

THE DAILY EXAMINER.

DECEMBER 9, 1895.

THE MANITOBA QUESTION.

Are not our correspondents "Observer" and the Guardian beside the mark? The highest court of the empire has, after exhaustive investigation, delivered judgment upon the whole question. What need, then, for the discussion of a point raised incidentally by THE EXAMINER's well-informed correspondent in the Northwest? The Judicial Committee of the Privy Council state in the course of their "judgment" that—

"Schools of their own (Roman Catholic) denomination, conducted according to their views, receive no aid from the State. They must depend entirely for their support upon the contributions of the Roman Catholic community, while the taxes, out of which State aid is granted to the schools provided for by the statute, fall alike on Catholics and Protestants. Moreover, while the Catholic inhabitants remain liable to local assessment for school purposes, the proceeds of that assessment are no longer destined, to any extent, for the support of Catholic schools, but are applied to the maintenance of schools which they regard as no more suitable for the education of Catholic children than if they were exclusively Protestant in their character."

Set forth this ground, and other grounds upon which the Judicial Committee decided that the rights and privileges of the Roman Catholic minority have been affected and that a remedy must be afforded. The report of the Judicial Committee of the Privy Council was, on the 2nd of February last, submitted to the Queen; and Her Majesty, having taken the said report into consideration, was pleased by "and with the advice of Her Privy Council to approve thereof, and to order as it is hereby ordered, that the recommendations and directions therein contained be punctually observed, obeyed and carried into effect, in each and every particular. Whereof the Governor-General of the Dominion of Canada for the time being, and all other persons whom it may concern, are to take notice and govern themselves accordingly."

Now the simple question for the Governor-General, Parliament and people of Canada, as of the Government, Legislature and people of Manitoba, is: Shall this order of the Queen be obeyed or not obeyed? It seems to us that loyalty alone would prompt loyal men to cheerfully and "punctually" obey. If Mr. Greenway and his fellows had conscientious scruples against permitting Roman Catholics to be instructed in the tenets of their own religion, or if the law of the land were opposed to the Queen's order, there might be some excuse for their long delay in this regard. But it is not even pretended that these gentlemen are deterred by conscientious scruples. Indeed, it is openly admitted by the author of the Manitoba Act himself that his scruples are all the other way. Nor is it to be supposed for a moment that obedience to the Queen's order involves disobedience to the laws. On the contrary, it is beyond a doubt that the Queen's order is in exact conformity therewith.

But it is contended that this is not a matter for the Government and Parliament of Canada and that, even though the Manitoba Government and Legislature should continue in disobedience to the judgment of the Privy Council and the Queen's order, there is nothing in the constitution which requires the Dominion Government to interfere. Let us see. In their judgment, the Judicial Committee say: "Their Lordships have decided that the Governor-General-in-Council has jurisdiction, and that the appeal is well-founded, but the particular course to be pursued must be determined by the authorities to whom it has been submitted by the statute." The appeal here referred to as "well founded" is the appeal of the Manitoba minority, and the statute reads as follows:

"22. In and for the province (i.e., of Manitoba) the said legislature (i.e., the provincial 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 or practice in the province at the union. (2) An appeal shall lie to the Governor-General in Council from any act or decision of the legislature of the province, or of any provincial authority, affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education. (3) In any case such provincial law as from time to time seems to the Governor-General in Council requisite for the due execution of the provisions of this section is not made, or in case any decision of the Governor-General in Council on any appeal under this section is not duly executed by the proper provincial authority in that behalf, then, and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial laws for the due execution of the provisions of this section, and of any decision of the Governor-General in Council under this section."

