

workhouse 77 times, sometimes for intoxication and sometimes for disorderly conduct, and who had fully served workhouse sentences since 1877 amounting in the aggregate to 16 years. She had never been pardoned, and when Director Cooley asked her about the effect upon her of the full enforcement of all these sentences she said: "I don't think they've done me very much good." He agreed with her. The record showed that. He therefore tried the virtue of a pardon, and although she went out months ago she has not yet come back.

Another case was that of a man who had been sentenced 80 times for intoxication. He had never been pardoned, but had served out every sentence to the full. It was evident enough that workhouse discipline was doing him no good, and the director recommended his pardon. Tears came into the old man's eyes when he learned that for the first time in all his weak and unhappy career an official with pardoning power had taken a sympathetic interest in his misfortunes. But liquor had got the best of him. He is now back under another sentence for intoxication. This time, however, he had remained out three months, which was much longer than his usual periods of freedom. His case tends to show, therefore, that if the pardon did not eradicate an inveterate habit it was at any rate a little more effective, even in a strictly practical way, than unrelenting severity.

Illustrative of the callous inhumanity of police justices in dealing with routine cases of petty crime, the records of Director Cooley show a startling instance. It is the case of a boy of 14. On the 2d of last July, in anticipation of the glorious and gunpowdery Fourth, he had hooked his father's pistol and gone forth with strenuous mien into the open country. This was the extent of his offense. Arrested by a policeman and brought into a police court, he was sentenced by the justice to 30 days in the workhouse and \$50 fine with costs. His case did not come to Director Cooley's attention until some time in the fall, when his prison sentence of 30 days had long since expired, and he was kept behind the workhouse gate because too poor to pay the fine. He was promptly pardoned.

Another case was that of a man who, while intoxicated, had committed a petty theft. Arraigned in the police court, he begged for mercy, and sentence was suspended. But two weeks afterward he was again arrested. In the course of a debauch he had stolen

two or three cheap tools from one man, two or three cheap tools from another man, a pair of rubber boots from a third, and an old shirt from a fourth. For each of these offenses the police justice sentenced him to the full extent of the law—30 days' imprisonment in the workhouse and \$25 fine with costs for intoxication, and the same for each of the four cases of theft. The sentence aggregated five months' imprisonment and \$158.55 in fines and costs—several times the value of the stolen goods. After he had served more than half the prescribed imprisonment he was pardoned.

This man, it will be noticed, had not quite served the full term of imprisonment imposed. Some of the Cleveland pardons lessen the imprisonment term, as in his case; but by far the larger proportion of the pardons release prisoners who are confined for nothing but nonpayment of the pecuniary penalty. So far as there is any rule in the matter, it is the rule to pardon when the prisoner is held only for nonpayment of a fine; because in that case Director Cooley and Mayor Johnson regard him as being in prison not for his crime, but for his poverty.

A peculiarly abhorrent effect of this wretched fining system is illustrated by the case of a young woman, only 19, an inmate of a dive and a "hopeless outcast." She had come under the influence, while in the workhouse, of an intelligently humane woman, who succeeded in opening her eyes to the possibilities of a better life. After she had worked out her sentence of 30 days' imprisonment she was still held a prisoner for a fine and costs amounting to \$26. The dive keeper offered to lend her the amount, with the understanding that she pay her fine and return to the shelter of his vice-soaked roof. What that offer meant needs no explanation. In this particular case, influenced by the humane woman who had taken this fallen sister by the hand, the girl refused her old master's offer, preferring to remain a prisoner for the debt. But the lesson of that instance is that imprisonment in such cases for fines actually brings legal pressure to bear to confirm the vicious life instead of reforming it.

Not only does Director Cooley recommend pardons for those unfortunate inmates of the workhouse who are more sinned against than sinning, but he interests himself, where they wish it, in their needs, and in this he is aided by the Humane Society. An in-

dication of the value of that line of his work is afforded by the fact that 11 women pardoned from the workhouse, where they were working out penalties for being "hopeless outcasts" and for whom decent homes have been found, are now living good lives, with every indication that they have radically reformed.

Toronto, Nov. 24.—The question of prohibition is now uppermost in this province of Canada, even as it is in Manitoba.

What has quickened the question is a decision of the king's privy council, just announced. As most readers know, the principle of the organization of the Dominion of Canada is the reverse of that of the American Union. The American Union is organized (or was) by a federation of sovereign states, so that power ascends from the states, as units, upward to the general government, all unexpressed powers being reserved to the states. But the Dominion is organized by a delegation of powers from the general or imperial power downward, all unexpressed powers being reserved by the general government. Thus the king and parliament retain all powers not conferred upon the central government of the Canadian Dominion, and the government of the Dominion has the powers not conferred upon the provinces, which correspond to our states. The provinces, though possessing the dignity of states, bear much the same relation to the Dominion with reference to their powers that our counties bear to their respective states. Consequently, the validity of a provincial prohibitory law depends upon whether the provinces are expressly invested, either in terms or by implication, with authority from above to enact it, and not, as with us, upon whether this power has been reserved. The king's privy council in London is the court of final appeal.

The prohibitory law which the privy council has just sustained was enacted by the provincial parliament of Manitoba—a body which corresponds in function with our state legislatures, but is formed in imitation of the British house of commons, under the leadership of a prime minister and cabinet. This law absolutely prohibits the sale of liquor at retail for a beverage. It was nullified by the Canadian courts as being beyond the power of a provincial parliament to enact; but as the decision of the British privy council overrules the Canadian decisions, the prohibitory law of Manitoba will now go into full operation.

