

523. "Upon the various questions which arise on these petitions the sub-committee do not feel called upon to express an opinion, and so far as they are aware no opinion has been expressed on any previous occasion in this case or any other of the kind by Your Excellency's Government or any other government of Canada. Indeed no application of a parallel character has been made since the establishment of the Dominion.

"The application comes before Your Excellency in a manner differing from applications which are ordinarily made, under the constitution, to Your Excellency-in-Council. In the opinion of the sub-committee the application is not to be dealt with at present as a matter of a political character or involving political action on the part of Your Excellency's advisers. It is to be dealt with by Your Excellency-in-Council, regardless of the personal views which Your Excellency's advisers may hold with regard to denominational schools and without the political action of any of the members of Your Excellency's Council being considered, as pledged by the fact of the appeal being entertained and heard. If the contention of the petitioners be correct that such an appeal can be sustained the enquiry will be rather of a judicial than a political character. The sub-committee have so treated in hearing counsel and in permitting their only meeting to be open to the public. It is apparent that several other questions will arise in addition to those which were discussed by counsel at that meeting and the sub-committee advises that a date be fixed at which the petitioners, or their counsel, may be heard with regard to the appeal according to their first request."

The date fixed to hear argument was 21st January, 1893.

524. Counsel for the petitioners presented their case, but the Government of Manitoba, having decided that it was not necessary, were not represented.

On the 22nd February, the Committee of the Privy Council of Canada, after consideration of the argument advanced during the meeting of 21st January, advised that a case be prepared on the subject in accordance with the provisions of the Act of 1891, giving certain authority to the Supreme Court of Canada in the matter of education.

The recommendation having been approved, a case was prepared.

525. The questions involved in the appeal of the Roman Catholic minority of Manitoba to the Governor General-in-Council for remedial legislation against the abolition of separate schools by Act of the Manitoba Legislature, were answered by the judges of the Supreme Court on February 20th, 1894.

526. The reference to the court was in the form of six questions, which may be summarized thus:—

THE QUESTIONS.

1st. Is an appeal to the Governor General-in-Council admissible under the British North America Act or the Manitoba Act of Union?

2nd. Is it admissible under both or either of these Acts?

3rd. Does the decision of the Privy Council conclude the application based on the contention that rights and privileges accrued after the Union had been interfered with.