The British North America Act contains similar sections affecting the schools of Ontario and Quebec. So that the constitutions of Manitoba and of Canada alike require the Dominion Government and Parliament to interfere for the protection of the minority (whether Protestant or Catholic) in so far as education is concerned. It is true that the ordinary meaning of the word "may" implies right of judgment. But it is a well known rule for the construction of statutes that where functions of a public nature are bestowed on individuals, such persons have no right to refuse to exercise their powers. The rule includes cases in which jurisdiction of a judicial character is given. Even when the language of the statute is permissive—the judge may do so and so—"may" is always held to mean that if a proper case is made out he shall

do so and so. In proof of this we quote a celebrated legal authority, who says: "It is a legal or, rather, a constitutional principle that powers given to public functionaries, or others, for public purposes, or the public benefit, were always to be exercised when the occasion arises. But as regards the imperative character of the duty, it was laid down by the King's Bench (R. V. Hastings, 1 D. and R. 48) that words of permission in an Act of Parliament when tending to promote the general benefit are always held to be compulsory, and as regards courts and judicial functionaries who act only when appealed to, the same rule is in substance resisted by the Common Pleas in laying down that whenever a statute confers an authority to do a judicial act (the word "judicial" being used evidently in its widest sense) in a certain case, it is imperative on the court authorized to exercise the authority when a case arises, and its exercise is duly applied for by a party interested, and having a right to make the application; and that the exercise depends not on the discretion of the courts or judges, but upon proof of the particular case out of which the power arises."

Hearing in mind the fact that the Judicial Committee have decided that the appeal of the Manitoba minority for remedial legislation is "well founded," it is hard to see how, in view of the Queen's order and the law, as above quoted, the Government and Parliament of Canada can escape the invidious duty which will be forced upon them if the Government of Manitoba continue in disobedience. If they can avoid the duty of remedying the "grievance" of the minority in Manitoba, they can avoid any other duty or obligation which may be difficult and disagreeable.

MR DAVIES AND THE CHIGNECTO SHIP RAILWAY. "In his speech at Amherst last Friday Hon. Mr. Davies, in answer to a query put by Mr. W. D. Douglas as to what course he would take re the ship railway in case the Liberal party was returned, answered that if his party was elected he would examine the matter, and if it was in the interests of the country he would support it with both hands."—Chignecto Post, Dec 5, 1895.

What will the men in Prince Edward Island, who have on so many occasions heard Mr. Davies denounce this same ship railway as a fraud and a swindle perpetrated by Sir Charles Tupper on the people of Canada, say in reference to the above declaration? It is now apparent that when he denounced the ship railway he had not inquired whether it was in the interest of Canada or not! Otherwise he is now promising favorable consideration to an inherently bad scheme with the hope of getting political support from the people who are immediately interested in its success. Not longer ago than 1893 Mr. Davies put himself on record in the House of Commons against the ship railway as follows:

"It would be foolish on the part of Parliament to lend its sanction to any scheme that is visionary and impracticable or wild in character. There are large numbers of practical men in this House and of business men in the Maritime Provinces, who are acquainted with this scheme and who consider it impracticable; and if Parliament, by repeating its sanction year after year to this scheme, by extending a prudent or a reasonable scheme, or one from which those who invest their money in it could ever hope for a fair return."

Mr. L. H. Davies's promise at Amherst is a fresh proof of his utter want of principle in respect to public questions. His Parliamentary language, quoted above, was surely strong enough in condemning the ship railway; but we who have heard him rave on the stump in Prince Edward Island know how comparatively mild these denunciations were. Now, how ever, for the purpose of catching votes for his party in Cumberland County, he promises fair consideration!

It remains for his colleague, Mr. William Welsh, to "jump Jim Crow" on this question also. In 1893 the "Commodore" said in the House of Commons: "When I read these speeches and the remarks that were made to sanction this will-o'-the-wisp scheme, it reminded me of one of Baron Munchausen's tales. I have had occasion to have since it was introduced into this house, with all my power. I have denounced, and all such denunciations, this scheme and all such schemes, such as the deal wood scheme and the Chignecto Railway, as the means of doing great injury to Canada. At all events I have done my duty, and I warn foreign capitalists, and I warn this Parliament, not to grant further favors to the Company, and thus save the taxpayers of Canada \$3,000,000."

Mr. Davies having changed his base on the ship railway question, we venture to predict that Mr. Welsh will soon fall into line. We know the value of his big talk.

