Messenger and Visitor.

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What Did it Signify?

The correct interpretation of the Imperial Privy Council's deliverance of 1895 on the Manitoba School Question is not now the burning question it was a year ago. Theoretically, however, it remains a matter of much interest, and inasmuch as Roman Catholic Bishops and others are declaring that the settlement recently effected between the Dominion Government and the Government of Manitoba deprives the Catholic minority of that province of constitutional rights and is, therefore, no real settlement, the question alluded to cannot be said to have ceased entirely to be one of practical importance. In this connection certain statements—recently published—of the Hon. Edward Blake are of much interest. What Mr. Blake says is indeed not necessarily of final authority in the matter, but considering his eminence as a legal authority and his peculiar and intimate relations to the Manitoba case, his opinion must be received on all hands with the greatest respect. Mr. Blake was senior counsel for the Catholic minority before the Privy Council, and no one is in a better position to say what their Lordships of the Privy Council were asked to decide and what their decisions really were than he. Mr. Blake was also the author of the Dominion Act under which the questions concerning the Manitoba School Law were submitted to the courts, and no man knows better than he what kind of questions it was contemplated should be determined through such reference to the courts.

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Two Different Views.

A year ago when the correct interpretation of the Privy Council's deliverance was being freely discussed in Parliament and elsewhere, we were assured on high legal and Parliamentary authority that by that deliverance it had been made imperative upon the Canadian Government to issue a remedial order, and, if this were not complied with by Manitoba, to introduce in Parliament a remedial bill securing to the Roman Catholic minority of that province the restoration of the privileges as to Separate Schools which they had enjoyed previous to the provincial school legislation of 1890. It was also contended that Parliament was bound, if not constitutionally, then, at least morally, to pass such a bill. Eminent support was not, however, wanting for the quite different view of the case which this journal, as well as many others, adopted. On that view it was held that what had been determined was not the constitutional rights of the Roman Catholic minority to Separate Schools, but simply their right to present their case to the Governor-General in Council and seek the redress of their grievances, that the deliverance had not made it imperative upon the Government to issue a remedial order or to introduce a remedial bill for the restoration of Separate Schools in Manitoba and had not made it either constitutionally or morally imperative upon the Parliament of Canada to enforce such order by the enactment of a remedial law. But what had been determined, it was held, was that the case of the Catholic minority was one on which Government and Parliament might act with discretionary power, and, if it were deemed best, enact remedial legislation, restoring in whole or in part to the Roman Catholic minority the privileges which the school law of 1890 had taken away. And this discretionary action, it was held, should be determined by regard for common justice and the general welfare of the country.

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What Mr. Blake Says.

On account of the difference of opinion which has prevailed in reference to this subject, and for other reasons given above, it is interesting to get Mr. Blake's view of the matter. From a letter of his recently written to the Hon. Charles Fitzpatrick, Solicitor General of Canada, we quote the part which particularly bears upon the point in question, and from which we think it is quite clear that Mr. Blake regards the action which Government or Parliament may take in such a case, as purely discretionary and political, and not as the execution of a legal decision made imperative on constitutional grounds. Mr. Blake says:

"I think it is an entire misapprehension of the judgment of the Judicial committee in Brophy's case to say that its effect was that the Roman Catholic minority in Manitoba were entitled to their separate schools as they had enjoyed them previous to the Manitoba Acts of 1890. The gist of that judgment was that, contrasting the state of things under the laws prior to 1890 with that created by the laws of 1890, the rights or privileges which the Roman Catholics had enjoyed under the former had been affected by the later laws, thus rendering admissable an appeal to the Governor-General-in-Council under the Manitoba Union Act, and giving the Governor-General judisdiction to proceed under that act. This was a question of law or of mixed law and fact, and therefore properly entertained by the Judicial Committee as an appellate court of law. It was upon this ground that I succeeded in inducing the court to touch the question at all. It is abundantly clear, as every one will see who reads the print of the argument, that the Judicial Committee drew a sharp and, in my opinion, absolutely true line between this question of the jurisdiction of the Governor-General-in-Council and the question whether at all, and if so in what form and to what extent, the jurisdiction should be exercised by the Canadian authorities. These were questions not legal but political, not of binding obligation but of discretion on which the Judicial Committee were not and could not properly be asked to decide, which during the argument they plainly intimated to be beyond their judicial province and as to which they expressly say that the 'course to be pursued must be determined by the authorities to whom it is committed by the statute,' and 'it is not for this tribunal to prescribe the precise steps to be taken; their general character is sufficiently defined by the third sub-section of section 22 of the Manitoba Acts.'"

