THE WEEK.

Seventh Year.
Vol. VII. No. 6.

TORONTO, FRIDAY, JANUARY 10th, 1890.

$3.00 per Annum
Single Copies, 10 Cents.

THE WEEK:

AN INDEPENDENT JOURNAL OF POLITICS LITERATURE SCIENCE AND ART

TERMS:—One year, $3.00; eight months, $2.00; four months, $1.00. Subscriptions payable *in advance.*

ADVERTISEMENTS, unexceptionable in character and limited in number, will be taken at $4.00 per line per annum; $2.50 per line for six months; $1.50 per line for three months; 20 cents per line per insertion for a shorter period.

Subscribers in Great Britain and Ireland supplied, postage prepaid on terms following:—One year, 12s. stg.; half-year, 6s. stg. Remittances by P. O. order or draft should be made payable and addressed to the Publisher.

No advertisements charged less than five lines. Address — T. R. CLOUGHER, *Business Manager, 5 Jordan Street, Toronto.*

C. BLACKETT ROBINSON, *Publisher.*

CONTENTS OF CURRENT NUMBER.

All articles, contributions, and letters on matters pertaining to the editorial department should be addressed to the Editor, and not to any other person who may be supposed to be connected with the paper.

WE once heard an experienced Canadian journalist deplore the impossibility of discussing a political question frankly in the party newspaper. No sooner does a writer, he said in effect, desirous of being perfectly fair, make a concession, however unimportant, to the argument of his opponent, than the admission is caught up, torn from its context, made to imply something quite different or of vastly more consequence than its real meaning, and triumphantly heralded before those who, as a rule, read only one side of such a discussion, as if it settled the whole matter at issue. The remark was brought forcibly to mind the other day in reading an article in the Winnipeg *Free Press*, referring to a paragraph in a previous number of THE WEEK. "It (THE WEEK)," says the *Free Press*, "had hastily come to the conclusion, on the strength of the first opinion offered it, that there was neither law nor reason to support Separate Schools in Manitoba. Now, it is fairly certain that they have law on their side, and it is not too sure that there is not also reason as well." Our readers may perhaps recall the admission which has afforded the slender pretext for this flourish of trumpets. Basing our reasoning upon the provisions of the British North America Act, and proceeding on the very natural assumption that the same general principle was intended to apply to all the Provinces, we pointed out that as no Separate School system and no Catholic schools aided by public funds existed in the Red River District prior to its being taken into the Confederation, so the clause in the Act of Union preserving to religious minorities their pre-existing educational rights, could have no application in Manitoba. When a correspondent called special attention to the fact that the words, "or practice," which are not found in the corresponding clause of the British North America Act, had been inserted in the Manitoba Act, we felt bound to admit that those words must have been incorporated in that Act "for a purpose, and that purpose is not easily explicable save on the theory of an intended reference to some state of things previously existing in the Red River District." This was far enough from granting that even those words can, without prodigious stretching, be made to include any private schools such as may have been carried on under clerical auspices in the Red River Territory before it became a part of Canada. We further called attention to the fact, which the *Free Press* carefully ignores, that in any strictly legal interpretation of the Manitoba Act the words "province" and "union," evidently copied into that Act somewhat carelessly from the B. N. A. Act, would be of doubtful application to a territory which was not a Province, and which had been purchased and annexed rather than united. We concluded, therefore, that the further discussion of a clause containing so many ambiguities might well be left to the lawyers. Whether this was equivalent to being "fairly certain" that the Manitoba Separate Schools "have law on their side," and "not too sure that there is not also reason as well," the fair-minded reader may judge.

THE only really important point involved in the discussion of the exact terms of the Manitoba Act is that of the right mode of procedure on the part of the Province in order to throw off the incubus of a duplicate system of public schools. The slight concession referred to in the foregoing paragraph is only such as an independent journal should be ready to make, under any circumstances, without regard to its effect upon the argument. Having no party ends to serve, THE WEEK has no motive for misrepresenting in the slightest degree the meaning of the Act in question. But in the present case we could the more readily admit that the ambiguous words "in practice," in the Manitoba Act, may have been intended to apply to some pre-existing Catholic schools in the Red River country,—though how they can fairly be made to include schools of any such kind as have yet been shown to have existed still passes our comprehension—because we had come to the conclusion that the question was, after all, of little importance. We have not admitted and cannot for a moment admit that, even could it be shown that the Manitoba Act made the most specific provision for the perpetuation of Separate Schools in that Province, the people of the Province should be thereby forever deprived of their right of local self-government in this respect, and forced to continue the maintenance of an unjust and hurtful system. The main question involved is thus that of the Constitutional power of the Federal authorities to prevent the carrying out of any decision to which the Province may at any time come through its own Legislature. As this power seems to be secured to the Dominion Government and Parliament by another clause in the B.N.A. Act, which had apparently been overlooked by our correspondents, the original contention lost its chief importance. The clause to which we refer is that which we have italicised in the following quotation from the B.N.A. Act, section 93, sub-section 3:—

"When in any province a system of separate or dissentient schools exists by law at the union, *or is thereafter established by the Legislature of the Province*, an appeal shall lie to the Governor-General in Council from any act or decision 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."

