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TORONTO, THURSDAY, MAY 11, 1905

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## HON. CHARLES FITZPATRICK

### HIS MAGNIFICENT SPEECH ON THE NORTHWEST AUTONOMY BILLS

#### The Glory of Catholic History in Canada—History of the Northwest Territories—The Voice of Patriotism Calls for Harmony and United Effort.

The following is the Hansard report of the speech delivered by Hon. Charles Fitzpatrick, Minister of Justice, on the Northwest Provincial Government Bills in the House of Commons on May 3.—

Hon. Charles Fitzpatrick (Minister of Justice)—Mr. Speaker, much has been said and much more written since this Bill was first introduced, in the interest of peace and harmony, ay, which, in the interest of truth and justice, might better have been left unsaid and unwritten. I hasten to add that, having followed closely the debate in this House and heard or read all the speeches, I must admit at once that, due allowance being made for the heat of party conflict which appears to be inseparable from our political debates, that with perhaps two or three exceptions, no speech has been made here which could offend the ears of even the most sensitive among us. I must of necessity, Mr. Speaker, take up at some length the attention of the House to discuss those things which, in my judgment, are material and important. I will therefore not waste any of your time or mine in answering the idle vapourings of those who, for reasons which I have never been able to understand, have seized with avidity on every opportunity that offered, to sow the seed and fan the flame of racial and religious discord in this country. Faithful to the best traditions of their party, some of the Conservative newspapers have been fair and just in their criticism of this Bill. Others, unmindful of their obligations to the public, and substituting personal abuse for argument, deliberately misrepresenting the purposes and objects of this legislation, have not hesitated to appeal, for what motive I cannot understand, to the lowest and the vilest passions of our depraved human nature.

I shall not attempt to follow them in the path on which they have chosen to enter. Those of them who are worthy of consideration I will leave to the punishment which must inevitably come in the hours of calm reflection and sober second thought.

I will only say that the record of the Catholic Church and of its clergy is writ large on every page of the history of the world, and of the history of this country in particular. And so long as loyalty to our institutions, and so long as the spirit of self-sacrifice and devotion to duty are held in esteem among us, so long will the names of Catholic priests and prelates hold foremost places on the honour roll of Canada. It is not necessary to go over the ground already covered by my eloquent friend from Labeille (Mr. Bourassa), but let me mention the names of Jogues, Lallemand and Brebeuf, French Canadian Catholic martyrs who, in the early days of our history gave to the world examples of the noblest courage that ever steered the heart of man, that of giving testimony unto death for the convictions of the soul.

As I listened a few days ago to the admirable speech of my friend from East Middlesex (Mr. Elson), when he told us that he was a native-born Canadian, that there was no portion of the earth in which he felt so much interest as in that which is bounded by the outer boundaries of Canada, that there were no people who lived and moved and had their being upon the face of the globe in whom he felt so much interest as in those persons who are Canadians and who at least live on Canadian soil, the thought occurred to me, how much more truly does the sentiment he so eloquently expressed apply to the Canadians of French origin who have never known any other country, whose traditions, associations, and every hope for the future are connected exclusively with Canada. If we want really to understand the meaning of patriotism, let us listen to the French Canadians

speaking their national anthem the opening words of which are: "O Canada, mon pays, mes amours." I have heard it assigned as a reason to justify the active interest Ontario is taking in this question, that the present population of the Northwest is made up, in large part, of the overflow of the cradles of that province. That is true, but should we not remember that if we must be mindful of the present needs and of the future prosperity of those who have entered into the possession of that great heritage, where it is said that men may turn and seed their plough furrows by the mile and then at the end look out over a sea of golden grain reaching out to the horizon, at the same time we should not be altogether unmindful of the religious convictions, the wishes and desires, ay, even the prejudices, of those men the heroism and enterprise of whose ancestors made the present possession of those lands by Canada possible. I am reminded here of what George Brown said during the federation debates when this question of the acquisition of the Northwest was being considered:

It has always appeared to me that the opening up of the Northwest ought to be one of the most cherished projects of my honorable friends from Lower Canada. During the discussion on the question for some years back I had occasion to dip deep in Northwest lore—into those singularly interesting narratives of life and travels in the Northwest in the olden time, and into the history of the struggles for commercial supremacy in the great fur-bearing regions. And it has always struck me that the French Canadian people have cause to look back with pride to the bold and successful part they played in the adventures of those days. Nothing perhaps has tended more to create their present national character than the vigorous habits, the power of endurance, the aptitude for outdoor life, acquired in their prosecution of the Northwest fur trade. (Hear, hear.) Well may they look forward with anxiety to the realization of this part of our scheme, in confident hope that the great northwestern traffic shall be once more opened up to the hardy French Canadian traders and voyagers.

Who were the men who, in the long ago, sailed up the broad bosom of the mighty St. Lawrence, discovered Lake Superior, penetrated to the shores of Lake Winnipeg, explored the banks of the Saskatchewan, founded Fort La Corne, Fort Bourbon and Fort La Jonquiere, and first stood within the shadow of the Rocky mountains?

I shall not pursue this matter further. Let me say that two great streams of race and descent met in Canada, and well may the world be challenged to point to a nobler lineage. Protestant England and Catholic France have been rivals on many fields, and throughout many ages, but taken together their record of achievement whether in peace or in war, entitled them to a front place among the nations of the earth. And let us not forget that each has given the best of its noblest blood to cement the nationhood of Canada. Providence has placed the two nations here, side by side, we must of necessity live together, and let us live in peace and work in harmony for the best interest of our common country.

A retrospective glance at the history of the Northwest Territory, that is, with the old province of Canada. For ten years thereafter a continuous correspondence was maintained between the Colonial Office and the Canadian Parliament upon the subject of the opening up of the western country, and providing legislation for its welfare and good government. Then we find that in the confederation debates, the subject was pursued further, and Hon. George Brown stated that:

"When recently in England I was charged to negotiate with the Imperial Government for the opening of the Northwest Territories." On motion of A. T. Galt, Minister of Finance in Canada, the Quebec conference resolved:

"That the communications with the northwestern territory and the improvements required for the development of trade of the great west with the sea-board are regarded by this conference as subjects of the highest importance to the confederation." During the confederation debates it

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tory previous to 1870, of that portion of Rupert's Land and of the Northwestern Territories, for which we are now legislating, may possibly enable us better to understand the position they now occupy and the nature and extent of our obligations towards the people of those lands. On May 22nd, 1870, a charter was granted incorporating the Gentlemen Adventurers of the Hudson Bay. By this charter the company secured the sole trade and commerce of all those "seas, straits, bays, rivers, lakes, creeks, and sounds in whatsoever latitude they might be that lay within the straits now called Hudson Straits, together with all the lands and territories upon the countries, coasts and confines of such seas, bays, etc., that were not then actually possessed by or granted to any of His Majesty's subjects, or possessed by the subjects of any Christian prince or state." The area covered by this grant has been frequently discussed, but it is not to my knowledge that the confines of the grant have ever been accurately defined. In addition to the grants to exclusive trade and to the soil, the entire legislative, judicial and executive power was vested in the company. And let me here observe that two French Canadian gentlemen, Messrs. Raddisson and De Grosseil, first discovered the overland communication between Canada and Hudson Bay, and with these gentlemen originated the idea of the Hudson Bay Company. In 1749, an unsuccessful attempt was made in the Imperial Parliament to deprive the company of its charter for non-use. The company had at that time four or five forts on the coast of Hudson Bay, and in its service about 120 men. After the session of Canada in 1763, numerous fur traders spread over the same country, and finally these individual speculators combined into the Northwest Fur Company of Montreal. I need not refer to the settlement effected in that country under the auspices of Lord Selkirk, but I would like to refer to the license granted in 1821 to the Hudson Bay Company and the Northwest Company, which two companies were then amalgamated. That license, which was for 21 years, gave to these two companies the monopoly of the trade in regions lying to the west and northwest of the Hudson Bay Company's grant. That is the origin of this intrusion by the Hudson Bay Company upon the country that was then known as the Indian country, and that has hence been known as the Northwest Territories. In 1830, the Hudson Bay Company acquired rights for itself by arranging with the Northwest Company, and obtained a new license for 21 years. Those who are interested in pursuing this inquiry further, I would refer to the report made in 1857 by Chief Justice Draper to a committee of the British House of Commons then charged with the duty of investigating this question of the title of the Hudson Bay Company, and to the more extensive, more accurate and more reliable report prepared by the Commissioner of Crown Lands of that time, Hon. Jos. Cauchon. In Mr. Cauchon's report we find the first evidence of a desire on the part of Canada to acquire these Territories. In that report we find it stated:

"That it would be difficult to conceive that it would be adverse to the interests of the country or of the community if the Indian Territories were incorporated with this province." That is, with the old province of Canada. For ten years thereafter a continuous correspondence was maintained between the Colonial Office and the Canadian Parliament upon the subject of the opening up of the western country, and providing legislation for its welfare and good government. Then we find that in the confederation debates, the subject was pursued further, and Hon. George Brown stated that:

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was made evident that the construction of the Intercolonial Railway and the opening up of the west with an improved canal system had been decided upon by the conference as being works devolving upon the federation at an early date, and these propositions met with general approval in the Legislature.

Then in the order of time, the next provision we find with reference to the Northwest Territories, is contained in the British North America Act, section 146 of which provides for the admission of Rupert's Land and the Northwestern Territories into the union upon such terms and conditions as are expressed in petitions to be presented by the Houses of Parliament of Canada. And here, Mr. Speaker, I will ask the close attention of the House. It is to be observed that the terms on which the provinces of Prince Edward Island and British Columbia entered the union require the assent of such prolegation to be embodied in addresses from their respective legislatures, as well as the assent of the Dominion to be expressed in an address from the Dominion Parliament. But the terms and conditions on which Rupert's Land and the Territories entered the union, as well as their constitution, depends solely on the terms and conditions to be set forth in the address from the Houses of Parliament of Canada.

In 1867, on the 17th of December, an address of the Senate and House of Commons of Canada was prepared based on a resolution that had been passed the day previous, from which I would venture to make a few extracts. This address set out in the first place that it would—

(a) Promote the prosperity of the Canadian people and conduce to the advantage of the whole empire if the Dominion of Canada were extended westward to the shores of the Pacific ocean.

And next—

(b) That the welfare of a sparse and widely scattered population of British subjects of European origin already inhabiting these remote and unorganized territories would be materially enhanced by the formation therein of political institutions bearing analogy as far as circumstances will admit to those which exist in the several provinces of the Dominion.

That is a paragraph contained in an address presented by the House of Commons of Canada under the terms of section 146 of the British North America Act, 1867, asking that these Territories should form part of our Dominion, and the Imperial authorities are therein asked to cause these Territories to be joined to the Dominion, the Dominion undertaking on its side to give them political institutions "bearing analogy as far as circumstances will admit to those which exist in the several provinces of the Dominion."

Then further on in the same address I find this paragraph: "And that we do most humbly pray that Your Majesty will be graciously pleased, by and with the advice of your most honorable Privy Council, to unite Rupert's Land and the Northwestern Territory with this Dominion and to grant to the Parliament of Canada authority to legislate for their future welfare and good government."

As will be seen by these addresses, the Imperial authorities were moved to unite Rupert's Land and the Northwestern Territories by order-in-Council to the Dominion of Canada. These addresses were received in England by an intimation of Her Majesty's willingness to comply with their prayers and that intimation was coupled with a statement to this effect:

"That the law officers of the Crown advise that the requisite power of government and legislation could not be transferred to Canada without an Act of Parliament on account of the existing charter of the Hudson Bay."

The result was that the Rupert's Land Act, 1868, was passed in order to enable Her Majesty to do with respect to Rupert's Land what was in contemplation of virtue of the provisions of section 145 of the British North America Act, and I would like to point out here immediately that Manitoba did not come into confederation, as has been generally supposed by virtue of the provisions of section 145, but that it came in by virtue of the provisions of the Imperial

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## ENCYCLICAL OF PIUS X.

### Teaching of the Catechism

To Our Venerable Brothers Patriarchs, Archbishops, Bishops and other Ordinaries in Peace and Communion with the Apostolic See.  
**PIUS X., POPE.**

Venerable Brothers, Salutation and Benediction:  
 At a time of great trouble and difficulty our littleness has been raised by the inscrutable designs of Divine Providence to the office of Supreme Pastor of the entire flock of Christ. Long has the enemy been prowling round the fold, attacking it with such subtle cunning, that now more than ever seems to be verified the prediction made by the Apostle to the elders of the Church of Ephesus: "I know that ravening wolves will enter in among you, not sparing the flock." (Acts xx., 29.) Thou who still cherish zeal for the glory of God are seeking out the causes of this religious decadence. While differing in their conclusions they point out, each according to his own views, different ways for protecting and restoring the Kingdom of God on earth. But to us venerable brothers, it seems that while other reasons may play their part we must agree with those who hold that the main cause of the present lassitude and torpor, as well as of the very serious evils that flow from it, is to be found in the prevailing ignorance about divine things. This fully bears out what God himself affirmed through the Prophet Osee: "And there is no knowledge of God in the land. Cursing and lying and killing and theft and adultery hath touched blood, and every one that dwelleth in it shall languish." (Osee iv., 1-2.)

It is a common lament, only too well founded, that among Christians there are large numbers who live in utter ignorance of the truths necessary for salvation. And when we say among Christians we mean not only the masses and those in the lower walks of life, who are sometimes not to blame owing to the inhumanity of hard taskmasters whose demands leave them little time to think of themselves and their own interests. We include, and indeed more especially, all those who, while endowed with a certain amount of talent and culture and possessing abundant knowledge of profane matters, have no care nor thought for religion. It is hard to find words to describe the dense darkness that environs these persons; the indifference with which they remain in this darkness is the saddest sight of all. Rarely do they give a thought to the Supreme Author and Ruler of all things or to the teachings of the faith of Christ. Consequently they are absolutely without knowledge of the incarnation of the word of God, of the redemption of mankind wrought by him, of grace which is the chief means for the attainment of eternal welfare, and of the Holy Sacrifice and the Sacraments by which this grace is acquired and preserved. They fail to appreciate the malice and foulness of sin. They have no fear of God, nor do they care to avoid it and free themselves from it. Hence they reach their last day in such a state that the minister of God, anxious to take advantage of the slightest hope of their salvation, is obliged to employ those final moments, which should be consecrated entirely to stimulating the love of God, in imparting brief instruction on the things indispensable for salvation—even then it often happens that the invalid has become so far the slave of culpable ignorance that he considers supernatural the intervention of the priest and faces calmly the terrible passage to eternity without reconciling himself with God. Our predecessor Penedict XIV., there, had good reason to write as he did: "This we asseverate that the majority of those who are condemned to eternal punishment fall into this everlasting misfortune through ignorance of those mysteries of the faith which must be known and believed by all who belong to the elect." (Inst. xxvi., 18.)

