

The Catholic Register.

"Truth is Catholic; proclaim it ever, and God will e... the rest."—BALMEZ.

VOL. IV.—No. 8

TORONTO, THURSDAY, FEBRUARY 20, 1896.

PRICE FIVE CENTS.

REMEDIAL BILL

A Satisfactory Remedy for the Grievance of the Minority.

THE SEPARATE SCHOOLS

Must be Efficient as the Other Schools.

Provisions as to Books, Teachers and Inspectors—Conditions to which the Legislative Grant is made Subject—All Schools are Considered Efficient—An Appeal may be had from two Adverse Reports of Provincial Inspectors—Normal Schools—Teachers Institutes and Other Departments—Power Reserved.

To-day THE REGISTER presents to its readers those sections verbatim of the Remedial Act (Manitoba) which are of the greatest public interest. The other portions of the Bill are outlined. The Bill was introduced by Mr. Dickey in the House of Commons on the 11th inst.

Whereas the Roman Catholic minority of Her Majesty's subjects in the Province of Manitoba appealed to His Excellency the Governor-General in Council under the provisions of section twenty-two of chapter three of the Statutes of 1870, intituled: "An Act to amend and continue the Act thirty-two and thirty-three Victoria, chapter three, and to establish and provide for the government of the Province of Manitoba," from certain Acts of the Legislature of the Province of Manitoba, passed in the fifty-third year of Her Majesty's reign, chapter thirty-seven and thirty-eight, affecting the rights or privileges of the said Roman Catholic minority in relation to education, namely: "An Act respecting the Department of Education," and "An Act respecting Public Schools," and whereas such appeal having been duly heard and decided by His Excellency the Governor-General in Council, such provincial law as seems to the Governor-General in Council requisite for the due execution of the provisions of the said section twenty-two of the said first mentioned Act has not been made and the circumstances of the case require that the Parliament of Canada should make a remedial law as hereinafter enacted for the due execution of the provisions of the aforesaid section twenty-two. Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The Lieutenant-Governor in Council of the province of Manitoba shall appoint, to form and constitute the Separate School Board of Education for the province of Manitoba, a certain number of persons not exceeding nine, all of whom shall be Roman Catholics.

2. Three of such members, recorded at the foot of the list of the members of the Board as entered in the minute book of the Executive Council of the province of Manitoba, shall retire and cease to hold office at the end of each year, which for the purposes of this Act shall be held and taken to be the second day of October annually, and the names of the members appointed in their stead shall be placed at the head of the list, and the three members so retiring in rotation and annually may be eligible for reappointment.

3. If the Lieutenant-Governor in Council does not within three months after the coming into force of this Act make appointments to the Separate School Board, or if the Lieutenant-Governor in Council does not fill any vacancy that may from any cause occur in the Separate School Board within three months after the occurrence of such vacancy, then in either such case His Excellency the Governor-General shall make any appointment not made by the Lieutenant-Governor in Council.

4. The Department of Education may, at any time, from time to time, make regulations for the registering and reporting of daily attendance at all the Separate Schools in the Province, subject to the approval of the Lieutenant-Governor in Council.

5. The Department of Education may also make from time to time such regulations as they may think fit for the general organization of the Separate Schools.

6. It shall be the duty of the Board of Education:—

(a.) To have under its control and management the Separate Schools and to make from time to time such regulations as may be deemed fit for their general government and discipline and the carrying out of the provisions of this Act;

(b.) To arrange for the proper examination, grading and licensing of its teachers, and for the withdrawing of licenses upon sufficient cause; provided that the standard of qualification for teachers shall be in secular matters the same as that at any time prescribed for teachers of other schools of a public character established under the statutes of the Province of Manitoba. Provided, further, that all teachers certificates issued by or under the authority of the Department of Education shall be recognized by the Board of Education.

(c.) To select all the books, maps and globes to be used in the schools under its control; provided, however, that no book, map or globe shall be selected unless such book, map or globe has been authorized for use either in the High or Public schools of the Province of Manitoba or in the Separate Schools of the Province of Ontario.

