

forcibly to regain and retain the society of his wife. The law, as settled by the Court of Appeal, is, in effect, that, unless under very exceptional circumstances, the husband has no more power over the personal liberty of his wife than over that of any other woman. As the *Morning Post* says "the theory that the wife is the property of the husband—part of his 'goods and chattels'—to be dealt with as he pleases, so forcibly expressed by the leading character in 'The Taming of the Shrew,' is no part of the law of England. The summary remedy of *habeas corpus* has disposed of the question in a most satisfactory manner." All the leading English papers, so far as we have observed, are agreed that the principle laid down by the Lords of Appeal is, as the *Times* admits, "in harmony with modern feeling and with modern legislation." It is conceded to be reasonable and right that a man and a woman cannot be compelled to live together against the will of either. But several influential papers, including the *Times* and the *Chronicle*, denounce as a flagrant injustice, as well as a legal absurdity, the fact that while the husband is thus liable to be deprived in perpetuity of his wife's society he is still bound to regard himself as her husband, responsible for her debts, and to some extent, perhaps, for her actions. The question thus raised is, in fact, that of the justice and propriety of an extension of the law of divorce. "If," says the *Chronicle*, "a man and a woman cannot live with each other, and if the courts refuse to compel them to do so against their will, why should they be doomed to celibacy till one or the other dies?" Clearly it is among the possibilities of the near future that the decision pronounced by the Court of Appeal may give rise to a successful agitation in favour of making desertion by either party a ground for divorce. There is undoubted force in the argument. It is easy to conceive of cases of great hardship and injustice as the outcome of such a state of the law. But most general laws, however salutary on the whole, bear hard in individual cases. Before either the British people or their Parliament enlarge so greatly the scope of the law of divorce they will be likely to count the cost a good many times. Especially will they consider seriously the effect which making the terms of separation so easy would be likely to have, on the one hand, in multiplying hasty and ill-considered marriages, and, on the other, in lessening the force of the many weighty motives which are now brought to bear for the promotion of mutual kindness and forbearance in the conjugal relationship. So practical a people will scarcely be able to shut their eyes to the great train of social and moral evils that would inevitably follow in the train of divorce made easy.

THE defeat of the British Government in the House of Commons, and the passing for the first time, by a majority of thirty, of Mr. Pease's annual motion for the suppression of the opium traffic in India, was a very significant, and to those who believe that the love of righteousness should be the supreme motive in the Parliament and in the nation, a very hopeful event. Notwithstanding the heartless sneers of the *Times* and the *Standard* at what the one is pleased to call "a spasm of cheap puritanism," and the other "the demand of a coterie of fussy sentimentalists," it is impossible for any one who has a knowledge of the facts, and in whom the ethical sense is not utterly torpid, to deny that the policy and practice at which the resolution is aimed are iniquitous in a degree which language can scarcely exaggerate. The history of the series of utterly unjustifiable wars, or butcheries, by which the British Government forced the Chinese Empire to open its gates to the opium trade, is, undeniably, one of the foulest blots upon the annals of that or any other Christian nation. And the manner in which the advantages gained by those wars are to this day utilized by the Government of India, with Great Britain's consent and approval, is, as any impartial mind must admit, not a whit less iniquitous. The whole business affords a most striking and painful example of the extent to which the conscience of even a Christian nation can be narcotized by revenue considerations. The Indian Government's monopoly of the manufacture of opium in Bengal brings in an average annual revenue of about 2,725,000 pounds sterling. In order to secure this, the Queen of Great Britain and Empress of India becomes, in the words of Mr. David McLaren, J.P., "probably by far the largest manufacturer in the world; and that of an article not one grain of which dare be sold in her home territories, even for medicine, without being marked POISON." And yet about 90,000 chests, of about 140 pounds each, of this drug are shipped annually to China and the Straits Settlements. The whole

