We guarantee Dodd's Kidney Pills to cure any case of Bright's Disease, Diabetes, Lumbago, Dropsy, Rheumatism, Heart Disease, Female Troubles, Impure Blood—or money refunded. Sold by all dealers in medicine, or by mail on receipt of price, 50c, per box, or Six boxes \$2.50. DR. L. A. SMITH & CO., Toronto.

2 SPOONS. The smaller one, filled with SKREI Cod Liver Oil, will do more building up than the large one filled with the best of the many emulsions now in the market.

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"By a thorough knowledge of the natural laws which g vern the operations of digestion and nutrition and by a careful application of the fine properties of well selected Cocoa, Mr Epps has provided for ear breakfast and supper a delicately five ared beverage which may save us may heavy doctors bins. It is by the judicious use of such articles of diet that a constitution may be gradually built up until strong enough to resist every tendency to disease. Hun ireds of subtle maiadies are floating around us ready to attack wherever there is a weak point. We may escape many a tatal shafe by keeping curselves well fortified with pure blood and a property nourished frame."—
(LYIL SERVICE GAISTE.

Made simply with bolling water or milk Sold only in packets by Grocers, tabelled thus JAMES EPPS & CO., Ltd., Hemcoepathic Chemists, Lendon, England.

The Victoria Warder

FBJDAY, MARCH 29 1895

The School Case.

A LONG ARGUMENT BEFORE THE PRIVY COUNCIL THE SCHOOLS OF MANITOBA. ME. JOHN S. EWART APPRARS FOR THE CATHOLIC MINORITY. PROPOSED REMEDIAL LEGISLATION. A ROMAN CATHOLIC SPEAKS WHO SUPPORTS PUBLIC SCHOOLS.

(Continued from first page.) INTERPERENCE A DUTY.

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Such considerations are, however, not properly up for discu-sion before this souncil, for as I have formerly contended, and now reprat (as my eigh h argument, and with all proper deference and respect) not only has his Excellency in council a power of appeal, but it is his bounden of duty to hear the appeal, and to adjulieate thereon as its merits may require. I argue that the constitut on has given to the catholic minority of the Queen's end jects in Manitoba, as a right, an appeal from sets of the legislative assembly; that his Excellency in council cannot decline to hear such an appeal, and cannot refuse whether out of regard for the legislature or for any other reason, to deliver a judgment upon the merits of the case when brought before nim. It is a well. known rule for the construction of statutes that where functions of a public nature are bestowed upon individuals. such persons have no right to refuse to cases in which jurisdiction of a judicial character is given. Even when the language of the statutes is permissive—the judge may do so and so, "may" is always hald to many that if a many exercise their powers. The rule includes out he shall do so and so. Allow me to of the frightful wrongs imposed upon the to public functionaries, or others, for public purposes, or the public benefit, were always to be exercised when the coverament, of which he was the bench (R. v. Hastings, 1 D. and R, 48) the local representations of but one political party. The strategic uses to which liament, when tending to promote the imperative on these so 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

"Our supreme court ast provides that "an appeal shall lie to the supreme court from all final judgments" of provincial courts. The Manitobs act in similar terms provides that "an appeal shall lie to the governor-general in council from any act or decision of the legislature of the province." What would we say of the supreme court did it refuse to hear an appeal, or to deal with it as justice re quired, merely because the case involved some political or otherwise troublesome question? With all proper respect, and for id-ntical reasons, I say that his Excellency in council cannot decline to exercise the important powers by the Manitoba act conferred upon bim for the protection of the roman catholic minority

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and provided for a department of education, and provided for a department of education, or a committee thereof. We do not propose to re-establish the old board. If the legislature would rather have a department of education than a board of education, we have nothing to say. But we do set that those powers which before any old section of the board should again be entrusted to a similar body. The jurisdiction formerly exercised, not by the whole board, we are satisfied should, for the future, be relegated to the depart ment of education, although that will remove from catholics all share in the settlement of such matters. The respective will it be just for us to ratify the wiping out of the separate schools of ment of education, although that will remove from eatholies all share in the settlement of such matters. The reconstituted body of eatholies will, I presume, and as I have provided, have to be appointed by government, for that was the provision prior to 1890. We ask, too, that we should be relieved from taxation for support of the present protestant schools, and of any schools which are non-catholie; that we should have power to organize our own schools, and tax ourselves as formerly; and that we should have our share of public moneys voted for the matoucaance of schools.

So much for the future. With regard to the past, some things that have been done ought to be undone. The effect of the act of 1890 was to transfer the owner ship of all catholic school board had at its credit in 1890. The first of the property which was confiscated by the act of 1890, I may mention the sum of \$13,879.47 which the eatholic school board had at its credit in 1890. The first of the property which was confiscated by the act of 1890, I may mention the sum of \$13,879.47 which the eatholic school board had at its credit in 1890. The first of the property which was confiscated by the act of 1890, I may mention the sum of \$13,879.47 which the eatholic school board had at its credit in 1890. The first of the turned upon the United States by the nations of the world. Let not the finger of scorn be turned upon the finger of scorn be furned upon the finger

circumstances connected with the confication of this amount of money (a large sum for Manitoba catholics) can best be related by reading the affidavit of the honorable senator Bernier. (Affidavit read.) We think that we cannot be deemed upressonable if we saw that this money, filched by act of parliament, chould be restored to us.

