

The Colonist

MONDAY, MAY 18, 1896.

MISCHIEVOUS TEACHING.

We see that the Kamloops Sentinel teaches that Constitutions and other covenants are not binding when the men who have signed them have passed away. For fear that we should be accused of misrepresenting the teaching of the Sentinel, we will reproduce exactly what it says on this very important subject:

The constitution of Canada and of Manitoba differs from that of Great Britain in that it is a written constitution, while that of Great Britain has its existence simply in the prevailing sentiments of the people. But is the development of Canada, the desires and wishes of its people, to be trampled upon by the form of a scroll that was written at a remote period and under different conditions and circumstances than those which exist at present? To say that that was so would be to say that we have not the same rights to make laws to govern ourselves as our forefathers enjoyed and exercised. Let no one think that Canadians will be so bound down. It is not in British blood to be so hampered. The compact that men make, the agreements that they enter into, these they mean to keep. It is not in the common sense of what is right and just to carry out. But that the father can bind the son, or the son's sons, to any compact or agreement, is not possible, except by the consent of the son, and if that consent be withheld that compact or agreement falls to the ground, it is of no force. And so it will be with the constitution of Canada. The people will change it whenever they see fit.

The conclusion evidently intended to be drawn from this little discourse on covenant-breaking is that the people of Manitoba, and by consequence the people of the other provinces, are not bound by the federal compact because the men that made it are now nearly all in their graves.

According to this doctrine the majority in Ontario and the majority in Quebec may act in open disregard of the provisions of the Constitution, which require them to preserve the rights, with respect to education, which the minority in each of those provinces exercised and enjoyed when it entered the Confederation; and, further, that the judges who would declare any law made by the Legislature of either of those provinces to deprive the minority of those rights to be null and void are silly old women who have no idea of the powers and privileges which Canadians and men with British blood in their veins have the right to enjoy.

The federal compact defines the authority which the provinces can exercise, and sets forth, as some people foolishly think, authoritatively, what are the duties and obligations of the Federal Government. But, according to the Sentinel, when the fathers of Confederation are all dead and gone the Constitution is so much waste paper. Canadians and men whose blood is British are not to be held bound to respect its provisions.

One of the obligations of the Federal Government is to pay certain sums of money to each of the provinces every year. When the men who drew up the Constitution and the men who agreed to be bound by it have ceased to live, this provision of the Constitution, according to the Sentinel, ceases to be binding and the subsidies can be honorably withheld whenever it is found inconvenient to pay them. It is, the Sentinel will have to acknowledge, a poor rule that does not work both ways, and if the death of individuals frees the provinces from their constitutional obligations, it also frees the Confederation as a whole from its obligations.

We are afraid that if the father cannot bind the son, and the son's son, nations and governments of all kinds would soon be in very tight places. No treaty could be binding for longer than a generation, and no community, large or small, could borrow money for more than a few months. If the sons were free to repudiate obligations contracted by the father a city bond for fifty or sixty years would be perfectly worthless. In these days it is considered just and right that the sons should pay the debts of their fathers and carry out to the letter the covenants entered into by their fathers, and they do it, too, cheerfully.

The Constitution of the United States is a written document and the individuals who were originally parties to it have long been mouldering in the dust, yet their sons and their sons' sons regard that document as sacred. They consider themselves under the most binding obligation to carry out its provisions, and millions of them would spill their hearts' blood rather than permit that constitution to be treated as a thing that is of no force.

It may be thought that we are paying too much attention to the mischievous nonsense published in the Sentinel. But strange as it may seem there are persons in every community who are influenced by speeches and writings which appear to the unthinking as sound and sensible, but which, when examined in the light of common sense, are found to be foolishness of the most dangerous kind. If doctrines such as Mr. Bostock's paper is trying to teach were believed by any considerable number of persons in the community public morality would be undermined and consequences exceedingly injurious to the welfare of the community would be sure to ensue. If the Confederation is to last, if the Dominion

of Canada is to be anything better than one of the miserable South American republics, its Constitution should be respected by all classes of the community and its provisions rigidly observed.

IMPUDENT FALSIFICATION.

One of the most glaring instances of the suppression of the truth to deceive and mislead the public that we remember to have seen is to be found in the Kamloops Sentinel of the 12th inst. Under the head of "The School Question—Wilfred Laurier's method of dealing with it—No coercion," the Sentinel reproduces what purports to be part of a speech delivered by Mr. Laurier on the 6th inst. The speech, as it appears in the Sentinel, concludes with this sentence:

A little explanation would have solved the problem, and if, instead of having at the head of affairs such men as Sir Mackenzie Bowell you had such a man as Sir Oliver Mowat—cheers—to deal with that question he would have approached the Protestant people of Manitoba not with a threat, as was done by Sir Mackenzie Bowell, but would have addressed himself to their Christian conscience and told them to give to the minority the privileges of conscience they claimed for themselves.

