

stituencies, as arranged for local election purposes, are concerned, Mr. Mowat preserved better the appearance of straightforwardness, in that he respected county lines. But it is, we fear, beyond question that the re-distribution of a few years ago was made, in his hands, the means of materially strengthening his party in the Province, and increasing the number of his faithful supporters in the Assembly. If, and in so far as he did so, the principle is obviously the same, and worthy of the same downright condemnation on the part of every man who values honour above success in public life. Whatever the fact in regard to the constituencies generally in Ontario, it is certain that in adopting the new expedient of minority representation for the city of Toronto alone, the Mowat Government did not hesitate to make a doubtful innovation in order to secure an additional supporter. We do not now express an opinion on the merits of "minority representation" in the abstract. There is certainly a good deal to be said for it on general principles, though it is significant that it seems to have gone out of favour in England, where it had so many warm advocates some years ago. But it is certainly unfair and dishonourable to use it by bits, and only where it secures a certain party advantage. That there is something seriously wrong in our electoral systems seems evident enough from the fact that while a summing up of a total of votes cast for the Conservative and Liberal candidates for the Dominion Parliament for the last twelve or fifteen years would seem to show that the parties are pretty evenly divided in respect to numbers, the Government majority in the House of Commons has been almost uniformly very large, while with nominally the same party lines the Government of the other party has had an equally large preponderance in the Local House. But whatever may be the true explanation of these strange political phenomena, and whatever might be the effect of a general scheme of minority representation in rectifying what is wrong, the fact remains that no surer way of bringing such a system into disrepute could be devised than to make use of it, as the Mowat Government unquestionably did, in a special case, in which it was sure to result in gain to the Government.

THE Bill concerning witnesses and evidence which Sir John Thompson has introduced in the Commons contains one or two bold innovations. The proposal to permit accused persons in criminal cases to testify on their own behalf is one which commends itself so strongly, on grounds of reason and common sense, that the wonder to most persons will be why such evidence should have been so long prohibited. While we must all sympathize with the evident intention of criminal legislation to give the accused every reasonable protection, it must nevertheless be recognized as but just and right that the chief end of all legislation and all procedure in such cases shall be to elicit the truth. It is scarcely reconcilable with such a purpose that the mouth of the one person who knows better than all others what truth is, so far as the accused is concerned, and who often is the only person who does know that truth, should be arbitrarily closed. It may readily be believed that many an innocent person may have been condemned whose innocence might have been made clear had he been permitted to tell his own story and to be cross-examined upon it. It is scarcely conceivable that a prisoner who is conscious of innocence would in any case shrink from going into the witness box. Some guilty ones will no doubt perjure themselves, but such cases will probably be rarer than one might at first thought be disposed to expect. The dread of the cross-examination will generally be sufficient to deter the shrewd culprit from attempting to palm off an invention of his own, knowing as he must that the almost certain exposure of its falsity will tell powerfully against him. The instances will be rare indeed in which it will be possible for a guilty prisoner to escape through his own false testimony. We may have an instinctive shrinking from the thought of convicting a man on evidence drawn from his own lips, but the objection is after all sentimental rather than sound. Perhaps the strongest objection to admitting the testimony of the accused in the criminal courts is the unfavourable inference that the jury will naturally draw in regard to one who refuses to testify when opportunity is given. But it would be hard to show that such inference would not generally be just. The case in which the prisoner might choose to suffer in order to shield another might make a rare exception; but even in such a case the accused, however heroic his self-sacrifice, would have no just ground for complaint.

SIR JOHN THOMPSON'S Bill goes further, it appears, than a simple permission. He proposes that the accused and the husband or wife, if there be such, be not only permitted but compelled to testify when it is thought desirable that they should do so. To many minds this will seem to be a much more questionable enactment than one simply making such testimony optional on the part of those concerned, such as has been proposed in former sessions from the Liberal side of the House. We shall await with some interest the debate which will no doubt arise on the second reading. At the same time it must be admitted that the longer and more steadily we look at the seemingly formidable objections which spring up when so startling an innovation is first proposed, the more dim and shadowy do they appear. The primary object still being to ascertain the truth, it seems but reasonable, in the interests of society, that those who are, or are supposed to be, in the best position to know the truth should be examined in regard to it. It may seem harsh—it certainly is repugnant to our humaner sentiments—that a husband should be convicted on the forced testimony of his wife, or *vice versa*. But it is ingrained in the very nature of judicial proceedings, and essential to their true effect, that they should be stern and often seemingly pitiless. Nor is it a consideration without weight that the very fact that these nearest relatives have not hitherto been competent witnesses may have often operated as an encouragement to husband or wife to commit crime with the knowledge of the other, in the belief that detection was impossible. The very fact that the prisoner may be compelled to enter the witness box himself and that his wife may be compelled to do the same, can hardly fail to act as a new and powerful deterrent to the one tempted to commit a crime—materially lessening, as it must, the hope and expectation, which are no doubt almost universal in such cases, that legal proof of guilt can never be forthcoming. As a logical consequence of these radical changes in the law of evidence, the familiar proviso, which has long been somewhat of a puzzle to the unsophisticated, that no witness can be compelled to give testimony implicating himself, will have to go. Whatever may have been the chief consideration which has caused it to be so long retained on the statute book, there can be little doubt that it has very often been used to defeat the ends of justice; furnishing, as it does, unwilling witnesses with convenient pretexts for withholding testimony likely to prove damaging to those whom they may be anxious to shield. It would, we think, be hard to defend on its merits such an exception to the rule requiring the witness to tell the whole truth.

