

## REPAIR THE WRONG.

Manitoba is so Advised by a Distinguished Correspondent of the Globe.

### A SUMMARY AND A DEDUCTION.

When the letter which is here reproduced appeared in the Globe of a recent date, it was accompanied by the comment that the writer is one of the very foremost citizens of Ontario and one much concerned for the peace and prosperity of the Dominion.

Sir—The Manitoba school question has been twice before the Privy Council, the decision in each case being somewhat disquieting to the public mind. In order rightly to understand the scope of the two decisions a short history of the case is necessary.

In 1871, and in subsequent years, the Manitoba Legislature made provision for a system of Separate Schools in the Province, modelled very much after the Separate School system of the Province of Quebec, the main features of which were that the Roman Catholics were allowed to apply school rates for the maintenance of Roman Catholic schools, to select text-books for the use of pupils, and generally to conduct their schools independently of the control or interference of the Protestant majority of the Province. Subsequent amendments made no change in the principle of the act of 1871.

By the school act of 1890 the Roman Catholics were deprived of these privileges, and all taxes were to be applied for the maintenance of a Public School system of education ostensibly purely non-sectarian. Against this act they appealed to the Privy Council, alleging that at the time of the union they had a distinct system of Separate Schools, and that, according to the terms of union, the Legislature had no power to abolish them. This claim was based on subsection 1 of section 22 of that act, which was as follows:

"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 in the Province at the union."

The Privy Council held that the power of maintaining Separate School by private subscription was not interfered with by the act of 1890, there being no other class of schools in existence, either by law or practice.

The Manitoba act, however, provided by subsection 2 of section 22 that "an appeal shall lie to the Governor General in Council from any act or decision in the Legislature of the Province, or of any Provincial authority, affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education."

Under this section the Catholic minority appealed to the Governor in Council on the ground that, although the Privy Council might be right in holding the act of 1890 did not deprive them of any rights which they had at the time of the union, still they had acquired certain rights subsequently from the Manitoba Legislature which were practically as binding upon the Province as if they had been in existence at the date of the union. The intermediate steps taken before this appeal reached the Privy Council need not be cited. Suffice it to say that on the 29th of January last the Privy Council decided in favor of the minority on two grounds: (1) That the legislation of 1871 and subsequent years was, as a matter of law, "acts of the Legislature of the Province affecting the rights or privileges of the minority of the Queen's subjects in re-

lation to education," and (2) that against the repeal of such acts an appeal did lie to the Governor-General in Council for "remedial legislation." It may be noted as one of the peculiar features of the constitution not only of Manitoba but of all the Provinces, brought out for the first time by this decision, that any legislation that has been or that may be passed affecting the educational rights of minorities becomes a fundamental part of the constitution, and incapable of repeal by the Legislature of the Province enacting the same. Moreover, should a Province by act of its Legislature affect to repeal such legislation the Parliament of Canada could step in and give remedial legislation of such a character as it might deem expedient.

#### THE MINORITY'S APPLICATION.

Having obtained the favorable judgment of the Privy Council, the minority have followed up their case by an application to the Governor General for that redress which he is empowered to give by the B.N.A. act, and the country is looking with considerable anxiety to the decision which is likely to be given before many days have passed, the momentous character of which it is hard to overestimate.

Firstly—It is of the greatest importance to the future of Canada that what is purely a question of law should not be thrust into the seething cauldron of party politics. Every citizen of Ontario knows how public passion has been aroused and the feelings of all good citizens exasperated by the religious crusade of the past eight years; and, if so much bitterness and so much intolerance could find expression within the limited scope of one Province and one Legislature, what will be the result if the whole Dominion of Canada become an Armageddon of contending factions and religious bigots? And when all is over and citizens of a common country have exhausted themselves in denunciation of each other nothing has been settled. The question remains a matter of law and justice as before.

Secondly—The decision of the Privy Council is evidently disappointing to the people of Manitoba. Legislation which they valued highly is set aside by the highest court of the realm, from which there is no appeal. Their view of the authority of their Legislature is not to prevail. In such a case is it not the duty of the Dominion Government to wait till the sober second thought of the people has been heard? The remedy must come. The constitutional rights of minorities as well as of majorities are sacred, and instead of asserting its remedial powers at once let the Government give an opportunity to Manitoba to remedy the grievances of which she has been the innocent cause, and only when it is apparent from the lapse of time that she declines to obey the mandate of the Privy Council should the Dominion Government take the remedy into its own hands. No believer in the autonomy of Provincial legislation could wish to see the Federal authority exercised until all other means of redress or reconciliation had failed. The right of a Province to be allowed the opportunity to remove any grievance for which it is constitutionally responsible is an essential part of the doctrine of Provincial rights.

