

AN URGENT NEED.

It must, by this time, be evident that the permissive power conferred upon the Parliament of Canada by 101st section of the British North America Act, should be taken advantage of without delay. At the last Session of Parliament the Minister of Justice introduced a bill, under this section, for the constitution of a Court of Appeal, which, after the second reading was withdrawn by the Government, on the understanding that during the recess it should be submitted to the consideration of the Judges of the Superior Courts of the several Provinces, for their opinion. It may be presumed that this bill, amended and improved by the suggestions of so many able and learned men, will be passed into law at the approaching Session; and that, thereafter, many questions between the Provinces and the Dominion, now necessarily left to the arbitration of the Minister of Justice, for the time being, will be determined by the Court of Appeal. It may be questioned, however, whether if such Court is merely endowed with appellate jurisdiction, it will answer all the purposes required; and, as the clause of the Union Act already referred to empowers Parliament to establish "any additional Courts for the better administration of the laws of Canada," it might fairly be considered whether private individuals ought not to be allowed the right of testing the validity of the Acts of the Local Legislatures before the Dominion Courts. The power of disallowance vested in the Governor General, by advice of his Privy Council, may be deemed, under ordinary circumstances, ample guarantee that the Local Legislatures will not be permitted to transcend their powers; but, though this may be true as regards all attempted encroachments on the powers of the General Government, it does not follow, that it will furnish an equally safe and reliable protection for private rights. It is within the power of Parliament to declare what is or is not legal; and it would not be desirable to set up any Court superior to the supreme Legislature of the country; it would not be British to have the counterpart of the Supreme Court of the United States, which to-day sits in judgment upon the Acts of Congress and to-morrow on those of the Executive. But the very fact of admitting the power of one supreme Legislature, ought to exempt from the acknowledgment of another; and if the authority of the Parliament of Canada is recognized as undisputed, within the terms of the Union Act, there surely ought to be some legal protection against the encroachments of the Local Legislatures. As the law now stands, Municipal and other Corporations endowed with the law-making and executive functions are amenable to the Courts. Ought not the Local Legislatures to be placed in the same position in respect of the limit of their powers?

This question is suggested by recent legislation at Quebec. It appears that a Society, incorporated for benevolent purposes, had fallen into financial difficulty, and appealed to the pensioners on its funds for a compromise of their claims. This appeal was responded to, and a great many parties acceded to the terms proposed, the Society being enabled thereby to write off some \$15,000 of its just debts. Against contracts voluntarily entered into for the abandonment or compromise of one's claims; there can, of course, be no objection on public grounds; at least we should be slow to set limits to the charitable doctrine of Chaucer's *good parson*, that:

"Every one is free to lose his own,"

So long as it really is his own, and no other party is injured by his surrender of it. But in the case alluded to, some three or four persons entitled to annuities from the society refused to compromise—refused, in fact, to accept one-sixth in lieu of the whole; and the Quebec Legislature passes an act to compel them to do so! The simple statement of the case is enough to condemn such legislation; and there ought to be a court empowered to set it aside. If the society referred to was really insolvent, which does not by any means appear, it should have gone into liquidation, paid its debts *pro rata* as far as its assets would allow, and wound up its affairs or commenced *de novo*. This course would have had the merit of honesty to commend it. Or, finding itself in financial difficulties, it might have laid its whole case before the Legislature, and had a basis of settlement legalized. The old Legislature of Canada sanctioned an arrangement of this kind between the city of Hamilton and its creditors, whereby the latter surrendered a considerable portion of the interest due them, and extended the time for the payment of the principal; but in that case the arrangement had been previously agreed to between the parties, whereas, if we understand the case before the Quebec Legislature, the few creditors have been compelled against their will to forego five-sixths of their claim without its being made apparent that the society was unable to pay the full amount. Such legislation will, probably, prove more destructive to the prosperity of the society than if it had been compelled to meet its obligations, because public confidence in Legislative charters will be destroyed where the corporators are per-

mitted to escape from their legally contracted liabilities. There is no more reason that the claims of the creditors of such a society should be set aside by law than that an assurance company should be released from the payment of the policies maturing against it; or that a private individual should be absolved from the payment of his debts by special act of the Legislature. Indeed, the case under consideration comes so very near, if it is not entirely, an act of insolvency, that there is reason to doubt whether the Local Legislature has power to deal with it.

There have been many other instances in which it has been made apparent that the Local Legislatures throughout the Dominion affect the exercise of powers to which they have but a very doubtful title, and the establishment of a Dominion Court, with such ample jurisdiction as we have indicated, would, no doubt, be productive of the very best results. Without at all interfering with the right of disallowance, it might, in many cases, intervene to prevent the necessity of its exercise, and thereby relieve the General Government from much of the responsibility which it now has to shoulder in regard to local legislation. Any local act which is really illegal ought to be so pronounced by the judges, and the exercise of the prerogative of disallowance should be restrained to such measures as, though strictly within the law, may yet be deemed contrary to the general interest.

