

race. We contemplate no severance of the bonds of affection which now bind Canadians to the land of their fathers. And, so far from such a peaceful separation, under the parental benediction, tending to still further divide the Anglo-Saxon race, we make bold to prophesy that the independence of Canada, whenever it comes, will put her in such a position as a mediator and connecting link between the two great branches of that race as will make her the most powerful influence in drawing them together, and bringing about that great reunion—in sympathy and friendship if in no closer alliance—of the whole English-speaking race, to which we confidently look forward as one of the greatest blessings which the future has in store for humanity.

SEVERAL of the French-Canadian leaders, on the side of the Government, have been making speeches of late, and it must be admitted that little fault can be found with either the tone or tenor of their utterances. Sir Hector Langevin, in Toronto, declares himself not a Provincialist, not a Quebec man, not an Ontario man, but a Dominion man. Hon. Mr. Taillon, leader of the Conservative minority in the Quebec Legislature, urges his French-Canadian countrymen to take pride in the name of Canadian, pure and simple, and to work hand-in-hand with all their other countrymen in developing the great resources of the Dominion. The Hon. J. A. Chapleau, in addressing his French-Canadian hearers at the St. Hilaire picnic, was still more pronounced on the side of nationalism as opposed to provincialism in feeling. "I am addressing," said he, "French Canadians. We are the minority in Confederation, but we should not so consider ourselves; we must not look upon ourselves as a separate nationality having right to favours. What we must ask are our rights and not favours." These are certainly broad and manly sentiments. Hon. Mr. Laurier is, it is announced, to visit Toronto, when we shall, no doubt, hear from his lips words equally re-assuring, in favour of Canadianism as opposed to sectionalism in feeling and aspiration. Words are, however, cheap, and while anxious to give to the representative men of both parties credit for sincerity in their utterances, we cannot forget that the true test of patriotism is action. Are these French leaders quite willing that their race and their religion should be placed on exactly the same footing in the Confederation as other races and religions; that they should have no special privileges or advantages of any kind? If so, no quarrel can ever arise to mar the harmony of the Confederation, for we do not suppose the most fiery member of Equal Rights Association, could ask anything more, or grant anything less than simple equality of rights and privileges. Possibly we should have to make a few exceptions, so far as the Jesuits of unhappy history are concerned.

OUR readers will not have forgotten the embarrassing situation which resulted some months ago from the appointment of Sir Henry Blake as Governor of Queensland, and the resolute objections taken to the appointment on behalf of that Colony, the affair resulting in a deadlock between the Home and Colonial Governments, which was only relieved by the voluntary resignation of Sir Henry Blake. This incident was followed by representations from the Governments of New South Wales and South Australia, to the effect that the Colonial Ministers interested ought to have the opportunity of expressing an opinion before the appointment of any Governor. It was also suggested that it might be desirable to limit the area of selection to "persons who have held high political office in England." In a despatch from Downing Street, dated July 8th, Lord Knutsford gives the final decision of the British Government in the matter. That decision is unfavourable to both propositions. The reasons assigned are certainly not without weight. It is pointed out that the limitation of the area of choice would have had the effect of making ineligible some of the most successful Governors who have hitherto held the positions. It is further hinted, with undoubted truth, though the fact may not be altogether gratifying to Colonial *amour propre*, that it might often be the case that persons who have held high political office in England, or have been members of the Imperial Parliament, might not be prepared "to retire from a promising public career at home in order to serve out of England for a term of years." The objections taken to consulting the Colonial authorities resolve themselves into questions of dignity touching the limitation of the Imperial prerogative, and of delicacy in regard to submitting the name of a proposed appointee for Colonial criticism. It is claimed by Lord Knutsford that the Dominion Government approves his decision, though no formal communication has been

had in regard to the matter. On the whole, it is very likely that the conclusion reached is the wisest under the circumstances. The alternatives suggested might give rise to embarrassment and possible friction. Without conceding that the Colonies have not an interest in the *personnel* of their Governors, at least equal to that of the Home Government, it must be admitted that occasions for taking exception to the choice of the Colonial Office have hitherto been very rare, and are likely to be so in the future. Moreover, in the case of a really objectionable appointment, a Colonial Government could scarcely be debarred from following the example of Queensland, and interposing a veto, which would be none the less effective for not being provided for in the Constitution.

THE time-honoured institution of trial by jury is being put upon its defence in various quarters, and will find it no easy task to maintain its right to exist. In the United States the absurd condition which makes it necessary, in cases of notoriety such as the Cronin affair, to find twelve intelligent ignoramuses or nobodies to act as jurors, is fast bringing the system into undeserved contempt. In this country such occurrences as that which took place in Montreal the other day, in which a jury is said to have astonished Judge Dorion by returning a verdict in direct opposition to the facts in evidence, naturally beget distrust of the mode of administering justice under which such results are possible. Even in conservative England such an event as the Maybrick affair, in which the finding of the jury was promptly rejected by popular verdict, and virtually set aside by the action of the Home Secretary, can hardly fail to bring the question of the reliability and utility of the jury as an instrumentality for determining the value of evidence to the front for earnest discussion. And yet in each of these typical instances it is tolerably clear that the fault is not in the system itself, but in its administration. The unwisdom, in this day of newspapers and general education, of making it a *sine qua non* to a jurymen's eligibility that he must have formed no opinion on any point of a notorious case, is too obvious to need argument, and affords a curious instance of the extent to which even the most radical of peoples may be enslaved by traditional notions. The Montreal case is clearly one of the ignorant, but too common, prejudice which sets up one standard of morality for dealing with the individual and another for dealing with the Government. The mistake in judgment, if there was one, in the Maybrick case, seems to have been that of the judge, rather than that of the jury, who merely voiced his opinions. The incident may show that the British system is defectively administered, in that it does not throw the responsibility for the decision as to the fact so exclusively upon the jury as it should do, but the main bearing of the incident is certainly in favour of, rather than against, trial by jury.

