

Canada did not accede to all the terms of it. An agreement nevertheless was arrived at, and part of this agreement was (as then believed by every one) that the schools should be separate. This agreement was ratified by the Legislative Assembly sitting in the territories. The agreement, therefore, is the important matter, and not the question which of the negotiating parties suggested any particular term of it. It is quite clear, then, that the future character of the schools in Manitoba was agreed to at the time of the drafting of the Manitoba charter; and it is admitted on all hands that it was the intention of every one that Manitoba should have constitutionally no power to establish a system of which the separate schools system was not a feature.

Three years after Confederation, as I have said, Manitoba became (1870) one of the Provinces of the Dominion. In the meantime the ghost had slipped his clumsy wrappings, and in the Province of New Brunswick was at his old disrupting and conveniencing work. In that province, as we have seen, there was no system of separate schools recognized by law at the time of the union. As a matter of practice, however, there were schools which, by general consent, had become Catholic in character, although retaining their public *status*. Rights, held by this tenure, having been affected by local legislature, the power of the legislature to interfere with them was challenged, was litigated, and was finally upheld. Rights based upon *practice*, and not upon statute, were evidently not rights, but permissions only. Once more the troublesome spirit disappeared. Once more the separate school question in Canada was finally disposed of.

The lesson of this New Brunswick incident came in time for the preparation of the Manitoba charter. With it before them the draughtsmen thought that they had forever saved the new province from ghostly visitation, when they inserted two little words—"or practice"—in the phraseology used in the cases of the older provinces, and made it read in this fashion:

"In and for the province the said legislature may exclusively make laws in relation to education, subject and according 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.

At this time there were within the limits assigned to Manitoba about 12,000 people, nearly equally divided, as to religion, between the Roman Catholic and Protestant churches. In speculating as to the future of the prairie acquisition, Canadians had contemplated the probability of its future population being principally French and Roman Catholic. From the Province of Quebec