

modern ideas of justice, and of the liberty of the subject, in the principle of a statute which empowers the same person to act as prosecutor, judge, and jury, especially in a case involving personal feeling. In view of the obvious necessity for the summary enforcement of order and respect, the people were not disposed to object to the continuance of old provisions, clothing the judges with powers much too absolute to be in accord with the spirit of the age, so long as those entrusted with these extraordinary powers used them with moderation and forbearance. Now that a case has arisen in which they have been used in a manner which conflicts with public sentiment, and in the opinion of many, savors of vindictiveness, there is little doubt that very material modifications of the law will be insisted on. We see no reason why the amendment proposed by many, which, while permitting the judges to retain the power of summary punishment for offences committed in open court, would place them on the same level with other officers and citizens in relation to all other offences, might not satisfy every requirement. It is, in fact, a question whether the present arrangement, which virtually enables a judge to prohibit unfavorable criticism of any of his decisions, does not really tend to interfere with the course of justice by the temptation it offers to a weak or prejudiced judge to yield to improper influences. If a judge is libelled or abused in the discharge of his duty he should be able to prove the fact in open court and obtain a verdict just as any other officer or citizen has to do. What more can an upright man desire? The notion that by virtue of his elevation to the bench a lawyer is mysteriously delivered from the imperfections and prejudices which affect other mortals is too absurd to be seriously considered by any observant or thoughtful person.

Another veteran has disappeared from the rapidly thinning ranks of our ante-Confederation statesmen. We say "statesmen" advisedly, for though the field of practical politics was not to Sir John Abbott as it was to his illustrious predecessor in the Premiership, the arena in which he most delighted to display his powers, and though a retiring disposition tended to keep him in the background while less able men came to the fore, no one who has followed his course can doubt that his abilities for the duties of public life were much above the average. In the earlier years of his parliamentary life this ability showed itself mainly in the origination and framing of two or three measures which displayed constructive talent of a high order, and which have formed the basis of all subsequent legislation on those subjects. But his statesmanlike qualities were most signally though still unobtrusively displayed when, on the demise of the

great Conservative chieftain in 1891, he was called on to form a Government and take the leadership of his party and of Parliament. There can be little doubt that, owing to the consciousness of physical infirmity as well as the lack of political ambition at the advanced age which he had then reached, he took up this burden with reluctance rather than with alacrity. Certainly in this case the office sought the man and not the man the office. The breadth of view, moderation and fairness with which he discharged the duties and solved the difficulties of his responsible position, at a time of threatened crisis, are now recognized on all hands. Perhaps it would not be too much to say that they were to many a revelation of unsuspected power. While we thus speak of the deceased in his capacity of statesman and Premier, we do not forget that during most of his life his energies were mainly directed in legal and commercial channels, and that in these more congenial pursuits his chief successes were won. But in these the reading public is less interested. The best friends of the deceased can never cease to regret his connection, as that of the political chief whose admirer he was and whose fortunes he followed during the greater part of his public life, with the Pacific scandal. It would have been interesting to know whether in his later years he regarded that transaction, which has left an indelible stain upon Canadian political history, and the baneful effects of which are, we believe, felt in our public life until this day, with the same complacency as at the time of its exposure. We would fain believe that he must have come to deplore it as an error—to use an euphemism—sprung from the too intense partizanship which has at various times wrought evil in Canadian politics. In any case it is but fair to judge both the living and the dead by the tenor of a life-time rather than by any single act or episode. Tried by that standard, it can hardly be denied that Sir John Abbott in many ways served well his generation.

THE PROHIBITION QUESTION.

The Prohibition Commissioners are made the objects of a good many gibes, but it is not easy to see how anyone can follow them from day to day without coming to the conclusion that their labors merit commiseration rather than ridicule. If they are expected only to present a clear and intelligent record of the opinions expressed by those who are summoned to give evidence before them, their task will be no light one. But if, in addition to this, it is their duty to balance these conflicting opinions and form conclusions and recommendations based upon them, or logically and legitimately derived from them, their case is hard indeed. We say nothing of the sharp and inevitable conflicts, not only in theories, but in statements of alleged facts, between ardent

prohibitionists on the one hand, and interested brewers and liquor-sellers on the other. Those antagonisms were to be expected. It is when we come to the classes of witnesses whose professional relations to the question should make them experts in certain aspects of it, that the confusion of testimony seems to be worse confounded. Take, for instance, the physicians, whose views should naturally carry most weight with reference to the effects of alcoholic beverages upon the physical system. Here, at least, we naturally expect some good degree of unanimity. Surely, if the study of medicine is entitled to rank as a science, and if in any line of investigation its observations and experiments should lead to general conclusions, demonstrated with some degree of exactitude and certainty, we might expect them to be able to tell us with convincing accord whether the moderate use of liquors is healthful or harmful to the human system. But in no respect is the testimony more directly contradictory than in regard to this very point. Turning to the moral side of the question we naturally look to the clergymen, whose professional duties must lead to a study of causes and effects in the region of morals for which few others have opportunity, for clear and, to some extent at least, harmonious pronouncements in regard to the effects of the use of intoxicants upon character and conduct. But, here, again, one has only to read the reports of last week's sessions of the Commission in Toronto to find the conflict of opinion no less marked and irreconcilable than in the case of the medical authorities. Thus do both classes of doctors differ, and fail us at the very moment when we look to them for information and guidance.

The designation by which the Commission is commonly known reminds us that its chief reason for being is that it may gather facts to aid the Government in reaching a decision as to the advisability of prohibitory legislation. The facts to be ascertained are no doubt those of public opinion and sentiment, as well as those of a more tangible and statistical character. The course of the inquiry emphasizes two main questions upon which the conclusions must chiefly depend. First, is absolute prohibition justifiable under any circumstances? Is it compatible with the rights of citizens in a free state? The question may be stated thus for the sake of clearness. Suppose it to have been morally proven—in such a matter mathematical or demonstrative proof is of course impossible—that the total prohibition of the manufacture, sale and use of alcoholic liquors as beverages would be highly beneficial to the material comfort and the moral well-being of the people as a whole, would the end justify the means? Have the representatives of the majority a moral right to curtail the liberties of the minority in such a matter as their table beverages, in order to effect a great moral reform and at the same time to promote the material interests of the