

- 4th. Does the British North America Act apply to Manitoba ?
- 5th. Has the Governor General-in-Council power to make remedial orders, or has he no other jurisdiction ?
- 6th. Did the Acts of the Manitoba Legislature confer on the minority rights or privileges in relation to education, and did the Act of 1891 affect any right or privilege in such a manner that an appeal will lie ?

THE OPINIONS.

Chief Justice Strong was of opinion that all the questions submitted should be answered in the negative and against the contentions of the Catholic minority.

Mr. Justice Fournier read a judgment to the contrary effect. He thought the British North America Act did apply to Manitoba. He held that the Governor General-in-Council had the right to entertain the appeal and to make any remedial order thought necessary. He answered all six questions in the affirmative, save the third.

Mr. Justice Taschereau doubted the jurisdiction of the court to entertain the reference at all. He would deny the right of appeal to the minority as asked for.

Mr. Justice Gwynne was of the same opinion.

Mr. Justice King was of opinion that the right of appeal exists. His Lordship answered all the questions, except the third, in the affirmative.

THREE TO TWO.

527. Thus the opinion of the court was that there was no right of appeal by the Roman Catholic minority to the Governor General-in-Council. That was the opinion of three of the judges, namely, Chief Justice Strong, Judge Taschereau and Judge Gwynne. Judges Fournier and King were of the contrary opinion.

528. An appeal was taken to the Judicial Committee of the Privy Council of England, and on the 29th January, 1895, their lordships gave judgment that :—

1. The appeal referred to in the memorial and petitions and asserted thereby is such an appeal as is admissible under sub-section 2 of Sec. 22 of the Manitoba Act, Chap. 3, 1870.

2. That the grounds set forth in the petitions and memorials are such as may be the subject of appeal under the authority of the sub-section of the Manitoba Act.

3. That the decision of the Judicial Committee of the Privy Council in the cases of *Barrett vs. the City of Winnipeg* and *Logan vs. the City of Winnipeg* does not dispose of, or conclude, the application for redress based upon the contention that the rights of the Roman Catholic minority which accrued to them after the Union, under the statutes of the province, have been interfered with by the two statutes of 1890, complained of in the said petitions and memorials.

4. That sub-section 3 of Sec. 93 of the British North America Act, 1867, does not apply to Manitoba.