against a provincial majority, if the will of the provincial majority must not, after all, be opposed. The particular part of the new constitution that so greatly "alarmed" the Protestants of Quebec was that "by which it was proposed that education should be under the control of the local legislatures." So at least the provincial Association of Protestant Teachers earnestly declared in their memorial to the queen. So said also the representatives of the Protestants in parliament. The alarm created by the proposal to place education under the entire control of the legislature spread over the Protestant communities of the province in a seething agitation, that resulted in the pledge of a political leader, in the name of his party, that the French Catholic legislature of Quebec would concede what the Protestants demanded, and in the placing in the constitution of a clause making it sure that the pledge being fulfilled the larger rights granted by the legislature could "never be taken away." The power of the legislature was cut down so that its action was to be no longer final. It was left for parliament to see that justice was done. The rights of the Protestants of Quebec were committed to parliament for protection against the legislative acts of their own legislatures—against the will of the majority in their own province. Provincial autonomy, we are told in these days, must be respected, and parliament must not intervene in a matter of educational law to thwart the will of a provincial majority. But when the rights of the Protestants of Quebec were at stake the will of the provincial majority was not to prevail against them. Nay, the reason for committing the cause of that minority to the protection of the Federal power was because protection was needed against the privileges of the Protestant minority.

Such was the spirit and letter of the constitution when it was framed for the purpose of protecting the Protestants of Quebec. For the protection of the minority in Manitoba there is the like provision—no more, no less. The federal authorities must not coerce Manitoba, we are told. And the proposition is a good one, in which I heartily concur. In the case of Manitoba it is "coercion"—is it? for the federal authorities to entertain an appeal specially provided for by the constitution for the protection of a section of Her Majesty's subjects. But in the case of Quebec, under a like measure, it is otherwise. The inviolable doctrine of provincial autonomy must never be sacrificed in order to maintain the rights of the Manitoba minority, even by the exercise of a power expressly conferred on parliament for that purpose. But in the case of Quebec that sacred doctrine must be scattered to the four winds of heaven rather than that the minority should have to submit to the will of the provincial majority.

Of course the federal power is not to be exercised in any case unless there are cogent reasons why it should be invoked. Upon the Dominion executive the constitution cast the responsibility of inquiring into and considering complaints under this clause, and of determining not only whether an appeal is allowable, but also whether under the particular facts "any relief is due" to the complainants. This involves an inquiry into questions of fact as well as questions of law. Parliament years ago, in its wisdom, on the proposal of Mr. Blake, determined that for such inquiry and consideration it was important to call in the aid of the judicial department of the government. Parliament desired that no injustice be done to a majority, but it proposed at the same time that there should be no failure to do full justice to a complaining minority. To determine whether relief is really due and ought to be given to the complainants it was held that the whole matter—facts as well as law—should be inquired into and discussed, before a judicial tribunal, in the presence of the parties interested, and that the reasoned opinion of the tribunal, after full argument on all sides, should be submitted to the executive, in order to aid them in determining not simply whether there was a right of appeal, but whether any relief was properly due.

In the Manitoba case this reference has been made. The opinion of the judges has been given. Not only is there a right of appeal, but the facts show that the minority have been aggrieved by the law of 1890 in that they have been deprived of valuable privileges that they enjoyed by law for nearly twenty years — privileges in the enjoyment of which the constitution was intended to protect them.

But parliament in directing this inquiry by the courts distinctly declared that the opinion was to be only "advisory." It was to be an assistance to the federal government and parliament in coming to a conclusion for themselves. The government, however, is not bound by it.