CHRIST CHURCH CATHEDRAL, MONTREAL.

Although some of the members of the Church of England in Montreal are already beginning to discuss the desirability of building a new cathedral, leaving the present one to be what some of them say it simply is—a parish church, yet it is one of the finest and most commodious of ecclesiastical edifices in the city. It was designed by the late Mr. Frank Wills, formerly of Salisbury, England, and at his death the plans were handed over to Mr. Thomas S. Scott, architect, of this city, under whose supervision the building was erected. The following are some particulars concerning the dimensions of the cathedral.—Chancel, 46 by 23 feet; northern chancel aisle, 30 by 15 feet; north and south transepts, 100 by 25 feet; nave, 112 by 30 feet; north and south aisles, 112 by 20 feet. The total length inside is 187 feet; width across nave and aisles, 75 feet; across transepts, 100 feet. Total length outside, 212 feet; height of aisles, 25 feet; nave to ridge of open roof, (inside) 67 feet; transepts, 45 feet; chancel to coved ceiling, 50 feet; tower to cornice, 94 feet; spire, 130 feet; total height, 224 feet. The pews give accommodation to about 1,300 persons. The building is of Montreal blue stone, with Cœn dressing, which, with the rich ornamental work with which it is decorated, gives it a very elegant appearance. It was opened for divine service on the first Sunday in Advent, 1859. The total cost of building, with interior and exterior decorations combined, windows, &c., &c., complete, was over \$170,000.

SUNDAY IN THE BACKWOODS OF CANADA.

The illustration we give this week of a Sunday in the backwoods is from the pencil of a German artist. It represents the family of a Canadian backwoodsman engaged in their Sunday devotions. They have assembled at the door of their log-house, in the bright sunshine of a June morning, to unite in the worship of their Creator; and though the surroundings are wild, and the service simple, the deepest reverence is depicted on every countenance. In the centre sits the head of the family—a sturdy Scotch farmer—reading aloud from the Bible in his hand. On his right is his invalid sister, propped up with cushions in her chair—her pet bird perched on her finger. Their aged mother at her side is bending forward to catch the words that fall from the reader's lips, and at her feet the house-dog, who seems to know perfectly well what is going on, lies lazily blinking in the sun. The bare-legged urchin leaning against the door-post, looks wistfully down at the dog, his thoughts probably straying to the many gambols they have had together. On the other side of the group sits a young father nursing his last-born, while an elder child plays at his feet. He is evidently not one of the family, for his features plainly bespeak him English. He is the husband of the invalid, and the bright-looking girl behind him is his sister. The woman at his side, who is bending down, with her cheek against the baby's face, is the wife of the reader and the mother of the two chubby girls in the corner. It is a simple, homely scene, but full of life, and as a delineation of Canadian backwoods existence, especially interesting.

THE LUMBERMEN'S SHANTY.

Life in the shanty is hard and rough, but healthy. The stalwart lumberman "goes to the shanty" without the slightest dread of cold, though he will have to work in the open air, with the thermometer many degrees below zero. But with a hearty breakfast of bread and pork, washed down with a bowl of tea, or, if not very delicate, a cup of melted pork fat, he goes forth with such power of resistance to the cold as to leave him not even uncomfortable from its effects. It is computed that there are about fifteen thousand men in Canada who are every winter employed in the forest at the preparatory work of getting out the timber; and the amount of property rendered valuable by their labour may be judged of from the fact that the export of the produce of the forest has, in some years, equalled or exceeded in value that of agriculture.

The London *Herald* commenced its retrospect of 1869 by announcing that with the close of the year it would itself cease to exist, after a career of ninety years. The Manchester *Guardian* of the 1st of January speaks of the demise of the *Herald* thus:—"The death of the *Morning Herald* is an event of some interest in English journalism. The *Herald* shared with the *Post* the distinction of seniority among the London daily newspapers. Both journals started in 1781, or seven years before the *Times* began its marvellous career. These are strange times. There is not at this moment a 'high-priced' daily conservative journal in the United Kingdom.

GENERAL NEWS.
CANADA.

The Hon. Mr. McDougall has placed his commission as Lieut. Governor of the North-West Territory, in the hands of the Government.

The *Army and Navy Gazette* says that the troops stationed in British North America will be removed in the course of the year, with the exception of a garrison at Halifax, to be maintained at the expense of the Imperial Government. By bearing the expense, however, the Colonial Government will be allowed to retain certain regiments.