In these circumstances, venerable brothers, what wonder is it if to-day we see in the world, not merely among barbarous peoples but in the

very midst of Christian nations a constantly increasing corruption and depravity? The Apostle writing to the Ephesians admonished them: "But fornication and all uncleanness or covetousness, let it not be so much as named among you, as becometh saints, or obscenity or foolish talking." (Eph. v., 3-4.) St. Paul has this holiness and the modesty that curbs the passions on supernatural wisdom: "See therefore, brethren, how you walk circumspectly not as unwise, but as wise, redeeming the time for the days are evil. Wherefore become not unwise, but understanding what is the will of God." (Ibid. 15, 16.) The Apostle had good reason for speaking in this way; for the human will has retained but little of that love of what is honest and just which God the Creator infused into it and which drew it, so to speak, toward the real and not merely apparent good. Depraved as it has become by the corruption of the first sin, and almost forgetful of God its author, its affections are almost entirely turned to vanity and lying. This error will, blinded by perverse passions, has need therefore of a guide to point out the way and lead it back to the paths of justice so unhappily abandoned. This guide, not selected at random, but designated especially by nature, is no other than the intellect. But if the intellect be itself lacking in true light, that is, in the knowledge of divine things, it will be the blind leading the blind and both will fall into the ditch. Holy David, praising God for the light of truth which is flashed from Him upon our minds, said: "The light of Thy countenance, O Lord, is signed upon us." (Ps. iv., 7.) And he described the effect of this light when he added: "Thou hast given gladness in my heart"—the gladness that fills the heart to make it run in the way of the divine commandments.

All this becomes evident on a little reflection. The doctrine of Jesus Christ reveals God and His infinite perfection to us with far greater clearness than does the natural light of the human intellect. What follows? That same doctrine commands us to honor God by faith, which is the homage of our mind; by hope, which is the homage of our will; by charity, which is the homage of our heart; and thus it binds and subjects the whole of man to his Supreme Maker and Ruler. So, too, the doctrine of Christ alone makes known to us the true and lofty dignity of man, by showing him to be the son of the Father who is in heaven, made to his image and likeness and destined to live with him in eternal bliss. From this very dignity, and from the knowledge that man has of it, Christ showed the obligation of all men to love one another like brothers, as they are, commands them to live here below as children of light, "not in rioting, to quote the words of the Apostle, "and drunkenness, not in chambering and impurities, not in contention and envy." (Rom. xiii., 13.) Christ likewise commands men to place all their solicitude in God, since He has care of us, orders us to stretch forth a helping hand to the poor, to do good to those who do evil to us, to prefer the eternal good of the soul to the fleeting things of time. Not to go too far into detail, it is not the doctrine of Jesus Christ that inspires proud man with the love of humility, which is the source of true glory? "Whosoever shall humble himself" \* \* \* he is the greater in the kingdom of heaven." (Matt. xviii., 4.) From the same doctrine we learn Prudence of the spirit, by means of which we are enabled to shun the prudence of the flesh, Justice which teaches us to give every one his due, Fortitude which makes us ready to suffer all things, and by means of which we do in fact heroic acts, suffer all things for the sake of God and eternal happiness, and, finally, temperance, through which we find it possible to love even poverty for the sake of the kingdom of God and actually to glory in the cross, paying no heed to contempt. In fine, the science of Christianity is a fount not only of light for the intellect, enabling it to attain truth, but of warmth to the will, whereby we raise ourselves up to God and unite ourselves with Him in the practice of virtue.

We indeed do not mean to say that a knowledge of religion may not be joined with a perverse will and (Continued on page 5.)

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BARNABY RUDGE

By CHARLES DICKENS

"Sim," rejoined Gabriel, laughing heartily. "Don't be a fool, for I'd rather see you in your senses. These young fellows," he added, turning to his daughter, "are always committing some folly or another. There was a quarrel between Joe Willet and old John last night—though I can't say Joe was much in fault either. He'll be missing one of these mornings, and will have gone away upon some wild-goose errand, seeking his fortune—Why, what's the matter, Doll? You are making faces now. The girls are as bad as the boys every bit!"

look upon it in its most cheerful mood without feeling that it had some extraordinary capacity of expressing terror. It was not on the surface. It was in no one feature that it lingered. You could not take the eyes, or mouth, or lines upon the cheek, and say if this or that were otherwise, it would not be so. Yet there it always lurked—something forever dimly seen, but ever there, and never absent for a moment. It was the faintest, palest shadow of some look, to which an instant of intense and most unutterable horror could have given birth; but indistinct and feeble as it was, it did suggest what that look must have been, and fixed it in the mind as if it had had existence in a dream.

CHAPTER VI. Beyond all measure astonished by the strange occurrences which had passed with so much violence and rapidity, the locksmith gazed upon the shuddering figure in the chair like one half stupefied, and would have gazed much longer, had not his tongue been loosened by compassion and humanity.

felt he had done, he would have been more at ease. "Why did I let her say it was a secret, and she trusted it to me?" said Gabriel, putting his wig on one side to scratch his head with greater ease, and looking ruefully at the fire. "I have no more readiness than old John himself. Why didn't I say firmly, 'You have no right to such secrets, and I demand of you to tell me what this means,' instead of standing gaping at her, like an old mooncalf as I am! But there's my weakness. I can be obstinate enough with men if need be, but women may twist me round their fingers at their pleasure."

Table with columns: DAY OF MONTH, DAY OF WEEK, COLOR OF VESTMENTS, and a list of saints and feast days for the month of May 1905.

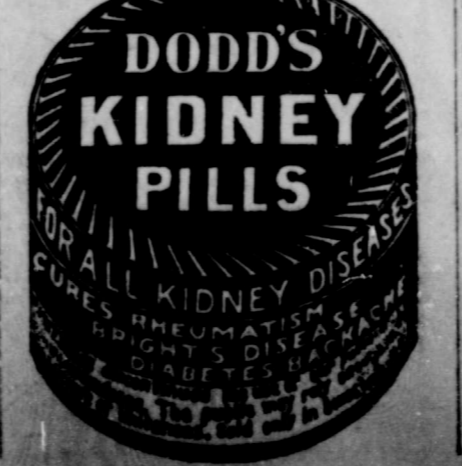
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The young man smiled and shook his head, at the same time moving his chair as if in pain. "It's no great matter," he said, in answer to the locksmith's sympathizing look, "a mere uneasiness arising at least as much from being cooped up here, as from the slight wound I have, or from the loss of blood. Be seated, Mr. Varden."

that! Oh, he's a dreadful fellow! The raven, with his head very much on one side, and his bright eye shining like a diamond, preserved a thoughtful silence for a few seconds, and then replied in a voice so hoarse and distant, that it seemed to come through his thick feathers rather than out of his mouth.

"I'm a devil, I'm a devil," said Varden. "Do you see how he looks at me, as if he knew what I was saying?" To which the bird, balancing himself on tiptoe, as it were, and moving his body up and down in a sort of grave dance, rejoined, "I'm a devil. I'm a devil, I'm a devil," and flapped his wings against his sides as if he were bursting with laughter. Barnaby clapped his hands, and fairly rolled upon the ground in an ecstasy of delight.

"Strange companions, sir," said the locksmith, shaking his head and looking from one to the other. "The bird has all the wit." "Strange, indeed!" said Edward, holding out his forefinger to the raven, who, in acknowledgment of the attention, made a dive at it immediately with his iron bill. "Is he old?" "A mere boy, sir," replied the locksmith. "A hundred and twenty, or thereabouts. Call him down, Barnaby, my man."



Mother—Well, Johnnie, what are you going to give your teacher for a Christmas present? "Johnnie—it is too soon to talk about that yet, mamma; it all depends on how she behaves herself between now and Christmas."

The HOME CIRCLE

CULINARY SECRETS.

Contrary to preconceived ideas, French cookery is generally delicate in its seasoning and free from grease...

Cooking schools and chafing-dish suppers prepared from valued recipes are reducing American cooking to a fine art.

Good roasting can only be achieved by long practice, and the perfection lies in cooking the whole joint thoroughly without drying the pieces.

So it is with boiling. A good joint under the process of boiling should be allowed to boil slowly.

HISTORIC BABY BOTTLES.

Bottles for babies date back to remote antiquity. Most people are of the opinion that feeding bottles for babies must be an invention of modern times.

TO PREVENT CHAPPING.

A few drops of alcohol in the water tends to harden the skin and to preserve it in cold weather, and to cleanse the face before going out again it is an excellent thing to rub it with a little good cold cream.

If the face is very florid the diet is at fault, and is too stimulating; in this case eat plenty of fruit and green things and let tea and coffee severely alone.

THE NURSERY.

In many homes all the odds and ends of furniture and carpets from the rest of the house are banished to the nursery until it resembles a junk shop.

The most angelic little ones will give furniture wear and tear, and it is a problem how to combine beauty and durability. One mother insists that white enameled furniture and woodwork can be most easily cleaned and kept fresh and bright.

A charming nursery has a green-blue ground paper across which birds were floating, with a border of trees and flowers. The set of enamel furniture was complete—small single beds, wardrobe, washstand—and all small enough to suit the size of the little occupants.

Such pleasant quarters for the children are not always within the means of the parents, but they can still strive to make the nursery as bright and attractive as though they were to inhabit it themselves.

USEFUL HINTS FOR THE HOUSE-KEEPER.

Some pretty things have been seen in the way of simple little frocks, aprons and coats for little folks, and among them was a dress of blue mohair, intended for a girl of 10 or 12 years.

Another frock for a girl of the same age was of red cashmere. The skirt has inverted plaits stitched halfway down. Two bands of black and red

plaid taffeta trimmed the skirt, and these were edged with narrow black velvet ribbon.

Another practical little dress was of army blue serge, with a full skirt, tucked at the top with a stich' tab of the same.

A little empire of batiste embroidery is worn with this dress, which is a good model for mohair. Pretty little aprons are made of white swiss, with insertions of swiss embroidery at the top of the waist and shoulder straps and belt of the same.

A little empire apron of dotted swiss has a short waist and puffed sleeves and is trimmed with stitched bands of plain swiss.

An apron of twine-colored linen has a high neck, wide turndown collar and long sleeves, and is trimmed with stitched bands of plain swiss.

The coats for girls from 8 to 12 years are most attractive and are made with simple, graceful lines very becoming to the slim young figures.

A coat of cardinal broadcloth is trimmed with inserted tabs of black velvet, a band of the same going over which the cloth is stitched.

A very dressy little coat is made of black velvet. It is of circular cut, has a long collar made of folds of white bengaline strapped with the velvet, the straps bordered with white fur.

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"Father, does it cost much to feed a lion?"

"How much?"

"A wolf would make a good meal for a lion, wouldn't it, father?"

"Yes, I expect so."

"And a hawk would be enough for the wolf, wouldn't it?"

"Yes, yes."

"And a hawk would be enough for the sparrow?"

"Of course."

"And a big spider would be a good meal for the sparrow, wouldn't it, father?"

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"Yes, yes."

"And a hawk would be enough for the sparrow?"

"Of course."

"And a big spider would be a good meal for the sparrow, wouldn't it, father?"

"Yes, yes."

"And a fly would be enough for the spider?"

"Certainly."

"And a drop of treacle would be all the fly would want, wouldn't it?"

"Oh, stop your chatter!"

"But wouldn't it, father?"

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Total Assets for Policy-holders security, bal., - \$1,253,216.05

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A FEW TESTIMONIALS RHEUMATISM

What S. PRICE, Esq., the well-known Dairyman, says 21- King street east. Toronto, Sept. 18, 1902.

John O'Connor, Toronto: DEAR SIR,—I wish to testify to the merits of Benedictine Salve as a cure for rheumatism. I had been a sufferer from rheumatism for some time and after having used Benedictine Salve for a few days was completely cured.

475 Gerrard Street East, Toronto, Ont., Sept. 18, 1901. John O'Connor, Esq., Nealon House, Toronto, Ont.

DEAR SIR,—I have great pleasure in recommending the Benedictine Salve as a sure cure for lumbago. When I was taken down with it I called in my doctor, and he told me it would be a long time before I would be cured again.

256 1/2 King Street East, Toronto, December 16th, 1901. John O'Connor, Esq., Toronto:

DEAR SIR,—After trying several doctors and spending forty-five days in the General Hospital, without any benefit, I was induced to try your Benedictine Salve, and sincerely believe that this is the greatest remedy in the world for rheumatism.

198 King Street East, Toronto, Nov. 21, 1902. John O'Connor, Esq., Toronto:

DEAR SIR,—I am deeply grateful to the friend that suggested to me, when I was a cripple from Rheumatism, Benedictine Salve. I have at intervals during the last ten years been afflicted with muscular rheumatism.

12 Bright Street, Toronto, Jan. 15, 1902. DEAR SIR,—It is with pleasure I write this word of testimony to the marvelous merits of Benedictine Salve as a certain cure for Rheumatism.

There is such a multitude of alleged Rheumatic cures advertised that one is inclined to be skeptical of the merits of any new preparation. I was induced to give Benedictine Salve a trial and must say that after suffering for eight years from Rheumatism it has, I believe, effected an absolute and permanent cure.

7 Laurier Avenue, Toronto, December 16, 1901. DEAR SIR,—After suffering for over ten years with both forms of Piles, I was asked to try Benedictine Salve.

241 Sackville street, Toronto, Aug. 15, 1902. DEAR SIR,—I write unsolicited to say that your Benedictine Salve has cured me of the worst form of Bleeding Piles.

DEAR SIR,—It is with pleasure I write this unsolicited testimonial, and in doing so I can say to the world that your Benedictine Salve thoroughly cured me of Bleeding Piles.

DEAR SIR,—I wish to say to you that I can testify to the merits of your Benedictine Salve for Blood-Poisoning. I suffered with blood poisoning for about six months, the trouble starting from a callous or hardening of the skin on the under part of my foot and afterwards turning to blood-poisoning.

DEAR SIR,—It gives me the greatest pleasure to be able to testify to the curative powers of your Benedictine Salve. For a month back my hand was so badly swollen that I was unable to work, and the pain was so intense as to be almost unbearable.

DEAR SIR,—Early last week I accidentally ran a rusty nail in my finger. The wound was very painful and the next morning there were symptoms of blood poisoning, and my arm was swollen nearly to the shoulder.

DEAR SIR,—I wish to say to you that I can testify to the merits of your Benedictine Salve for Blood-Poisoning. I suffered with blood poisoning for about six months, the trouble starting from a callous or hardening of the skin on the under part of my foot and afterwards turning to blood-poisoning.

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THURSDAY, MAY 11, 1905.

TEACHING THE CATECHISM.

To Catholic pastors and parents the encyclical of the Holy Father on the teaching of the Catechism, which we publish to-day, will appeal with vital force. It is a document of the highest importance, and the most painstaking efforts are called for to bring its significance home to the popular mind.

One of the precepts laid down by the Holy Father refers to lay helpers for the purpose of better instruction in places where priests, and possibly the faithful also, are few. In each parish the Confraternity of the Christian Doctrine is to be canonically instituted.

It is difficult indeed to conceive the measure of spiritual influence that must accrue to human society from the inauguration of a great moral movement resting upon the transcendent importance of diffusing the teachings of Christianity in the world.

THE VOTE OF MAY 3.

We print below the division list on the second reading of the Northwest Provincial Government bills. The vote of May 3 was really on the school clauses, and the supporters of Mr. R. L. Borden's amendment represent the members of the House who would deny to Catholics the guarantee of any daily religious teaching for their children.

Yeas—Messrs. Alcorn, Armstrong, Avery, Barker, Barr, Bennett, Blain, Bland, Borden (Carleton), Boyce, Bristol, Broder, Chisholm, Christie, Clark, Clements, Cochrane, Cockshutt, Crockett, Daniel, Elson, Foster, Fowler, Ganong, Gunn, Haggart, Henderson, Herron, Hughes (Victoria), Ingram, Jackson (Elgin), Kemp, Lake, Lalor, Lancaster, Lennox, Macdonell, MacLaren, Maclean (York, S.), McCarthy (Calgary), McCarthy (Simcoe), McLean (Queen's, P.E.I.), Martin (Queen's, P.E.I.), Northrup, Oster, Porter, Reid (Greenville), Roche (Marquette), Schaffner, Sproule, Stiles, Stockton, Taylor, Tisdale, Walsh, Ward, Wilnot, Wilson (Lennox and Addington), Wright (Muskoka)—59.

