

4. Because, assuming all the provisions of subsection 3 of section 93 of the British North America Act to apply to Manitoba, there is not and never has been a system of separate or dissentient schools established by law in Manitoba.

5. Because, under the provisions of section 22 of the Manitoba Act, an appeal to the Governor-General in Council can lie only when rights or privileges existing by law or practice at the Union have been affected—and the decision in Barrett's and Logan's cases precludes the Appellants from saying that any such rights or privileges have been affected by the Statutes complained of.

6. Because, even if the rights and privilege mentioned in section 22 included rights and privileges created since the Union, the Statutes complained of have not affected any right or privilege of the Roman Catholic minority in relation to education established by law or practice since that time.

7. Because, if the appeal contended for by the Appellants lies, the Legislature of Manitoba would be deprived of the right, inherent in all Legislatures, of repealing its own laws, and the Legislature, having once passed a Statute giving a right or privilege to any denomination, could never repeal or alter that Statute.

8. Because the Appellants' contention ascribes to the Governor-General in Council, and the Parliament of Canada, a peculiar and arbitrary jurisdiction to review and rescind, according to their discretion, and without any reference to the constitutional rights of the Province of Manitoba, *intra vires* and constitutional laws passed by the Legislature of Manitoba.

9. Because the Appellants' contention reduces the exclusive right of the Legislature of Manitoba to make laws in relation to education in and for the Province of Manitoba, conferred on it by positive enactment, to a nullity.

HERBERT H. COZENS-HARDY.
R. M. BRAY.