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HON. J. J. CURRAN

ON THE MANITOBA SCHOOL QUESTION.

The Solicitor-General Gives a Masterly Exposition of the Important Subject—"The People of Canada Would Uphold a Government that Stood Out for Good Faith and the Respect of the Pledged Word of the Dominion."

The honorable gentleman spoke as follows at Sydney, C. B. :

The Manitoba school question, of which so much had been said, ought to be one of great simplicity. It was not, in so far as the Parliament of Canada is concerned, a religious question in any sense. It was not a question as to whether one system of schools was preferable to another. Those who were called upon to vote in this respect were not supposed in any way to deal with the merits and demerits of the separate school system. The whole question was whether the rights of the minority in Manitoba under the Manitoba act were to be respected and held inviolate. To talk of coercion of the majority or the desire to impose upon the province a system of schools repugnant to any section of the community was rank rubbish. The 22nd section of the Manitoba act gave certain powers regarding education to the Legislature of the province and imposed certain restrictions upon that Legislature. It was simply a question to-day whether the constitution was to be upheld, and whether the privileges secured to the minority, privileges most likely at that time to be secured to a Protestant minority, as that body of Christians was actually in the minority in the province at the time the act was passed, were to be maintained; or if those matters that had been declared by the highest tribunal in the Empire a parliamentary compact, were to be treated as waste paper and cast to the winds. The constitutional question could not be evaded, it could not be lightly treated, it could not be ignored with impunity; because the Catholic minority of Manitoba stood nearly in the same position as the Protestant minority in the Province of Quebec, and as the one was treated so there was a possibility of the other being dealt with. When the Manitoba school act of 1890 was enacted the Catholics, who had then become the minority, protested against it. The schools which they had enjoyed for nineteen years had been abolished, their school-houses had been handed over to the public schools, their taxes were applied to the public school system, and every privilege that they had enjoyed from a short time after the province was incorporated with the Dominion had been swept away. Under these circumstances the case of Barrett vs. the Queen was placed before the court for adjudication, as to whether any law or practice in force at the time of the passing of the Manitoba act of 1870 had been infringed upon. The Supreme court of Canada had unanimously held that this school law was ultra vires. The Privy Council of Her Majesty reversed the decision.

Mr. Laurier says that the policy of the Dominion Government in dealing with this question was cowardly and shifting. A man with his so-called policy requires to have a great deal of audacity to accuse any one of cowardice, but if cowardice it be, then

NO MAN IN THIS COUNTRY IS MORE RESPONSIBLE

for the action of the Government all through this matter than Mr. Laurier himself. He impugns not only the Government of Canada, but he casts the charge of cowardice upon the greatest leader the Liberal party has had in Canada, the Hon. Edward Blake, and it would not take long to prove that assertion. Whilst the case of Barrett vs. the Queen was pending, Mr. Blake, foreseeing that if the case went against the pretensions of the minority there would still remain the appeal to his Excellency-in-council with reference to privileges acquired under the sub-section of section 22 of the Manitoba act relative to rights acquired since the union with Canada, proposed the following resolution :

"That it is expedient to provide means whereby, on solemn occasions touching the exercise of the power of

disallowance, or of the appellate power as to educational legislation, important questions of law or fact may be referred by the executive to a high judicial tribunal for hearing and consideration, in such mode that the authorities and parties interested may be represented and that a reasoned opinion may be obtained for the information of the executive."

In support of that resolution Mr. Blake made one of the most able and remarkable speeches ever delivered in the House of Commons. He pointed out that he not only referred to questions of "ultra vires" legislation, but to the question of appeal to the Governor-General-in-Council by a minority claiming to have a grievance. Let us take his own words so that there may be no misunderstanding :—

"My opinion is, that whenever, in opposition to the continued view of a provincial executive and legislature, it is contemplated by the Dominion executive to disallow a provincial act because it is ultra vires, there ought to be a reference; and also that there ought to be a reference in certain cases where the condition of public opinion renders expedient a solution of legal problems, dissociated from those elements of passion and expediency which are, rightly or wrongly, too often attributed to the action of political bodies. And again, I for my part, would recommend such a reference in all cases of educational appeal, cases which necessarily evoke the feelings to which I have alluded, and to one of which, I am frank to say, my present motion is mainly due."

