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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.

THE Minister of Justice will not be materially helped to a decision on the question of the retention or abolition of the Grand Jury by the replies which have reached him in response to his circular enquiry. Last year circulars were addressed to the Superior and County Court Judges throughout the Dominion, and to the Attorney-Generals of the different Provinces, asking an expression of opinion on the subject. The replies received are remarkable for the almost evenly balanced diversity of the opinions they express. Only two of the judges of the Supreme Court replied. Both of these favour abolition of the Grand Jury system. But of seventy-eight or seventy-nine judges and Attorney-Generals who replied to the circular, thirty-nine favour abolition and either thirty-nine or forty—we are not sure at the moment which is the exact number—oppose it, while twelve decline to commit themselves to a distinct opinion. The question is one of no small importance in its relation to the administration of our criminal code, and where the judges, who have the best opportunities for forming an opinion from actual observation, are so evenly divided, it would, we suppose, be presumptuous for the journalist to offer positive opinions. We may, however, pretty safely hold to the view we have before expressed, viz., that the interests of justice require that the Grand Jury shall not be abolished until some simpler and better provision has been devised for performing its functions. The alternative, otherwise, will be to leave the question whether persons shall be put on trial on criminal charges to the decision of a local magistrate. Now when we remember, on the one hand, how much is involved in many cases in the determination of this preliminary question, what failure of justice in the escape of the guilty, or what humiliation and suffering for the innocent, may result from an error of judgment on this point, and when we recall, on the other hand, the lack of educational and other qualifications, more especially in the rural magistracy, we can well understand how unsafe it would be to leave decisions so deeply affecting the rights and reputations of many persons, to the decision of the individual magistrate. Errors of judgment and failures of justice will no doubt occur under the most perfect system that can be devised, but seeing that,

as observed by one of the judges, "the Grand Jury is generally selected from amongst the most intelligent, experienced and impartial members of the community," that it "is intended as much for the protection of the innocent as to secure the punishment of the guilty," that under its operation "no man can be put upon trial unless specially presented by that body, uninfluenced by the surmises, hearsays or local prejudices which may exist, and more or less affect the action of a local committing magistrate," and that "the Grand Jury will subject no man to the odium of a public trial unless they are satisfied from the evidence alone, and such a degree of evidence as in the absence of explanatory circumstances would in their judgment warrant a conviction," it is not easy to see how anyone can doubt which of the two methods is more likely to secure the ends of justice. If the question is simply between leaving the commitment for trial to the decision of a single local magistrate and to a carefully chosen Grand Jury, the majority of non-legal readers will not, we think, hesitate to pronounce in favour of the latter, however cumbersome or costly in comparison.

THE more detailed statistics given in the second official bulletin of the Government statistician do not, it must be confessed, tend to modify the somewhat discouraging facts presented in the first. In this bulletin, which deals with Ontario, the counties of the Province are arranged in eight groups, viz., the Lake Erie, the Lake Huron, the Georgian Bay, the West Central, the Lake Ontario, the St. Lawrence and Ottawa, the East Central and the Northern. As would at once be supposed, the best showing is made by the counties included in the Lake Ontario group, viz., Lincoln and Niagara, Wentworth, Halton, Peel, York, Ontario, Durham, Northumberland and Prince Edward. The population of these nine counties, which was 383,160 in 1871, and 437,984 in 1881, is 526,015 in 1891, showing a rate of increase of 20.09 per cent. during the last decade, in place of a rate of 14.30 per cent. in the preceding. But in other groups of counties the ratio of increase has been much smaller, ranging downwards from between 10 and 11 per cent. almost to zero, while in two of the groups there are fewer citizens at present than were reported in 1881. The Lake Huron group, composed of Bothwell, Lambton, Huron and Bruce, which had shown an increase of more than 28 per cent. between 1871 and 1881, have, according to these tables, fewer inhabitants by 1,441 than they had ten years ago. In like manner the West Central group, comprising Middlesex, Oxford, Brant, Perth, Wellington, Cardwell and Waterloo, which had 341,475 in 1871 and 377,691 in 1881, have only 376,851 in 1891. It seems scarcely possible that these figures can be correct, and most persons will prefer to believe that an error of considerable magnitude has resulted from the first of the several causes assigned by Mr. Johnston, viz., the difference in the modes of counting the people. The present census is the first in which a time-limit has been applied in the case of absence from home. This in itself would no doubt cause a serious difference in the sum-totals. So too the precautions taken to prevent duplication of names are said to have been much stricter than heretofore. Other causes assigned are 2. The movement of population along the lines observed in every civilized country, viz., (a) westward to the virgin soil, and (b) from the rural parts to the cities and towns. 3. The introduction of agricultural machinery, doing away to a certain extent with hired help. 4. The denudation of the forest covering. 5. The opening of new territory by railways. 6. The development of mining industry. There can be no doubt that these causes have been operative here as elsewhere. If the effects were confined to mere movements of population from the country to the city and from one part of the Province, or even of the Dominion, to another, there would be less cause for regret or anxiety. But the figures of the census, combined with the results of everyday observation, constantly recall our attention to the one unpleasant fact that stares us in the face, viz., that the same movements and tendencies which in other countries produce the effects above described, in ours carry large numbers of those who are compelled to change location and occupation across our national bound-

