

MARGINAL NOTES

HOMO HOMINI LUPUS.—Our title for this particular item is not reflective of the Christmas spirit, but it indubitably suggests itself as a fitting caption for the chapter written by the current year in the history of mankind on this planet. The angelic message—"On earth peace, good will toward men"—falls upon ears deafened by the explosions of death-dealing bombs in sky, and on earth and sea. Cruel murder, under the fiction of War, is being done upon the weak and defenceless, upon the neutral as well as upon the belligerent. True, this devil's work is as yet confined to Europe and the Orient, but the timid mind is prone to envisage it as the prologue to Armageddon—the universal and final struggle between the powers of good and evil during man's sojourn here on earth. While realization of this desolating fear is not likely to happen so long as there are nations and peoples who maintain the high traditions of civilization and are strong enough to sustain the rule of right against the misrule of might, yet it behooves each and every one of them to set their civil house in order so that unity within their borders will ensure successful resistance to any attack that may be launched upon them by the white and brown barbarians of this new dark age.

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CANADIAN UNITY.—In the November number of CANADIAN BUSINESS, the organ of the Canadian Chamber of Commerce, Senator J. W. deB. Farris, K.C., President of the Canadian Bar Association, discusses in an informative way how a real and abiding national unity might be attained in Canada. In the first place he believes that this country needs a larger population both for the sake of national security and for the benefit of domestic economy. Ten million people living in a country almost the size of Europe and maintaining the policy of the 'closed door' against immigration, provokes the envy and stimulates the covetousness of over-populated and less favoured countries. Then, one of Canada's greatest problems to-day is the ever increasing volume of her public debt. This problem in Senator Farris's opinion would be solved by selective immigration. Enlarging upon this, he proceeds to say :

An increased population will help us get rid of our national debts, and it will stimulate business so that through prosperity there will come contentment, which is the basis of unity. But there is

another and very direct way in which more population will make us more united. If we fill up the waste spaces we will have more unity. Distances have been our greatest handicap. They are a handicap to business and to social intercourse. They prevent people knowing each other, and they prevent them trading with one another. Isolation is an enemy of Unity.

But while the material things that conduce to economic welfare foster unity they are not, in Senator Farris's opinion, of its spirit and essence. He is disposed to think that—

Unity is something which is of the mind and heart. The greatest assurance for unity in our country is a sense of justice. A sense of justice between man and man. A sense of justice between Province and Province, and between the Provinces and the Dominion..

If we keep unsullied the administration of justice between man and man as it prevails in our Courts today, and if the tension engendered by variant readings of the British North America Act is assuaged by lucid amendments of it agreed upon between the Provinces and the Dominion, then national unity will come to birth in sufficient measure to keep Canada on the path of progress until her population has increased to the extent of her economic need.

This, as we read it, is the import of Senator Farris's timely article. We should like to hear more of our public men speak in the same strain.

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THE UNLICENSED PRESS.—In a recent weekly number of *The Times* Mr. Winston Churchill and Lord Southborough declare themselves as opposed in the most unqualified way to the practice of camera-men at public dinners in walking about the room, while the guests are practically demonstrating that civilized man cannot live without cooks, and snap-shotting for publication the busy faces of well-known people present without their leave and license first obtained. Mr. Churchill said :

In the United States this practice is carried to a very unpleasant degree, and I recently saw a photograph of President Roosevelt with his mouth half-open in the act of eating or drinking. Similar tendencies are already manifesting themselves here, and I could give numerous illustrations, but the effrontery is at present confined to a small circle of publications. It is the responsibility of the host to protect his guests from annoyance of this kind, and guests should not hesitate to ask for this protection when necessary. It might also be a good thing for public men, when invited to attend dinners as speakers, to stipulate beforehand that such practices shall not be allowed.

Lord Southborough expresses hearty concurrence with Mr. Churchill in rebuking the Press photographer—

Who lies in wait to take a picture of the oyster or the caviare as it passes into the interior of some distinguished politician. He might have expostulated even more at the appearance some days later of another picture entitled "Tears at a Funeral". This abomination savours of the present day, but it is interesting to look back to find the embryo. At the International Railway Congress in 1895 the then Prince of Wales, who presided, beckoned to the secretary and said—

"There is a young man up in the gallery with a photographic apparatus. Go and turn him out. Tell him I will not be photographed while I am blowing my nose."

