

of a higher intelligence, and quite above comparison with ordinary art critics. Doubtless "J. W. G." feels his own inferiority to these great personages, and I do not object to his humility; but this is an independent country, and I may be excused if I express my belief that there are Canadians who know quite as much and even more on some subjects than many Royal Highnesses.

As to "J. W. G.'s" very generous offer with regard to presenting Mr. Popham to the city of Ottawa, I fancy there may be others who have a right to a voice in the matter. Surely "J. W. G." does not profess to be possessed of Mr. Popham? Indeed, judging from the letter, I should fear he is possessed of a far more evil and malicious spirit; and since we cannot give away that which we do not possess, I think "J. W. G." should have consulted his fellow citizens before offering up Mr. Popham. But perhaps he might have found Montrealers more willing that he himself, with all his anonymous charms, should be given a gift to the good city of Ottawa. Still, I myself, as a fellow citizen, would not willingly part with "J. W. G." After all, he may not be half a bad fellow, if he would not let his angry passions rise. Perhaps he is an artist, one of those embryo academicians, and Mr. Popham's sharp pen may have scratched him severely. What is the old proverb, "Scratch a Russian and you find a Tartar," is it not? Scratch an artist and you find a—what? "J. W. G." may find a name for himself; at all events, we may be sure the iron has entered deeply into his soul, else the irony would never flow so frantically from his pen. But I am not mad, most noble "J. W. G." Being of the softer sex, I never—well, hardly ever—get mad at artists, art critics, or any one who knows anything on any subject.

For my part I would fain keep all these clever people in Montreal, and if we could only coax them to give us their ideas pleasantly and politely through the columns of the SPECTATOR they might greatly elevate and educate us poor folk who don't know much about anything, but who can always find plenty of sarcasm, personalities and ill-natured abuse in the Daily Press. Why not make the SPECTATOR a happy hunting ground where well-bred, cultivated people may freely exchange their ideas and even enter into argument in a good natured and friendly manner, unmixed with ire and acrimony.

"For on subjects such as these,
Good manners always please,
And a charmingly gentlemanly tone implants,
Well pleasing to your sisters, and your cousins, and your aunts."

And particularly pleasing to

Your affectionate old aunt,

Euphrosyne.

I thoroughly agree with "Euphrosyne," and regret very much that the letter of "J. W. G." appeared in the columns of the SPECTATOR. Being busy in preparing to leave Montreal for a few days, I was unable to read the letter, and supposing that art critics would use fair and respectful language toward each other, it was inserted without the usual supervision. Mr. Popham wrote over his own name—indulged in no personalities, so far as I am aware, and certainly deserved the like courtesy from any one dealing with the same subject in answer to him. Let gentlemen discuss all matters which concern themselves or the public—let them disagree, as even doctors may—but this indulgence in personalities is worse than silly—it exhibits an utter lack of culture, an ignorance of the ways of polite society, and the absence of all manly sentiment. When writers of editorials or of letters to papers resort to vulgar abuse they may be quite sure that they accomplish nothing worth the doing, and only make it manifest that they have a bad cause and a worse principle.

It is bad enough, too bad altogether, that men should abuse each other in newspaper editorials and over their proper signature, but when that is done over a mere *nom de plume*, it is a thousand times worse. It is a sure indication that the writer is either a liar or a contemptible coward. He wants to give a stab at some one's reputation—or vent his spleen without running the risk of being called to account by the persons injured. The only wonder is that newspapers can be found to admit these scurrilous scribbles, for it is opposed in principle and practice to all that is sound and healthy in journalism. With one or two exceptions, the Canadian press is fairly well free from this degradation. For that one or two there is no hope of a better state of things until they have changed hands, for they are so hopelessly bad now that when the editors and others connected with them cannot find any one outside to do their dirty work—afraid of saying all they want in an editorial, they concoct letters in their own offices and make pretence that they are from correspondents. This, it will be conceded, is the most cowardly and despicable form of journalism known within the limits of civilization, and the men who practice it are pitifully degraded.

EDITOR.

PROPERTY AND CIVIL RIGHTS.

