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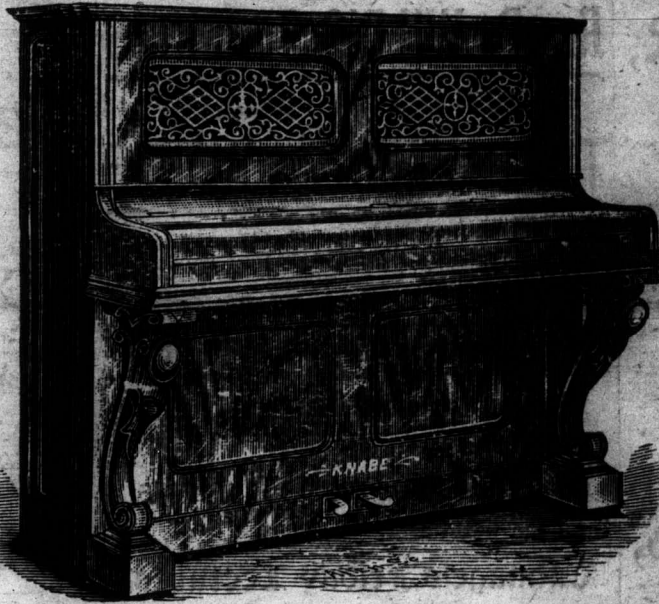
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ARTICLES OF OUR POLITICAL FAITH.

ONE CODE OF COMMON LAW AND PROCEDURE.

"I know that it is the prevailing opinion here that the best we can do with respect to Canada is to make it a French colony, to keep the English as far away from it as possible, and to hinder them from mixing with the Canadians. This country, they tell us, has a religion which is agreeable to it, laws which suit it; let it be governed as it was before it belonged to us. Is this system workable in these days of ours? I do not presume to decide; but in my humble opinion, if it is practicable, it is not good policy. If the Canadians derive no advantages (and I believe for my part that they do) by passing out of the *regime* of the French laws under that of the English laws, with their French inclinations, their French laws, with their French religion, in a word, having nothing about them but what is French, with the exception of the British subject placed over them;—will not the Canadians, I ask, end by one day rejecting the only portion of their government which is not French."—*Mr. Townshend, in British House of Commons, on Government of Quebec Act, 1774.*

"I must here note the mischievous results prominently exhibited in the provision which the Government of Lower Canada makes for the first want of a people, the efficient administration of justice. The law of the province and the administration of justice are, in fact, a patchwork of the results of the interference at different times of different legislative powers, each proceeding on utterly different and generally incomplete views, and each utterly regardless of the other. The law itself is a mass of incoherent and conflicting laws, part French and part English, and with the line between each very confusedly drawn." And is this French Canadian nationality one which, for the good merely of the people, we ought to strive to perpetuate, even if it were possible? I know of no national distinctions marking and continuing a more hopeless inferiority. The language, the laws, the character of the North American continent are English: and every race but the English (I apply this to all who speak the English language) appears there in a condition of inferiority. It is to elevate them from that inferiority that I desire to give to the Canadians our English character."—*Report from Earl of Durham, H. M. Commissioner, 1839.*

"I do not think there was anything in the old French institutions, or in the habits of the French (Canadian) people, which at all deserved to be retained, or that the government should take means to preserve. I think that the policy should rather have been to give the greatest power to the emigrants from this country, to have amalgamated the institutions of the two provinces, and to have brought them as near as possible to those of England."—*Lord John Russell in British House of Commons in 1839, referring to the Canadian Constitutional Act of 1791.*

In our article in the November number of the ANGLO-SAXON, "One Language," we pointed out the inconveniences, even hardships, suffered by the British majority in permitting the use of the French language as an official medium of

communication. We showed how its extinction was but a matter of time, provided our statesmen act as such, and not as temporizers who shrink from bold action for fear of losing a few sheep from out of the party fold. Pitt and Grenville acted unwisely in framing and passing the Quebec Government Act, as we shall see further on,—but they did so under pressure of circumstances which will not occur again. In the present article we shall present a few facts and arguments in favour of one code of common law. An assimilation of the laws of the Dominion being most desirable; not of such vital importance as the use of but one language and that the English, throughout Canada, but still an object to be always kept in view, and the accomplishment of which must eventually be effected if we would become a strong community.

We have all observed, and many of us have felt, some of the embarrassments which arise from the existing conflict of laws between the various provinces of the Dominion, and between Canada and the United States; and we are all satisfied that much trouble might be saved to individuals, to courts and to governments, by the adoption of a code of what is called private international law—preparatory to the assimilation of the laws of all English speaking peoples and the tributary nations and dependencies of the British empire.

Big-hearted and wide-loving politicians, and these by no means dreamers or would be dwellers in Utopia, or vulgar communists or bloody anarchists, have in all ages been men and felt for all mankind, and have desired all men to feel for them in turn, and have prayed that the world should become one big industrious, peaceful hive:—

"The bees have common cities of their own,
And common sort; beneath one law they live,
And with one common stock their traffic drive."

—*Virgil, by Dryden.*

It has been written by the Rev. Mr. Cooper:—

"Law, in its present state, like orthodoxy in religion, is a mystery where reason ends and faith begins. None of the initiated can enter even the vestibule of the temple. Law ought not to be a branch merely, but the chief branch of social ethics. Society knows nothing about it but by means of the lawyer. A digested code of plain, undeniable legal principles, founded on the morality of common sense, applied to every day's transactions, might render the whole community wiser, better, more prudent, more cautious, and less litigious. Men would be better able to judge when they ought, and when they ought not, to go to law. They would be better jurors, better arbitrators, wiser and better citizens."