No such law exists in Toronto, the capital of the province of Ontario. On the surface of things, therefore, the people of this province have no special interest in the Manitoba case. But they are in fact peculiarly concerned. For the party now in power here is understood to be pledged to enact a law like that of Manitoba. It has so far successfully parried the demands of the prohibitionists by referring to the action of the Canadian courts nullifying the Manitoba act. But that excuse will no longer serve. Under the decision of the privy council the dominant party of Ontario is, in the expressive vernacular of the smoking-room, "plumb up against it." Its leaders must deny their pledges, or repudiate them, or skillfully evade them, or become responsible for a prohibitory measure. Whichever horn of this dilemma they choose, they are very likely to be gored.

Dominion politics have reached that stage, so familiar in the politics on our side, where the party in power and the party out of power are devoted, one to the vicious principle and both to the more vicious practice of protection.

The party in power, the Liberals, with Laurier at their head, were elected, as President Cleveland was the second time, upon the free trade side of the tariff issue. Laurier is himself a free trader. But, as President Roosevelt (see *Poultney Bigelow* in *Contemporary Review* for October) declared himself to be a Republican (with protection) first and a free trader afterward, so the Laurier government of Canada has turned out to be for the government and "vested interests" first, and for free trade some other time.

To a political reform which may prove, simple and modest as it appears, to be potent and far reaching, the legislative committee of the Toronto city council has become foster father. This is the system, familiar in Australia, which is known as proportional representation. It gives representation in public bodies to public policies in proportion to their popular strength. Having that system in view, the legislative committee of the Toronto city council has reported in favor of the following changes in the city government:

(1) That the wards be abolished, and the number of aldermen be reduced from 24 to 12, to be elected from the city at large on the Hare-Spence system of proportional representation.

(2) That the school trustees be reduced from 24 to 12, and be elected in the same manner.

This proposition has yet to be dealt with in the council, but it is strongly supported by the labor and social reform organizations, which wield no little influence in Toronto, and its adoption is hoped for with confidence. If put into operation, genuine minority representation in the council would be secured, and the example of Toronto would doubtless be followed soon on both sides of the line.

Toronto is distinguished as the home of Goldwin Smith. Once professor at Oxford university, where he was the special instructor in history of the present king of England, and later a professor at Cornell university, where he is the sole survivor of ten annual lecturers appointed early in the history of the institution, he is affectionately regarded as a personal friend by many men on both sides of the Atlantic who in their college days came directly under his ministrations as a teacher. A ripe scholar, he is respected wherever his name is known; and that is wherever good English is read. A man of broad but intelligent sympathies, of high ideals, and of democratic instincts, and withal a tireless worker, he has contributed to the development of democratic thought in a degree which under any circumstances would be extraordinary but which to a man of his lifelong environment is positively exceptional. Though now in his eightieth year, his writings are marked with the vigor of a man of forty. His intellect is undimmed, his physical powers are wonderfully preserved, his energies do not flag, and his interest in vital public questions is still afire.

The home of Goldwin Smith is "The Grange," a large, rambling house, surrounded by spacious grounds, where great old elms stand guard. This house is the first ever built in Toronto, dating back to 1817, when Toronto was Little York. In its cozy rooms the jolly good fellows of the old Canadian ring, the "Family Compact," corrupt product of London's Downing street, caroused and ruled. Prof. Smith's characteristic sympathies are emphasized by a collection in his dining-room here, of oil portraits, copied from various portrait collections, public and private, of the heroes of the Cromwellian revolution.

Among the activities of this democratic sage of two continents is a regular editorial contribution to a weekly paper — the Toronto Sun

—the general editorial writing for which is done by Mr. Gregory, a young Toronto lawyer, who is in thorough sympathy with his chief. Prof. Smith's contributions consist of a weekly series of editorial paragraphs on the serious side of contemporary history. Here he gives unrestrained expression to his views on public questions, under the pseudonym of "Bystander." Even those restraints of a magazine article which are due to limitations of subject, are absent from these products of his editorial pen. The Toronto Sun has a wide circulation and of course a great influence.

It need hardly be added that Goldwin Smith is too true an Englishman to approve the British invasion of Boer land, too friendly to America to be complacent over the American invasion of the Philippines, too sound a democrat to sympathize with the dominant plutocratic influences in British and American politics which have produced these two invasions, twin sisters of imperial iniquity, and too brave a man to evade censure by concealing his opinions about them. L. F. P.

NEWS

When the news reports for our last issue were written, Judge Grosscup, the federal circuit judge for the circuit which includes Illinois, had issued a restraining order (p. 519) prohibiting the Illinois board of tax equalization from obeying the mandate of the Illinois supreme court with reference to the taxation of the franchise values of two Chicago street car companies. He had granted this order pending the decision of a motion for injunctions of like tenor in two suits which these companies had brought in the federal court, argument upon the motions to be heard at Springfield, before himself and Judge Humphrey, the district judge for the Southern District of Illinois, on the 21st. Prior to the argument upon that day, the city of Chicago made application to be allowed to join in the defense in these injunction suits. The reason it gave was that the plaintiffs (the street car corporations), and the defendants (the members of the board of equalization), were acting in collusion. The application was denied, upon the ground that no proof of collusion appeared; but with an intimation from the bench that if it should appear in the future that the city's rights were being jeopardized,