THE whole country will have learned with a degree of satisfaction that the Attorney-General of the new Quebec Government has instituted legal proceedings in the criminal court against ex-Premier Mercier. The charge is that of conspiracy to defraud Her Majesty, the Queen—that is to say, legal fictions aside, the Province of Quebec—of the sum of \$60,000. If it can be proved that Mr. Mercier really was guilty of such a crime, there certainly is no good reason why he should not be brought to trial and punished just as any other man would be for a similar offence. The high position which he occupied and the high trust to which he was unfaithful increase rather than lessen the turpitude of his wrong-doing, and the exposure and punishment should be exemplary accordingly. We are sorry, however, to see it stated in one Quebec despatch that it is rumoured there that "if there should appear to be any reason to indicate that a jury could not be had in Quebec to do justice in the matter of the accusations against Mr. Mercier, an application will be made for a change of venue, in which case it is even possible that the trial may be removed from the Province of Quebec altogether." The change of venue in any case would be to be deprecated as a serious imputation upon the citizens of the Capital city of the Province. But the mere rumour that the trial might take place out of the Province is one which should be promptly contradicted and repudiated by the authorities concerned. Such a thing would be an inconceivable insult to the Province and an outrage upon the rights of the accused. The idea that the people who have just condemned the deposed Premier so emphatically at the polls could not be trusted to do their duty in the matter of giving him a fair trial and a just verdict is little less than absurd. While the Quebec Government, acting no doubt with the approval of that at Ottawa, is thus preparing to prosecute those who have been unfaithful in the use of public funds, to the full extent of the law, it can-

not surely be that the Dominion Government itself will persist in shielding from trial its own members accused of similar crimes.

LORD KNUTSFORD'S despatch in reply to the address to the Crown, which was adopted at the last session of the Dominion Parliament, asking that Canada should be relieved from the operation of the "most favoured nation" clause in the trade treaties between Great Britain on the one part, and Belgium and the German Zollverein (now the German Empire) on the other, strikes a deadly blow alike at the Unrestricted Reciprocity policy of the Liberals and what Mr. Foster's budget speech and other intimations warrant us in regarding as the Imperial Trade League policy of the Conservatives. Had not the restricted reciprocity policy of the Government been already abandoned, this despatch would have been equally conclusive against any arrangement of that kind. The effect of the clauses whose repeal was asked for is, as the Government explained at the time of introducing the address, to prevent Canada from giving to the United States, or any other nation, to the West Indies, or any other British colony, or even to the Mother Country herself, any advantage in the Canadian markets without immediately giving the same to Belgium and Germany. Not only so, but, as Lord Knutsford, with commendable frankness, reminds the Government, under the similar clause which is contained in most of the treaties in force between Great Britain and foreign nations, the same privilege which would have to be granted to Germany and Belgium, would have to be extended also to all those nations. That is to say, as matters now stand, Canada cannot confer, by treaty or otherwise, any special commercial favour upon any nation, any sister colony, or even upon the Mother Country, no matter how greatly to her advantage it might seem to be to do so. It is true, as Lord Knutsford does not fail to make clear, that this limitation is not without important reciprocal advantages, as is seen just now in the fact that, under the operation of this same clause in the treaty with Germany, the Dominion, in common with every other part of the British Empire, is entitled to all the advantages derived by Germany herself from the important treaty recently concluded between that Empire and Austria, Italy and Switzerland. Whether and to what extent these benefits would suffice to countervail the disadvantages complained of, we need not stay to enquire. We are evidently shut up to them, seeing that the answer of the British Government is a decided refusal to grant the request of the Canadian Government and Parliament. Other and, it must be admitted, very cogent reasons, besides those we have indicated, are given for this refusal.

CRITICIZING certain comments made in these columns a week or two since, touching the debate on Mr. Mills' motion claiming for Canada the right to negotiate her own commercial treaties, the *Montreal Gazette* made the following, among other observations:—

This is a practical age. If popular interest is to be excited upon any question it must be demonstrated either that some grievance awaits redress, some disability requires to be removed, or that some substantial advantage is to be gained. In the matter of trade negotiations as presently conducted there is assuredly no grievance suffered, nor does the remedy offered by Mr. Mills promise to overcome the obstacles which now retard the conclusion by Canada of commercial conventions with foreign countries.

The question is put by THE WEEK, "Why should not Canada be empowered to make the best trade arrangements possible with other nations on her own responsibility?" The obvious reply is that she already virtually possesses and exercises such power.

The foregoing paragraph might, perhaps, be regarded as constituting a sufficient answer to the *Gazette's* statements. For the sake, however, not of controversy, but of the general interest attaching to the subject, we should like further to place over against the *Gazette's* opinion—an opinion which seems, by the way, to have been to some extent shared by the Dominion Government, though the very fact of their having drawn up, promoted and forwarded the address above referred to, implies the opposite—the following from Lord Knutsford's despatch:—

The Parliament of Canada desires the abrogation of the clauses on the grounds, amongst others, that they are incompatible with the rights and powers subsequently conferred by the British North America Act on the Parliament of Canada for the regulation of the trade and commerce of the Dominion, and that their continuance in force tends to produce complications and embarrassments in such an empire as that under the rule of Her Majesty, wherein the self-governing colonies are recognized as possessing the right to define their respective fiscal relations