

the Union," or in brief, that the non-existence, at that time, of a system of public schools and the consequent exemption from taxation for the support of public schools and the consequent freedom to establish and support separate or "denominational" schools did not constitute a "right or privilege" "by practice" which these Acts took away.

An appeal has been asserted and the case is now before the Supreme Court of Canada, where it will, in all probability, be heard in the course of next month.

If the appeal should be successful these Acts will be annulled by judicial decision, the Roman Catholic minority in Manitoba will receive protection and redress. The Acts purporting to be repealed will remain in operation, and those whose views have been represented by a majority of the legislature cannot but recognize that the matter has been disposed of with due regard to the constitutional rights of the province.

If the legal controversy should result in the decision of the Court of Queen's Bench being sustained the time will come for Your Excellency to consider the petitions which have been presented by and on behalf of the Roman Catholics of Manitoba for redress under sub-section (2) and (3) of section 22 of the "Manitoba Act," quoted in the early part of this report, and which are analagous to the provisions made by the "British North America Act," in relation to the other provinces.

Those sub-sections contain in effect the provisions which have been made as to all the provinces and are obviously those under which the constitution intended that the Government of the Dominion should proceed if it should at any time become necessary that the Federal powers should be resorted to for the protection of a Protestant or Roman Catholic minority against any Act or decision of the Legislature of the Province, or of any provincial authority, affecting any "right or privilege" of any such minority "in relation to education."

Respectfully submitted,

JNO. S. D. THOMPSON, *Minister of Justice.*

No. 3.

GOVERNMENT HOUSE, WINNIPEG, 10th April, 1890.

SIR,—I have the honour to transmit herewith the Memorial and Petition to His Excellency the Governor General in Council, of the Catholic Section of the Board of Education in and for the Province of Manitoba, signed by His Grace the Archbishop of St. Boniface, as President of the Catholic Section of the Board of Education, and by T. A. Bernier, Esq., Superintendent of Education for the Catholic Section, making certain representations upon and praying for the disallowance of two Bills passed during the Third Session of the Seventh Legislature of this Province, which were assented to by me on the Thirty-first ultimo, said Bills being intituled:—

"An Act respecting the Department of Education" and
 "An Act respecting Public Schools."

I have, &c.,

JOHN SCHULTZ.

The Honourable the Secretary of State, Ottawa.

To His Excellency the Governor General in Council:—

The Petition of the Catholic Section of the Board of Education in and for the Province of Manitoba, doth hereby most respectfully represent; That

Whereas previous to and at the time of the union there existed by practice in the territory, which now forms the Province of Manitoba, a system of denominational schools,

Whereas the maintenance of such system was made a condition of the union by clause 7 of the Bill of Rights upon which such union was negotiated,

Whereas, thereafter the Legislature of the Province of Manitoba has established a system of denominational schools which has been in existence since the union up to this year without being questioned or complained of.