

by im- any term up to the Army Act; conse- ly his offence was a crimin- act. Now, as we have just said, it was sought to release him by means of Habeas Corpus. The application for his release was made by Mr. R. B. Bennett of Calgary. The matter was referred to the Appeal Court of the province and the application for his release, in the manner stated, was sustained by a majority of the judges, 4 to 1, the Chief Justice dissenting. The effect of this decision, should it be upheld, would be a very great demoralization of military operations in Canada, as it might have been made to apply to some fifteen or twenty thousand soldiers, whose exemptions were cancelled by virtue of the orders-in-council referred to. As it was, several applications were made in different parts of Canada on behalf of a disaffected soldier here and there. On the face of it, it was a very plausible excuse for petti-fogging lawyers to embrace the opportunity of making a few dollars, by presenting and working up Habeas Corpus cases before judges of various courts. Another disagreeable feature which began to manifest itself quite naturally, was a clash between the civil and military authorities. Surely all reasonable people, desirous of the Allies' success in the war, could not help thinking that those who thus interested themselves in defeating the objects of the Military Service Act and the Government proceedings thereunder, must have been desirous of abstracting our military success, demoralizing our army, and affording encouragement and success to the enemy.

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Supreme Court Decides.

On Friday last the Supreme Court of Canada delivered judgment in the test case, submitted to it regarding the validity of the Federal Government's action in cancelling exemptions granted, to enlisted soldiers, by the Military Tribunals. The necessity for bringing this matter before the highest judicial tribunal in Canada was created by the decision of a majority of the judges of the Supreme Court of Alberta.

In order to have a fair understanding of the case it will be necessary to present a brief history of the whole matter. In the first place we must go back to the special session of parliament held in the summer of 1914 after the outbreak of the war.

At that session an act was passed entitled "The War Measures Act." This statute, unanimously passed by both houses of parliament, empowered the Government to bring into force, by order-in-council, any measure deemed necessary for the successful carrying on of the war, so far as Canada is concerned. It was specifically laid down in the War Measures Act that whatever the Government deemed necessary for Canada's successful prosecution of the war would have the force of law, by order-in-council, without reference to the Federal Parliament.

In virtue of this power, inherent in the war Measures Act, the Government, on the 20th day of April last passed orders-in-council cancelling all exemptions granted to enlisted soldiers in Canada between the ages of 20 and 23. The Government, in thus cancelling the exemptions granted to this class by the Military Tribunals, were actuated by the extreme necessity for men, consequent upon the very serious turn which the war had taken. The Government could have enforced the provisions of the orders-in-council without submitting the matter to Parliament; but, as Parliament was actually in regular session at the time, the Government brought down copies of the orders-in-council and placed them on the table of the house. They then introduced a resolution asking Parliament to ratify the action they had taken in these orders-in-council. This resolution was passed by both houses of parliament, the House of Commons and the Senate, and was thus given the force of law.

The military machinery moved along under the regulations thus established, and exemptions in large numbers were cancelled, and the young men thus affected were called in from all parts of Canada and put into khaki. No legal question was raised regarding the matter until about a month ago when, in the city of Calgary, in the province of Alberta, application was made to a judge of the Supreme Court in that province, for Habeas Corpus, in favor of Private George Edwin Grey, who had been drafted under terms of the order-in-council. It should here be stated that Grey was at that time, not only in the custody of the Military, but was awaiting sentence of Court Marshal for disobedience, as a soldier, to lawful orders of a superior officer. Such disobedience, it appears, is

language in which it was expressed. The fact that, in the present instance, a resolution was adopted by both houses of parliament, approving of the orders-in-council while it does not add anything to its legal force as an enactment makes it abundantly clear that no attempt was made in this instance to take advantage of the powers conferred by section 6 of the War Measures Act, to pass legislation without the consent and concurrence of Parliament. The result of the judgment is that the motion for Habeas Corpus must be refused. But the court, considering the fact that this was a test case and being of a criminal character, made no order for costs. Thus has fallen to the ground the apparent vicious and insane proceedings, inaugurated with the view to injure the Government and to demoralize proceedings under the Military Service Act.

