

THE *Toronto Mail* has been for a few weeks past urgently calling public attention to a matter of considerable importance, in its direct bearing upon the interests of farmers in Manitoba and the North-West, and especially in its relation to the still larger question of the fixing of railway rates. The specific charge urged against the Canadian Pacific Railway of discriminating largely against our own North-West and in favour of Dakota, Minnesota, and other places south of the line, is on its face substantiated by figures which we have not seen denied, and which are, we believe, admitted by the authorities of the railway in question. The defence, so far as any has to our knowledge been made, rests upon two distinct lines of argument. One, and the most plausible, is drawn from the alleged fact that it is necessarily more expensive to operate a railway and move freight when the route lies largely in an uninhabited or sparsely settled region than when it runs through a rich and populous country. The other pleads frankly the exigencies of the situation, as resulting from the absence of competition in the one case and the presence of very fierce competition in the other. There is unquestionable weight in the first argument, and even the second might not, in certain circumstances, be wholly destitute of force. But neither can avail, or should be expected to avail, to satisfy the Canadian farmer who finds himself placed at a serious disadvantage in comparison with his southern competitors, by reason of the more favourable freight rates given them by a railroad which was most liberally subsidized for his especial benefit with Canadian money and lands. Nor will it avail to satisfy him, to be assured, as he is by some writers, that other charges imposed upon the American wheat-grower by his own railroads or other conditions, restore the balance and place both once more on a footing of equality. He may very well contend that, under the circumstances, he is fairly entitled to any benefit that might accrue to him from the disadvantage at which his competitor is placed in his own country. We do not at present enter into the merits of the specific question. We wish merely to draw the obvious moral. That moral is that Parliament should without delay establish an impartial and authoritative tribunal for the investigation and settlement of all such questions. It is too late in the day to argue that railroads, above all railroads which have been constructed largely at public expense, should be free to fix their own rates, and impose their own terms upon the public, for whose behoof they were chartered and bonused. It is to be hoped that another session of Parliament may not be allowed to pass without the appointment of a thoroughly competent and reliable Board of Canadian Railroad Commissioners, with ample powers to see that justice is done in all such cases.

PERHAPS the two most salient parts of Mr. Dalton McCarthy's Ottawa speech were its historical sketch and its reassertion of his determination to move in Parliament for the abolition of Separate Schools and the dual language in the North-West. In pointing out that the special privileges which the French Canadians now enjoy in Quebec were not guaranteed by the Treaty of Paris, but bestowed by the Quebec Act of 1774, he no doubt removed a very common misapprehension. The *Mail* report represents him as saying that the secret history of the Quebec Act is unknown, and that we only know the fact that the status created by the Treaty of Paris was radically changed by that Act. Probably the statement was not thus briefly and broadly made, else it would require some modification. There is undoubtedly a mystery surrounding the origin of some of the peculiar and objectionable features given to that Act in its final shape. But it is not unknown that the period of somewhat arbitrary English rule, military and civil, which had intervened between the Treaty of Paris and the Quebec Act, had created intense dissatisfaction and unrest among the French, and rendered change of some kind necessary. Nor can it be said that any one who has read the Masere's Papers knows nothing of the process through which the Quebec Act passed prior to its final adoption by a majority vote in the House of Commons. The debate which took place on that occasion is very interesting reading, and the result is one of the best illustrations of "How not to do it," of which we have any knowledge. But past history apart, when Mr. McCarthy stands up in his place in the House of Commons to move for the repeal of the dual language clause in the North-West Territories Act, and for the abolition of Separate Schools, he will not only inaugurate a most interesting debate, but will set in motion a series of Parliamentary agitations which can scarcely fail to be productive of very serious consequences, good or ill, in the future history of

the Dominion. It can scarcely be doubted that many, though it is impossible to guess how many, of those who voted against Mr. McCarthy's motion for the disallowance of the Jesuits' Estates Act will regard the attempt to prevent the perpetuation of the dual language and Separate School excrescences of the North-West Act in a very different light. Mr. McCarthy has, nevertheless, set before himself an arduous task. It will be for the future to reveal in what degree he possesses the courage, persistency, enthusiasm and other personal qualities essential to the leadership in a great movement sure to call forth powerful and bitter opposition.

WE are quite willing to leave to the lawyers to determine the exact effect of the words, "or practice," in clause 22 of the Manitoba Act, on which Mr. L. G. McPhillips lays stress in his letter of last week. There is evidently room for an indefinite amount of very nice word-fencing in connection with this matter. The clause in question, which is correctly quoted by our correspondents, is an exact transcript of the corresponding clause in the British North America Act, save for the insertion of the two words referred to. It is but reasonable, we are bound to admit, to assume that these two words were incorporated in the Manitoba 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. On the other hand, in any disputation about the meaning of words, the terms "Province" and "union" in the Manitoba Act also challenge attention, seeing that there was no "Province" of Manitoba in existence prior to its creation by this Act, and there could consequently be no "union" in the proper sense of the word. Both those terms are evidently copied from the B. N. A. Act, in which they had a definite and well-understood significance. Whether, then, the fact that certain schools may have existed under the control of the Catholic church in some portions of the Red River country before its incorporation into the Dominion can be fairly held to have constituted a "right," or "privilege" existing "by practice" at the "union," of such a kind as to put it forever out of the power of the Province thus created to tax Catholic citizens for the support of an unsectarian public school system, is, perhaps, a question with too fine a point to be settled by discussion in a weekly journal. To show our legal critics how far we are from wishing to "make the worse appear the better reason," we will give them the benefit of a clause of the B. N. A. Act which has, perhaps, escaped their notice. Since our last reference to the subject, our attention has been called by a high authority on legal and constitutional questions to clause 3, sec. 93, of that Act. It reads as follows:

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.