And having thus defined the extent of his object in covering both the "ultra vires" and the appeal to his Excellency-in-council on the grounds of grievance from an undue interference by a province with rights acquired under the second branch of the educational clause of the act, Mr. Blake was particularly careful to indicate what were his reasons for adopting such a course. He felt the necessity of avoiding political action in a country like ours, with a population made up of such different elements, elements divided by race and by creed and by language. Can there be any doubt of his intention when we consider the following words used by him in that speech. He said :

"But sir, besides the positive gain of obtaining the best guidance, there are other and, in my opinion, not unimportant gains besides. Ours is a popular government; and when burning questions arise inflaming the public mind, when agitation is rife as to the political action of the executive or the legislature—which action is to be based on legal questions, obviously beyond the grasp of the people at large—when the people are on such questions divided by cries of creed and race; then I maintain that a great public good is attainable by the submission of such legal questions to legal tribunals with all the customary securities for a sound judgment; and whose decision, passionless and dignified, accepted by each of us as binding in our own affairs, involving fortune, freedom, honor, life itself, are most likely to be accepted by us all in questions of public concern."

If we understand the English language surely there was no other meaning to be given to those words of the Hon. Edward Blake than that if he had to decide upon a course of action, seeing the condition of the country, he would decide

SUCH A BURNING QUESTION

in the light of the interpretation given to our constitution by the highest tribunal in the land. And, further, he warned the party in power that he was acting in their interest in bringing forward such a resolution, in these solemn words :

"I have an absolute confidence that, if my proposal should be declined, the first persons to regret that decision will be hon. gentlemen opposite. My opinion is, that this is a proposal eminently helpful to the executive of the country at this time; but it is eminently helpful to them, because it is eminently helpful to the good government of this country, and it is in this spirit that I move the amendment which I now submit to the judgment of the House."

That resolution was adopted by the House of Commons of Canada without a dissenting voice. Mr. Laurier was present; he accepted that resolution with all its consequences, and never uttered a word of protest; he acquiesced in it,

and in acquiescing in it he acquiesced in what had been adopted by the Liberal-Conservative party of Canada. Mr. Dalton McCarthy acquiesced in that resolution and with every member of the House stood bound by it. But they were told that in accepting that resolution Sir John A. Macdonald had made several reservations. That he had insisted that in every instance, whether the Government of the day acted upon or rejected the opinion of Her Majesty's Privy Council, they must still bear the responsibility of their action. That was true. No government can divest itself of its responsibility for the administration of every law upon the statute book. Speaking of that responsibility, and the care with which the resolution of Mr. Blake had been prepared, Sir John A. Macdonald had used these words to define his exact position :

"Such a decision is only for the information of the Government. The executive is not relieved from any responsibility because of any answer being given by the tribunal. If the executive were to be relieved of any such responsibility, I should consider that a fatal blot in the proposition of my hon. friend. I believe in responsible government. I believe in the responsibility of the executive. But the answer of the tribunal will be simply for the information of the Government. The Government may dissent from that decision, and it may be their duty to do so if they differ from the conclusion to which the court has come."

The responsibility of the Government remains and they may be called upon to dissent from the decision of the most august tribunal "if they differ from the conclusion to which the court has come."

Who differs from the decision of the Privy Council in this instance? The Government does not differ, Mr. Laurier does not differ, Mr. Dalton McCarthy does not differ. The Privy Council has declared that it is impossible to come to any other conclusion than that the minority in Manitoba have had their rights interfered with. What could the Government then do but call upon the Legislature of Manitoba to remedy the grievance? Mr. Laurier may go back upon his vote upon the Blake resolution. Mr. Dalton McCarthy may say : "This is a wrong and the statute has provided a remedy, but do not apply the remedy," but the people of Canada who love justice will not stand any such doctrine.