The honest reader will be surprised to learn that this sentence is incomplete. Its concluding words are: "and if the people of Manitoba remained obstinate there was always reserved the powers of the constitution to fall back upon."

The reason of the suppression is evident. The editor had informed his readers in a head-line that there was no coercion in Mr. Laurier's speech, and he knew the words with which the sentence concluded meant what the Grits have persisted in designating, "coercion." But the suppression, or rather the deliberate falsification, does not end here. The very next sentence of the speech makes Mr. Laurier's meaning as clear as the sun at noonday. Here it is: "But before we try such extreme measures as the constitution provides let us fall back on the methods which Sir Oliver Mowat is such a master of."

The reader sees that if the part of the speech which the editor of the Sentinel deliberately suppressed had been published his assertion "No coercion" in the heading would have been shown to be an impudent falsehood. It is therefore clear that the reason why the Toronto Globe's report of Mr. Laurier's speech was garbled by the editor of the Sentinel was because it, as it was delivered and honestly reported, showed that the statement made by the editor in the headline was utterly and designedly false. In order that the public may see what a very great change the suppression of a few words will make in a passage and to what lengths a dishonest editor will go to make a point and to deceive his readers we will place the passage of Mr. Laurier's speech as it was delivered and as it was published in the Sentinel, side by side:

THE "SENTINEL'S" VERSION. A little explanation would have solved the problem, and if instead of having at the head of affairs such men as Sir Mackenzie Bowell you had such a man as Sir Oliver Mowat—cheers—to deal with that question he would have approached the Protestant people of Manitoba not with a threat, as was done by Sir Mackenzie Bowell, but would have addressed himself to their Christian conscience and told them to give to the minority the privileges of conscience they claimed for themselves.

THE TORONTO "GLOBE'S" REPORT. A little explanation would have solved the problem, and if instead of having at the head of affairs such men as Sir Mackenzie Bowell you had such a man as Sir Oliver Mowat—cheers—to deal with that question he would have approached the Protestant people of Manitoba not with a threat, as was done by Sir Mackenzie Bowell, but would have addressed himself to their Christian conscience and told them to give to the minority the privileges of conscience they claimed for themselves.

The Sentinel's dishonest trick has brought into prominence the fact that Mr. Laurier's policy is "coercive" in the same sense and to the same extent as the Government's policy is coercive. He proposes first to try conciliation, and if it fails to fall back upon the powers which the Constitution places in the hands of the Government and in Parliament.

THE PLAIN TRUTH.

The Times, with the courtesy for which it is remarkable, declares that the statement made by Mr. Earle at the Conservative meeting, "The constitutional aspect of the Government's course was fully upheld by Hon. David Mills, the greatest constitutional authority in the Opposition party," is a "bold falsehood." It is well known that what Mr. Earle and Mr. Prior said about the speech of the Hon. David Mills is perfectly true. He was highly complimented by members of the Government and Gov-

ernment supporters on that speech. So cogent was his argument and so convincing was his reasoning that he made it plain to Mr. Nicholas Flood Davin that the Government had taken the right stand on the Manitoba school question. Before he heard Mr. Mills he had doubts and intended to vote against the Remedial bill; after Mr. Mills had delivered his very able speech Mr. Davin declared himself convinced that the Government were right, and he voted for the bill.

The Times, with characteristic disingenuousness, quotes the excuses which Mr. Mills made for voting in the way which his own arguments showed was inexcusable; but it does not cite one word of the part of the speech—the argumentative part—which Mr. Earle commended. We shall have the pleasure at an early day of quoting from Hansard Mr. Mills' argument on the Government's side of the question. Mr. Mills' course in the matter was peculiar. As a lawyer and a statesman he argued for the Government; as a Grit politician he voted with the Opposition.

MILLS ON PROVINCIAL RIGHTS.

If the Hon. David Mills had a brief from the Government to prove to Parliament that they have a constitutional right to proceed as they have done in the matter of the Manitoba schools, he could not have done the work more faithfully and more effectively than he has by the speech which he delivered in the House of Commons on March 18th of the present year. The greater part of that speech is an elaborate and very powerful argument proving that in bringing the matter before Parliament the Government had done what was clearly its duty.