ON the positive side, the arguments in support of the system of trial by jury are weighty, we do not say absolutely conclusive. The *Winnipeg Sun*, referring to a paragraph in our columns a week or two since, says that we offered "no defence for trial by jury in civil cases other than that of age, and the sentimental plea that it is a palladium of popular liberty." The first plea it thinks, rightly enough as it states the plea, entitled to no consideration; the second it pronounces a myth. If our memory serves us, we made also some reference to the educative value of trial by jury, and we are pretty sure that any one who reflects seriously upon this aspect of its influence, will admit that the plea carries considerable weight. Not only to those called upon to serve as jurors, as almost every man of respectability in town or village is pretty sure to be at some time in his life, but to all who are familiar from childhood with this popular mode of seeking and administering justice between man and man, the system affords a training in self-government, and a series of object lessons in the art of distinguishing between right and wrong, the full value of which could hardly be estimated save by comparison with a people forced to accept their law and their justice from the hands of an official class. But, owing we dare say to our own lack of clearness, the *Sun* seems to have quite misapprehended the arguments it quotes. Our first remark referred not to the age, but to the origin and history of trial by jury. Who can recall the state of subjection to the caprice and tyranny of unjust or bigoted judges which precedes, in the history of most nations, the period in which the people wrested from kings or nobles the right to be tried by juries of their peers, without a wholesome dread of any substitute which even looks in the direction of a return to

the absolutism of the individual, in the administration of justice? The right of appeal to higher courts, if carefully cherished, may, it is true, obviate any danger from this direction. But the appeal from the decision of the individual to that of the bench of justices is in itself, of the nature of the jury system. The fact that those to whom the appeal is made are learned in the law and trained to weigh evidence, but tends to make them the more reliable jury. The absolutism of the individual with all his possibilities of caprice, prejudice, passion and corruption, is the thing to be dreaded. The latitude allowed individual justices in determining sentences is, to our mind, one of the most wonderful and reprehensible features of our present judicial system. The day will come when it will appear little less than monstrous that it should so long have been left to the varying judgment and feelings of one man to say whether another man found guilty of some offence shall be sent to gaol for five days or fifty, to the penitentiary for two years or ten. So long as the right of option between judge and jury, and of appeal to a higher court is preserved, the simpler the machinery of the courts the better.

PROFESSOR J. H. MAHAFFY, whose address at Chautauqua, on the Irish Question, brought upon his devoted head hot volleys of hostile criticism from the American press, has, in the *New York Independent*, a vigorous parting shot at his assailants, on the eve of his departure for home. His general arguments against Home Rule will be, no doubt, more or less convincing according to the political and national sympathies and prejudices of his readers. Many will, we dare say, refuse to admit the force of the analogy which he seeks to establish, and which he deems "remarkably close and reasonable," between the relation of British Unionists to Irish Home Rule, and that of the United States towards certain sections of territory and special societies which are not wholly in harmony with the principles of the Union; and in regard to which the policy of the United States has been to postpone the granting of Home Rule. Without entering into that large question we cannot refrain from quoting a sentence in which Professor Mahaffy puts in a nutshell an argument which we should like to see fairly faced and answered by an intelligent Ultramontane Catholic. Professor Mahaffy is assigning reasons to justify the unwillingness of the Protestant population of Ireland to trust their liberties in the hands of an Irish Government and Parliament under the influence and control of the Roman Catholic hierarchy. He puts the matter in this way:—

The real and unanswerable argument to settle the question is this: If Roman Catholics persecute, they persecute according to the principles of their Church; if Protestants persecute, they do it against the principles of their religion. You can therefore put down the latter crime by argument, by protest, by education in liberal principles; you can only extirpate the former crime by extirpating the religion which advocates it on principle.

That this view of the tenets, or, if you please, theory of the Roman Catholic Church is true, will hardly, we suppose, be denied by anyone who accepts a Papal Syllabus as an authoritative and infallible exposition of Catholic principles. What we should like to ask—and we put the question in all candour and good faith—is, What reply has a candid and logical Catholic of the Ultramontane School to make, or what reason has he to give why a Protestant minority should not hesitate to trust their rights and liberties in the hands of a Catholic majority?

AT the date of this writing the great London strike is still in progress, as against the dock companies, though the wharfingers have conceded the advance asked. One of the peculiarities of the affair is the manner in which it has set the dock companies and the vessel owners at variance. It seems not unlikely that, whatever may be the immediate issue of the struggle, it may ultimately result in the breaking up of the monopoly of the former companies, which seems to form the stronghold of the forces of oppression whose merciless exactions have driven the poor labourers into revolt. At last accounts the half-famished strikers were still behaving admirably and thus retaining the sympathy so heartily accorded by the people of all classes. Two striking incidents of the great struggle are the active sympathy of Archbishop Manning, and the generous aid extended by the Salvation Army. This activity of the representatives of the two bodies which almost may be said to constitute the extreme links in the great chain of Christian organizations, contrasts most favourably with the comparative inaction of both the Established Church and the Nonconformists. These great