

revocably for all time, for an unlimited number of persons of different order of intelligence, and living under different conditions—is a sound one; if it believes that the statutory provision withdrawing from a province the right to repeal its own legislation on any matter is a wise or safe one, or even that it is in accord with common sense; if the parliament of Canada believes these things, then it should, in the conscientious discharge of its responsibility, compel Manitoba to repeal the legislation 1890.

But it must so coerce Manitoba because it holds these views itself, and not on the plea that it has no discretion and that its course has been dictated or defined by the Imperial Privy Council. If it should believe, after full and independent consideration of all the facts, that Manitoba has inflicted a wrong on the Roman Catholic minority, it must furnish very clear and convincing arguments in support of its conclusions, if it wishes the people of Manitoba to believe that its decision is the result of conviction and not of a mere partisan expediency.

It is to be hoped that the attention of parliament when the matter comes before it, may be specially directed to the following significant passage in the Remedial Order: "The Committee therefore recommend that the Provincial Legislature be requested to consider whether its action upon the decision of Your Excellency in Council should be permitted to be such, as while refusing to redress a grievance, which the highest court in the Empire has declared to exist, may compel parliament to give relief, of which, under the constitution, the Provincial Legislature is the proper and primary source, thereby, according to this view, permanently divesting itself in a very large measure of its authority, and so establishing in the province an educational system which, no matter what changes may take place in the circumstances of the country or the views of the people, cannot be altered or repealed."

This sentence, in so far as it has an intelligible meaning, is a most pregnant one. It obviously menaces the Manitoba legislature with the possible permanent loss of its jurisdiction, in event of non-compliance with the terms of the order. "The committee," however, with considerable lack of astuteness, evidently overlooked the fact that if the Manitoba legislature should comply with the demands of the order, its compliance would have precisely the same effect

in depriving it of its jurisdiction, as would its refusal to comply. The committee, apparently, had forgotten for the moment the effect of the provisions of the "anomalous" sub-sections 2 and 3 of section 22, of the Manitoba Act.

Manitoba prefers to take its chances of preserving its jurisdiction by refusing rather than by complying.

The committee evidently fancy, or wish to make the Manitoba legislature believe, that if the legislature complied with the order, and thereby retained its jurisdiction, it would, somehow or other, be able, at some future time, to legislate in such a way as to meet the requirements which might be created by a change "in the circumstances of the country or the views of the people." Such changes have already taken place, and the legislature repealed the laws which had become unsuitable because of these changes, and enacted new ones to suit the changed circumstances and views. But the Committee declares that the laws which the legislature has repealed, practically "cannot be altered or repealed," and that the laws which it enacted are inoperative. What jurisdiction, in these circumstances, can the legislature imperil, by refusing to comply, or what can it save by complying?

If any private or commercial committee had issued a manifesto containing any such inconsequent argument or statement, as that which we are now considering, it is probable that it would be branded as nonsense.

Then the Committee should have explained why the refusal of Manitoba to comply with the order should "compel parliament to give the relief, etc." Where is the compulsory factor? Surely not the refusal of Manitoba to legislate at the behest of the Ottawa government! Is this phrase an involuntary and unintentional expression of the government's belief that it has such control over parliament, that, if it submits legislation, that legislation will be passed not on its merits, but because it submits it? Or is the Committee making a delicate allusion to the compulsory influence of the "solid vote" to which we have elsewhere referred? It is very certain that the judgment of the Judicial Committee does not, and could not, compel the Canadian parliament to deprive the legislature of Manitoba of its power to legislate in regard to education, within the limits of the constitution. And it is equally clear that there is nothing in the educational legisla-