

THE WHIG, SEVENTY-EIGHTH YEAR

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TORONTO OFFICE

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CAMPAIGN IN FRONTENAC.

There is some comment in conservative circles, and some merriment, because the liberal candidate for the local legislature is a hitherto "unknown quantity politically." Rev. Mr. McInnes was not among the regulars, it is true, in their campaigns in Frontenac county. He was a liberal who had his views, and was able, when opportunity presented itself, to speak so clearly on the issues of the day that the liberals in convention turned to him as one man, and he led them to their support.

One recalls the introduction of Mr. Bryan into the presidential arena. He had been a democrat of some promi-

ness, and had served notably in minor capacities, but when, at a national convention, he launched the silver boom, in a speech of unprecedented brilliancy and eloquence, he carried the people off their feet, and when nominations for the presidency were called, with one voice the democrats turned to him and said "There art the man."

Mr. McInnes need not worry about the jibes and sneers of his opponents. He will shine in the campaign quite as brightly as Mr. Rankin, who is the conservative candidate, and he will have behind him everything he goes quite as good an impression with regard to his contentions.

FARCE IN LOS ANGELES.

Without in any sense, or in any way, reflecting upon the issue to be tried—the guiltiness or otherwise of the McVannaras—the proceedings at Los Angeles are considerable of a farce. Two months have been consumed in the fruitless attempt to secure a jury, and the panel may not be complete until Christmas. The idea of the defence is plainly to break down the prosecution by successful skirmishing in the preliminaries. Judge, and jury and court officials, all and sundry indeed who have to do with the administration of justice, are sick and tired of the case before it has been begun.

Eight juries, or eight groups, of men have been summoned as jurors, representing some hundreds of them, and all but ten have been eventually set aside, after a weary, some personal enquiry into their fitness or eligibility. The ideal man for the most trying position that can be

imagined—the man who will later listen patiently day after day to evidence and talk of the most contradictory kind, the man who will exercise a judicial temperament, and reach sane conclusions—is the man who is dull or stupid, or so indifferent that he has not interested himself in the cause, and does not care anything about it. It is a matter for thankfulness that such a person is a rarity, and the ninth venire may be exhausted, and the tenth, without discovery of him.

The great want is not intelligence, but mental sluggishness, while the one great fact is laid aside, namely, that the peers of the men on trial must render a verdict according to their oaths and according to their understanding of the facts that are laid before them. There would be no such travesties of justice in England, and it is from England that all America is supposed to get its light and inspiration in legal jurisprudence.

EXTREMITY OF M'GILL.

It was a surprise to most people interested in higher education, to learn that McGill university, notwithstanding its endowments, was in financial distress, that one of the great seats of learning in Canada, and the greatest in Quebec, was in need of aid at once.

Of course the first look was toward the government from which the small sum of \$2,000 per annum has been for some years received. It was impressed upon the premier that McGill was supplying practically all the higher education of Quebec; that it was the college from whence issued the English members of all the professions; and that it was performing the functions of a provincial university though not endowed as such, and not aided as a provincial institution ought to be.

McGill, far more than Toronto university, is entitled to provincial assistance. When Toronto was taken up by the provincial government, because it was in Toronto, and had to be served at all cost, Ontario had at least two splendid colleges, in Victoria and Queen's. These represented, in their buildings, and equipment, the sacrifices of the people, and especially of the Methodist and Presbyterian churches. Victoria became a part of the college consolidation scheme, and to some extent lost itself in Toronto. Its arts department disappeared. It became an ally and appendage of Toronto uni-

versity to some extent.

Queen's refused to obliterate itself and its land marks by removing from Kingston. It has suffered somewhat in consequence. Its Arts department has been expensive, but it has appealed to the independence and the generosity of the graduates and the friends of Queen's, and its progress and success are a testimony to their fealty.

McGill deserves well of the Quebec government. It ought to get all it asks, \$100,000 a year—less than a fourth of the sum which the Ontario government pours into the treasury of Toronto university—yet it is not desired that this liberal relief should be extended at the expense of the public school system. In recent years this school system has been abundantly provided for, and it must be maintained unimpaired. But McGill is worthy of recognition as a provincial university, and should be given it, and all that it implies.

Meanwhile the friends of the college are coming handsomely to its assistance. A million dollars is looked for. It is a small sum considering the wealth of the city of Montreal, and the wealth of McGill's graduates. Some of them have already been heard from with princely contributions. Already it is reported that two millions of dollars were not made the minimum. It is not too late to make the charge and to sing the song its attainment will suggest.

EDITORIAL NOTES.

Have you read any of Sir James Whitney's addresses to the electors? They are a scroll from beginning to end. They are the talk of a man who thinks the people are serfs.

Sir James Whitney hates to admit that his railway board is a failure. But it is that—a miserable failure. It will have to go, and the sooner the premier realizes this the better.

