

everybody must respect, and to the teaching of their church, that Roman Catholics and the members of the church of England find themselves unable to partake of advantages which the law offers to all alike.

That they used this burlesque style of argument, which it is a shame to find in what should have been the solemn judgment of this high tribunal, seems to prove that they thought it necessary to make some show of arguing that the Act whose validity they maintained does not violate the natural right which admittedly should be held sacred.

The minority in Manitoba plead that besides the natural right they have also what they not unreasonably call a Treaty right to denominational schools. This right does not rest upon such a basis that it could be maintained in the courts of law; but in *foro conscientie* much weight must be given to it by all who desire to consider this question fairly. When the Canadian Government under the Imperial Act, 31st and 32nd Vic., and the Canadian Act, 32nd and 33rd Vic., cap. 3, proceeded to establish a government in the North-west, the opinions and wishes of the people then resident in those territories were completely ignored and their rights were utterly disregarded. The people, alarmed at these proceedings, would not permit the Lieutenant-Governor and Council appointed by the Canadian Government to enter the country and, the authority of the Hudson Bay Company as a governing power having ceased, they formed a Provisional Government. They were not unwilling to become part of Canada, but they insisted that in the Union their rights, civil and political, must be respected. At a meeting held at Fort Garry, a list of claims, then called a Bill of Rights, was adopted and three delegates, one of whom was a Protestant, were appointed to proceed to Ottawa and there present those claims to the Canadian Government and

insist upon their acceptance. Those claims, which were for the greater part perfectly reasonable, were accepted, and they were incorporated in the Bill passed in the Session of 1870 which made Manitoba a Province and gave it a constitution. The 22nd section was framed with much care to carry out that part of the agreement made with the delegates which related to education. During the debate on this section it was suggested that the wording be so changed as to leave no room for any question in the future as to its precise meaning, but Sir George Cartier, who was known to have the confidence of the people of the North-west, contended that the language was plain and unmistakable, and in this he was supported by nearly all the members on both sides of the House. The words of this section and of its first sub-section are almost precisely the same as those of section 93 of the B. N. A. Act, and its first sub-section which for some reason not easily understood it was thought desirable to follow. The insertion of the words "or practice" after the words "by law" in the sub-section it was generally agreed would place the denominational schools of Manitoba in the same position before the law as was held by the denominational schools of Ontario and Quebec.

That it was the intention of Parliament to establish the denominational system of schools in Manitoba with constitutional guarantee is beyond doubt. This is proved by what is known of the agreement made by the Canadian Government with the delegates from the North-west, by what was said in Parliament by Sir George E. Cartier and all others who spoke when the Manitoba Act was under consideration, by the opposition offered to the 22nd section by those who were opposed to the denominational system, and especially by the words of those sub-sections which are wholly void of sense and meaning if they do not