

THE CASKET.

The Text of the Privy Council Decision.

(Continued from last issue.)

It was argued that the omission from the second sub-section of section twenty-two of the Manitoba Act, of any reference to a system of separate or denominational schools thereafter established by the Legislature of the province, was unfavorable to the contention of the appellants. If the words with which the third sub-section of section 95 commence had been found in sub-section 2 of section 22 of the Manitoba Act, the omission of the foregoing words would undoubtedly have been important. But the 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 sub-section 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 pleased 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 favor of the constitutional right of a legislative body to repeal laws which it has itself enacted. Their Highships 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 which are set forth within its cognizance by the British North America Act, as varied by the Manitoba Act. In all other cases the 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 some vague 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 no 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. Taking it, then, to be established that the second sub-section of section 22 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 result 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 the fetter or not is immaterial. The question to be determined is whether a right or privilege which the Roman Catholic minority had previously had 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 appropriate share of the money contributed for school purposes out of the general taxation of the province, and the money raised for these purposes by local assessment was, so far as it fell upon Catholics, applied only toward 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 assessment 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 distinctly Protestant character. 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 be in force, it cannot be held to have affected any rights or privileges of the Catholic minority. But the word "irrevocably" has no place in the sub-section 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 22 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 sub-section.

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 or 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 this tribunal to intimate the precise course to be taken. Their general character is sufficiently defined by the third sub-section of section 22 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 remain in force. 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. 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.

There will be no costs in this appeal.

The rapidity with which crop develops calls for instant treatment, and yet few households are prepared for its visits. An admirable remedy for this disease is Ayer's Cherry Pectoral. It has saved hundreds of lives and should be in every home where there are young children.

Stay at Home.

Stay at home, young men. It is time to preach this to some who, misled by false reports, are looking forward to the day when they shall take up their abode in the land of the Stars and Stripes. Many have gone, but few have found it the El Dorado of their dreams. And if they have succeeded it has been by dint of hard and persistent labor.

Commercial and social conditions are not so favorable to the sudden and easy acquisition of either advancement or wealth, and any young man who wends his way Stateswards in the expectation of securing one or the other will find himself sadly disappointed.

Labor-saving is the essential condition of success which can be attained in Canada as well as in any other country. This our young men forget. They look longingly at the future, and let pass unheeded many and golden opportunities. The tales of visiting friends engender and develop within them a spirit of unrest that prompts them to give up what they have for an uncertainty for a well-to-do wife whose strings are dipped in gold.

And so they go—but they learn the lesson that it is the man and not the country that furnishes the constituent of a success that comes only to the man who is self-reliant, who grudges his time and energy, that fails. Never old brave and silent toil pass long unheeded. This is a truth proved by the experience of centuries. Any who the law-abiding success will tell you that they wasted no time and that they understood to master the knowledge of their avocation. Competition is keen. Many a man, with a job in his throat, goes down in the struggle for existence; but they are the timid ones who shirked nothing and who were content with a "bread-crust" but superficial of the duties of their calling.

There is always room at the top. Young men, perfect yourselves in your state of life, wherever it may be—and do your best. This is the best of life.

Be proud of your country. His stands tall and quiescent among the nations. She is rich in her mineral resources, in her forests, in her streams, and she needs but the unswerving allegiance and affection of her children to be what God has destined her—a great nation.

We have much to learn from our cousins over the border, with regard to love of country. They have their days of rejoicing—breathing places, as it were, to reanimate their affection for fatherland. We also have our season of jubilee, but who will assert that they are celebrated with enthusiasm worthy of the object. We have our creators, an industry crew, whose lips, accustomed to the language of pessimism, know not how to utter the words of hope. They may be necessary, but we should give them as wide a berth as possible.—*Catholic Record.*

The Calendar.

DATE.	FEST.
1 April.	The Seven Idioms of the B. V. M.
2 Sat.	S. Hyacinth L. F. M.
3 Sun.	Good Friday.
4 Mon.	Feast of St. John the Baptist.
5 Tues.	Feast of St. Peter and Paul.
6 Wed.	Feast of St. James.
7 Thurs.	Maundy Thursday.

Ven. Juvenal Ancina.

Ancina was a physician in Turin. One day the Dies Ieri, sang at a Requiem, revealed to him the vanity of earthly things, and he went to Rome to seek a more perfect life. While in doubt as to his future he entered the church of the Oratory, and made the acquaintance of St. Philip, by whose advice he entered the Congregation in 1568, being then thirty-three. His first care was to acquire thoroughly the spirit of the Institute, to follow in all things the common way, and to be a burden to none. By these means he became universally loved. In 1586 he was sent to Naples to help the newly-founded Community. He labored there unwearily for ten years, exerting himself especially in favor of young men, whom he won in numbers to God. In 1596 the promotion of Baronius to the cardinalate led to his recall to Rome; and in 1597 Clement VIII. named him to the see of Saluzzo in Piedmont, then devastated by the Swiss heretics. Ancina fled from Rome, and professed in every way against his elevation, but procured only a delay; and in 1602 he was consecrated bishop, with his intimate friend S. Francis of Sales. After one year of his pastoral rule, Saluzzo became again Catholic in faith and morals. But the bishop's zeal made him conspicuous. He had that day removed for his scandalous life, found means to administer to him a poisoned drink in the refectory. He died in a few hours, surrounded by his chapter, August 31st, 1604.

BROTHERLY LOVE.

Ancina practised St. Philip's maxim, to think nothing of life or reputation when it was a question of converting a sinner or drawing a soul to Christ.

"Among all the holy and eminent men whom I met in Rome, the virtues of St. Ancina shone conspicuous. He had that sincere love of God and of his neighbor, in which we see not a single thought of self, an exaltation of soul only to be found in the most perfect. Although a most devoted son of his own dear Congregation of the Oratory, he was accustomed to praise the manner of life of all kinds of religious Communities as warmly as if he himself had been a member of each. In 1603 I visited him in his diocese, and could not help remarking the reverence and love his flock bore him. Nor can I express their enthusiastic kindness to me as their pastor's friend."—*S. Francis of Sales.*

Ancina well knew his murderer, and every circumstance necessary to convict him, but his charity forbade even his name to be mentioned. His clergy, following his example, would not permit his body to be opened, nor any steps to be taken to discover the crime. Hence the Saint has lost the earthly glory of the martyr's crown, but he reigns in heaven with those who have shed their blood for Christ.

Greater love than this no man hath, that a man lay down his life for his friend.—*John xv. 13.*

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