

of the Opposition, fearing the results of unpopularity with Roman Catholic voters, would not even fight the question, refused even to propose the veto, which, by the way, had been specially intended by its framers to meet this very case, and so the Governor-General was, of course, powerless." The same sweeping imputation of motives re-appears in the assertion that the Central Parliament "abdicated its functions, it resigned the Protestant minority into the hands of the majority, and why? Because at the moment Catholic votes were to be captured for the next election, and because leading politicians prefer the chance of office to the unpopular satisfaction of securing the future interests of the population whom they profess to protect from harm and govern in the interests of public weal." The motives of politicians are, like those of other men, best known to themselves, and, perhaps, not always well-known to themselves. But if it should be asserted that "on this particular occasion the leaders and members of both political parties in the Commons rose to an unusual degree above party considerations and united, at considerable risk of personal popularity, in vindicating an important constitutional principle," it would not be difficult, we think, to show just as good reasons for this opinion as Professor Mahaffy can adduce for the other.

WHAT were the design and scope of the power of vetoing provincial legislation as defined, not in the words of the Act of Confederation, but in the minds of the original framers of that Act? What limits, if any, did they intend to set to the autonomy of the Provinces within their own sphere of legislation? These questions, which are now being debated as never before, are of considerable importance as aids in the interpretation of the clauses of the constitution which bear upon the point, and the meaning of which is just now in dispute. We are not of the number of those who think that the future relations of the Provinces to each other and to the Central Authority can be decided for all time to come by the result of an appeal either to the words of the Act or to the intentions of its framers. If an error either in judgment or in expression was committed in one direction or another, there is no good reason why the Canadians of the present or a coming generation should not be as competent to correct it as were their predecessors to frame the original compact. The points are nevertheless well worth the discussion they are receiving. To us it appears that no one who will take the trouble to refresh his memory by an unprejudiced re-reading of the memorable debates in which the leading features of the Act of union were outlined and discussed, will find much difficulty in reaching a conclusion. We see no reason to suppose that either Catholic or Protestant views and ambitions determined the final shape of those sections of the British North America Act. The general tenor of that memorable debate at the Quebec Conference shows that the controlling anxiety and aim of all concerned were to define so clearly the lines of demarcation between the domains of Federal and Provincial legislation and administration as to obviate, if possible, all danger of conflict. Foreseeing, however, that no skill or prescience could perfectly accomplish this, and anxious to avoid the evils wrought by the State Rights Extremists in the American Union, they further provided that in all cases of conflicting legislation or jurisdiction the Central Authority should prevail. This provision seemed to those shrewd but not omniscient minds to afford a simple and satisfactory rule for the solution of every question of jurisdiction that might at any time arise.

IF it be said that the foregoing view upholds the Provincial Rights doctrine and makes each Province supreme within its own constitutional limits we cannot deny the impeachment. The only modification, if it be such, is that covered by the clause in Sir John Macdonald's well-known pronouncement upon the question, in which he places among the cases justifying the use of the veto power that in which the Provincial legislation is hostile—we quote from memory and cannot recall the exact terms—to the general interest of the Dominion. This limitation, which, with the others referred to, was accepted by all parties, is evidently indefinite, and leaves wide room for difference of opinion as to whether any given legislation of a Province comes under the category. This indefiniteness is probably unavoidable. But it is idle to attempt to maintain, as some writers are doing, that the careful guarding of provincial autonomy and the constitution was solely, or even chiefly, the work of Sir George Cartier and his French colleagues with an eye to the future of French Catholicism and nationalism. The simple fact is, as we have before

pointed out, that the original contracting Provinces were a unit upon this point. We all know where Ontario stands and has stood in regard to it. Every one who knows anything of the state of feeling in the Maritime Provinces at the time of union knows that they were not one whit less intent upon preserving complete self-rule in all local matters than Quebec herself. Not one of the four Provinces would have even considered for an hour a proposition looking to a legislative union, or to any other form of union which would have given to the Central Authority a right to meddle with purely local concerns. If this view reduces the political veto on Provincial legislation to a nullity it cannot be helped. Facts are stubborn. The fact in this case is that the Dominion is a voluntary federation of self-ruling provinces, not a Sovereign state which has conferred certain municipal powers, in accordance with geographical or racial subdivisions. First New Brunswick, then Ontario, and finally Manitoba have vindicated this view. By the vote on the question of vetoing the Jesuits' Estates Act Parliament has almost unanimously declared it to be now the accepted constitutional doctrine. Whether Government and Parliament will maintain their consistency when the new reforms about to be inaugurated by Manitoba come before them remains to be seen.

AS the day for the meeting of the Congress of American States at Washington approaches, the subject is naturally attracting considerable attention. The proceedings of the Congress will be followed with interest in those European countries, among which Great Britain is, of course, the chief, which are now trading largely with the countries of Central and South America. So far as the proposed Congress takes the shape of a first step in the direction of breaking down the artificial barriers which now prevent free and mutually profitable intercourse between the different communities which occupy the continent, its effect can be only beneficent. Should an attempt be made, as is evidently feared abroad, to make it a movement towards an "America united against Europe," it is pretty surely predestined to fail, as it ought to fail. Those American republics which are now enjoying the benefits of a large English and European trade are not very likely to cripple their commerce and increase the cost of living to their people by agreeing to adopt prohibitory tariffs for the benefit of United States' manufacturers. Aside from the matter of trade there are many clauses of the proposed arrangement which, if found feasible, could not fail to prove beneficial to all concerned. Uniformity of weights and measures, and of coinage, and above all, a Court of Arbitration for the settlement of all disputes between American States, could be objected to by no outside nation, and would be of inestimable value to all concerned. If the latter rational and enlightened method for the settlement of international difficulties could be adopted, an example would be set worthy of imitation by all the nations. There is, we fear, but little prospect of the immediate accomplishment of any of the great reforms proposed, but even should the Congress fail of any immediate result, it will pave the way for similar meetings in the future, with an almost sure prospect of ultimate success. It is in the nature of great financial, political and moral ideas, that the more they are discussed and reflected upon, the nearer is brought the day of their ultimate adoption. If the Congress enters upon its work in a broad and cordial spirit it may prepare the way for great achievements in the near future. If, unhappily, its deliberations should be affected by narrow continental jealousies, and display a spirit of hostility to European countries—as if there could be any real antagonism between the true interests of the people of the two hemispheres—all broad-minded Americans, in all latitudes, will rejoice at the collapse which will surely await it.

