

by law or practice in the Province at the Union, and was consequently *intra vires* and constitutional. The whole of these proceedings, and the said evidence, and the judgment delivered by Lord Macnaughten on behalf of the Judicial Committee, are to be found in the record.

7. The effect of the evidence was fully stated in the judgment of the Privy Council, and the following is a short summary thereof :—

At the time when Manitoba was admitted to the Union there was no law or regulation or ordinance with respect to education in force. There were no public schools in the sense of State schools, but there existed throughout the Province a number of denominational schools maintained by school fees or voluntary contributions, and conducted according to the tenets of the religious body to which they might belong. These schools were neither supported by grants from the public funds nor were any of them in any way regulated or controlled by any public officials. In 1871, however, the year after admission of Manitoba to the Union, a law was passed which established throughout the Province 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. Each of the twenty-four electoral divisions into which the Province had by the Manitoba Act been divided was constituted a school district in the first instance, and there was to be a school in each district. 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. These schools, none of which could properly be called “separate or dissentient schools,” were to be maintained by grants from the public funds, to be divided equally between the Protestant and Roman Catholic schools, and contributions