

THE SCHOOL QUESTION IN MANITOBA.

BY TIMOTHY WARREN ANGLIN.

The decision of the Judicial Committee of the Privy Council when announced by the telegraphic despatches published in the newspapers surprised all parties. The surprise was not diminished when the full text of the judgment was published in the newspapers of August 15th.

That the minority in Manitoba have right and justice on their side in this case is scarcely questioned. The right of the parent to direct and control the education of his child is admitted, even where the State makes education compulsory, and that right even the Manitoba Act does not directly assail, as it does not require a parent to send his child to what is called a public school, but only imposes on him what may properly be called a penalty for the exercise of his right to send his child to a private or denominational school. This natural right of the parent some contend "does not want any legislation to protect it." Unfortunately in this Manitoba case the legislation framed expressly for its protection has not proved sufficient for the purpose. To the ordinary comprehension it seems that a law which requires a man to contribute to the support of a school to which he cannot conscientiously send his child does seriously infringe upon and impair that natural right. But such is not the opinion of the judges who in this case composed the Judicial Committee. They say :

In their Lordships' opinion, it would be going much too far to hold that the establishment of a national system of education upon an unsectarian basis is so inconsistent with the right to set up and maintain denominational schools that the two things cannot exist together, or that the existence of the one necessarily implies or involves immunity from taxation for the purpose of the other.

And yet there are many cases in which a parent must find it exceedingly difficult to pay the taxes levied for the support of the public schools and also the amount required to secure for his child the education he desires. It is now generally admitted that it is essentially unjust to compel any one to contribute to the support of a church which his conscience forbids him to attend, and that religious liberty in the full sense of the word does not exist where dissenters are compelled to contribute to the support of an established church, even though those dissenters are permitted to erect and maintain churches of their own and to hold and teach what religious doctrines they please. The right to build and support churches of their own does not, it is admitted, offset or neutralize the injustice of compelling them to support a church whose doctrines they regard as erroneous or mode of government as objectionable. But because Catholics and all other religious denominations in Manitoba are left free by the Act of 1890 to establish their own schools, to support them by school fees or otherwise, and to conduct them according to their own religious tenets, and because no child is compelled to attend a public school, no right or privilege of any of these denominations, say the Judicial Committee, is violated or prejudicially affected by that Act. And they use a sort of argument which may be quite as properly used in reply to dissenters when they complain of being forced to contribute to the support of an established church, and which in fact has frequently been so used. They say :

It is not the law that is in fault ; it is owing to religious convictions, which