

REMEDIAL ORDER.

THE REQUEST MADE TO THE MANITOBA LEGISLATURE.

TEXT OF THE DOCUMENT SIGNED BY THE GOVERNOR-GENERAL — GROUNDS ON WHICH THE ACTION HAS BEEN TAKEN — THE MANITOBA SCHOOL QUESTION BEING BROUGHT TO A FOCUS.

On Thursday last the Dominion Cabinet met, and His Excellency was in attendance and signed the remedial order on Manitoba; which is as follows:

At the Government House at Ottawa, Thursday, the 21st day of March, 1895; present, His Excellency the Governor-General-in-Council:

Whereas, On the 26th day of November, 1892, a petition by way of appeal, under the provision of Section 22, of chapter 3, of the acts of the Parliament of Canada, passed in the 33rd year of Her Majesty's reign, and intitled: "An act to amend and continue the act 32 33 Victoria, chapter 3, and to establish and provide for the Government of the Province of Manitoba"—(commonly called the Manitoba Act) and continued by "The British North America Act of 1871," was presented to His Excellency, the Governor-General of Canada in Council, by and on behalf of the Roman Catholic minority of Her Majesty's subjects, in the Province of Manitoba, which petition, among other things, alleged in effect that by certain Acts of the Legislature of the Province of Manitoba, passed after the union and by an Act passed by the said Legislature in the forty-fourth year of Her Majesty's reign, Chapter four, which may be cited as "The Manitoba School Act," and by the Acts amending the same, the Roman Catholic minority of Her Majesty's subjects in Manitoba acquired the rights and privileges in relation to education thereby conferred upon them, including the right to build, maintain, equip, manage, conduct and support Roman Catholic schools in the manner provided by the said statutes, the right to a proportionate share of any grant made out of the public funds for the purpose of education, and the right of exemption of such members of the Roman Catholic Church as contribute to such Roman Catholic schools from all payments or contributions to the support of any other schools;

That subsequently in the 53rd year of Her Majesty's reign two statutes were passed by the Legislature of the Province of Manitoba relating to education, which statutes came into force on the first day of May, 1890, and are intitled respectively "An Act respecting the Department of Education," and "An Act respecting public schools," and that the effect of the two last named statutes was to repeal the previous acts of the Province of Manitoba in relation to education and to deprive the Roman Catholic minority of the rights and privileges which it had acquired under such previous statutes;

And by the said petition the said Roman Catholic minority prayed, among other things, that it might be declared that the said last mentioned acts did affect the rights and privilege of the said Roman Catholic minority of the Queen's subjects in relation to education;

That it might be declared that to His Excellency the Governor-General-in-Council it seems requisite that the provisions of the Statutes in force in the Province of Manitoba prior to the passage of the said acts should be re-enacted in so far at least as may be necessary to secure to the Roman Catholics in the said Province the right to build, maintain, equip, manage, conduct and support their schools in the manner provided for by said statutes; to secure to them their proportionate share of any grant made out of the public funds for the purpose of education, and to relieve such members of the Roman Church as contribute to such Roman Catholic schools from all payment or contribution to the support of any other schools; or that the said Act of 1890 should be so modified or amended as to effect such purposes; and that such further or other declaration or order might be made as to His Excellency the Governor-General-in-Council should under the circumstances seem proper, and that such directions might be given, provisions made and all things done in the premises for the purpose of

affording relief to the said Roman Catholic minority in the said Province as to His Excellency-in-Council might seem meet;

And whereas the 26th day of February, 1895, having been appointed for the hearing of the said appeal, and the same coming on to be heard on that day, and on the 5th, 6th and 7th days of March, 1895, in the presence of counsel for the petitioners (the said Roman Catholic minority of Her Majesty's subjects in the Province of Manitoba) and as well for the Province of Manitoba, upon reading the said petition and the statutes therein referred to, and upon hearing what was alleged by counsel on both sides, His Excellency the Governor-General-in-Council was pleased to order and adjudge and it is hereby ordered and adjudged that the said appeal be and the same is hereby allowed in so far as it relates to rights acquired by the said Roman Catholic minority under legislation of the Province of Manitoba, passed subsequent to the union of that Province with the Dominion of Canada, and His Excellency the General-in-Council was pleased to adjudge and declare and it is hereby adjudged and declared that by the two acts passed by the Legislature of the Province of Manitoba on the first day of May, 1890, intitled respectively "An Act respecting the Department of Education," and "An Act respecting public schools," the rights and privileges of the Roman Catholic minority of the said Province in relation to education prior to the 1st day of May, 1890, have been affected by depriving the Roman Catholic minority of the following rights and privileges which previous to and until the 1st day of May, 1890, such minority had, viz.:

(a) The right to build, maintain, equip, manage, conduct and support Roman Catholic schools in the manner provided for by the said statutes which were repealed by the two Acts of 1890, as aforesaid:

(b) The right to share proportionately in any grant made out of the public funds for the purpose of education.