The suggestion of the Mail and Empire that his Royal Highness the Prince of Wales should be invited to Toronto to open the new municipal buildings in 1897, when the British Association for the Advancement of Science will meet there, under consideration, but if his Royal Highness should be induced to cross the Atlantic, we have no doubt that he will visit P. E. Island and see his old friends in Charlottetown.

—Speaking before the Dairy Convention at Waterloo, Ontario, a few evenings ago, Professor Robertson, after referring to the difficulties which surround Canada's live stock trade with Great Britain, went on to deal with the possibilities of opening up an export business in dressed meats. He said he was authorized to state that a plan was under the favorable consideration of the Government at the present time, whereby dressed meats from Canada would be put through retail depots in Great Britain, within the range of the best class of consumers, in their best condition and under their own name, as Canadian products. Well done.

THAT PACK OF CARDS. Sir,—According to your report of the Hunter-Crossley meeting of Friday evening last, it appears to me that Mr. Crossley is certainly riding a hobby and, "straining at a gnat and swallowing a camel," as Mr. Hunter quotes.—In the eighth "reason" given to prove card-playing wrong, Mr. Crossley says: "You cannot play cards without gambling. I will risk my reputation as a logician on that statement. Persons will always put up some prize to encourage the game along." I may say I have, as have many others, played thousands of games of cards and never yet have gambled in my life. Will that good man kindly take the trouble to read the following article which I clipped some time ago from a periodical. Yours, CONSISTENCY.

ALL IN A PACK OF CARDS. Many years ago a private soldier was arrested in Glasgow on a charge of playing cards in a church during divine service. Well, soldier, what have you to say for yourself? asked the magistrate. Much, sir, I hope. Very good, if not I will punish you more than ever man was punished. I have been, sir, a soldier, about six weeks on the march; I have had neither Bible nor common prayer book, and I have nothing but a pack of cards, and I hope to satisfy your worship of the parity of my intention.

Then, spreading the cards before the magistrate, he began with the ace. When I see the ace it reminds me that there is but one God. When I see the deuce it reminds me of the Father and Son. When I see the three it reminds me of the Father, Son and Holy Ghost. When I see the four it reminds me of the four evangelists, Matthew, Mark, Luke and John. When I see the five it reminds me of the five wise virgins that trimmed their lamps. The six reminds me that in six days the Lord made heaven and earth. The seven reminds me that in the seventh day God rested from His great work. He has made and hallowed it. The eight reminds me of the eight righteous persons that were saved when God destroyed the world—Noah, his wife, his three sons and their wives. The ten reminds me of the ten commandments of God. The king reminds me of the great king of heaven, who is God. The queen reminds me of the Queen of Sheba, who visited King Solomon, for she was as wise a woman as he was a man.

Well, said the magistrate, you have given a description of all the cards in the pack except one. What is that? said the soldier. The knave, said the magistrate. I will give your honor a description of that, too, if you will not be angry. I will not, said his honor, if you do not term me to be the knave. Well, said the soldier, the greatest knave that I know of is the constable that brought me here. Do not know, said the magistrate, if he is the greatest knave, but he is the greatest fool. When I count the number of spots in a pack of cards, I find 365, as many as there are days in the year. When I count the number of cards in a pack, I find there are 52, the number of weeks in a year. I find there are twelve picture cards in a pack, representing the number of months in a year. On counting the tricks I find thirteen the number of weeks in a quarter. So you see, your honor, a pack of cards serves for a Bible, almanac and common prayer book.

SUPREME COURT. Monday, Dec. 9. D. A. Wedlock vs. Jacob Sney.—The defendant was arrested under a fiat of Mr. Justice Hodgson, for \$1,000 damages for an alleged claim for loss of freight on board of schooner "Three Chivers," recently wrecked at New London. The Attorney-General, on Wednesday last, applied to set aside the fiat and to discharge the defendant on several grounds. The Court this morning met to hear the argument, which lasted most of the day. The Chief Justice and Mr. Justice Hodgson were the only Judges present, Mr. Justice Fitzgerald being absent through illness. After the argument, the Court refused the application, and ordered the fiat and arrest to stand. Siewa, J. Q. C., for the plaintiff Attorney-General Peters for defendant. The Court then adjourned until next Hilary Term.