The remedy which we seek we are content to obtain in the method pointed cut

by the judgment of the Privy council, in which it is said:—"It is certainly not essential that the statutes repealed by the Act of 1890 should be re-enacted, or that he precise provisions of these statutes enould again be made the law. The system of education embodied in the Acts of 1890 no doubt commends itself to and 1890 no doubt commends itself to and adequately supplies the wants of the great majority of the inhabitants of the province. All legitimate ground of complaint would be removed if that system were supplicated by provisions which would remove the grievance upon which the appear is founded, and were modified so far as might be necessary to give effect to these provisions." By supplement and modification, then, we are satisfied to obtain the relief which we ask.

There are various points regarding de-

even by concessions, to change in any material respect the position which we tormerly occupied. If we did, any statute that the Dominion might pass might be ultra vires.

MANITOBA'S POSITION.

I hear it frequently said that the pro-testant portion of the province of Mani-toba is almost a unit in its opposition to separate schools; that Manitoba will refuse to comply with any law passed by the Dominion parliament; that Manitoba will dely the law laid down by the judicial held to mean that if a proper case is made as one had to go to that province to hear quote a passage from Maxwell on statutes down-trodden protestants in Quebes by (pages 295 6):-"It is a legal or, rather, a the passage of the Jesuits' Estates Act. constitutional principle that powers given The Manisoba school Act of 1890 is well occasion arises." And again:—"But as only strong member, much against the regards the imperative character of the will of his chief; and to be maintained duty, it was laid down by the king's now purely for political purposes, and by general benefit, are always held to be when we observe that although it is the compalsors; and as ragards courts and liberals who conjure with it in Manitoba, judicial functionaries who act only when appealed to, the same rule was in substance restated by the common pleas in that it is in Ontario alone that we hear of laying down that whenever a statute confirm an intending rebellion in Manitoba. The confers an authority to do a judicial act (the word "judicial" being used evidently that it will resist to the extent of its (the word "judicial" being used evidently in its widest sense) in a certain case, it is imperative on these so anthorized 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 ex their own constitution. The conserva-eroise depends not on the discretion of tives in Manitoba are almost to a man in the courts or judges, but upon proof of favor of liberty to my clients, and so, too, the particular care out of which the power are many of the liberals.

In closing my argument I cannot do better than adopt (with the exception of a single expression) the concluding language of an address delivered by Dr. J. H. Morrison before the junior liberal-conservative association of St. John, is B:— He said: "Anticipating the appearance of this question in the arena of federal politics, Mr. McCartby and his Protestant Protective association have launched out upon a campaign of open hostility to the roman catholic church upon general principles. They hope to upon general principles. They hope to enlist the great army of loyal orangemen upon their side when they have to face this question. I am proud to be a member of the crange society. It is a noble institution, and I wish its aims, principals, and precepts were better understood by the rublic at large. But no

Nearly 1,900 years ago there was delivered to the world a law, which has been the greatest of all forces in the evolution of religion, civilization, and society it was the law "Do unto others as you would that they should do unto you." Actuated by the spirit of that law, President Cleveland decided to restore to her throne the deposed Hawatian Queen. Should party jealousy, or republican hatred of monarchical institution, thwart his beneficent purpasse, the finger of scorn would be turned upon the United States by the nations of the world. Let not the finger of scorn be turned upon not the finger of scorn be turned upon Canada because she shall refuse to be as just and generous as the president of the

Again I say, that when this question comes before us, as it must come if the government of Canada find it their duty to interfere, let our motto be "Let justice be done though the heavens fall."

MR. O'DONOGHUE'S REMARKS. Mr John O'Donoghue, addressing the Mr John O'Donoghue, addressing the council by request of Mr. McCarthy, said he was a resident of Winnipeg, a public school trustee, a member of the roman catholic church, and a regular attendant. On behalf of a large number of catholics of that province, he declared that the French schools of Manitoba are not in so satisfactory a chape as the pro-testant schools. Seldom had he found a French teacher who could speak or teach English. He had made representations to the archbishop about the matter and also to the late premier Norquay. He did not think that 25 per cent of the French youths could write their names. whereas 75 per cent of the protestant natives could read and write. When the that we are not in a position to ask that any compromise, however fair, should be enacted by the Dominion government without the assent to it of the local legislaure. We can ask only for that which we had before, and must be careful not, even by concessions, to change in any material respect. Greenway government came into power people to accept the present system they would do so. Efforts had been put forward by him to obtain a compromise, but his grace, the archbishop would not consent to it, having been advised by eastern would do so. Efforts had been put forward by him to obtain a compromise, but his grace, the archbishop would not consent to it, having been advised by eastern triends to accept nothing short of the repeal of the act of 1890. "There is searcely a day that passes," said Mr. O'Donoghue, "but eatholies call upon me and express wishes that matters will shape themselves so that they may be able to send their children to the public schools. They do not like to express themselves publicly for fear of coming into conflict with the clergy." In his election he had been opposed by Father election he had been opposed by Father Langlois, who denounced the government as thieves and ecoundrels-(laughter)and yet he had been elected.