(d.) To approve of the plans for the construction of school houses;

(e.) To make regulations regarding the location of school sites, the right of school grounds and the formation and alteration of all school districts under its care;

(f.) To make and enforce regulations for the establishment and operation of departments in such of the schools as it may deem suitable for the preparation of candidates for the annual examination of teachers and for matriculating at the University of Manitoba, and for the doing of general literary work corresponding to the standard required for these examinations, and to give special aid to such schools from the fund so disposed, not exceeding in the aggregate one-twentieth of its appropriation; provided that no school shall be entitled to receive such special aid that does not comply fully with the regulations made by the board for its operation; provided further that such special aid shall be established only with the consent of the local board of school trustees;

5. The Board may, whenever they shall see fit, appoint and hold a meeting of such Board, in any part of the province, as if held in the city of Winnipeg, which shall be the usual place of meeting of such Board or section.

6. Any member of the Board absenting himself from the meetings of the Board for six months, unless from sickness or other cause, and who is not replaced, shall be considered to have ipso facto resigned his position, and the superintendent of the Board shall notify the Provincial Secretary of the vacancy so caused, and the member appointed to replace him shall hold office only for the unexpired term of the member whom he replaces.

7. The Lieutenant-Governor in Council shall appoint one of the members of the Board to be the superintendent of the Separate Schools, and the superintendent shall be the secretary of the Board. If no appointment shall be made the Board shall appoint one of its members to be the superintendent.

8. To define the duties of the superintendent.

9. Section 10 of the Act shall be amended so that the formation of school districts and with school meetings. A school district is to be formed upon the petition of five heads of families resident therein and no school district shall be organized unless there be at least ten Roman Catholic children of school age living therein.

In districts only Roman Catholic Separate School supporters are entitled to vote at school meetings who have been assessed in respect of property within the district. In cities and towns the person entitled to vote must have his name upon the list for the ward in which he offers his vote.

10. Section 69 of the Bill deals with school assessments, school trustees, assessors, auditors and list makers of taxes. Sections 69, 70 and 71 are important.

11. The Board of Education shall have power to appoint inspectors subject to the approval of the Lieutenant-Governor in Council (who may within one month after the notification of the appointment disapprove it, whereupon the office shall become vacant) who shall hold office subject to the approval of the Lieutenant-Governor in Council, to define their duties and to provide for their remuneration; and such inspectors shall visit the schools and report thereon at least twice a year.

12. The visitor in each school district may be—

(a.) The resident Roman Catholic priest;

(b.) The members of the Provincial Legislature;

(c.) The Judges of the Court of Queen's Bench and County Court;

(d.) The members of the Department of Education;

(e.) The members of the Board of Education; and

(f.) The trustees of each school district in their own district.

13. In incorporated cities or towns, a general meeting of the visitors may be held at any time or place appointed by any two visitors, on sufficient notice being given to the other visitors, and the visitors thus assembled may devise such means as they may deem expedient for the efficient management of the schools, in either such case His Excellency the Governor-General shall make any appointment not made by the Lieutenant-Governor in Council.

14. The Department of Education may also make from time to time such regulations as they may think fit for the general organization of the Separate Schools.

15. It shall be the duty of the Board of Education:—

(a.) To have under its control and management the Separate Schools and to make from time to time such regulations as may be deemed fit for their general government and discipline and the carrying out of the provisions of this Act;

(b.) To arrange for the proper examination, grading and licensing of its teachers, and for the withdrawing of licenses upon sufficient cause; provided that the standard of qualification for teachers shall be in secular matters the same as that at any time prescribed for teachers of other schools of a public character established under the statutes of the Province of Manitoba. Provided, further, that all teachers certificates issued by or under the authority of the Department of Education shall be recognized by the Board of Education.

