

# THE WEEK.

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## THE WEEK:

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THE recent great meetings in Montreal, Toronto and other parts of the country have made it very clear that the Equal Rights agitation is not dead. The subjects with which it deals are still and are likely to be for many days to come the most exciting and, in the issues involved, the most important subjects before the people of Canada. Nor can it be said that the orators on the one side or on the other are merely beating the air. The recent speeches of leading men representing the three parties concerned, for three there manifestly are, have done much to narrow and define the issue involved, so far as it is purely political. That issue is simply this. What are the true constitutional relations between the Federal and the Local Governments? In other words, what are the proper limitations of the rights of self-government retained by or accorded to the provinces, under the British North America Act? It is the question of the veto power, pure and simple? It is not necessary for our present purpose that we should affirm or deny the validity of Mr. Laurier's claim that the Liberals have always maintained that the veto could not be constitutionally exercised against provincial legislation that was strictly *intra vires* of the Legislature enacting it. Nor is it necessary that we should express an opinion as to whether the Conservative Government's present position in regard to the question is consistent or otherwise with its past acts and attitude in respect to disallowance. It is evident that Sir John A. Macdonald and his Government on the one hand, and Mr. Laurier and the other leaders of the Opposition on the other, are now at one in maintaining the doctrine of "Provincial Rights" as popularly understood. The Premier made his position very clear in his recent speech at Westport. "The Parliament of Canada," he said, "had no more to do with the Jesuits' Estates Act than the Congress of the United States." "It was an Act passed by the Legislature of the Province of Quebec. Be it right or be it wrong, that was no affair of ours. It was within the limits of their constitution, and they had the right to pass it if they chose. What is the meaning of free government? It means a government where the people have the right to rule or misrule themselves as they choose." He could hardly have used language stronger or more definite than these and other words spoken in the same con-

nection. The Liberal affirmation of the same view by the mouths of Mr. Laurier, Mr. Mills and others is equally positive and emphatic. On the other hand Mr. Dalton McCarthy, Principal Caven, and other prominent leaders of the Equal Rights movement have no less positively pledged themselves to the opposite opinion. Mr. McCarthy appealed to his Montreal hearers to let it be distinctly understood that "all provincial laws must be subservient to the general good." Principal Caven tells us that the Equal Rights Association hold that the Act should have been vetoed whether it was or was not *intra vires*. Here then is the battle-ground on which the great constitutional question is to be fought. Whatever the Protestantism of Ontario may be constrained to do under the pressure of outraged feeling, few things are more certain than that the people of the other provinces will not consent to accept an interpretation of the Constitution which would leave their legislation at the mercy of a party Government and a parliamentary majority at Ottawa, which might some day mean,—and this is a point which the Protestants of Ontario would do well to ponder—at the mercy of the solid French-Canadian vote.

IT is, to say the least, unfortunate that the question of Equal Rights for people of all creeds and classes in Canada should have been complicated with the demand for the disallowance of the Jesuits' Estates Act. The one involves a broad, fundamental principle. The other rests upon an interpretation of the Constitution which is, at least, doubtful. There is a wide difference between a movement for the removal of certain unjust and mischievous anomalies from the Constitution, and one for the disallowance of a specific Act of a Provincial Legislature which was probably within its powers. We are glad to see the leaders of the Equal Rights Association coming out so boldly in regard to the larger question, which involves constitutional reform. When Dr. Caven speaks of the Jesuits' Estates Act as an endowment of the Jesuits; when he says that, "To say that we persecute the Jesuits because we disapprove of bestowing upon them public money is surely to confound things that differ," it is hard to resist the feeling that he is unwittingly paltering with the words "endowment" and "public" in a double sense, and thus himself confounding things that differ. As we have before pointed out, the Act in question distinctly shows that the award is not given as an endowment. May we not add that the money so bestowed is not "public" money to any Canadian not a citizen of Quebec. This is obvious since no such Canadian has any right to a voice in its bestowal. But when Dr. Caven takes broader ground, when he maintains that "people of all races, classes, and creeds should stand on the same ground before the law," he will find, we feel sure, very many to agree with him who are quite unable to endorse his views in respect to the use of the veto-power. As every one knows, all races, classes, and creeds do not now stand on the same ground before the law. The Constitution makes a difference in that it gives to the Church of Quebec, to a very considerable extent, the powers and prerogatives of a State Church. But surely the way to remedy this is to reform, not to over-ride, the Constitution. Mr. Dalton McCarthy sees this clearly. Witness the following from his Montreal speech, as reported: "There was much room for reform. It was a disgrace to our civilization that it should be in the power of any institution to exact tithes. That old law of 1774 should not be like the laws of the Medes and Persians, unalterable; but they should have the power to amend the Constitution within certain limits. They were the only free people in the world, he believed, that did not have the right to amend their Constitution. Surely they should have the power, in the interest of the people, to do away with such a law. It was a reform that ought to be advocated." This is logical and to the point. Are the majority of the Canadian people prepared to amend the Constitution, in the interests of the French Catholics of Quebec, who may still pay tithes if they choose, but should no longer be compelled to do so, in a country which claims to be free? Are we morally bound for all time to come by the treaties and acts of a past century?

