

liament is the proper body to pass confirmatory legislation, if such be needed. This view seems to necessarily involve the assumption that the Provincial Legislatures are bodies subordinate to the Federal Parliament. Passages from speeches of Sir John A. Macdonald in relation to the office of Lieutenant-Governor are quoted as if they supported this contention. There is no doubt that Sir John, who was avowedly a centralist and never liked the Federal system, desired to establish between the two legislative powers the relation of superior and subordinate. As far as he could, in his earlier treatment of the question of the disallowance of Provincial Acts, Sir John maintained this conception of the relations between the Dominion and Provincial authorities. But experience and the decisions of the Privy Council in London obliged him to modify his views in this respect. Even in relation to the disallowance of Provincial Acts the right, if not the technical power, of the Federal Government, has been much restricted. No Government at Ottawa now claims the right, at its own will, to veto a Provincial law. In principle the veto power of the Federal Government on Provincial Acts is precisely the same as that of the Imperial Government on Federal Acts and of the King on Imperial Acts — a power which remains in the constitution only because it is never exercised. Since the Imperial Parliament has supreme power in Great Britain and all the dependencies there can be no question as to the constitutionality of any Imperial Act, and therefore there is no room for a veto on constitutional grounds. The Imperial Government would not think of disallowing an Act of the Canadian Parliament unless it appeared to be in conflict with some Imperial obligation, a case so rare that the veto is practically unused. In the case of a Provincial Act the possibility of it trenching on the authority of the higher power is greater than in the other cases, and therefore occasional ground for the exercise of the veto may appear. But in principle the character of the veto power is the same in Ottawa as it is in London. The power of veto exists, but everybody understands that it must be used very rarely, if at all.

Apart from this qualified veto power, and the right to appoint and dismiss Lieutenant-Governors, the Federal and Provincial authorities stand constitutionally in equal positions. The Provincial Legislature derives no power whatever from the Federal Parliament, nor could the Federal Parliament impose any obligation on the Provincial. The Provincial authority springs from the same source as the Federal.

From all this it seems clear that if there has been such a defect as is alleged in the legislation of British Columbia, and if confirmatory measures are desired, only the Imperial Parliament possesses the power to enact a remedial law.

### Railway Labor Troubles in the States

WHEN President Wilson urged the passage of what is called the Adamson law, giving the railway brotherhoods a ten hour payment for an eight hour day, he was strongly censured in many quarters as having yielded too much to the demands of the workmen. His defence was that the country was threatened with a continent-wide railway strike, which, if carried out, would have paralyzed all business and created incalculable trouble and hardship to innocent

people, and that it was only by the prompt enactment of a drastic measure that the strike could be averted. Many thought that the strike would not have occurred, and that the President and Congress showed weakness in yielding to the threat of the brotherhood. The strike, at all events, did not take place. The country seems to have taken the President's view and justified his action. The law was to have taken effect at the beginning of the new year. In the meantime the big railway companies organized to resist the law, which they were advised was unconstitutional. The trial of the issue has been facilitated by the authorities and an early decision by the Supreme Court of the United States is hoped for. The United States Government are defending the Act before the court.

The railway companies are refusing to observe the eight hour law. The workmen have claimed that, pending the decision of the court, the law should go into operation at once. The companies say that if the law be upheld the men will receive the benefit of it, including arrears from the beginning of the year, and that in the meantime the men shall be paid at the old rate. Between the two interests there is a clash on this point, which may yet cause a strike, though some of the representatives of labor are disposed to await the judgment of the court.

There is another branch of the question which is now engaging attention, which seems likely to bring the President into conflict with the labor organizations. When he first recommended the eight hour bill he advised that Congress should adopt the system which has for some years existed in Canada for the settlement or prevention of labor disputes on railways. Our Canadian law does not provide for compulsory arbitration, but it does provide for compulsory investigation before a strike or lock-out is allowed. The theory of the law is that, if both employer and employee can be prevented from taking hasty action, and if inquiry can be had by a board representing all interests, public opinion, with correct knowledge of the facts, will become a powerful agent in settling the dispute. The men's right to strike after the inquiry is not disturbed, but if they strike without resorting to the inquiry provided by the law they become subject to penalties. While there have been a few occasions in Canada on which this law failed to serve its good purpose, it has in many cases prevented or settled labor disputes. Dr. Charles W. Elliott, ex-President of Harvard University, who has made this class of social questions a special study, has pronounced the Canadian law the world's best piece of legislation dealing with industrial disputes. Though President Wilson recommended similar legislation in the United States he did not press for its immediate adoption in connection with the eight hour law. The urgency of the latter, as a means of preventing the threatened strike, was the excuse for separating the two measures. Now, however, the President is endeavoring to induce Congress to adopt the Canadian law. In this effort he is certain to come into conflict with the labor unions which so warmly endorsed his action on the eight hour bill. The labor organizations of Canada have never given their support to the Canadian system, though some representative labor men acknowledge its good points. In the United States the unions generally will probably be against the proposed legislation. They object to any restriction on the right to strike. Under the Canadian law the right of the individual workman to strike is not interfered with. He is free at all times to work or not to work, as he pleases. It is only when he becomes a party to concerted action to strike that the

law steps in to stop him. Before doing that he and his associates are required to call into operation the machinery for inquiry. This does not seem to be an unreasonable restraint upon a man's freedom of action in a matter which concerns the public at large. But the American labor leaders are not likely to submit to such restriction if they can help it. Their objections to the proposed legislation will find friends among the Republicans in Congress and a lively contest is likely to take place.

### "Scenes of Crime or Violence"

SOME time ago, while giving due credit to Canadian censors for their vigilance in excluding from the moving picture theatres pictures of an immoral character, we invited their attention to pictures of a coarse and vulgar class which, though they may not be indecent in the ordinary sense of the word, are objectionable inasmuch as their influence, especially upon the young people who so largely patronize the movies, must be of a debasing character. There is much room for revision of the rules of the censors in this respect. It is not desirable that any officials should be encouraged to place too severe a restriction upon the amusements of the people. Reasonable latitude should be allowed. But is it not possible, without any unfair restriction upon the instruction or wholesome amusement of the people, to shut out many of the displays of vulgarity which are to be found in the movie houses?

There is another aspect of the question to which we desire to call the attention of the Customs authorities as well as the censors. In a revision of the tariff some years ago a section was inserted in the prohibited list, forbidding the importation of "posters and hand bills depicting scenes of crime or violence." It had been the practice of travelling show companies coming from the United States to advertise their exhibitions by startling posters and hand bills representing scenes of crime. The amendment made in the Customs law of that time has served a good purpose. Many a package of this objectionable advertising matter has been seized by the Customs officials and confiscated or sent back across the border. The show people who are in the habit of coming to Canada have become familiar with the law and seldom attempt to bring in the offending advertisements. But the great development of the moving picture business has revived the evil in a more dangerous form. Moving pictures "depicting scenes of crime or violence" are passed by the censors and shown at many of the movie theatres. If printed advertisements depicting the same scenes were brought in they would be promptly seized by the Customs authorities. But the pictures in the form of films for reproduction on the screen are constantly brought in and exhibited. If the Customs law is not broad enough to exclude the films as well as the printed advertisements, the Department should at the present session ask Parliament for the necessary addition to the list of prohibited articles. In the meantime the censors might well take up the matter and refuse approval to films which, in the words of the Customs Act, "depict scenes of crime or violence." The exhibition of pictures of vulgarity, crime or violence in the movies cannot fail to have a bad effect on the minds of the young folk who visit these theatres.