

school districts; the Protestant and the Roman Catholic, covering pretty well the whole of the Province, then the Act would be inoperative, as applying to nothing, unless it be contended that it intends to establish Public School districts without disturbing either Protestant or Catholic districts, which is absurd from the reading of the Act.

The words "Subject to the provisions of this Act" then mean "Subject to the general provisions of the Act."

One of these provisions being (Sec. 3) that all Public Schools shall be non-sectarian, it is evident that all Protestant and Roman Catholic Schools are abolished, and turned into Public non-sectarian schools.

To abolish all Roman Catholic Schools and turn them into non-sectarian schools is surely to deprive them of rights and privileges which they enjoyed with respect to denominational schools by practice at the Union, as well as of those rights relating to separate schools recognized by the laws passed after the Union.

The effect of the clauses above referred to is to deprive the Roman Catholic minority of the rights they enjoyed both before and after the Union. But sections 89 and following of the Public Schools Act go further; they imply a compulsion, and directly violate the privileges of Her Majesty's Roman Catholic subjects enjoyed both before and after the Union.

Before Union, the practice was that Roman Catholics supported Roman Catholic schools and these only, and the same principle is confirmed by clause 30 of the Manitoba School Act which provides that: "In no case shall a Protestant ratepayer be compelled to pay for a Catholic school, nor a Catholic ratepayer for a Protestant school."

Now, clause 89 and following, of the Public Schools Act, provide for compulsory assessment of all the property in the public school district; and Section 93 provides that: "The taxable property in a municipality for school purposes, shall include all property liable to municipal taxation."

It may be further remarked that as religious exercises in public schools (Section 6), teachers (Section 127), teachers' certificate (Section 31), inspectors (135) and in fact the whole working of the Public Schools Act, is subject to the control and management of a Department of Education and an Advisory Board the creation of which is not provided for in the said Public Schools Act, the provisions relating to such matters may be more or less objectionable, according to the nature and composition of such Department of Education and Advisory Board. Considering the Public Schools Act by itself, the provisions above referred to are found objectionable by Catholics at least as being a departure from their rights to manage their schools through persons representing their religious convictions, and as offering no guarantee that their conscientious scruples in the teaching of their children shall be respected.

If clause 18 had been omitted therefrom, it could hardly be said that the "Act respecting the Department of Education" is *ultra vires* as violating the educational rights and privileges of Roman Catholics.

The Legislature evidently has the right to establish in the province a system of public schools, provided the same does not interfere with Roman Catholic schools.

In view of the establishing later on such a system of public schools, the Legislature has evidently the further right to create a Department of Education and Advisory Board or such other body as may be thought proper, for the administration and management of such public schools.

Leaving aside clause 18, the Act does not seem to go further, and the fact of providing for the management of Provincial, Model, Normal, and Public Schools does not at all imply the abolishment of Protestant and Roman Catholic Schools.

But section 18 provides for the extinction of the Board of Education (and consequently of the Catholic section) and substitutes nothing in lieu thereof for the working of Roman Catholic Schools—Roman Catholics are hereby deprived of that organization which they had under the Manitoba Schools Act, deprived of all educational organization, and in fact left in the impossibility of carrying out any system of schools as a system.