IN our comments upon Mr. Laurier's emphatic affirmation, in his Pavilion speech, that he was not one of those who desired to see a Canadian French nation on the shores of the St. Lawrence, we intimated that there was great reason to doubt whether in this he represented the majority of his fellow-countrymen. The fear has since been confirmed by the comments of some influential French papers. *La Verité* is particularly outspoken. It boldly declares that "the end towards which the patriotic aspirations of the French-Canadian people have tended for two centuries and a half" is nothing less than "the foundation of a French-Canadian and Catholic State, having for its mission to continue in America the glorious work of our ancestors." As if to guard against any possibility of mistake it emphatically repeats and explains the statement. "Once more, we wish French Canada to one day become an absolutely self governing country, living her own life, and having a distinct place among the nations of the earth." The declaration is, it is true, accompanied with an assurance that it is desired that "the change should be made naturally, in peace, without disturbance or revolution, by mutual consent." But if mutual consent cannot be gained, and nothing future can be surer than that it never can be gained, what then? It is not worth while to ask. The idea is an empty dream, though, if it is, or should unhappily become the dream of a majority of French-Canadians, it might become a very mischievous dream. The thing is impossible. The battle of the Plains of Abraham settled the future of British North America, decreed that it shall be for all time to come the home of British, or rather of Anglo-Saxon free institutions. Those Canadians who now most seriously object to anything that savours of interference with that local autonomy which is secured to Quebec, not more by the British North America Act than by the genius of Anglo-Saxon freedom, would be the first to rise up and declare that no French nation, directed by Italian priests, dominated by monastic and mediæval ideas and institutions, and glorying in its subserviency to clerical intolerance and papal absolutism, shall ever be allowed to cut English-speaking Canada in two, and divide its free provinces from each other. The Ultramontane journals of Quebec could not more effectively promote the movement to sweep away all the special powers and privileges now enjoyed by the Catholic clergy in Quebec, than by following in the lines thus laid down by *La Verité*.

PREMIER MERCIER'S reply to the resolutions of the Protestant Committee of the Council of Public Instruction, agreeing to accept and distribute the sum set apart by the Jesuits' Estates Act for Protestant Education, is, in some respects, a singular document. Mr. Mercier commences with the statement that he understands that the Protestant Committee "accept in the name of the Protestants of the province the public trust imposed upon them to distribute the \$60,000 given them by the Jesuits' Estates Act." Mr. Mercier, as one well versed in constitutional matters, must know well that the members of the Protestant Committee, being appointed by the Government, not chosen by the people or directly answerable to them, have no power to accept anything in the name of the Protestants of the Province. They are not directly responsible to anybody save those from whom they received their appointment. Mr. Mercier's anxiety to regard their actions as that of the Protestant minority shows how well he appreciates the situation in which the Protestants of Quebec will be placed in regard to the Jesuits' Estates Act, if they permit this money to be used in the support of their educational institutions. Is the Protestant Committee not bound to reply that not being a representative body they cannot act in the name of the Protestants of Quebec, but only as the appointees of Government? Will they not otherwise permit themselves to be placed in a false position? Again, Mr. Mercier's answer to the condition touching the restoration of the trust is curiously indefinite if not evasive. The condition was that the superior education, in existence before the Jesuits' Estates Act, be restored. The reply, substantiated by official correspondence, is in effect, that the intention of the Government from the first was to continue to both Catholics and Protestants the sums they had been