

reason for the difference between the sub sections was manifest. At the time the Dominion Act was passed a system of denominational schools, adapted to the demands of the minority, existed in some provinces, and in others it might thereafter be established by legislation; whilst in Manitoba in 1870 no such system was in operation, and it could only come into existence by being thereafter established. The words which preface the right of appeal in the Act creating the Dominion would therefore have been quite inappropriate in the Act whereby Manitoba became a province of the Dominion. But the terms of the critical subsection of that Act are, as has been shown, quite general, and are not made subject to any consideration or limitation. It has been learned that the Chief Justice of the Supreme Court was much impressed by the consideration that there is an inherent right in the Legislature to repeal its own legislative acts, and every presumption must be made in favour of the constitutional right of a legislative body to repeal laws which it has itself enacted. Their Lordships are unable to concur in the view that there is any presumption which ought to influence the mind one way or the other. It must be remembered that the Provincial Legislature is not in all respects supreme within the province. Its legislative power is strictly limited, and 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 its legislative authority rests with the Dominion Parliament. In relation to the subjects specified in section 92 of the British North America Act as 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. If upon the natural construction of the language used it should appear that an appeal was permitted under circumstances involving a fetter upon the power of the Provincial Legislature to repeal its own enactments, their Lordships see no justification for a leaning against that construction. Nor do they think it makes any difference whether the fetter is imposed by express words or by necessary implication.

#### QUESTION OF POPULATION.

Taking it then to be established that the second sub-section of section twenty-two of the Manitoba Act extends to the rights and privileges of the Roman Catholic minority acquired by legislation in the province after the union, the next question is that of the population. When the province became in proportion more largely Protestant, it was found increasingly difficult, especially in the sparsely populated districts, to work the system inaugurated in 1871, even with the modifications introduced in later years. But whether this be so or not is immaterial. What is to be determined is whether a right or privilege which the Roman Catholic minority had previously been affected by the legislation of 1890. Their Lordships are unable to see how this question can receive any but an affirmative answer. Contrast the position of the Roman Catholics prior to and subsequent to the Acts from which they appeal. Before these passed into law there existed denominational schools of which the control and management were in the hands of the Roman Catholics, who could select the books to be used, and determine the character of the religious teaching. These schools received their proportionate share of the money contributed for school purposes out of the general taxation of the province, the money raised for these purposes by local

assessment was, so far as it fell upon Catholics, applied towards the support of Catholic schools. What is the position of the Roman Catholic minority under the Acts of 1890? The schools of their own denomination, conducted according to their views, will receive no aid from the State. They must depend entirely for their support upon the contributions of the Roman Catholic community, while the taxes out of which the State aid is granted to the schools provided for by the statute fall alike upon Catholics and Protestants. Moreover, while the Catholic inhabitants remain liable to local assessments for school purposes, the proceeds of the assessment are no longer destined to any extent for the support of the Catholic schools, but afford the means of maintaining schools which they regard as no more suitable for the education of Catholic children than if they were of a distinctively Protestant character.

#### AN APPEAL LIES.

In view of this comparison it does not seem possible to say that the rights and privileges of the Roman Catholic minority, in relation to education, which existed prior to 1890, have not been affected. Justice Taschereau says that the legislation of 1890 having been irrevocably held to *intra vires*, it cannot have illegally affected any rights or privileges of the Catholic minority. But the word "illegally" has no place in the subsection in question, and appeal is given if the rights are in fact affected. For the reasons which have been given their Lordships are of the opinion that the second sub-section of section twenty-two of the Manitoba Act is the governing enactment, and that the appeal to the Governor-General-in-Council was admissible by virtue of that enactment on the ground set forth in the memorials and petitions, inasmuch as the Acts of 1890 affected the rights or privileges of the Roman Catholic minority in relation to education within the meaning of that subsection.

The further question is submitted as to whether the Governor-General-in-Council has the power to make the declaration of remedial orders asked for in the memorials and petitions, or has he any other jurisdiction in the premises. Their Lordships have decided that the Governor-General-in-Council has jurisdiction, and that the appeal is well founded, but that the particular course to be pursued must be determined by the authorities to which it has been committed by the statute. It is not for the tribunal to intimate the precise steps to be taken. Their general character is sufficiently defined by the third sub-section of section twenty-two of the Manitoba Act. It is certainly not essential that the statutes repealed by the Act of 1890 should be re-enacted, or that the precise provisions of these statutes should again be made law. The system of education embodied in the Acts of 1890 no doubt commends itself to and adequately supplies the wants of the great majority of the inhabitants of the province. All legitimate ground for complaint would be removed if the system was supplemented by provisions which would remove the grievance upon which the appeal is founded, and if it were modified so far as might be necessary to give effect to those provisions. Their Lordships will humbly advise her Majesty that the questions submitted should be answered in the manner indicated by the views which they have expressed.

FEVER AND AGUE AND BILIOUS DERANGEMENTS are positively cured by the use of Parrot's Pills. They not only cleanse the stomach and bowels from all bilious matter, but they open the excretory vessels, causing them to pour copious effusions from the blood into the bowels, after which the corrupted mass is thrown out by the natural passage of the body. They are used as a general family medicine with the best results.

#### GREGORY THE GREAT.

His Title to Place Among the Benefactors of Humanity

"Gregory the Great and the Barbarian World," is the title of an excellent article, by Rev. Thomas J. Shahan, D.D., of the Catholic University, in the Catholic World magazine for January.

