

THE WEEK.

Ninth Year.
Vol. IX., No. 24.

TORONTO, FRIDAY, MAY 13th, 1892.

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

THE WEEK:

AN INDEPENDENT JOURNAL OF POLITICS, LITERATURE, SCIENCE AND ART

TERMS:—One year, \$3.00; eight months, \$2.00; four months, \$1.00. Subscriptions payable in advance.
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.
ADVERTISEMENTS, unexceptionable in character and limited in number, will be taken at \$4.00 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.
No advertisements charged less than five lines. Address—T. R. CLOUGHIER, Business Manager, 5 Jordan Street, Toronto.
European Agents—SMITH, AINSLIE & Co., 25 Newcastle Street, Strand, London.

C. BLACKETT ROBINSON, Publisher.

CONTENTS OF CURRENT NUMBER.

TOPICS—	PAGE
Compulsory Voting.....	371
Corrupt Practices at Elections.....	371
The Caron Case.....	371
The Case of Judge Elliott.....	371
The Times on Imperial Customs Union.....	372
Earl Grey's Appeal to Canada.....	372
Lord Grey's Argument.....	372
Lord Salisbury's Speech.....	372
A Dangerous Policy.....	373
The Cityward Movement.....	373
The Small Holding.....	373
OTTAWA LETTER.....	T. C. L. K. 373
THE BETTER DAY. (Poem).....	Archibald Lampman. 374
VOTING BY COMMAND.....	Richard J. Wicksteed, LL.D. 374
TWO KNAPSACKS: A NOVEL OF CANADIAN SUMMER LIFE.....	J. Cawdor Bell. 375
PHOTOCROMY.....	Arthur Hurvey. 376
MAIDENLY MODESTY OR IMMODESTY IN SHAKESPEARE'S TEMPEST.....	W. F. Stockley, M.A. 377
IF I WERE QUEEN. (Roundel).....	Helen Fairbairn. 378
PARIS LETTER.....	Z. 378
THE RAMBLER.....	378
CORRESPONDENCE—	
A Review.....	W. 379
The Manitoba School Law.....	Boreas. 379
SYMPATHY. (Poem).....	May Austin. 380
ART NOTES.....	380
MUSIC AND THE DRAMA.....	380
OUR LIBRARY TABLE.....	381
LITERARY AND PERSONAL GOSSIP.....	381
PUBLICATIONS RECEIVED.....	382
SCIENTIFIC AND SANITARY.....	382
CHESS.....	383

All articles, contributions, and letters on matters pertaining to the editorial department should be addressed to the Editor, and not to any person who may be supposed to be connected with the paper.

WE invite the special attention of our readers to the very able and thoughtful article by Dr. Wicksteed, in another column. The subject with which it deals is one which must at an early day force itself upon the consideration of all patriotic citizens, by reason of the very unsatisfactory results of the present system. We pride ourselves upon our liberties and have a sentimental objection to the word "compulsion," as applied to the regulation of our duties as citizens. And yet the thing itself necessarily stares us in the face at every turn. Prepossessions aside, it might perhaps be hard for us to show any sufficient reason why it should any the less be made obligatory upon the citizen to take a part in the legislation and government of the larger organized community of which he is a member, than to bear his fair share of the pecuniary burdens of any smaller unit of the organization, in which he may happen to be included. Certainly no one can doubt that were the whole body of qualified voters to go to the polls in any Dominion or Provincial election, the result would be a very marked and beneficial change in the representation, and in the administration of the affairs of state. We do not propose, however, just now to enter into the merits of the question, though we may have something to say upon it in another number. We merely bespeak attention for the views and arguments so well presented from a theoretic standpoint by our correspondent, believing the question to be worthy of the most thoughtful consideration by every good citizen. May it not be possible that deliverance from some of the great and growing evils which afflict our political life may yet come from this quarter?

JUDGED by the stringent laws that appear upon our statute books, the Canadian people are striving hard to put down corrupt practices at elections with a strong hand. Judged by the practice of our election courts, we view such acts as bribery and personation as very venial offences indeed. It is a singular comment upon our earnestness in the matter that, notwithstanding the fact that scores of members have been unseated by the election

courts for corrupt practices by agents, since the last general election, we have yet to learn of the first case in which anyone has been punished except the unseated member. In all there must have been in evidence before the courts hundreds of cases in which individuals have been guilty of corrupt practices within the meaning of the statutes. How many of these have been mulcted in the two-hundred dollar fine which the law lays down as the penalty for bribery in any of its forms? How many personators have undergone, or are undergoing, the six months' term of imprisonment which is the statutory penalty for that offence? One member has, it is true, suffered disqualification for personal bribery, but this isolated case seems but to emphasize the conspicuous failure of justice in the hundreds of other cases which must have come to the cognizance of the courts, during the many investigations which resulted disastrously to so many members. There is evidently a grave defect in the law in that it fails to make it the duty of the court, or of some special officer, to see that the due penalty is inflicted in the case of everyone found guilty of the forbidden practices. Whatever may be the cause of the failure to punish, it is evident that the most stringent laws can never have their proper effect, either in deterring from the commission of the specified crimes, or in educating the public conscience, until the punishment is made to follow conviction with the same certainty as in any other case of criminal conviction.