Nays—Messrs. Adamson, Ames, Archambault, Beauparlant, Beland, Belcourt, Bergeron, Bickerdike, Black, Bole, Borden (Sir Frederick), Bourassa, Bourbonnais, Boyer, Bragazon, Brodeur, Brown, Bruneau, Bureau, Burrows, Caldwell, Calvert, Campbell, Carney, Carbell, Cash, Clarke, Copp, Costigan, Crawford, Cyr, Delisle, Demers, Derbyshire, Desjardins, Devlin, Dubeau, Dugas, Dymont, Emmeron, Ethier, Fielding, Finlay, Finlayson, Fisher, Fitzpatrick, Forget, Fortier, Gallier, Gauvreau, Geoffroy, Gervais, Girard, Gordon, Grant, Guthrie, Hall, Hart, Hughes (King's, P.E.I.), Hunt, Hyman, Jackson (Selkirk), Johnston (Cape Breton South), Johnston (Lambton), Kennedy, Lachance, Lamont, Lancot, Lapointe, Laurence, Laurier (Sir Wilfrid), Laurier (L'Assomption), Laverne (Drummond & Arth.), Laverne (Montmagny), Law, LeBlanc, Lemieux, Leonard, Lewis, Loggie, Lovell, Macdonald, Maclean (Lunenburg), Macpherson, McCall, McCool, Melartyre, Melsaas, McKenzie

HON. CHARLES FITZPATRICK

Rupert's Land Act, 1868. There are two sections of that Act of 1868 which are deserving of consideration. The first is section 2, which provides that: "For the purposes of this Act the term 'Rupert's Land' shall include the whole of the land and territory held or claimed to be held by the said Governor and company."

"That is to say, the governor and company of Hudson bay. It was to refer to not only what they held under and by virtue of the extra-territorial charter to which I referred a moment ago, but Rupert's Land is defined here as meaning all that land which they held or pretended to hold; hence the necessity of my referring, as I did a moment ago, to the license of 1821. Section 5 of the same Act (Rupert's Land Act, 1868) says that: "It shall be competent to Her Majesty, by any Order or Orders-in-Council as aforesaid, on address from the Houses of the Parliament of Canada, to declare that Rupert's Land shall, from a date to be therein mentioned, be admitted into and become part of the Dominion of Canada; and thereupon it shall be lawful for the Parliament of Canada, from the date aforesaid, to make, ordain, and establish within the land and territory so admitted as aforesaid, all such laws, institutions and ordinances. Etc., as it may seem desirable."

The result was that in 1868, the same year, Sir George Cartier and Hon. Mr. McDougall were sent to England to carry on negotiations which had been opened by the Colonial Secretary with the Hudson Bay Company regarding the acquisition of the territory to which I have just referred; and in 1869, on the 21st May, new resolutions were passed by this House with respect to Rupert's Land, and a new address was presented, so that you must be dealing with Rupert's Land and Manitoba look at the terms of the address of May, 1869, and not at those of the first address. On July 5, 1869, the Hudson Bay Company having proposed to surrender their country to the Dominion of Canada, the proposal was then submitted to His Excellency the Governor-General-in-Council, and met with his approval. The result was that on November 19, 1869, a deed of surrender was signed, and on June 22, 1870, almost two years after the first address had been presented, the Rupert's Land Order-in-Council was signed. I wish to draw attention to the terms of that Order-in-Council. That Order-in-Council contains among other things this provision:

"It is hereby ordered and declared by Her Majesty, by and with the advice of the Privy Council, in pursuance and exercise of the powers vested in Her Majesty by the Acts of Parliament, that from and after the 15th day of July, 1870, the said Northwest Territories shall be admitted into and become part of the Dominion of Canada upon the terms and conditions set forth in the first hereinbefore cited address, and that the Parliament of Canada shall from the day aforesaid have full power and authority to legislate for the future welfare and good government of the said territory."

"That is a provision of the Order-in-Council which disposes of the Northwest Territories, and then it is ordered: "And it is further ordered that without prejudice to any obligations arising from the aforesaid approved report, Rupert's Land shall from and after the said date be admitted into and become part of the Dominion of Canada upon the following terms and conditions:"

"It is not material for my argument to refer to these terms and conditions, but it will be seen—and for the accuracy of debate it is important that we should understand all that occurred up to the time these territories and Rupert's Land came into that Rupert's Land was dealt with under the terms of the second address and that the Northwest Territories were brought in under the terms of the first address of December, 1867."

Now in anticipation of the passage of this Order-in-Council of June, 1870, 32-33 Victoria, chapter 3, was passed in 1869; that is the Act which makes provision for the administration and government of Rupert's Land and the Northwest Territories, chapter 3, was assented to, and that is the Manitoba Act. Doubts having been expressed as to whether or not certain provisions of that Act were within the sphere of the authority of the Parliament of Canada, it was decided to submit the Act for approval to the Imperial authorities, and I desire to examine some of the provisions of that Act, and also to see what were the doubts expressed at that time. Let me, in the first place, draw special attention to sections 2, 22 and 30 of the Manitoba Act.

Section 2 applies the provisions of the British North America Act to Manitoba, except so far as these provisions may be varied by that Act. Section 22 is what is called the educational clause, and contains provisions in some respects wider in their scope than section 93 of the British North America Act. Section 30 has reference to the ungranted land which remained vested in the Crown. Now, Mr. Speaker, I have drawn the attention of this House especially to these three sections of the Manitoba Act, and have drawn the attention of this House to those three sections because these sections contain almost in terms the provisions of the Act now under consideration, which provisions are especially attacked, and in connection with which this constitutional argument has been advanced. Let us look at the origin and history of these sections, and see how they were dealt with. First in mind that Manitoba Act which contains the provisions I have just mentioned, was drafted by Sir John Macdonald, then Attorney-General of Canada, and it was introduced into this House and into the Senate at a time when the men who were most familiar with the scope of the provisions of the British North America Act, when the men who had discussed that Act section by section, line by line, word by word, were all either in this House or in the Senate. I have searched the debates of that day in vain for one word said in criticism of any of these three sections. There is not one word that would surmount to the House that this Parliament was not competent to pass such legislation. To set that question at rest, because it is of some

importance, I have made an analysis of the debates which will be found in "Hansard" of 1870, pages 1287 and following. If those who are interested in this question consult "Hansard" they will find that Sir John Macdonald introduced the Act, and he said among other things: "The proposition of the Government is that the people of the province shall be represented in the Senate by two members until the province shall have a population of 50,000, etc."

Then Mr. Mackenzie spoke at page 1296, and he was followed by Mr. Cartier; then Mr. Macdonald intervened; then Mr. Ferguson, then the Hon. Joseph Howe, then again Sir John Macdonald, then Mr. Wood, then Mr. Macdonald, then Mr. Mills, then again Mr. Macdonald, and then again Sir John Macdonald; and it will be found that not one of these gentlemen ever referred to the question as to whether or not it was competent for this Parliament to pass these sections. There was not a single voice in this House raised in protest against the action of the Government at that time with respect to the Manitoba schools. I know it is said, that we cannot derive any advantage from an examination of the Manitoba Act because that Act was not in reality passed by this Parliament. It is true it was introduced here, it is true that its provisions were discussed, but because of a doubt that had arisen it was found necessary to refer the Act to the Imperial Parliament, and it is said that consequently we have to examine it absolutely in the same way as if it had been an Imperial Act. Let us see what occurred in that connection. After the Act was passed here it was thought necessary to refer it, and when it was referred, was any manner of doubt suggested with respect to the right of this Parliament to pass the three clauses in question? Those who are interested in this aspect of the case can see Sir John Macdonald's report—he was then Minister of Justice—printed on page 5 of Hodgins' collections. It will be there found that Sir John Macdonald said:

"A question was raised as to the power of Parliament to pass the Act, and especially those of its provisions which give the right to the province to have representation in the Senate and House of Commons of the Dominion."

That was the only point with respect to which any question was raised as to the validity of the legislation. But, Sir John Macdonald goes further, and he says: "Under these circumstances, as a question as to the constitutionality of the Act of the Canadian Parliament has been raised, and as a doubt may cause grave disquiet in the Territories which have been or may hereafter be added to the Dominion, and in order also to prevent the necessity of repeated applications to the Imperial Parliament for legislation respecting the Dominion, the undersigned has the honor to recommend that the Earl of Kimberley be moved to submit to the Imperial Parliament at its next session: first, confirming the Acts of the Canadian Parliament 33 Vic., chap. 3, the Manitoba Act, as if it had been an Imperial statute and legalizing what ever may have been done under it according to its true intent. Second—" And this is the clause to which I wish especially to draw the attention of the House."

"Second, empowering the Dominion Parliament from time to time to establish other provinces in the Northwest Territories with such local government, legislature and constitution as the Dominion Parliament may think proper, provided that no such local government or legislature shall have greater powers than those conferred on the local government and legislatures by the British North America Act, 1867; and also empowering it to grant such provinces representation in the Parliament of the Dominion, the Act so constituting such provinces to have the same effect as if passed by the Imperial Parliament at the time of the union."

Now, Mr. Speaker, it has been said that no argument can be drawn from the Manitoba Act because the Manitoba Act was passed subject to this doubt which was expressed with respect to its validity, and that it was necessary to get a confirming Act from the Imperial Parliament. Let us see how far that is true. When this Act went to the Imperial authorities it was necessary to introduce this Act of 1871. And when this Act of 1871—the British North America Amendment Act—was introduced it was necessary to explain its provisions, and it was necessary especially to explain why the Imperial Parliament was interfering. Earl Kimberley made that explanation on the second reading of the Bill—I quote from Imperial "Hansard" of 1871, page 1171. He explained that the Act he was introducing:

"Was intended to remove doubts which had been cast upon the validity of certain Acts of the Canadian Parliament. The Act of the Confederation of the North American provinces gives power to the Parliament of Canada to establish provinces and territories admitted or hereafter to be admitted into the Dominion of Canada, but an Order-in-Council was necessary."

Here is the point I want to make. The law officers of the Crown in England were naturally consulted about this Act, and what did they say? The law officers of the Crown were of the opinion:

"That these Acts (the Manitoba Acts) were valid, but doubts having been expressed the Canadian Parliament has addressed the Crown for an Act of the Imperial Parliament confirming their validity."

There is the opinion of the law officers of the Crown in 1871, expressed at a time when the ink was scarcely dry on the Act of 1867, which had been passed by the same Parliament. And who were these law officers? They were Sir Robert Collier and Sir John Coleridge; these were the men who in 1871 expressed the opinion that the Parliament of Canada, even without the Act of 1871, had the power to pass sections 2, 22 and 30 of the Manitoba Act. I think that I am fortified by an opinion respecting the constitutionality of our Bills, and I think I can afford to set up that opinion against some of the opinions that have been quoted against me in this House.

Let me draw your attention to the fact that when section 22 of this Manitoba Act was enacted for the special protection of the Roman Catholic minority of Manitoba, there was no word of criticism in this House—no word raised against the action of the Government which at

that time was seeking to give to the Roman Catholic minority of Manitoba the very guarantee with respect to education which we are now trying to give to the minority of the Northwest Territories. Surely it will not be argued that there was no word of protest raised at that time because it was then thought that Manitoba was to be a French preserve. How are we to explain the difference between the spirit shown in those days and the spirit shown in these? Was there any question then among the great men of Canada, the men who had made Confederation, of manacles, of shackles, of invasion of provincial rights? Father Richot had been consulted; Archbishop Tache had been summoned from Rome. Was there at that time any denunciation or any suggestion of improper interference by the Roman Catholic hierarchy? Why the contrast between those days and these? Surely it will not be suggested, in this country of broad and tolerant men, in this age of enlightenment, in this twentieth century, when we hear on all sides advanced the doctrine of the universal brotherhood of man, there are things which Sir John Macdonald might do in 1870 and which are not permitted by Sir Wilfrid Laurier in 1905.

Now, without the Act of 1871 what position would we be in to-day? Under the Order-in-Council of 1870 we were authorized to legislate for the future welfare and the government of the territory. Could we to-day have given to that territory provincial status? I say that it is not only doubtful, but it is almost certain that we could not. We have no authority to deal with the Northwest Territories under the Act of 1868. That Act was limited exclusively in its application to Rupert's Land. Could the Queen, or the King to-day, pass an Order-in-Council under the provisions of section 146? Undoubtedly not. A delegated power once exercised is exhausted; every lawyer knows that; and the right to legislate by Order-in-Council under the provisions of section 146 was a right delegated by the Imperial Parliament to Her Majesty, and once exercised that power was exhausted. Could we do it under the Order-in-Council of 1870? Undoubtedly not, because there is another principle of law to which I have just referred; you cannot exercise a delegated power, in the way you would require to exercise it in that case. Therefore, it is necessary for us to find an authority for our action in the present instance within the four corners of the Act of 1871. That Act in section 4 provides:

"The Parliament of Canada may from time to time make provision for the administration, peace, order and good government of any territory not for the time being included in any province."

It is under that section that we have legislated since 1870 for the Northwest Territories. These words, "peace, order and good government," have received a judicial construction by the highest court in this land. They were construed against myself by the Privy Council in a case from which I will read an extract—the Riel case, which is reported in Appeal Cases, volume 10, page 678. Their Lordships of the Privy Council say:

"The first point is that the Act itself was ultra vires the Dominion Parliament to enact. That Parliament derived its authority for the passing of that statute from the Imperial statutes, 34 and 35 Vic., c. 28, which enacted that the Parliament of Canada may from time to time make provision for the administration, peace, order and good government of any territory not for the time being included in any province. It is not denied that the place in question was one in respect of which the Parliament of Canada was authorized to make such provision, but it appears to be suggested that any provision differing from the provisions which in this country have been made for administration, peace, order and good government cannot, as a matter of law, be provision for peace, order, and good government in the Territories to which the statute relates, and further, that if a court of law should come to the conclusion that a particular enactment was not calculated as a matter of fact and policy to secure peace, order, and good government, that they would be entitled to regard any statute directed to those objects, but which a court should think likely to fail of that effect, as ultra vires and beyond the competency of the Dominion Parliament to enact."

"Their lordships are of opinion that there is not the least color for such a contention. The words of the statute are apt to authorize the utmost discretion of enactments for the attainment of the objects pointed to. They are words under which the widest departure from criminal procedure as it is known and practised in Her Majesty's Indian Empire. The course of procedure unknown to the English common law have there been established and acted upon, and to throw the least doubt upon the validity of powers conveyed by those words would be of widely mischievous consequence."

Now, sir, we are not legislating at the present time under the provisions of section 4 of the Act of 1871. We are legislating under the provisions of section 2 of the same Act, where we find exactly the same words as are used in section 4. Section 2 reads:

"The Parliament of Canada may from time to time, establish new provinces in any territories forming for the time being part of the Dominion of Canada, but not included in any province thereof, and may at the time of such establishment, make provision for the constitution and administration of any such province, and for the passing of laws, for the peace, order and good government of such provinces, and for its representation in the said Parliament."

