(2.) Because an attempted law in violation of the earlier sub-sections of each clause would be *ultra vires* and absolutely void, and any attempt to enforce it could be successfully resisted in the Courts by any person aggrieved. These sub-sections are thus complete in themselves, and no appeal to the Governor-in-Council, nor any decision or legislation by either Legislature, would be requisite, appropriate or useful. But the classes of cases dealt with by the later sub-sections are those in which the legislative action is not *ultra vires* or absolutely void, and in which an appeal and decision or legislation might be requisite, appropriate and useful.

(3.) Because the Manitoba Education Acts passed prior to 1890 did confirm or continue to the minority a right or privilege in relation to education within the meaning of sub-section 2 of the Manitoba clause, and did establish a system of separate or dissentient schools within the meaning of sub-section 2 of the British North America clause; and the Manitoba Acts of 1890 did affect a right and privilege of the minority in such sort that an appeal lies to the Governor in Council.

(4.) Because the appeal is admissible under the law; the grounds set forth in the petitions and memorials are such as may be the subject of an appeal; the decision in Barrett *v.* Winnipeg does not dispose of or conclude the contention of the minority; sub-section 3 of the British North America clause does apply to Manitoba, and His Excellency the Governor-General in Council has power to make the declaration or order prayed for, or to give other appropriate relief, if it shall seem expedient to him so to do.

EDWARD BLAKE.

JOHN S. EWART.