The words we have italicised seem, it must be confessed, to settle the question of the right of appeal to the Dominion Government against any legislation that may be enacted by the Manitoba Legislature affecting unfavourably the Separate Schools in that Province. We leave to the proper authorities the legal aspects of the discussion, not without a mingled feeling of wonder and admiration, in view of the astuteness, amounting almost to prescience, displayed by Sir George Cartier and his Quebec associates on the commission which framed the Constitutional Act, in seemingly anticipating and, as far as possible, guarding against, the agitation which has but now arisen.

WE are glad that our critic has changed the arena of discussion to a higher plane. The question of the proper legal construction, or even the original intention of Acts of Parliament, will always seem to the non-legal mind to be of secondary importance as compared with the broader and higher one of the right and wrong of the thing itself, as determined by its relations to natural justice and the best interests of the community. Such a mind will be disposed to ask, with Mr. Dalton McCarthy, in regard to the question before us, why, if the Canadian Parliament could effect a change in the Constitution by petition to the Imperial Parliament in 1845, it may not do the same thing in 1890 or 1891. It is evident that the country, be it Dominion or Province, which cannot for sufficient reasons effect a change in its own constitution cannot be a free country. Mr. L. G. McPhillips' higher arguments resolve themselves into two. First:

A law which will compel the supporters of denominational schools to support also public schools from which they will derive no benefit will prejudicially affect the "right or privilege" which the Catholics of Manitoba have with respect to their denominational schools.

Second:

It matters not that our reasons are such that they [the advocates of public schools] cannot understand them; they are religious reasons, and the law has no more right to compel a man to pay taxes to or send his child to a school to which he objects for religious reasons than it has to compel him to pay money to or attend a church to which he objects for similar reasons.

These points are well put, and the latter expresses the argument for Separate Schools in what has always seemed to us its strongest and most plausible form. But will either bear investigation? We think not. The first assumes, and the assumption is reiterated at the close of Mr. McPhillips' letter, that the Catholics can and will derive no benefit from the public schools, in the absence of the Separate. This cannot be taken for granted. It cannot be admitted. It has been again and again asserted that a large proportion of the Catholics of Manitoba do not, or would not, if left to exercise their own judgment and choice, free from clerical pressure, wish for Separate Schools, but would prefer the Public, knowing them to be more efficient. We do not know any means of absolutely proving or disproving this statement. But we believe it to be indisputable that in other places, New Brunswick, for instance, where no provision is made for Separate Schools, Catholic parents do as a rule patronize the public schools, and not only they but the clergy are fairly well satisfied with the result. Of course they have their full share of influence in determining the character of those schools. The second argument proves altogether too much. Accept the principle laid down, and it follows that, since the same rule must apply to all, any parent, or any number of parents may escape being taxed for the support of public schools by simply declaring that they cannot for religious reasons send their children to them. Such a principle would either make compulsory education impossible, to the great injury of the State, or would involve the establishment of as many systems of separate schools as there were denominations which might choose to have them. No intelligent man will at this day deny that compulsory education is a duty the State owes to itself and to the citizens who compose it. This granted, what more can reasonably be demanded for the fullest protection of the rights of conscience than that the State shall guarantee that no child attending the public school shall be required to attend any exercise of a religious character to which parent or guardian objects?

A CORRESPONDENT of the *Educational Journal*, himself head master of a public school, calls attention to a matter of the most serious import in connection with the working of the school system of Ontario. He quotes facts and statistics to show that at least one-half, and probably a still larger proportion, of the public school teachers now employed in the Province are under twenty-one years of age. The people of Ontario are proud of their school system. The Minister of Education himself evidently regards it as one of the very best educational systems to be found in any country, and does not hesitate to say as much upon occasion. In some respects this complacency is no doubt justified. But if the fact touching the age of the average teacher be as alleged, and it seems hard to resist the conclusion that it is so, the Education Department would certainly do well to restrain for a time its self-gratulations, and set about devising some means whereby the responsible work of forming the mental and moral habits of the Canadians of the next generation may be taken out of the hands of boys and girls, and given over to teachers possessing at least some fair share of the mental culture and ripeness befitting the profession. As the *Journal* observes, youthfulness is not a crime, but it is a very serious disqualification for a work requiring in an eminent degree developed intellect, maturity of judgment, and the wisdom which comes only from experience. If there were any reason to hope that the state of affairs described were merely accidental, we might counsel patience, consoling ourselves with the reflection that the defect is one which every day would be doing something to remove, seeing that the raw recruits of this year would become the trained and skilful educators of a few years hence. Unhappily, not even the Minister of Education can lay any such flattering unction to his soul. The evil is the result of a process of perpetual change. The High Schools and Collegiate Institutes—many of which are, we believe, doing excellent work—send forth every year large numbers