

social distinctions. Others refuse to send their children on account of some real or fancied objection to a locality, a building, or a teacher. They are deprived of no right because a locality, a building, and a teacher to their exact liking was never guaranteed them. So others, as in this case, either from prejudice or in the conscientious belief that if their children attended schools conducted as are those in the Convent building, would necessarily or probably from Roman Catholic teaching acquire Roman Catholic beliefs, or be injuriously influenced in their religious education and faith, refuse to place their children in such an environment or within the sphere of such influences. They are, however, deprived of no right, because the law never guaranteed more than free education in a non-sectarian school, and free education in a school so taught is free education in a non-sectarian school.

In *The City of Winnipeg v. Barrett*, App. Cases 1892, p. 458, Lord MacNaghten, in delivering the judgment of the Privy Council, and speaking of the Manitoba Schools Act of 1890, says as follows:

"No child is compelled to attend a public school. No special advantage other than the advantage of a free education in schools conducted under public management is held out to those who do attend. But then it is said that it is impossible for Roman Catholics, or for members of the Church of England (if their views are correctly represented by the Bishop of Rupert's Land, who has given evidence in Logan's case), to send their children to public schools where the education is not superintended and directed by the authorities of their church, and that therefore Roman Catholics and members of the Church of England who are taxed for public schools, and at the same time feel themselves compelled to support their own schools are in a less favorable position than those who can take advantage of the free education provided by the Act of 1890. That may be so. But what right or privilege is violated or prejudicially affected by the law? It is not the law that is in fault. It is owing to religious convictions which everybody must respect, and to the teaching of their Church that Roman Catholics and members of the Church of England find themselves unable to partake of advantages which the law offers to all alike."

So here, it is owing to prejudices or religious convictions which are of course entitled to every respect, that prevent those who entertain them from partaking of advantages which are open to all alike.