lation of trade and commerce, or the right to legislate with respect to indirect taxation, nor can we give them control over the postal service, the military and naval defence of the country, currency or coinage, or the criminal law; as defined in section 91, all of which are committed to the federal parliament. Nor can we, upon the other hand, usurp to ourselves in this parliament the right to legislate upon the subject of direct taxation within the provinces, or in respect to any other of those subjects which are exclusively and especially committed to the provincial legislatures by section 92 of the British North America Act. We have no such thing, as I understand it as absolute and unlimited power in regard to legislation upon the subject of education, either in this parliament or in any provincial legislature of this Dominion. A province may have an absolutely free and non-sectarian system of schools when it enters the union. It may change that system to a denominational system, but, that being once done, it can never change back again without violating the constitution and prejudicially affecting, as it is said, the rights of the minority and giving that minority the right of redress at the hands of this parliament. A province may have a sectarian system of education when it enters the union, and if thereunder the rights of the minority are secured by law, that system can never be altered under our constitution. I think it may be assumed then, in dealing with education, that we have a qualified power, not, however, inconsistent with or contrary to the British North America Act. We have a pregnant illustration of this in the case of Manitoba. The Act of 1870, which admitted that territory as a province into the Dominion of Canada, in respect of education, in a material and important sense varied the conditions and principles of one subsection of section 93 of the British North America Act by incorporating therein the words, 'or practice.'

These words have an important signification taken in connection with the history and particularly the constitutional history respecting the province of Manitoba. These words are important considered in the light of the two cases, namely, the city of Winnipeg vs. Barrett, in 1891, and Brophy vs. the Attorney General of Manitoba in 1894. These two cases really comprise the constitutional history of the struggle which went on with all its irritation, all its disturbing aspects and phrases and uncomfortable conditions during these years in the history of our Dominion. The system of education in 1870 in Manitoba was a purely denominational or church system and the schools were maintained wholly by voluntary contributions made up from the fees of the parents of the children and of the respective churches interested in these schools. None of these schools was established by law at that time, yet, Sir, so anxious was this parliament to preserve, continue and perpetuate that system in that province that the words 'or practice' were inserted in the Act by which the province of Manitoba was admitted to the union. Not only was the minority guaranteed by the Act which admitted Manitoba to the Dominion of Canada as a province, any sectarian or denominational system of schools which they then had by law, but they were guaranteed the continuance of any system that they might have had by practice, so anxious, I say, was the parliament of Canada to preserve the condition of things which existed at the time that Manitoba was brought in, which shows to my mind the jealous anxiety of this parliament to preserve and perpetuate the system of education that was existing in that country not only by law but by practice. The debates, such as we have of that period, show that this school question was wholly overshadowed by other considerations of more importance, but, Sir, the school question provoked little or no discussion, little or no opposition from any quarter or from either side of the House. While this parliament in the exercise of its right was perpetuating to the people of Manitoba the denominational system of schools which they had when they came into the union, not a voice was raised against the adoption of that principle then, no dissent, no objection whatever, and I apprehend that every man who participated in that debate and who participated in the formation of that province believed that he was carrying out the spirit and true intention of the British North America Act. In 1867, the Roman Catholics of the province of Ontario, then Upper Canada, had a system of separate schools and the Protestants of Lower Canada at the time of confederation, insisted upon having the same principle incorporated into the compact of confederation. Some persons associate the term 'separate schools' with the idea of Roman Catholic schools. It is a mistake, Sir, to so confound the notion of separate schools with the Roman Catholics of this country. Looking at the institution of separate schools from the point of view of the British North America Act it will be seen that they are distinctly and emphatically Protestant schools because it was by the persistence of the Protestants and the representation of the Protestant minority in the province of Quebec that the very principle now under discussion in this parliament of the right of the minority to enjoy these schools was incorporated in the Confederation Act. This is no reproach, Sir, to the Protestants and it comes as no shock to me as one of that persuasion to know that it is the case, for I regard it as an expression of a sentiment indicative of liberality, tolerance and respect for the religious convictions of those who cannot agree with us and who cannot see eye to eye with their neighbour. It is the expression Sir, in a word of the golden maxim, 'Do