These words, in the opinion of the law lords, absolutely authorize "the utmost discretion of enactment" for the purposes mentioned, to use the expression which I gather from the judgment of their Lordships of the Privy Council, which was pronounced by Lord Halsbury, the present Lord Chancellor. Let us look again at section 2 of the Act of 1871.

Mr. Haggart—He is begging the question.

Mr. Fitzpatrick—I do not think that the law officers of the Crown in England begged the question in 1871—Sir Robert Collier and Sir John Coleridge. Let me say here that the construction of a statute is not great

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EDITORIAL NOTES

In a pastoral letter of the Archbishop of Montreal on the consecration of Bishop Racicot, auxiliary Bishop of the archdiocese, His Grace says in Montreal and suburbs there are 300,000 Catholics, and the number is steadily on the increase. The election of Mgr. Racicot was hailed with joy throughout the archdiocese.

The Society of the St. Vincent De Paul

Held their quarterly general meeting on Sunday afternoon last in St. Vincent's Hall. Upwards of 50 members from all parts of the city, were present, all the conferences were well represented. Rev. Father Rohleber and Father Nass occupied seats on the platform. Mr. J. J. Seitz, President, conducted the meeting. Reports to the end of 1904 were presented and showed the excellent manner in which the work of this society is carried on. These reports are being printed and will be freely distributed. Several gentlemen spoke of special works being carried on in their respective conferences, notably St. Basil's and Our Lady of Lourdes, where libraries have been founded for the purpose of counteracting the influence of dangerous books. St. Francis conference has been giving special attention to a Young Men's Society, and St. Paul's people have been using funds in caring for Catholic young men—strangers in the city.

Mr. M. O'Connor, President Children's Aid Society, spoke at some length on the great work being done in saving unfortunate children and placing them in good homes. He regretted that owing to want of funds the offices were sometimes unable to accomplish the best results and expressed a wish that charitably disposed people of means, in making bequests, would not forget the Children's Aid Society, for it was in the strictest sense of the word doing the real St. Vincent de Paul work. He hoped this branch of the Society would become better known as he believed that if it were better advertised it would be the means of saving many helpless children now left to parish. M.L.H.

"Elijah" at Massey Music Hall

On Thursday evening last the Festival Chorus under Mr. Torrington gave one of their many exhibitions of fine musical work in the production of Mendelssohn's great oratorio "Elijah." The large body of singers never sang in better voice nor gave evidence of more conscientious preparation, than when they produced the always beautiful and often highly dramatic concerted numbers of this oratorio. The audience, though not as large as might have been wished for, was altogether appreciative, and applause was warm and unstinted. The playing of the orchestra, too, was of exceptional merit. In the chorus "Behold God the Lord passes by," the effects were simply magnificent, but as the ending is in somewhat of the nature of an anti-climax, the enthusiasm evoked by the fore part of the number had time to die out and the work of the orchestra at this point did not meet with the applause which was surely its due. Miss Eileen Millett, the soprano soloist of the evening, is certainly Toronto's greatest production as an exponent of voice culture and for this, to Dr. Torrington in conjunction with the young singer herself, all praise is due. It was he who "discovered" and trained her, who afterwards advised a course in Europe, and who, now that she is returned, makes use of her beautiful and trained voice for the pleasure of her fellow-citizens. Miss Millett sang with every gift that makes a singer, and when her smooth, sweet and rich notes rang out pleadingly in "Hear ye Israel," she received an ovation so sincere and spontaneous, that the proverb of a prophet not being appreciated in his own country, was all blown to the winds and shattered, and for some moments she was fairly overwhelmed by the enthusiasm which her lovely singing had called forth. Dr. Torrington conducted with his recognized regard for detail, nothing being hurried or overlooked and under his intelligent interpretation the work was given so finished an exposition as left nothing to be desired. M.L.H.

DIED

DAVIDSON—At Los Angeles, on May 1, 1905, Margaret Davidson, relict of the late John Davidson, of County Clare, Ireland.

NEW PRESBYTERY AT ALBION.

Rev. James Minehan, pastor of Caledon, is having a new presbytery erected as a necessary adjunct to the beautiful church put up three years ago. The residence will be finished in September. Mr. A. W. Holmes, of Toronto, is the architect.

CONSECRATION OF BISHOP RACICOT.

The following Ontario Bishops were present at the consecration of Bishop Racicot in St. James Cathedral, Montreal, on the 3rd. Archbishop Duhaime, Ottawa; Archbishop Gauvreau, Kingston; Bishop Lorrain, Pembroke; Bishop McEay, London; Bishop O'Connor, Peterborough; Bishop Scollard, Saint Ste. Marie. The consecration was performed by Archbishop Bruchési, Archbishop Langevin, Winnipeg, assisting.

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the ordinary circumstances, to give effect to the intention of the Legislature, but to give effect likewise to a solemn compact entered into between three distinct and separate political entities; and when that Act was passed, provision was made that by exceptional legislation—that is to say by Order-in-Council—Her Majesty was empowered to bring other provinces into confederation and to allow other provinces to be carved out of the Territories. Therefore it was of prime importance that that provision authorizing Her Majesty to exercise these exceptional powers, under these exceptional circumstances, a restriction should be put upon the exercise of those powers, and that Her Majesty should be told: You can bring in new provinces, you can carve out new provinces in these Territories, but you shall do it subject to the Act we have passed. There are reasons for these words in these circumstances; but when the Imperial Parliament in 1871 delegates these powers to the Dominion Parliament, to be exercised by that Parliament absolutely and for all time, just as they would be by the Imperial Parliament, we are acting, not under the provisions of an Order-in-Council, but under the authority of an Imperial Act.

I am not quite sure that there are many members in this House who have observed a subsection of section 2 of the Act of 1886, upon which I do not care to lay much stress, but upon which, if I had a weak case, if I had a case which was not superabundantly proved otherwise, I might lay considerable stress. Section 2 of the Act of 1886 contained this extraordinary provision:

"It is hereby declared that any Act passed by the Parliament of Canada, whether before or after the passing of this Act, for the purpose mentioned in this Act—"

The purpose was the representation of the province in the Parliament of Canada.

—or for the purpose mentioned in the British North America Act, 1871, has effect notwithstanding anything in the British North America Act of 1867."

That is to say, the Imperial authorities in 1886 declared, in anticipation that any Act passed under the authority of the Act of 1871 shall be valid and effective. What could be the object of such legislation? I do not require to rely upon it; but it seems to me, as I said a moment ago, that if I wanted to indulge in a little hair-splitting, I would find here all the comfort I require. Chapter 16 of the statutes of 1871, and chapter 5 of the statutes of 1872, were passed to provide for the government of the Northwest Territories. And finally, in 1875, an Act was passed which may be very correctly described in my opinion as the constitutional Act of the Northwest Territories. That Act was amended on several occasions, and consolidated in 1880, and again consolidated in 1886. In 1888 and in 1894 other Acts were passed which gave to the Territories practically local self-government, and that is their position to-day. In order that there may be no doubt about that I will read an extract from the letter written by Mr. Haultain to the Prime Minister (Sir Wilfrid Laurier) and published in the Ottawa Citizen of March 13th last:

"The new territories have for a number of years been under one government and legislature, performing most of the duties and exercising many of the very important powers of provincial governments and legislatures. There has never been any suggestion that the territorial machinery was in any way inadequate for the purposes for which it was created. In a word, it is admitted on all hands that at the present time the Territories have already been granted nearly all the legislative powers that can be given under any other constitution—where they at present fall short may be briefly stated as follows:

- "1. Limitation of the power to amend the constitution to a power to deal with elections simply.
- "2. The withholding from the Territories the power to borrow money.
- "3. The retention of the power to deal with the public domain.

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"4. For the absence of authority to establish such public institutions as hospitals, asylums, etc."  
 "5. No power being given to take cognizance in any way whatever of public undertakings other than such as may be carried on by joint stock company.

"6. The assumption by the Dominion of the duty of administering criminal justice in the Territories."

Now, Mr. Speaker, we are called upon to add the little that is necessary in order to give full autonomy to these Territories. The first question to be considered is: Has Parliament the power to legislate for these new provinces in the manner proposed? And the second question is: Are the provisions for the establishment of these new provinces fair and reasonable in view of the conditions now existing in those Territories? I will not repeat what I have just said about the Act of 1871. But it has been suggested that the provisions of the British North America Act apply automatically to the new provinces. What that means I must confess, I am somewhat at a loss to understand. I think I heard it suggested by some that our authority in this Parliament is limited to the making of a declaration that the territory affected is a province, and then the provisions of the British North America Act would be applicable. Is that what is meant by saying that these provisions apply automatically? This might be possible with respect to those provisions that apply to all the provinces. But what of the others? There are provisions that apply to Quebec, there are provisions that apply to Ontario, there are provisions that apply to Ontario and Quebec, there are provisions that apply to New Brunswick, there are provisions that apply to New Brunswick and Nova Scotia, and there are some provisions that apply to all the provinces. Which of these would apply here?

Let me here again lawyer-like appeal to precedent. Those who drafted the British North America Act and who may be supposed to have best understood its provisions, were called upon, very shortly after they had drafted the British North America Act to draft the Manitoba Act. How did they proceed? Section 2 of the Manitoba Act is practically section 2 of this Bill. That is to say, in the Manitoba Act you find a provision declaring provisions of the British North America Act applicable to Manitoba. If these provisions apply automatically where is the necessity for this section? The same thing applies to Prince Edward Island and to British Columbia. When British Columbia came into confederation, in 1871, those who are curious enough to look into the details of this matter will find, in the Order-in-Council provision is made which is practically in terms identical with the section of this Bill. And the same thing applies to Prince Edward Island. In all these cases the terms of the British North America Act were applied to the new provinces, except so far as it may be varied or amended by the statute or the Order-in-Council.

Then it has been argued that the provisions of the British North America Act may be made applicable, but we have not the power to alter or vary the terms of the British North America Act. Here again I appeal to precedent. If we have no power to vary the British North America Act why did they insert in the Manitoba Act, in the Prince Edward Island Order-in-Council, and the British Columbia Order-in-Council, a provision that the provisions of the British North America Act would be applicable to these provinces except in so far as they may be varied or altered by the Act or by the Order-in-Council? If we are in error, it seems to me we have ample precedent for our error. On that branch of my argument, the conclusion I come to

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**A.O.N. NOTES**

The Ancient Order of Hibernians have decided to run an excursion to Buffalo and Niagara Falls on August 15th next. The excursion committee met in Cameron Hall on Wednesday last, the following members being present: Vincent McCarthy (chairman), Hugh McCaffrey (financial secretary), M. J. Ryan (recording secretary), and Messrs. Conlin, Wallace, Michael Ryan, Hugh Kelly, Hinds, Cooney, Shea and Madden. The concert committee, of which Mr. McCauley is chairman, also met.

**Mrs. Thomas Watson**  
 On Sunday, May 7th, the death occurred of Mary, widow of the late Thomas Watson. The funeral took place from her late residence, 30 Sullivan street, on Wednesday morning. Mrs. Watson was a resident of St. Patrick's parish. The interment took place at St. Michael's Cemetery. R.I.P.

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**ENCYCLICAL OF POPE PIUS**

(Continued from page 1.)  
 unbridled conduct. Would to God that facts did not too abundantly prove the contrary. What we do maintain is that the will cannot be upright nor the conduct good so long as the intellect is the slave of crass ignorance. A man using his eyes may certainly turn aside from the right path, but the one who has become blind is certain to walk into the mouth of danger. Besides there is always some hope for the reform of perverted morality so long as the light of faith is not wholly extinguished; whereas, if want of faith is added to corruption as a result of ignorance, the evil hardly admits of remedy, and the road to eternal ruin lies open.

Such, then, are the unhappy consequences of ignorance in matters of religion; such, too, are the necessity and utility of religious instruction. Vain, indeed, would it be to expect one to perform the duties of a Christian who does not know them. It remains, then, to inquire whose duty it is to eliminate this ignorance from the minds of the people, and to impart to them a knowledge that is so necessary. And here, venerable brothers, there is no reason for doubt, for this most important duty is incumbent upon all who are pastors of souls. On them, by command of Christ, rests the obligation of knowing and feeding the flocks entrusted to them. To feed implies first of all to teach. "I will give you," God promised through Jeremiah, "pastors after My own heart, and they will feed you with knowledge and doctrine." (Jer. iii., 15.) Hence the Apostle St. Paul said: "Christ sent me not to baptize, but to preach the gospel" (I. Cor. i., 17), thus indicating that the first office of all those who are entrusted to some extent with the government of the Church is to instruct the faithful.

We do not think it necessary to speak here of the noble nature of this instruction, or to show how meritorious it is in the sight of God. Assuredly the alms which we alleviate the trials of the poor is highly praised by the Lord. But who will deny that a far greater measure of praise is due to the zeal and the labor expended not on the fleeting welfare of the body but on the eternal welfare of souls, by teaching and admonition? In truth than this nothing is nearer or dearer to the heart of Jesus Christ the Saviour of souls, who, through the lips of Isaiah affirmed of Himself: "I have been sent to preach the gospel to the poor." (Luke iv., 18.)

For our present purpose it will be better to dwell on a single point and to insist on it, viz. that for a priest there is no duty more grave or obligation more binding than this one. Who will deny that knowledge should be joined with holiness of life in every priest? "For the lips of the priest shall keep knowledge." (Mal. ii., 7.) The Church does, in fact, require it most rigorously in those who are to be raised to the sacerdotal ministry. Why? The answer is because from them the Christian people expect to learn, and it is for that end that they are sent by God, "and they shall seek the law at his mouth, for he is the angel of the Lord of Hosts." (Ibid.) Thus the bishop, in ordaining, addressing the candidates for orders, says to them: "Let your spiritual doctrine be as medicine for the people of God; let them be prudent co-operators of our order, in order that, meditating day and night on His law, they may believe what they shall read, and teach what they shall believe." (Pont., Rom.) If what we have just said is applicable to all priests, with what greater force does it apply to those who possess the title and the authority of parish priests, and who, by

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AND TAKE NOTICE that after the said 5th day of June, 1905, the said Executor will proceed to distribute the assets of the said deceased amongst the parties entitled thereto, having regard only to the claims of which it shall then have notice and the said Executor will not be liable for said assets or any part thereof in any person or persons of whose claim notice shall not have been received by it or its said solicitors.

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(Continued on page 8.)

that we have the power to give to these provinces such a constitution or administration as this Parliament deems it expedient to give. But the most that can be said in favor of those who take the contrary view—and it has not been said so far as I am aware—is that inasmuch as the British North America Act, 1871, provides that the Parliament of Canada may from time to time establish "provinces," the word "provinces" as so used must be interpreted having regard to the meaning of that word in the British North America Act, 1867, and therefore the province so established must be an institution corresponding generally with the provinces whose constitution is fixed in the British North America Act. Admitting, for the sake of argument, that that is so, it can only be said that the new provinces shall be constituted, as to correspond in powers with the other provinces so far as, with regard to any subject or class of subjects and the powers of all the provinces are the same. I might labor the point indefinitely and not get much farther on. In addition to the quotations of Sir John Thompson made by the leader of the Opposition, I would refer to a further statement by that gentleman which will be found in "Hansard" of July 26th, 1894, page 6130. It will there be found that Sir John Thompson, one of the greatest constitutional lawyers among the many eminent men who have held the position that I now occupy, held clearly and distinctly that the constitution of the provinces which are now being created is to be settled by this Parliament exclusively. That there may be no doubt of that subject, perhaps I had better read an extract from the "Debate." Sir John Thompson said, in answer to Mr. McCarthy:

"The hon. gentleman's argument, of course, was that if this system—"

"That is to say the school system of the Territories."