(c.) To select all the books, maps and globes to be used in the schools under its control; provided, however, that no book, map or globe shall be selected unless such book, map or globe has been authorized for use either in the High or Public schools of the Province of Manitoba or in the Separate Schools of the Province of Ontario.

(d.) To approve of the plans for the construction of school houses;

(e.) To make regulations regarding the location of school sites, the right of school grounds and the formation and alteration of all school districts under its care;

(f.) To make and enforce regulations for the establishment and operation of departments in such of the schools as it may deem suitable for the preparation of candidates for the annual examination of teachers and for matriculating at the University of Manitoba, and for the doing of general literary work corresponding to the standard required for these examinations, and to give special aid to such schools from the fund so disposed, not exceeding in the aggregate one-twentieth of its appropriation; provided that no school shall be entitled to receive such special aid that does not comply fully with the regulations made by the board for its operation; provided further that such special aid shall be established only with the consent of the local board of school trustees;

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75. From any sum so appropriated to the Board of Education there shall be paid such sums as may be provided by the Lieutenant-Governor in Council for incidental expenses and salaries of superintendents.

76. The sum of \$75 shall be paid semi-annually to each school which has been in operation during the whole of the previous term, and a proportionate part thereof to each school in operation for a part of the term; and in the case of newly established schools, to those which have been in operation for at least one month of said term; provided that except in the case of new school districts no school shall be entitled to receive a larger amount than one-half the sum incurred by the trustees thereof for its current expenses during the term for which such grant is made; provided further that a reduction in the amount to be made may, in the discretion of the board, be made in the case of any school district in which the average attendance of the resident pupils enrolled for the term has been less than forty per cent of such enrolled number.

77. The residue remaining after all payments have been made as above provided shall be divided among the schools on the basis of average attendance of pupils at the schools of such districts. Provided that in reckoning such average attendance fifty per cent shall be added to the average attendance in rural school districts (being school districts outside the cities, towns and villages).

78. No school shall be deemed to be entitled to receive any portion of the legislative grant whose trustees have neglected to transmit within the time provided by law for the proceeding year the census returns, or whose annual or semi-annual returns are not transmitted as required by the regulations of the board, or whose school has not been kept in operation at least six months during the school year, unless with the sanction of the board.

79. No school district shall be deemed to be entitled to receive any money from the legislative grant or the municipal levy in any year that does not contain at least ten resident children of school age, but the trustees of such may levy and collect rates on the school district for the amount of any indebtedness that may fall due within the same during such year.

80. No school district shall be deemed to be entitled to receive money from any legislative grant or the municipal levy in any year that is not efficient. Every school is to be deemed efficient until the following conditions have been fulfilled:—

(a.) An inspector appointed or authorized by the Lieutenant-Governor in Council must report on the school in respect of its management and the grounds of such judgment and the Department of Education must with the report give formal warning to the trustees that the grant may be withheld under this section as an inspection to be held one year after the date of the report again reports the school to be inefficient.

(b.) The inspector must as the result of a visit to the school make out a report of twelve months thereafter, again report the school inefficient and again state specifically the ground of such judgment.

(c.) If the trustees within fourteen days after the receipt of the second adverse report of the inspector appeal against his decision to the Department of Education the school must be visited and such adverse report must be confirmed by another inspector to be named by the Department of Education.

81. Such school shall be deemed to have become efficient if at any subsequent time the inspector reports in favour of the school, or if the Department of Education or the Department of Education is satisfied that such is the case.

82. In all such cases of inefficiency the department shall have power after considering all the circumstances to continue to require such schools as efficient or to pay to such school a portion of the amount to which it would have been entitled and to give a warning to the trustees that the grant may be withheld next year.

83. All payments to school districts shall be made to the order of the school, unless it be shown that the salary of such teacher or teachers has been paid in full.

84. All payments made by the Provincial Treasurer for the purposes of education shall be made direct to the person or persons entitled to receive the money. Provided no payment shall be made except upon the requisition of the superintendent of education.

