

## Complicated Political Problems and Environment.

DR. JARDINE explains the "unreasonable" expressions of Canadians, in judging of the recent political problem by their environment. If ever a people were bound over by their environment to live at peace with the United States, Canadians are that people. The wolf accused the lamb of being aggressive and unreasonable, and no doubt the lamb's environment was unfortunate; but I have failed to find in Canadian journals any symptom of folly in dealing with the roar of hate which Mr. Cleveland's mad message evoked from United States newspapers. How was it with Dr. Jardine's Chicago environment? The Chronicle, in answer to Professor Von Holst's declaration that the message meant "dictatorship pure and simple," said bluntly, "There is no question of international law about it. We deem it for our interest to prevent any encroachment by Great Britain upon the territory of a South American country, and in order to do that we find it necessary to decide for ourselves what constitutes encroachment. Having decided for ourselves, we propose to enforce the decision." This, "the good old rule, the simple plan," the Dr. Jardine of former days would have protested against with all his might.

But the problem is "complicated," it seems! That is not the view of his environment. The Times-Herald announced: "From this time forth, so far as the American continent is concerned, Uncle Sam proposes to make, not to take, international law. . . . This is the short of it." What could be more simple? Americans have "the big battalions," and God fights on their side. Not always, if I read history aright. Noble men and women in the United States see how disgraceful this attitude is, and are doing their best, in the name of God and man and the future of their own land, to appeal from this ruffianism to the conscience and reason of the people. I expected to find Dr. Jardine on their side.

He confesses that the language of the President may be open unfavourable criticism. Well, I am not aware that we protested against anything but his language. His language was his action. No one imagined that he struck the British Ambassador a blow on the face; but his action or language was quite sufficient to create a financial panic, evoke the worst passions of the people, give over the Armenians to their torturers, and warn Canadians that they were living in a fools' Paradise. Oh! the pity of it! We are longing and praying for the unification of the English-speaking peoples, that they may spread righteousness, law, peace, and justice all over the earth, and instead of these realities we are offered the pitiful husk of "America for the Americans!" And the plea is that Britain has been guilty of introducing law and order into distracted India, and that she is actually "grabbing" a bit of Africa, that is, she is forcing the King of Ashanti, the Matabeles, and other gentry of their ilk to stop the pleasing practices of human sacrifices, and the massacre of unwarlike tribes! I thought that a familiar text read, "God so loved the world;" but it seems that a new version must be: "God so loved America that its people are exempt from international law or courtesy."

It is most unpleasant to write a word reflecting on the President of the States. He made a mistake and probably regrets it now, and the best thing we can do is to forgive and forget. But, Dr. Jardine's travesty of the facts almost forces me to believe that he cannot have read the original documents—viz.: Mr. Olney's despatch, Lord Salisbury's answer, and Mr. Cleveland's message. He probably contented himself with the commentaries of his environment. At any rate, I shall not refer again to the question.

G. M. GRANT.

## The Manitoba School Question and the Orange Order.

CAN an Orangeman consistently vote against remedial legislation?

Every Orangeman is presumably bound by the terms of the constitution of the Order to which he belongs. The constitution lies before us and we find in it the following clauses: "The Loyal Orange Association is formed by persons desirous of supporting, to the utmost of their power, the principles and practices of the Christian religion, to maintain the laws and constitution of the country, etc." "The duty

of every Orangeman is to aid and defend all loyal subjects of every religious persuasion in the enjoyment of their constitutional rights." "The Orange Association . . . calls upon the sons of Britain to lay aside political feuds, . . . to sacrifice every private consideration and establish a centralization of power to conserve the great blessings and privileges which we enjoy under British connection."

If these words mean anything, they mean that Orangemen will see justice done between man and man, irrespective of all creeds and nationalities, and that they will support the acts of Parliament which form the basis of the constitution of Canada, and the compact of Confederation.

It will thus be seen that, before an Orangeman can allow himself to be influenced by any of the minor principles involved in the Manitoba school question, he must answer in the negative these two questions.

1. Have the minority in Manitoba suffered a loss of rights to which they are entitled?

2. Can the Dominion Government refuse to pass remedial legislation consistently with the letter and spirit of the constitution? Upon the question as to whether the minority in Manitoba have suffered a loss of rights there is little to be said. No one denies it. It is admitted by counsel for Manitoba. We have paid dearly to get the opinion of the Privy Council. In the opinion delivered by them in *Brophy vs. the Attorney-General of Manitoba*, the Lord Chancellor says:

"The sole question to be determined is whether a right or privilege which the Roman Catholic minority previously enjoyed has been affected by the legislation of 1890. Their lordships are unable to see how this question can receive any but an affirmative answer. Contrast the position of the Roman Catholics prior and subsequent to the Acts from which they appeal. . . . In view of this comparison it does not seem possible to say that the rights and privileges of the Catholic minority in relation to education which existed prior to 1890 have not been affected." Nor must we forget in the discussion of this question that the educational advantages of their children have a powerful influence upon the lives of men. It often induces them to make pecuniary sacrifices, and to move from one country to another; and Roman Catholics, that is many of them, believe that education without religion, as taught by the Roman Catholic Church, is no education at all.

The constitutional question, at first sight, presents greater difficulties. Sec. 22 of the Manitoba Act reads: "The Parliament of Canada *may* make remedial laws, etc."

To a layman the use of the word "may" instead of "shall" might suggest an unlimited discretionary power. The same language is used in many places, for instance in the Ontario Judicature Act, e.g., "A mandamus or an injunction *may* be granted, etc." In both cases the power implies a duty. In neither case can an application be arbitrarily refused. The test is, what is the law? The decision must be formed on recognized principles and in a judicial and dispassionate spirit. It must be remembered that under British law vested rights are always protected, and the very object of the clause of the Act in question was to provide an especial security to vested rights which might be acquired in educational matters in the event of just such an emergency as has arisen. In the consideration of any question of public policy we must not lose sight of the fact that the Manitoba Act incorporates the terms of the British North America Act, and embodies the compact which was made between the representatives of Manitoba and the representatives of the Dominion, and that this compact was made after the very fullest discussion of the very points of public policy which are now being argued, and in the full light of all the objections which might be raised upon that ground. Nothing new for consideration has arisen since that time.

A perusal of the debates on Confederation throw full light upon the intention of the legislators. The following quotations from the reported speeches are particularly pertinent. Hon. Sir N. F. Belleau: "But even granting that the Protestants were wronged by the Local Legislature of Lower Canada, could they not avail themselves of the protection of the Federal Legislature? And would not the Federal Government exercise strict surveillance over the action of the local legislatures in these matters." Sir John Macdonald: "I believe the French Canadians will do all in their power to render justice to their fellow subjects of English origin, and it should not be forgotten that if the former are in a majority in Lower Canada, the English will be in a majority in the General Government, and that no act of