

THE DAILY EXAMINER

MARCH 3, 1896.

OBJECTIONS MET—BREAKFAST

We must again express our regret that the Guardian—indeed, the whole of the Press of Toronto, the St. John's, Montreal, Sir William Dawson, Principal Shaw of the Methodist Theological College, Professor Clarke of Toronto, Grand Master Hughes, of Ontario, Sir Mackenzie Bowell, Sir Charles Tupper, Sir Donald Smith, and others whose Protestantism is beyond doubt, in the opinion that the Queen's order in Council ought to be carried out in respect to the "grievance" declared to exist in Manitoba. It would look well to see the Guardian in such good company, and for once out of line with the press. We are sure that our esteemed contemporary has missed a great opportunity to establish the truth of its professions to independence and conformity with the higher law which says that a "Parliamentary compact" (vide the judgment of the Privy Council) may not be broken.

It is to be regretted that the Guardian has, instead, chosen to raise objections the force of which is not very clear. It professes not to be able to see how that decision of the Privy Council are consistent with each other, or that "there is anything in either or both these decisions that will justify or excuse the Federal Government in coercing Manitoba and forcing a system of separate schools upon her unwilling majority." The case is perfectly clear. The first decision of the Privy Council declared the Manitoba Acts of 1870 to be intra vires and valid for majority; the second decision declared that the minority in Manitoba had under those acts a "grievance," to which the provisions of the Manitoba Act are applicable. These provisions are: (1) That nothing in any law of the Province shall be so construed as to give or withhold any right or privilege in respect to denominational schools. (2) That an appeal from any such law shall be to the Governor-General-in-Council. (3) That in case any decision of the Governor-General-in-Council "is not duly executed" by the proper provincial authorities the Parliament of Canada may (i. e. shall) make remedial laws for the "due execution" of the provision. Surely there is justification here for remedial legislation on the part of the Dominion Parliament, seeing that the Government of Manitoba and its majority have resisted all the orders of the Governor-General-in-Council, and all the efforts that have been made towards a settlement, even to the latest effort of Sir Donald Smith.

But the Guardian lays great stress upon "coercion" of the "majority." As a rule "the majority" rules. But even the power of the "majority" is great as it is, is strictly limited under the British Constitution. "The majority" in a Provincial Legislature cannot, without committing an outrage, take away the life of a man, or imprison a man without trial, or separate the parent from the child, or educate the child contrary to the wishes of the parent. If it were to do so it would interfere with personal rights guaranteed to every British man, woman and child. Education is on all hands admitted to be strictly and essentially a personal right and duty of the parent towards the child, and the Parliaments of Great Britain and Canada and the Legislature of Manitoba have each and all seen fit to enact specifically that while the local legislatures of Quebec, Ontario, the Northwest Territories and Manitoba may make laws in respect to education, they may not make any such law as shall deprive the minority of their rights in denominational schools or tax the minority for schools that are not in accord with their religious beliefs. The reasons for the passage of these enactments may be seen in the following quotations. Sir A. T. Galt, who, for the sake of the Protestant minority in Quebec, was chiefly instrumental in having the original Act passed, is reported to have said:

"It was clear that in confiding the general subject of education to the local legislatures, it was absolutely necessary it should be accompanied with such restrictions as would prevent injustice in any respect from being done to the minority. Now this applied to Lower Canada, but it also applied to the other provinces, Upper Canada and the other Provinces for in Lower Canada there was a Protestant minority, and in the other Provinces a Catholic minority. The same privileges of right here, as belonged to the other of right elsewhere. There could be no greater injustice to a population than to compel them to have their children educated in a manner contrary to their own religious belief."

Sir Oliver Mowat's words bearing upon this point are exceedingly forcible, and will, we are sure, carry weight in the decision of this question. Sir Oliver said in 1894:

"Now what does the abolition of Separate Schools mean? Not an absolute abolition of separate schools. If anybody imagines that in case the laws now in the statute book were repealed to-morrow separate schools would thereby be abolished, they would deceive themselves. These schools would still continue, and nobody would suggest their being interfered with. The change of the law would merely be the withdrawal of the right of Roman Catholics to pay their school tax to their Separate Schools. They would be assessed for the Public Schools to which they did not send their children, as well as pay for the support of the Separate Schools to which they did send them. In this way the Roman Catholics would practically be doubly taxed."

