

mittee, but of a minute in council of the Government of Canada.

"That judgment is as binding on your Excellency as it is on any of the parties to the litigation, and therefore, if redress is sought on account of the state of affairs existing in the province at the time of the Union, it must be sought elsewhere and by other means than by way of appeal under the sections of the British North America Act and of the Manitoba Act which are relied on by the Petitioners as sustaining this Appeal. The two Acts of 1890 which are complained of must, according to the opinion of the sub-committee, be regarded as within the powers of the Legislature of Manitoba," (that was following your Lordship's decision), "but it remains to be considered whether the Appeal should be entertained and heard as an appeal against statutes which are alleged to have encroached on rights and privileges with regard to denominational schools which were acquired by any class of persons in Manitoba, not at the time of the Union, but after the Union.

"The sub-committee were addressed by Counsel for the Petitioners as to the right to have the Appeal heard, and from his argument, as well as from the documents, it would seem that the following are the grounds of the appeal. A complete system of separate and denominational schools was, it is alleged, established by Statute of Manitoba in 1871, and by a series of subsequent Acts. That system was in operation until the two Acts of 1890 (chapters 37 and 38) were passed. The 93rd section of the British North America Act in conferring power on the Provincial Legislatures exclusively to make laws in relation to education imposed on that power certain restrictions, one of which was (sub-section 1) to preserve the right with respect to denominational schools which any class of persons had by law in the province at the Union."

*Lord Shand.* What is the date of the British North America Act?

*Mr. Blake.* 1867. As to this restriction, it seems to impose a condition on the validity of any Act relating to education, and the sub-committee have already observed that no question it seems to them can arise since the decision of the Judicial Committee of the Privy