Property, says the Socialist, is robbery. Arguing from this axiom, he maintains that no man is entitled to hold property as his own, however acquired; that it belongs entirely to the State, which can dispose of it as it may determine. Hence, by his theory, no title deeds are of any value; no trusts for any purpose are sacred; everything is at the caprice of the particular body which may for the time being represent the State, and which can deprive any man of the fruits of his labours and render abortive the most skilfully devised precautions to secure them to his heirs or to any object for which he believes it to be desirable he should provide.

If men would only think for themselves and not be led by the nose by others, they would see that these Socialistic demands have been given effect to, without the smallest intention and with no idea of doing so, by a judgment lately rendered in the Superior Court of Montreal, by Mr. Justice Jetté, in the case of *Dobie vs. The Temporalities' Board*. The same principle, I may remark, has led to similar decisions in the cases of individual congregations, by which the clearest title deeds were set aside. That principle was, however, less distinctly brought out in them than in the case now before us. Having, in a pamphlet, already published a history of the claims of the adherents of the Church of Scotland, I have no intention of going over ground already traversed. There are aspects of the case of general interest, and it is to these that I desire to call attention.

Acting upon the theory, that the provisions of the Act of Confederation give them power to dispose of private property, the Local Legislatures passed Acts to effect a junction of certain ecclesiastical bodies, and transferred a Fund held for the benefit of a particular Church, under a carefully guarded Trust, from those for whose benefit the Trust had been constituted, to individuals who do not come within the scope of the Trust, but who, on the contrary, have been specially excluded from it. Mr. Justice Jetté by his decision maintains the right of Local Legislatures so to dispose of private property, and declares that the Courts cannot interfere even if the rights of parties to the Fund in question be conclusively established. The learned Justice says:

"If the petitioner seeks to complain of the arbitrariness and injustice of these legislative enactments, which deprive him of rights of property which he considered inviolable, I must answer him that it is not my mission to accord him a protection which the law refuses" (meaning thereby these local acts), "and that nothing would be more dangerous than for the Courts to assume the power to reject a positive law under the pretext that it was unjust."

In another part of the judgment, the learned judge declines to consider the question of the proprietorship of the Fund, on the ground that all the Court has to do is to see if an Act complained of deals with matters on which the Local Legislature is empowered to legislate, and supports this view by the provision of the Confederation Act on the subject, to be found in the 92nd section.

"In each Province the Legislature may exclusively make laws *in relation to* . . . —13, Property and Civil Rights in the Province."

That, according to the present judgment, deprives every property holder, incorporated company, benevolent institution, &c. of all claim to the property they hold, and transfers it to the State, thus subjecting every man's property and civil rights to the caprice of a body of men who *may* act justly, but have not always done so. Russia, it is said, is a despotism tempered by assassination. If this judgment be good law Canada is under a despotism without mitigation.

Taking it for granted that this authoritative exposition of the law is correct, let us see how it works, as an illustration may reach where argument fails. There is a highly respectable club in Montreal called the St. James' Club. Mr. Harrison Stephens has a valuable property adjoining, the possession of which, and of the beautiful mansion erected on it, would add greatly to the amenity of the Club and the enjoyment of its members. Under Mr. Justice Jetté's ruling, it would only be necessary for the influential gentlemen composing the Club to lobby a bill through the Local Legislature, to secure this highly desirable residence. Mr. Stephens on applying to the learned judge would be told (I quote his own words):

"The Courts are not the guardians of the rights of the people, except as those rights are secured by some constitutional provision which comes within the judicial cognizance."

And the ground for this refusal of redress to Mr. Stephens is the provision, that "the Local Legislatures may exclusively make laws *in relation to* property and Civil Rights" which Mr. Justice Jetté interprets as giving all private property to the Local Legislatures, instead of its being simply the definition of their powers to enact regulations relating to the mode of transfer, registration and the laws by which members of the community are to be guided in their dealings with each other. As the powers of the Local Legislature are unrestricted the members of the St. James' Club need not flatter themselves that they are secure in possession of their "ill gotten gear." The Political Economy Club, at present without a local habitat, has only to get another bill passed by the same Legislature to secure the property of the St. James' Club *plus* that of