Again Sir Oliver Mowat said in the Legislative Assembly in 1895:

"In what spirit was the new constitution framed? It was a compromise all round, and an essential part of that compromise

—so essential that without it Confederation could never have taken place—was the provision by which the separate schools of Ontario, and the Protestant dissentient schools of the other Provinces, were guaranteed by the Dominion Government. But for this being secured, we would have had no Dominion Parliament with its present limited powers, and no Provincial Legislatures with their powers."

Mr. Laurier, himself, is on record as saying (See Hansard 1895 p 1701):

"If the schools are Protestant, every Protestant will say the Government should interfere by all means and stop the outrage. If the schools are not Protestant, but are common, they are still offensive to the Catholics. Why? Because it is part of the Catholic doctrine that the children should have both secular and religious education. It may be said that it is prejudicial that they should be taught those religious truths which they deem essential and necessary, who can object seriously?"

In commenting upon the Manitoba case when it was before the Privy Council, the Lord Chancellor of Great Britain said:

"Is it not conceivable legislation to say: 'We will trust to you the Provincial Legislature, the power of dealing with education, but this is a reservation upon which there is known to be a keen feeling and a difference of opinion, and you are not to destroy any privileges or rights at the time of the union. Further than that, if you legislate within your powers, the minority shall not be without protection; there shall be then an appeal to a superior authority, the Governor-General-in-Council, and if he thinks that, within your powers, you have been depriving the minority of any right or privilege in relation to education, then he may express that decision, and effect shall be given to that decision, or may be given to that decision, by the Dominion Parliament?' "Is it so extraordinary when you remember that this was an arrangement made as one of the terms on which the union was to be effected? "There is no doubt either what the points of difference were, and it is in the light of these that the 22nd section of the Manitoba Act of 1870, which was in truth a parliamentary compact, must be read."

In the course of their Judgment to the Lords the Privy Council say:

"Bearing in mind the circumstances which existed in 1870, it does not appear to their Lordships an extravagant notion, that in creating a Legislature for the Province with limited powers, it should have been thought expedient, in case either Catholics or Protestants became preponderant, and rights which had come into existence under different circumstances were interfered with, to give the Dominion Parliament power to legislate upon matters of education, as far as was necessary to protect the Protestant, or Catholic, minority, as the case might be."

The great and unquestionable authorities here quoted meet fully the Guardian's objections concerning the rule of the "majority" in Manitoba, so far as the forcing of a system of education upon the minority is concerned. It is clear that if the majority is not to be "coerced" in respect to this matter, neither is the minority; it is clear that, if necessary, the majority must be "coerced" to respect the rights of the minority! We have the greatest possible respect for Provincial autonomy. We should be the last to advocate "coercion" of any province in respect to any matter in which it is supreme and within its rights. But when, in despite of the law, the majority in any province goes beyond its powers and inflicts "a grievance" upon the minority in respect to a matter affecting the personal right of education; and when the majority refuses to right the wrong that has been done; and when the highest legal and civil powers of the empire unite in declaring that a remedy ought to be applied by the Dominion Government and Parliament, then we say that the Dominion Government and Parliament ought to be upheld in its application of the remedy. Is the tail to waggle the dog? Is Manitoba to flout the law of the land, and disobey the orders of the Queen in Council and the Governor-General in Council? Is a "Parliamentary compact" not to be kept? That is the point.