Mr. Ewart - Do you speak French, Mr. O'Donoghue? Mr. O'Donoghue-No.

in during the course of his argument were subsequently withdrawn by him in order to tacilitate the proceedings. When the first one was read Mr. McCarthy ventured to suggest that objection might be taken to it, whereat Sir Mackenzie Bowell remarked that it would be well to have all the information upon the matter, as it might throw some light on the way the liberals got power in Manitoba, and when the documents were read they poured a flood of light on the history of

balance. One of its supporters, Mr.
Burke, had been appointed provincial
secretary, and was speking re election.
His deleat meant defeat of the government. On the pledge that the liberals ment. On the pledge that the liberals would respect the privileges of the catholics, the constituency, strongly catholic, returned a liberal, Mr. Francis. Mr. Francis Mr. A. F. Martin, the liberal organizer, and Mr. Fisher, M.P.P., then president of the conservative association, declared on cath that Joseph Martin made the pledge that nothing would be done by the liberals to remove the separate schools. In consequence of the election Mr. Greenway obtained power. The Rev. Father Allard and Mr. W. F. Alloway, banker of Winnipeg, both de-The Rev. Father Allard and Mr. W. F. Alloway, banker of Winnipeg, both declared in affidavits that Mr. Greenway gave also solemn pledges that no action inimical to separate schools would be taken. The premier called to see archibishop Tache, but as the prelate was ill made an arrangement through his vicargeneral, Father Allard, in the presence of the other deponent. Mr. W. F. Allow ed of upon their merits, and without regard to the feelings of the body appeal ed from.

MEASURE OF RELIEP.

As to the measure of relief asked for by the roman catholic minority in Manitobs, I have prepared and now authorit, a draft of such a statute as we would propeate the legislative assembly of Manitobs abould be asked to pass. I shall not read it as length, but content myself with abortly indicating its nature. Prior to 1890 educational matters were confided to a board of education emprosed of 189 protestant seapered of the serve confided to a board of education composed of 189 protestant and positive search by the protestant separate esholls of the protestant separat

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In All Cases Paine's Celery Compound Cures and Restores Perfect Health.

Headaches are varied in character, of fre-Headaches are varied in character, of frequent occurrence, and a produced by a variety of causes. The common boadache is often produced by some indiscretion in diet, or deviation from ordinary habits of life. We have also congestive headaches, theumatic headaches, and billions and servous headaches. Women are oftener the victims of these troubles than men. When neglected from day to day grave and fatal consequences often

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School Notes

CAMERON.—Senior department. Fifth
—Lily Northcott, Lila Eyres, Carrie
Cook, Melville Cundel, Beatrice Maunder, Cook, Melville Cundel, Beatrice Maunder, Eliza Switzer, Florence Maybee, Will e Cundal, Fourth — Lily Cook, Polly Mark, Langdon Heoey, Lizzie Cundel, Wilson Cundal, Parry Lobb, Eva Maunder, Violet Martin, Edith Coad, John Mark, Willie Hepburn. Sr. III—Neil Mark, Maggie Anderson, Rillia Bryson, Clara Eyres, Blanche Irwin, Bertha Irwin, Ethelbert Hooey, Sadie Cook, Sammy Hepburn, Charlie Naylor, Willie Switzer, Bertha Smith, Fred Harris, Jan. Bates, Harry Anderson, Harry Fell, Bates, Harry Anderson, Harry Fell, Edgar Dum, Jos. Mark. John Cundal, teacher. Jr. department—Third—Violet Fell, Lily Mark, Ethel Maybee, Claude

urine, loss of will power, tenderness of scalp and spine, weak and flabby muscles, desire to sleep, failure to be rested by sleep, constipation, duliness of hearing loss of voice, desire for solitude, excitability of temper, sunken eyes, surrounded with LEADEN CHOLES, oily looking skin, etc., are all symptoms of nervous debility that lead to insanity unless cared. The spring or vital force having lost its tension every function wanes in consequence. Mr. Ewart—And yet you express an opinion as to the efficiency of the French schools!

THE AFFIDAVITS. All the affidavits which Mr. Ewart put on diseases peculiar to man, sent sealed. Address M. V. LUBON, 24 Masdonnell Ave., Toronto Ont. Canada.-1908-ly.

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I was beginning to despair of finding any
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to say gave me almost instant relief and
permanent cure. I consider your Ointment
a God send. ALF. J. DEAN.—43-1.

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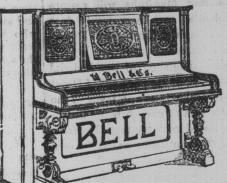
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block. R. H. Bell, Registrar: John Kalley, Preceptor

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