

Council to the Supreme Court of Canada for hearing and consideration pursuant to the provisions of the Act respecting the Supreme and Exchequer Courts (Revised Statutes of Canada Chapter 135), as amended by an Act of Canada passed in 1891 (54 and 55 Vic., cap. 25, sec. 4).

2. The questions involved turn upon the construction of certain sections of the British North America Act and of the Manitoba Act and upon the effect of certain Statutes of the Province of Manitoba.

3. In the year 1890 certain Acts were passed by the Legislature of Manitoba, viz. :—Chapters 37 and 38 of 53 Victoria entitled respectively “*An Act respecting the Department of Education*,” and “*An Act respecting Public Schools*” which affected very injuriously certain rights and privileges of the Roman Catholic minority of the Queen’s subjects in that Province in relation to education acquired by them under various prior Statutes of the Legislative Assembly of Manitoba, as well as rights and privileges possessed by them before the creation of Manitoba as one of the Provinces of Canada.

4. Manitoba was created a Province by the Act of Canada commonly known as “The Manitoba Act 1870” (33 Vic. cap. 3). This Act was confirmed and declared to be valid and effectual by a Statute of the United Kingdom (34 Vic., cap. 28). The second section of the Manitoba Act 1870 provides that from and after a day named “the provisions of the British North America Act 1867, shall, except those parts thereof which are in terms made, or by reasonable intendment, may be held to be specially applicable to, or only to affect one or more, but not the whole of the Provinces now composing the Dominion, and except so far as the same may be varied by this Act, be applicable to the Province of Manitoba, in the same way, and to the like extent as they apply to the several Provinces of Canada, and as if the Province of Manitoba had been one of the Provinces originally united by the said Act.”

5. Provisions are made by the 93rd Section of the British North America Act, 1867, and the 22nd Section