THE POSITION OF MR. BLAKE

has been demonstrated, the position of Sir John A. Macdonald has been proved. What was the position of Sir John Thompson upon this question? At the very formation of his government he went with his colleagues to Toronto, and at a public meeting there, in the presence of thousands in one of the public halls, he made a statement of the policy of his party. Before resuming his seat he was called upon to speak on the Manitoba school question. He declared that his Government would stand by the constitution, and amidst the ringing cheers of the multitude he declared that the appeal of the minority in Manitoba would be referred to the highest tribunal; and if the decision went against the majority that majority would have to submit, and if it went against the minority they would have to abide by the consequences. (Cheers.) Later on when Messrs. Laurier, McCarthy and Tarte joined in a vote of non-confidence in Sir John Thompson's Government, because the appeal of the minority to the Governor-General-in-Council had been referred for adjudication as to the right of his Excellency-in-council to deal with the matter after the decision in the Barrett case, Sir John Thompson was taunted by the member for L'Islet with being afraid to announce the policy of the Government in advance of the decision of the Privy Council. Sir John Thompson said :

"When the questions which surround her case have been decided by the courts, there will be no suspicion on the part of that province that either from religious or political antipathy or sympathy her legislation has been interfered with or her rights invaded; and when the hon. member for L'Islet challenges me, as he surely had no right to challenge me, to state in advance what the policy of the Government would be if such and so should happen, I tell him that the answer I

can give now and the answer I shall be able to give him, if that event should happen, would be this, that the Province of Manitoba is a constitutional province, and whether it shall be in the hands of legislators opposed to us, or in the hands of legislators in sympathy with us, we have every reason to believe and to rest assured that she will obey the dictates of the highest tribunal in this Empire, as to what constitution is, regardless of consequences, regardless even of the displeasure of the majority if the decision should be against the majority; and that so far as the disposal of this appeal is concerned at any rate, the minority must bow to that decision and the federal executive will advise his Excellency accordingly."

Was that language plain enough? Was there any cowardice in that declaration? The present Government is the successor of Sir John Thompson's administration. They have inherited his traditions, they have declared for his views upon this momentous question. They are bound to stand or fall by the constitution as expounded by the highest court in the Empire, and above all they are bound to respect Parliamentary compacts. The Privy Council, in the reasons they were bound by the statutes to give for the opinion they expressed, declared that the 22nd section of the Manitoba act was "in truth a parliamentary compact." The people of Canada would uphold a Government that stood out for good faith, and the respect of the pledged word of the Dominion. (Cheers.) Mr. Laurier seems to suggest that, this matter being one of fact, as he says, there should be an investigation—some sort of a commission. The Privy Council had decided the question of fact when it held that the minority had a grievance. If Mr. Laurier was not satisfied with the decision of the Privy Council, he had the statement of Mr. Martin, his own colleague and supporter, the author of this law, who had declared it tyrannical. If that did not satisfy him let him refer to the words of Mr. Hugh J. Macdonald, son of the late chieftain, the former member for Winnipeg, who stated in Parliament : "Whatever we may think of the advisability of maintaining the system of separate schools or establishing a system of neutral schools in Manitoba, the manner in which the separate school system in Manitoba was abolished

WAS BRUTAL AND BARBAROUS BUTCHERY."

The question of a grievance has been settled beyond dispute, and to suppose that Mr. Greenway, who despises and repudiates the judgment of the Privy Council, would respect the finding of a Royal commission, is simply preposterous. The Liberal-Conservative party are not responsible for this wretched question being thrust into the political arena. For twenty years they governed Manitoba, respecting the rights of all classes of Her Majesty's subjects. It was the Liberal party that trampled upon the rights of the minority, and when or where has Mr. Laurier appealed to his friend and adherent and co-Liberal, Mr. Greenway, to undo the wrong he has perpetrated? (Cheers.) If Mr. Laurier were a patriotic man he would join hands with the Liberal-Conservatives in maintaining and enforcing the constitution. The Government have called upon the Legislature of Manitoba to do justice in the premises. Every good citizen hopes they may settle the question on the basis of justice within their own Legislature, but should they fail to do so the Parliament of Canada will not shirk its duty, and remedial legislation will be carried by an overwhelming majority. Their honored guest had stated that in Nova Scotia the day of bigotry had passed and that his province was a land of fair play to all. He could tell them that in the Province of Quebec no public man would dare to propose a law that would inflict an injury on or infringe upon a right or privilege of the Protestant minority without being driven into obscurity. (Cheers.) Let them read the admirable speech of Hon. Mr. Blake, M. P., on this subject and see what a Protestant representative had to say as to tolerance in the Province of Quebec. No party, Liberal or Conservative, in the province, would lay a sacrilegious hand upon the constitutional privileges of the minority in the slightest degree, and he felt that the fair play that held good there was in

