

and fearless? The incident will not fail to make its impression upon the sensitive French imagination, and if, at some future time, a day of disturbance should come and the fickle populace begin to bethink themselves of a royalist leader, what more natural than that their eyes should be turned to the gallant young Prince who faced imprisonment and danger in his patriotic desire to serve in the army of his country?

**K**AISER WILLIAM has given the political world a new sensation. Ever since that impersonation of restless energy came to the throne he has not failed to keep the eye of Europe turned upon himself and his country—especially the former, a cynic might say. His latest movement is perhaps, the most remarkable of all. His appeal to France, England, Belgium and Switzerland, to take part in a Conference at Berlin, to deal with the interests of the working-men, on international principles, is an original and probably unique conception. Whether we take the more charitable view that the proposal is the outcome of a sincere desire to benefit the labouring classes, or the less charitable, and perhaps more probable one that it is a new Bismarckian device to influence the coming elections, the thing itself is significant, and is sure to be fruitful of serious consequences. It is very likely that the scheme will prove, as the political economists are confidently predicting, utterly impracticable. The differences in the political and social institutions of the various countries named, in the industrial habits, capacities and conditions of their people, and, especially in the case of Great Britain, in their politico-economical theories and practices, seem certainly to render the project of concerted action as hopeless as it is probably undesirable. The very idea of a Conference summoned under Governmental auspices, with a view to legislation on such subjects as the hours and wages of a day's labour, must be itself the outcome of a theory of paternal administration which will appear absurd to the rulers of more democratic nations, and unacceptable to the industrial classes everywhere. But however visionary the Emperor's scheme may appear to the eyes of the practical politician, it is clearly a concession to Socialism, the significance of which it would not be easy to over-estimate. It is an attempt to put the seal of Imperial approval upon movements and projects which have hitherto been supposed to be viewed only with distrust or repugnance in high political circles. It is an admission to the Socialistic agitators that their power is recognized, and is pretty sure to be regarded by them as an attempt to discount in advance their future success. It is no wonder then that the Socialistic leaders have taken fresh courage from the very movement which was probably designed to weaken their influence, and are already making arrangements to carry on the electoral campaign with increased vigour. Of a less impracticable kind, perhaps, but tending to the same end, is the convening of a special commission, composed in equal parts of working-men and employers to prepare labour legislation for the next Reichstag. The fact that the conclusions of the Convention have to pass through the hands of the Council of State before they can be sent to the Reichstag will tend to create distrust in the minds of the labour representatives, but it will not alter the fact that it is now at last thought worth while to consult the industrial classes themselves as a preliminary to legislation touching their interests. Both movements are alike confessions of the failure of paternal Government. They indicate that absolutism is on the wane in Germany, and the dawn of democratic rule near at hand. It will be well for the stability of German political institutions if they also indicate that the Kaiser and his advisers are wise enough to make the concession of the right of the masses to a larger measure of self-rule so promptly and gracefully that the inevitable revolution may come gradually, without shock or violent upheaval.

**S**PEAKER REED, of the American House of Representatives, is probably just now the best abused man in the United States. The head and front of his offending is that he has seen fit to insist upon a ruling which is contrary to all previous rules and precedents of the House. A peculiarity of the American system is that it has no standing rules. A new House is not bound by the rules of its predecessor, but frames and adopts its own. As a consequence, unless a newly elected House formally resolves to abide by the rules of the previous one, which this House for some reason declined to do, it is absolutely without rules until such time as it can formulate and adopt a set for itself. In the meantime the Speaker has