It is all very right and proper for a parson to attempt to sweep away the Devil's own i.e. lawyers; but if every community did as Mr. Cooper suggests would the lawyers be fewer in number, less rapacious, or less fee-rocious. We think not, he might kill them off in the various nations or communities so long as the latter remained isolated and had no intercourse with their neighbours, but so soon as they came together lawyers would be required to decide private disputes between the citizens of the two or more nations associating together. For even if all the states in the world rigidly followed out Mr. Cooper's programme the results would differ, the laws would differ. Judge Story says:—

"Laws should be so proper to the people for whom they were made that it is a great chance where the laws of one country are suitable to another. They must also be relative to the physical circumstances of the country, its climate, the quality of the soil, its situation, its extent, and the mode of life and subsistence of the people. They must have reference to the degree of liberty which the constitution of the country can allow, the religion of the inhabitants, their inclinations, their wealth, their numbers, their manners, customs and morals."—*Conflict of Laws.*

"There has been a difference of opinion among writers, concerning the foundation of the law of nations. It has been considered by some as a mere system of positive institutions, founded upon consent and usage; while others have insisted that it was essentially the same as the law of nature, applied to the conduct of nations, in the character of moral persons, susceptible of obligations and laws. We are not to adopt either of these theories as exclusively true. The most useful and practical part of the law of nations is, no doubt, instituted or positive law, founded on usage, consent, and agreement. But it would be improper to separate this law entirely from natural jurisprudence, and not to consider it as deriving much of its force and dignity from the same principles of right reason, the same views of the nature and constitution of man, and the same sanction of Divine revelation, as those from which the science of morality is deduced. There is a natural and a posi-

tive law of nations. By the former, every state, in its relations with other states, is bound to conduct itself with justice, good faith and benevolence; and this application of the law of nature has been called by Vattel the necessary law of nations, because nations are bound by the law of nature to observe it; and it is termed by others the internal law of nations, because it is obligatory upon them in point of conscience. We ought not, therefore to separate the science of public law from that of ethics, nor encourage the dangerous suggestion, that governments are not so strictly bound by the obligations of truth, justice and humanity, in relation to other powers, as they are in the management of their own local concerns. States, or bodies politic, are to be considered as moral persons, having a public will, capable and free to do right and wrong, inasmuch as they are collections of individuals, each of whom carries with him into the service of the community the same binding law of morality and religion which ought to control his conduct in private life. The law of nations is a complex system, composed of various ingredients. It consists of general principles of right and justice, equally suitable to the government of individuals in a state of natural equality, and to the relations and conduct of nations; of a collection of usages, customs, and opinions, the growth of civilization and commerce; and of a code of conventional or positive law. In the absence of these latter regulations, the intercourse and conduct of nations are to be governed by principles fairly to be deduced from the rights and duties of nations; and the nature of moral obligation; and we have the authority of the lawyers of antiquity, and of some of the first masters in the modern school of public law, for placing the moral obligation of nations and individuals on similar grounds, and for considering individual and national morality as parts of one and the same science. The law of nations, so far as it is founded on the principles of natural law, is equally binding in every age, and upon all mankind. But the Christian nations of Europe, and their descendants on this side of the Atlantic, by the vast superiority of their attainments in arts, and science and commerce, as well as in policy and government,—and, above all, by the brighter light, the more certain truths, and the more definite sanction which Christianity has communicated to the ethical jurisprudence of the ancients, have established a law of nations peculiar to themselves. They form together a community of nations united by religion, manners, morals, humanity and science, and united also by the mutual advantages of commercial intercourse, by the habit of forming alliances and treaties with each other, of interchanging ambassadors, and of studying and recognizing the same writers and systems of public law." (*Kent's Commentaries on American Law.*)

It will be useful for our argument to quote from another authority on universal public law:—

"Nations reciprocally allow each other's laws to have effect within their territories so far as may be without injury or inconvenience to themselves, and for mutual and common advantage it has been received in the law of nations, that one country should permit the laws of another to have validity in its territories. This permission is called *comitas gentium*, the comity of nations. As every independent community will judge for itself how far the *comitas inter gentes* is to be permitted to interfere with its domestic interests and policy, the decision of particular cases of conflict is matter of municipal law. Yet there are certain principles of jurisprudence on the subject, more or less universally received and acted upon by civilized nations. The reason of this is that the division of mankind into nations and states is an arbitrary and subordinate institution, from which arises the conflict between laws made by independent supreme powers and the *comitas gentium*; for if there were no such division, one sovereign authority would exist in the whole world, which would prescribe the limits, and reconcile the differences of local laws, and no *comitas gentium* would be needed. Municipal laws must be looked upon under two aspects. First, they are a rule of civil conduct, prescribed by the sovereign power of the state to its subjects, for the regulation and government of the particular community to which they belong. Secondly, municipal laws are to be considered with reference to this proposition, that mankind in general are governed by the municipal laws of all the particular communities into which they are divided. Some of these municipal laws are, or ought to be, common to all civilized communities, while others are peculiar to a country or place. It follows from these positions that all the laws in civil society, taken together as a whole, comprehending all nations, have a common general purpose, which is that of civil society itself. Where the municipal laws of different communities agree, this common purpose is evident, and naturally results from their operation. But a difficulty arises when laws of one country are opposed to those of another, in cases in which such inconsistent laws come in contact with each other. In those cases there is a want of harmony in the system and working of general civil society, because two inconsistent laws cannot both take effect on the same subject-matter, and on the other hand the foreign laws cannot be rejected without breaking the continuity of human society which extends to all mankind, and so interrupting the intercourse and commerce of the world. To deal with such cases, and prevent these inconveniences, is the use and object of the *comitas gentium*."—(*Bowyer's Commentaries on Universal Public Law.*)

The Dominion of Canada, as at present constituted, consists of seven Provinces and the North-West Territories. In each Province and the Territories, the Legislature and Council exclusively make laws in relation to property and civil rights and other matters. So that the provinces are to

this extent independent and separate states or nations, and all that we have reproduced respecting international law, the comity of nations and the conflict of laws will apply to the dealings of the citizens of any one province with the citizens of the others. In the debate in the Provincial Parliament of Canada, in 1865, at Quebec, on the subject of the Confederation of the British North American Provinces, the Hon. John A. Macdonald made the following straightforward statement as to the difficulties that the proposers of Legislative Union met with:—

