

improved under his régime, and that he seems to have been the first Head of the Department to recognize the evil and attempt a remedy. To make the remedy effectual with the means in the hands of the Department, or, in fact, with any means that can be devised, will be a work of time and patience, but if it is set about in earnest, and unless it is embarrassed and complicated by the prejudices and conflicts of partyism, it is not one which should create any serious trouble.

THE inevitable collapse of the much-talked-of debate between Rev. Father Whelan and his Protestant opponent, came so quickly and gently that one might almost fancy that both contestants were quietly prepared for it. In this case the old sarcasm about its being easy to be wise after the event is hardly in order. The conditions of the proposed contest were such as to render any other result well-nigh inconceivable. It was, of course, preposterous to suppose that the Protestant arbitrators should accept a Jesuit casuist as umpire in such a case, and the two representatives of Father Whelan must have had admirable coolness and nerve to be able to propose it with apparent seriousness. But what seems scarcely less strange is, that so many friends of the other party seem not to see that it was equally absurd to suppose that the Protestant professor, whose name was suggested by Dr. Hurlbut's representatives, could possibly be accepted by the Jesuits. If the parties were really anxious for a debate, why did they not agree upon a court of four or six. Of course the prospect of a verdict would have been *nil* in such a case, but we should have had the satisfaction of knowing how Father Whelan would dispose of the many Jesuit authorities which seem to teach the dogma in question in so many plain words.

IF the Manitoba Government undertakes in earnest to follow out the radical programme foreshadowed, the question raised will be one of intense interest to the whole Dominion, as the first case in which a Province has sought a change in the Constitution, in other than a financial matter. The question of the French language may not create much difficulty, as it involves neither education or religion. It is by no means clear that the Provincial Government has come to a fixed and final resolve to attempt to do away with the Separate Schools, or rather with the recognition and aid of them as a part of the Public School system. It is possible that a different and less cumbersome system of management with, perhaps, stricter guarantees of efficiency, may be all that will be proposed. If, however, abolition is attempted, it is clear that it can be effected only by Act of the British Parliament, the Manitoba Act having been made a British as well as Canadian Act. This being so, it is idle to speak, as some have done, as if the Province could appeal directly to the Mother Country, ignoring the Canadian Government and Parliament. The hint given by our Colonial Secretary in the matter of the Jesuits' Estates Act would settle that question, even did the Manitoba Act not provide for a special appeal to the Governor-General in Council. It has been said by an authority on constitutional questions that neither the Provincial Legislature nor the Dominion Parliament can alter the fundamental law. This simply means, we suppose, that no provision is made and no power conferred for making such alteration. But it is not to be supposed that either the British North America Act or the Manitoba Act is eternally unchangeable like the laws of the Medes. If the people of Manitoba are sufficiently united and in earnest, they can bring to bear a pressure which no Dominion Government or Parliament can long resist. In that case it is in the last degree improbable that the British Parliament would refuse to be guided by the wishes of the Dominion Parliament. The road seems clear, though it is undoubtedly arduous enough to put the courage and determination of those seeking constitutional changes to a pretty severe test.

IT is announced that Sir Richard Webster and Sir Edward Clarke, law officers of the Crown in England, have reported that the Governor-General was right not to interfere with the operation of the Jesuits' Estates Act; that the Act was clearly within the powers of the Provincial Legislature, and that there is no case to send to the Judicial Committee of the Privy Council. It is not said at what instance this opinion is given, but a reasonable inference would seem to be that it has been asked for by His Excellency, the Governor-General, or by the Government. Though we have never had any doubt as to the correctness of the view which has now received the sanction of these high authorities, we do not suppose their opinion, given as

it must have been on an *ex parte* statement, or, at least, without any complete presentation of the argument on both sides, will do much to allay the resentment of the Ontario protesters and petitioners. They will be likely to say that if such an opinion was to be procured and used as an appeal *ad verecundiam*, they should, at least, have had an opportunity to have their view of the case presented by some one favourable to that view. It is clear, however, that the question of the constitutionality of the much discussed Act is no longer a living issue. The agitation, if continued, must henceforth be conducted on new lines and with a view to more comprehensive results

THE humiliating course forced upon the British Government before the prorogation of Parliament in the matter of the Tithes Bill shows how perilous it is to touch even incidentally upon matters in respect to which the public mind is in one of the acute stages of a process of evolution, or revolution. The Government had clearly no intention of raising in any shape the tithe question itself. The sole purpose of the Bill, which was introduced with the name of the Attorney-General on its back, was to substitute a better mode of procedure for the barbarous system of distraint, or enforcing tithe by seizing the produce of the land—a process which affords occasion, not to say provocation, for rioting, by thrusting the tithing process before the people in a most obnoxious form. The Bill simply proposed to make the tithe recoverable like an ordinary debt, by due process of law in the County Court. So far, however, from being able thus to confine the Bill to a mere reform of legal procedure, the Government found themselves hardly beset by a host of amendments tending to bring up the vexed question on its merits. After running the gauntlet of a series of divisions, in several of which their majority was perilously small—in one case only four—they changed the whole character of the Bill by accepting an amendment making the tithe collectable from the landlord instead of the occupier, only to find this amendment ruled out of order by the Speaker, as changing the character of the proposal, and making it virtually a new Bill. This left them the alternatives of indefinitely prolonging the session or dropping the measure. The latter was adopted. The matter is of interest in Canada chiefly as showing the state of public feeling on the tithe question. It is noteworthy, too, that the amendment on which the Government came nearest to suffering shipwreck was moved by one of their own Tory supporters, who thereby illustrated the reality of the transformation which Mr. Chamberlain declares to have taken place in the significance of party names. As the *Spectator* says in another connection: "A so-called Tory Government brings in and passes a series of measures far more liberal than could have been got a very few years ago out of any Liberal Government, however advanced."

