

The Advertiser

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London, Wednesday, April 17.

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THE MANITOBA SCHOOLS.

Some of the newspapers of this Province that were zealously opposed to Mr. Meredith when he undertook to restrict the separate school system here, and to give, as he argued, to the Roman Catholics a first-rate system of education in its place, are now zealously on the other side. What it would have been a gross breach of faith for Ontario to do is a wise and statesmanlike thing, it seems, when done in Manitoba.

The expression "Provincial rights" is found to be a very convenient phrase to defend what is indefensible, and to serve as a barrier against the correction of a wrong.

What are provincial rights?

They are rights expressly bestowed by the constitution, not rights which have been expressly withheld. A provincial right is not only a right by a province to legislate upon a subject, but a right to be free from external control on any matter exclusively assigned to it. It is not a provincial right to legislate on the subject of crime; it is not a provincial right to legislate exclusively on the subject of immigration; it is not a provincial right to legislate in opposition to the compact on the subject of education. The 22nd section of the Manitoba Act says:

"In and for the province, the said legislature may exclusively make laws in relation to education, subject and according to the following provisions:

"1. Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law or practice at the union.

"2. An appeal shall lie to the Governor-General in Council from any act or decision of the legislature of the province or of any provincial authority, affecting any right or privilege of the Protestant or the Roman Catholic minority of the Queen's subjects in relation to education.

"3. 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."

This is the compact. It discloses the rights and privileges that were intended to be protected. It provides the machinery for the redress of wrongs, and for the correction of grievances. Where is the authority for saying that one class of rights or powers here conferred are more sacred than another class? Where do some of our contemporaries find any authority for a provincial right on the subject of education beyond what is here bestowed? The section begins with a declaration of the exclusive authority of a provincial legislature. The words are "In and for the province, the said legislature may exclusively make laws in relation to education," and if the power was intended to be absolute it should stop there; but there are three very important sub-sections added, which limit this authority, and under certain conditions transfer it to the Parliament of Canada. We notice that some of our contemporaries insist upon the practical elimination of these sub-sections,

and they assume that Manitoba should be and is as free to legislate as if they had no existence. They insist that the Legislature of Manitoba shall, in this regard, be above the law, and that the Parliament of Canada shall wholly ignore the duty the law imposes. Such a contention is in the last degree demagogic, for we cannot assume that any writer can be so ignorant of our constitutional system as to suppose that Parliament can have a constitutional or moral right to abstain from discharging the trust committed to it. The Government of this country ought to be carried on in conformity with and in obedience to the supreme law, and not in defiance of its plainest provisions. If the policy advocated by Mr. Sifton, and by some of our contemporaries, is acted upon, then the compact is made a dead letter. Those who think that provincial jurisdiction over the subject of education should be absolute ought to insist upon repealing the sub-sections we have quoted; but to complain that any right arising under them is being protected under their authority is to complain of obedience to the law, and to make that obedience an offense.

Their Lordships of the judicial committee say:

"It must be remembered that the Provincial Legislature is not in all respects supreme with the Province. Its legislative power is strictly limited. It can deal only with matters declared to be within its cognizance by the British North America Act, as varied by the Manitoba Act. In all other cases, legislative authority rests with the Dominion Parliament. In relation to the subject specified in section 92 of the British North America Act, and not falling within those set forth in section 91, the exclusive power of the Provincial Legislature may be said to be absolute. But this is not so as regards education, which is separately dealt with, and has its own code both in the British North America Act and in the Manitoba Act."

.....

We have no intention whatever of conceding to any province a right to invade the common field, and to exclude the Parliament of Canada from exercising in this regard the most sacred of all the functions entrusted to it. Not long ago Principal Dawson, of McGill University, addressed the Government of Canada in respect to legal education, and pointed out that rules and regulations had been adopted which put all the Protestant high schools at a great disadvantage, and he and others asked that relief, in the premises, should be granted under the provisions of the B. N. A. Act, just as the Roman Catholics of Quebec repaired the wrong, and removed the grievances complained of. We do not hesitate to say that if they had not done so Parliament would have been justified in exercising its powers in that case for the very purpose for which it has been bestowed. We earnestly hope that the electors of this Province will not be so short-sighted as to give countenance to the proposal to uphold bad faith, under false pretense of a provincial right, for if they listen to such a claim coming from Manitoba today they may effectually put it out of their power to redress a wrong in Quebec tomorrow of even a more grave character.

.....

It is sometimes said that as Parliament is not compelled to act, no action should be taken. Those who argue in this way would do well to devote a little time to make themselves acquainted with the elementary principles of the British constitutional system. The Crown cannot be compelled to pay its debts; it cannot be sued; but would any one in his senses seriously argue that there is no moral or constitutional obligation resting upon it? We know what the constitutional provisions in this respect mean; we know that its obligations, though only constitutional and moral, can be as clearly ascertained from the law as can those of an individual, against whom a writ of execution may be issued.

Now in this case of Manitoba the question is, are the matters complained of of the kind that the law intended to remedy, and are the privileges such as the law intended to protect? We say they are. There can be no room for doubt on the question. The judicial committee of the Privy Council say they are. The Queen-in-Council, acting upon the judgment of the judicial committee, reiterates this declaration. And what is said to the contrary? Only this: "Don't obey the law; don't follow the constitution; let Parliament ignore its trusts, and refuse to give effect to the compact." To what a state have the public affairs of this country come, when such a policy can, without a blush, be advocated!