"As regards the comparative advantages of a Legislative and a Federal Union, I have never hesitated to state my own opinions. I have again and again stated in the House that, if practicable, I thought a Legislative Union would be preferable. I have always contended that, if we could agree to have one Government and one Parliament, legislating for the whole of these peoples, it would be the best, the cheapest, the most vigorous, and the strongest system of government we could adopt. But, on looking at the subject in the conference, we found that such a system was impracticable. In the first place, it would not meet the assent of the people of Lower Canada, because they felt that in their peculiar position—being in the minority, with a different language, nationality and religion from the majority—in case of a junction with the other provinces, their institutions and their laws might be assailed, and their ancestral associations, on which they prided themselves, attacked and prejudiced; it was found that any proposition which involved the absorption of the individuality of Lower Canada—if I may use the expression—would not be received with favor by her people. We found, too, that there was as great a disinclination on the part of the various Maritime Provinces to lose their individuality, as separate political organizations, as we observed in the case of Lower Canada herself. Therefore, we were forced to the conclusion that we must either abandon the idea of union altogether, or devise a system of union in which the separate political organizations would be in some degree preserved. So that those who were, like myself, in favor of a Legislative Union, were obliged to modify their views and accept the project of a Federal Union, as the only scheme practicable, even for the Maritime Provinces. Because, although the law of these provinces is founded on the common law of England, yet every one of them has a large amount of law of its own—colonial law framed by itself, and affecting every relation of life; such as the laws of property, municipal and assessment laws; laws relating to the liberty of the subject, and to all the great interests contemplated in legislation; we found, in short, that the statutory law of the different provinces was so varied and diversified, that it was almost impossible to weld them into a Legislative Union at once. I am happy to state—and indeed it appears on the face of the resolutions themselves—that, as regards the Maritime Provinces, a great desire was evinced for the final assimilation of our laws. One of the resolutions provides, that an attempt shall be made to assimilate the laws of the Maritime Provinces and those of Upper Canada, for the purpose of eventually establishing one body of statutory law, founded on the common law of England, the parent of the laws of all those provinces."

As a proof that the Hon. John A. Macdonald did not overstate the antipathy of Lower Canada to a Legislative Union, we will quote what the Hon. A. A. Dorion (the present Chief Justice of the Province of Quebec) said in the same debate:—

"Perhaps the people of Upper Canada think a legislative union a most desirable thing. I can tell those gentlemen that the people of Lower Canada are attached to their institutions in a manner that defies any attempt to change them in that way. They will not change their religious institutions, their laws and their language, for any consideration whatever. A million of inhabitants may seem a small affair to the mind of a philosopher who sits down to write out a constitution. He may think it would be better that there should be but one religion, one language and one system of laws, and he goes to work to frame institutions that will bring all to that desirable state; but I can tell honorable gentlemen that not even by the power of the sword can such changes be accomplished. Sir, if a legislative union of the British American Provinces is attempted, there will be such an agitation in this portion of the province as was never witnessed before—you will see the whole people of Lower Canada clinging together to resist by all legal and constitutional means, such an attempt at wresting from them those institutions that they now enjoy. They would go as a body to the legislature, voting as one man, and caring for nothing else but for the protection of their beloved institutions and law, and making government all but impossible."

This surely is a curious state of affairs to exist in the Nineteenth century:—Canada prevented from having the best, the cheapest, the most vigorous, and the strongest system of government possible,—the expenses of legislation increased eight fold,—the country over-governed to the extent of making it a laughing stock to other nations; and all for what?—to stave off for a season the annihilation of the peculiar institutions, the beloved religious institutions,

language, and laws of Lower Canada. All of them opposed to progress, and the interests and sympathies of the Anglo-Saxon race. Let us examine the history of Canada under the English domination and ascertain by whose egregious folly and want of prescience the present state of affairs exists. How does it happen that this rock of offence in the shape of the Province of Quebec still remains in the channel to the port of Canada, obstructing and almost closing its entrance to the ships of progress and civilization. Why was it not blasted by good English gunpowder at the conquest? Why has not some attempt been made to cut out this unsound link from the chain of Provinces,—and replace it by one forged from English, Scotch or Swedish or German iron? preparatory to the welding it into one solid mass of legislative union metal.

In the articles of capitulation of Canada, 1760, the French, or "new subjects" as they were called, were guaranteed quiet possession of property, but the "custom of Paris," or system of French law was not preserved, but the inhabitants were to enjoy all the privileges of British subjects. So soon as Great Britain took possession of Canada, the Treaty of Paris, 1763, was put in force, and a proclamation from the Crown laid the foundations of the administration of this new colony, under the name of the Government of Quebec. The King announced therein that as soon as circumstances permitted, he would give to his new subjects representative institutions like those of the other English colonies in North America. Until that time the Crown reserved the power of erecting and organising courts of justice for the trial of all cases, civil as well as criminal, *conformably to law and equity and as near as may be agreeable to the laws of England*, with liberty to those persons who considered that they had reason for complaint with justice thus administered, to have recourse to the Privy Council of Great Britain. In the 4th article of the treaty of Paris the King promises that his new Roman Catholic subjects may profess the worship of their religion according to the rites of the Roman Church, *as far as the laws of Great Britain permit.*

This proclamation showed that England had as yet not determined upon any system for the government of Canada. Without doubt the English government proposed as their general object the causing the French Canadians to enter into the unity of British nationality; but it was a difficult work, and it was permissible to hesitate in the choice of means for accomplishing it. It was especially in the laws which regulated the constitution and the transmission of property, laws radically opposed to those of England, that the obstacles appeared insurmountable. Up to 1663, the authority of the French Governor had been absolute in Canada, even in judicial matters; at this time a tribunal was established at Quebec, and there was adopted by it as a system of legislation the *ordonnances* of the King, and the jurisprudence of the *arrêts* of the parliament of Paris. The English government prudently did not openly attack this system. They were content to alter gradually a state of affairs which kept up a barrier between the French population of Canada and the British element, by giving authority to Imperial legislation; waiting with confidence the absorption of Canadian customs into the body of British unity. Unfortunately for posterity, owing to the outbreak of the American rebellion the English government thought it right to endeavor to conciliate by every means the French Canadians in order to secure their attachment and fidelity in the approaching conflict. In 1774, Lord North pushed through the British parliament what is known as the Quebec act. This act repealed the declarations contained in the proclamation of 1763, and re-established the French laws and customs and the jurisprudence known as the *coutume de Paris*. This act met with violent opposition in the House of Commons.

