

either of Canada or of two or more provinces; the incorporation of companies with provincial objects; the solemnization of marriage in the province; property and civil rights in the province; the administration of justice in the province, including the constitution, maintenance and organization of provincial courts both of civil and criminal jurisdiction, and including procedure in civil matters in these courts; the imposition of punishment by fine, penalty, or imprisonment for enforcing any law of the province relating to any of the aforesaid subjects; generally all matters of a merely local or private nature in the province.

Education.—Further, in and for each province the Legislature may, under section 93, exclusively make laws in relation to education, subject to the following provisions.—

“(1) Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the province at the union.

(2) All the powers, privileges and duties at the union by law conferred and imposed in Upper Canada on the separate schools and school trustees of the Queen's Roman Catholic subjects shall be and the same are hereby extended to the dissentient schools of the Queen's Protestant and Roman Catholic subjects in Quebec.

(3) Where in any province a system of separate or dissentient schools exists by law at the union or is thereafter established by the legislature of the province, an Appeal shall lie to the Governor-General in Council from any act or decision of any provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education.

(4) In case any such provincial law as from time to time seems to the Governor-General in Council requisite for the due execution of the provisions of this Section is not made, or in case any decision of the Governor-General in Council on any appeal under this Section is not duly executed by the proper provincial authority in that behalf, then and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial laws for the due execution of the provisions of this Section and of any decision of the Governor-General in Council under this Section.”

The purpose of these sections was to preserve to a religious minority in any province the same privileges and rights in regard to education which it had at the date of Confederation, but the provincial legislatures were not debarred from legislating on the subject of separate schools provided they did not thereby prejudicially affect privileges enjoyed before Confederation by such schools in the province.

As to the legal and other controversies affecting these questions, the student may consult *Hansard* between 1890 and 1897, “*Wheeler's Privy Council Cases*,” pp. 370 to 388, *Supreme Court Reports*, Vol. 19, and other authorities of a like nature.

Judicature.—The appointment, salaries and pensions of judges are dealt with under sections 96 to 101. The judges, (except in the courts of probate in New Brunswick and Nova Scotia) are to be appointed by the Dominion Government from the Bars of their respective provinces, and to hold office during good behaviour, being