

ernment, and therefore that no lien, moral, equitable, or legal, upon the proceeds of the sale existed in favour of any one but Her Majesty.

With these mutual concessions formally made, unequivocally expressed, and firmly ratified, we are able to arrive at an exact estimate of what has been done by the Legislature; and that is, first, that \$400,000, not the proceeds of the sale, but of "any public money" at the disposal of the Government, is voted to His Holiness the Pope. The enacting part of the statute loses altogether the complexion of a fulfilment of a moral obligation to the Jesuits, past or present, but takes the form of a voluntary grant of public money to the Pope, to be disposed of according to his wishes, subject only to the limitation or condition that it shall be expended in the Province. The only compensation given to the Jesuits is the grant of Laprairie Common, which is a free grant, expressly made in commemoration of the event, and not as a restitution of property.

While the Act ratifies the agreement, it will appear on careful perusal that it does not complete or render final the settlement, though that would appear to be so from a superficial reading. The Legislature has bound itself, in so far as it can, to carry out the arrangements, that is, to hold the proceeds of the sale at the disposal of the Pope. It does not provide that the gift of \$400,000 is to be in full of the proceeds of the sale; so that, while the Pope is entitled to say that he shall retain the whole of this sum in case the estates produce less, the Government having taken this risk, there is nothing to prevent His Holiness from demanding all that the estates may produce in excess of this, if hereafter they shall be found to produce more; for the express stipulation is that the proceeds of sale shall be held for him. The inconsistency of the negotiations at this point is remarkable. It could not fail to escape observation that the Pope required the proceeds of the sale to be held for him, and that the authority of his agent was limited, and yet the offer of \$400,000 is not made in substitution or satisfaction of the proceeds of sale. In making any future claim there will be a much more firm basis therefor than there was at the inception of the correspondence. In fact the seventh section of the Act expressly provides that the proceeds of the property may be applied "for the above mentioned purposes," and though it is true that the Legislature proceeds to say "or for any other purposes approved by the Legislature," it is not likely that any higher or other claim than that expressly provided for by this act will be recognized by any Government or Legislature as faithful to His Holiness as the present.

In its constitutional aspect the Act is most decidedly objectionable in two points; and however the people of the Province at large may feel, one is somewhat surprised to find that ministers of the Crown as such, and the Lieutenant-Governor, could have assented to the passing of the Act in its present form, while the same end might possibly have been reached in another way. The grave objections to the measure have already been indicated, and may be shortly stated thus:—The Government, recognizing the property as belonging to Her Majesty and forming part of the Crown Lands of the Province, have asked, received and acted upon the permission of a foreigner to deal with them; and further they have placed at the disposal of the same foreigner \$400,000 of the public moneys, or in other words, while the expenditure of public funds should be directed by those constitutional methods which every faithful Government is bound to observe, the Legislature has abdicated its functions in favour of the Pope, and has unconstitutionally committed to His Holiness the disposition and distribution of nearly half a million in the Province.

With respect to the first point, the seeking of foreign "permission," authority, direction, or, call it what you will, to deal with Crown lands is an act which amounts almost, if not altogether, to an abnegation of the sovereignty of Her Majesty. It is a surrender of governmental powers to the direction of a foreigner, and so, indirectly, an acknowledgment of his sovereignty. This is especially remarkable in the case of a Colonial Legislature, as it derives its authority, not from the power given to it by the people (who in this case are probably in complete harmony with the Legislature), but from the Act of the Imperial Parliament. If any doubt should exist as to the effect of subjecting the property or subjects of Her Majesty to foreign control, it may speedily be dispelled by a reference to the judgment of Vice-Chancellor Proudfoot in *International Bridge Company v. Canada Southern R. R. Company*, reported in 28th Grant at page 114, where his Lordship characterizes any attempt to subject Canadian interests to foreign legislation as unconstitutional. The question arose as to the signification of concurrent Acts of the Parliament of Canada and the Legislature of New York, or the Congress of the United States, incorporating Bridge Companies to bridge the Niagara River. His Lordship says: "Each country has assented to the corporation created by it uniting with the corporation created by the other, and bringing into the union the rights and liabilities conferred or imposed upon it, and certainly Canada has not introduced the provisions of any Act of Congress passed subsequent to the union applying to the united company. Were the Canadian Parliament to endeavour to do so—to say that Canadian subjects and Canadian corporations are to be subject to legislation that might be passed by Congress, it would, I apprehend, be unconstitutional; it would be authorizing a foreign power to legislate for its subjects, an abdication of sovereignty inconsistent with its relation to the Empire of which it forms a part." In like terms may we characterize the action of the Legislature in deferring to a foreign authority in disposing of Crown lands.

