

tain, it can only be changed, amended or added to (except to the extent to which the power to change or amend its provisions has been conferred on the Dominion Parliament and Provincial Legislatures respectively) by Imperial legislation. These preliminary observations will help to elucidate what follows.

The Confederation Act of 1867 united the four provinces of Upper and Lower Canada, Nova Scotia, and New Brunswick, and made provision for the subsequent admission of the other colonies and territories of British North America into the Canadian Confederation. It defined and limited the legislative and governing powers of the Dominion Parliament, and of the Provincial Legislatures respectively; and Section 93 assigned to the Provincial Legislatures the *exclusive* power to make laws "in relation to education," but with this restriction, viz.: that no Provincial Legislature shall pass any law prejudicially affecting any right or privilege with respect to *denominational* schools, which *any* class of persons had by law *at the union*.

It seems clear that this is a *limitation* on the exclusive power conferred, and that any provincial law violating this restriction would be *ultra vires* and void.

But there is a further provision, applicable only to "Protestant" and "Roman Catholic" minorities, in the provinces, and applicable only where any system of "separate" or "dissentient" school existed by law *at the union*, or is thereafter established by the Legislature of the Province. This provision gives a right of appeal to the Governor-General in Council from any Provincial Act or decision affecting any *right* or *privilege* of such minority in relation to education.