

# The Barrister.

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## THE MANITOBA SCHOOL CASE.

### THE PRIVY COUNCIL DECISIONS.

BEFORE the next number of the BARRISTER appears it is likely that the Governor-in-Council will have acted upon the petition of the Catholic minority of Manitoba for some remedial order. To discuss the probable action of the Council would be premature at this stage; it will, however, prepare the ground for such discussion to briefly review the history of the case up to the hearing by the body upon which the responsibility has devolved of dealing with this, the ugliest, political question that in recent years has arisen in all Canada.

In 1890, two acts relating to education were enacted by the Manitoba Legislature. The one (53 Vic, c. 37 Man.), created a Department of Education, consisting of the Executive Council of the Province, or a Committee thereof, and created also an Advisory Board. This Board, it was provided, should consist of seven members, four of them to be appointed by the Department of Education, two to be elected by the teachers, and one to be appointed by the University Council. Among other powers entrusted to the Advisory Board, were (Sec. 14), powers "(b), to examine and authorize text-books and books of

reference for the use of pupils and school libraries," and "(g), to prescribe the forms of religious exercises to be used in schools." This Act, in effect, supplied the machinery for the operation of the companion Act (53 Vic, c. 38, Man.)—"The Public Schools Act." We have seen that the Advisory Board had power to authorize text-books, and to prescribe the forms of religious exercise. The Main Act re-established the existing schools, whether Protestant or Catholic, as non-sectarian schools, and prohibited in these schools religious exercises other than those authorized by the Advisory Board (Secs. 3 and 8). None but authorized text-books are to be used in these national schools (Sec. 141), nor can other than teachers duly certificated under the regulations of the Department of Education, teach (Sec. 126), The Catholic School Districts were wiped out (Sec. 179.) A general rate for school purposes was provided, to be levied upon all taxable property in the municipality (Sec. 89), and municipalities were deprived of power to exempt any property from the school tax (Sec. 92). This Act came into force on May 1st, 1890. Thereafter, Catholic Separate