

system, it is quite clear, could the Dominion have been founded. It is well that this important fact should be borne in mind, not only by the Provincial authorities who are empowered to enact and administer Provincial laws, but also by the Dominion authorities, when they are called upon to deal with questions that have both Dominion and Provincial sides. Such a question, one can easily see, is that of the prohibition of the liquor traffic.

This is one of the subjects concerning which the fathers of Confederation were not able to see clearly ahead. The constitution, as they prepared it, left the question in a state of confusion, which caused much trouble and litigation, and contributed much profit to the numerous members of the legal profession who from time to time were called upon to advise as to what the law really meant. The constitution (section 92) gave to the Provincial Legislatures the exclusive power to make laws respecting "Shop, saloon, tavern, auctioneer and other licenses, in order to the raising of a revenue for Provincial, local or Municipal purposes." It was claimed for some time that the Provinces could, under this section, by refusing to grant licenses, stop the liquor traffic entirely. But another part of the constitution (see, 91) gave to the Dominion Parliament the exclusive power to make laws for "the regulation of trade and commerce." After long years of litigation the decisions of the Judicial Committee of the Privy Council, which have the force of law, held that the Provinces could make laws respecting the retail liquor trade, and could enact prohibition so far as the sale of liquor at retail was concerned, but that the manufacture and importation of liquor, and the sale of it to parties beyond the Province, were matters of trade and commerce, which could be dealt with by the Dominion Parliament only. The power of the Dominion to prohibit, generally or in any portion of the country, was declared. Thus the Scott Act, a local option measure, was upheld. But the power of the Local Legislature to prohibit was held to be restricted, as before mentioned.

The prohibition movement, which had been growing even before the war, has undoubtedly received a great impulse from the war. It is doubtful if this is particularly due to the agitation of prohibition organizations. It is rather the outcome of the more serious thought and the demand for thrift that the war has brought about. A great many people who might have been called moderate drinkers, or occasional drinkers, and who certainly have not been identified with prohibition movements, have come to the conclusion that the use of liquors, if not harmful, as many contend, is at least unnecessary and wasteful, and therefore they have joined their voices to those which have long advocated prohibition.

Prince Edward Island has had prohibition for several years, so far as Provincial authority could establish it. How far it has proved effective in suppressing the traffic is one of the questions on which there is much conflict of opinion. The three prairie Provinces, Manitoba, Saskatchewan and Alberta, either have prohibition now or are about to come under the operation of prohibitory laws. Nova Scotia, which for a long time has had prohibition in the greater part of the Province, has just passed in its House of Assembly a measure to make the law general. New Brunswick is moving in the same direction. The Ontario Legislature, it is now certain, will during the present session, enact a prohibitory law, the only point in doubt being whether the measure shall take effect in the usual

way, or be subject to a referendum. British Columbia has developed quite a strong prohibition movement. Quebec has made no move, but Quebec is known to be a temperate Province, and Quebec members at Ottawa have testified that the cause of prohibition has made great gains in the Province.

There is thus a very widespread manifestation of the growth of the prohibition movement. Nevertheless, there is much force in the contention of many members that there has not yet come such a general state of favorable public opinion as would demand and uphold a Dominion wide prohibitory law. This being the case, there is wisdom in the proposal that, for the present, the Dominion Parliament should be content to pass such measures as will supplement and support the laws of those Provinces in which opinion has declared itself emphatically by the adoption of prohibitory legislation. One of the arguments advanced in support of a Dominion prohibitory law is the fact that, owing to the constitutional limitations upon the power of the Local Legislatures, the measures adopted by the latter prove to some extent ineffective, inasmuch as, while the Provincial law prohibits the sale of the liquor, the Dominion law allows the manufacture and importation of it. A request that the Dominion power shall be used to make good this defect can be urged with much reason. If we correctly understand what is now proposed at Ottawa, it is that an Act shall be passed providing that wherever the Legislature of a Province has enacted a prohibitory law to the extent of its constitutional powers, then in such Province the Federal power shall be used to make the prohibition complete.

Thus the powers of the Dominion and Provincial Parliaments will be made to work together, to establish such a complete prohibition as has not hitherto been found practicable. Such legislation will, in principle, be an application on a wider scale of the Scott Act. That Act provided for prohibition in a limited area when the people by a direct vote asked for it. The legislation about to be enacted at Ottawa will provide for prohibition in a Province whenever the Provincial Legislature ask for it.

Two Kingston Men

IT is surprising to find so able a member as Mr. Nickle, of Kingston, claiming in the House of Commons that the taxation system of the recent budget "is practically an income tax and taxes the man who can pay." The scheme certainly does tax many who can afford to pay, and if others who are equally able, perhaps better able to pay, are also taxed there will be no room for complaint. But does the system work out fairly? Take two Kingston men for illustration. One with moderate capital, but with much courage and enterprise, with a desire to do something to help in making Kingston a busy community, puts his money into the Kingston Locomotive Works. The budget pounces on him for one-fourth of any earnings above seven per cent. His next door neighbor, a worthy soul in his own way, with much capital, but not willing to take business risks and content that Kingston should be a humdrum place, puts his money into mortgages, or perhaps American railway bonds, which yield him a liberal interest. The budget leaves him untouched. This is a feature of the scheme which seems unfair. It distinctly penalized industry and enterprise.

Trade With France

THE desirability of encouraging trade with France was fully recognized a few years ago, when a very comprehensive commercial treaty was negotiated by Canadian Ministers with the French Government. Further efforts in that direction are now proposed as a result of the recent visit to Canada and the United States of a delegation from the French Government, having for its object the extension of French trade after the war. The Canadian Government has decided to send a delegation to France and it is proposed that the Manufacturers' Association and other commercial bodies shall send representatives to join the delegation. The movement is an excellent one. It is much too soon to reach conclusions as to what particular lines our commercial policy shall follow after the war, but it is not too soon to make such investigations and have such exchanges of opinions as may be brought about by the proposed visit to France.

Free Rioting in Toronto

THE soldiers who have been engaging in disorderly conduct in London, Ont., Berlin, Ont., and Calgary, Alta., have made mistakes in the selection of their ground. They should endeavor to arrange for transfer to the battalions that are wintering in the chief city of Ontario. There, under the friendly eye of the gallant Colonel Denison, who presides over the Toronto Police Court, their riotous proceedings are likely to be appreciated. Indeed, if they make their assaults upon law-abiding citizens particularly prominent, they may hope not only for kindly approval, but even for special recognition, perhaps in the form of riotous conduct medals, to the cost of which their comrades will be advised to contribute.

There was a great demonstration in Toronto a few days ago in favor of the prohibition of the liquor traffic. It was Provincial in its character, the friends of the movement from all over the Province coming to Toronto to join in the procession which, with banners flying, marched through the streets. The procession was attacked and its banners torn by a mob which included a number of soldiers. One of the soldiers was arrested and brought before the Police Court. He admitted his offence, pleading "guilty"; but immediately the colonel of his battalion, who happened to be a member of the legal profession, changed the plea to "not guilty." There did not seem to be any dispute as to the facts. A police inspector testified that he had seen the accused "more than a dozen times, tearing banners." The Telegram report continues:

"There was no evidence for the defence.

"This boy shouldn't get all the blame," said Colonel Denison. "He'll be fined \$1 and costs. The rest of the battalion should help to pay his fine. It was very foolish sending that procession up University ave."

"The students throw stones at the soldiers every day," said Col. Levisconte. "They tell them how easy it is to get a free cap."

"Young men not in khaki ought not to go up University avenue nowadays. Cowards should take the back lanes," remarked Crown Attorney Corley.