In 1791, Pitt introduced the "Constitutional Act," it passed—it confirmed the French civil laws and *ordonnances* in force.

In 1857 the Civil Code of Lower Canada, based on the Code Napoleon became law;—and in 1867 Confederation took place instead of Legislative Union for the reasons given by Hon. John A. Macdonald, quoted elsewhere.

What is the result of Lord North's weakness in 1774 in swerving from the line of policy of the British Government, indicated by us, viz.: to make Lower Canada individually indistinguishable in the great oneness of the Empire; to Anglicise it and then incorporate it insensibly but irrevocably. What is the outcome of this weakness of the British Cabinet in the hour of danger?—a weakness often shown on this continent. In the *Sherbrooke Gazette* of 7th October, 1887, we read, in the editorial:—

"Silently, stealthily, slowly but surely the work is going on of uprooting the English speaking settlements in this Province and making Quebec wholly French and Catholic. Unless our English speaking and Protestant farmers are prepared to pack up bag and baggage and leave the Province, they should come forward and assert the freedom of the soil from clerical control and the servitude of French custom."

This is pointing a moral for ministers and men in power, the moral is never to swerve from the path of conscientious rectitude or justice in order to gain some uncertain future benefits. To do otherwise is Machiavellian. Many a king or cabinet has sacrificed a good man and done him an injustice in order to satisfy the demands of a favorite or a supporter, but "vengeance is mine," saith the God of the humble and meek, "I will exalt the latter and confound his oppressors." That monarch and those recreant ministers tottered and fell. In the case of Canada repeated yielding by the British government to repeated solicitations on the part of the French Canadians has ended in the discomfiture of the former,—the oppression of the English—and the tottering weakness of the constitution of Canada. In 1774 the weak English minority in Canada were sacrificed to appease and please the French majority in Canada. Since 1791, the French majority in Lower Canada or Province of Quebec—nursed and petted by the British Government and a Canadian Parliamentary majority equally subservient and time serving, have ruled to the crushing out of English law, English energy, English capital and English people.

The population of the British provinces of Canada, have good cause for complaining not only of the civil codes of the Province, which are almost pure French or Roman law,—but they complain for themselves and on the part of the British element in Quebec of the administration of this civil law, the procedure under it, and the statutory law which is being annually spued forth from the legislative menagerie of Quebec,—a menagerie whose keepers and proprietors are "all shaven and shorn" and wear suits of cardinal red.

In Scotland as in Quebec the Roman law is the civil law of the country. Scotland and England both agree that the dissimilarity of laws is an undoubted evil, and that where it can be removed by means which will not offend the habits and ideas of the people, it ought to be removed. The result has been that England has approached nearer to the law of Scotland in certain points, and Scotland has in certain others adopted the more advanced principles of the English code.

But then in Scotland the official language is English and there is no mighty, restless and rebellious spirit, urging the people to antagonism with the English race,—no papal thirst for territorial aggrandizement.

The United Kingdom of Great Britain believes, with the old playwright:—

"Each state must have its policies;
Kingdoms have edicts, cities have their charters.
Ev'n the wild outlaw, in his forest walk,
Keeps yet some touch of civil discipline.
For not since Adam wore his verdant apron,
Hath man with man in social union dwelt,
But laws were made to draw that union closer."

The public men or rather publicans (in Roman sense, i.e. farmers of the revenue) of Quebec have disqualified the

graduates of McGill University and other Protestant colleges from admission, as such, to the study of the law, because what the Pope calls philosophy (sic) is not taught in these schools of modern thought. Would it not be better if Laval University and other similar seminaries of mediæval tares and weeds, were to include morality and modern political economy in their curricula. For, as we have stated at length in the beginning of this article: "States or bodies politic, are to be considered as moral persons, having a public will, capable and free to do right and wrong, inasmuch as they are collections of individuals, each of whom carries with him into the service of the community the same binding law of morality and religion which ought to control his conduct in private life." It is a simple logical syllogism: If individuals are moral in Province of Quebec, then the body politic will be moral; but the state is corrupt and venial, therefore the citizens are—well, Bishop Cleary would say they resemble the girl pupils of the Ontario public schools. Christianity is not part of the law of the Province of Quebec. We stated also, in the words of an eminent publicist, "that all laws in civil society, taken together as a whole, comprehending all nations, have a common general purpose which is that of civil society itself."

It has never occurred to the sapient rulers of Quebec, and to the public men of the Dominion, that the retention of the civil code in Quebec, the making it a peculiarity of this province and the passing of statutes to match, is a crime against the Dominion, an outrage on the law of nations.

"The whole underlying principle of modern political thought is that which assumes the practical identity of human interests, and which only seeks for the best way in which the resources of every class and every locality may be best utilised for the mutual advantage of every other class and locality." (*Imperial Federation, London, Eng.*)

The following extract from Edmund Burke, ought to be read at every sitting of the Legislative Assembly of the Province of Quebec by the Speaker, and the members saying after him:—

"In reality there are two, and only two, foundations of law; and they are both of them conditions without which nothing can give it any force; I mean equity and utility. With respect to the former, it grows out of the great rule of equality, which is grounded upon our common nature, and which Philo, with propriety and beauty, calls the mother of justice. All human laws are, properly speaking, only declaratory; they may alter the mode and application, but have no power over the substance of original justice. The other foundation of law, which is utility, must be understood, not of partial or limited, but of general and public utility, connected in the same manner with, and derived directly from, our rational nature; for any other utility may be the utility of a robber, but cannot be that of a citizen—the interest of the domestic enemy, and not that of a member of the commonwealth."

Mr. Edmund Burke, one of the greatest names in the history of political literature, could he attend but one night's sitting of the Legislative Assembly of Quebec or the corporation of Montreal, would, in accordance with his declaration above, pronounce the members of both these bodies to be *robbers and domestic enemies*.