WHAT shall one who wishes to act the part of an impartial onlooker and critic say of the action of the Government and its majority in the Caron case? On the face of it, it is clear that a commission of judges, skilled in the taking and sifting of evidence, is a much better tribunal for the investigation of a mass of probably conflicting testimony and documentary evidence than a large partisan committee, such as the Parliamentary Committee on Privileges and Elections. But, on a careful review of the whole case, there certainly is much in the course which the Government has chosen in this matter of which the Opposition may well complain, and which must fail to satisfy the men of independent judgment in the Conservative party. In the first place, to introduce an amendment so lengthy and complicated that no ordinary mind could possibly master its provisions and compare it with the original resolution, so as to get a clear idea of the relations of the one to the other, without hours of careful study even with a printed copy in his hands, and to force a division upon the contents of such a document on the strength of a single reading without giving the members on either side an opportunity for such study, was little less than a burlesque of Parliamentary debate, and an outrage of the rights of a constitutional Opposition. It was no less unfair to the supporters of the Government and must have been a pretty severe strain upon the loyalty of any but machine voters. In fact, it seems to us surprising that the British sense of fair play to opponents, as well as British independence of mind, did not assert itself in the breasts of the Government's supporters and compel a postponement of the debate. Under the circumstances, one can readily believe the stories which are afloat of chagrin on the part of some of those supporters, as they are compelled to confess that they voted at the bidding of their leaders without understanding the scope of the resolution which was carried by their votes. This is party loyalty carried to the point of humiliation. No Government, not made arrogant by the strength of its majority, would have ventured to put it to so severe a test. In the second place, there is undeniable force in the staple objections of the Opposition, that by the Government method the party accused alters and selects from the charges, and chooses his own judges to investigate them, a process which would be considered absurd in any other case. Nor is the further complaint of the removal of an enquiry which peculiarly touches the honour of Parliament from the jurisdiction of Parliament without some weight. But, passing by other considerations, it seems to us that the most serious thing about the whole matter is the elimination of the most important clause in the original charge, that touching the alleged disposal of the immense sums

which are alleged to have been indirectly derived from subsidies voted by Parliament at the instance of the Government. Suppose for a moment, for argument's sake, that Mr. Edgar can prove what he declares himself able to prove, and what follows? Just this: That a Minister of the Crown has been privy to the diversion of a very large sum of money, voted from the public funds for a public purpose, from its proper destination, and the use of it for purposes of bribery in no less than twenty-two constituencies (or twenty-four—the figures seem to be growing), which afterwards, and presumably in consequence, returned supporters of the Government of which the Minister in question was and is a member. Could anything be more subversive of popular liberties, or grosser treason against the constitution? And yet this is the kind of charge, made on the responsibility of a member of the Commons, which the Government and two-thirds of the people's representatives refuse to have investigated!

"SAVE me from my friends!" we may fancy Judge Elliott exclaiming, when he learned that the Government and its supporters had refused him the opportunity to give a public denial or explanation, in reply to the serious charges made against him in connection with the petition discussed and dismissed in the Commons, on Monday last. That those charges are serious cannot be denied. We happen to know of an Ontario judge of very high standing who makes it a matter of conscience to refuse to express, even to his friends, an opinion on any question which it is possible to conceive may some day come before him in some form for judicial decision. Everyone will readily perceive the wisdom and propriety of such a course. Our good opinion of the man will not suffer, even should he carry his scruples at times to what may seem to his friends an unreasonable extreme. In view of the unhappy intensity of party feeling in Canada, it is manifestly unseemly for a judge who is liable at any time to be called on to pronounce decision on some question arising out of the contests between the political parties, to take any share in the party struggles, even to the extent of privately supporting the candidate of his choice. But here it is openly charged that not only did Judge Elliott advocate the cause of one of the candidates in private, but that he wrote strong articles for the party newspaper, indulged in open prophecies as to the result of the contest, and even intimated beforehand the nature of the decision which would be rendered in the case which was to come before him for adjudication. We are far from saying that we believe these charges to be capable of proof, though some prominent members of Parliament declared themselves prepared to prove them, for it seems impossible to believe that a judge of the high character which Judge Elliott has always been believed to possess could have so forgotten himself, even in the heat of a political contest in which both his political and his personal feelings may have been deeply involved, as to have staked his judicial impartiality in such a way. But if he is conscious of innocence, it would surely have been the greatest favour that could be done him under the circumstances to have had a copy of the accusations sent to him, with a request for explanation. This would have given him an opportunity, without any compromise of the judicial dignity and etiquette which forbid him to defend himself in the newspapers, to make his defence and send it forth throughout the whole Dominion, to the vindication of his own reputation, the confusion of false accusers and the honour of the Canadian Bench. Then would have been the time for his friends in the House to declare the charges to be baseless and vexatious and utterly unworthy of being made the pretext for an enquiry by a committee of the House. As the matter now stands, the accused judge has no proper opportunity to meet the charges, and they will be left on record, not only to the permanent injury of his own personal reputation, but to the lessening of the popular respect for the Canadian judiciary.

IF the London Times correctly represents the people of England, they are certainly disposed to be grateful for small favours, of a commercial kind at least, from the colonies. Putting ourselves in the place of a free-trade