85. Any school not conducted according to all the provisions of this or any Act in force for the time being relating to the Separate Schools or the regulations of the Board of Education in force under its authority, shall not be deemed a separate school within the meaning of the law, and such school shall neither participate in the educational fund nor in the legislative grant.

86. Sections 8 to 10 deal with holidays, assessments, loans, appropriations and other matters not of general interest. The concluding sections may be quoted in full:

REPEAL OF SCHOOL ACTS.

75. From any sum so appropriated to the Board of Education there shall be paid such sums as may be provided by the Lieutenant-Governor in Council for incidental expenses and salaries of superintendents.

76. The sum of \$75 shall be paid semi-annually to each school which has been in operation during the whole of the previous term, and a proportionate part thereof to each school in operation for a part of the term; and in the case of newly established schools, to those which have been in operation for at least one month of said term; provided that except in the case of new school districts no school shall be entitled to receive a larger amount than one-half the sum incurred by the trustees thereof for its current expenses during the term for which such grant is made; provided further that a reduction in the amount to be made may, in the discretion of the board, be made in the case of any school district in which the average attendance of the resident pupils enrolled for the term has been less than forty per cent of such enrolled number.

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(a.) An inspector appointed or authorized by the Lieutenant-Governor in Council must report on the school in respect of its management and the grounds of such judgment and the Department of Education must with the report give formal warning to the trustees that the grant may be withheld under this section as an inspection to be held one year after the date of the report again reports the school to be inefficient.

(b.) The inspector must as the result of a visit to the school make out a report of twelve months thereafter, again report the school inefficient and again state specifically the ground of such judgment.

(c.) If the trustees within fourteen days after the receipt of the second adverse report of the inspector appeal against his decision to the Department of Education the school must be visited and such adverse report must be confirmed by another inspector to be named by the Department of Education.

81. Such school shall be deemed to have become efficient if at any subsequent time the inspector reports in favour of the school, or if the Department of Education or the Department of Education is satisfied that such is the case.

82. In all such cases of inefficiency the department shall have power after considering all the circumstances to continue to require such schools as efficient or to pay to such school a portion of the amount to which it would have been entitled and to give a warning to the trustees that the grant may be withheld next year.

83. All payments to school districts shall be made to the order of the school, unless it be shown that the salary of such teacher or teachers has been paid in full.

84. All payments made by the Provincial Treasurer for the purposes of education shall be made direct to the person or persons entitled to receive the money. Provided no payment shall be made except upon the requisition of the superintendent of education.

85. Any school not conducted according to all the provisions of this or any Act in force for the time being relating to the Separate Schools or the regulations of the Board of Education in force under its authority, shall not be deemed a separate school within the meaning of the law, and such school shall neither participate in the educational fund nor in the legislative grant.

86. Sections 8 to 10 deal with holidays, assessments, loans, appropriations and other matters not of general interest. The concluding sections may be quoted in full:

REPEAL OF SCHOOL ACTS.

75. From any sum so appropriated to the Board of Education there shall be paid such sums as may be provided by the Lieutenant-Governor in Council for incidental expenses and salaries of superintendents.

76. The sum of \$75 shall be paid semi-annually to each school which has been in operation during the whole of the previous term, and a proportionate part thereof to each school in operation for a part of the term; and in the case of newly established schools, to those which have been in operation for at least one month of said term; provided that except in the case of new school districts no school shall be entitled to receive a larger amount than one-half the sum incurred by the trustees thereof for its current expenses during the term for which such grant is made; provided further that a reduction in the amount to be made may, in the discretion of the board, be made in the case of any school district in which the average attendance of the resident pupils enrolled for the term has been less than forty per cent of such enrolled number.

77. The residue remaining after all payments have been made as above provided shall be divided among the schools on the basis of average attendance of pupils at the schools of such districts. Provided that in reckoning such average attendance fifty per cent shall be added to the average attendance in rural school districts (being school districts outside the cities, towns and villages).