It was not until the expiration of the Licensing Act in 1695 that the heavy hand of censorship was lifted from the head of the Press, and that liberty of unlicensed printing extended to it which Milton asked for some fifty years earlier in the pages of his *Areopagitica*. But Milton himself could speak of—

Casting pearl to hogs
That bawl for freedom in their senseless mood . . .
Licence they mean when they cry liberty.

We commend these lines to the newspaper guild of the "snap-shot" whose adventures in impertinence are one of the features of our vulgar age.

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THE RAZOR'S EDGE INVISIBLE.—The REVIEW is indebted to the Honourable George Patterson, Judge of the County Court for the Counties of Pictou and Cumberland, Nova Scotia, for the following story about Judge Haliburton of happy memory.

"We all know the immortal lines in which Keats described his feelings when first he looked into Chapman's Homer.

Then felt I like some watcher of the skies,
When a new planet swims into his ken, etc.

"I understood the feeling this summer when I discovered a hitherto unknown joke of Judge Haliburton, "Sam Slick". It will be remembered that Judge Haliburton left Nova Scotia in 1856 and became a member of the British House of Commons in 1859. This new story is told by a fellow member, Sir M. E. Grant Duff, and will be found in those selections from his Diaries published under the title "A Victorian Vintage" at page 172. As this book will not be readily accessible to the great majority of the readers of the REVIEW, I quote the story in full:—

1894, Oct. 5th — Mrs. Cunard told me that a man had once come up to her father, Judge Haliburton, with whom I sat for a short time

in the House of Commons, and said to him : 'Sir, I hear that you live in the same place as the author of *Sam Slick, The Clockmaker*. Do you happen to know him?' 'Well, I ought to do so,' was the reply. 'I shaved him for the last forty years.' The querist, thoroughly mystified, was afterwards heard to say : 'That man looks like a gentleman; but he is really a barber.' "

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JESSEL, M.R., AS BIRRELL SAW HIM.—In the last number of the REVIEW we had considerable to say about the late Augustine Birrell, K.C., and quoted somewhat freely from his "Things Past Redress" which is the embodiment of his experiences in a lengthy pilgrimage through a world that buffeted him but could not break his buoyant spirit. We refer to the book again to show that while Birrell was confessedly a failure at the Bar he could generously admire and praise those who had attained success there and on the Bench. Space only permits us to instance in this behalf his appreciation of Sir George Jessel, M.R. After citing a case where Jessel's ability as counsel enabled him to break up in a day and a half a case abounding with big briefs and fondly expected by his opponents to last a week, Birrell speaks of the great man's kindly attitude to "timid Juniors" who appeared before him as a Judge. Whether he sat in the Rolls Court or in the Court of Appeal, Jessel, in Birrell's opinion, was always the dominant mind on the Bench. But fame is always on the wing towards oblivion in the case of judges, and the summons to give place to their betters is not unfamiliar to their ears even while their abilities are unimpaired. But so far as Jessel's star was concerned Birrell was disinclined to let it sink below the horizon. These are his words :

I am now told by the Olympians who for the hour sit in the House of Lords as a final Court of Appeal, that Jessel's judgments are not today of high authority — those of Lord Lindley being much preferred. This may be so, indeed it must be so, for the House of Lords (though even the House of Lords occasionally goes wrong) are best able to judge the waxing and waning of judicial reputations. None the less, at the dates I am dealing with (1873 - 1884), Jessel was the Lord Paramount in Lincoln's Inn, and the great god of the Junior Bar. During his sway the Rolls Court was a true school of law, and was crowded, not only with practising barristers, but with eager students. There has been nothing like it since.

It is said of Jessel that as Master of the Rolls he never reserved judgment, and that twice only did he do so in the Court of Appeal and then only at the request of his colleagues.

How fervent the wish that the Jessel tradition were part of our forensic heritage in this age!

Ottawa.

CHARLES MORSE.