"—were allowed to stand until provinces are created, we should, by force of the British North America Act, be unable to withdraw that system, and that it would be riveted on the provinces. As has been shown by the hon. member for Bothwell, the provisions of the British North America Act relate only to the provinces which were entering into the union at that time, and to the provinces which were named in the last section of the Act as entitled to be admitted into the union, and have no relation whatever to the provinces which are to be created out of the territorial district of the country. That is clearly seen when we come to the British statute of 1871, which, for the first time, conferred the power on this Parliament to create provinces out of our territories, and, as the hon. Minister of the Interior has said, enables this Parliament to decide what the constitution of those provinces shall be. We claim, therefore, that the constitutional system which was established with regard to schools and with regard to the language in 1875, ought to be maintained for the same reasons as those which dictated its creation, and that this condition of affairs should last, at least, while the affairs of the territories are under the control of this Parliament. What the constitution of the future provinces shall be, in view of the pledges which have been referred to, or in view of any other set of circumstances, will be for Parliament to decide when it decides to create those provinces."

Now it seems to me that some consideration should be given to this opinion expressed by so eminent a man, absolutely in line with the opinion on which the Government are now acting. Now, as against the views I have expressed, the opinion of another very eminent man has been quoted, that of Mr. Christopher Robinson. I make bold to say that there is no man in this country who occupies a higher position, not only in the opinion but in the affection of the Far, than Mr. Christopher Robinson. The worthy son of a distinguished sire, he embodies in his person all the best traditions of the noble profession to which so many of us belong. I have given evidence of my respect for Mr. Christopher Robinson, for, on a momentous occasion, the most important occasion that I have ever been called upon to select counsel, I have chosen Mr. Christopher Robinson to guard the interest of this Dominion, I refer to the Alaska boundary case. Now what does Mr. Christopher Robinson say—rather, not what does he say, but what is he reported to have said—"because we have not yet got what he said, we have not been favored with the questions that were submitted to him."

Mr. Sproule—I think an explanation is due to the Minister of Justice.

Some Hon. Members—Sit down.

Mr. Sproule—I am not permitted to make an explanation, if the hon. gentleman will not, out of courtesy, permit me to make an explanation. I will sit down.

Mr. Fitzpatrick—Mr. Speaker, I think I have provoked an explanation. Mr. Sproule—I said that a word of explanation was due to the Minister of Justice. He requested me to hand the questions that were submitted to Mr. Christopher Robinson, and I told him that I would endeavor to get them and supply them to him. When I wrote for them the answer which I received from Mr. Fitzpatrick, the gentleman through whom I was acting, was to this effect, that the questions had not been considered as they were presented, but rather as having regard to the purpose of the Bill. I should have handed that answer to the Minister of Justice, but I did not do so because I thought it would not meet the intention that he had in asking for the question.

Mr. Fitzpatrick—There is absolutely no harm done; I have absolutely no complaint to make against the hon. member for Grey (Mr. Sproule). Now let me see what Mr. Christopher Robinson said. We have the positive opinion of Sir John Thompson, now let us see what Sir Christopher Robinson said, as I find it in the "Hansard":

"The right of the Dominion Parliament to impose restrictions upon the provinces about to be formed, in dealing with the subject of education and separate schools, is, I think, not beyond question."

Mr. Sproule—May I be permitted to say one word here? The Minister of Justice used the expression "What Sir Christopher Robinson is reported to have said." I here handed to the hon. gentleman the paper which Mr. Christopher Robinson signed with his own hand. Mr. Fitzpatrick—Mr. Christopher Robinson said:

"The right of the Dominion to impose restrictions upon the provinces about to be formed, in dealing with the subject of education and separate schools, is, I think, not beyond question. This would require more consideration than I have been able yet to give it, and must ultimately be settled by judicial decision. I am asked, however, whether Parliament is constitutionally bound to impose any such restriction, or whether it exists otherwise, and I am of opinion in the negative. It must be borne in mind that I am concerned only with the question of legal obligation. What the Parliament ought to do or should do in the exercise of any power which they may possess, is not within the province of counsel."

I do not really think it is worth while for certain newspapers in this country to quote the opinion of Sir Christopher Robinson and say that his opinion is that, on this important constitutional question, there can be no doubt the Government is wrong. I am not aware that this Government considers that it is bound constitutionally to impose any restrictions; but I am aware that this Government believes that in equity and in good conscience it ought to enact section 16 of the Bill.

Now for the present I will follow the example of the leader of the Opposition, and deal exclusively with two features of this Bill; first, the question of the land, and second, the educational provisions. Let me draw the attention of the House to the fact that the leader of the Opposition, careful lawyer as he undoubtedly is—in his presence I will not say more—does not go beyond this:

"May I not further suggest that even if there were any danger—and I do not think there is—it would be the task of good statesmanship to have inserted, if necessary, a provision in this Bill with regard to free homesteads and the prices of those lands, and obtain to it the consent of the people of the Northwest Territories."

That is to say, we are to give them all the lands with a string tied to them. That is so far as my hon. friend would care to go.

Mr. R. L. Borden. No, the hon. gentleman is hardly doing me justice. I said in the first instance that it would be a proper policy to hand the lands over to the control and administration of the provinces; then I said if the government declined to do that on account of a reason that has been suggested by the Prime Minister, I thought at least that might have been done which the Minister of Justice has just quoted.

Mr. Fitzpatrick. I stated my hon. friend's opinion so far as I could gather it. I do not wish to misrepresent him, because I have had my own experience in reading my own speeches. I understood him to say that we had power to retain some control over these lands while granting them to the legislatures of the provinces.

Mr. R. L. Borden. In order to make myself perfectly clear, I would like to say a word—I do not want to interrupt my hon. friend, for I know how difficult it is to make a consecutive legal argument with constant interruptions, those who have practised in courts have had some experience of that. What I thought the lands ought to be handed over, but if we are to concede the principle that the government do not intend to hand them over, then in that case the best thing to do was that which I suggested. I did not intend at the time to deal with the question of legislative power. I may say besides to the Minister of Justice that I think the question of the lands stands so far as legislative power is concerned on a somewhat different basis from that of the educational clauses.

Mr. Fitzpatrick. In dealing with the lands I refer to section 109 of the British North America Act which is made applicable exclusively to the original provinces by name, and applicable to each of the provinces in which the lands were vested at the time of confederation. At the time of confederation the lands referred to in section 109 were the property of the provinces that were coming into the confederation. In the present instance the lands are vested in the Sovereign in the right of the Dominion and we would require a divesting Act to part with them. If this Act were simply silent the public domain would remain in the Crown, where it now is. Here again we have the authority of precedent. In the Manitoba case the same principle was applied, and has been explained by the Minister of Finance (Hon. Mr. Fielding) and other speakers, that principle was never departed from, notwithstanding the repeated requests of Manitoba. I shall not weary the House with a repetition of the answers given by former governments of the requests of Manitoba for the control of their lands. Incidentally I may say, however, that this question was under consideration in the Swamp Lands Case in the Privy Council in 1904. Honorable members will remember that under a Dominion statute it is provided that all Crown lands in Manitoba which are shown to the satisfaction of the Dominion Government to be swamp lands shall be transferred to its benefit and use. The Government of Manitoba claimed that they were entitled from the date of the statute to the profits on each parcel of lands which had eventually and after a process of selection been transferred. The Privy Council held that the lands did not inure to the benefit and the use of Manitoba until they were transferred.

The fruits or produce now in dispute arose while the administration of the lands was with Canada, and have been duly applied to Canadian uses.

That is to say while Canada was administering the public domain in Manitoba and the Territories in such a way that the profits arising therefrom inured to the benefit of the Dominion. Something might be said in favor of the principle that these lands might be administered in such a way that the profits arising therefrom would inure to the province or territory in which the lands are situated, but in the Privy Council the question arose incidentally and therefore it was not even considered beyond the fact that those lands were vested in the Dominion and the title of the Dominion to the lands has never been raised in the courts and in connection therewith no doubt has been expressed. Therefore, constitutionally it seems to me that our right to deal with these lands in the way we are dealing with them cannot be questioned.

Mr. Sproule—The hon. gentleman's paper which Mr. Christopher Robinson signed with his own hand, Mr. Fitzpatrick—Mr. Christopher Robinson said:

It must not in addition be overlooked that when the Territories became part of the Dominion they had no revenue, and in addition to the payment of £300,000 sterling to extinguish the Hudson Bay Company's rights, Canada had immediately to assume the whole burden of government without any compensation in the way of revenue except such as it derived from the sale of public lands. I would wish to repeat what had already been said, as the subject will require to be more fully considered in committee, but it seems to me that not only under the provisions of the constitution, not only for the reasons urged by the hon. member for Brandon (Mr. Sifton) with respect to immigration, not only for the reasons set forth in the different Orders in Council prepared by preceding governments, but because the people of Canada have been obliged to incur all these liabilities with respect to these Territories, that we have not only the right but we have the duty to retain the possession of these lands. Perhaps incidentally I might mention that in the debates on confederation the question was considered, and it is gratifying to see that the Hon. George Brown, discussing the question of immigration, indicated the inconvenience that would result from a separate administration and a different policy as between the government of the Dominion and the provincial governments, and he practically went upon the lines that are being urged here in support of the government's position.

Now I come to the crucial point, the education provisions, section 16. And here, Mr. Speaker, I have to stand humbly before the House, perhaps in a penitent mode, and to make the admission that I drew that clause. Apparently there are few in this House who do that clause honour.

Mr. R. L. Borden: You look pretty guilty.

Mr. Fitzpatrick: I look pretty guilty but I do not look nearly so guilty as I feel. I drew it with my own hand, clause by clause, line by line, word for word. It is one of the two clauses of the whole Act for which I am personally responsible. The other is the clause that has reference to the Canadian Pacific Railway contract. I will not now say anything, as I fear I have detained the House long enough, on the amended clause. That I shall be prepared to deal with and to justify when it is moved in Committee.

Now, if I have succeeded in establishing my first point, namely that this Parliament has the power to insert in this Bill the provisions contained in section 16 with respect to education, the next question to be considered will be, are these provisions under all the circumstances fair and reasonable, and in view of the pledge given and of the legislation passed by this parliament, is there a moral obligation to enact this clause? My principle, if I have a principle in politics, is to hold sacred my covenants. There is, to use the words of the Privy Council in the second Manitoba case, a "parliamentary compact made with the people of the Northwest" and I want, so far as it is possible to do it, to hold sacred my covenants and to see that compact observed. We are told that the provinces were not consulted about this Bill and especially about this provision of the Bill. Let me say that as far back as 1900 the territorial government drew a bill and submitted it for the consideration of the government, to which they expected parliamentary sanction would be given. I have here in my possession a Bill drawn in 1902 which they submitted to the government and which I presume they caused to be inserted into the provisions which they desired to have in their new constitution. What is there in that Bill?

Mr. R. L. Borden: That is the "Haultain Bill."

Mr. Fitzpatrick: The Haultain Bill, yes, the Bill of 1902. This Bill will be found in a return which was brought down last year or the year before and annexed to it there is a memorandum explaining each one of the provisions. What does that Bill say in section 2? And bear in mind that section 2 of that Bill is almost in terms section 2 of the Bill now under consideration of this House. Section 2 of the Bill presented to us by the people of the Northwest Territories contains this provision:

"That on and after the first day of January, 1903, the provisions of the British North America Act, 1867, except those parts thereof which in terms made, or by reasonable intendment, may be held to be especially applicable to or to affect only one or more but not the whole of the provinces under that Act composing the Dominion, and except so far as the same may be varied by this Act."

Rather suggestive that they think we have the right to vary the terms of the British North America Act.

"shall be applicable to the province of... in the same way and to the same extent as they apply to the other provinces of Canada, and as if the provisions of... had been one of the provinces originally intended by the said Act."

What does that mean? The provisions of the British North America Act; do they include section 93, the educational clause, or if it was not their intention that that section should be made applicable to them why did they not except it? Now we have more than that. Mr. Haultain in the letter I have mentioned says:

"With regard to the question of education generally you are now aware that the position taken by us was that the province should be left to deal with the subject exclusively subject to the provisions of the British North America Act, thus putting them on the same footing in this respect as all the provinces of the Dominion except Ontario and Quebec."

To properly appreciate what this means, let us see what is the position of the other provinces of the Dominion with respect to education, and I will make bold at once to make this statement: that there is not to-day in the whole Dominion of Canada a single province which has the power to legislate exclusively with respect to education—not one province of the Dominion of Canada. The distribution of legislative power by the British North America Act as between the provinces of the Dominion, is made in sections 91, 92 and 93 of that Act. Section 91 enumerates the power of the parliament of Canada, and enumerates the matters coming within the classes of subjects over which the exclusive legislative authority of the parliament of Canada extends. Section 92 enumerates the classes of subjects in respect to which the legislature of each province may exclusively make laws;

and section 93 deals especially with legislation respecting education, and provides; and what?

"In and for each province the legislature may exclusively make laws in relation to education—"

Does it stop there? No, it goes on to say:

"—subject and according to the following provisions. I can there be any doubt now as to whether or not the provinces have the right to deal exclusively with education. If it was intended that the province should have exclusive legislative jurisdiction with respect to education, why not have included that subject among the classes of subjects enumerated in section 92, and assigned exclusively to the provinces; or why not have eliminated all reference to the subject of education, which, in that case might have been included under the heading 'provinces and civil rights in the province' under section 92, again under 'matters of a merely local or private nature in the province.' Either of these two enumerations would include education. The answer is, that parliament intended to deal with this difficult question so as to make exceptional provisions differing according to each province, and my argument is that by section 93 of the British North America Act, 1867, the power of each province is expressly limited: First the right to denominational schools which any class of persons has by law in each province at the union must be preserved. That is quite clear. Second; where in any province a system of separate or dissentient schools exists by law at the union, or is therefore established an appeal shall lie to the Governor-General in Council from any act or decision of any provincial authority affecting any right or privilege of the minority. And third: The powers, privileges and duties conferred to Upper Canada upon separate schools and school trustees of the Roman Catholics, are extended to the dissentient schools of Protestants and Roman Catholics in Quebec.

These limitations not only provide expressly exceptional provisions for different provinces, but also in effect, so far as there were denominational schools at the union, established as many different systems as there are provinces. By the Manitoba Act there are different provisions, and the limitations so far as denominational schools are concerned, is expressed in even broader terms than in section 93 of the British North America Act. Nobody doubts that Ontario and Quebec, that Nova Scotia and New Brunswick are provinces, notwithstanding this diversity in matters of education. It has never been suggested that Manitoba is not a province, although further exceptions as to education have been introduced in her case. It cannot reasonably be argued that in creating a new province the Dominion is bound to make its powers with regard to education corresponding to those of any particular one of the older provinces.

And, if we are obliged to make them correspond to any particular one of the older provinces, to which shall we make them correspond? All the provinces are treated alike, mark you, Mr. Speaker, with the single exception of Quebec, with respect to that province there is an express limitation placed upon its powers in the interest of the Protestant minority.