(c) The right of exemption of such Roman Catholic schools from all payment or contribution to the support of any other schools:—

And His Excellency the Governor-General-in-Council was further pleased to declare and decide, and it is hereby declared, that it seems requisite that the system of education embodied in the two Acts of 1890, aforesaid, shall be supplemented by a Provincial Act, or Acts, which will restore to the Roman Catholic minority the said rights and privileges of which such minority has been so deprived as aforesaid, and which will modify the said Acts of 1890 so far, and so far only, as may be necessary to give effect to the provisions restoring the rights and privileges in paragraphs (a), (b), and (c), hereinbefore mentioned.

Whereof the Lieut.-Governor of the Province of Manitoba for the time being and the Legislature of the said Province and all persons whom it may concern are to take notice and govern themselves accordingly,

(Signed) JOHN J. MCGEE
Clerk of the Privy Council.

The Order-in-Council recommending the issuing of a remedial order on Manitoba was passed at a previous meeting of the Council. It recites a complete history of the case up to the hearing of it before the Cabinet two weeks ago, and then proceeds to say: The Committee therefore recommends that said appeal be allowed, and that Your Excellency-in-Council do adjudge and decide that by the two acts passed by the Legislature of Manitoba on the 1st day of May, 1890, entitled respectively "An Act respecting the Department of Education," and "An Act respecting public schools," the rights and privileges of the Roman Catholic minority of the said Province in relation to education prior to the 1st May, 1890, have been affected by depriving the Roman Catholic minority of the following rights and privileges which, previous to and until 1st May, 1890, such minority had, viz.:

(a) The right to build, maintain, equip, manage, conduct and support Roman Catholic schools in the manner provided for by said statutes which were repealed by the two acts of 1890 aforesaid;

(b) The right to share proportionately in any grant made out of the public funds for the purposes of education;

(c) The right of exemption of such Roman Catholics as contribute to Roman Catholic schools from all payment or contribution to the support of any other schools, and committee recommends

that Your Excellency-in-Council do further declare and decide that for due execution of provisions of section 22 of Manitoba Act it seems requisite that system of education embodied in two acts of 1890 aforesaid should be supplemented by a Provincial act or acts which would restore to the Roman Catholic minority said rights and privileges of which such minority has been so deprived as aforesaid, and which would modify the acts of 1890 so far, and so far only, as may be necessary to give effect to provisions restoring the rights and privileges in paragraphs a, b, c, hereinbefore mentioned.

The Committee desires to add that their Lordships of the Judicial Committee state in their judgment:

"Bearing in mind the circumstances which existed in 1870 it does not appear to their Lordships an extravagant notion that in creating a Legislature for the Province with limited powers it should have been thought expedient in case either Catholics or Protestants became preponderant and rights which had come into existence under different circumstances were interfered with, to give the Dominion Parliament power to legislate upon matters of education so far as was necessary to protect the Protestant or Catholic minority, as the case might be."

In the opinion of the Committee the Manitoba Act, as construed in regard to the present case by the Judicial Committee of Her Majesty's Privy Council, so clearly points to a duty devolving upon Your Excellency-in-Council that no course was open consistent with both the letter and the spirit of the constitution other than that recommended. To dismiss this appeal or grant a smaller measure of relief would be not only to deny to the Roman Catholic minority rights substantially guaranteed to them under the constitution of Canada, but in truth such a course might involve the declaration on the part of Your Excellency-in-Council that this provision of the constitution for the protection of the rights of certain of Her Majesty's subjects in Manitoba should not in any case be acted upon, and further the Committee do not perceive on what principle consistent with a declaration that effect is not to be given to this appeal, the Protestant or Roman Catholic minority in Quebec or Ontario could make the corresponding provision of section 93 of the B.N.A. Act in case of any provincial act or decision affecting their rights or privileges. If Your Excellency should see fit to approve of the foregoing recommendation the committee desires to state that it follows that refusal or neglect on the part of the Legislature of Manitoba to enact remedial legislation, which to Your Excellency-in-Council seems requisite, will confer upon Parliament authority to pass such a law. In this connection it was urged by counsel on behalf of the Province that should Parliament legislate under these circumstances its enactment would be absolute and irrevocable so far as both Parliament and the Provincial Legislature are concerned. The Committee without necessarily adopting this view, observes that section 22 of the Manitoba Act may admit of that construction. The Committee, therefore, recommend that the Provincial Legislature be requested to consider whether its action upon the decision of Your Excellency-in-Council should be permitted to be such as while refusing to redress a grievance which the highest Court in the Empire has declared to exist may compel Parliament to give the relief of which under the constitution the Provincial Legislature is the proper and primary source, thereby, according to this view, permanently divesting itself in a very large measure of its authority and so establishing in the Province an educational system which no matter what changes may take place in the circumstance of the country or the views of the people cannot be altered or repealed by any Legislative body in Canada. The Committee further, and for the reason hereinbefore stated, recommend that if Your Excellency-in-Council should be pleased to approve of this report, Your Excellency-in-Council do make an order in the premises in the form and to the effect set forth in the draft order hereto annexed and that a copy of the report and of the said order be transmitted to his Honor the Lieut.-Governor of Manitoba for his information and that of his Government of the Provincial Legislature, also that a copy of this report and of the said order be transmitted to

