

young Czar has a wonderful door lying open before him. The welfare of Europe is, in a large degree, in his hands. He could do more than any other man to perpetuate peace among the nations and bring about a general reduction of armaments. By a well-advised liberalizing of his Government, by introducing constitutional reforms, and giving the people gradually self-government, he might establish himself forever in the heart of the nation, and win, for himself, the liberty, which his father never enjoyed, of walking or driving among his people in safety. His course will be watched with great interest by all the world, and with the deepest anxiety by the millions under his irresponsible sway.

However difficult it may be to obtain reliable information with reference to the actual progress of the Japanese forces in their march through Manchuria towards Peking, there can be no reasonable doubt that they are having things pretty much their own way. The utter incapacity of the Chinese to offer any effective resistance will be one of the marvels of history. The latest rumour at the date of this writing, to the effect that China is imploring the intervention of the great European powers to put an end to the war, on the basis of the independence of Corea and the payment of an indemnity, is made plausible not only by what is known of the state of affairs in the field, but by the authentic statements made by Lord Roseberry in one of his recent speeches. The powers are all more or less interested in preventing the disintegration of China, but in the presence of so many conflicting interests and so much international jealousy, it is doubtful whether they can agree upon any definite recommendations. Jealousy of Great Britain will probably make it unwise or impossible for her to take the initiative, and it is doubtful whether there is any other nation which can do it. Certainly no one will attempt it single-handed, or without a distinct understanding with the rest. Even should they succeed in agreeing upon recommendations to be made to and urged upon Japan, it is doubtful whether, in the flush of victory achieved and the hope of greater to come, the Japanese Government will be in any listening mood. Will the powers apply coercion? It is scarcely probable. It would be difficult, on grounds generally recognized, to find a precedent for such an interference. There is, moreover, great force in the remark of the London *Chronicle*, that, if China desires peace, she should appeal directly to her conqueror. Japan would be but further copying European usages should she insist on that as a first step.

A broad hat does not always cover wise head.

THE CANADA REVUE CASE.

After mature deliberation, Mr Justice Doherty has pronounced judgment in the case of the proprietors of the *Canada Revue* against Archbishop Fabre, of Montreal. The points at issue, in this somewhat famous case, are no doubt fresh in the memories of most of our readers. In a pronouncement, or circular, which he caused to be read in all the churches within his diocese, the Archbishop forbade "until further order, all the faithful, under the penalty of refusal of the sacraments, to print, to place or keep on deposit, to sell, distribute, read, receive, or keep in their possession," the journal in question. That the result was great financial loss to the proprietors of the paper is admitted. The judgment of the court was in favor of the defendant at every point. The general principle on which the judgment is based is, as we understand it, somewhat as follows: The Catholic Church stands, in the eye of the law, on the same level with any other legalized society or body, with which men may connect themselves. The Archbishop's mandate did not, in any way, transcend the prerogative conferred on him by the members of that church. In criticising the publication in question, he had but exercised the right common to every citizen, so long as the criticism is fair and honest, and it had not been shown to be otherwise in this case. The right to prohibit, under penalty, the reading and circulation of the journal within his diocese, belonged to him, as bishop of Montreal, and even the plaintiff did not deny to the Archbishop, as such, the right to condemn heterodox writings and to forbid his people to read them. The Judge said:—

"The making of this particular rule is clearly shown to have been within the scope of the defendant's authority as Bishop, and the rule itself, not being in conflict with the law of the land—there being no law in this Province, and it not even being pretended that there is, making it unlawful for any association or body of men, religious, or otherwise, to constitute within itself an authority to serve as a guide to its members as to what they shall or shall not read, nor for the person vested with such authority to exercise it over the members of that society—it seems impossible to see in that exercise of authority an act wrongful, as being, under the law of the church, beyond the power of defendant as Bishop."

The judgment was ably and dispassionately reasoned, and it would ill become us to call in question either its impartiality or its legality. But the case suggests so many questions of public interest and stands so closely related to the freedom of the press, which we, as a people, prize so highly, that it cannot be amiss to call attention to some of the difficulties with which the judgment seems beset, and to suggest some of the consequences which it seems to carry with it.

We shall do this in a merely tentative form, without attempting to draw conclusions or make affirmations.

No malice was proved, says the Judge. Suppose malice had been proved would or should this have affected the judgment? Would not all the main arguments underlying it have remained the same? Had the court, on the principle on which the judgment is based, any right to inquire into the motive? Would not doing so have made the State, as represented by the court—for the court is, as itself affirmed, "the State itself, interpreting and applying the law" which itself, through the Legislator, had made—judge of a theological, ecclesiastical, or religious question?

It has been said with some force, though we are not sure whether the court used this argument, that the proprietors of the *Revue*, being members of the church, had thereby agreed to be bound by the laws of the church, one of which is, as they well knew, that the Archbishop has the right to tell the members of the church that they must refrain from this or that course of conduct, must refrain from reading or circulating this or that book or periodical, on pain of excommunication; therefore the said proprietors had no right to complain so long as they continued members of that church. But suppose they had not been members or had withdrawn from its communion before the action in question was taken, would that have affected the judgment of the court? Is there, in regard to an action for pecuniary damages, one law for members of a given church or society, and another law for those who are not members? It is but fair to repeat here that Judge Doherty distinctly affirms that the court knows the Catholic Church only "as it knows any other religious body, or any other association to which persons, being in the State and coming under the jurisdiction of the court, may belong, just to the extent which the State, through the Legislator, recognizes or permits the existence of such bodies or associations." Notwithstanding, or rather in accordance with this, there may perhaps be room for the question above suggested.

The Canadian courts have, we believe, distinctly established that the prelates and clergy of the Catholic Church shall not be permitted to use ecclesiastical intimidation in order to guide the action of its members in regard to the election of members of Parliament or Legislature. Wherein are the cases not parallel? If the Archbishop believes that moral or spiritual harm would result to members of the church within his diocese from the election of a certain candidate, or the success of a certain party, is it not within his jurisdiction to tell them so, and to forbid them, on pain of the refusal of the sacraments, to vote or canvas for that candidate or party? Is it not at least within his jurisdiction to forbid them to read any argument or appeal which may be put forth in favour of