

The Brain Browsers' Guide

Winnipeg, Wednesday, June 21st, 1916

DIRECT LEGISLATION IN MANITOBA

Attention was called to the fact in these columns a few weeks ago that the Direct Legislation Act, passed at the recent session of the Manitoba legislature, had not been put into force. At the last moment it was decided to put the Act into force on proclamation, or in other words, at the will of the government. Recently the executive committee of the Direct Legislation League waited upon the government and requested that the Act be proclaimed. The Attorney General and other members of the government discussed the matter with the executive committee and pointed out that it was very desirable that the Act should be quite constitutional and effective once it came into force, and the Attorney General sent the following written reply to the league:

"Referring to your enquiry as to when the government proposes to proclaim the Direct Legislation bill passed at the last session of the legislature, I wish to say that grave doubts as to the validity of certain sections of this Act have been expressed by a number of prominent lawyers who have given the matter some consideration, and the minister of justice also suggested similar objections in connection with the Saskatchewan Act passed a few years ago. In view of this, and of the fact that the legislation is probably the most important that has ever been passed by the legislature in Manitoba, we think it is our duty to have these doubts effectually resolved before the Act is brought into force. This can only be done by a reference to the courts. This will supply the additional advantage of having the whole Act thoroughly and carefully discussed and considered by a competent tribunal. For these reasons we propose to refer the matter to the courts and will be glad to appoint as counsel for those supporting the Act such person or persons as your league may nominate. As the government is pledged to the principle of Direct Legislation it will proceed in general conformity with the Act until the questions referred to are ultimately disposed of."

It is understood that the government will have the bill brought before the local courts and from there referred possibly directly to the Privy Council in England, where the judges will be asked to consider it carefully and to point out whether it is unconstitutional in any respect and to specify the constitutional defects. If any constitutional defects are discovered it is then the intention of the Manitoba government to have the Act properly amended at the next session of the legislature and to bring it into effect immediately. It will be noted in the Attorney General's reply that the government will proceed in general conformity with the principles of the Act until the questions referred to are ultimately disposed of. This means we understand that where bona fide petitions are presented the government will give them the consideration they deserve instead of dumping them in the waste paper basket as has been the policy in the past. It is certainly very desirable by all those interested in democracy that the Direct Legislation Act should be constitutional in every respect, and as it is altogether unlikely that the act would be used before the next session of the legislature, there will be very little opposition to the course which the government proposes to take. And if the Privy Council decision can be secured in time to have the amendments made at the next session, Manitoba will be the first province in Canada to have a real bona fide Direct Legislation Act upon its statute books.

HUDSON'S BAY PRIVILEGES

The Hudson's Bay Company is challenging the right of the Manitoba government, under the recent Temperance Act, to prevent the Company from selling liquor. The Company maintains that its charter contains special provisions over which the Manitoba legislature has no authority. The action of the Hudson's

Bay Company produces a most extraordinary situation and if the Company is upheld by the courts it will give them a monopoly of the liquor traffic of Manitoba despite the fact that the people by popular vote have decided to abolish the traffic. The fact that the Company in past years has regularly taken out a license to carry on its liquor business is claimed by some to be a waiver of its charter rights. This no doubt will be a subject for legal argument. At any rate the people of Manitoba have decided that the liquor traffic must be wiped out and regardless of the charter rights of the Company they will find that it will not be a paying proposition to force the liquor traffic upon the province against the wishes of the people.

The Hudson's Bay Company is also contesting the authority of the Saskatchewan legislature to impose the surtax upon their vacant land. The Company has a large amount of vacant land in Saskatchewan which the surtax of \$10 per quarter-section would be applied to. The Company's solicitor has informed the Saskatchewan government that this tax is in contravention to the Imperial Order-in-Council issued June 23, 1870, which provides that "no exceptional tax is to be placed upon the Company's land." The Saskatchewan government has already initiated legal proceedings and will no doubt have the decision of the highest Courts as to whether or not the Company's land is to be taxed the same as other vacant land in the province.

