or privilege of the Catholics. More money is going to the Protestants at the expense of the Catholics. Again, there are other illustrations of the same kind of thing. I could multiply them. Suppose there had been a threepenny rate established, and it had been increased to a fourpenny rate by reason of the different distribution of the grant, the rate in a Catholic district being bigger than it used to be by reason of less money coming from the state, the imposition of the fourpenny rate would be another illustration of interference with a right or privilege.

Lord MACNAGHTEN.—Although the Act may give a right of appeal to the Governor General in every case in which rights or privileges are affected, the Governor General surely must consider whether the complaint is a substantial complaint or not, must not he ?

Mr. HALDANE.—Does not that bring us back to what we were dealing with before ? In the first place it is anomalous that a matter of that kind should be taken out of the competency of the legislature, a matter of the specific kind I am speaking of now, and handed over to the Governor General. In the second place, for whatever reason subsection 3 of the Manitoba Act and subsection 4 of the British North America Act are so drawn as to speak of the function of the Governor General to give a decision on an appeal on the question of whether a right or privilege of the minority is affected——

Lord MACNAGHTEN.—Do you mean to say that if there was a technical and unsubstantial interference with a privilege the Governor General would have to feel bound to have recourse to this extraordinary remedy ?

Mr. HALDANE.—I do not think it is any more technical or unsubstantial than the functions of your Lordships, who often have to declare that an Act is *ultra vires.* The Governor General would give his decision.

Lord MACNAGHTEN.—We are a judicial body, and he is not sitting as a judicial body.

Mr. HALDANE.—There come in those considerations which I will not venture to repeat.

LORD MACNAGHTEN.—He is to take into consideration many things which we have not to.

The Lord CHANCELLOR.—He cannot do anything himself. At the last resort the only person or body who can do anything more are the Parliament of Canada, who are certainly not under legal compulsion to act, and certainly would not act unless they conceived there was some substantial ground for it.

Mr. HALDANE.—Certainly not ; but he is the authority which by making pronouncements gives them power to make legislation.

Lord MACNAGHTEN.—He is the judge in the first instance. You do not suppose that he is to go to the Parliament of Canada and say " there is an infraction, please pass a law." He would have power to say, " that is such a trumpery matter that I am not going to do anything."

Mr. HALDANE.—I suppose the maxim " *De mininis non curat lex* " applies to him as much as to anybody else. But I am putting it that *qua* this class of things his business is to declare his opinion.

The Lord CHANCELLOR.—That would not seem " requisite for the due execution " if he thought that there had been an infringement, but that it was so unsubstantial that in substance they had all the rights which were intended to be preserved to them.

Mr. HALDANE.—That would be a question for the Parliament of Canada.

The Lord CHANCELLOR.—The words are " As seems to the Governor General in Council requisite for the due execution of the provisions of this section." It would not seem to him requisite if he thought there was no substantial right interfered with.

Mr. HALDANE.—That might be ; but I am putting cases which might be more substantial, such as the question of the grant, and I press upon your Lordships that if you do construe the sections in this very wide sense, and unless you limit them in the direction which the respondents contend for at your Lordships' Bar, the consequences are such as not lightly to be taken to have been in the contemplation of those who framed this Act, and that the provincial legislature would be hampered at every turn. I submit upon the whole case that it is possible so to construe section 22 and its