Mr. Mercier protests against the interference of the Dominion Parliament with Provincial matters! Why it is the duty of every honest Canadian to insist that the Federal Government shall interfere in every case where violence is being done to the minority. The Dominion Parliament can interfere on the grounds that Quebec is becoming uninhabitable by anyone but a *robber or domestic enemy*, and in this way exercise the authority of Parliament in "*The Regulation of Trade and Commerce*." I commend the following paragraph from the Encyclopædia Britannica to the notice of the *Bâtonniers* of the various sections of the Bar of Lower Canada—there is much *practical not school philosophy* contained therein:—

"There are circumstances which seem to show that the mere comparison of laws with no other object but that of discovering in how many ways the same thing can be done, and which way is the best, will enter more and more into the higher legal studies. * * * It is becoming a necessity of the commercial class in all countries that, on fundamental points at least, the principles of law should be everywhere the same."

As to the dictum of Judge Story which we have quoted,

viz., that there is a proper or suitable law for each nation and race. This is only broadly true, men can become reconciled to anything—especially Frenchmen. They dislike stability and hate monotony. The establishment of the Code Napoleon was the most complete and sudden change ever made in the laws of a great nation. Let the little nation called Lower Canada sweep away all vestiges of the civil law, and millions of people will be pleased and benefitted. Perhaps the idea of a revolution will be sufficient to tempt some Frenchmen to come to Canada, and Mr. Fabre, our agent, will at last have a few hours work for his fat salary and pickings. In conclusion we congratulate The Honorable Sir Hector Langevin in wishing, with us, to have but ONE LAW FOR ALL—(CANADA.)

Authorities:—Kent's Commentaries of American Law; Nasmyth's Institutes of English Public Law; Blackstone's Commentaries; Wharton's Law Lexicon; Encyclopædia Britannica *verbo* Law, and International Law; Encyclopædia Americana *verbo* Law; Chamber's Political Economy; Bowyer's Universal Public Law; Heineccius' Universal Law; Westlake, Private International Law; Monthly Review, Montreal, 1841; Lord Durham's Report, 1839; Hansard Debates, British House of Commons; Canadian Debates on Confederation; Doutré, Constitution of Canada; Bryce, History of Canadian People; DeMontigny, Histoire du droit Canadien; Wicksteed, Elector's Political Catechism.

COLONIES COMING OF AGE.

If statesmanship is a science, and not merely the art of applying to current events the doctrines of expediency, the administration of a policy applicable to the British colonies is one of the highest departments of Government. The framing of laws to regulate the dependencies of the British empire is legislating for the future, a future of unknown but pregnant consequences, and none but a statesman of the highest attainable capacity should be entrusted with the task.

Postpone the consideration of the event as we may, the political independence of the greater colonies cannot be a very distant event. It may be, and we believe and trust will be, an independence more nominal than real; for, separated by form of government from the Mother Kingdom, as they may be, the links of race, individual relationship, habits, literature, religion, and the material necessity for commercial intercourse, cannot be broken.

Already Australia, Canada, and New Zealand are so far independent that, although they are presided over by Governors representing the Imperial power, and their laws must be sanctioned by the Home Government, they have their local Parliaments, the management of their own finances, and contribute nothing directly to the Imperial revenues. At present they are dependent on the Mother Country for military and naval defence against exterior enemies; and in the case of New Zealand, are told that they must be prepared to defend themselves against hostility provoked by their own policy.

But the colonies of the South Pacific, and of Northern America, contain the seeds of empire, it may be of great federations of peoples speaking a common language, which must—a population increases by natural growth, and is added to by the absorption of thousands of the most vigorous of the population of the Old World—not so much achieve, as grow into, by the inevitable process of events, political independence.

In India, England rules, with more or less authority, over 250,000,000 of people. But they are of varying races, with little community of language, the heirs of different traditions, the fragments of many states and kingdoms, antagonistic when at the height of their power, discordant in their decay. Such heterogenous materials have no promise of union or consistency. Were the English Government to cease its functions, the peninsula would be divided into fifty warring states, the ready prey of the first great power which had the art to forment her dissensions and the strength to seize and hold the prize. But the colonies are coherent in

themselves. They have started in political life furnished with the experience of centuries of English legislation. Their growth has been as rapid as that of tropical vegetation. They have no intermediate stages of feudal anarchy, of monarchical tyranny, of strifes between the aristocracy and the masses, the Church and the Crown. They are ready to start on their independent career, provided with the principles of government for which their fathers at home contended and suffered—with the liberties, political and religious, which their fathers achieved—and with wealth at their feet which will enable them in due time to found cities, build fleets, and pursue their commercial ventures in all seas.

At present, we fully believe, no idea could be more repugnant to the vast majority of colonists than that of separation from England; and, in noticing what appears to be inevitable in the future, and what statesmen responsible for the government of the colonies must prepare for by laying the basis of liberal constitutionalism, on which the empires of the future may be safely built, we would not for one moment appear to favour the scheme of agitators who already are endeavoring to make their feeble voices heard. The best men of the colonies themselves, the representatives of the wishes of the colonists, most carefully repudiate the idea of separation. And wisely so; for it may not be in their life-time, nor perhaps in that of their own sons, that the political separation will take place; and to encourage the desire of alienation would now be most disastrous to the scattered populations of the colonies.

At a meeting of colonists held in London some time since, the resolutions prepared expressly disavowed and condemned any disaffection. "The rights of Imperial citizenship, Imperial supervision, influence and example, and Imperial commerce and resources, promote all the best interests of the colonies." They desire financial independence; they declare themselves ready to maintain it, having achieved it; they ask for greater encouragement of emigration, that the waste lands may be occupied, and the resources of the country developed; and they profess that with prosperity loyalty will be increased, and that the attachment to the Mother Country will strengthen with the advance of her children towards maturity.