#### MANITOBA'S DUTY.

Thirdly—The Privy Council has said the minority are entitled to remedial legislation. The people of Manitoba should admit this fact at once and admit it magnanimously. It always pays to act the manly part. Great Britain acknowledged her liability with regard to the Alabama raids during the American war and accepted the award of the Geneva arbitration. Who has not recognized that in doing so she raised herself in the estimation of the whole world? Manitoba may feel that she would prefer a uniform system of Public Schools

to a denominational system, and she may have good reasons for her preference. But she herself gave to the Roman Catholics a denominational system of schools by a solemn act of her own Legislature, and now she finds she has no authority to recall her own act. Shall it be said that the majority will insist upon its numerical strength in sustaining a breach of the constitution? Is this not an impossible position to take on this or any other constitutional question? Will not the people of the whole Dominion feel that she is in the wrong and doing wrong to a large minority who accepted the constitution in good faith as the palladium of their religious as well as their civil liberties.

Fourthly—For the first time in the history of Canada an educational question has been thrust into Dominion politics. To discuss it as a contest between systems of education or different religious creeds would be to raise a false issue. It is not a question of creeds at all or even of forms of education. The Privy Council has said that the minority have Separate Schools now by the legislation of 1871 and subsequent years, and the question is, Should they be allowed to enjoy them? The Governor General in Council may say they shall or they shall not; the voice of Parliament can only be known after the pending general election. But no action of the Governor-General in Council and no expression of opinion in Parliament can alter the fact that the Privy Council has declared that the minority in Manitoba have been deprived of certain constitutional rights. If so, those rights should be restored independently of all party and political considerations. The leaders in the State to whom the people very properly look for counsel and guidance should therefore at once withdraw this question from discussion by popular clamor and mischief-making demagogues and agree to carry out what the highest court in the realm has declared to be the true meaning of the constitution. A party victory gained in any other way will arouse feelings of Provincial and religious antagonism which cannot fail to produce disastrous effects upon the future of Canada. CANADA.

Toronto, March 6.

#### Provincial Provident Institution.

This is the title of a Company located at St. Thomas, Ont., doing an insurance business on the Assessment Plan. It was established in 1884 under the Governmental regulations, and has had a prosperous run during its ten years' existence. The cause of its exceptional good luck is doubtless due to the easy conditions of the "Provident," which offers to those about to insure terms considerably below the charges usually made by other Companies for like purposes.

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The Provincial Provident Institution resembles somewhat the C. M. B. A. in its mode of operation, and, like the latter, is free from entanglements objectionable to conscience. Two thousand dollars is, we believe, the limit of the C. M. B. A. benefit—which, we admit, is a goodly sum in time of need—but if the members of the C. M. B. A., or others, wish for insurance over and above that sum, it can be had at bottom figures in the "Provident." How this can be done will be more fully explained by the local Agent, Mr. Armstrong, who may be seen at his office, corner of Church and Adelaide streets, Toronto.

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#### The Political Attitude of Catholics.

To the Editor of the Catholic Register.

SIR—I read with great pleasure the editorial in your last issue entitled "Winking the Other Eye," and heartily agree with it. It is, indeed, full time, as you say, that Catholics should be tired of defending their religious rights with their ballots at the polls. There has never been an election, either Federal or Provincial, during the past twelve years that there has not been a studied and well-defined attempt made to drive the Catholics into one camp, not with the view of obtaining their rights, but for the purpose of carrying the election. Why should the politicians force the Catholics into a corner and compel them to fight as a solid phalanx under one standard? And then what do they get for it?

The Catholics are excellent fellows when an election is pending, but when the loaves and fishes are to be distributed they don't count. Take South Bruce, for instance. It was the only constituency in Bruce that stood by the Government at the last election. Why was this? Simply because Catholic Patrons at the eleventh hour threw their forces in with the Liberal Party feeling that there was a connection between the Patrons and the P.P.A.'s I feel certain that it was the Catholic vote that elected Mr. Truax in South Bruce last June. And what do the Catholics of South Bruce get for this loyalty? Simply nothing. The Clerkship of the Court in Walkerton has fallen vacant during the past few months. Will a Catholic get it? Not a bit of it. Not while there is a Scotchman in Bruce capable of eating haggis. There is no more worthy Liberal nor one who has done better service to his party nor one better qualified for the vacant position than Mr. D. Sullivan of Elmwood. He has been in the thick of every fight, supporting with might and main the Liberal Party during the past twenty years, and yet neither he nor any member of his family has received any recognition of it. When gifts are to be distributed Catholics don't count. Bruce is but a sample of a dozen constituencies. SOUTH BRUCE CATHOLIC.