

a province will have the exclusive right of making laws pertaining to education, but that these laws will respect the rights of the parents and the liberty of conscience, it does not in any way prevent the province to legislate in this matter; it only says this: If you wish to exercise freely your legislative power, you should not violate the natural rights of the parents, you should not hurt the religious persuasions of the people. Is that a limitation of provincial rights? Evidently no. I think it ought to be sufficient to call attention upon the distinction I have already made, to put an end to the recriminations of those who sincerely believe that provincial rights are attacked by clause 16. We must respect their sincerity, but not their astonishing thoughtlessness. I will not say more for the present.

None of those who have spoken on this school question to my mind, Mr. Chairman, sufficiently called our attention to the extracts from the minutes of the council of Assiniboia, published in a blue book in 1894, though these extracts, which could have been utilized before 1894, have to my mind a considerable interest and bearing upon the Northwest school question.

The Northwest territory was a Crown colony which had been given to the Hudson Bay Company. This company had established in that colony a regular civil government, which was keeping order and peace, administering justice, receiving taxes upon imported goods and excise duties, and had established a municipal law. The legislative power was vested in a council composed of the governor of Rupert's Land, of the high officers of the territory, and some advisers.

These extracts contain the names of most of those advisers, if not of all. Amongst them were the Anglican Bishop of Rupert's Land, the Catholic Bishop of the Northwest, who, later on, became bishop of Saint Boniface when Bishop Taché was appointed, many Protestant ministers, and Mr. L. Lafèche, Catholic missionary, who later on became Bishop Lafèche of Three Rivers.

Schools had been established in the territory by Catholic and Protestant missionaries; about 1850 these schools were recognized as being of public necessity. The 1st of May, 1851, Rev. Mr. Cochrane, seconded by Rev. Mr. Lafèche, moved the following resolution:

To weaken the mischievous and destructive energy of these violent and untamed qualities of human nature which so frequently manifest themselves in society, in a half civilized state, and to strengthen the feelings of honourable independence, to encourage habits of industry, sobriety and economy, it is moved—That £100 be granted from the public fund, to be divided equally between the bishop of Rupert's Land and the bishop of the Northwest to be applied by them, at their discretion, for the purposes of education. Carried unanimously.

Thus, this half civilized country which

had at the most a white and half-breed population of an ordinary size town, recognized as a public utility, gave to the schools a grant of money out of the public funds.

At the fall sitting of the same year, 1851, the trustees of the Presbyterian Church of Frog Plain presented to the Governor in Council of Assiniboia the following petition:

To the Governor and Council of Assiniboia,

The petition of the trustees of the Presbyterian church of Frog Plain humbly sheweth:

That, as the improvement of education seems to be more requisite, at least among the Protestants of the settlement, than its mere extension, your petitioners pray, that their minister may receive from the public fund a sum proportioned to the fifty pounds, as aforesaid granted to the Church of England, without prejudice, however, to the recognized equality in the premises, between the Protestants as a whole and the Roman Catholics.

And your petitioner shall ever pray.

(Signed) A. ROSS,  
JOHN FRASER.

and the other trustees of the  
Presbyterian community.

Red River Settlement, 26th November 1851.

Extract from Minutes of Council.

Dr. Bunn moved and Mr. Lafèche seconded this resolution. That fifteen pounds be granted to the Rev. John Black, of Frog Plain, for the purposes of education in accordance with the petition of the committee of his congregation.

Carried unanimously.

Mr. Lafèche gave notice that, at next meeting, he will move for an additional grant to the bishop of Saint-Boniface of fifteen pounds for education in consideration of the additional fifteen pounds now granted for the education of the English population.

A year later, the motion of Mr. Lafèche, had not been presented at the spring sitting. I do not know for what reason. A year later on, on the 9th of December, 1852, the Rev. Mr. Lafèche, seconded by Doctor Bunn, moved: 'that £15 be granted to the bishop of Saint Boniface for the purpose of education.' The motion was carried, the Anglican bishop and the Rev. Mr. Cochrane voted against. These facts prove that denominational schools were recognized and subsidized by the regularly constituted authority of Assiniboia. These schools continued to exist till the organization of that part of the territory as Province of Manitoba, 1870, and at that date they had a vested right which was recognized in the Act 33 Victoria, chapter 3, section 22, subsection 1.

The Northwest Territory had in 1870 a population composed of white and half-breeds of a little over 12,000 inhabitants, of whom 7,000 were Catholics; that territory belonged to the King of England and was a Crown colony. The inhabitants were British subjects, and as such enjoyed the rights and privileges which are always recognized to British subjects. The Hudson Bay Company had, for a sum of money paid by Canada,