The feeling of loyalty, the reverence for the good old name of England, which is felt by every settler in the wilds, every denizen of the towns springing up so rapidly—named with English names, governed on English principles, reproducing the features of English social life—will not die out for centuries to come. Even in the United States, politically independent of England for over a century, embittered at the outset of its separate existence by a long and disastrous war, with the elements of estrangement since fostered by political events, national vanity and mutual distrust, the pride of English descent is still felt, and, attempt to conceal it as they may, Americans of English-race glory in the historic greatness of the nation from which they sprung. Much more so colonists who left the shores of England, not driven by persecution, but of their own free wills, to carry their English hearts and English hands to new spheres of labour and enterprise, and whose moral connection with the old country has never been rudely severed by war, or weakened by the operation of adverse interests. Should the desire for separation be prematurely awakened, it will rather be a fruit of the incompetency of statesmen to understand the nature of the interests committed to their charge and the true principle of legislation for colonies.

It is the part of the Mother Country to give Imperial protection and to confer Imperial prestige, to help the colonies to develop themselves; and it is the part of the colonies to bear their own burdens, and to remedy, at their own cost and by their own energy, the evils they may themselves have caused in the management of their internal affairs. Separation must result only from the deliberate

conviction of the nation and the colonists that the time has come when they can stand alone, and the conviction that it will be for the permanent good of each that the offspring should declare themselves of age to assume an independent place in the community of nations.

Canning boasted that he had called the New World into existence to redress the grievances of the Old. A destiny stronger than the will of any statesman, however comprehensive his genius or vast his ambition, is calling into existence a new world where the crippled energies of the older countries may find room for action—a new world, the source of wealth to its impoverished parent. Occupation, food, competence are there for the winning—not at once apparent to the crowd of seekers who throng the southern shores or the western forests, but to be conquered by stout wills and strong hands.

And more will be conquered when the time shall come—the possibility of a vast English-speaking nationality, which, whether ruled by a Sovereign or President, whether divided into separate States or still in the aggregate a connection and offshoot, but not a dependency, of the British Crown, will be English in spirit to its innermost core; and every year which increases the facilities of communication, which, by lessening the time which is equivalent to distance, makes us nearer to each other, will make us dearer too, more closely one in interest and love, if even dissociated in name and political constitution.

HENRY MOTT, Montreal.

THE ROMAN CHURCH AND OUR PUBLIC SCHOOLS.

The false and shameful insults with which Bishop Cleary has sought to asperse the fair fame of Canadian maidens are due chiefly to the sudden elevation from obscurity of a man of small intellectual gifts but of a domineering, insolent, and unrestrained temper. To use a vulgar but expressive phrase, Bishop Cleary is suffering from a very bad attack of "swelled head." He is evidently one of that class of priests graphically described by Daniel O'Connell as having been "pitched from the potato heap on to the altar." But what a man of his malignant nature and narrow intellect says or thinks about our Canadian girls is really of no importance except to those worthy and respectable Roman Catholics, who like Mr. Peter Ryan of Toronto, desire to respect and be respected by their Protestant neighbours, and are therefore both disgusted and humiliated by the senseless ravings of one of their chief pastors.

The point however with which we as Protestants are chiefly concerned is the attitude of the Roman Church towards our school system. Bishop Cleary shows plainly—indeed far too plainly to suit the plans of his brother bishops and archbishops—that that attitude is one of the most persistent, inveterate and uncompromising hostility. The great aim and object of the Roman church in Canada is evidently of a three-fold character, viz: (1st) to prevent by spiritual penalties the children of Romanists from attending the public schools; (2nd) to degrade and lower the office and work of these schools by objecting to Biblical instruction, or moral and religious, though unsectarian, training of any kind; and (3rd) by the perversion and omission of indisputable facts in the histories and literature used in them, to hide from the youth of Canada the great and undeniable truth that since at least the days of Hildebrand, the church of Rome has been, and is, the deadly and implacable foe of national progress, and of the intellectual, personal, and political liberties of mankind. This hostility of the hierarchy to our schools is really based not on their pretended fears of their children being proselytized either by books or teachers, but because they dread to expose their people, at an age when the human mind is most open to new impressions, to daily association with Protestant companions of their own age. What Rome hates and fears more than any other

thing in this world is the awakening of intellect among her votaries, the birth of the reasoning powers, and the resolve to think, to reflect, and to decide in spiritual as well as temporal matters for oneself. The young Romanist, who on Friday at noon sees his schoolfellow enjoying a substantial lunch of cold beef or pork while doomed himself to pick a herring, will very probably think a good deal, even if afraid to ask many questions, as to the reasonableness of his involuntary self-denial. Then, too, he forms strong, if not very lasting, friendships with some of the lads whom he has been taught by the priest to regard as heretics from their cradles, and enemies of the only true church; and finding that they are first-rate classfellows and playmates, he begins to think that notwithstanding all his Reverence says, heresy cannot be such a very bad thing, nor heretics such very bad people. And when he gets a little older, and begins to feel interested in razors and shaving soap, all the priests and bishops in the world with the Pope at their head cannot convince him that the heretic girls across the schoolroom floor are not as nice to look at, as pleasant to talk to, and as feminine and modest in voice and manner as the girls of his own creed. And in a few more years hence comes the supreme moment of danger from the priest's point of view; for when this "lamb of the church," who has passed his boyhood and youth in a public school, reaches maturity, he is just as likely as not to select a bride from some heretical sheepfold. In such a case, if not entirely lost to Mother Church, his affection for Her is often greatly weakened, and his willingness to contribute to Peter's pence, Papal jubilee, and other lucrative sources of income proportionately diminished.

If keeping the children of her communion under her own care be the first great object of Romish policy, her second aim, viz: the expulsion of the Bible and of definite religious and moral instruction from our schools—is pursued with almost equal ardour. If she can only succeed in making those schools, through which the masses of our people must pass, godless and bibleless, she knows well that Protestantism like a house deprived of its foundation, must fall, and that between herself and Atheistic Materialism the rich spoils of the ruined edifice will be divided. For this end she joins hands with Infidels and blasphemers, and alike from the lips and pens of those who believe nothing and those who believe too much, issues the outcry to secularise our schools. For Protestantism resting on the Bible, is the only enemy she really dreads. The Bible ignored or despised, Atheism may indeed prevail for a season; but Rome knows well that human nature needs and must have a religion of some kind, and that Protestantism once destroyed she can with ease step into the place left empty and desolate by Materialism.

