

*The Lord Chancellor.* I think the Privy Council say more in other words.

*Mr. Blake.* This is what the Privy Council meant, I think, and it is absolutely true—if Subsection 2 of Section 22 is not sufficient to maintain the Appeal by reason of its being less potent than Subsection 3 of the British North America Act, and if that Subsection 3 does not apply, then it is true with regard to Manitoba that the minority has not the same protection that the minorities have in the other provinces. That is the sense I think in which the phrase is used by the Privy Council.

*The Lord Chancellor.* Is it certain that you would be right under the British North America Act?

*Mr. Blake.* Oh, yes, absolutely beyond the slightest doubt according to my conception.

*Lord Shand.* Admittedly so?

*Mr. Blake.* I do not know that there is anything admitted in this case. I believe we are at dagger's points all through.

*Lord Shand.* When you say "absolutely" it looks as if it ought to be admitted.

*Mr. Blake.* I agree it ought to be. I think it is very wrong that they do not admit it.

*The Lord Chancellor.* Is there any decision upon it which binds them?

*Mr. Blake.* No, I would say, to adopt a phrase properly challenged a moment ago, that that construction is manifestly right.

The argument presented by counsel on behalf of the petitioners was that the present Appeal comes before your Excellency in Council, not as a request to review the decision of the Judicial Committee of the Privy Council, but as a logical consequence and result of that decision, inasmuch as the remedy now sought is provided by the British North America Act and the Manitoba Act, not as a remedy to the minority against Statutes which interfere with the rights which the minority had at the time of the Union, but as a remedy against Statutes which interfere with rights acquired by the minority after the Union.

*Lord Shand.* I understand you to say those rights were acquired by legislation.