The speech must be read as a whole to enable one to form a proper estimate of its tendency and its force. A mere cursory perusal of it shows that it exposes and proves the absurdity of the objections which the Grits have so persistently and noisily raised against the course pursued by the Government. For instance, every organ of the Opposition, from the Toronto Globe down to the Victoria Times, have denounced the Government in the most violent terms for attempting to coerce Manitoba. Mr. Mills proves conclusively that the men who raised and who have kept up the cry of infringement of provincial rights and coercion are either ignorant or dishonest. Here is part of what Mr. Mills says on this point, and it is well worthy the attention of every elector in the Dominion of Canada:

No notion has been more industriously propagated than this; that any legislation by the Parliament of Canada would be in violation of provincial rights. That I think is not the case. I listened to the hon. member for North Simcoe (Mr. McCarthy) last evening, and I do not think that in a single instance did he pretend to say that legislation here would in any way infringe with a provincial right. I desire to preserve the field of provincial rights unimpaird. But what are these rights? Where are they set out? We must look at the Constitution Act, and to our previous anxiety to ascertain the full measure of these rights, I have heretofore endeavored to explain them so that the people might understand them, and to encroachments against them. But let me say that I am also a federalist. There is a union of the British North American provinces, and the Parliament of Canada has also under the terms of the Constitution exclusive functions. The Federal Parliament and the Federal Administration have their rights, duties and responsibilities under the constitution, and for special purposes for the peace, order and good government of the whole country, and are not less entitled to be respected than those which by the same instrument are conferred upon the provinces.

What is meant by the doctrine of provincial rights in its true constitutional sense? Not rights beyond the law but rights in conformity to the law, fairly and properly interpreted. It is this that within the sphere of legislation and government assigned to the exclusive jurisdiction of the province the principle of parliamentary government shall be preserved and the responsibility of the provincial ministry to the legislature and of the legislature to the electorate of the province shall not be interfered with. Within its own exclusive sphere it shall be soveign. This is what I understand by provincial rights, and it is a constitutional doctrine of great importance in our federal system, for upon this doctrine rests the security of the provincial legislature and government against federal encroachments.

We must bear in mind that parliament has no power to interfere with provincial rights. There is no point at which it can come in contact with such a right. The Parliament of Canada can pass no measure invading any provincial right or encroaching upon any provincial privilege. Every legislative measure passed by parliament beyond the limit of its own express authority or which enters within the exclusive domain of any province is ultra vires and void. The Parliament of Canada cannot legislate on the subject of education at all, unless the province disregards the compact to which it has become a party and goes beyond the limitations which the constitution intends it shall not exceed without the sanction of those whose rights and privileges are thereby affected.

The power of Parliament arises from the unconstitutional legislation of the province. It arises for the purpose of seeing that the compact is observed and that the rights and privileges of which it is a surety are not impaired or destroyed. We must never forget that if it be once admitted that the circumstances have arisen which will make it possible for Parliament to enact a valid law, circumstances have arisen in which the compact for the protection of the minority is broken, and if unre-

in contemplation of law calls for action by federal authority. Now the exercise of authority in conformity with settled usage is not an invasion of a provincial right but the fulfillment of a royal trust, and the provincial legislature goes beyond the right when it enters into a region committed by the supreme law to the protection and care of another authority. Provincial rights are not a species of squatter sovereignty. A province cannot acquire exclusive authority on a subject by usurpation. It cannot make its jurisdiction absolute and subordinated to some other authority. It is not dealing honestly with the people to parade such an authority as a provincial right further than law makes it such. So there is no interference with provincial rights if we act within the spirit of our authority. It is only when we undertake to act beyond the sphere of our authority that there may be an abrogation of the part of the compact that we undertake to legislate here in violation of provincial rights all our acts are ultra vires.

The conclusion then to which the Hon. David Mills leads us is that Parliament, if it were ever so willing to do so, cannot interfere with the rights of the Province—cannot coerce a province to do what the law does not require it to do. From this we see that the outcry which the Grit organs have been raising about violation of provincial rights and coercion is, according to the highest authority in their own party, not "honest," but mere rot and rubbish. It would do the Times a world of good to study Mr. Mill's speech so as to understand it. It certainly has not up to the present moment done so.

AN ORGAN'S DICTUM.

Mr. Laurier in almost every speech he makes tries to make his hearers believe that if he were elevated to power he would very soon settle the Manitoba school question to the satisfaction of all the parties concerned. His last promise was to send Sir Oliver Mowat to Manitoba to do what Sir Donald Smith, with all his knowledge of the country and all his diplomatic ability, failed to accomplish. What does the organ of the Greenway Government say about the attempt that are to be made to bring about an amicable settlement of the school question? Commenting on the candidature of Mr. R. R. Cockburn, the anti-remedial Conservative candidate for the representation of Centre Toronto, The Winnipeg Tribune said: "And yet the coercionists actually think to elect Hugh John Macdonald here, in the face of his solemn pledge, publicly given, that if Mr. Greenway does not settle the school question (which he cannot and dares not do), he will resort to coercion." If Mr. Greenway cannot and dares not settle the school question on the urgent representations of Sir Donald A. Smith, or through the interposition of the Hon Hugh John Macdonald, what means is Mr. Laurier to use to enable Mr. Greenway to do what the Tribune declares to be simply impossible. Is he able to hypnotise the Manitoba Premier, his colleagues in the Government and his supporters in the country; or is Mr. Greenway's zeal for the non-sectarian system a mere pretence and he and his Grit followers have been all along playing into the hands of Mr. Laurier hoping to use the school agitation as a means to hoist the Grits into power. The latter alternative is the more probable, and if Greenway and Laurier have been playing that game it will have to be admitted that they are past-masters in the arts of humbugging. Barnum was a blunderer and a greenhorn compared with these two politicians.