THE homicide was, in our opinion, clearly justifiable in law, and in the forum of sound, practical common sense was commendable." In these words the United States Circuit Court, of California, expresses its views of the act of Deputy Marshal Nagle in the shooting of ex-Judge Terry. If the view of the character and intention of the slain man which was taken by the court, and is that of the public as well if we may judge by the expressions of the most respectable journals, be accepted, little fault can be found with the verdict. It is taken for granted that in making the assault the man who was so summarily sent to his account intended nothing less than the death of Mr. Justice Field, and it must be admitted his previous record left little room to doubt the inference. Peace officers must be protected in the performance of the

dangerous duties with which they are often entrusted. When, as in the case in question, no time is afforded for thought, but decisive action must be taken on the instant, it is but fair and right that large allowance should be made for possible errors of judgment. At the same time there is, as a recent instance nearer home painfully shows, considerable danger in these days of going to the other extreme, and entrusting too much arbitrary power over liberty and life to men whose coolness and discretion cannot be relied on in exciting moments. Few will, however deny that the act of Marshal Nagle was justifiable under the circumstances. But when the presiding judge of the court goes further and says that he acted, not only in "good faith," as no doubt he did, but "with consummate courage, judgment and discretion," most of those who have read the accounts of the tragedy will be inclined to demur. So far as we are aware no evidence was adduced to show that the deceased was armed at the time. At least he does not appear to have exhibited any weapon. In such a case the marshal, pistol in hand, and surrounded by those who would in a moment, no doubt, have come to his aid, had he been possessed of "consummate courage, judgment and discretion," should surely have been able to protect the life of the one man without taking that of the other. Had the case occurred in Canada we can readily believe that the officer would have been honourably acquitted, but we can hardly conceive of one of our courts pronouncing so high an eulogium upon an act which may as well have been the offspring of momentary fear as of lofty courage. An appeal has been taken to the Supreme Court of the United States, but there can be scarcely a doubt that the verdict will be sustained.

NOVELISTS AND THEIR READERS.

THE flood of cheap literature which flows over this continent from the prolific presses of New York must be producing wide effects upon the reading tastes and moral sentiments of the public. Of course the class of literature most in demand is fiction, and in the supply of fiction, as in that of other saleable commodities, the quality is regulated by the character of the demand. While it is gratifying to see a liberal supply of the best authors in this popular market, an evidence indicative of a liberal request for such reading, it cannot be overlooked that upon the enormous tide of cheap fiction there is a good deal of froth, more or less discoloured by impurities which have a tendency to remain in the moral system after the unsubstantial vehicle in which they have been conveyed to the palate has dissolved into its original nothingness. It is deplorable that there should be so large and unhealthy an appetite for stuff so destitute of sustenance and so impregnated with moral poison. Froth, however, is furnished by other caterers besides publishers, and while the demand exists so will the supply.

After all it is probable that they who go to the purer and steadier stream beneath for their literary draughts are the majority. The prompt and extensive reproduction on this side of the water of the best English writers is full of significance. Flash literature is but the food of unformed taste, as unripe fruit and unwholesome confectionery are acceptable to the palates of children. The abundance and cheapness of the best fiction cannot fail to have a beneficial effect upon that numerous class who do not go beyond fiction for their intellectual pleasures.

Owing to the almost universal indulgence in light literature which now prevails either from the want of leisure or the want of taste for serious reading, the vocation of the novelist has become important to others besides himself. As a good writer stamps a good deal of his own character upon his work, his character is of consequence. Once upon a time when fiction began, a novel was a "work" upon which its author pondered with considerable solemnity before commencing it. Plot, incident, dialogue, character, sketches and "studies" were not all or nearly all engaging the writer's solicitude; the great thing was the "lesson." Novels in fact were constructed on the principle of Fable, each with its conspicuous Moral. A story was no story if written without a purpose, to the achievement of which all developments were bent. It was a sermon in fiction, a pill disguised in sugar. And as many a poor author found that the only way to convey his sugar to the virtuous palate was by putting it round a salutary pill, it often came to pass that the duly licensed dispensers and compounders of moral drugs were up in righteous war against the hapless writer. Those orthodox books of fiction were no doubt respectfully and profitably read and perhaps believed by our unsophisticated predecessors, on the principle (firmly revered by Captain Edward Cuttle) that all books were true; and even in this frivolous age they deserve veneration. But all this is changed now. We will have neither teachers nor preachers who will not at least interest if they cannot amuse us, with something besides the lessons and doctrines with which their messages are fraught. If we are to take moral pills in the old way they must be so abundantly sugared that the drug shall be "nowhere" in the compound, seeing how apt we are to resent the intrusion of its unpalatable flavour. Hence the contemporary novelist has quite abandoned the role of a teacher and worker in the good cause, and as surely as he is tempted