It is a complete error to imagine that the right to separate schools in Ontario is created by the British North America Act; that right is merely preserved by that Act, and there is no exceptional provision for Ontario. The conditions applicable to Ontario are those applicable to New Brunswick, to Nova Scotia, to Prince Edward Island and to British Columbia; the difference being that at the time of confederation the Catholics of Ontario had rights and privileges with respect to their schools by law in the province, and they did not have these rights in some of the other provinces. Again I repeat: there is not in the whole Dominion of Canada to-day a single province that enjoys an exclusive right to legislate with respect to education. Then, why in the name of provincial rights can we justify being called upon to give to these new provinces a power which no other provinces possess? Let me quote on this point the opinion of their Lordships of the Privy Council in the second Manitoba School Case. Here is what their Lordships say, page 279 of the Manitoba School Case, 1894, edited by the Canadian Government:

"Before leaving this part of the case say their Lordships, it may be well to notice the argument urged by the respondent, that the construction which their Lordships have put upon the second and third subsections of section 22 of the Manitoba Act is inconsistent with the power conferred upon the legislature of the province to exclusively make laws in relation to education."

"The argument is fallacious, say their Lordships, the power conferred is not absolute but limited, it is exercisable only subject and according to the following provisions."

Further on at the foot of the same page, dealing with the same subject, their Lordships say:

"It must be remembered that the provincial legislature is not in all respects supreme within the province. Its legislative power is strictly limited. It can deal only with matters declared to be within its cognizance by the British North America Act as varied by the Manitoba Act."

Their Lordships do not seem to take fright at the suggestion that the British North America Act should be varied.

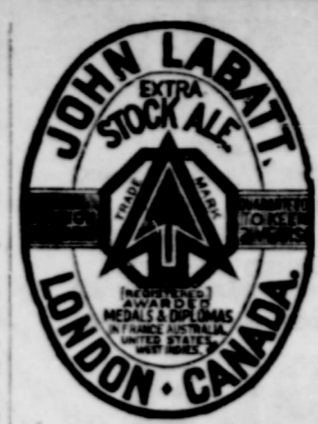
In all other cases legislative authority rests with the Dominion Parliament."

Now, Mr. Speaker, here is what their Lordships go on to say:

"In relation to the subjects specified in section 92 of the British North America Act, and not falling within those set forth in section 91, the exclusive power of the provincial legislature may be said to be absolute."

That is to say, when they exercise the powers conferred by section 91. But their Lordships continue to say: "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."

There we have it, on the authority of the Privy Council, that there is no power under the British North America Act vested in any province to



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(Continued on page 7.)

deal exclusively with matters of education. I am quite aware that the terms of section 22 of the Manitoba Act differs somewhat from the terms of section 93 of the British North America Act, and the differences are pointed out in the report of the same case, at page 270, but the principle is the same.

This view of the law let us examine section 16. Dealing with the Territories as the other provinces had been dealt with my intention was to declare section 93 applicable, and I beg those who do me the honor of listening to me to take note that a special provision would not have been necessary, that section 2 of the Bill would have been sufficient were it not that a difficulty might have arisen from the use of the word 'province' in section 93, and because of a doubt which was suggested as to the meaning of the words 'at the union.' Section 93, which would be applicable under section 2 of our Bill reads:

In and for each province the legislature may exclusively make laws in relation to education, subject and according to the following provisions:

1. Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the province at the union.

My difficulty was with respect to the words 'province' and 'at the union.' My view was that it was possible that these might be construed as applicable exclusively to a province, and could not be made applicable to these Territories as brought in and my firm determination was that there should be nothing left to uncertainty, so far as my responsibility went. My object was to make section 93 applicable, and my object was also to avoid a repetition to perpetuate the existing conditions, with which everybody in the Territories professes to be satisfied. Now, if you take section 16 and read it in the light of that declaration, how would the law be with respect to these Territories? It would read as follows:

In and for each province the legislature may exclusively make laws in relation to education, subject and according to the following provisions: Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the territory at the time of the passage of this Act.

I would have made that applicable to the Territories as if they were provinces, and as if they were provinces at the time this Act comes into effect, that is to say, on the 1st of July next.

Mr. Haggart. Would that cover rules and regulations made under the ordinances? Mr. Fitzpatrick. My hon. friend is more familiar with that question than I am, because he had to consider them in 1880, under Sir John Thompson. I shall unfortunately be obliged to discuss that later on when I come to the amendment. My intention was to continue the conditions existing at the present time. I had in mind the letter written by Sir John Macdonald to a member of the Manitoba legislature, which was quoted here a few days ago by my hon. friend from Cornwall (Mr. Pringle), and which is printed in the opening pages of the Manitoba School Case by Kribbs, in which Sir John declares that it was the intention of the government in 1870 to give to the minority in Manitoba the right to separate schools—to give them full and ample protection with respect to their schools. I knew that was the intention at that time, and I also knew that the Act, drafted under these circumstances, was submitted for consideration to their Lordships of the Privy Council, and they felt it to be their duty to declare that the man who drew that Act, the draftsman of that day, had failed to carry out the intention of the legislature. I made up my mind that the draftsman of to-day, so far as his limited light allowed him to go, would make no such mistake. Their Lordships, in the Manitoba school case said:

"It was not doubted that the object of the 1st subsection of section 22 was to afford protection to denominational schools, or that it was proper to have regard to the intent of the legislature and the surrounding circumstances in interpreting the enactment. But the question which had to be determined was the true construction of the language used. The function of a tribunal is limited to construing the words employed; it is not justified in forcing into them a meaning which they cannot reasonably bear. Its duty is to interpret, not to enact. It is true that the construction put by this board upon the 1st subsection reduced within very narrow limits the protection afforded by that subsection in respect of denominational schools. It may be that those who were acting on behalf of the Roman Catholic community in Manitoba, and those who either framed or assented to the wording of that enactment were under the impression that its scope was wider, and that it afforded protection greater than their Lordships held to be the case. But such considerations cannot properly influence the judgment of those who have judicially to interpret a statute. The question is, not what may be supposed to have been intended, but what has been said."

"I meant to say what I intended. Perhaps incidentally it may interest the House to know that at the time the Manitoba School Act was passed, and at the time these difficulties arose in Manitoba, the imperial authorities thought proper to interfere when they were called upon to give military assistance to the Dominion of Canada, and at that day the imperial authorities, to their credit be it said, faithful to the traditions of the imperial parliament, the mother of parliaments, the parliament of that people who have always held sacred their movements, acted through their representative, Lord Granville, sent to the Governor-General of Canada a cablegram on the 5th of March, 1870, which reads as follows:

"The proposed military assistance will be given if reasonable terms are given to the Roman Catholic settlers, and if the Canadian Government enable Her Majesty's Government to proclaim transfer simultaneously with movement of troops."

They were prepared to give the assistance asked for at that time by the Canadian Government on condition that reasonable terms should be given to the Roman Catholic minority. These terms are contained in the Manitoba Act of 1870. What happened subsequently it is not necessary for me to say. Dealing now with section 16, I would like to say that the second paragraph in that section was added—although in my judgment absolutely unnecessary—because it was thought advisable to re-enact the provisions of section 11 of the Act of 1875. This was for the purpose of making it quite clear that this parliament was merely carrying out a solemn promise already made. That very paragraph was intended to give legislative sanction to the conditions now existing with respect to grants in aid of education. At the present time these grants are dependent upon an annual vote of the legislature, and it was clear to me that the annual grant made by the legislature gave to those who benefit by it a right or privilege within the meaning of section 93. And I thought that if separate schools are to exist, they should be made effective for the purposes for which they were intended, and should be placed to use the words of Mr. Balfour, in a position in which they can effectively play their necessary and inevitable part in the scheme of national education. I have given you now, Mr. Speaker, the whole secret of section 16. Where now are the shackles, the manacles, the invasion of provincial rights? What are we doing? I say that in the future history of our legislation and of the records of this parliament, it would be a serious reflection upon the people of the Dominion if the solemn promises made in 1875, repeated in 1880, and oft repeated since, were not carried out. It is necessary for me to go over what occurred in 1875. That will be found in the debates of the Senate and the House of Commons when the Bill was introduced. All that has been gone over repeatedly, but let me draw attention to a fact not yet mentioned, namely, that a year later, in 1876, the Keewatin Bill was introduced by Mr. Mackenzie, and from the Bill clause 11 of the Act of 1875 was omitted. On being asked for an explanation, Mr. Mackenzie spoke as follows:

"The Bill is only temporary in its character. Section 11 refers only to the Act of last session. The laws established by this Bill are those in force at the present moment in the Northwest Territory—neither more or less. The Act of last session proposed the creation of a municipal system and conferred practically all the powers of self-government as a province. It is only when such powers are exercised that the clause in question comes into operation."

After some discussion, Mr. Blake said: "The Act of last session has not yet been put in force. At present all the Territories of the Northwest are governed from Manitoba. The Act of last session proposed, and I think rightly proposed, a system which gave rudimentary representative institutions coincidentally with its going into effect. The Bill of this session takes off a very small portion of the enormous territories of the Northwest for the particular purpose which my hon. friend the premier clearly explained. If this territory is annexed to Manitoba the laws of that province relating to schools will apply to it. If reannexed to the Northwest Territories, clause 11 of the Act of last session will apply. Mr. Mousseau said this clause seemed to empower the government of the new province to repeal clause 11 of the Act of last session securing separate schools to the Northwest Territory. He wished to know if this was the case.

"Hon. Mr. Blake said that the 11th clause of the Northwest Territory Act was not yet in force, and would not apply to any of these Territories until the Act was proclaimed. It was a clause which would only come into force practically in connection with a system of taxation no provision for which was made in this portion of the Territories, so long as it remained under this form of government. The future of these Territories would be either one of two things, they would be annexed from Keewatin and reannexed to the Northwest. In either case the rights of the minority would be protected. There was no intention on the part of the government to depart from the general principle of the 11th clause. If the Territories were attached to Manitoba they would be subject to the laws of that province, if to the Northwest they would come under the 11th clause of the act of last session."

Sir John Macdonald. If I understand it, by simply proclaiming the Act of 1875 this 11th clause will come into force. Hon. Mr. Mackenzie. Certainly. In 1875 there was, my hon. friends will remember, the discussion of which I have just spoken on this clause 11. There was again a discussion in 1876 on the Keewatin Act, and it seems to me a sad commentary on our boasted progress in the direction of a nation building to find that the clause introduced in 1875, which received the practical approval of both political parties and of the press of both parties in the country, many hon. gentlemen want to disregard to-day. We do not seem to have marched very far on the road towards nation building, when we cannot do to-day what we could do in 1875. I do not know that it is necessary for me to remind the House of that extract from the 'Mail' of April, 1875, which was quoted by my hon. friend from Richelieu (Mr. Brunneau), in which the 'Mail', in discussing the position taken by Mr. Brown, said: "We fear that Mr. Brown is not better lawyer than his friend Mr. Mackenzie. We do not doubt that Senator Miller took the correct view when he said that the clause referred to—namely, clause 11—by Mr. Brown applied only to the provinces which were in the union at the time the Act was passed."

And here are the important words: "Every one may see how fortunate a thing it would have been if the school question had been put on a stable basis in New Brunswick, and if by the Northwest Act the government should have prevented future burnings on educational matters in the great new country which belongs to us in the far west, they will have done a good work indeed. We cordially endorse their action in this matter."

That appears to have been the policy of the Conservative party, in those days, and certainly it was a policy worthy of the best traditions of that party. I have not said anything of the character of the schools in the Northwest nor of my personal preference with respect to a system of education. My duty was simply to give effect to a system which was introduced in 1875 in the Territories and which has been established and improved by the free will of the people of those Territories. It has been suggested that the Territories wish to rid themselves of this incubus of separate schools, and we have been referred to a resolution that was passed by the Territorial Assembly in October, 1888, asking that a humble address be presented, praying that an Act be passed to repeal subsection 1 of section 14. True such a resolution was passed in 1889, but let me draw attention to a resolution which was passed in 1890, the following year. In that year the following resolution was passed: "Moved by Mr. Richardson, seconded by Mr. Brett, that whereas on the 29th October, 1889, this House passed the following resolution, viz: 'Resolved, that a humble address be presented to His Excellency the Governor-General in Council, the Senate and the House of Commons, praying that an Act be passed amending the Northwest Territory Act by repealing subsection 1 of section 14 after the word 'education' in the second line."

"And whereas such address was duly represented by way of memorial passed on the 6th November, 1889."

"And whereas no action has been taken on the subject by the parliament of Canada; "Therefore, he it resolved that this House reaffirm the vote as taken on the 29th October, 1889, and respectfully request that the said memorial as above mentioned shall receive careful consideration by the parliament of Canada at its next session and that a copy of this resolution be forwarded to the Secretary of State."

With time and consideration came wisdom. That resolution was put to the House and how did it result? Six voted in favor of it, and 15 against it. And there this agitation with respect to the repeal of the provisions of the Act having reference to separate schools ended, and we have heard nothing of it since.

And of course the present Prime Minister of the Northwest Territories, Mr. Haultain, voted against the resolution and in favor of maintaining the present condition. But that is not all; we have something even more recent. We have heard quite recently about the extension of the Manitoba boundaries and the desirability of extending those boundaries. In that connection we have heard references more forcible than polite to a gentleman who is supposed to have been in some way connected with that matter, notwithstanding his formal denial. But what has that to do with the school question of the Northwest? I shall be asked, let me draw attention to the fact that as recently as 1901 a joint debate took place at Indian Head, in eastern Assiniboia, between Mr. Roblin and Mr. Haultain upon this very question of the extension of the Manitoba boundary. Mr. Roblin put forth the reason why the people of that little place should declare themselves to be in favor of the extension of the boundaries of Manitoba, at the expense of the Northwest Territories, Mr. Haultain, on the other hand, arguing against the proposition and seeking to convince the people that it was to their interest to remain in the Northwest Territories and that the boundaries of Manitoba should not extend westward. And what, Sir, were the reasons given by Mr. Haultain to induce them to resist the blandishments of Mr. Roblin and to oppose the extension of the Manitoba boundary? The joint debate is reprinted in the Regina 'Leader' of January 20, 1902, and Mr. Haultain's argument is summed up in these words: "Good roads, Railways, Schools, Water." Referring to the school question, he says: "With the school system you are fairly well contented, so I need not dwell upon the subject."

I said a moment ago that I expressed no opinion as to the relative merits of public and separate schools. Not because I entertain any doubt myself as to the proper system of education, or as to the necessity for the religious teaching in our schools; not because I do not believe in the voluntary school, for undoubtedly I do believe in that school, because I think that school is the only school consistent with absolute freedom of conscience for which I have always stood. As for the common school, bringing all the children together, so that there may be uniformity, I have very little to say. My view has been that the individual ought to be developed. I do not want uniformity any more than I want monotony—both stand practically in the same light, so far as I am concerned. I believe in the doctrine of self-help. Perhaps, later on, I may have occasion to say a few words more about that doctrine. I argue that what was said and done in 1875, what was said and done in 1876, and in 1880, and 1885, and 1891, puts upon this parliament the imperative obligation to give effect to the term of promises and pledges then made. In 1875, Hon. George Brown, when section 11 of the Act of the Northwest Territories of that year was up for consideration said:

"The moment this Act passed and the Northwest became a part of the union, they came under the Union Act, and under the provisions with regard to separate schools."