THE strike of the dock labourers in London is one of the most momentous labour movements that has taken place for years. However objectionable this mode of seeking an increase of wages may be, it is not easy to see how any fair-minded man, with a heart to feel for the miseries of his fellow-beings, can condemn the strikers in this case, until he has pointed out some other way in which these poor men could hope to obtain the removal of some portion of the intolerable hardships of their lot. The half-starved strikers deserve great credit for the self-restraint they have thus far exhibited. The only exception seems to be the violence or threats of violence used towards those who have attempted to take their places. The fact that there are other thousands ready to do so for the same poor pittance which the strikers have now at last rejected is one of the most pitiable features of the case. While we feel the seeming injustice and cruelty of forbidding these would-be substitutes to earn a morsel of bread, we cannot forget how terribly exasperating it must be to those who are risking everything, almost literal starvation for themselves and their wives and children, in the hope of bettering their condition, to see others, wretched as themselves, frustrating their desperate effort by stepping in to take their places. Not only to the parties immediately concerned, but to the citizens generally, the suspense must be terrible. It is impossible to foretell what tens of thousands of infuriated and starving men may do, if driven to desperation. A very hopeful augury may, however, be drawn from the fact of the almost universal sympathy felt for the strikers, and often manifested in a very tangible form, by people of all classes. This assurance of sympathy affords a better safeguard against danger of riot and pillage

than cordons of policemen. The success of the strike would probably result in giving a great upward impulse to this class of labourers. It would be to them like the letting in of a ray of hope to the dark dungeon. Defeat will, almost inevitably, greatly recruit the ranks of Socialism.

THE curtain has once more fallen upon the shifting scenes of the English Parliamentary drama, and no one can foretell what transformation may be effected before it again arises. The latest scarcely credible rumour has it that the next unveiling may show us a Tory Government and Party, assisted by an active brigade of Liberal Unionists, coming forward to proffer to the Irish malcontents the extraordinary bribe of a Roman Catholic University for Ireland, while a strong contingent of Irish Members, headed by Parnell, stretch out eager hands to receive the gift. A strange solatium, one would suppose, for a million or two of ignorant and hungry peasants—a seat of learning to educate the sons of the wealthy! But the gift, while offered ostensibly to the people's representatives, will, of course, be really intended to please the Pope and mollify the priesthood. The scheme, though no doubt now projected and favourably entertained, will, we venture to prophesy, come to naught. It would stir up too many hostile forces even in the Government strongholds. Ulster Protestantism would almost surely range its forces in bitter opposition. It would be too much for many of the Liberal Unionists. The strength of nonconformity would be arrayed against it in almost solid phalanx. However it might seem to be but giving to Irish Catholicism what has long been possessed by English Churchism, multitudes of farseeing Reformers of all classes would rise up to declare that the time had come to agitate for the removal of old abuses, not to offset them with new and aggravated ones. This wedge might, if driven home, effectively rend asunder the Parnellites and the English Radicals, but it would open up fissures along so many other lines of cleavage that the last state of the Government would be worse than the first.

COMMENTING on the killing of ex-Judge Terry by United States Marshal Nagle in protecting Judge Field, the London *Spectator* expresses the hope that Mr. Nagle will be "tried and punished for revenging a slap in the face by a fatal shot." If the facts are as generally stated, it is pretty clear that no Court could punish Marshal Nagle without seriously impairing the value of the safeguard afforded by police protection. The *Spectator's* point of view is revealed in its further observation: "But it is said that popular feeling justifies the murder on account of Terry's violent character, and certainly the oftener popular feeling is allowed to interfere with the course of justice, the more liable we shall be to the condonation which public opinion pronounces on offenders like Mr. Nagle." The underlying reference is evidently to the Maybrick case. And yet the decision of the Home Secretary, based, as the *Spectator* in another place says it should be based, upon a careful review of the evidence, if it be accepted as correct, shows that but for the pressure of English popular feeling the condemned woman would have suffered death for a crime of which she was not satisfactorily proven guilty. The fact is that popular feeling in such cases very often rests upon and roughly represents some more or less solid substratum of fact or justice. It is, therefore, entitled to such consideration as a closer review of the case may warrant. To say, as the *Spectator* does, in another place, that the Secretary of State "is responsible only to his own conscience and his Sovereign for the way in which he uses the prerogative of the Crown," is surely to confuse technical limitations with political and moral ideas most strangely. Morally, and most persons would say politically, the Secretary must be primarily responsible to the nation. It would be very high Toryism indeed which would claim that either the Secretary or the Queen has any power over either the action of the courts or the life of the individual, save that conferred by the people who make up the nation, and from whom all prerogatives, unless we accept the theory of "divine right," are, in the last analysis, derived.

THE rumour is renewed that the Pope contemplates leaving Rome, and that preparations are actually being made for that event. The chief interest of the non-Catholic world in the matter centres in the question whether such a movement would imply a final abandonment of the claim to temporal power. If so, the change of residence would carry with it the removal of a fruitful