

with the authority of the Governor-General in Council; again sitting in a purely judicial capacity, to listen to appeals and arguments against the act of a Provincial legislature, or even, for aught that appears, against its own legislative acts and executive decrees, and anon, again assuming its "political" or executive role in order to enforce the unassailable judgments which it has pronounced in its judicial capacity. Mr. McCarthy dissects with the keen edge of his professional logic this new and extraordinary pretension of the Dominion Government, under the astute leadership of Sir John Thompson, and declares that it would "reflect no discredit on a Richelieu or a Machiavelli" and that it "revives the best days of the schoolmen". It would perhaps be unbecoming in us to venture an opinion upon so subtle a question of constitutional interpretation, but one does not need to be a constitutional lawyer in order to perceive that very serious inconvenience and worse might result should it become the acknowledged right of the Government of the day to play a game of hide-and-seek with the Constitution, Parliament and the public, by dodging at will from behind the of executive responsibility to take shelter behind the bench of its judicial functions.

Following Mr. McCarthy's article is one dealing with a subject of even greater importance in its bearing upon the future well-being of the Dominion. It is a discussion of the "Anti-National features of the National Policy," by Rev. Principal Grant. We do not know why the word "Features" should have been put in the plural, for the paper is really a powerful and racy impeachment of a single feature of the National Policy—the tax on books. Dr. Grant has no difficulty in showing that the fifteen per cent. tax on books is a fifteen per cent tax on knowledge—a commodity which he does not hesitate to say, is not too plentiful in Canada, and one with which we should not be in danger of being soon overstocked, even were the chief instruments for its acquisition to be admitted free. Nor does he fail to make clear to all who may read his article, the humiliating fact that in this feature of its protective policy, Canada has a bad pre-eminence, standing as she does absolutely alone among civilized nations. Even the United States, under the McKinley tariff, admits free books for the use of schools, colleges, scientific societies, etc. The weakness of Dr. Grant's appeal is, if he will pardon us for saying so, in its narrowness. It is a special plea for the lopping off of a single mouldering branch, which is perhaps scarcely more objectionable than many other branches which the upholders of the National Policy, in whole or in part, persist in forbidding to be touched. The farmer, or labourer, or even the professional man whose income is fixed and limited, may say, "Take off the larger tax from my agricultural implements, my cotton garments, my midnight oil, and I can very well afford to pay the comparatively small additional price for books." However strongly the student or scholar, who knows nothing of the fiercer contests of the struggle for bread, may deprecate the tax on food for the mind, he can hardly blame those whose lives are a daily fight to keep the wolf from the door, if they deem it of first importance to have the duties removed from those things which are necessary for the body. So long as those who feel the pressure of the high tariff at one particular point content themselves with seeking relief at that

point and are quite willing that others should continue to bear their burdens if only they may be permitted to go free, so long the united influence of the protected few may be expected to prevail.

Perhaps in no respect does the constitution of the United States stand out in sharper contrast with that of Canada than in the method of Cabinet selection that it sanctions. In Canada it is the duty of the Prime Minister to select the members of his official family, and to fill vacancies as they occur from those who are already members of the House of Commons or the Senate. If he goes outside these bodies, as has occasionally been done—notably in the case of the present Premier, who was a member of the Nova Scotia bench when Sir John Macdonald selected him to be Minister of Justice—it becomes necessary for the new Minister either to get elected a member of the House of Commons or to be made a Senator. All Ministers appointed from the House of Commons must stand for re-election, and so jealous are the people of their rights in this matter that the Senate seldom contains more than one or two Ministers with portfolios, and that when, as in the case of Mr. Carling in 1891, a Minister rejected by his constituents is continued in office by means of an appointment to the Senate, an attack on constitutional principles is rightly held to have been made. In the United States they do these things differently. There a Cabinet of eight suffices for a population twelve times as great as that of Canada, and the President selects his colleagues at his absolute discretion, subject only to confirmation by the Senate. If he selects a Minister from the Senate or the House of Representatives, the legislator selected must resign his Congressional seat. The theory is that the legislative and the executive branches of the Government must be kept entirely distinct, and the heads of departments rank, not as the most trusted representatives of the people, but as the deputies of the President. There is no law, written or unwritten, which requires the President to fill his Cabinet with recognized Statesmen or even with men of experience in political life. If he so choose, he can fill it from the ranks of his personal friends. As a matter of fact, the remuneration of members of the Cabinet being much less than that to be obtained in other callings, difficulty is often experienced in inducing really eminent Americans to accept portfolios.