The latter part of the sixth century of our era, writes Dr. Shahan, offers to the student of human institutions a fascinating and momentous spectacle—the simultaneous transition over a great extent of space from an ancient and refined civilization to a new and uncouth barbarism of manners, speech, civil polity and culture. It was then that the great mass of the Roman Empire, which generations of soldiers, statesmen and administrators had consolidated at such frightful expense of human blood and right, was irrevocably broken by the savage hordes whom it had in turn attempted to resist or assimilate.

#### THE MISSION OF THE CATHOLIC EPISCOPATE.

We all know what it was in these centuries of commotion and demolition saved from utter loss so much of the intellectual inheritance of the Greco-Roman world, what power tamed and civilized the barbarian masters of the Western Empire, fixed them to the soil, codified and purified their laws, and insensibly and indirectly introduced among them no small share of that Roman civilization which they once so heartily hated, and which in their pagan days they looked on as utterly incompatible with Teutonic manhood and freedom. It was the Catholic hierarchy, which took upon itself the burden and responsibility of civil order and progress at a time when absolute anarchy prevailed, and around which centered all those elements of the old classic world that were destined, under its aegis, to traverse the ages and go on forever, moulding the thought and life of humanity as long as men shall admire the beautiful, or reverence truth, or follow after order and justice and civil security.

It was the bishops, monks and priests of the Catholic Church who in those troublous days stood like a wall for the highest good of society as well as for the rights of the soul; who resisted in person the oppression of the barbarian chief just emerged from his swamps and forests, as well as the avarice and unpatriotic greed of the Roman who preyed upon his country's ills; who roused the fainting citizens, repaired the broken walls, led men to battle, mounted guard upon the rampart and negotiated treaties. Indeed there was no one else in the ruinous and tottering State to whom men could turn for protection from one another as well as from the barbarian. It seemed for a long time as if society was returning to its original elements, such as it had once been in the hands of its Architect, and that no one could better administer on its dislocated machinery than the men who directly represented that Divine Providence and love out of which human society had arisen.

#### THE INFLUENCE OF THE BISHOP OF ROME.

The keystone of this extraordinary episcopate was the Papacy. The Bishop of Rome shared with all other Bishops of the empire their influence over the municipal administration and finances, their quasi-control of the police, the prisons and the public works, the right to sit as judge not alone over clerics and in clerical cases, but in profane cases, and to receive the appeals of those who felt themselves wronged by the civil official. Like all other bishops of the sixth century, he was a legal and powerful check upon the rapacity, the ignorance and the collusion of the great body of officials who directed the intricate

mechanism of the Byzantine administration. But over and above this the whole world knew that he was the successor of the most illustrious of the apostles, whose legacy of authority he had never suffered to dwindle; that he was the metropolitan of Italy and the patriarch of the entire West, all of whose churches had been founded directly or indirectly by his See.

#### THE CAREER OF GREGORY.

It was to this office and in the midst of such critical events that Gregory, whom after ages have styled the Great, succeeded in 590 A. D. He could boast of the noblest blood of Rome, being born of one of the great Senatorial families, a member of the gens Anicia and destined from infancy to the highest political charges. His great great grandfather, Felix II. (484-492), had been Bishop of Rome, and he himself at an early age had held the office of pretor and walked the streets of Rome in silken garments embroidered with shining gems, and surrounded by a mob of clients and admirers. But he had been brought up in the strictest of Christian families, by a saintly mother, and in time the blank horror of public life the emptiness of human things in general, and the grave concern for his soul so worked upon the young noble that he threw up his promising career and, after distributing his great fortune to the poor, turned his own home on Caelian Hill into a monastery and took up his residence therein. It was with deliberation and after satisfactory experience of the world and life that he made this choice. It was a most sincere one, and though he was never to know much of the monastic silence and the calm loneliness of the soul with God, these things ever remained his idea, and his correspondence is filled with cries of anguish, with pious yearnings for solitude and retirement. On the Papal throne, dealing as an equal with emperors and exarchs, holding with firm hand the tiller of the ship of state on the angriest of seas, corresponding with Kings and building up the fabric of Papal greatness, his mighty spirit sighs for the lonely cell, the obedience of the monk, the mystic submersion of self in the placid ocean of love and contemplation. His austerities soon destroyed his health, and so he went through fourteen stormy years of government broken in body and chafing in spirit, yet ever triumphant by the force of his superb masterful will and capable of dictating from his bed of pain the most successful of Papal administrations, one which sums up at once the long centuries of organic development on classic soil and worthily opens the great drama of the middle ages.

#### FIRST OF THE MEDIEVAL POPES.

In fact it is as the first of the medieval Popes that Gregory claims our especial attention. His title to a place among the benefactors of humanity reposes in great part upon enduring spiritual achievements which modified largely the history of the Western Empire, upon the firm assertion of principles which obtained without contradiction for nearly a thousand years, and upon his writings, which formed the heads and hearts of the best men in Church and State during the entire middle ages, and which, like a subtle, indestructible aroma, are even yet operative in Christian society.

Gregory inaugurated a larger policy. He was the first monk to sit on the chair of Peter, and he brought to that redoubtable office a mind free from minor preoccupations and devoted to the real interests of the Roman Church. He had been pretor and nuncio, had moved much among the bishops and the aristocracy of the Catholic world, and was well aware of the inferior and painful situation that the new Rome was preparing for her elder predecessor. The careers of Silverius, Vigilius and Pelagius were yet fresh in the minds