BAD NEWS.—Mr. Benj. Clappell, of Winnipeg, writing to his friends in this city, reports one of the saddest news in the N. P. He says he accidentally killed Mr. Clappell was near by at the time and witnessed his death. He also writes that Mr. John Craig, formerly of Charlottetown, has been called to mourn the loss of his dear little boy Robbie, from brain fever. Mr. and Mrs. Craig will have a very sympathetic of their many friends in this city.

TEACHERS' INSTITUTE.—The teachers' institute meets in Queen Square school this evening at 8 o'clock. After the regular lessons in music and arithmetic there will be a discussion on "The different methods of correcting examination papers." Notice has been given that a motion will be made to have a night of meeting changed.

UNION SERVICES.—Executive committee of union services are requested to meet in the parlour of Prince's street Methodist church this evening at 6 45 o'clock sharp. Important business in connection with the closing services of the series. Every member expected to be present.

Picture Framing.—Perhaps you have a good picture with a poor or old style frame on it, or perhaps you have a picture with no frame. We have just received the latest in oak, white, white and gold, metallic, colonial and gilt mouldings, which we will make up cheap for Xmas trade. John Newson.

"Many diseases arise from one cause—blood impurity. Beecham's Pills Purify the blood and, thus, go to the root of many maladies." WORTH A GUINEA A BOX. (Tasteless) Purify the blood and, thus, go to the root of many maladies. EVANS & CO. LTD., MONTREAL. SOLD BY ALL DRUGGISTS.

S. or T.—Victoria Division meeting tonight.

Christmas Bells! With the approach of Christmas comes new life to trade—busy! busy!—and how we like it! Let us show you over our stock of beautiful goods. A pleasure to see our store full of customers and the goods selling.

REDDIN BROS. Victoria Row, Opposite Post Office. dec9

UP TO DATE. Xmas Announcement. Our immense stock of FANCY GOODS is now complete. Special attractions in China and Glass—a beautiful assortment in each. Nothing but novelties, and all at popular prices. Our stock of TOYS and LOLLS is well assorted—immense variety and low prices. A beautiful line of Raphael Tuck & Son's CALENDARS, BOOKLETS, XMAS and NEW YEAR CARDS. Call and see our stock. We are sure to suit you both in quality and price. C LEWIS, Grafton Street. dec9

GOLD And as Good as Gold. Another lot of GOLD Cigars just received by express. Acknowledged to be the best 5 cent smoke in the city! It must be, judging by quantity sold and the verdict of "the boys." A. W. REDDIN, Phm. B., Central Drug Store, NORTH SIDE OF QUEEN SQUARE. dec9

Smelt Nets. Orders left with us now can be filled in good time. CARVELL BROS. Charlottetown, Dec. 9, 1895—2w (135)

Y. M. L. A. The Y. M. L. A. of St. James' Church will commence this season's Course with a Grand Entertainment in the New Hall on THURSDAY EVENING, December 10, under the direction of Mr. S. N. Earle. PROGRAMME: 1. Inst. Duet—Overture to La Gazza Ladra. Miss Russell and Mr. Earle. 2. Vocal Solo—"My Lady's Bower." Miss Marion McKay. 3. Reading. 4. Inst. (Organ and Piano)—"Die Heil Yelmauchen." Miss Stumbles and Mr. Earle. 5. Inst. Quartette for Violin, Cornet, Flute, Piano. 6. Song—"Time and Tide." Mr. C. P. Fletcher. 7. Reading. Miss Bessie Brown. 8. Vocal Solo—"Only a Year" (Waltz Song). Miss Bertha Nicholson. 9. Piano Solo—"Danse Negre." Miss Maud Bremner. 10. Vocal Duet—"List to the Merry Birds." The Misses Earle. 11. Cornet Solo—"Scotch Airs." Mr. C. P. Fletcher. 12. Vocal Solo—"Carissima." Miss Benoit. 13. Reading. Miss Flo McKenzie. 14. Vocal Duet from Opera Olivette—Merris, Peake and Cook. 15. Vocal Solo—"Oh, Promise Me." Miss Florence Earle. 16. Song—"I'm Sorry That I Did." Mr. George Rogers. 17. Inst. Quartette for Violin, Flute, Cornet, Piano. Admission, 25 cents. Children under fifteen, 15 cents. Entertainment at eight o'clock. CHARLES B. PERKINS, Secy. Y. M. L. A. dec7

