

While we do not think it proper to enter upon a legal argument in this memorial, we deem it our duty to briefly call attention to some of the legal and constitutional difficulties which surround the case. It is held by some authorities that any action taken by the parliament of Canada upon the subject will be irrevocable. While this opinion may or may not be held to be sound, it is in our judgment only necessary to point out that there are substantial grounds for entertaining such an opinion, in order to emphasize the necessity for acquiring a most ample knowledge of the facts before any suggestion of parliamentary action is made.

It will be admitted that the two essentials of any effective and substantial restoration of Roman Catholic privileges are :

1. The right to levy school taxes ;
2. The right to participate in the legislative school grant ; without these privileges the separate schools cannot be properly carried on, and without them therefore, any professed restoration of privileges would be illusory.

It may be held that the power to collect taxes for school purposes conferred upon school boards by our former educational statutes was conferred by virtue of the provisions of subsection (2) of section 92 of the British North America Act and not by virtue of the provisions of section 22 of the Manitoba Act. If this view be well founded, then that portion of the Act of 1890 which abolished the said right to collect taxes is not subject to appeal to Your Excellency in Council, and the remedial order and any subsequent legislative act of the Parliament of Canada (in so far as they may purport to restore the said right) will be *ultra vires*.

As to the legislative grant we hold that it is entirely within the control of the legislature of the province that no part of the public funds of the province could be made available for the support of separate schools without the voluntary action of the legislature. It would appear therefore that any action of the Parliament of Canada looking to the restoration of Roman Catholic privileges must, to be of real and substantial benefit, be supplemented by the voluntary action of the provincial legislature.

If this be the case, nothing could be more unfortunate from the standpoint of the Roman Catholic people themselves, than any hasty or peremptory action on the part of the Parliament of Canada, because such action would probably produce strained relations and tend to prevent the possibility of restoring harmony.

We respectfully suggest to Your Excellency in Council that all of the above considerations call most strongly for full and careful deliberation, and for such a course of action as will avoid irritating complications.

We deem it proper also to call attention to the fact that it is only a few months since the latest decision upon the subject was given by the Judicial Committee of the Privy Council. Previously to that time a majority of the members of the Legislative Assembly of Manitoba had either expressly or impliedly given pledges to their constituents which they feel in honour bound loyally to fulfil.

We understand that it has been lately suggested that private funds of the Roman Catholic Church and people had been invested in school buildings and land that are now appropriated for public school purposes. No evidence of such fact has ever been laid before us, so far as we can ascertain, but we profess ourselves willing if any such injustice can be established, to make full and fair compensation therefor.

In conclusion we beg respectfully to place on record our continued loyalty to Her Gracious Majesty and to the laws which the Parliament of Great Britain has in its wisdom seen fit to enact for the good government of Canada.

FINLAY M. YOUNG,
Speaker.