J. S. Ewart, Q. C., of Winnipeg, as representing the Roman Catholic minority of Her Majesty's subjects in Manitoba.

A GRAND CELEBRATION.

HOW ST. PATRICK'S DAY WAS KEPT IN AYLMER, P.Q.

On Tuesday, the 19th March, which, by the way, was the feast of St. Joseph, the St. Patrick's Society of Aylmer celebrated, in a worthy manner, the anniversary of Ireland's patron saint. This is the first time in thirty years that such a celebration took place in the town, and to the few remaining old inhabitants it brought back memories of the long past, when the St. Patrick's Society flourished and the 17th March was enlivened by the strains from "Our own Aylmer Band."

In the morning, Grand Mass was celebrated in the beautiful new church, the officiating priest being Rev. Father Lemoine, with Rev. Fathers Kerwan and Labelle as deacon and sub-deacon. The altar was decorated with flowers, and in the church were the Papal colors blending with Canadian and Irish flags. The sermon was preached by Rev. Father Kerwan, of Quyon, who, in choice language, dwelt upon the virtues of St. Patrick, and drew many lessons of union and harmony, for the people of this country, from the lessons of French and Irish friendship and mutual assistance in the days of old.

The music was exceedingly good, as is usual on all great occasions in the town. Gounod's Mass was rendered.

However, there was a drop of sorrow in the cup of enjoyment. The able leader of the choir, Rev. Father Brunet, was missing, being called away by the death of his young brother, while the pastor, Rev. Father Labelle, had just returned from the funeral of his sister. Thus, in all the rejoicings, there was a gloom on account of the bereavements that the hand of death had created.

In the evening, a grand concert was held in the St. Jean Baptiste Hall. The local talent compared most favorably with that displayed elsewhere on the same occasion. The rendering of the Irish melodies by Miss L. Devlin was most heartily received, and the tableau at the close was admirable. Miss Marie Hollinshead's rendering of "The Holy City" was one of the most charming features of the programme.

The address was delivered by Mr. C. R. Devlin, M.P., and was a very eloquent, solid and just plea for Home Rule for Ireland. He spoke with dignity and pathos, and at the close a vote of thanks was moved by Mayor Ritchie and seconded by Mr. Bissan, President of the St. Jean Baptiste Society. The speaker of the evening was addressing an audience which had known him from childhood and "were," as he said, "more likely to remember his faults than his good qualities." His success in impressing such an audience was all the more remarkable and creditable. The following was the programme:

Come Back to Erin.....	Chorus
Instrumental Solo.....	Miss Rainboth
Dear Little Shamrock, solo.....	Miss Quirk
Violin.....	Mr. N. Cormier
Sweet Kildare, solo.....	Miss Devlin
Revelation.....	Miss Kerr
When the Heart is Young.....	Miss Hollinshead
Instrumental Duett.....	Misses Woods and Devlin
In Fair Lorraine, solo.....	Miss Bourgeois
Address.....	C. R. Devlin, M.P.
Violin.....	Mr. Cormier
The River of Years, solo.....	Miss McArthur
Last Rose of Summer.....	Chorus
Irish Melodies, instrumental solo.....	Miss L. Devlin
The Holy City, solo.....	Miss Hollinshead
Recitation.....	Miss Ayles
Tableau.....	

PERSONAL.

Mr. John Nigh, agent for the Catholic Record, of London, Ont., passed through the city last week, on his way to the Maritime Provinces, and paid us a short visit during his stay here. We were pleased to find Mr. Nigh looking so well and so sanguine of success upon his mission; equally pleased were we to know that the sterling Catholic paper which he represents is constantly increasing in circulation and making great strides forward. We cannot have too many Catholic papers—especially when of the stamp and tone of the Record—for there is both room and need of them. We wish Mr. Nigh every imaginable success in his visit eastward.

A cable dispatch from Tokio says: China has been informed in general terms of the conditions upon which Japan will consent to peace. Japan has been notified that China is ready to accept these conditions and to sign a treaty.