of this amount is not, it is true, manufactured under the Government monopoly in Bengal. A considerable part of it is the product of the Native States of Central India. But before this *Malwa* opium, as it is called, can reach a port of shipment it must pass through British territory, and the Government derives its revenue from this in the shape of a heavy transit duty, which brings in an annual income of about 1,825,000 pounds sterling. Thus it will be seen that the suppression of the traffic would mean a loss to the Indian Government of more than four and a-half, or as stated in round numbers by Mr. Smith, Government Leader in the Commons, about five millions of pounds annually. This deficiency would probably have to be made up by the British Government. It would no doubt be very hard on the British tax-payer, but the law of righteousness compels a nation as an individual to atone for past iniquities. It would be unnecessary, even had we the space, to attempt a description of the results of this traffic both in China and in some parts of India. The testimony of merchants, travellers, physicians, missionaries, Government ambassadors and officers, Chinese statesmen, in a word, of observers of all classes, is that the effects are awful beyond all description. Once the taste is formed, the craving becomes so irresistible that the smoker will stop short of no crime to appease it. A noble business this, truly, for a great Christian nation to be engaged in! And yet those who would have Great Britain wash its hands of it are "fussy sentimentalists," affected with "a spasm of cheap puritanism." The kind of sentimentalism and puritanism which poured out millions of British gold to purchase the freedom of African slaves throughout the Empire may be trusted, at no distant day, to wipe out at still greater cost this crying national iniquity.

THE NEWFOUNDLAND CASE—THE CRISIS OF THE EMPIRE.*

CHAPTER V.

EVENTS move fast; and what an hour ago was a speculative possibility, the next seems to convert into an imperative necessity. While these pages have been passing through the Press, the Newfoundland crisis has come up over the Imperial horizon like a tropical cloud.

The case of our Newfoundland fellow-colonists, in some respects, is strong. The rights claimed by a foreign nation upon the "French shore" of Newfoundland, not only in the expanded form now sought to be given them, but even as hitherto enjoyed, are becoming an intolerable anachronism. The Island of Newfoundland is no longer, as it was at the date of the Treaties of Paris and Utrecht, a mere landing-place of European fishermen. In law, it cannot now be regarded as it was once termed—"A British ship anchored in the ocean." It has become a peopled colony, with its Local Government and its native British subjects, feeling, like other colonists, their citizenship and their rights.

At the same time, Newfoundland's case illustrates the difficulty of applying the broad modern doctrine of Colonial rights to comparatively small and isolated Provinces. They are preoccupied with local interests, and regard them wholly from a local point of view. It was to a great group of colonies, formed into the Canadian Confederation, that the principle of intervention in foreign diplomacy was first conceded, which in that case at least has grown into an indefeasible right. When acting together in large masses, varied and extended interests require to be considered. A regard for proportion and relation—the statesmanlike habit of mind—is enforced upon such a Government. Combined action will therefore represent, not only multiplied force, but a more probable assurance of prudent consideration, if not of justice.

The most vexatious privileges which French subjects enjoy upon the Newfoundland littoral are not secured by territorial *grant*. They rest upon a form of engagement that, following the analogies of private law, would be termed "a personal covenant" of the King of England. It was introduced into the Treaty of Versailles (1783) by way of rider upon the clauses of the Treaties of Utrecht and Paris. The form of this article was the cause of great debate between the French Minister and the English Plenipotentiaries. The French Government strenuously demanded a *grant* of an exclusive right in the shore. They reluctantly accepted as a compromise the *covenant* that was actually given. The French Government well understood the distinction. A *grant* would have been permanent, irrevocable, and directly enforceable by the arm of the French Government. The *covenant* gave no territorial footing. It did not even amount to the creation of what might be called an easement. The *covenant*, as it is, is one which no international court, if it existed, would undertake to enforce specifically. It would only adjudge compensation for non-fulfilment, in money or otherwise.

Circumstances have so changed since this *covenant* was given that it becomes a question whether this option,

implied by substituting the form of *Covenant* for the form of *Grant*, ought not to be availed of. The inconvenience in modern times of anything resembling an *imperium in imperio*, and the somewhat galling manner in which the French have overstrained their privileges, call for their extinction, in the interests of peace and good government. Compensation, to be adjudged if necessary by arbitration, is all that equity demands.