favor with the great majority of the Canadian people. They wished to prosper at home, but they desired to be respected abroad as well, as people who respected covenants and would not tolerate the existence of grievances in any section of the country, no matter how weak the minority might be. Our people wished to preserve and hand to their children the proud name that they inherited from their ancestors, and to make of Canada not only a great country and a prosperous one, but a land of peace and happiness, the home of a brave and generous people who loved justice and were determined to see it done.

The hon. Gentleman resumed his seat amid loud cheers.—North Sydney Herald.

GRAND DEMONSTRATION

Of Catholics at Balgonie, N. W. T.—His Grace Visits the German Settlement—Impressive Reception—Address Presented and Eloquent Reply.

BALGONIE, Sept. 10.—His Grace Archbishop Langevin held confirmation services here to-day before a vast assemblage of people from here and the surrounding country. The good people so zealous in all matters religious had spared no pains in making this the first archiepiscopal visit of His Grace, the event of the season. What added to the interest of the occasion was the fact that the week previous our new pastor, the Rev. Father Zerbach, had begun his labors amongst us, having come to reside permanently in our midst. This was indeed a great consolation to our people, he being the first priest they have had whose mother tongue was their own—the German. His Grace arrived from the east on the morning train attended by Rev. Father Belliveau, of St. Boniface, being joined at the station by Rev. Fathers Roy, of Qu'Appelle, and Sinnett, of Regina. A mounted escort of young men from St. Joseph's met the party at the station from whence they were conveyed in a coach and four to the church, a long procession of the people having marched out meanwhile to meet them, bearing banners and crucifix. The scene was indeed impressive, and shows the deep respect and devotion which the people have for their chief pastor. His Grace paid a graceful compliment to the reception which was accorded him, saying that he felt deeply moved by the strong religious sentiment expressed and that in it he recognized the fervent faith of their fatherland. After High Mass which was celebrated by Rev. Father Sinnett, His Grace proceeded to administer the sacrament of Confirmation. About ninety candidates in all had been prepared for it, Rev. Father Zerbach having labored assiduously in the matter for some time previous. After the Archbishop's address to the candidates confirmed, an address of welcome written in English and German was read by Mr. P. Yonker to which His Grace feelingly replied. Following is a copy of the address :

TO HIS GRACE THE RIGHT REV. ARCHBISHOP L. P. ADELARD LANGEVIN :

MAY IT PLEASE YOUR GRACE,—We the German people from here and the surrounding country greet with delight your Grace on this your first official visit amongst us, and offer to you our most reverential and filial homage.

The great loss which the church, and especially the diocese of St. Boniface has sustained in the death of our late beloved Archbishop Tache; we rejoice to contemplate it has been fully repaired by the appointment of one so well able to fulfil the arduous duties which falls upon him, especially in these times of trial brought about by the destruction of Catholic schools, and our hearts have been with you and your noble predecessors in your ardent attachment to that sacred cause. Religious training it is we want in our schools, and although we have established a Catholic school here, and intend to establish two others in the near future, we regret having to say that they are Catholic in little more than name.

Situated as we are it must be quite evident to your Grace that in the past we have labored under many spiritual disadvantages, for we have been attended at intervals by priests who could not speak our language, and who, therefore, could not give us that consolation and instruction we so much desired and needed. Considering all these things it has given us great joy that your Grace has now sent to us a priest whose language is our own—the dear

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