

THE WEEK:

A CANADIAN JOURNAL OF POLITICS, SOCIETY, AND LITERATURE.

Second Year.
Vol. II., No. 44.

Toronto, Thursday, October 1st, 1885.

\$3.00 per Annum.
Single Copies, 10 cents.

CONTENTS OF CURRENT NUMBER.

TOPICS OF THE WEEK—	PAGE
The Judiciary and Party.....	689
Liberties of the British Canadian Press.....	689
Orangeism.....	689
Archdeacon Farrar's Visit.....	690
The Drink Question.....	690
Intemperance and Crime.....	690
Prohibition in the States.....	691
Archbishop Lynch on the Unity of Roman Catholic Faith.....	691
Earl Cowper on Moderate Liberalism.....	692
The Roumelian Revolt.....	692
The Freethinkers in Convention.....	692
Ancient Religion and Modern Thought.....	692
Colonial and Indian Exhibition.....	693
CONTRIBUTED ARTICLES—	
Notes from Quebec.....	Nemo. 693
Technical Education in America.....	X. 694
The Gold Region of the Dominion.....	G. C. C. 694
Impending Problems Across the Border.....	B. 695
HERE AND THERE.....	696
CORRESPONDENCE.....	696
POETRY—	
Only a Box.....	Will Carlton. 697
UP THE SITTEE IN A PETPAN.....	Garth Grafton. 697
SCRAP BOOK.....	699
LITERARY GOSSIP.....	699

The Week.

AN INDEPENDENT JOURNAL OF POLITICS, SOCIETY AND LITERATURE.
Edited by W. PHILIP ROBINSON.

TERMS:—One year, \$3.00; eight months, \$2.00; four months, \$1.00. Subscriptions payable in advance.

ADVERTISEMENTS, unexceptional in character and limited in number, will be taken at \$4 per line per annum; \$2.50 per line for six months; \$1.50 per line for three months; 20 cents per line per insertion for a shorter period.

Subscribers in Great Britain and Ireland supplied, postage prepaid, on terms following:—One year, 12s. stg.; half-year, 6s. stg. Remittances by P. O. order or draft should be made payable and addressed to the Publisher.

All advertisements will be set up in such style as to insure THE WEEK'S tasteful typographical appearance, and enhance the value of the advertising in its columns. No advertisement charged less than five lines. Address—T. R. CLOUGHER, Business Manager, 5 Jordan Street, Toronto.
C. BLACKETT ROBINSON, Publisher.

TOPICS OF THE WEEK.

WHEN Mr. Mowat was taken from the Bench to lead a political party, Conservative journals were loud in their denunciations, and whatever was their motive, their censure was deserved. The perfect independence of the judiciary, essential in all communities, is doubly essential in a democratic community like ours, where reverence for authority is not strong; and a judiciary cannot be perfectly independent if the judges are to be still aspirants to political promotion. How can a judge be trusted to try a political case, say a case of political libel, with a letter in his pocket from a Party minister offering him an appointment? Would the decision of our judges in election cases command the confidence which they command now if it were felt that the judge himself might have a Party interest in the result? But what will Conservative organs now say of the arrangement which takes Mr. Justice Thompson from the Bench, brings him back into politics, and gives him a seat in a Party Government? The judiciary was the one thing which, in British Canada at least, commanded the respect not only of a section, but of the whole community; and even Sir John Macdonald, while he sacrificed the Senate and everything else in the form of patronage to Party, had shown a laudable desire to redeem his name by good appointments to the judiciary. But Party swallows everything, and the judiciary at last is going into its devouring maw. We shall presently have here some counterpart of Chief Justice Chase, who, when at the head of the Supreme Court of the United States, offended all right-minded citizens by courting a nomination for the Presidency. This evil tendency is the more provoking because in England, from which we are supposed to derive our constitutional principles, the severance of the judiciary from politics has recently been made more complete than ever. Saving the customary claims of the Law Officers of the Crown, Party is now entirely set aside in appointments to judgeships. A law requiring a certain interval of time, say two years, between a judge's descent from the Bench and his appointment to any political office would be a valuable

addition to our constitutional safeguards. It would practically secure independence and preclude solicitation. But a judge who is worthy of his high position, when he takes his seat upon the Bench of Justice, will put the thought of politics and political patronage behind him forever, and regard himself as inalienably dedicated to the service of public justice.

WITHOUT going again into the unpleasant details of the case of *Dugas v. Sheppard*, it may be well to re-assert the principle that mere misinformation on the part of a newspaper ought not to be deemed criminal, provided there is a willingness to correct. The public demands the freshest news; competition among the purveyors of the article is keen, and it is seldom that sufficient time for thorough inquiry into facts or cross-examination of witnesses is allowed. The community, therefore, must be lenient to its servants in the Press. We assume, of course, that there is no malice, and that the matter is public. For the publication of private scandal without thorough assurance of the fact there can be no excuse. Among public matters must be reckoned the conduct of a regiment, which is a body of public servants. Two officers of the very regiment concerned in this case left their commands when the regiment was in the field against the enemy. It has since been explained that the departure of one was caused by urgent affairs, and that of the other by the state of his health; but misapprehension in both cases was natural, and a newspaper might have been easily misled. As a weekly journal does not furnish news, we are disinterested in the matter, though, being beholden to our daily contemporaries for the news on which we comment, we are specially cognizant of the difficulties under which they labour in providing it. But the point in this transaction to which the serious attention of all who care for the liberties of the British-Canadian Press ought to be directed is the removal of the case under a technical pretext from Toronto, where the alleged libel was published; to Montreal. There could be no reasonable doubt of the fairness of a trial in Toronto. For the removal to Montreal there seems to be no assignable motive except the desire that the trial should be held in the midst of a French-Canadian population, and under the local influence of the regiment which was the real plaintiff in the suit. The court-room was filled with a crowd which sympathized with the plaintiff, and which, after the trial, mobbed the defendant, one man even attempting to strike him. Let the jury be selected as it may, the surrounding atmosphere cannot be kept out of the jury-box, and French influence is so strong in every sense that a jury of British-Canadians at Montreal would scarcely be a greater security for justice than one composed of Frenchmen. To carry the defendant into the social stronghold of the plaintiff for trial was the way to secure his punishment; but it was hardly the way to clear the plaintiff's honour. A verdict given at Toronto and published at Montreal would have much more effectually purged the escutcheon. Whatever prejudice there may have been against the defendant on account of his literary antecedents has been converted into sympathy by the mode in which the proceedings against him have been conducted. If the character of his journal is questionable, it is generally in the persons of the weak and discredited that public right is assailed, and in such cases the character of the victim becomes the least part of the matter. That a criticism on the collective conduct of a public body, such as a regiment of militia, should be deemed to give each member of that body severally a right to bring a civil action for damages as though he had been individually libelled is surely most absurd and most unjust. A journalist might in this way be tried and punished several hundred times over for the same offence. The subject, we repeat, is one for the serious consideration of all who tender the rights of the British-Canadian Press, especially at a time when French susceptibilities are growing keen; and it is to be hoped that none of our contemporaries will allow themselves in their treatment of it to be seduced from the defence of the liberties entrusted to their hands by the exigencies of party tactics or the influence of party fears.

A CORRESPONDENT of the *Orange Sentinel*, the other day, took umbrage at an article, the writer of which had said, with reference to the reception of Grand Master Kennedy, of the United States, by Canadian Orangemen,