What is just, however, is not always expedient. To enforce a revision of the Treaties of Utrecht and Paris and Versailles at the present time might be to precipitate events that would not merely affect the welfare of the Empire and all its provinces, but would put the progress of Civilization in some peril. The present temper of France, strained with the burden of protracted armaments and burning with revenge delayed, is a constant danger to the world. *Chauvinism* in that country is an element as misanthropic, and almost as strong, as the Fenian influence was in the United States, until Mr. Gladstone drew its sting, first by concluding the Treaty of Washington, and afterwards by carrying through the Irish Church disestablishment and the first Irish Land Bill: whereby he entitled himself to the everlasting gratitude of the English race.

This state of mind in France is shared by nobler men than the Chauvinists. It has its inspiration in a true, though (as we may judge) misdirected, patriotism. Terrible and heartbreaking was the humiliation which fell upon the French nation in 1870. It was not merely the dissipation of its overweening dream of pride, fed upon the memories of victorious periods, when all the military genius of Europe seemed to be concentrated in its generals. It was not merely the absolute loss of the border provinces, once torn from Germany by the fortune of war, and now by the fortune of war restored to her. There was much more than this in the memories of Sedan and of the siege. In the eyes of Europe and in her own, France felt herself to be not merely unfortunate but disgraced. The revelation of corruption, weakness and incapacity, made by the war, depreciated her before the world and threatened to destroy the self-confidence of her own people. Her patriots did not lose their self-confidence. They felt, and continue to feel, a burning indignation against the injustice of the Fate, which first subjected France for twenty years to a villainous usurpation, the fruit of a midnight crime: which undermined her strength by a generation of that corrupting rule, under an Emperor, maintained by bayonets, but unredeemed by the one virtue of military usurpers—capacity: and thus having assiduously prepared defeat, flung the Country into the humiliations of 1870, with anticipatory boastings that made her fall ridiculous. Loaded with debt, with diminished territories, a perpetual monument of disgrace, a proud people was plunged into depression. There was reason to fear that the spirit of the nation might be broken. The hope of revenge became a saving tonic. France has recovered herself in reorganizing for the continuance of the *Vendetta*.

Unfortunately the Chauvinistic direction of the reviving spirit of France has received an impulse from an unexpected quarter.

European militarism and American protection are sister spirits. They show their kinship, when under the influence of the one the United States imitates the objects of the other. A false pride in the numbers covered by the flag of a nation, rather than in the common cause of human happiness—of which Governments, in their various spheres, are properly but the Ministers—this is the essential motive of European militarism. It is this which keeps the women of Central Europe at the plough, while the men are absorbed in maintaining the burden of their intolerable armaments.

Is not the same reactionary spirit shown when a great Government, on this continent, seeks to draw a line of industrial exclusion between America and Europe—when it sacrifices the industrial rights and interests of two neighbouring communities to a narrow and jealous trade policy—to the desire to compel an universal adoption, if not of one flag, at least of an unnatural trade system, based on political rather than on industrial considerations?

American humour was at fault when it invited the nations of the world to commemorate the Discovery of America, under the *ægis* of the McKinley Bill. The protective systems of Europe (like that of Canada) are but olive plants, arranged around that mighty parent tree, which throws its shadow over the United States. Such has been the example of America to Europe. Such, for almost a generation, has been the influence of the New World upon the Old. Should the storm clouds that hover over Europe eventually crash together in the most awful of modern wars, will not some part of the guilt of that disaster to humanity rest upon the head of the United States?

The chief grievance under which Newfoundlanders are becoming annually more restive is the French bounty system: the practice on the part of France of subsidizing her fishermen on the Banks, to the ruin of their native competitors. This is a legitimized abuse of the rights given to France by the Treaties. It is an injustice of the same nature as that to which (I have elsewhere pointed out) the United States desires the Nova Scotian fishermen to submit. Both foreign Governments claim for their subjects an equal right of fishing with the natives. Both make a very unjust return for this equal right. One Government, by protective duties, gives its subjects an exclusive command of its own market. The other, by bounties, enables its fishermen to undersell all others in

* This is the concluding chapter of Mr. Oliver Howland's forthcoming work entitled "The New Empire," the proof-sheets of which, through the courtesy of the publishers, we have been favoured with.