

pass legislation recognizing the right of everyone to such a day of rest, unless rigid measures are taken to enforce, to the fullest extent compatible with the reasonable requirements of everyday duties and necessities, its observance by all classes. It is easy to see that such a rest cannot be obtained without large sacrifices of individual inclination and personal freedom. Its enjoyment by the masses is just as incompatible with the free pursuit of public pleasures by the pleasure-seeking classes, as with the free operation of industries by the money-loving classes. We need not add that within the limitations indicated, the rest-day, thus provided for and enforced on physiological, sociological and moral grounds, will naturally afford the best opportunity for philanthropists of all classes, and that it will be both legitimate and wise for the authorities not merely to permit, but to encourage those who are labouring for the moral and religious well-being of others, to make use of the opportunities the day affords for wielding whatever uplifting influences they can bring to bear without transgressing the necessary limitations of the day of rest. In a word, while it is, we hold, no part of the business of the State authorities to aid or legislate for any religious organization as such, it is clearly a part of its duty to see that free play is given for the operation of every voluntary agency which aims at promoting the intellectual, moral, or spiritual well-being of the people.

The proposition, then, is that a day of rest is essential to the best interests of any people; that with its abolition a period of physical and moral degeneration would inevitably set in; and that it is, therefore, the bounden duty of the State to see that such a day of rest is secured to the whole people, at whatever cost to the inclinations of individuals. We need hardly add that it is equally the bounden duty of all good citizens to cheerfully surrender so much of personal liberty for the time being as may be necessary to the enforcement of the rest-day laws for the good of the whole.

* * *

"Pew and Pulpit in Toronto."

IT is as true of the world religious, as of the world social, that one half of it does not know how the other half lives. It may be claimed for the series of church sketches, which have been written for THE WEEK during recent months by "J. R. N.," that they are an effort towards supplying this lack of information, and that they attempt a fair criticism of those who, by ascending the elevation of the Pulpit, invite the attention of the public.

Many testimonies as to the truthfulness of these sketches have reached THE WEEK from various sources. These, as well as the news agents' sales, show that "J. R. N." has hit the mark in these descriptions of Toronto churches, their ministers, their congregations, and their worship. They have been sent to distant friends in all parts of the world, and we understand that they have excited as much interest in some of the homes of the Old Country as they have here. This journal has been congratulated upon retaining, in the person of "J. R. N.," the services of a writer who, to a discerning penetration, adds a sympathetic insight into human nature, and who, in forcible and expressive English, moderated by the touch of a wide experience, writes so impartially of men and things. We are glad to announce that he will continue to contribute to these columns, although it has been thought well to drop the church sketches during the holiday season, which more or less occupies the interval from now till the first week of September. All being well, our esteemed collaborateur will then resume his visits to the churches of Toronto and give our friends the benefit of his impressions.

April.

The deep impassionment of life,
That Nature's bosom shields,
A forceful surge of joyous strife,
Comes blooming down the fields.
Dumb earth, an April quiver shows,
Dumb earth, quick as fate,
From wreaths of rain, all thronging grows,
Pale and determinate.
Oh pulse of God, that quickens thus
The unconsidered mould:
Touch resurrective force in us:
Transfusive—as of old.

CHARLOTTE M. HOLMES.

Picton, Easter, 1895.

* * *

The Manitoba School Act.—III.

I HAVE endeavoured to establish that the Ministers of the Crown did not, and had no right to, act judicially; that such functions do not belong to the Cabinet, and never have been exercised by it under the British constitutional system since the Court of Star Chamber passed out of existence; that the functions of the Ministers, other than departmental and legislative, are advisory only, by custom and practice and by the express terms of the B.N.A. Act; and that, in this particular case, which is unique in constitutional practice, the Judicial Committee expressly declared that the appeal was a political, and in no sense a judicial, one. But, apart from the necessary political complexion of the Cabinet, there were grave reasons why the judicial mask should not have been worn in this case. The late Minister of Justice himself dispatched his deputy to Manitoba to prepare the first case for argument before the Courts; and he promised that the Roman Catholic minority's expenses of the appeal to England should be defrayed. These two matters, or even one of them alone, entirely disqualified the Cabinet from acting in a judicial capacity. If a judge or arbitrator prepared the case for a litigant, or contributed to or procured contributions towards his expenses, he would deserve the severest censure, and in the case of an arbitrator his award would be promptly set aside.

The fact is, and it cannot successfully be disputed, that the action of the Government was purely political, an advisory proceeding, for which responsibility must be accepted before Parliament and the electors. There are only three apparent methods of explaining the utterances of the Ministry on this branch of the subject, and their like statement in the report to His Excellency upon which the remedial order was based, that they were acting judicially and without responsibility.

1. They had not read the proceedings before the Judicial Committee, in which it was iterated and re-iterated that their action would be political and not judicial.

2. They had read them but misinterpreted them.

3. They had read them and thoroughly understood them, but deliberately "loaded" their deliverance.

These solutions, of course, postulate unbecoming conduct, ignorance or incapacity on the part of the Ministers, and for that reason I should hesitate to adopt any one of them. The uprightness and ability of the present Minister of Justice, to whose lot it fell to deal with the subject, make impossible any of these postulates as a true proposition, and lead me to believe that there is some other solution which conforms to the moral canons of political action which I am unable to discover.

There remain for consideration the other apologies for the action of the Government in making the remedial order. They are that the Judicial Committee had decided that a grievance existed which ought to be remedied; that there was no recourse but to grant relief; that the question was not a political one but a constitutional one, and that they would act according to the constitution. It has already appeared to some extent that these excuses are not based upon fact. They, to a great extent, answer themselves, for a particular duty cannot at once be judicial, rigidly to be exercised in one way only, and at the same time constitutional. But they deserve some examination by themselves.

Referring to the words of the report to His Excellency, we find it there stated as follows:—"In the opinion of this Committee, 'The Manitoba Act' as construed with regard to the present case by the Judicial Committee of Her Majesty's Privy Council so clearly points to a duty devolving upon