It is true that Hon. George Brown was not a lawyer, but he had taken a prominent and important part in that part, perhaps, second to that of no one else in the confederation debates, and he must be presumed to have understood the meaning of the British North America Act. He said that if guaranteeing separate schools to the minority in the Territories, were allowed to continue until the Territories come into the union, then those schools became part of their constitution. Not only was that the view held by Hon. George Brown, but Mr. Dalton McCarthy, in 1891, speaking

of the clause relating to separate schools, which he wished to have repealed, said:

"Now, we insist by the clause of the Act of 1875, which has been included in the various consolidations of the legislative powers of the Northwest Territories which have been made from time to time, that they shall have separate schools, and if we continue insisting that that system shall prevail up to the time we create provinces in the Northwest, then the application of this clause of the first subsection of section 93 of the British North America Act, to which I have referred, rivets for all time upon the new provinces the system of separate schools."

Therefore we have the opinion of Hon. George Brown, confirmed by that of Mr. Dalton McCarthy, that if the system of separate schools exists in the Territories at the time when they came into the union as provinces, that system becomes part of their constitution and we cannot interfere with it.

Mr. R. L. Borden. Did not he withdraw that later on? Mr. Fitzpatrick. Possibly. But it seems to me that I have gone several times through all the debates on that subject and do not recall reading of any withdrawal on his part. It may have escaped my attention—

Mr. Fielding. Does the hon. gentleman (Mr. R. L. Borden) mean in the same debate?

Mr. R. L. Borden. Yes, a little later on. Speaking purely from recollection, in answer to Sir John Thompson, he did withdraw it.

Mr. Fitzpatrick. I saw that part. It is not a withdrawal—at least, that would not be the construction I would put upon it. Some days ago, the work of Mr. Clement on the constitution was quoted by the leader of the opposition against the position of the government. Mr. Clement, of his own motion, without being solicited, wrote to me on March 10th, in a letter which he inclosed a typewritten document headed 'The Legal position of a new province as to education,' in which he deals with this question. He says: "The federal parliament cannot create a new province with an area of legislative power greater or less than that assigned to the original provinces by the British North America Act."

2. It follows that section 93 of the British North America Act—the clause defining the legislative jurisdiction of the provincial assembly over education—must, pro and contra, and without possibility of amendment by federal legislation, be operative in any new province immediately upon its creation as a province.

3. Therefore, if there should be at the time when a new province is established which is in my opinion, the meaning of the words 'at the union' in section 93, any right or privilege in respect to denominational schools existing by law there, such right or privilege shall be protected by section 93.

Now, Mr. Clement, without hesitation, declares in the same sense that Mr. Dalton McCarthy did, namely, that if there are separate schools in existence in the Northwest Territories at the time these Territories come into the union—that is to-day—these separate schools are consequently entitled to the constitutional protection afforded by section 93. There is the opinion of Mr. Clement which was quoted against me the other day by the leader of the opposition.

May I now deal for a moment with the amendment of my Hon. friend the leader of the opposition? I have attempted to make the position of the government absolutely clear, would it not now be proper for us to know exactly what the position of the leader of the opposition is? Is it to ignore existing conditions, and public engagements resulting from the legislation of the past in this House, and the speeches made in support of them? Is it his intention to say to the Roman Catholic minority of the Northwest Territories that they should not have that protection that other minorities in all the provinces of the Dominion now have? I have read the amendment naturally with care, and I must confess that I have been at a loss to understand exactly his position on that point.

Now I will deal with one or two of the minor criticisms that have been offered against this legislation. It has been made a matter of reproach to the government that we did not declare our policy on this school question before the last election. Our policy, the policy of the Liberal party, was absolutely clear; it was not necessary for us to make any declaration, our policy was to follow the law in the letter and in the spirit; our policy was to give effect to the legislation introduced in 1875 by the greater leader of the Liberal party, the Hon. Alexander Mackenzie, to give effect to that policy by our legislation. What about the opposition? Did they declare their policy on this question when they went up and down the country discussing the question of autonomy to the Northwest Territories? Did they declare what their policy was with respect to separate schools? I have yet to learn that they did. But I think it would have been somewhat embarrassing to them to do so at the time of the spectacle we have had in this House during the last few weeks. They would have had one policy for Ontario and another for Quebec, and as to the policy in the other provinces, I leave it to the imagination of each one to conceive what it might have been.

Now, another criticism that has been made is that Mr. Sifton has not consulted about this Bill. Mr. Speaker, I have little to add to what I have already said incidentally on that subject. Let me say now that Mr. Sifton handed to me personally a draft Bill as prepared by those who represented the Northwest Territories, and that on that Bill were written in his own hand-words with respect to this question of schools, which I understood is the only question that we differed about. I have the notes here, which I will read:

"Make memo of present provisions in law relating to the Northwest Territories as to public schools and provisions in other constitutional Acts. Beyond that, I never had a conference with Mr. Sifton, beyond that he is in no respect responsible for section 16 of this bill. Now I have endeavored at all times to shut my eyes and to close my ears to the idle chatter which we bear in the streets; I have endeavored at all

times to ignore the pressional maligner who goes about for the purpose of endeavoring to create disturbances among neighbors. So far as I am concerned—I speak out openly, I have nothing to hide, nothing to be afraid of, either here or outside—I say that the honest differences that have existed, if any have existed, between Mr. Sifton and myself with respect to this Bill, are differences which any two self-willed and perhaps rather going-minded men, might have. But they have never extended beyond that, and any man who says they have, any man who, either in this House or out of it, says anything to the contrary, says what he knows to be untrue.

Now there is another point to which I wish to refer. A criticism has been offered as to the composition of the subcommittee that was appointed by the government to confer with the representatives of the Northwest Territories with respect to the provisions of this Bill. I would like to say that it is somewhat embarrassing to answer the charge that a man should not be Minister of Justice or form part of that committee because he happens to be a Roman Catholic. The Prime Minister was a member of that committee. Was it improper that the Prime Minister should be a member of this important subcommittee? Is it a fault in him that he is a Roman Catholic? It is a matter of conviction with him. Is it proper that the Secretary of State, the official channel of communication between this government and the government of the Northwest Territories, should be a member of that committee? Is it any crime in him that he should be a Roman Catholic? Was it proper that the Minister of Justice should be a member of that committee? I am technically responsible for the drafting of this Bill. Was it not right that I should give an opportunity to consider the representations of those who were the delegates of the people of the Northwest Territories in order that I might know how to draft the Bill? I won't say it is my fault that I am a Roman Catholic, because it is. That sort of criticism, it seems to me, cannot hurt anybody.

Now a reference has been made to an opinion expressed by me long ago about the elementary schools in Quebec. I did criticize the elementary schools in Quebec, because I thought they were bad. I told the people who were interested, and upon whose votes I depended for my election, that I thought their schools were bad and they ought to improve them. They have set about improving them. But let me draw the attention of the House to this fact, that the elementary schools criticized are not the clerical schools of the province of Quebec, they are the schools that are under control of school trustees, which trustees are elected by ratepayers—those are the schools that I criticized. The clerical schools of the Province of Quebec are the colleges of that province where we were all educated; and without saying anything in favor of the system of education in the province of Quebec—you have heard some of our French colleagues from that province speak in this House, and may I not say of the school system that produces the men who represent that province, and the men who made those speeches, what was said of the Greeks of old, that they are justified of their children?

Now, Mr. Speaker, after having apologized for trespassing so far on the attention of this House, I want to say a word in praise of the calm and dignified attitude in the present circumstance of the people of the Province of Quebec, that much maligned province which was said to be so deficient and backward in the cause of education. Take the facilities for higher education offered by Laval University, and you shall find that the blessings of a liberal education are brought within the reach of a poorer class of people in the Province of Quebec than in probably the case in any other country in the world. There are no great endowments to make fee a matter of slight consequence, but the spirit of self-sacrifice is abiding tradition within its walls, and its doors are open to all comers because its professors are content to work for a mere pittance.

On the other hand, nowhere has private wealth recognized its public duties with greater generosity than in that province. It is not necessary to recall in the presence of the members of the Canadian House of Commons the names of the men whose benefactions have endowed McGill University with the revenues of a principality.

We must all admit to-day that the hammer stroke that drove home the last rivet in the last rail in the line which now unites the west and the east with a band of iron did something more than complete one of the greatest engineering feats of the kind. It put an end to the old era in which Canada was a mere geographical expression for a number of sundered and mutinous and sometimes squabbling provinces, and it gave to the conscious nation what it shall ever show in the face of trial—a backbone of steel. This scheme originated in the Province of Quebec and was carried to a successful completion by men from that province. I shall not attempt to forecast the future, or to say what fate Heaven holds in store for the people of the Northwest Territories—a people so blessed in the past, and so greatly expectant of the morrow, and so truly the heirs of the best that the old world had to give. The earth and the riches thereof is stretched out before them, inviting them to the work of developing to the utmost the resources of their great inheritance and the task may well occupy the noblest energies of their children and of their children's children.

But if they look back to the small beginnings of Canadian history they shall see that fidelity and constancy have been the conspicuous qualities in the characters of both the great stocks from which the Canadian people are mainly derived. It may, therefore, be inferred without rashness that they are not likely to run after strange fads, but rather to stand in the ancient ways, true to the principles of justice and fair-play, and not likely to be driven by crises or attracted by even the most brilliant stars as I have heard it sometimes suggested; but instead thereof, a free and contented people, to work out their destinies in these young provinces under the benign influence of the generous, equitable principles of the Canadian constitution.

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We must all admit to-day that the hammer stroke that drove home the last rivet in the last rail in the line which now unites the west and the east with a band of iron did something more than complete one of the greatest engineering feats of the kind. It put an end to the old era in which Canada was a mere geographical expression for a number of sundered and mutinous and sometimes squabbling provinces, and it gave to the conscious nation what it shall ever show in the face of trial—a backbone of steel. This scheme originated in the Province of Quebec and was carried to a successful completion by men from that province. I shall not attempt to forecast the future, or to say what fate Heaven holds in store for the people of the Northwest Territories—a people so blessed in the past, and so greatly expectant of the morrow, and so truly the heirs of the best that the old world had to give. The earth and the riches thereof is stretched out before them, inviting them to the work of developing to the utmost the resources of their great inheritance and the task may well occupy the noblest energies of their children and of their children's children.

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In and Around Toronto

ARTICLES BY MR. M. J. QUINN.

Under the heading 'Important Announcement,' the magazine 'Heating and Plumbing,' published in Toronto and Montreal, tells its subscribers that arrangements have been made with Mr. M. J. Quinn, mechanical superintendent for the Ontario Government, for the publication of a series of articles on plumbing, heating, ventilation and kindred subjects. The announcement states that 'Mr. Quinn has been in charge of the work on the public buildings of the province for a number of years and is both capable and well fitted to take up the work. Realizing that the average publication on these subjects is of too technical a character to be understood, these articles have been written in language as far as possible devoid of technical phrases, algebraical signs, etc. The articles will be illustrated by drawings.' The Catholic Register notes the matter merely to emphasize the progress of one of our Catholic young men, whose ability and perseverance are thus bringing him to the forefront in his profession. Mr. Quinn is well known amongst the societies of the city. He is prominent in the C.M.B.A. and has on occasion addressed most of the associations for young men, when his lucid and instructive 'talks' have been much appreciated. Mr. Quinn is also an inventor, and his inventions or discoveries along sanitary lines are being adopted not only by the government, but generally throughout the province. That Mr. Quinn has not yet reached the zenith of his achievements may be safely predicted, and along the progressive career upon which he has entered he is accompanied by the good wishes of many friends.

MRS. MARGARET DAVIDSON.

The death of Mrs. Margaret Davidson, who died on Friday last at Los Angeles, California, will be learned with regret by a large circle of acquaintances in Toronto. Mrs. Davidson, the greater part of whose life was spent in this city, was on a visit to her daughter, Mrs. James Moses, when she was seized by an attack of apoplexy from which she never rallied, but after lingering for about a week, expired without having even recovered the use of speech. For a number of years Mrs. Davidson was a regular attendant at St. Patrick's church, for which she had a great affection, and it is now related of her that after returning from Mass and Holy Communion on Easter Sunday, she said to those around her, 'If I were only back now in Toronto at dear old St. Patrick's, how happy I would be.' The stroke which terminated fatally was altogether unexpected, Mrs. Davidson having previously enjoyed the best of health, and the occurrence was therefore particularly sad. Two sons, John and Alfred Davidson, of Richmond street, Toronto, and Mrs. James Moses of Los Angeles, are left to mourn her loss. The interment took place at Los Angeles. R.I.P.

PROCESSIONS IN HONOR OF MAY

Processions in honor of the month of May have been held in several parishes of the city, notably at St. Mary's and St. Patrick's, when the beauty of the spectacle in each case proved matter of much edification to the congregation.

FUNERAL OF MRS. O'LEARY.

The funeral of Mrs. Mary O'Leary, widow of the late Timothy O'Leary, took place from St. Mary's church on Saturday morning. Mrs. O'Leary was a long-time resident of Toronto, and lived at 837 Queen street west, in which vicinity and throughout the city generally, she was well and favorably known. Mrs. O'Leary is survived by four sons, James, John, William and Joseph. R.I.P.

MR. JAMES DYKES.

At his late residence 69 Centre avenue, on Monday, May 8th, the death occurred of Mr. James Dykes, a resident of St. Patrick's parish. The funeral took place on Wednesday morning to St. Michael's cemetery. R.I.P.

DEATH OF SISTER MARY OF THE IMMACULATE CONCEPTION.

The death of Sister Mary of the Immaculate Conception, which occurred at the House of Providence on Saturday the 6th inst., was something altogether unexpected until a very short time before the end. Sister Immaculate was out and about her usual duties on Tuesday, and on Saturday she was dead. Acute pneumonia was the cause of death. The deceased Sister was one of three of the same family called away within the last twelve months. She was a sister of Rev. Father Brennan, C.S.B., who died just ten months ago, and of Miss Brennan who died a little later. Born sixty years ago, one of an Irish family who came in their youth to Canada, Sister Immaculate entered the Community of St. Joseph of which for the past thirty-five years she had been an exemplary and much loved member. Most of her time was passed at the House of Providence, where her duties brought her into frequent communication with the people of the Institution, by whom she was generally esteemed and loved. Her unselfishness and

readiness to wait upon others were amongst her strong characteristics, and her great devotion to our Lord in the Blessed Sacrament was remarkable even in an atmosphere where such devotion is by no means rare. The funeral took place on Monday, Rev. Father Hand being the celebrant of the mass of requiem, assisted by Rev. Father Ryan, C.S.B., a cousin of Sister Immaculate, as deacon, and Rev. Father McCabe as sub-deacon. Others in the Sanctuary were Very Rev. Father Cushing, C.S.B., Rev. Father Murray, C.S.B., Rev. Father Stuhl, C.S.B., and Rev. Father Gignac, C.S.B. The pathetic music of the mass was sung by the Sisters' choir, and the casket was carried through the chapel by six members of the Community, many of whom followed their deceased Sister to St. Michael's Cemetery, where the interment took place in the plot of St. Joseph's Community. Mrs. Hetherington, of Yorkville, N.Y., a sister, is the only remaining member of the family. Sisters De Sales and Adelaide of St. Joseph's Community, are cousins, and John Brennan, barrister, at Providence, R.I., is a cousin. The members of a brother's family are in Ireland. May she rest in peace.

THE HOLY FAMILY PARISH.

