

CONSTITUTION AND GOVERNMENT OF CANADA

(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 exist 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, previous to Confederation, enjoyed 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.

Agriculture and immigration may be legislated upon by both the parliament and the legislatures, but any provincial law on these subjects shall remain in effect in the province only so far as it is not repugnant to any Act of the Parliament of Canada.

Judicature.—Sections 96-100 deal with the appointment, salaries and pensions of the judiciary. The judges (except of courts of probate) are to be appointed by the Dominion Government from the respective Bars of the provinces and to hold office during good behaviour, but may be removed only on an Address by the Senate and the House of Commons. Parliament also fixes their salaries.

The Federal Parliament, being empowered by Sec. 101 to establish a general Court of Appeal and other courts as may be necessary, passed an Act in 1875 establishing the Supreme Court of Canada and conferring upon the judges of the court the powers of an Exchequer Court which was at the same time set up. In 1877, however, these courts were



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