The council is moving towards fewer committees. Sensible movement. Why not move at the same time for a revision of the rules of council? Get rid of every evidence of antiquity at one sweep.

The local government wants credit for things. It has not been restoring the law partially. It has been prosecuting the Farmers Bank officials and directors but allowed the chief offender, Dr. Beattie, to get away.

Remove the inequalities in our system of taxation, and the tax rate will be lowered in Brantford," is the slogan of the Expositor. Sir James Whitney objects. Let the taxation go on. What does he care about the people's burdens?

The departments at Ottawa must be regarded as a kind of labour bureau. Applications for offices arrive in hundreds every day. Some of them are followed by telegrams of the most imperious sort. Why not offer men homesteads in what was formerly regarded as "the great lone land."

The liberal leader in Ontario says the spoils system must go. The premier is dumb upon the subject. He once denounced the use of patronage for political purposes, but his government now practices it. Here is an instance in which the strong men tend to surrender.

THE HERBERT MARRIAGE

NEED OF A CLEARING UP AS REGARDS THE LAW.

Abandonment of the Suit in the Herbert Case Not Enough—Civil and Religious Law in Conflict—A Test Case in Order.

Toronto Globe. The collapse of the Herbert case at Montreal, and the probability of the restoration of Mrs. Herbert's civil rights as the legal wife of Eugene Herbert will in no sense lessen the need for some authoritative judicial deliverance as to the marriage laws of the province of Quebec. So long as there is uncertainty as to what is or is not a legal marriage in that province the present agitation for a uniform marriage law for the dominion will grow in intensity, and in the end the validity of Quebec marriages will become a great national issue, in the discussion of which passion may have more play than reason.

The *Ne Temere* decree, it must be remembered, has little to do with the Herbert case. The facts in it are simple. Eugene Herbert and Emma Marie Cloutier, both admittedly Catholics, were married on July 14th, 1905, by Rev. William Timberlake, a Protestant clergyman of Montreal, on the production of a license which was regarded by Mr. Timberlake as in proper form and valid. They cohabited as husband and wife, and a daughter was born to them.

The law of Quebec declares that the members of the various churches shall be married according to the rules and requirements of the church to which they belong. The Catholic church requires that marriage shall take place only after proclamation of banns—unless a special dispensation is given—and that the marriage ceremony, which is regarded as a sacrament, shall be performed not by a priest of the church. Both of these requirements having been omitted, the marriage is void on November 12th, 1909. The case was then taken to the civil courts, which on March 23rd, 1911, in default of Mrs. Herbert's appearance in defence, declared the marriage invalid. The result of the hearing in appeal is expected to be a declaration that the marriage was legal in the eyes of the civil law.

This, however, leaves open the question as to the extent to which any church by its rules and regulations respecting the solemnization of marriage may from time to time modify the civil law of Quebec. It was in respect to this part of the case that an authoritative judgment on the question would have been of great practical value. For, speaking broadly, the condition of the civil law of Quebec is such that the incorporation of the *ne temere* decree in the canon law of the Church of Rome might very well mean that not only in the eyes of the church, but also in the eyes of the secular authority, no marriage between a Protestant and a Catholic would be valid unless performed by a Catholic priest after the proclamation of banns.

Such an interpretation of the civil law of Quebec could not be permitted by Protestants to go unchallenged. Where persons of different faith come together in matrimony simple justice requires that the pastor of one party shall be as competent to marry them as the pastor of the other, and that the only authority requisite to a legal civil marriage shall be a license issued by the state and accepted by the clergyman performing the ceremony.

With the view of the Church of Rome that no Catholic can be married in the eyes of God and the church except by a priest the state can have nothing to do. That is a matter of religious faith, and in this country and this age the state meddles with no man's faith. But it is quite manifest that in the case of what is known as "mixed marriages," the pastors of the contracting parties must stand on an equality before the law. That can be secured only by a recognition by all the churches that in performing the marriage ceremony the officiating officers are representatives of the state, and that no church may by its rules and dogmas successfully arrogate to itself the sole right of marrying Catholics to non-Catholics.

It would be well for the religious part of the dominion were the Herbert case made the occasion for carrying forward to the privy council not merely the question of the validity at civil law of the marriage of two Catholics, but also of a Catholic and a Protestant by a Protestant minister. The situation needs to be cleared up.

THE WHIG'S PUZZLE.

Can You Guess What the Picture Represents?



What tree? Answer to Tuesday's puzzle: Gladys.

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Rev. G. W. Andrews, B.A., a superannuated Methodist minister, died at Agincourt, Ont., aged sixty-one years. He was born in Lankark and entered the ministry in Prince Edward county. His widow was a daughter of the late Herman Williams, of Belleville. Recollected, 1883, at McLeod's Drug Store.

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English Syndicate Buy Farm. Montreal, Nov. 22.—The MacNaughton farm of 200 arpents, on the southern bank of the canal, a short distance east of Lachine, has been sold to an English syndicate for \$660,000.

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