that the jurisdiction of the Privy Council was necessarily very limited, and also that the discretion of the Government in dealing with the appeal was practically unlimited. Nothing that the Privy Council could say as to how the appeal should be dealt with, could in any way bind the Government. The sole responsibility for dealing with that appeal on the merits lay on the Dominion Government. This body, indeed, admits its responsibility and its power of discretion. But it says in effect: "It is true we have full discretion; but the Privy Council has said that there is a grievance, and we cannot ignore an opinion from such a quarter." It is quite true that many expressions by such a body should be carefully considered. But when such expression was entirely outside of the scope of the decision, it should have been at least critically examined, before being blindly adopted as the rule of action of the Government in dealing with the appeal. It is very clear that, according to their Lordships' own definition of their functions in the appeal, such an expression was not required. Indeed a prominent supporter of the Dominion Government (Dr. Weldon) referred to the expression in question as an impertinence. Their Lordships in judgment say: "The function of a tribunal is limited to construing the words employed; it is not justified in forcing into them a meaning which they cannot reasonably bear." If the function of a tribunal is limited to construing the words employed, it is difficult to avoid the conviction that in making a suggestion as to how the Governor-General in Council might deal with the appeal, their Lordships went beyond their functions, and gave some excuse and reason for the somewhat strong expression employed by Dr. Weldon. In another portion of the judgment their Lordships observe:

> "Mr. Justice Taschereau says that the legislation of 1890, having been irrevocably held to be intra vires, cannot have "illegally" affected any of the rights or privileges of the Catholic minority. But the word "illegally" has no place in the sub-section in question. The appeal is given if the rights are in fact affected."

This is strictly consistent with their description of the limitation of the function of a tribunal. If their Lordships had simply allowed the appeal and stopped short, their position would have been entirely logical and unassailable. But while they do not expressly state that the "minority" has a grievance, they make use of the word in such a way as to imply that such is the case. Now the "rights" might easily be "in fact" affected without any grievance existing. In their former judgment their Lordships themselves make this quite clear. If the "rights" were special privileges which should not exist, their withdrawal could not be fairly or properly referred to as a "grievance." And this is precisely the position.

Their Lordships, in explaining the considerations which determined their decision, say that the appeal must lie if the rights are "in fact" affected. Now, nobody has denied for a moment that the "rights" possessed by the Catholics, were "in fact" affected. They were abolished and that was the intention. But no "grievance" was inflicted by the abolition. Any grievance in the matter was suffered by the rest of the community prior to the abolition of the "rights." Why, then, do their Lordships who justify their decision by the theory of strict construction of the words of the statute, go so far beyond the limits of strict construction as to employ expressions calculated to create an impression, that they held certain views as to the ethical aspects of legislation, the legal or ethical statute of which was, as they say, not the question for their decision at the time? When they felt inclined to go beyond their self-defined functions, why did they not state the facts and the reasoning on which they based their conclusion that a grievance exists? It is true that they state their belief that the Roman Catholics acquired their rights by a "parliamentary compact." It is mypurpose, with your permission, to inform the readers of THE WEEK very minutely as to the nature of this compact. Suffice it to say for the present that this compact was based on false representations and spurious documents. This has already been amply demonstrated, as the advocates of the minority are fully aware, but it will be no harm to demonstrate it over again. I also propose to examine the nature of the political philosophy which accepts as reasonable and rational, the proposition that the few persons, mostly semi-civilized, who inhabited what is now Manitoba, at the time of its union with Canada, had, or could acquire, the right to legislate irrevocably for all future generations who should live in the land. The soundness of this proposition is assumed by the advocates of the minority and is, as I shall endeavour to show, indispensable to the coherency of their case.

I have pointed out the wide divergence between the spirit and tone of their Lordships' first judgment, and those of the second. In the first, they confined themselves strictly to the questions before them. In support of all their conclusions they presented facts and arguments which are impregnable (although Bishop Gravel has stated that their argument in that judgment was so flimsy as to be evidence of bad faith on the part of such an intellectual body). In the second judgment, they exceed their funtions as defined by themselves. They imply rather than assert, that a grievance exists, without assigning any reason for their belief in its existence, and in contradiction of the argument of their previous judgment, which demonstrated that no grievance exists. They suggest a course to be followed by the Governor-General in dealing with the appeal, in the face of their own limitation of their functions, and of their declaration that this course should be determined by the authorities to whom it had been committed by the statute.

If the Privy Council had decided that, as the "rights" were in "fact affected," the Roman Catholics had a right of appeal according to the statute, and if, having thus fulfilled their self-defined duty of strict construction, they had turned the matter over without any extra-judicial comment, to the authorities to whom it was committed by the statute, to be dealt with on its political and moral merits, then the people of Manitoba would have had no cause for either disquietude or criticism. But when these people see the decision in the question before the tribunal, accompanied by *obiter dicta* calculated to prejudice their interests, and to endanger their autonomous rights; when they see that there is plainly no evidence in the case on which these *obiter dicta* could be based, and that they must have been wantonly obtruded into the judgment; when they see that the tenor and bearing of this judgment is, in some essential respects, opposed to those of the first judgment, without anything having occurred or been developed, to produce such a change—is it surprising that they should begin to ask whether there is really anything in Bishop Gravel's contention, that in cases having political bearing, the decisions of the Privy Council are based not so much on the evidence in the case, as on their Lordships' conception of what will be best for "the interests of the British Empire"? Were the *obiter* suggestions and comments the result of their Lordships' belief that it would be "more advantageous for the peace of the Empire" (to again use the good Bishop's phraseology) to imperil the constitutional autonomy of a small British province, than to take any chances that the hearts of the Catholics would be "alienated," an intimation of which possibility would be conveyed to them from Cardinal Vaughan, via the "Colonial Secretary," if the simple-minded Bishop's suggestion was adopted? The people of Manitoba naturally pursue this interrogative process to its inevitable conclusion, and ask themselves if their autonomy is to be the sacrificial offering to be laid upon the altar of the exigencies of "the peace of the Empire." I think they have already determined for themselves what the answer will be.

But what about the position of the Governor-General in Council, otherwise the Dominion Government, the authorities to whom the settlement of this question is committed by the statute? In view of all the facts and considerations here stated, will the people of Canada absolve that Government from the obligation to investigate the merits of the case for itself, and to exercise its independent judgment thereon? Will they release it from responsibility? Will they allow it to accept in a spirit of humble and unquestioning submission, as if it were an Imperial ukase of the Czar of Russia, the *obiter* suggestion of the Privy Council?

The people of Manitoba are excelled by no body of subjects of the British Empire, in law-abidingness and respect for authority. But their love of order and respect for authority do not imply a readiness to submit to the exercise of an abitrary excess of authority. The mere smallness of their numbers only makes them more sensitive to the indignity involved in an attempt at coercion, which would not be dreamt of if they were as numerous as, for instance, the citizens of the Province of Ontario.

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