Legislation of 1890." (Judgment in *Brophy case*). This is incorrect. This is not the whole intent of the express judgment in *Barrett's case*. Again, we cite from the report, at page 454: "But, in their Lordship's opinion, it would be going much too far, to hold that the establishment of a national system of education upon an unsectional 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." Again, at page 452, the two further sub-sections of section 22 of the Manitoba Act are noted, and at page 453, the construction of the whole section is thus stated: "Their Lordships are convinced that it must have been the intention of the Legislature," (seen by reference to the beginning of the paragraph, to mean—in enacting sub-sections 1, 2 and 3 of sect. 22) "to preserve every legal right or privilege, and every benefit or advantage in the nature of a right or privilege, with respect to denominational schools, which any class of persons practically enjoyed at the time of the union." We are satisfied, from an examination of the judgment, that at the time of the decision in *Barrett's case*, every phase of the controversy was present to the minds of the members of the Board. At page 439 of the report, we find it stated:—"With the policy of the Act of 1890, their Lordships are not concerned. But they cannot help observing that, if the views of the respondents (*i.e.*, the Roman Catholic minority) were to prevail, it would be extremely difficult for the Provincial Legislature, which has been entrusted with the exclusive power of making laws relating to education, to provide for the educational wants of the more sparsely inhabited districts of a country almost as large as Great Britain, and that the powers of the Legislature, which on the face of the Act appear so large, would be limited to the useful, but somewhat humble office of making regulations for the sanitary condition of school-houses, imposing rates for the support of denominational schools, enforcing the compulsory attendance of scholars, and matters of that sort."

In Canada, the great bulk of the people were happy in the conviction that this decision of the Privy Council had set at rest definitely, a question which threatened to convulse the body politic. Now, by the judgment of the same Board in the parallel *Brophy case*, Canada is once more face to face with the whole issue in a much more dangerous form. We cannot help characterising the process of reasoning by which this later decision was reached, as a mere juggling with a great question. There is a point where "distinguishing" becomes indistinguishable from "casuistry," and this point has been reached in the treatment of the Manitoba School Acts by the Privy Council.

Side by side with the appeal to the courts in the *Barrett case*, the Roman Catholic minority had pursued the remedy provided by sub-section 2 of section 22 of the Manitoba Act. This sub-section (2) enacts: "An appeal shall lie to the Governor-General-in-Council from any act or decision of