The Holy Family parish has just completed its Forty Hours. The devotion was inaugurated on Friday and closed on Sunday. During this time a series of excellent sermons were delivered by different speakers. On Friday Rev. Father O'Leary of Collingwood, in the pleasing way so well remembered in Toronto, preached on the Blessed Sacrament; on Saturday the people were favored by a sermon from Rev. Father Burke, C.S.B. At the solemn closing on Sunday morning the pastor, Rev. Father Coyle, gave a short but incisive sermon on the Good Shepherd. The present visitation of our Lord on the Altar was likened to a visit of the Shepherd with his flock. To increase the beauty of the time even all nature lent its utmost endeavor; everything about the altar and sanctuary were typical of this. The lights in their glimmering state typified the gleaming hosts fluttering and singing about before the Throne of God. The perfume of the flowers mingled with the incense from the censurers and rose to the Most High as emblems of the prayers peering forth from the hearts of the faithful. Father Coyle urged his people not to discontinue their ardor with the going out of the Forty Hours, but to continue so as to merit for themselves a continual resting place with the Good Shepherd in an endless eternity. On Sunday evening Rev. Father Doyle, C.S.B., gave what was pronounced on all sides to be one of the most effective and excellent sermons heard for a long time. Taking for his text, 'What shall I return to the Lord for all He has done for my soul,' the speaker spoke of the Blessed Sacrament as the greatest of all gifts, developing its mystery and meaning in such a way as to delight and deeply impress the congregation.

The altar, outlined with leathery palms and lilies, was strictly artistic and beautiful, and for their care in preparing it Rev. Father Coyle thanked the ladies in charge, assuring them that their reward was not alone here, but that it awaited them in the life to come. On Sunday morning Bartholemew's Mass was effectively sung by the choir with some outside assistance under the direction of Miss O'Donoghue. The number of Communicants during the devotion was exceptionally large and as a whole the parish entered upon the work with the best possible.

OUR LADY OF LOURDES.

The parish of Our Lady of Lourdes though amongst the last in the order of time, was by no means the least in showing devotion to the exercises of the Forty Hours, which opened at the High Mass on Sunday and closed on Tuesday evening. His Grace the Archbishop officiated at the opening and said the early Mass on every morning during the three days of its duration. A touching sermon was preached on Sunday evening by Rev. Father Doherty of St. Cecilia's who took for his text, 'It is I, be not afraid,' and on Monday evening Benediction was given by Rev. Father Coyle. On Tuesday Rev. Father Whelan of the Cathedral spoke effectively on the Blessed Sacrament. The singing throughout was done by the choir of men and boys under the efficient direction of Mr. Fannon. The exercises were exceptionally well attended and the number of communicants was never as great as on this occasion, and it may be said that the parish, under the direction of its untiring pastor, Rev. Father Cruise, shared largely in the general triumph which this year more than any other, the Forty Hours has been throughout the city.

CHURCH OF HOLY ROSARY.

The Forty Hours opened at the Church of the Holy Rosary in connection with the Novitiate of the Basilians on St. Clair avenue, on Friday morning, and had its solemn closing on Sunday. His Grace the Archbishop was present and the celebrant of the Mass, Coran Pontifice, was Rev. Father Aboulin, C.S.B., assisted by Rev. Father Blair, C.S.B., as deacon and Rev. Father Fuma, C.S.B., as sub-deacon. The music was under the direction of Rev. Father Murray, C.S.B., of St. Michael's College. The children of the parish who had been carefully trained by the parish priest, Rev. Father Ryan, C.S.B., together with the novices, took part in the procession, which was very devotional and impressive, and in the Pange Lingua the novices were heard in the alternate verses. A very beautiful sermon on the Forty Hours was preached by Rev. Father Burke, C.S.B., at the closing on Tuesday evening.

It is of the bounty of nature that we live, but of philosophy that we live well, which, in truth, a greater benefit than life itself.

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ENCYCLICAL OF POPE PIUS

(Continued from page 5.)

The faith or to enlisting the heroes of Christianity. But their labor presupposes labor of another kind, that of the catechist. Where the latter is wanting, the foundations are wanting, and they labor in vain who build the house. Too often it happens that ornate sermons which win the applause of crowded congregations serve only to tickle the ears and fail utterly to touch the heart. Catechetical instruction, on the other hand, plain and simple though it be, is that word of which God Himself speaks in Isaiah: 'And as the rain and the snow come down from heaven and return no more thither, but soak the earth, and water it, and make it to spring and give seed to the sower and bread to the eater; so shall My word be which shall go forth from My mouth; it shall not return to Me void, but shall do whatsoever I please, and shall prosper in the things for which I sent it.' We believe the same may be said of those priests who devote much time and labor to the writing of books to illustrate the truths of religion. They are worthy of great commendation for their activity. But how many read these volumes and derive from them fruit that corresponds in any way to the toil and the wishes of those who wrote them. Whereas, the teaching of the Catechism, when performed as it should be, never fails to be of profit to those who listen to it.

In order to stimulate the zeal of the ministers of the Sanctuary we must repeat that there are to-day vast numbers, continually recruited by fresh accessions, who are either utterly ignorant of the truths of religion, or who, at most, possess only such knowledge of God and of the Christian faith as to lead the life of idolaters. How many are there not only among the young, but among adults and those tottering with age, who know nothing of the principal mysteries of faith, who on hearing the name of Christ can only ask: 'Who is He?' (John ix., 36.) In consequence of this ignorance they regard it as no crime to excite and to cherish hatred against their neighbor, to enter into most unjust contracts, to give themselves up to dishonest speculations, to possess themselves of the property of others by enormous usury, and to commit other iniquities not less reprehensible. Furthermore, they are unaware that the law of Christ not only forbids immoral actions, but condemns deliberate immoral thoughts and immoral desires; even when they are restrained by some motive from abandoning themselves to sensual pleasures, they without any kind of scruple feed on evil thoughts, multiplying sins beyond the hairs of the head. Again we deem it necessary to repeat that such persons are to be found not only among the poorer classes of the people or in country districts, but among those in the highest walks of life, and even among those puffed up with knowledge, who, relying upon a vain erudition, think they are at liberty to turn religion into ridicule and to blaspheme that which they know not' (Judges 10.).

Now, if it is vain to expect a harvest where no seed has been sown. How can we hope to have better-living generations if they be not instructed in time in the doctrine of Jesus Christ? It follows, too, that

if faith languishes in our days, if it has almost vanished among large numbers, the reason is that the duty of catechetical teaching is either fulfilled very superficially or altogether neglected. Nor will it do to say, in excuse, that faith is a free gift bestowed upon each one at baptism. Yes, all baptized in Christ have infused into them the habit of faith; but this most divine germ, left to itself and unaided, so to speak, from outside sources, 'does not develop or put forth great branches.' (Mark iv., 32.) Man at birth has within him the faculty of understanding, but he has need also of the mother's word to awaken it as it were, and to put it into act. So, too, the Christian, born again of water and the Holy Ghost, has faith within him, but he requires the word of the Church to fecundate it and develop it, and make it fruitful. Hence the Apostle wrote: 'Faith comes from hearing, and hearing by the word of God' (Romans x., 17), and to show the necessity of teaching, he adds: 'How shall they hear without a preacher?' (Ibid.).

Now, if what we have said so far demonstrates the supreme importance of religious instruction, it follows that we ought to do all that lies in our power to maintain the teaching of catechism and where the practice of so doing has fallen into disuse there should be a revival of it and teaching of catechism, which Benedict XIV. has described as 'the most effective means for spreading the glory of God and securing the salvation of souls.' (Const. Etsi Minime 13.)

We, therefore, Venerable Brothers, desirous of fulfilling this most important duty which is imposed upon us by the Supreme Apostolate, and wishing to introduce uniformly everywhere in this most weighty matter, do by our supreme authority enact and strictly ordain that in all dioceses the following precepts be observed:

- I. On every Sunday and feast day, none excepted, all parish priests and, generally speaking, all those who have the care of souls shall throughout the year, with the text of the catechism, instruct for the space of an hour the young of both sexes in what they must believe and do to be saved.
II. They shall, at stated times during the year, prepare boys and girls by continued instruction lasting several days, to receive the Sacraments of Penance and Confirmation.
III. Every day in Lent and, if necessary, on other days after the feast of Easter, they shall likewise by suitable instructions and reflections most carefully prepare boys and girls to receive their first Communion in a holy manner.
IV. In each parish the Confraternity of the Christian Doctrine is to be canonically instituted. Through this Confraternity the parish priests, especially in places where there is a scarcity of priests, will find valuable helpers for catechetical instruction in pious lay- persons who will lend their aid to this holy and salutary work, both from a zeal for the glory of God and as a means of gaining the numerous indulgences granted by the Sovereign Pontiffs.
V. In large towns, and especially in those which contain universities, colleges and grammar schools, let religious classes be founded to instruct in the truths of faith and in the practice of Christian life the young people who frequent the public schools, from which all religious teaching is banned.
VI. In consideration of the fact that in these days adults not less

than the young stand in need of religious instruction, all parish priests and others having the care of souls, shall, in addition to the usual homily on the Gospel to be delivered at the Parochial Mass on all days of obligation, explain the catechism for the faithful in an easy style, suited to the intelligence of their hearers, at such time of the day as they may deem most convenient for the people, but not during the hour in which the children are taught. In this instruction they are to make use of the Catechism of the Council of Trent; and they are to divide the matter in such a way as within the space of four or five years to treat of the Apostles Creed, the Sacraments, the Decalogue, the Lord's Prayer, and the Precepts of the Church.

This Venerable Brothers, we do prescribe and command by virtue of the Apostolic authority. It now rests with you to put it into prompt and complete execution in your dioceses, and by all the force of your power see to it that these prescriptions of ours be not neglected, or what comes to the same thing, that they be not carried out superficially. That this may be avoided, you must not cease to recommend and to require that your parish priests do not impart this instruction carelessly, but that they diligently prepare themselves for it; let them not speak words of human wisdom, but 'with simplicity of heart and in the simplicity of God' (2d Cor. i., 12), imitating the example of Jesus Christ. Who, though 'He revealed mysteries hidden from the beginning of the world' (Matt. xiii., 35), yet spoke 'always to the multitudes in parables, and without parables did not speak to them' (Ibid. 34). The same thing was done also by the Apostles taught by our Lord, of whom the Pontiff Gregory the Great said: 'They took supreme care to preach to the ignorant things easy and intelligible, not sublime and arduous' (Moral. 2, xvii., ch. 25). In matters of religion the majority of men in our times must be considered as ignorant.

We would not, however, have it supposed that this studied simplicity of preaching does not require labor and meditation, on the contrary, it requires both more than does any other kind of preaching. It is much easier to find a preacher capable of delivering an eloquent and elaborate discourse than a catechist who is able to impart instruction entirely worthy of praise. It must, therefore, be carefully borne in mind that a person, whatever facility of ideas and language he may have inherited from nature, will never be able to teach the catechism to the young and the adult without preparing himself thoughtfully for it. They are mistaken who suppose that the consciousness of the intellectual inferiority of the common people they can perform this office in a careless manner. On the contrary, the more uncultured the hearers the greater is the necessity for study and diligence in order to bring home to their minds those most sublime truths which are so far beyond the natural understanding of the multitude, and which must yet be known by all the learned as well as the unlearned, in order that they may attain eternal salvation.

And now, Venerable Brothers, permit us to close this letter by addressing to you these words of Moses: 'If any man be on the Lord's side, let him join with me' (Ex. xxxii., 26). We pray and conjure you to reflect on the ruin of souls which is wrought solely by ignorance of divine things. Doubtless you have done many useful and certainly praiseworthy things in your respective dioceses for the benefit of the flock entrusted to you, but before all else, and with all the diligence, all the zeal, all the assiduity that is possible for you to employ, see to it that the knowledge of Christian doctrine penetrate and pervade through and through the minds of all: 'Let everyone' (these are the words of the Apostle St. Peter), 'as he has received grace, minister the same one to another, as good stewards of the manifold grace of God' (1 Peter, iv., 10).

Through the intercession of the Most Blessed Immaculate Virgin, may your diligence and your energy be fructified by the Apostolic blessing, which, in token of our affection and as an earnest of divine favors, we impart to you and to the clergy and the people entrusted to each one of you. Given at Rome, at St. Peter's, on the 15th day of April, 1905, in the second year of our Pontificate.

PIUS X., POPE.

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The Canadian North-West

HOMESTEAD REGULATIONS

Any even numbered section of Dominion Lands in Manitoba or the North-west Territories, excepting 8 and 26, which has not been homesteaded, or reserved to provide wood lots for settlers, or for other purposes, may be homesteaded upon by any person who is the sole head of a family, or any male over 18 years of age, to the extent of one-quarter section of 160 acres, more or less.

ENTRY

Entry may be made personally at the local land office for the District in which the land to be taken is situated, or if the homesteader desires he may, on application to the Minister of the Interior, Ottawa, the Commissioner of Immigration, Winnipeg, or the Local Agent for the district in which the land is situated, receive authority for some one to make entry for him. A fee of \$10 is charged for a homestead entry.

HOMESTEAD DUTIES

A settler who has been granted an entry for a homestead is required by the provisions of the Dominion Land Act and the amendments thereto to perform the conditions connected therewith, under one of the following plans:

- (1) At least six months' residence upon and cultivation of the land in each year during the term of three years.
(2) If the father (or mother, if the father is deceased) of any person who is eligible to make a homestead entry under the provisions of this Act, resides upon a farm in the vicinity of the land entered for by such person as a homestead, the requirements of this Act as to residence prior to obtaining patent may be satisfied by such person residing with the father or mother.
(3) If a settler was entitled to and has obtained entry for a second homestead, the requirements of this Act as to residence prior to obtaining patent may be satisfied by residence upon the first homestead, if the second homestead is in the vicinity of the first homestead.
(4) If the settler has his permanent residence upon farming land owned by him in the vicinity of his homestead the requirements of this Act as to residence may be satisfied by residence upon the said land.

The term 'vicinity' used above is meant to indicate the same township or an adjoining or cornering township.

A settler who avails himself of the provisions of Clauses (2), (3) or (4) must cultivate 30 acres of his homestead, or substitute 20 head of stock, with buildings for their accommodation, and have besides 80 acres substantially tenced.

The privilege of a second entry is restricted by law to those settlers only who completed the duties upon their first homesteads to entitle them to patent on or before the 2nd June, 1889.

Every homesteader who fails to comply with the requirements of the homestead law is liable to have his entry cancelled, and the land may be again thrown open for entry.

APPLICATION FOR PATENT

Should be made at the end of the three years, before the Local Agent, Sub-Agent or the Homestead Inspector. Before making application for patent the settler must give six months' notice in writing to the Commissioner of Dominion Lands at Ottawa of his intention to do so.

INFORMATION

Newly arrived immigrants will receive at the Immigration Office in Winnipeg, or at any Dominion Lands Office in Manitoba or the North-west Territories information as to the lands that are open for entry, and from the officers in charge, free of expense, advice and assistance in securing lands to suit them. Full information respecting the land, timber, coal and mineral laws, as well as respecting Dominion Lands in the Railway Belt in British Columbia, may be obtained upon application to the Secretary of the Department of the Interior Ottawa; the Commissioner of Immigration, Winnipeg, Manitoba; or to any of the Dominion Lands Agents in Manitoba or the North-west Territories.

W. W. CORY, Deputy Minister of the Interior.

N.B.—In addition to Free Grant Lands, to which the Regulations above stated refer, thousands of acres of most desirable lands are available for lease or purchase from Railroad and other Corporations and private firms in Western Canada.

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