XMAS GOODS. OPENING TO-DAY, FANCY GOODS, INCLUDING Dressing and Shaving Cases, Manicure Sets, Cuff and Collar Boxes, Glove and Handkerchief Sets, etc., in Celluloid, Plush and Leather Goods. Our Toy Department will open shortly with a full line of Toys of all descriptions. Prices low. Call and see. Goods sure to please. Remember the place, McMILLAN & HORNSBY, Queen Street, opposite Prowse Bros. Charlottetown, Dec. 3, 1895—d&w

XMAS CAKE. We have everything needed to make your Xmas Cake the very best you ever had. Choice Valencia, Muscatel and Sultana Raisins, cleaned Currants, Cooking Figs, fine Pastry Flour, fresh Citron, Lemon and Orange Peels, Frosting Sugar, Shelled Almonds, Pure Extracts, Dessicated Coconut, and all the other necessary good things used in making Xmas Cake. We keep the best quality goods obtainable, and sell them at right prices. SANDERSON & CO., CASH GROCERS. dec7

TELEGRAPHIC. SPECIAL DISPATCHES TO THE EXAMINER. Death of a Great Journalist. LONDON, Dec. 9. George Augustus Sala, the well known journalist and author is dead. He was born in London in 1828. He began his literary career in Household Words under the auspices of Charles Dickens. He was one of the founders of Temple Bar magazine, of which he was for some time editor. For upwards of twenty-five years Mr. Sala was a leader writer and special correspondent of the London Daily Telegraph.

Bad Weather in England. LONDON, Dec. 9. The storm that prevailed since Thursday has done much damage, not only at sea but ashore. A snowstorm, accompanied by severe thunder and lightning, prevailed yesterday in the north and middle of England. Death of a Well Known Man. CINCINNATI, Dec. 9. H. Thane Miller, the blind President of the Mount Auburn Institute, died of heart disease last night. He was famous all over the country through his connection with the Y. M. C. A. 50 Granly rubber coats for only \$1.75 at J. B. Macdonald & Co. nov 27 4in. Ladies dress goods in dress lengths for 50c, 90c, \$1.40 and \$2.50, exceptional value a genuine bargain at J. B. Macdonald & Co. nov 27 4in.

"Reading Maketh a Full Man." If this be so, then we run a first-class restaurant. The variety in our "Food for the mind" is immense. NEWLY ARRIVED. Poets in Cloth and Padded Levant. International Teachers' Bibles. Prayer Books and Hymnals. Boys' Own. Girls' Own. Leisure Hour. Sunday at Home. All the December Magazines, Christmas Numbers, Toy Books, Booklets, Xmas Cards and Calendars. Follow the crowd to-night to CARTER'S BOOKSTORE. Charlottetown, Dec. 7, 1895.

New Goods. G. H. TAYLOR. New Goods. G. H. TAYLOR. New Goods. G. H. TAYLOR. New Goods. G. H. TAYLOR. New Goods. G. H. TAYLOR. Charlottetown, Dec. 6, 1895.