This is a truly remarkable proviso, contradicting, as it seems to do, the almost axiomatic principle that the power to make implies the power to unmake. But the words are there and establish the right of appeal to Ottawa, though they do not by any means warrant the conclusion which the *Free Press* erroneously ascribes to us, that the Separate Schools "have (constitutional) law on their side." Nor do they warrant those other stupendous conclusions drawn from them by the *Free Press*, that "a provincial Act pretending to abolish them would simply be *ultra vires*, and of no more effect than an Act to repeal the constitution of the United States," and that the one only way in which the Province can proceed to rid itself of Separate Schools is to appeal to the Dominion Parliament to move for an amendment to the Constitution which will permit of their abolition, and, in case the Dominion Parliament refuse to intercede, "to appeal directly to the Imperial Parliament itself." Manitoba has already learned by a pretty instructive experience the value of appeals to the Dominion Parliament, and the utility, not to say possibility, of appeal to the Imperial Parliament direct is exceedingly doubtful. If the Manitoba Government and Legislature are in downright earnest they will act on the logical presumption that, having originally passed the Act, they have the power and right, under changed circumstances, to annul it, leaving to the Dominion Government and Parliament the responsibility for any odious attempt to deprive a Province of its autonomy in a matter so clearly provincial in character.

THE remarks in the foregoing paragraphs will apply, so far as the legal aspects of the case are concerned, to the letter of Mr. L. G. McPhillips in last week's issue. This correspondent, like the *Free Press*, incorrectly and illogically infers that we admit that "as far as the law is concerned, the opponents of Separate Schools are in the wrong." But enough has been said on that secondary matter. We are glad that our correspondent raises the discussion to a higher plane by dealing with the question of Separate Schools on its merits. The strength of his argument depends chiefly on what it assumes and what it ignores. It assumes first, that "if we have Public Schools we must have either no religious teaching, or we must have one religious teaching," its idea of religious teaching being that it "must be substantial, and the pupil must be taught all the essential truths of his religion." It assumes, second, that "secular training cannot be safely severed from religious training," and that all parties, Presbyterian, Methodist and Baptist alike, are agreed on that point, whereas, as a matter of fact, many of them are opposed on principle to the compulsory teaching of religion in State Schools. It assumes throughout that secular schools must necessarily be godless schools. The fallacy of the first assumption is apparent from a reference to the Ontario Public School system, which makes special provision for the religious instruction of children by clergymen of their own denomination when desired. The second is, as we have said, contrary to facts easily ascertainable. The third is in opposition to the opinion of very many of those whose opinions are entitled to most weight in such matters, who hold that the great central truths of religion and those which stand specially related to conduct, are those on which all Christians are at one, and which may, therefore, be taught without any admixture of denominationalism. The argument ignores throughout the possibility of leaving the matter of religious instruction to local option, which is, probably, the most satisfactory and unobjectionable of all modes of dealing with the question. It ignores, moreover, the facts which are well-nigh axioms of political economy, that the State is bound in self-defence to make elementary education universal, and hence compulsory; that in order to this a system of public schools is absolutely necessary; that the State has nothing to do with questions of religious faith, and is, therefore, utterly incapacitated for prescribing religious teaching as understood by our correspondent; and that it consequently departs from its sphere, and abuses its powers when it aids by legislation, or makes itself in any way a party to the teaching of any system of religion which is conscientiously believed by a large proportion of its citizens to be contrary to truth, opposed to individual freedom and national progress, or in any other way injurious to the best interests of the State.

SINCE the foregoing paragraphs were sent to the printer the letter from Mr. McPhillips, which appears in another column, has come to hand. Leaving for the present the legal difficulties suggested by the special wording of the Act to the lawyers; leaving also to the legal fraternity the full enjoyment of the implied compliment paid the profession by one of its members—a compliment which, it will be observed, derives its force from the traditional tendency of the legal mind to consider both sides of a question, we have space for but two or three observations. To the non-legal mind the Manitoba Act appears very much like any other Legislative Act. It was, so far as we are aware, enacted by the people's representatives, and supposed to be adapted to meet certain existing or expected conditions, and subject, like all other legislation in these days, to be changed or modified in accordance with changing circumstances or opinions. A treaty or contract implies two parties. The Legislature, that is, the people's representatives in Parliament assembled, constitute, we suppose, in our correspondent's estimation, one party. Who are the other party, and where are we to look for the record of their proceedings in negotiating the treaty or signing the contract? Our correspondent's summing up of our argument needs simply to be reversed in order to