Much more objectionable is the placing of public funds at foreign disposal. The fact that the money is to be expended within the Province does not weaken, but rather strengthens, the objection; for it introduces the element of a foreign sovereignty into the Province. The Provincial Legislature might well retain its legislative and governmental powers while parting with money in favour of a foreign power. Such instances as the voting of public funds to foreign charitable or humane objects at once suggest themselves. But the invitation to control the public purse of the Province to one who claims sovereign power in all parts of world, and whose faithful children would gladly see the actual return of the temporal power, is objectionable in the extreme. The Legislature subordinates itself to the foreign authority, becomes its trustee, its mere minister, promising obedience to all commands respecting the distribution of so much of the Provincial funds. No more objectionable action could be taken by any trustees of governing power, whether constitutional or not; but it is surprising if any doubt does exist as to the unconstitutional action of the Legislature in this respect.

We may here endeavour to dispel the vulgar impression that the inhabitants of Quebec have peculiar constitutional rights depending upon treaty with France. They have none. Canada was ceded to Great Britain "in the most ample manner and form, without restriction." The King agreed, however, "to grant the liberty of the Catholic religion to the inhabitants of Canada," and to give orders "that his new Roman Catholic subjects may profess the worship of their religion, according to the rites of the Romish Church, as far as the laws of Great Britain permit." It would be strange indeed if Great Britain, having achieved the conquest of Canada, should immediately place herself under a continuing obligation to France as to the mode of government of the inhabitants. On the contrary, His Majesty allows freedom of worship and profession of religion, insisting at the same time upon the supremacy of the laws of Great Britain. If any special privileges exist in favour of certain bodies or classes of the inhabitants of Quebec, they depend upon laws passed by themselves under the ample powers of self-government which the Parliament of Great Britain has given them, and not upon the obligation of Great Britain to render an account to France for her method of government in Quebec.

The policy of Great Britain, and of most of her colonies, has been to prevent the property of the nation from falling into mortmain. Every colonial Legislature may frame its own policy, and if it sees fit to depart from what has for centuries been considered a wise principle of government, it is at liberty to do so. In this aspect it cannot be charged as unconstitutional that the public property should be directed into an unproductive and unremunerative channel. It is a matter of policy only. But it is a distinct and overt act of infidelity to British constitutional usage and government to subject Crown property and public funds to the disposition and control of a foreign power.

EDWARD DOUGLAS ARMOUR.

SLEEP.

How sweet to sleep when the day's task is o'er!
When Nature bars the golden gates of light;
And all the world, lulled with the breath of night,
Lies hushed to dreams. By some Lethæan shore,
Man sinks to rest; nor asks one blessing more—
His freighted barque of Memory, in sight
Of port, furls all her storm-torn sails; and bright,
Loved faces greet him, as in days of yore.

But sweeter far their hallowed sleep, on whom
Life's sun has set—who bravely strove to keep
The single path of Right; and thro' the gloom
And shine dispersed rich seeds of Love to reap
A full ripe sheaf, beyond the empty tomb—
How blest their visions!—Oh, how sweet to sleep!

HENRY HERBERT PITTMAN.

LONDON LETTER.

CLOSE to the dull and decorous street of small houses built on the site of Old Marylebone Gardens stands the queerest little wayside church, chapel-of-ease to the great St. Mary's hard by. By chance I turned through the old iron gates this morning from out of the old-fashioned High Street, and with the gardener for a guide went wandering about the pretty cemetery, stopping here and there at his points of view, listening to his quiet, slow voice as he told me the history of the quaint building at our back, or spoke of the illustrious dead under his care. It happened to be his luncheon time, for clearly he had nothing to do but pace the paths with his hands behind him, so I, profiting by his leisure, loitered too. First, after locking the gates—we were in the mood to be exclusive and did not require that any member of the youthful populace should follow us in—we waited by the large, flat, brick grave near the entrance on the left while he told me that Hogarth came here to paint this identical stone for his picture in which the Idle Apprentice is playing cards close to the church porch during the service. Then we moved on a space to where Allan Ramsay sleeps the sleep of the just (that capable but unequal painter is represented at the Stuart Exhibition by his dreadful portrait of Flora Macdonald, lent by the Bodleian Library), and leaving Rysbrack the sculptor on our right we stayed in front of Charles Wesley, whose conspicuous monument occupies a

centre position. It makes one start to meet for the first time, in a churchyard, those whose voices and faces have been familiar to one for years through their books; and I had to read the epitaph over and over again before I could persuade myself that this tall column really covered the coffin of Charles, child of Susannah, mother of famous John. There is something attractive I think in the last resting place of those to whom we are bound by all manner of ties, who, knowing nothing of us, have yet become part and parcel of our lives, and standing by the stone I could appreciate the feeling with which pious souls seek shrines.

