vanced in such discussion—especially in Parliament—is essentially academic; much of it irrelevant and inflammatory; the whole alloyed somewhat, with the sophisms of political partizanship. To counteract such mischief is the special function of a free and independent press; and I now address myself to it.

Needless to state the facts of the case; or even the line of argument on either side. The whole especially in the singularly loose recent debate of the House—loose, and almost incoherent, on both sides— is a petitio principii—a begging, really, of the question—showing—as all experience in such matters shows—the propriety of relegating such questions to the purely judicial decision of our highest Court. That, it may be said, has already been done in the cases of Barrett and Logan in contest of the Manitoba Act of 1890, with regard to local assessments for public school purposes. The judgment of the judicial committee of the Privy Council rendered on 30th July last, in these cases, seems to cover the whole ground. The elaborate, exhaustive and unanimous judgment of the whole court of six Law Lords as delivered by Lord Macnaghten—touches and incidentally passes on the fact that subsequently to the "union" of Manitoba to the confederation, viz., between 1870 andd 1890, by a course of legislative acts of date, respectively, 1871, 1875, and 1881, a "system of denominational education in the common schools as they were then called"(such are the words of the judgment) was established, divided into two classes, viz. Roman Catholic and Protestant, in equal or nearly equal proportions; with powers of assessment "on the property of each school district," which—says the judgment—"must have involved, in some cases at any rate, an assessment on Roman Catholic schools." Other incongruities in the system are stated in the judgment—all pointing to the necessity of a change in the system with a view to the removal of features in it which, by its working, gave, out of the assessments—i.e. general assessments— to Roman Catholics what was denied to Protestants. The details on this head are set forth in the judgment.

In this connection it is to be remarked that neither in the judgment, nor in the legislation therein referred to, nor in the case as presented in Court, is there any relative designation of either of the parties being, in any respect, of the minority; in this regard they are on the same plane.

That fact—and, in fact, all the circumstances of the case as stated and collated in the judgment in their bearing on the arguments on both sides, show, at least, as the writer reads the judgment—that there was not any establishment of a system of separate or dissntient schools (these are the words of the B. N. A. Act, sec. 93 ch. 3), in Manitoba, either at the time of the union of the Dominion, or by the "Legislature" of the Province after that.

On this head the writer presents the following citations from the judgment: "But their Lordships are satisfied that the provisions of subsections 2 and 3 (i. e. of the Manitoba Act, 1870, its constitution and predominant ad rem) do not operate to withdraw such a question as that involved in the present case from the jurisdiction of the ordinary tribunals of the country. Subsections 1, 2 and 3 of section 22 of the Manitoba Act of 1870, differs but slightly from the subsections of section 93 of the B. N. A. Act, 1867. The only important difference is that in the Manitoba Act, in subsection 1, the words 'by law" are followed by the words 'or practice,' which do not occur in the corresponding passage of th British North America Act, 1867. Evidently the word "practice" is not to be construed as equivalent to custom having the force of law. Their Lordships are convinced that it must have been the intention of the Legislature to preserve every legal right or privilege, and every benefit or advantage in the nature of a right or privilege, with respect to denominational schools which any class of persons practially enjoyed at the time of the Union. What then was the state of things when Manitoba was admitted into the Union? On this point there is no dispute. It is agreed that there was no law, or regulation, or ordinance, with respect to education, in force at the time. There were, therefore, no rights or privileges with respect to denominational schools existing by law. The practice which prevailed in Manitoba before the Union is also a matter on which all parties are agreed. The statement on the subject by Archbishop Tache, the Roman Catholic Archbishop of St. Boniface, who has given evidence in Barrett's case, has been accepted as accurate and complete"

The judgment cites the deposition of the Archbishop on the subject; it is too long to give in full in this writing. He states that there were "a number of effective schools for children, some of them being regulated and controlled by the Roman Catholic Church, and others by various Protestant denominations. That the means necessary for the support of Roman Catholic schools were supplied to some extent by school fees, paid by some of the parents of the children who attend the schools and the rest were paid out of the funds of the Church contributed by its members. During the period referred to Roman Catholics had no interest in, or control over, the schools of the Protestant denominations, and the Protestant denomination had no interest in or control over the schools of the Roman Catholics. There were no public schools in the sense of State schools." These are the very words, in testimony of record of that dignitary. "Now," proceeds the judgment to say, "if the state of things which the Archbishop describes as existing before the Union had been a system established by law, what would have been the rights and privileges of the Roman Catholics with respect to denominational schools? They would have had by law the right to establish schools at their own expense, to maintain their schools by school fees or voluntary contributions, and to conduct them in accordance with their own religious "tenets." "In their Lordships' opinion it would be going much too far to hold that the establishment of a national system of education upon an unsectarian basis is so inconsistent with the right to set up and maintain denominational schools that the two things cannot exist together; or that the existence of the one necessarily implies or involves immunity from taxation for the purpose of the other."

LEGISLATION AFTER THE UNION.

The statement, in narration, in the judgment on this head, is as follows: "In 1871, a law was passed (by the Provincial Legislature of Manitoba) which established a system of denominational education in the common schools as they were then called. A board of education was formed, which was to be divided into two sections, Protestant and Roman Catholic. Each section was to have under its control and management the discipline of the schools of the section.

Under the Manitoba Act (constitutional) the province had been divided into twenty-four electoral divisions for the purpose of electing members to serve in the Legislative Assembly. By the Act (Provincial) of 1871, each electoral division was constituted a school district, in the first instance. Twelve electoral divisions 'comprising mainly a Protestant population' were to be considered Protestant school districts; twelve 'comprising mainly a Roman Catholic population' were to be considered Roman Catholic school districts. Without the special sanction of the section there was not to be more than one school in any school district. The male inhabitants of each school district assembled at an annual meeting, were to decide in what manner they should raise their contributions towards the support of the schools, in adddition to what was derived from public funds. The laws relating to education were modified from time to time, but the system of denominational education was maintained in full vigour until 1890. In 1890 the policy of the past 19 years was reversed, and the denominational system of public education was entirely swept away."

And then after giving certain details in the working of that "denominational system," the judgment proceeds: "But what right or privilege is violated or prejudicially affected by the law (of 1890)? It is not the law that is in fault, itis owing to religious convictions which everybody must respect, and the teaching of their church, that Roman Catholics and members of the Church of England find themselves unable to partake of the advantages which the law offers to all alike.

They doubt whether it is permissible to refer to the course of legislation between 1871 and 1890 as a means of throwing light on the previous practice or on the construction of the saving clause in the Manitoba Act. They cannot assent to the view, which seems to be indicated by one of the members of the Supreme Court, that public schools under the Act of 1890, are, in reality, Protestant schools. The Legislature has declared in so many words that the public schools shall be entirely unsectarian, and that is carried throughout the Act.

With the policy of the Act of 1890 their Lordships are not concerned, but they cannot help observing that, if the views of the respondents were to prevail, it would be extremely difficult for the Provincial Legislature, to which has been entrusted the exclusive power of making laws relating to education, to provide for the educational wants of the more sparsely inhabited districts of a country almost as large as Great Britain, and that the powers of the Legislature which on the face of the Act appear so large, would be limited to the useful but somewhat humble office of making regulations for the sanitary condition of school houses, imposing rates for hte support of denominational schools, enforcing the compulsory attendance of scholars, and matters of this sort."