THE MAILS DELAYS

The effort of the Patriot and the Guardian to create dissatisfaction with the Government, and particularly with the Hon. Mr. Ferguson, on account of recent delays of the mails, etc., will not have much effect upon those who have regard for facts and love fair play. Everyone knows that this has been an exceptional winter in respect to travelling upon the ice. Indeed the ice is so heavy and so bad that the people scarcely dare to travel over our rivers and harbors preferring rather to go around by the roads; and if had on our rivers and harbors, how much worse must it be upon the straits? Our Liberals have pool-pooled or condemned the only means of securing constant communication, viz.: a tunnel; and they have not at all united in the demand for a steamer at the Capes. Consequently it does not lie in their mouths to condemn the Government because the crossing at the Capes has not been continuous. Still more unreasonable is their stultified depreciation and condemnation of Hon. Mr. Ferguson, P. C. They claim that Mr. Ferguson is in a position of honor and influence when he stands as left-hand man to the leader of the Opposition, and that Mr. Ferguson is simply "where," though he is the Premier's right-hand man in Parliament! Independent papers, such as the Star, see an opportunity to give credit to Mr. Ferguson while in the absence of the Premier he is selected to lead the Senate—and does so efficiently. But our Patriot and the Guardian merely rail at Mr. Ferguson because he has not obtained everything which in his opinion ought to be obtained for P. E. Island. As if any member of any government could have all that he and his opponents want for his Province! Mr. Ferguson's good influence has been seen in the fact that the Post Office Inspector for New Brunswick, together with Mr. Brecken and Mr. Lord in this Province, have instructions to use their discretion and to spare no efforts to

facilitate the crossing of the couriers at the Capes with mails and passengers, and that a post office is to be established at Cape Tormentine for the special purpose of sorting the mails for this Province. The late agitation of the Patriot and Guardian in respect to crossing at the Capes, now, when the mails are coming regularly, is in view of a general election. But the people are not fools and will not be misled. The fact is that the service at the Capes was never before as strong and efficient as it is this year.

LATEST NEWS NOTES.

Federator has raised \$95 for the Armenian fund. A hog weighing a trifle more than 1,000 pounds was killed at Rye, N. H., a few days ago.

Swapping horses on the streets in Kentucky is prohibited in a bill now before the state legislature.

Heavy snowstorms are prevailing throughout Hungary, in many districts blocking railways and causing a suspension of traffic.

Prince Dolgourki, first lieutenant of the battleship Emperor Nicolas, now at Hong Kong, says there will be no war between Russia and Japan.

Mrs. William Allen, of Pilot View, Ky., celebrated her eightieth birthday the other day by completing the cutting of her third full set of teeth.

The London newspapers discredit the report published in the Pall Mall Gazette which indicated that Great Britain was preparing to evacuate Egypt.

The Evicted Tenants' Bill, introduced in the British House of Commons on Wednesday by Mr. Clancy, was opposed by the Government, and defeated by 97 votes.

A tract of 22,000 acres was added to the public reservation at Iowa on Wednesday last, and on the same evening three hundred claimants arrived by special train.

At Amherst one day last week two men named Albert White and James McKenzie had a row. White pulled a revolver on McKenzie, and was next day fined \$20 or 30 days in jail.

While experimenting on acetylene gas last week in a machine shop in Quebec an explosion took place, which killed a brother of the proprietor, and seriously injured the proprietor.

The attempt to raise a fund for the erection of a statue of Darwin at Shrewsbury, England, has so far been a failure. Up to the present time only about £350 has been subscribed.

Following close upon the announcement of Lord Dunraven's expulsion from the New York Yacht Club comes the announcement that His Lordship has been gazetted Lord Lieutenant of Limerick.

The New Brunswick legislature has amended the liquor license law by providing that after this year applicants for licenses will be required to secure on their petitions the names of one-half, instead of one-third of the ratepayers in their ward or district.

A Polish woman 104 years old, who saw the march of Napoleon and his army into Russia in 1812, and the terrible retreat of the survivors, is living at Shamokin, Pa. She is very feeble, and cannot now being burned to death last week when her house caught fire.

As indicative of the low prices of potatoes in Aroostook county, Me., it is said that one man from a neighboring town recently drove a distance of seven miles to purchase potatoes. His horse, which had netted him the sum of seventy-five cents!