78. No school shall be deemed to be entitled to receive any portion of the legislative grant whose trustees have neglected to transmit within the time provided by law for the proceeding year the census returns, or whose annual or semi-annual returns are not transmitted as required by the regulations of the board, or whose school has not been kept in operation at least six months during the school year, unless with the sanction of the board.

79. No school district shall be deemed to be entitled to receive any money from the legislative grant or the municipal levy in any year that does not contain at least ten resident children of school age, but the trustees of such may levy and collect rates on the school district for the amount of any indebtedness that may fall due within the same during such year.

80. No school district shall be deemed to be entitled to receive money from any legislative grant or the municipal levy in any year that is not efficient. Every school is to be deemed efficient until the following conditions have been fulfilled:—

(a.) An inspector appointed or authorized by the Lieutenant-Governor in Council must report on the school in respect of its management and the grounds of such judgment and the Department of Education must with the report give formal warning to the trustees that the grant may be withheld under this section as an inspection to be held one year after the date of the report again reports the school to be inefficient.

(b.) The inspector must as the result of a visit to the school make out a report of twelve months thereafter, again report the school inefficient and again state specifically the ground of such judgment.

(c.) If the trustees within fourteen days after the receipt of the second adverse report of the inspector appeal against his decision to the Department of Education the school must be visited and such adverse report must be confirmed by another inspector to be named by the Department of Education.

81. Such school shall be deemed to have become efficient if at any subsequent time the inspector reports in favour of the school, or if the Department of Education or the Department of Education is satisfied that such is the case.

82. In all such cases of inefficiency the department shall have power after considering all the circumstances to continue to require such schools as efficient or to pay to such school a portion of the amount to which it would have been entitled and to give a warning to the trustees that the grant may be withheld next year.

83. All payments to school districts shall be made to the order of the school, unless it be shown that the salary of such teacher or teachers has been paid in full.

84. All payments made by the Provincial Treasurer for the purposes of education shall be made direct to the person or persons entitled to receive the money. Provided no payment shall be made except upon the requisition of the superintendent of education.

85. Any school not conducted according to all the provisions of this or any Act in force for the time being relating to the Separate Schools or the regulations of the Board of Education in force under its authority, shall not be deemed a separate school within the meaning of the law, and such school shall neither participate in the educational fund nor in the legislative grant.

86. Sections 8 to 10 deal with holidays, assessments, loans, appropriations and other matters not of general interest. The concluding sections may be quoted in full:

NON-PAY SCHOOLS.

110. The Board of Education is hereby empowered—

(a.) To establish in connection with any separate schools which may be established at St. Boniface, normal school departments, with a view to the instruction and training of teachers of public schools in the science of education and the art of teaching, and to establish and provide for the conducting of teachers' institutes at any other schools within the jurisdiction of the board;

(b.) To make, from time to time, rules and regulations necessary for the management and government of the said departments;

(c.) To arrange with the trustees of such separate schools all things which may be expedient to promote the objects and interests of the said normal school departments;

(d.) To prescribe the terms and conditions under which students and pupils will be respectively received and instructed in the said departments;

(e.) To determine the number and compensation of teachers and of all other staff who may be employed in the said departments.

111. The Lieutenant-Governor in Council may direct that a sum not exceeding one-tenth of the amount of the grant for educational purposes be allowed for the maintenance of normal school departments as hereby established.

POWER RESERVED.

112. Power is hereby reserved to the Parliament of Canada to make such further and other remedial laws as the provisions of the said section twenty-two of chapter three of the Statutes of 1870, and of the decision of the Governor in Council thereunder may require.

JUSTIN MCCARTHY.

Letter to the Hon. Sec. of the Irish Party on his Return.

Mr. Justin McCarthy, M.P., has addressed the following letter to the hon. sec. of the Irish Parliamentary Party, dated Feb. 5, 1896, 78 Eakon Terrace, London, S.W.

