

private and individual enterprise, you consequently enjoy the same rights as before." It is clear that in both cases, a recognition by the law and the enjoyment of corporate powers are in themselves most essential and precious rights and privileges.

Here the Public School Act violates, not only the educational rights of Roman Catholics, but also their most elementary rights of property.

Sections 179 and 180 of the Public School Act, provide that where, before the passing of the Act, a Roman Catholic school district was established covering the same territory as any Protestant school district, then, upon the coming into force of the Act, all the assets of the Roman Catholic school district shall belong to, and the liabilities thereof be paid by, the public school district.

Thus in the city of Winnipeg, which is covered as well by a Protestant as by a Catholic school district, the arrears of taxes, buildings and equipments of the Catholic trustees—who have no debt—shall, upon the coming into force of the Act, become the property of the public school district.

Further, as the words "covering the same territory" above used, may be interpreted as applying not only to the case where a Protestant and a Roman Catholic district are comprised within the same limits, but also to the case where one district covers part of another, (which would apply to the much greater number of Roman Catholic school districts) then, if such interpretation be good, the property of the majority of the now existing Catholic districts shall, upon the coming into force of the Act, become the property of the public school district.

The Roman Catholics having always had the property of their schools, this is evidently a violation of their rights under practice prior to Union, as well as of their rights under the law passed after the Union.

The general rule is, that when an act is repealed, all things lawfully done thereunder remain good and binding, and all bodies lawfully constituted thereunder continue in existence. Thus, the town of St. Boniface, incorporated by letters patent under "The Towns Corporation Act," continues in existence, although such Act has been repealed.

Can it be said that, although the Manitoba Schools Act is repealed, the Roman Catholic School Districts existing thereunder are yet allowed by the Public School Act to continue in existence? It is submitted not.

1. *Certain Roman Catholic school districts are wiped out.* Section 178 and 179 of the Public Schools Act provide: That where, before the passing of the Act, Roman Catholic school districts have been established, covering the same territory as any Protestant school district, then, upon the coming into force of the Act, such Catholic school district shall cease to exist.

The city of Winnipeg being for one, in that case, as aforesaid, it is evident that this clause means the abolition at least of the Roman Catholic schools of that city.

2 The greater number of Roman Catholic school districts are wiped out. As the words "covering the same territory" used in the third line before last of the preceding paragraphs, may be interpreted as applying, not only to the case where a Protestant and a Roman Catholic district are comprised within the same limits, but also to the case where one district covers part of another (which applies to the greater of Roman Catholic school districts in the Province), then, if such interpretation be good, the greater number of Roman Catholic school districts are abolished by the Public Schools Act.

3. All the Roman Catholic school districts of the Province are virtually abolished.

Section 3 of the Public Schools Act provides that, All Protestant and Catholic School Districts existing when the Act comes into force shall be subject to the provisions of the Act.

It cannot be said that the words "subject to provisions of the Act" here mean "Subject to such provisions as are specially liable to such districts." As there are no such provisions in the Act made specially applicable to Protestant and Roman Catholic districts, not even for the purpose of wiping them out, then all such districts would remain in existence; and there being now in Manitoba but two classes of