And her third aim is like her second, for history is the handmaid of the Bible. Dr. Cleary, I believe, complains that the history and origin of the Papacy is not taught in our public schools, and I for once agree with him. The only objection that I see can fairly be raised against teaching Papal history, is that the minds of the young might be polluted, and our girls made worse than Dr. Cleary says they are, by reading of the hideous and filthy monsters who have at various periods filled and defiled St. Peter's chair. Will Dr. Cleary kindly translate and publish an unabridged edition of the deeds of the Popes as recorded by Cardinal Baronius and other Romish writers. Dr. Cleary knows well that the true details of the lives of such Popes as John XXII, Alexander VI, and others, are so indescribably filthy that no Canadian publisher dare issue an English copy at the risk of being prosecuted for obscenity. What indeed is the history of the Popes and Popery but a record of foulness and corruption, of lust and murder, of bribery and nepotism; and, during the struggles of the Reformation, of torture and burnings, of racks and dungeons, of massacres and religious wars. These are the facts which cause Romanists of more prudence and better judgment than Dr. Cleary, to discourage as much as possible the study of history, and where they cannot get rid of its unpleasant truths, they place a false construction

on its facts or assign wrong motives to its actors. This they have done in the history now used in our Ontario schools, as any intelligent Protestant parent can see for himself by examining the way in which in his boys or girls are taught the facts concerning the Reformation, the martyrdoms under Queen Mary, the Spanish Armada, the attempts of the Jesuits by authority of the Pope's Bull to murder Queen Elizabeth, the Gunpowder Plot, the Irish massacre of Protestants in 1641, the siege of Derry, the battle of the Boyne, the conquest and cession of Canada, the Quebec Act, and other events of the highest importance in British and Canadian history.

But the mutilation and perversion of our school histories is a subject which I reserve for a future number of the ANGLO-SAXON.

A. SPENCER JONES, Ottawa.

"COMMERCIAL UNION" ALIAS "ANNEXATION"

If ever there was a period when a combined effort was necessary on the part of loyal British subjects, regardless of politics, for the purpose of maintaining the union of the empire, and openly asserting the indomitable determination of the people in this portion of the empire to keep their liberties and traditions (often blood bought on the part of our ancestors) unimpaired—it is now. The enemies of Canada and the Empire are alert beyond precedent, and their machinations are unceasing and vigorous in the extreme. These Ismaelites dare not come out in their true colours, with their battle cry engraven on their banner, but secretly, and under false colours seek to undermine the affections of the people; and to trade off a sham article in the interest of the enemy. Never in the history of any country or people was a more brazen and shameful proposition presented for endorsement, than is now presented to the Canadian people by a clique of soulless politicians and enemies to the Empire, in the proposition of Commercial Union now on the tapis.

In substance we are asked to hand over to a foreign nation the control of our revenue; and to yield up to the manufacturers of that nation our resources and markets for slaughter.

In return for this we are afforded no other satisfaction or reasonable substitute than a moral serfdom, since we are to have no word practically in the control of revenue affairs, but taxation without representation.

This at least is the truth if the Commercial Union advocates are sincere in their assertions and maintenance that Commercial Union does *not* mean annexation—for it necessarily follows that if we are to have a revenue we must be taxed directly or indirectly, and if only indirectly by means of a revenue tariff on British and foreign imports, subject to the American rate of tariff on such, and immediately and absolutely under American customs officers' supervision and the dictation of Congress, then we at once have taxation without representation, whereas if we are to have direct taxation as a substitute for the loss of millions of dollars on American imports, then had our agriculturalists better look "in" to it!

No matter from what point of view this precious Yankee dodge is "taken," infamous treason to our country and Empire is depicted, and sheer folly and vice are its characteristics.

It is well also to enquire into the quality of the originators of the scheme, and we will at least glance over the handful of agitators who started the ball rolling.

We observe our friend Erastus Wiman as the chief cook and bottle-washer. A man who, while a Canadian by birth, is an ardent American by sympathy and the nature of his surroundings. No sane man supposes he is agitating the union without some aim and object separate and apart from the welfare of Canada. No man who loves his country will seek to degrade it. There is our own Professor, Mr. Goldwin Smith. A man who has spent the best part of his life in seeking to alienate the affections of Canada from the

motherland, and whose avowed object it is, and for long has been, to bring about annexation with the United States. There is the *Globe* staff of old forger anti-British agitators of the Anglin, Edgar and Cameron type. There is the *Mail* company of disaffected office seekers or position hunters, whose avowed object it was once declared to be to "smash Confederation" as a consequence of disappointed hopes. There is a fifth rate and somewhat hysterical Thos. Shaw individual whose only virtue is his sincerity. There are secessionists, displeased politicians, and pronounced annexationists always; but of men of substance, loyal Canadians, and well balanced minds, there is a terrible dearth in the ranks of the propagators. Such being the case, beyond all peradventure—as those who run may see—the fate of the issue when joined, is certain; but whilst assured, the very fact of such a proposition being presented, should rouse the loyal and true to a fuller review of our existing status, with a determination to extend and to more closely weld together our destinies in connection with the Empire. This can only be done by a combined pressure brought to bear upon our politicians to propound a scheme of practical commercial confederation with the Empire and its 300,000,000 of peoples.

In a few words my idea is by means of Confederation of the British Empire, politically and commercially, to extend our commerce on free trade principles with 300,000,000 of British subjects, whereas the Annexationists, I beg pardon, I should say "Commercial Unionists," propose to restrict our trade relations practically to 40,000,000 of foreigners!

If they do not mean that, then what do they mean?

Assuredly, the political wirepullers of the so-called Reform party in Canada are in a bad plight, since they have to violate every principle of Liberalism and loyalty in their endeavour to constitute a platform.

