

“ section 2 of section 22 of the Manitoba Act in such manner that an appeal will lie thereunder to the Governor-General in Council.”

The majority of the Court were therefore of opinion that no appeal would lie to the Governor General in Council from the Statutes complained of.

13. The Appellants thereupon, on behalf of themselves and the rest of the Roman Catholic minority in Manitoba, presented a petition to the Queen in Council for special leave to appeal from this decision of the Supreme Court, and such special leave was granted upon terms which have been complied with.

14. The Respondent submits that the opinions which the majority of the Judges of the Supreme Court gave upon the questions submitted to them are correct for the following, amongst other

REASONS.

1. Because the provisions of section 22 of the Manitoba Act were intended to define completely the power of the Legislature of the Province to make laws in relation to education, and the provisions of section 93 of the British North America Act do not in any way limit, or extend, or affect the power of the Legislature of the Province in that behalf.

2. Because the provisions of sub-section 3 of section 93 of the British North America Act 1867 are varied by the provisions of sub-section 2 of section 22 of the Manitoba Act, and are not therefore by virtue of section 2 of the Manitoba Act applicable to Manitoba.

3. Because, assuming all the provisions of sub-section 3 of section 93 of the British North America Act to apply to Manitoba, no appeal lies under that sub-section from the Statutes complained of, the only appeal being from an “ Act or decision of any Provincial authority,” and a Statute passed by the Legislature of the Province is not an Act or decision of any Provincial authority within the meaning of that section.