Success of the Allies

As will be seen by reference to the war news in today's Herald, a turn most favorable to the Allies has taken place at the scene of conflict. A few weeks ago we ventured the prediction that, according to the appearances of things at that time, it would not be too much to hope for a favorable turn at the scene of action in the near future, and what has been going on for the past few days fully establishes the fact that our anticipations at that time were not too sanguine. The intelligence from the seat of war for the last 4 or 5 days shows that the enemy has suffered most severely. He has been driven back a long distance, his plans have been upset, the disposition and arrangement of his troops have been demoralized, many thousands of the enemy soldiers have been taken prisoners, hundreds of guns and munitions of war have been captured by the Allies. It is quite evident, as was to be expected, that General Foch had admirably prepared for this onslaught, and had matured his plans with a remarkable degree of exactitude and perfection. He had found out in the last three months the evident intent of the enemy from his manner of inaugurating fierce drives, from time to time, and the admirable aviation service had given him, we must presume, a remarkable knowledge of the size and disposition of the Kaiser's armies. The Germans evidently had come to the conclusion that by a series of fierce drives, from time to time, they would eventually break through and push back the Allies, until Paris and the channel ports were reached. Hitherto the Allies had fallen back in these tremendous drives, from day to day, until the fiercest part of the onslaught had exhausted itself. The Germans evidently were filled with the idea that this was the only tactics intended to be pursued by General Foch. But the Generalissimo, it is quite plain, had taken a final stand, had brought up large forces of reserves and consolidated his forces in preparation for the next attempt of the Germans to break through. The result has been in accordance with what we have said above, a great surprise for the Germans, who lose a tremendous number of soldiers, large batches of prisoners and suffer almost complete demoralization of forces. They have been on the retreat now, day after day, since the inauguration of the last drive and all attempts at forming up and striking back have been futile. The Allied forces have kept the enemy on the move and have broken down completely every attempt made to strike back and gain lost ground. The turn that war matters have taken is certainly most agreeable and encouraging, and while we cannot yet come to the conclusion that the enemy is finally vanquished, it does not seem unreasonable for us to entertain the hope that the beginning of the end has come and that the success that has crowned the efforts of the Allies may continue until they arrive at that stage where the conclusion of the war must eventuate.

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The Economic Battle

From many quarters the counsel comes to the Governments, Imperial and Colonial, to proclaim now a boycott of Germany at the close of the war and for long years afterward. The desirability of having the British Empire made self contained, supplying within itself all the things needed, is dwelt upon. The achievements of the Mother Country and the Dominions in furnishing, under the pressure of war conditions, many things which in former times had to be imported, are pointed out with much satisfaction. The dependence of Germany on other nations for the raw materials required in her industries is shown by convincing statistics. Let it be known, then, say these advisers, that these materials will no longer be supplied. Let Germany be notified that, as the penalty for her crimes, she will be boycotted after the war, that after being crushed on the battlefields she will be crushed again, for long years to come, in the economic battle that she will have to face.

The advice is, in some respects, natural, and it finds widespread favor. No argument is needed to convince one that Germany must be punished in every possible way for her immeasurable wrongdoing. And it may do Germany good to let her see now how large a power of punishment the British Empire and our Allies have in the economic field. But it may not be the wisest course to form conclusions and binding commitments just now, even where the desire to punish is so natural and proper.

It is not good policy for an individual or for a nation to make decisions under the influence of anger. It is better to take time for reflection. It is better, in coming to a conclusion on a grave question, to have the benefit of the latest light that is available, than to be obliged to carry out some policy on which pledges were given in the dimmer light of an earlier period. There is much room for the opinion that at the Economic Conference held in Paris several years ago the Allies prematurely, unnecessarily came to conclusions that could not be reached by a similar gathering today. Fortunately those conclusions dealt with the means to be employed, and therefore there was less commitment to policy than many supposed. If a similar meeting, representing the Allies, were called today, it is pretty certain that the resolutions of the Conference would have to be revised. President Wilson's declared views as to after-the-war trade relations with Germany are not in harmony with the spirit of the Paris resolution as interpreted by many.

There is nothing to be gained by hastily coming to conclusions now respecting situations that are yet in the future. No conference resolutions, no legislation of any kind, will be needed to govern the action of the British people in future relations with Germany. The thousand atrocities committed by the Germans, the violation of all the laws of humanity, the infamies which have marked Germany as the "wild beast" of the world, have created a situation in which nobody will want to have anything to do with the Germans. Nothing that can be produced at home or can be purchased elsewhere will be brought from Germany. The individual citizen will require no official action to induce him to boycott German goods. Germany will, in this way, be made to feel the strength of the economic weapon which the Allies possess. Where all this is so clear, so certain, there is no need at this time for binding agreements to shut out German trade. The people of the Allied nations—certainly those of the British Empire—can be trusted to do this for themselves as far as it is found wise and proper. As for treaties, contracts, or understandings between Soissons and Chateau Thierry during the past four days, had progressed as far to the east on Saturday as they had retired since the beginning of June. The enemy drew back to the east and north yielding ground slowly under pressure of the Allied attack.

According to advices from Hamburg the submarine base of Kiel is filled with submarines undergoing repairs.