

(3.) That it may be declared that the said Acts affect the rights and privileges of Roman Catholics in relation to education.

Those are the two propositions which the Memorials set up, one which was in effect stated by the Canadian Privy Council to be an attempt to re-discuss the question which your Lordships had disposed of, the second that which is practically now before your Lordships that it may be declared that the Acts affect the rights and privileges of Roman Catholics in relation to education.

*The Lord Chancellor.* It is not before us what should be declared, is it?

*Mr. Blake.* No, what is before your Lordships is whether there is a case for Appeal.

*The Lord Chancellor.* What is before us is the functions of the Governor-General.

*Mr. Blake.* Yes, and not the method in which he shall exercise them—not the discretion which he shall use but, whether a case has arisen on these facts on which he has jurisdiction to intervene? That is all that is before your Lordships.

*Lord Shand.* Is there any distinction between 2 and 3?

*Mr. Blake.* Doubtless a most vital distinction.

*Lord Shand.* Is "the rights and privileges of the minority" different from "the rights and privileges of Roman Catholics"?

*Mr. Blake.* No, not in that respect, The distinction is this: You see the last words of 2 are "which they had by law or practice in the Province at the Union." What we have now to deal with is rights and privileges which they allege they acquired by post-Union Legislation which rights and privileges have been interfered with by still later legislation.

*Lord Shand.* Then Article 2 refers to at the Union, and Article 3 post Union.

*Mr. Blake.* Yes. Article 2, your Lordships, will find is practically precluded in advance from discussion. The submission is a submission of the second and not of the first position. Of course that is a very brief statement of Article 3, but the substance is what I have stated. The prayer of the last memorial is:

"That a re-enactment may be ordered by your Excellency of the