DEAR SIR—Will you kindly make known to your colleagues of the Irish Parliamentary Party, in the meeting at 24 Batland square, Dublin, next Saturday, is called for the election of the Chairman and officers of the Party. I ought to have mentioned this in the letter which I sent to you, but by mistake I omitted to do so.

Will you also kindly convey to my colleagues this expression of my deep regret that I am unable to be present in person, and in nomination as Chairman of the Irish Parliamentary Party. My reasons for giving up the position are merely personal, and not in the least political.

I have said the worst that ever I had in the sure success of the Home Rule cause, and do not even believe that that success is doomed to be long deferred as some of our friends seem to think that all the Irish Nationalist members may be brought again into close working union for the purpose of fighting the Irish battle in Parliament.

I am compelled to give up the Chairmanship as I am not a man of independent means, however small, and I have to make my living by my pen. I have neglected my own profession for many years, and the time has come when I must pay more attention to it than I have hitherto been doing. I do not intend to resign my seat in the House of Commons. As long as my constituents are content to put up with me, I shall continue to remain in their service. But as you will readily understand, the work and the duties of an ordinary member of the party are very different from those of its Chairman, and I regret I make this announcement, but it is under the conditions irrevocable and inevitable.

Very truly yours,

Justin McCarthy.

Donal Sullivan, Esq., M.P. and Wm. Abraham, Esq., M.P. Hon. Secs. of the Irish Parliamentary Party.

MR. DILLON ELECTED.

Chairman of the Irish Party in Room of Mr. Balfour.

LONDON, Feb. 18.—The members of the Irish Parliamentary Party held a meeting sitting in the House of Commons to-day, for the purpose of electing a new chairman in succession to Mr. Justin McCarthy. Among those present were Messrs. McCarthy, Healy and Dillon. The latter was elected chairman, by a vote of 97 to 21.

Prince Boris' Religion.

The Observer's Romanist, the official organ of the Vatican, publishes the following note: "If we have remembered to the Prince Boris, the so-called conversion of Prince Boris to the schismatic Greek rite it is because we had always hoped that we should not have been given the scandal of such a spectacle. We hoped this more because as we knew the Pope had gone to the very limits of his paternal forbearance in making it known that he would have sanctioned the change from the Latin to the Bulgarian Catholic rite, but even that. It appears, however, that the Prince Boris has not been converted, and that he has given up such a project, and has returned to the Church of his birth, and has named to all the Catholics a word of consolation as it is said."

THE SHORTIS CASE.

The Letter of the Archbishop of Kingston.

The Importance of Medical Testimony—Mr. McMaster's Extravagant Language Revisited—The Public Conscience and Inconceivable Evidence in Murder Cases.

A parliamentary return has been brought down to the House at Ottawa containing all the papers connected with the commutation of the death sentence on Valentine Shortis. Amongst the documents is a letter from the Archbishop of Kingston to the Minister of Justice, which is of particular importance. Following is a copy of His Grace's letter:

To the Hon. Sir Charles Hibbert Tupper, Minister of Justice, Ottawa:

DEAR SIR—I trust I am not out of order by complying with the request of some respectable gentlemen in offering you my view of the case of the unfortunate man, Shortis, about which there is so great a diversity of opinion in all parts of the country. The sole question presented to the jury was whether, at the time of doing the terrible deed, he was sufficiently cognizant of its criminality. By the law of this country the verdict should be simply affirmative or negative, which means absolute guilt or absolute acquittal. I confess it would be too much to expect any twelve honest men to declare him free from all guilt.

On the other hand, it seems to my mind, after careful perusal of the evidence, to be an over-straining of justice to hold him guilty in the full measure of the guilt requisite for condemnation to death. The degree of guilt that should correspond with capital punishment is not measured solely by the gravity of the crime considered objectively, but also and chiefly by the accountability of the agent which turns upon the distinctness of his understanding of the criminality of the deed at the moment of his doing it, and the restraining power of his will under