

SYNOPSIS OF THE MANITOBA SCHOOL CASE.

Manitoba became a province of Canada by virtue of an Act passed by the Imperial Parliament of Great Britain in the year 1870, this Act having been first considered, amended and approved by the Parliament of Canada. (See Debate on the educational clause, Appendix A.)

Neither the Parliament of Canada nor the Legislature of the province of Manitoba have the power to make any alterations or amendments in the Imperial Act referred to.

As reference is sometimes made to the British North America Act under which the other provinces of the Dominion of Canada entered confederation, the educational clauses contained in section 93 of that Act and in section 22 of the Manitoba Act are printed in parallel columns:—

MANITOBA ACT.

"In and for the province the said legislature may *exclusively* make laws in relation to education, subject and according to the following provisions:—

"(1) Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law or practice in the province at the union.

"(2) An appeal shall lie to the Governor General in Council from any act or decision of the *Legislature of the province*, or of any provincial authority, affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education.

"(3) In case any such provincial law as from time to time seems to the Governor General in Council requisite for the due execution of the provisions of this section is not made, or in case any decision of the Governor General in Council on any appeal under this section is not duly executed by the proper provincial authority in that behalf, then, and in every such case, and as far only as the circumstances of each case may require, the parliament of Canada may make

BRITISH NORTH AMERICA ACT.

"In and for each province the legislature may *exclusively* make laws in relation to education, subject and according to the following provisions:—

"(1) Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the province at the union.

"(2) All powers, privileges and duties at the union, by law conferred and imposed in Upper Canada on the separate schools and school trustees of the Queen's Roman Catholic subjects, shall be and the same are hereby extended to the dissentient schools of the Queen's Protestant and Roman Catholic subjects in Quebec.

"(3) Where in any province a system of separate or dissentient schools exists by law at the union, or is hereafter established by the legislature of the province, an appeal shall lie to the Governor General in Council from any act or decision of any provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education.