It is a life which one realises so little, that existence cheerfully led by the Wesleys at Oxford, in America, and afterwards in England; religion pretty much their one aim and thought, a life as full of self-denial, and as astonishing to the ordinary selfish worldly looker-on as that lived by the father and mother of W. E. Forster. I suppose we have all taken an interest in the little band of Reformers, have visited Frederica, under Oglethorpe's care, with Charles, and have partaken with John of his gingerbread in the forest after that somewhat discreditable affair in which of a surety the Reverend gentleman did not shine, and though one's enthusiasm does not carry one as far as did Coleridge's when he declared that no other book was so often in his hands as Southey's *Memoirs of Wesley*, yet to most of us the poet's truthful, sagacious talk of the brothers and their friends appeals.

As the light snow drifted over the mounds and crosses, and my guide murmured at my side, all sorts of recollections came into my mind, and I seemed again to be listening to Mrs. Wesley's eager account of that wonderful Jacobite, the Epworth ghost, and of the dreadful fire from which John was snatched, a brand from the burning, and I heard Sam's upbraiding voice in Dean's Yard, and John's wife scolding as she turned out her husband's pockets and read every foolish line written by the religious ladies of his community; and Charles's singing tones in the pulpit of the chapel near Bunhill Fields, a pulpit the possession of which he was not allowed peacefully to retain. The small country parsonage, Westminster and Oxford to Georgia, Georgia back to England, anon to the graveyard of the little village of St. Mary-le-bourne, these are some of the shifting scenes of the drama. How soon it is all over! How swiftly the actors run through their parts, and quick the curtain descends on a play in which the principal rôles were admirably performed on the whole, in spite of certain faults of taste, and in which even the supers, such as Alexander Mather, and Sampson Stanforth, honestly did their best. The motive of the play was not of the common, the moral excellent. Whether the audience applauded wisely I cannot tell, these things are so much a matter of opinion; but the dispassioned looker-on of to-day, untouched by the fever of the Methodist revival, can find I suppose much to condemn as well as to approve in the life-work of this quiet dead person at my feet. That there was vanity in both brothers no one can doubt (you will recollect Walpole's account of the preaching of John), and a lack of submission to their pastors and masters, traits easy enough to find in their followers; but that they were truly religious in the best sense of the word, as honest, too, as it is possible for frail human beings to be, outspoken, just, no one can deny. From so many of their friends one hears the same account of their sweetness of temper and extraordinary piety. One would like to have met them, dressed in their plain clothes, with never a toss of powder in their hair. It would have been a proud moment for Mrs. Wesley, notable managing mother of that enormous family of nineteen children, if she too could have seen among the great of the earth her sons' familiar profiles in Westminster Abbey; if she too could have read what succeeding generations have said of her boys. Every one knows how she educated these brothers and sisters on terribly narrow means, amongst other duties holding prayer-meetings, and disdaining not to blow a horn round the house so as to alarm the rats, the probable origination of the disturbances in the parsonage (by the way it is not likely that Martha Wesley who later deceived her family in the matter of Mr. Hall was in reality the originator of Old Jeffrey and his knockings) keeping strictly the while to those Jacobite principles which her sons inherited. This extraordinary exemplary woman, as Southey calls her, played no unimportant part in the Epworth household, and one cannot wonder at the affection in which she was held. It is part of her reward that when one thinks or speaks of her famous sons, whose names are known wherever English is spoken, one thinks and speaks as well of her, the obscure country clergyman's wife, who did so much to make those sons what they were.

Into the little church next we sauntered, to find Baretti of all people looking at us from the wall, that same fiery Italian to whose good character Johnson gave evidence, the tutor of Queenie Thrale, the hated of her flippant mother, carved by Banks—that excellent sculptor's *chef-d'œuvre* is I think the sleeping figure of Pelelope Boothby, a charming red-haired child whom Reynolds painted, who died at six years of age, and is buried at Ashbourne in the Peak country—and very like Sir Joshua's portrait of the Foreign Secretary to the Royal Academy: the *basso relievo* ornaments the dim aisle with its unlooked-for presence, to the pleasure of the visitors who come. Yet another touch of interest is given by the font, at which Byron, born in Holles street in the parish, was christened; and indeed the little place has been much honoured in its time, for Phiz came here to make the drawing for David Copperfield's wedding. The artist exaggerated so many of the details—a trick he often fell into—and the interior has been so much altered since then, it would be impossible now to recognize the portrait. To the old church, which stood here