only precedent, which is, of course, not binding, and his own good sense to guide him. The occasion of the present trouble was the desire of the Republican majority to bring up and dispose of certain election cases. This the Democratic minority was anxious to prevent or postpone. In the absence of a number of Republican members through sickness there were not enough of the party in attendance to constitute a quorum. The Democrats, with one or two exceptions, refused to vote, and claimed that there was no quorum. According to all previous custom and ruling, even that of Secretary Blaine, in counting to ascertain whether a quorum was present, the names of those voting only were taken. Defying precedent Speaker Reed insists on counting in the Democrats who are present but have not voted, thus finding the necessary quorum. The Democrats cannot evade the difficulty by retiring, for then they can be brought in by the Sergeant-at-arms. This act of Speaker Reed it is which has caused him to be denounced as a tyrant and would-be-despot of the worst character. It is, indeed, a pity, to say the least, that this new departure should have been taken in such a matter as the decision of a contested election in which there is so much room for partisan unfairness. But, in the abstract, common sense seems to pronounce Senator Reed right. To allow a minority to create a deadlock in legislation by simply refusing to vote, in reliance upon the fiction that those not voting are not present, would be to add seriously and gratuitously to the means of obstruction which are already too numerous in most Legislatures. The very existence of the fiction argues that it is assumed that all members present are in duty bound to vote.

#### THE ENGLISH MINORITY IN QUEBEC—V.

PRACTICAL WORKING OF CHURCH AND STATE.

**I**N my three previous letters I endeavoured to give a detailed account of the organization of the Roman Church in Quebec, with a view to ascertaining the grievances or disabilities, if any, which result therefrom to the English minority. Some few points of interest remain in the doubtful ground between Church and State concerning which many outside the province appear to be misinformed. As for the English minority they are gradually waking up to the fact that, for better or worse, their fortunes are indissolubly bound up with those of the French majority and that their strongest men ought to be sent to Quebec rather than to Ottawa. Above all things it seems necessary that they should cultivate a cordial understanding with the majority and endeavour thoroughly to comprehend those ecclesiastical questions, apart from dogma, upon which there is a difference of opinion among the majority. There has been too much of distributed infallibility among Protestants by which many have arrived at conclusions concerning very difficult subjects, as it were by an inner light, without taking the trouble to study what may be urged upon the other side.

It is not cheerful reading—these gloomy prognostications of impending religious conflict in which our friends outside are fond of indulging. If we believed in them we could not conceal our alarm. But we don't. There has been no such conflict in the past and there is not the least occasion for it in the future. The rebellion of 1837-8 was led as much by Protestants as by Catholics and party lines have never yet been drawn on religious issues. The bitter story of Orange and Green is unknown to the French *habitant*. In the French country, orange lilies are grown as favourite flowers in every garden and no one seems to be aware of their partisan associations. Indeed it is very difficult to explain to a French *habitant* the details of that quarrel, because he has nothing in the history of this country or in his own experience to give him a clue to its meaning.

There are no doubt a small number of mediævalists in the province who are always stirring up trouble and they write a good many pamphlets, but it is a mistake to quote from them as if they represented the mass of current opinion. While these are mourning that the Church in Quebec is enslaved by the State, the Protestants of Ontario lament that the State in Quebec is enslaved by the Church. These and such-like "cries" are magnified by "practical" politicians and utilized for personal ends. Quotations from the writings of such extremists are taken too seriously in Ontario, but even the worst of these are not so strong or so offensive as some of the extreme Protestant utterances. I am sure that the memory of my readers will recall many harsh and bitter things said and written by more relatively representative persons among Protestants—said, no doubt, hastily under the stimulus of public speaking, but which a due consideration for the feelings of others would have suppressed or modified.

A very common delusion outside the province is one concerning the docility of the *habitant*. The "simple" *habitant* of popular Protestant literature is a purely mythical person as any one will speedily find out when he first tackles a real specimen in the flesh. The number of suits which have been taken out against curés by the "docile" *habitant* is very large. Suits about tithes, about pews, about kneeling in church, about repairs of churches, about

all sorts of ecclesiastical things may be found abundantly in the reports. In fact these "fabrique" cases are an important branch of practice and the "simple" *habitant's* acquaintance with the technicalities of the civil law is quite phenomenal. "Luigi," and the "Franc-parleur," and the "Nouveau Monde," and the "Comedie Infernale," and the "Source du Mal," and other extinct volcanoes of the mediæval outbreak of 1870-80, are only useful to inform us of what certain authors personally consider desirable. If we want to know the actual facts concerning the Roman Church in Quebec we must seek them in the statutes and in the decisions of the judges upon cases submitted by the "docile" *habitant*. In previous letters the statutes have been sufficiently referred to.