The Montreal *News* of Wednesday has the following summary of the Hon. Mr. McDougall's address to the Electors of North Lanark at Almonte, on the 1st ult.:

He had been asked by the Government to go to Red River and establish a government under the direction of the Dominion Government. After careful thought he decided to undertake the duties. He believed the Government acted in good faith with him when appointed to go to Red River. He then recapitulated all the events that occurred from the time of his arrival until he left Pembina. The insurgents, he said, had been lied to and grossly misled by some mischievous persons. At an interview with a deputation from the insurgents, he succeeded in convincing them, however, that his interests were theirs. They said, "if we knew you were coming in that way we would have admitted you." He then tried to have an interview with the leaders, but some officious official and others prevented this. He found those who caused the insurrection were Americans, controlling and directing it for a purpose. Those under arms were half-breeds only, and they were controlled by the clergy. The English and Scotch half-breeds were loyal and anxious to see Canadian rule established in the country. They would not, however, take up arms against their neighbours and friends. They held a convention and discussed the situation, but could not find out the object of the half-breeds. They wanted something more than the privilege of establishing their own government. The loyal inhabitants sent constant requests to him not to leave but to stay; but, looking at the case as he had stated, he felt it his duty to stand his ground, and meet the difficulty as best he could. He felt that he should so act as to leave no cause for shame, but he was without knowledge of how the Canadian Government were dealing with the question of the transfer of the territory. He thought, therefore, that he was justified in assuming the transfer had been made. The news were all interrupted. All communication with the interior was cut off. Even the mail carriers were half-breeds, who now, under stratagem, aver that their object is annexation. He (Mr. McDougall) was under the impression that he was in law the Governor if the transfer was made on the 1st of December, as he supposed such was done. He took such action as seemed to him to be demanded, and issued a proclamation, setting the terms of the transfer, and the Acts of Parliament relating thereto. The effect of that proclamation was to throw a great confusion into the ranks of the insurgents. The effect upon many was to send them to their homes, and the opinion was that they would then dissolve. The insurgents then made a clever movement; up to this they had studiously kept from stating what they did want; they asked for political rights, railways, &c. They wished for a local legislature, and the power of vetoing any act of the general parliament. This no legislature has the power of the right to do; this was the kind of paper they presented. He then sent Col. Dennis to carry the proclamation into the country, and ascertain the exact state of affairs, and as to the likelihood of putting down the rebellion. The conclusion that Col. Dennis came to was that it was safe to undertake to put down the movement by force. At this juncture the insurgents issued their requests, and the loyal people considered them not worth fighting about. It was soon discovered that the demand of the insurgents were made for a show, and that they had ulterior objects in view. Shortly after the return of Col. Dennis, he, Mr. McDougall, wrote a private note to Riel, pointing out to him the absurdity of his position in declining an interview, but Riel never answered it, nor would he appoint an interview. All passes were carefully guarded; some of them even by American officers. After ten days, or so, he heard that the Canadian Government had refused to pay over the money to the Hudson's Bay Company, and he then declared his mission was over. Seeing and feeling the danger of an outbreak at any moment, and even trouble with the American Government on the Neutrality question, and feeling personally unsafe, he left for Canada. At once, on reaching Ottawa, in addition to reports already sent, he told the Government what he considered they should do; he urged upon them a policy which should be pursued by them towards the Red River. Whether it will be followed will be known when the Parliament meets. The first thing they should do will be to accept the country. It was an error not to have accepted it on the 1st of December. It was unfair and unwise in the Government to act as they did. They should correct the error as speedily as possible and take other proper measures for the occupation of the territory. As to his representation of North Lanark. In the first place he was only elected by them, and as he had not resigned, he considered himself still their representative. The point may be argued hereafter, but he held that he had done nothing to render his seat vacant as he had accepted no office. The country was not accepted yet, consequently there was no Lieut.-Governor. However he was willing the lawyers should argue the point, and he still considered himself their representative, but if his constituents wished him to retire, he would do so, but he did not think they did. It was as well that he should say a word about his taking a seat in the House without a seat in the Cabinet. The Government had made a grave mistake, but as they thought otherwise he would let the matter be discussed in the proper place. He considered that he had sacrificed much to go out to assist in carrying out the very great constitutional change, and felt he would now be acting injudiciously to thwart the intentions of the Government towards bringing to a head the great scheme of the Confederation of British America. He did not think he ought to take a position of hostility, but if he found the Government dilly-dally over the question of the Red River trouble, or not dealing with it in a proper spirit, he would certainly oppose them. He made these statements deliberately. There were persons of note in the Government, or very near it, who wished to establish an exclusively French Government at Red River. If he found the Government listening to such propositions, he would certainly and decidedly oppose them. He then spoke as to the fine appearance of the North-West Territory.