Her Majesty-in-Council has been petitioned for a construction of this section of the Manitoba Act. She referred the subject to the judicial committee of the Privy Council, and after very full argument they have decided in favor of the minority whose rights have been affected by the legislation of Manitoba. That advice, in the form of a judgment, was reported to the Queen-in-Council, and in Council she has answered the six questions that were in the first instance submitted to the Supreme Court of Canada. These questions submitted are sufficiently indicated by the answers which she has given in Council after judgment. We need but refer to the two last; they are as follows: "In answer to the fifth question, that the Governor-General-in-Council has jurisdiction, and the appeal is well founded, but that the particular course to be pursued must be determined by the authorities to whom it has been committed by the statute; that the general character of the steps to be taken is sufficiently defined by sub-section 3 of section 22 of the Manitoba Act, 1870."

"In answer to the sixth question: "That the acts of Manitoba relating to education passed prior to the session of 1890 did confer on the minority a right or privilege in relation to education within the meaning of sub-section 2 of section 22 of the Manitoba Act which

alone applies; that the two acts of 1890 complained of did affect a right or privilege of the minority in such a manner that an appeal will lie thereunder to the Governor-General-in-Council."

.....

The substantial aim by the Government, in what they have done in this matter, is not, in our opinion, open to hostile criticism. The law ought to be honestly carried out, the compact in spirit adhered to, and the question removed from the arena of party politics. The Government ought not to be allowed to shelter themselves behind this question. The wasteful expenditures of the country, the oppressive taxation, the class legislation, and all those things upon which the general prosperity of the country depends, must be kept to the front. The constitution itself marks out the course to be taken on the Manitoba school question; and as to it there is no room for difference in principle among those who desire to keep faith. We may further say that all the reasons given by Mr. Sifton for a violation of the compact do not rise to the level of extenuating circumstances; not one of them is there which could not have been remedied without the revolutionary changes embraced in the act of 1890. They may show that legislation was necessary; and the very reason which the framers of the constitution had in view, when they put the rights of the minority under the protection of Parliament, rather than under the protection of the courts, was to enable the Government and Legislature to amend the legislation and to keep it abreast with the requirements of the country without taking away the rights of the minority.

.....

The Roman Catholic population all over North America have asked that the state, in undertaking its work, shall not take from them the opportunity of accompanying that instruction with religious teaching which they deem of the highest moment to the individual. Very many Protestants share with them the feeling that secular education alone is inadequate to the formation of a high type of character, and that the indifference of some parents and the inability of others makes it important that this work should not be wholly neglected in the public schools. They also are of opinion that religious instruction, such as all Protestant bodies concur in, can be carried further in schools where separate or dissentient schools can be freely established by Roman Catholics as a part of the system.

This we know full well, that in Ontario, where the separate system is recognized, and where the same standard of attainment is required of all, the system secures more satisfactory results than in Massachusetts, where a system similar to that now existing in Manitoba is established. There is a larger percentage of Roman Catholic children in private schools in that State than there is in the separate schools with us, and the State has no control, either as to the qualification of the teachers or as to the work performed. When you provide public schools for a people who will not use them, and impose upon them the burden of supporting their own schools besides, the aggregate sum spent is far larger than under a mixed system, such as we have in this Province, and everyone must admit that the work performed will be far less satisfactory.

It is the business of statesmen not to make a new society, but to govern the community as they find it. The state is subordinate to the man; it exists for him, for the protection of his life and property and for the furtherance of his happiness. It admits of no masters who have a right to oppress. The kingdom of the truth is not of this world, and the weapons of the state are not to be employed to force one man's notions of it upon his neighbor.

NO BRIDESMAIDS.

NEW YORK, April 16.—The marriage of Miss Eleanor Mayo (the daughter of Frank Mayo, the actor, and herself an actress) to Col. James Elverson, jun., of the Philadelphia Enquirer, took place today at the Church of Incarnation, the Rev. Dr. Arthur Brooks officiating. There were no bridesmaids.

THE HARTLEY CASE.

BRANTFORD, April 16.—This morning Thomas Brown, acting for Charles E. Oles, administrator of the estate of the late Caleb Hartley, of New Durham, and Maria Hartley, widow of the deceased Caleb Hartley, issued a writ against the Ancient Order of United Workmen to recover \$2,000 claimed to be due on a beneficiary certificate on the life of the said Caleb Hartley, deceased.

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Our All-Wool Navy Serges at 30c, 35c, 38c, 45c and 50c.

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Of our Canadian and Oxford Shirtings, neat patterns and fast colors, at 7½c, 10c, 12½c and 15c.

Garnet, pink and blue, with stripes, spots and figures are the new things which we are showing in Flannelettes. See these beautiful shades at 10c and 12½c.

Also see our wide, heavy Striped Flannelette, at 5c, 6½c, 8½c, 10c, 12½c and 15c.

White Goods.

Victoria Lawn at 8½c.

Victoria Lawn, wide, at 10c.

Victoria Lawn, 1½ yards wide, 12½c.

Linen Lawn, 15c, 17c, 20c and 25c.

Check Muslin, 10c, 12½c, 15c and 18c.

Stripe Muslin, 10c, 12½c, 15c, 20c.

White Pique, 12½c, 15c, 20c, 25c.

Linen Diaper, wide, 25c.

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