

this assumption. The theory is that preference is to take its place. This would be the practical adoption of the view of the Fair Traders. It remains to be seen whether England is prepared to make an experiment which amounts to an economic revolution. In upholding the denunciation of these treaties the Cobden Club practically assents to the Fair Traders' view of using special means to attain a given end. Sir Wilfrid Laurier, who has received the gold medal of the Cobden Club for his practical contribution to free trade, is prepared to extend the schedule of the Franco-Canada treaty, and it looks as if he might succeed. If Belgium can offer us a good commercial bargain, we should be foolish not to accept it.

Recent news from South Africa puts a new face on the attitude which the Transvaal has, in the past, assumed towards the British possessions in that part of the world. One story is that arms bearing the mark of the Transvaal Government have been found in the hands of rebels in Bechuana Land. How did they get there? Was there an innocent way for them to travel so much out of their latitude? It sometimes happens that governments sell discarded arms; and this, in ordinary cases, is permissible. But the Boer Government was under obligations not to furnish arms to the native enemies of Great Britain, so that the plea of the justifiable sale of discarded Government arms would not here avail them. These arms, it is alleged, were furnished to the natives before the Jamieson raid, as well as after. If the first of these statements be true, it would have justified the invasion of the Transvaal, not in an irregular way, but by British troops, acting with the authority of Parliament and the Crown. The other story is that members of the Boer Government took bribes from the Johannesburg Reformers to the extent of £55,000, presumably paid to avoid prosecution for conspiracy in connection with Jamieson's raid. That the Boer Government is corrupt was no secret before this alleged revelation was made. It remains to be seen whether these stories will be corroborated.

That the promoters of the Canadian fast Atlantic line of Atlantic steamers have failed to make good their undertaking, or that they are bound to fail, is among the late cable items. Predictions to this effect, from the first, came from rivals, whose hostility was carried to the verge of permissible antagonism. Later on the statement came that the British Admiralty had rejected the turret deck, on which the promoters had decided, and it was said that an alteration of the design would be accompanied by a demand for a large addition to the subsidy agreed upon. Now comes the story of failure, not positive, creating the suspicion of the wish being father to the thought. From these statements it would not be safe to reach a positive conclusion. But so much smoke may possibly conceal some latent fire.

The Dingley tariff law is said to be the first ever passed in the Republic which professed to be something more than an instrument for the raising of revenue; the title of the Act declares that one of its objects is "to encourage the industries of the United States." American constitutional lawyers have from first to last often expressed the opinion that Congress has no power to impose a tax for the purpose of protecting or encouraging industries. Judge Cooley is quoted as saying that such perversion of the taxing power, when made by in-

dividual States, has, whenever questioned in the courts, been held to be unconstitutional. The broad ground of numerous decisions to this effect has been that the limited powers of taxation had been exceeded. And those of Congress are not infinite. Protective tariffs, in the past, Judge Cooley thinks, have escaped a declaration of nullity only because they have not been subjected to judicial test. Where the professed design of Congress was to collect revenue only, the courts have refused to permit the tariff to be judicially questioned, but now, in declaring an additional object of the new tariff, this immunity from attack can no longer be counted on. If the declarations of party platforms and stump orators count for anything, it would be easy to supplement the evidence volunteered in the title of the Act. If the new tariff is found to be legally assailable, it is pretty sure to be assailed.

LUMBER LEGISLATION IN THE UNITED STATES AND CANADA.

Mr. John Bertram presents an alternative plan to that previously proposed of an export duty on Canadian saw-logs. What he proposes is that the Ontario Government should make a regulation requiring logs cut in the province to be manufactured here. He points out the danger of an export duty, that "it would be immediately followed by the retaliatory clause of the Dingley bill" going into operation. This should, we think, be decisive against retaliation.

The substitute which Mr. Bertram offers is not entirely free from difficulty. The Americans who purchased timber limits here did so with the right to export the logs or manufacture them in Ontario, as they might think fit, and this right has been continuously exercised ever since, but it might have been otherwise, for the regulations under which they purchased contained a "condition that the said licensee or his representative shall comply with all regulations that are or might be established by order-in-Council," relative to the cutting of timber. Mr. Bertram, while quoting this reserved power, does not recommend its exercise. To exercise it, might, he thinks, have an arbitrary look; and he would prefer to see special power given to the Government by an Act of the Ontario Legislature, making the necessary alterations in the Crown Lands Timber Act. The distinction here made is a weak point in the scheme. If there be an objection to proceedings by order-in-Council, it is difficult to see why it would not apply with equal force to proceedings under an Act of the Legislature. The matter of form is secondary. In fact, there are solid reasons for proceeding by order-in-Council, if at all, provided there is no doubt that the American purchasers had full knowledge of the existence of this reserve of power in the Ontario Government when they purchased. We must keep faith with the foreign purchasers of timber rights in Canada. The presumption is that they did know, and on the supposition that this is the fact, we have a right to hold them to their bargain, while the exercise of new legislative powers might raise questions of the respective rights of the two parties to the transaction.

But this is only a question of methods; the wisdom of the proposed proceedings, in any form, is another matter. One good suggestion of legislative action will bring: it will give time for the natural indignation which is felt at the tactics of Congress to cool down.