

Court of Canada, dated the 20th February, 1894, on a certain case referred by the Governor-General to the said Court for hearing and consideration. By the case various questions were submitted for the opinion of the Court, but the substantial questions at issue were, whether either under subsection 3 of section 93 of the British North America Act, 1867, or under subsection 2 of section 22 of the Manitoba Act, 33 Vic., chapter 3 (Dominion Statute) any appeal lay to the Governor-General in Council from two Statutes passed by the Legislature of Manitoba in the year 1890, whereby a general system of nonsectarian public education was established in the place of the denominational system that had previously existed, and whether the Governor-General in Council had power to make the declarations or remedial orders which were asked for in certain memorials that had been presented to His Excellency in Council, complaining of those Statutes.

2. The case was stated and referred by the Governor-General in Council to the Supreme Court of Canada, pursuant to "The Supreme and Exchequer Courts Act," Revised Statutes of Canada, chapter 135, as amended by 54 and 55 Vic., chapter 25, section 4 (Dominion Statute), in consequence of the above-mentioned memorials, which had been presented by or on behalf of the Roman Catholic minority in Manitoba. The memorialists complained that their rights and privileges in relation to education had been affected by the two Statutes before-mentioned, and asked for a declaration that such rights and privileges had been prejudicially affected by the said Statutes, and that the Governor-General in Council should give such directions and make such remedial orders for the relief of the Roman Catholics of the Province of Manitoba as to His Excellency in Council might seem fit.

3. The Supreme Court of Canada, consisting of Strong, C. J., Fournier, Taschereau, Gwynne, and King, J. J., after argument decided by a majority that no such appeal lay from the said Statutes, and Strong, C. J., and Taschereau and Gwynne, J. J., held that no appeal lay and that the Governor-General in Council