These two contests between the Manitoba and Saskatchewan governments and the Hudson's Bay Company are an object lesson to the people of the present generation showing the danger of one generation making blanket contracts which may be binding upon people who will inhabit this country for years to come. The Canadian Pacific Railway succeeded in getting a decision from the Imperial Privy Council years ago to the effect that its huge land grant was to be exempt from taxation for nearly twenty years beyond the time which the parliament of Canada had intended the exemption to continue. The vacant land in this Western country is one of the heaviest burdens upon the people and if they are not to be permitted to exercise the taxing power the burden will continue to increase.

CHINA IN THE MELTING POT

At any other time than the present, when the western world is engaged in a gigantic war, the death in Peking on June 6 of Yuan Shi Kai, president of China, would have given rise to much speculation and comment. For years it was suggested that the four hundred millions of people in China formed a tremendously strong potential menace to the inhabitants of the western hemisphere. The advent of the European war served so completely to deflect public attention from this problem that the many recent important happenings in China have received little or no comment. Yuan Shi Kai made a fatal blunder when after three years as president he announced his intention of re-establishing a monarchy and of himself ascending the throne as the founder of a new dynasty. Opposition to this change developed very rapidly in southern China and after postponing the coronation celebrations indefinitely Yuan decided to abandon his plan altogether. To the observant there is an interesting parallel between existing conditions in China and those which led up to and were directly responsible for the present war in Europe. China has long been a favorite land for exploitation by financial groups backed by international support. No sooner had a Chinese republic been declared in 1912 than the international exploiting interests,

the armament trusts, land monopoly seekers and others of like persuasion, prepared to overthrow it. The leadership of Dr. Sun Yat Sen, the visionary, the man with democratic ideas, was not acceptable to these predatory interests and, by stirring up antagonism to the change of government, they proceeded to wreck the republic. Dr. Sun Yat Sen, in the hope of saving what little progress towards democracy China had made, resigned in favor of Yuan Shi Kai. Yuan had not the scruples of the former president and agreed to fall in with the proposals of the powers interested. With this support he ruled very much as he pleased and, ever ambitious, made the attempt to have himself proclaimed emperor which undoubtedly led to his downfall. China is once more free to work out her own salvation along democratic lines. It is a matter of world wide importance that she be allowed to do so unmolested by any insidious interference of international financial groups.

MORTGAGE COMPANIES' ABUSES

Several cases have come to our attention recently where mortgage companies have taken advantage of farmers in the placing of insurance on buildings under the mortgage. In one particular case recently the farmer had his buildings insured in a well known and reliable local company. The mortgage company, as is usual in most cases, had a clause in their mortgage stating that all insurance must be placed with companies approved by them. They accepted the insurance in force when the mortgage was given and when the policy expired the farmer renewed it in the same company and considered everything was satisfactory. He was notified, however, by the mortgage company that he must place his insurance in another company and was compelled to submit to the expense and inconvenience entailed. The only apparent reason which the mortgage company had for changing the insurance company was that they got a commission on the premium paid on the insurance placed in the company approved by them. This is a practice adopted by many mortgage companies and it does not seem to be a fair one. All that the mortgage company requires is sufficient insurance to see that they are amply protected and the farmer should be permitted to place his insurance with any reliable company. The mortgage company is supposed to be doing a mortgage business and is not entitled to any rake-off on the insurance business at the expense of the farmer. In this particular case in question the premium which the farmer was forced to pay on the new policy was very much larger than the premium he was paying on his old policy and his protection will be no better, but of course the mortgage company will get the rake-off on the premium. We understand that there is liable to be some provincial legislation on this matter and it seems high time that farmers were protected in this respect.

HYBRID TICKET ABUSED

A case has just come to our attention where all the evidence indicates that one of the line elevator companies has used the famous "hybrid" ticket to take advantage of a farmer. The facts placed before us show that a farmer hauled in 1,800 bushels of oats to the local elevator and received a ticket marked "subject to inspector's grade and dockage." The elevator man took no samples as the grain was delivered, but docked each ticket. Several months later the farmer received notice from the elevator company that his car had been shipped to the terminals and in passing Winnipeg had been graded 3 C.W. The farmer complained to the elevator company and asked