

with respect to denominational schools which Roman Catholics had by practice at the time of the Union, or, in brief, that the non-existence, at that time, of a system of public schools, and the consequent exemption from taxation for the support of public schools, and the consequent freedom to establish and support separate schools or denominational schools, did not constitute a right or privilege by practice which these Acts took away."

519. Sir John Thompson advised that as an appeal had been taken to the Supreme Court of Canada, the time had not arrived for His Excellency to consider the petitions which have been presented by and on behalf of the Roman Catholics of Manitoba for redress under sub-sections 2 and 3 of Sec. 22 of the Manitoba Act of 1870.

This report was approved on 4th April, 1891.

520. The case of Barret vs. the City of Winnipeg, commonly known as the "Manitoba School Case," having been appealed, the judicial committee of the Privy Council of England affirmed on 12th July, 1892, the judgment of the Court of Queen's Bench of Manitoba, which the Supreme Court of Canada has reversed.

521. On the 20th September, 1892, members of the Roman Catholic Church in the Province of Manitoba presented a petition to the Governor General-in-Council stating that a recent decision of the Judicial Committee of the Privy Council in England having sustained the judgment of the Court of Queen's Bench of Manitoba upholding the validity of the Acts, "the time has now come for Your Excellency to consider the petitions which have been presented by and on behalf of the Roman Catholics of Manitoba for redress under sub-sections 2 and 3 of Sec. 22 of the Manitoba Act. This they did in accordance with the report of Sir John Thompson, already mentioned as approved on 4th April, 1891.

522. On the 26th November, 1892, a sub-committee of the Canadian Privy Council sat to hear argument in support of the petitions. In their report to Council, which was adopted, they say: "The argument presented by Counsel on behalf of the petitioners was that the present appeal come before Your Excellency in Canada not as a request to review the decision of the Judicial Committee of the Privy Council (of England), but as a logical consequence and result of that decision, inasmuch as the remedy now sought is provided by the North America Act and the Manitoba Act, not as a remedy to the minority against statutes which interfere with the rights which the minority had at the time of the Union, but as a remedy against statutes which interfere with rights acquired by the minority after the Union. The remedy therefore, which is sought is against Acts which are *ultra vires* of the Provincial Legislature. His argument is also that the appeal does not ask Your Excellency to interfere with any rights or powers of the Legislature of Manitoba, inasmuch as the power to legislate on the subject of education has only been conferred on that Legislature with the distinct reservation that Your Excellency-in-Council shall have power to make remedial orders against any such legislation which infringes on rights acquired after the Union by any Protestant or Roman Catholic minority in relation to separate or dissentient schools.