From a local point of view, as a St. Thomasite, it requires no keen insight to foresee the direct and immediate effect such a suicidal course of national prositution would have upon St. Thomas—nothing under "Commercial Union" conditions could prevent the local trade going to Detroit. We now have advantage taken of every excursion to that city, to smuggle over American goods, and many take advantage of such excursions solely for that purpose, and consider it pays and is perfectly fair to do so.

Now, in the name of common sense, if on so small a scale, every opportunity is seized to buy in an American city, what would be the immensity of this exchange under free trade conditions? Not only would St. Thomas be practically wiped out, but every town and village between St. Thomas and Detroit would be converted into a desolate wilderness.

I do not propose in this article to enter into a dissertation upon political economy, but will confine myself to a denial of the practical effects of "Commercial Union" as claimed by its friends, always assuming in my refutations thereof, that they really mean by "Commercial Union" that, and that only—not political union.

When "Political Union" is *openly* propounded, it will be necessary to meet them on other grounds. So long, however, as they continue to assert that they do *not* mean annexation it should be sufficient to prove the utter impracticability of commercial union such as is proposed—consistently with political disunion. Commercial Union would simply build up the trade of the United States, drive out of Canada every industry, deprive our farmers of any local market, and hand us over body and soul to the mercies of "Brother Jonathan," and would be in fact the most utterly ridiculous and shameful surrender of nationality and display of ostrich-like stupidity, it is possible to conceive.

In an "annexation" cry there would be at least something rational—even though repulsive.

What is wanted, however, is a continuation of our commercial policy, the development of our resources, and the fostering of such industries as under fair conditions can hold

their own in the future, and in the meantime to discuss and consider ways and means whereby to further enlarge our political and commercial status, with a view to a closer welding together of our interests and kinship with the empire in its vast entirety.

We are all free traders in theory, but present conditions demand primary consideration, and the idea and special object of Imperial Federationists is to enlarge the field of free trade in the not far distant future under Imperial conditions.

ALFRED E. RIDLEY.

SONS OF ENGLAND SOCIETY.

GRAND SECRETARY'S OFFICE,
SHAFTESBURY HALL, TORONTO.

The Most Worthy Grand President, with the Right Worthy Grand Secretary, instituted Devonshire Lodge, No. 53, in London, Ont., on Thursday, Nov. 24th. This is the third lodge in London and promises to be the largest and most influential in that district. The order is growing very rapidly in this division.

On Friday the 25th the Grand Lodge officers instituted the second degree in London, at which representatives were present from all the lodges.

On Saturday the Grand Lodge officers visited Windsor and instituted the second degree to the members of Prince of Wales Lodge. The progress made by this lodge is very encouraging; the brethren are very enthusiastic and working harmoniously for the order. The trip of the Grand President and Grand Secretary to this extreme section of the province produced a good impression.

All alterations or amendments to the constitution should be sent in to the Grand Secretary by the 1st of December.

The Grand Lodge will meet in the city of Toronto, Shaftesbury Hall, on the second Tuesday of February, 1888.

The Grand President will pay an official visit to Essex Lodge on the 2nd, Sussex on the 9th, and Lansdowne on the 12th of December.

Albion Lodge will celebrate the anniversary of the order on the 12th, at Shaftesbury Hall; Lansdowne, Peterborough, on the 12th, and Somerset, Parkdale, on the 14th of December.

The Grand Secretary expects in a short time to institute two new lodges in Ottawa during the month of December.

THE GRAND SECRETARY ADVISES ALL MEMBERS TO SUBSCRIBE FOR THE "ANGLO-SAXON."

Ottawa.

The first annual concert of the Sons of England of Ottawa, in aid of the charitable funds of Derby and Bowood lodges, took place in the Grand Opera House on Wednesday, November 9th, the anniversary of the birth of H. R. H. the Prince of Wales, under the distinguished patronage of their Excellencies the Governor-General and the Marchioness of Lansdowne. The programme was filled by the following artists:—Mrs. Caldwell, soprano, of Toronto, who sang "A staccato polka," Cuckoo Song, "Lo! hear the gentle lark;" Miss Maad Burdette, contralto, of Boston, who sang "Best of all," "Thine eyes so blue and tender," and "The Broken pitcher;" Mr. Sims Richards, tenor, of Toronto, who sang "The gay hussar," "Where'er St. George's banner waves;" Mr. W. Edgar Buck, basso, of London, England, who sang "Guiding light," "They all love Jack," "Hearts of oak," "Old Simon the cellarer." A duet between tenor and bass, "The old brigade;" duet between soprano and contralto, "The mocking bird." Two quartettes, "Oh! the roast beef of Old England," and "God Bless the Prince of Wales;" three pianoforte solos, by Miss Jean Ramsay Brown, "No. 4 Allegretto, Schubert," "Chant, Polonais op. 74," Chopin, Liszt and "Berceuse;" a violin obligato by Mr. Robert Brewer, of Ottawa; an overture and selection by a picked orchestra under Mr. James Carter, completed the evening's musical pleasure.

The following composed the committee of management:—

Messrs. R. J. Wicksteed, LL.D., W. C. Cousens, M.D., R. W. Powell, M.D., E. J. Reynolds, J. T. Hickmett, J. Davis, A. Short, E. Ackroyd, Geo. Low, Sr., Jas. Foster, J. Shepherd, C. Bott, J. Goodall, W. R. Stroud, H. Bott, W. T. Mason, W. Taylor, E. B. Moreland, A. Snuggs, H. Cawdron, W. Percy, W. Fest, G. Nicholson, R. A. Crouch, Geo. Ambridge, T. H. Jennings, and J. Chadwick. J. T. Bartram, Chairman, R. J. Tanner, Secretary.

The stage, vice-regal box and dressing rooms were tastefully decorated; the arrangements were complete inside and outside the House, and perfect good taste, beauty and thoroughness characterized the work of the committee. The artists were gratified at the handsome manner in which they were treated during their stay. The noble patrons—their Excellencies—said in turn, to one of the managers: "I desire to thank you much for a very pleasant evening;" and this their opinion was echoed by the brilliant assemblage of some four hundred of Ottawa's fairest and bravest.

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