Mr. Cleveland, in selecting his Cabinet, appears to have experienced this difficulty. He is said to have unsuccessfully offered the Secretaryship of State to several prominent Democrats before bestowing it upon Judge Gresham, of Indiana, a former Republican, who voted the Democratic ticket last year for the first time, on the issue of tariff reform. Judge Gresham is a man of great force of character and high attainments. Inasmuch as his complete conversion to Democracy is denied, the appointment, highly creditable to Mr. Cleveland as showing his ability to rise above considerations of mere partisanship, has given offense to old-line Democrats, who are obliged to recognize that the President-elect swears no allegiance to the party machine. Next to the Secretary of State, the most important member of the Cabinet is the Secretary of the Treasury, and in Senator Carlisle of Kentucky, Mr. Cleveland has found for this

office a man whose statesmanlike qualities and breadth of view should render him peculiarly fitted to grapple with the questions of tariff and coinage that will come within the purview of his department. In his other Cabinet appointments, Mr. Cleveland appears to have made good his promise to form a business men's administration. They are of men less widely known, some hardly known at all beyond their own States, but all having reputations as men of ideas and ability. In one instance Mr. Cleveland has followed the example of his predecessor. Mr. Harrison made his law partner Attorney General, and Mr. Cleveland also has called to the Cabinet a former law partner. The latter takes the portfolio of Postmaster General, which, in Mr. Harrison's administration, has been filled by a Philadelphia merchant. In regard to this portfolio, there is room for question whether it would not be a more business-like proceeding to promote a Deputy-Minister or a postmaster from one of the large cities, than to place over the heads of both these classes a man who, however able, is quite destitute of acquaintance with post-office affairs. One can easily carry the speculation further and ask whether the same principle could not be applied with good results to some, or all, of the other departments. This criticism, which perhaps involves a principle utterly subversive of administrative dignity, is of course quite as applicable to our own system of Cabinet appointment as to that of our neighbors.

### THE MANITOBA SCHOOL CASE.

We freely admit that our guesses as to the proper legislation touching the Manitoba School case, to which Mr. Ewart refers in his letter published in another column, were based upon the clause in the B. N. A. Act, and we thank him for his courteous correction of our error. We had not before us, at the time our note was written, a copy of the Manitoba Act, and we had the impression, certainly derived from some published statement which we deemed authentic, that he fell back upon the general Dominion Act as the basis of his contention in regard to the point in question. In fact, the reports which we read in the Toronto papers of his argument before the Committee of the Dominion Privy Council must have been seriously defective, for we read them carefully, and had they contained any clear intimation that he took his stand on a section of the Manitoba Act, the fact could hardly have escaped our notice. If our memory serves us, we even referred to a doubt which had been or might be suggested as to the right of the Counsel for the Appellants to leave the Manitoba Act and fall back upon the provisions of the B. N. A. Act. That is, however a secondary consideration, and without enquiring further into the source of our error, we cheerfully turn our attention to the section or subsection which Mr. Ewart quotes from the Act which is the Constitution of the Province. In so doing we plead guilty to the soft impeachment that our wishes are on the side of our former guesses. It does seem to us that it would be nothing short of a calamity to the Dominion could it be established that the Constitution imposed upon the Province, and probably by parity of reasoning, upon all future provinces of the North West, fastens upon the necks of the people, irrespective of the relative numbers of Catholic and Non-Catholic citizens, the yoke of a double