THE WEEK.

Vol. XII. Toronto, Friday, February 1st, 1895. No. 10.

Contents.

For Terms of Subscription and Advertising Rates see last page.

Address all Literary and Business Communications to THE WEEK PUBLISHING COMPANY, LIMITED, TORONTO, CANADA.

Current Topics.

The Manitoba School Act.

The Judicial Committee of the Privy Council has given what may be regarded as its final decision on the Manitoba School Law. Pending the arrival of the full text of their Lordship's finding it will be useful at this stage to indicate precisely how the case stands so far as the decision itself is concerned. In 1892 the Privy Council affirmed the validity of the Manitoba School Act, declaring that though the Roman Catholics have a legal right to establish and maintain separate schools they have no legal right to any funds raised for educational purposes by public assessment, or paid by way of subsides out of the public treasury. Now it is affirmed in substance that, though the Roman Catholics were not deprived by the Manitoba School Act of any legal right, they were deprived of some "right or privilege," the deprivation of which entitles them to relief at the hands of the Governor-General-in-Council of the Dominion, under the British North America Act and the Act which constituted the Province in 1870. It would probably require a close analysis of the judgment delivered by Lord Macnaghten in 1892 and the one delivered by Lord Chancellor Hershell this week to either reconcile them or show wherein they conflict with each other. Meanwhile the immediate effect of the later decision is to throw upon the Governor-General's advisers a very serious responsibility. On them devolves the task of finding a solution of a very difficult question, and as there is no necessity for immediate action they would do well to take time enough to consider the whole matter with extreme care. The action taken, when it is taken, should be such as will give effect in good faith to the Privy Council's finding and yet be compatible with the maintenance of unimpaired Provincial jurisdiction over purely local questions.

International Arbitration.

There is reason to fear that American Jingoism, reinforced by the personal animosity which takes delight in thwarting President Cleveland whenever possible, may succeed in defeating any proposal which may be submitted to Congress pledging the nation to arbitration in case of the failure of diplomacy to settle any difference which may, at any time, arise with the British Government. Nevertheless the fact that Mr. Cremer was able to submit to the President, a week or two since, a memorial signed by 354 members of the British Parliament in favour of a treaty or mutual covenant of the purport indicated is one of the most remarkable signs of the time. The fact that the idea did not originate wholly with the British, as a resolution looking in the same direction was introduced in Congress during its last session by Senator Allison, of Iowa, makes the movement all the more hopeful. It may, in fact, be pretty confidently said that the question of the ratification of such a treaty is but one of time. It is difficult to see how anyone, who honestly desires justice, peace and friendship between the two great English-speaking nations, can hesitate to support the proposal. Arbitration may not be a perfect safeguard of the rights of the nations concerned. Arbitrators are subject, like other men, to infirmities of judgment and temper, hence may not always give absolutely just decisions. But nothing can be more certain than that, laying aside all other considerations such as the appalling suffering and the irreparable injury to the material and moral well-being of both countries which would inevitably result from war, the conclusions reached by a board of properly chosen arbitrators are much more likely to be just to both, than any decision resting upon mere superiority in iron-clad navies, the destructiveness of projectiles, or the skill of generals and admirals, could possibly be, seeing that the latter have no relation whatever to the merits of the questions in dispute.

Testimony in Camera.

On general principles we believe in the fullest possible publicity in all matters of executive administration and judicial investigation. One of the best safeguards of popular liberty and of impartial justice is to have all transactions affecting the one or the other carried on in the light of day. Star-Chamber methods, or any modification of them, would be wholly out of keeping with the spirit of free institutions, and would not be tolerated by democratic peoples. It may be questioned whether, even in Canada, Governments are not being permitted gradually to take to themselves larger executive powers than are wholly consistent with the spirit of our constitution, as witness the arbitrary decisions which are from time to time being made in the matter of fixing rates of duty and punishing alleged infractions of the tariff laws, to say nothing of such things as the uncertainty in which the people are kept in regard to the time of dissolution of parliament or legislature, and the consequent general elections. But there is a golden mean, a limit to be fixed by reason and common-sense in all things. The exception which proves the rule may be as necessary in its way as the rule itself. A case in point is the proper and wise suggestion of the Grand Jury and of the officers of the Children's Aid Society that it is a shame to force women and even young girls to give evidence in a certain class of cases in open court. These cases are, unhappily, all too frequent, and the knowledge that one of them is to come up is sufficient to fill