioners have not attempted to controvert the view, that any question which might be raised as to the validity of this amendment has been set at rest by the decision of the judicial committee of the Privy Council in the case of *Barrett vs. The City of Winnipeg*, in which the principal legislation was held to be *intra vires* of the provincial legislature.

If the petitioners were to contend that the amending legislation is of a different character and does, consistently with what has been decided, "prejudicially affect any right or privilege with respect to denominational schools which any class of persons had by law or practice in the province at the union," the question could be raised in the courts, where the matter would be judicially determined and the Act declared invalid if a sufficient case were established.

In so far as the petitioners seek the exercise of the authority which under section 22 of the Manitoba Act is vested in Your Excellency in Council by way of appeal, it appears to the undersigned that in view of the circumstances now existing it is unnecessary to deal with this feature of the petition in this report.

The undersigned, therefore, in accordance with the policy adopted respecting the Act of 1890, recommends that the statute in question be left to its operation and that a copy of this report, if approved, be transmitted to the Lieutenant Governor of Manitoba for the information of his Government, and that a copy be also transmitted to Mr. Ewart, Q.C., of Winnipeg, the solicitor of the petitioners.

Respectfully submitted,

CHARLES HIBBERT TUPPER,
Minister of Justice.

GOVERNMENT HOUSE, WINNIPEG, 26th October, 1894.

The Honourable the Secretary of State, Ottawa.

SIR,—Referring to your communication, No. 3069, file 2621, of the 30th July, inst., transmitting to me the copy of a memorial addressed to His Excellency the Governor General in Council by His Eminence Cardinal Taschereau, the Archbishop of