The announcement that Commissioner Tucker, who is married to the third daughter of General Booth, is to assume command of the United States Salvation Army, appears to give general satisfaction. His work has been principally in India.

Two robbers entered the shop of a butcher in Danville, Ind., the other day, and one snatched a leg of mutton from a hook and dealt the butcher a blow on the side of the head, with the result that the man died in a few minutes. Twelve prisoners were taken by the troops. No mention is made of any Spanish losses.

A ten-year-old boy named Thomas Blackwood, of Almonte, Ont., was killed on the Canadian Pacific Railway track there a few evenings ago, while attempting to get on a train which was passing at a slow speed. His feet slipped and he fell under a car, the wheels passing over the lower part of the body.

The reported discovery of the North Pole after so many futile attempts being made in that direction, brings to mind a practical joke Bill Nye once played on his friend, Lieut. Greeley. When Greeley started on his expedition to the North Pole Nye gave him a double-axe that was not to be opened until he reached the farthest point north. It contained axle grease for the pole.

That the fools who go to law over nothing and get less are not all dead yet was proven in a case tried a week or two ago at Beach Springs, Va. One farmer accused another of stealing a calf. It cost each of them about \$50 to try the case, which was finally thrown out of court. The next day the much-mooted animal was found dead in a cave on land that belonged to a third party. The calf was quoted in the market as worth \$2.

A daring attempt was made to rob the Merchants and Planters Bank, of Warsaw, Arkansas, one day last week. Three men entered the bank and two of them went behind the enclosure. Their first action was "Hold up your hands." Cashier Adair sprang for his pistol, when the men commenced shooting, and Mr. Goodwin received what is thought to be a mortal wound, and Mr. Adair was shot through the shoulder. He returned the fire and evidently wounded one of the men, for when he rode off he was seen to be bleeding. The robbers retired from town keeping up a fusillade of shots.

Details of the storm which has devastated the coast of Queensland are beginning to be known. It seems that there were furious hurricanes and a fearful down-pour of rain which flooded the entire district. More than a hundred lives were lost, and it is said that whole villages were destroyed and thousands of houses wrecked. With the other property destroyed on shore, the damage is estimated at half a million pounds sterling. The value of the vessels wrecked cannot be estimated. Townville, a small city on the northeast coast of Queensland, seemed to be the centre of the storm. Not a house in town or a vessel in the harbor escaped.

NOTES AND COMMENTS.

The Mail and Empire remarks that Sir Donald Smith seems to have attempted what Mr. Laurier promised he would do, and if his efforts towards effecting a compromise prove successful he will have earned the gratitude of all right-thinking Canadians.

It is well remarked by the Mail and Empire that Mr. Greenway can settle the School Question with even greater ease than Mr. Fitzsimmons settled Mr. Mahar, but, unfortunately, he has not got the right men to back him.

The Ontario Grit press pictures the Government's "prostrate" at the feet of the Roman Catholic hierarchy. The Quebec Grit press charges the Government with "deceiving and humiliating Catholics," and says it is "almost unbelievable" that an Orange government could do justice to the Roman Catholics. Grit opinion, it appears, is governed by degrees of longitude.

Moncton Times: In quite a number of Ontario constituencies the Liberals in convention have decided not to put up with the demands of the Government. In the New Brunswick legislature a seceder could not be found for a motion protesting against the course of the Dominion Government on the Manitoba Question. The Grit party and the Grit policy are equally in disfavour.

Montreal Gazette: Those papers which are apologizing for, or making preparation to defend their conduct in publishing Mr. McConnell's open letter about Sir Charles Tupper, will be in a position to appreciate the humor of the current joke that an editor is a man who keeps out of the paper stuff that other men write to put into it. One of the modern tests of journalistic capacity is knowing what it is wise not to publish.

The Sea Breeze and Western Star, of Poughwasset, N. S., contains the following notice of the death of the mother of Mrs. Goodwill, of this city:

Mrs. Cooper, of this place, sister of the late Wm. Cooper, died suddenly at the residence of her son, George Cooper, on Friday evening last. Deceased was 75 years of age. The funeral was held on Monday afternoon at 3 o'clock, the interment taking place in the Methodist cemetery. The Rev. A. D. Mackintosh conducted the service at the house and grave. (Rev.) Mrs. Goodwill, of Charlottetown, P. E. I., is a daughter of the deceased.

