it . . . there can be no doubt in the minds of reasonable men as to the proper course to be taken in the present aspect of the question." Of course he didn't refer to the counsel engaged in the two cases; nor to those in the appeal to the Privy Council of Canada; nor to the Lords of the Privy Council, nor the Minister of Justice of Canada; for he speaks of the case at this stage as having received the attention of the "best legal minds in the Empire." It is to those who now have to deal with it that he refers as capable of weaving subtleties around it. Economising language, the whole of his warning might well have been condensed into one sentence: "Your Honour will, of course, beware of your Attorney-General, and any other lawyers that may attack my deliverance. Trust to me only." Just in the same manner the patent medicine man warns you of the physician.

As one of the despised class I propose to examine Dr. Bourinot's opinion, notwithstanding the warning, according to the simplest rules of criticism. Dr. Bourinot, in his letter, says: "Their Lordships decide that the Governor-General in Council has jurisdiction to make remedial orders or declarations, and that the appeal is well founded, but the *particular course to be pursued by the authorities is sufficiently defined by the 2nd sub-section of section 22 of 'The Manitoba Act.'*" There is a strong indication here that the authorities are to perform automatic movements, regulated by the Statute, instead of acting intelligently on the merits of the case according to a procedure pointed out by the Statute. Now here is what the report of the case does in fact say:—"Their Lordships have decided that the Governor-General in Council has jurisdiction, and that the appeal is well founded, but *the particular course to be pursued must be determined by the authorities to whom it has been committed by the Statute. It is not for this tribunal to intimate the precise steps to be taken. Their general character is sufficiently defined by the 3rd sub-section of section 22 of the Manitoba Act.*" This is a very different thing. The authorities must determine what is to be done, and the general character of the procedure is outlined in the Statute. We can acquit Dr. Bourinot of any intention to misconstrue what was said by their Lordships, but it is evident that his eyes strayed from the page when he arrived at the important part of the passage in question. It is one thing to say that the authorities were restricted by the Manitoba Act to a particular course of action on its merits; but quite another thing to say that the course to be pursued must be determined by the authorities to whom it has been committed by the Statute. The general course of procedure is outlined by the Statute,—*i.e.*, an appeal shall lie from the Act of the Manitoba Legislature; the Governor-General has power to make a remedial order on the appeal; if it is not executed by the Province, the Dominion Parliament acquires jurisdiction to do so. There is no constraint here upon the authorities to pursue any given course on the merits of the case; only the course of procedure, if they decide to act, is pointed out. "Parliament may legislate or not as it sees fit." The Governor-General is left entirely unfettered in his political action. So said their Lordships.

There is no room for doubt as to Dr. Bourinot's meaning (always assuming that the newspaper report of his letter is correct) for I find in another part of his letter this passage:—"The Judicial Committee do not leave them [the authorities] in doubt as to the proper course they should pursue. It is to pass such legislation as may remove the grievance upon which the appeal is founded." No such course is recommended or ordered. I have already dealt with this passage, and shown that the words quoted by Dr. Bourinot form part of the answer to the question as to whether the Governor-General had jurisdiction, and shown that His Excellency was not, nor was Parliament, limited to one course of action on the merits. And I was particular to point out that the Privy Council were not asked whether there was a grievance. The very question itself as to jurisdiction contains the hypothesis, "assuming the material facts to be as stated therein [that is, in the petition]."

Take now another passage from the letter. "It is not a question of sectarian or non-sectarian schools. It is a question of restoring a right or privilege of the Roman Catholic minority, which, according to the judgment of the highest judicial tribunal, has been *improperly* taken away by the legislative authority of the province." The Judicial Committee never said it was improperly taken away, and no such statement can be found in either judgment. The first case decided that the right or privilege had been properly, that is, legally, taken away. If Dr. Bourinot means illegally by improperly, he is entirely wrong, for the obvious reason that the Act taking away the right was, and still is, a valid and obligatory law. It is not left open to anyone now to say that it is not a question of sectarian or non-sectarian schools. The fallacy of the proposition that separate schools were made a fixture in Manitoba by the constitution, which same constitution also permitted their abolition by a valid and binding Act of the Legislature, is too transparent even to fool a party politician with. Dr. Bourinot's letter does not permit of the interpretation that, as an abstract proposition, it is "improper" not to accord separate schools to Manitoba. Is it improper also in the other provinces which have none of them? But if he does mean that, I do not think it can be asserted as an abstract truth that to make Roman Catholics equal with Protestants before the law is improper; nor is it to withhold from them the right to make use of state machinery for the express purpose of propogating their own creed. I do not know of any religious denomination which is endowed with the inherent right to demand from the State privileges that none others enjoy.

Tested by the simple experiment of comparing what the Privy Council did in fact say, with what Dr Bourinot alleges that they said, he fails altogether as a satisfactory witness. As an interpreter he must also fail; for he who interprets words which differ materially from the actual words of the document supposed to be interpreted must necessarily fail as an authority. His own writings on constitutional law and practice condemn the position he has assumed as an adviser of the crown, and so, at the outset, render him altogether a doubtful authority; his transcription of the important part of the Privy Council judgment is incorrect; and his assertion that the separate schools were improperly abolished is directly contrary to the Privy Council decision that their abolition was perfectly legal. Altogether, the opinion must be rejected as unsound.

It is said by the apologists that the Goverment, after all, did no more than throw the matter back into Manitoba politics, perform the clerk's duty of re-addressing the packet to Manitoba, the Judicial Committee having misdirected it to the Government of Canada. It is strange that the Judicial Committee should have so misinterpreted the statute which required them to give the answers to the Government which asked the questions.

Dr. Bourinot has another suggestion to make. He says: "The order of the Governor-General may be considered suggestive, since it declares or proposes the method of carrying out the law, but is not of itself final and conclusive." It is not so long ago since he wrote that the Privy Council "left no doubt as to the proper course they should pursue," and that the "particular course to be pursued by the authorities is sufficiently defined" by the statute. It was modest, after this rigid direction, for the Government to make a suggestion, and gentle of Dr. Bourinot to so moderately express the effect of their order. What suggestion, forsooth, could be made if the course of action is rigidly defined?

Of course the claim that the order is a suggestion, etc., is inconsistent with the claim that it is a judicial utterance, the outcome of the constitution, and so forth. The fact is and no one knows it better than Dr. Bourinot, that the *Government did all it could do in order to make it obligatory on Manitoba to pass an Act in conformity therewith or surrender her jurisdiction to the Parliament of Canada.* That was what was contemplated by the order, and that is its effect—call it an order, declaration, or suggestion. The report to the Governor-General itself shows what the consequences may be if the Provincial Legislature does not pass the Act. Parliament may then do so, and the Act may be perpetual. Is this suggestive merely? The words of the remedial order "adjudge and declare," "adjudge and decide," "declare and decide," are not suggestive—except of a judgment or order. Then, "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," etc. Now