Ministers of Protestant churches have always claimed the full rights of citizens to vote and to have opinions upon political questions, especially when these touch upon morality or religion. They do not hesitate occasionally to express themselves in the pulpit with very great vigour; as, for instance, at the time of the Pacific scandal, and upon the License question. The idea is abroad that the Roman priest in Quebec has some greater immunities than they, but the "docile" *habitant* knows his civil law better than that; and we have, thanks to him, some useful decisions. For instance the Chief Justice, Sir A. A. Dorion, said, in an important case, "At the argument it was contended, on behalf of appellant, that he was not amenable to this court for what he had said in the pulpit. I must express my entire dissent from such a doctrine. A priest enjoys no immunity and cannot free himself from the responsibility attaching to the use of slanderous language whether in the pulpit or elsewhere," and in *Vigneux vs. Noiseaux*, it was held that a priest is responsible to the civil tribunals "like all other citizens." Again in a tavern license case—*Derouin vs. Archambault*—it was decided, "that ministers of religion in the Province of Quebec are amenable to the courts of civil jurisdiction in the same manner and to the same extent as other persons, and an action for slander will lie against a Roman Catholic priest for injurious expressions uttered by him in a sermon."

There are decisions also of Quebec courts voiding elections on account of undue influence by priests, and the law upon that point is so clearly settled that candidates are not anxious to have the curé of a parish too decidedly in their favour. The Charlevoix case, which went the other way in the court of first instance, was appealed directly to the Supreme Court when it was held "that the election of a member for the House of Commons, guilty of clerical undue influence by his agents, is void, and that sermons and threats by certain parish priests of the County of Charlevoix amounted in this case to undue influence." There is no reason to believe that it would not have been reversed in appeal to a Quebec court. The judge who decided it in the first instance excited the surprise of French as well as English lawyers by quoting a mass of extraneous canon law never heard of before in English or French jurisprudence. These decisions, and many more like them, have been given for the most part by Roman Catholic judges, and it is worthy of remark in this connection that a French lawyer is by training and tradition more apt to appreciate the subtle distinctions of the conflicting laws of Church and State than an English lawyer. In England, from earliest times, the king presided in theory in ecclesiastical as well as in civil courts. The two jurisdictions were two aspects of the same nation, and if for a time the papal jurisdiction intruded upon the more ancient laws of the realm, the Reformation restored them in their integrity. There was not, therefore, in England, considered apart from Scotland, the incessant collision between the civil and spiritual powers as in France, for the ultimate appeal in both jurisdictions was to the Crown. Nor are there in English legal literature the works of great lawyers to elucidate the principles involved in such a conflict. There are no authors like Bishop Bossuet, Archbishop De Marca, Pithou, Ellies-Dupin, the Chancellor D'Aguesseau, Richer, and many others, who, without ceasing to be French and Catholic, went to the bottom of this controversy. Questions of Church and State were living questions in old France, and in New France too. The old jurisprudence is pervaded with them, and it is impossible for a student to read the ordinary French text books of the old law—which is our law in Quebec,—much less to read the literature of the age of Louis XIV., without becoming familiar with discussions which Bishop Gibson, Blackstone, Phillimore and other authors of the Kingdom of England proper had no occasion to treat of. This jurisprudence was brought to Canada, and its principles are incessantly apparent in the *ordonnances* of intendants and decisions of the Superior Council under the French régime. Regulations for precedence in churches, and in religious processions, prohibitions to religious orders to accumulate lands in mortmain; instructions to churchwardens, rules for honours at church ceremonies, and such like matters occupy many pages. Then there are the appeals *comme d'abus* from the ecclesiastical authorities, from the *officialité*, from the vicar-general, concerning matters which could not come before the civil courts in our days. All these have formed the mind of the French-Canadian and laid the foundations of Quebec civil law too deep to be disturbed by the later doctors of the Roman canon law.

It should be remembered that the French as a race are not open to the charge of intolerance. The revocation of the Edict of Nantes was not registered in Canada, and although it was contrary to law for Protestants permanently to settle here, there were Protestants coming and going, and I have never yet met a case recorded of a Pro-