HARD TO DIGEST. The magnificent reception which the citizens of Winnipeg gave Sir Charles sticks in the throats of the Grits. They are in all parts of the Dominion lying most audaciously about it. They deny that it was a big reception; they deny that the people were enthusiastic; they deny that Sir Charles made a good speech; they deny that it was loudly applauded. And their efforts to make little of the reception are not confined to denials. They have made hundreds of positive statements about it that are quite as far from being true as their emphatic denials. They have misrepresented his speech so grossly and so impudently that Sir Charles has expressed his regret that he had not employed a stenographic reporter to take it down verbatim. He did this when he was in Cape Breton, with results that proved most satisfactory.

TOO BACKWARD. Why does not the Times denounce Mr. Laurier as a coercionist? If it were consistent it would do so without delay. The part of the speech which he delivered in Quebec on the 6th of the present month, and which the Sentinel suppressed, shows that he is fully as much a coercionist as Sir Charles Tupper or any member of his cabinet. This is what he said after commending the sunny ways of persuasion: "And if the people of Manitoba remained obstinate there was always reserved the powers of the constitution to fall back upon. But before we try such extreme measures as the constitution provides let us fall back on the methods which Sir Oliver Mowat is such a master of." Here we have coercion in very plain terms indeed—for Mr. Laurier. What has the Times to say about this?

A TORONTO CANDIDATE. Mr. R. R. Cockburn, late member for Centre Toronto, has been renominated. He announced himself as "an anti-remedial Conservative." Although he did not approve of remedial legislation, he believed in the future of the Conservative party, and he believed that "on June 23 the people of Canada would show Greenway and Laurier that the school question was not to be made a football in politics by them."

A GRIT BOODLER. How is it that the Times, since it is so fond of boodler stories, does not give its readers an account of the \$100,000 of plunder that the Court in Quebec the other day forced M. Pacaud, one of Mr. Laurier's bosom friends, to disgorge? The proceedings of that Court in this case would, if Pacaud happened to be a Conservative, be published in the Times and the Government would be held accountable for Pacaud's offences.

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CUBA FOR

The Situation "Times" Corbie Endings

Cuba Must Be Re Autonomy Mod of C

LONDON, May 18. Lishes a three column under from a corres letter this cor is quite useless to The whole island Spanish troops are defensive. It is prevent the landin materials for the position of Maceo Pinar del Rio, is nature, as the Sp believed. Only a have taken advan Weyler's offer of lost the very propert property in Cuba. ies fail to jus cruelty against C but the rebels' de cannot be justify ing of some 25,000 cannot be justify ing of some 21,000 belonging to ind war. The letter proc economic ruin v down of the suga dered thousands tobacco trade is dition. "The cigat the correspondent material for a few of their orders out of employm The total exp cannot be justify ing estimated at 25,0 12,000,000 for 18 here says that C would be compell One of the most here says that C death blow; but mediate peace wo for the return of The letter conti de Lome, Spanis ton, recently inf forms granted b adopted by the be shortly appli bans are not adv autonomy. Perh right, but it is a the rebels will co other condition th now the time ma promise. There endings of the re "1. A continui icy and the ruin "2. That the their independe is bankrupt, wit island would be and war between Cuba as an indep become a hell on which Hayti is a "3. That Spain on the Canadian of the United guarantee, peace mediately, and S tile country unde grate to. The letter con the muzzling a amounting," it gag. The Times co follows: "A m would be impos Havana" corres it is doubtful w tion of the despe will induce the in an arrangeo national pide a pendent sugges guaranteed by t "Taking the presented, we se maintenance of, namely, a speed quest, followed ances, the aboli instead of for Spain." BACK FE Mr. G. A. Kil from a trip to t Kootenay coun progress and ad vity there in th ness is brisk a number of new and the town i Poorman mine ready to start C assessment wa claims in the v smelter was w intended to pu convey the ore smelter. Mr. Pilot Bay, wh ing full time, went to Trail a Nest Egg min very highl. are now in a f will all be alju In any case, ti on top. There a property, and been striped, did ore about t bottom of one mine will tu acknowledged, examined by t the reports al curately descri of Rossland a wonderful wa houses are zoit opening and erected as spe modate the p are no vacant as built findi smelter is runn out matte stea shares in near right on the s