XMAS GOODS. OPENING TO-DAY, FANCY GOODS, INCLUDING Dressing and Shaving Cases, Manicure Sets, Cuff and Collar Boxes, Glove and Handkerchief Sets, etc., in Celluloid, Plush and Leather Goods. Our Toy Department will open shortly with a full line of Toys of all descriptions. Prices low. Call and see. Goods sure to please. Remember the place, McMILLAN & HORNSBY, Queen Street, opposite Prowse Bros. Charlottetown, Dec. 3, 1895—d&w

John T. McKenzie, STAR MERCHANT TAILOR. Charlottetown, December 4, 1895—135 & wky

Make Your Xmas Cake Now. Now is the time to make your Xmas Cake, and BEER & GOFF'S is the place to buy everything that you require to put in it. Our Xmas stock of Groceries is now complete, and the quality and prices will be found to be all right. Choice Muscatel and Valencia Raisins, Sultana Raisins, Cleaned Currants, Cooking Figs, Pastry Flour, Fresh Citron, Lemon and Orange Peel, Pure Spices, Pure Flavorings, Frosting Sugar, Shelled Almonds, Dessicated Coconut, Dates, etc., at BEER & GOFF'S.

OUR FURS are new and fashionable, manufactured this season, Nobody can show you later styles than we do, STANLEY BROTHERS.

REMEMBER that line of Children's high-grade Cashmere Stockings—400 pairs—all sizes from 4 to 8 inch, cheap, cheap, cheap, STANLEY BROTHERS.



JAMES PATON & CO., Agents for "The Gold Medal."

WE ARE YOURS. every time for bargains in BOOTS and SHOES. What factory turns out the largest quantity and the best goods? Now, hands up! You will all acknowledge it is McCREADY'S, Montreal. Other goods you have tried and found wanting. Once you have tried McCreedy's you will wear them right along. We have them, so come to the old Shoe Store, established for over 25 years, and we will please you. A. E. McEACHEN, THE SHOE MAN. dec7

Once in a While. It is a good deal the same way with Shoes. Some people would rather have a nameless, unknown brand, and take all the chances, than pay a fair living price for a superior article like the Amherst Hand-made goods, Slater's \$3, \$4 and \$5 Shoes for Men, or Bell's Fine Goods for Women. Which plan do you practice? J. M. McLEOD & CO., Money Saving Boot and Shoe Distributors. dec5

Baking for Christmas! Our FLAVORING EXTRACTS are the strongest to be had, and as cheap as in any other store. WATSON'S BAKING POWDER, absolutely pure, 10 cents per full quarter pound package, is by far the best Baking Powder used. Try it. Our CREAM TARTAR, BAKING SODA and SPICES are beyond comparison the best in the city. Watson's Drug Store.

Long, Long Ago! There was a time when people did foolish things—blew out the gas, bought good bricks, prize packages, and what not. There was a time when people expected something for nothing and got it. There was a time when you expected Suits at prices that could not produce them, perhaps with the thought that they grew on trees. They don't. Do not blow out the gas of common sense. Do not expect to buy Suits or Overcoats cheaper than we can sell them. If you do it will be made cheaper, look cheaper and wear cheaper. JOHN T. MCKENZIE, STAR MERCHANT TAILOR. Charlottetown, December 4, 1895—135 & wky

Make Your Xmas Cake Now. Now is the time to make your Xmas Cake, and BEER & GOFF'S is the place to buy everything that you require to put in it. Our Xmas stock of Groceries is now complete, and the quality and prices will be found to be all right. Choice Muscatel and Valencia Raisins, Sultana Raisins, Cleaned Currants, Cooking Figs, Pastry Flour, Fresh Citron, Lemon and Orange Peel, Pure Spices, Pure Flavorings, Frosting Sugar, Shelled Almonds, Dessicated Coconut, Dates, etc., at BEER & GOFF'S.

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FURS! ABOUT QUALITY!—The quality of our Furs is not surpassed by any on P E land. We buy the best. STANLEY BROTHERS.

Fur Capes, Ladies' and Gentlemen's Fur Mitts & Gloves, Children's Caps, Collars and Muffs, Ladies' Astraxan Jackets, Ladies' Coon Jackets, Child's Sleigh Robes, STANLEY BROTHERS.