dary line, into another country. This fact is none the less discouraging because it is the result, to some extent inevitable, of our geographical position. It is that accident, if such it may be called, of location which puts the statesmanship of our rulers to the severest test. If there is really no legitimate and proper means by which this migratory tendency can be either checked or counterbalanced by a similar movement northward across the international boundary, there is, of course, nothing left for us but to make the best of the inevitable and hope for changed conditions in the future. But we should not be shut up to so pessimistic a conclusion until every effort consistent with our national freedom and self-respect has been put forth to bring about a better state of things.

A GOOD deal of discussion has been had in the party papers during the last few weeks in regard to the duties and prerogatives of the Governor-General in the present crisis in Canadian politics. Some of the Opposition papers have not only criticized severely the conduct of the Governor-General in absenting himself from the seat of Government for holiday purposes during the very important discussions and investigations of the late session—criticisms which we are bound to admit have much point and force—but have demanded that in view of the events and revelations of the session he should take it upon himself to dissolve Parliament and give the constituencies an opportunity to pronounce judgment upon the discredited Ministry. There is, we suppose, no room for question either as to the power of the Governor-General to make such use of the prerogative, or as to the fact that the practice has of late years been wholly adverse to the exercise of such power. Munro (Constitution of Canada, p. 168,) says: "The Governor-General is empowered to remove members of the Council, but in practice the Ministry resign when they lose the confidence of the Legislature." On the preceding page he tells us that: "In all local matters the judgment of the people expressed through their Legislatures must prevail, and a Governor-General ought always to accept and act by the advice of a Ministry prepared to give effect to such judgment." Of course a dissolution of Parliament without reference or in opposition to the advice of the Council would be tantamount to a dismissal of such Council. The doctrine that a Governor-General should do nothing, except in matters in which Imperial interests are involved, save on the advice of his Ministers, is so well established in practice that argument to that effect is unnecessary. The fact is, moreover, that the modifications of Imperial instructions which have practically reduced the Gubernatorial prerogatives to the narrow dimensions indicated, have been largely due to agitations and representations by the Liberal party in Canada. It will be fresh in the minds of many of our readers that the doctrine which had previously prevailed and had, indeed, been formally laid down by Earl Carnarvon when Colonial Secretary, was "that a Governor may (and indeed must, if in his judgment it seems right) decide in opposition to the advice tendered him," and that it was not until 1875, when Earl Dufferin commuted a capital sentence on his own responsibility, that Mr. Blake, as Minister of Justice in the Mackenzie Administration, secured a change in the Imperial instructions, in consequence of which the instruction as to the use of the prerogative in capital cases now reads as follows: "We do hereby direct and enjoin that our said Governor-General shall not pardon or reprieve any (such) offender without first receiving in capital cases the advice of the Privy Council for our said Dominion, and in other cases the advice of one, at least, of his Ministers." In view of the previous acts and attitude of the Liberal party in all matters touching the exercise of the prerogative, it is somewhat startling to find some of the leading Liberal papers now calling on the Governor-General to act on his own responsibility in a matter of Canadian concern. It is true that desperate diseases may justify and even demand desperate remedies. But in this case the consequences of the action demanded would finally depend upon the action of the constituencies. If, then, the reaction against the Government in the constituencies is so strong that the result of a new general election would be to overthrow it, surely the same change of public sentiment can in some