The deceased was a warm personal friend of Sir Charles Tupper, and was highly respected in the community in which she lived.

New York, as well as Montreal, is complaining that its grain exporting trade is declining. In recent years there has been a decline in the percentage of the whole shipments in New York's case, from 42 to 13, which latter figure represents the total of 1895 from 1st December to 1st February. On the other hand, Baltimore's proportion has increased from 13 to 24; New Orleans from 0 to 13; and Norfolk from 0 to 13. Philadelphia's has fallen off from 13 to 8, and Boston's from 13 to 1. It was stated in a Chicago despatch the other day that grain that formerly went to New York for shipment was being carried to New Orleans, and the figures alluded to above indicate that the cause may be a more or less permanent one.

The Paris newspapers expect that the coming debate on the proposed income tax will result in the defeat of the Bourgeois Ministry.

250 pairs men's pants just opened, price from 95 cents a pair to \$3.50; a splendid line to select from at J. B. Macdonald's, 225 St. J.

For the Boys—50,000 Marbles, whole sale and retail at Carter's Bookstore, feb 27, 31 513.

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TELEGRAPHIC.

SPECIAL DESPATCHES TO THE EXAMINER

PARLIAMENT OF CANADA.

The Winter Port Question.

OTTAWA, Mar. 3

In the House of Commons yesterday there was a discussion on the winter port question, on the motion of Mr. Hazen for a return respecting contracts entered into between the Government and the Beaver Line for service between St. John and Liverpool.

Dr. Weldon's committee on conciliation met last night and discussed the situation. What they decided to do has not transpired.

Sir Charles Tupper will move the second reading of the Remedial Bill to-day, Hon. Mr. Dickey holding himself in reserve.

BRITAIN'S PREPARATIONS.

£14,000,000 for the Navy.

Stronger Works at Gibraltar.

LONDON, March 3.

In the House of Commons yesterday Mr. Goschen presented the navy estimates. He said that the proposed increase in naval expenditures was not due to any feeling of alarm. The Government proposed an increase of £850,000 for guns and £1,000,000 for the navy. It had decided to build three docks instead of one. The cost of the new works was estimated at £2,500,000, in addition to £361,000 already allotted for the new dock there. Summing up the demands of the Government Mr. Goschen said it was proposed to raise the naval works bills from the £5,500,000 proposed by the last Government, to £14,000,000, which would be the amount of the Government bill. Continuing, he said that these might seem large figures, but the Chancellor of the Exchequer authorized him to state that the exchequer could supply the money. It proposed to add to the navy five battleships like the improved Ripon-four first class cruisers, three second class cruisers, six third class cruisers and twenty-eight torpedo-boat destroyers.

Expulsion of Missionaries.

BERLIN, Mar. 3.

The correspondent of the Lokalanzeiger in Constantinople is authority for the statement that Russia has asked Turkey to expel all English and American missionaries from Asia Minor.

Purchase of Arms.

OTTAWA, Mar. 3.

It is said to be definitely settled that the Enfield Magazine Rifles will be purchased by the Government for the use of the Canadian militia, 40,000 stand being secured.

Chapleau to Come In.

MONTREAL, March 3.

Hon. Mr. Chapleau will go to Atlantic City for a few weeks, but the general impression is that he will return in time to accept office in Sir Charles Tupper's cabinet.

Montreal Wants \$2,000,000.

OTTAWA, March 3.

The Minister of Finance gives notice of a motion to loan \$2,000,000 to the Montreal Harbor Commission.

Principal Grant's Opinion.

KINGSTON, March 3.

Principal Grant is out in an interview against the Remedial Bill.

Death of Lady Frank Smith.

TORONTO, Mar. 3.

Lady Smith, wife of Sir Frank Smith, is dead.

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