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Of International Concern.

The lowering of the water in the great lakes of this continent is a matter which is attracting some attention. It is alleged that within the last ten years, there has been quite a marked subsidence, some estimates making the change of level as great as eighteen inches or two feet. Others, however, do not believe that the subsidence has been nearly so great. The causes of the change of level, and whether it is to be regarded as permanent or only temporary, are also matters of discussion. The water in the lakes has been unprecedentedly low during the past year or two. But there have previously been periods of subsidence which proved to be only temporary, and it is not unlikely that it may prove so in the present case. Yet it is possible that the supply which the lakes are now receiving is sufficiently less, as compared with the past, to cause a permanent lowering of the water surface sufficient to affect the interests of commerce on the lakes. A proposal, originating in Chicago, is made to urge the United States Congress to raise the levels of Lakes Erie and Michigan by damming the Niagara river. Whether or not this is a feasible scheme we do not know. But the damming of the Niagara, as the Montreal Witness points out, would necessarily be a matter for international consideration, and it is of great importance to Canada that there shall be no interference with natural conditions which would be likely to affect injuriously the navigation of Lake Ontario and the St. Lawrence. The damming of the Niagara, the Witness thinks, would not do that permanently, but if the proposal is carried out to connect Lake Michigan with the Mississippi by means of a navigable waterway, it is possible that "the level of Lake Ontario and the St. Lawrence may be very appreciably lowered." In view of the interests on both sides, which may turn out to be conflicting interests, the Witness thinks that "the whole question of the navigation of the great lakes and the St. Lawrence and the maintenance of their levels ought to be the subject of a friendly treaty between the two governments, before some incident arises to create unfriendly feelings between the two peoples."

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Temperance Reform in New Zealand.

In New Zealand the public sentiment in favor of the legal prohibition of the liquor traffic has attained great influence and made itself strongly felt in the politics of the Colony. As we understand the matter, there is now on its statute a law requiring the Legislature to pass a prohibitory law as soon as the people shall have declared in favor of the same by a three-fifths majority, and also providing for the taking of a plebiscite on the question at every general election, so long as this law shall remain unrepealed. The efforts of the Prohibitionists at the general election held in December last were directed toward two objects; first the securing of the necessary majority by plebiscite, and, secondly, the election of a Legislature pledged to carry out a prohibitory law, if the plebiscite resulted favorably. In the first matter they were disappointed. The plebiscite did not give a majority in favor of prohibition, but it did show that in two and a half years there had been an advance in the prohibition votefrom 49,000 to 96,000. But in the effort to elect a majority of the Legislature the Prohibitory Alliance was successful. Out of an Assembly of 70 members 37 were elected as pledged Prohibitionists, against 29 pledged against the reform, and four whose position on the question is uncertain. The constitution of the Legislature will thus prevent the repeal of the legislation guaranteeing the enactment of a prohibitory law as soon as the country shall have declared for it by a three-fifths majority of the electors.

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—The annual convention of the B. Y. P. U. of America was appointed to be held in Brooklyn, N. Y., but it appears now to be quite doubtful whether the arrangement will be carried out. The cause of the uncertainty is the unwillingness of the Trunk Line Association to grant so favorable railroad rates as have been enjoyed in previous years, one and one-third fare for the round trip being the best that is offered. It is stated that the Chattanooga Baptists stand ready to entertain the Convention, and as it is understood that a single fare return rate would be obtainable if Chattanooga were made the place of meeting, it seems not improbable that the change will be made.