

The Commercial

WINNIPEG, MAY 20, 1935.

THE EXEMPTION ACT UNCONSTITUTIONAL.

If our Manitoba legislators are not beginning by this time to see the injustice of the so-called Exemption Act, which they passed during the late session of the Local Legislature, calm minds possessed of legal acumen have discovered where some of its provisions are not only unjust but unconstitutional, and beyond the scope of legislation which a province should assume. It would seem as if the members of our Provincial Government were beginning to have some doubts about this piece of pet legislation for, although the house has been adjourned for over two weeks, copies of the Bill as passed, are not to be had by the public, and especially by that portion of the public who are most interested in examining closely its provisions. But we suppose these will be plentiful enough in the course of a few months, when the Government have been persuaded that strong public feeling upon the piece of rascally legislation has in a manner subsided.

But to the Bill and its provisions. The necessity for an exemption law is one which like that of a bankruptcy law, cannot be based upon justice, for if the assumption is good that no principle of justice can allow a man to be freed from the debt he owes, then it must follow that justice will not allow of the property and funds of a debtor being beyond the reach of a creditor whose just claim is unsatisfied. If, therefore, an exemption law, like a bankrupt law with a discharge provision cannot be based upon justice, the best foundation it can have is that of expediency. Expediency does at times demand a departure from strict principles of justice, but whether such a departure should be made, in order to allow a man to possess what places him in moderate comfort, and put his creditors at defiance, the most frantic supporter of such legislation must admit is a question open for discussion, and if decided in the affirmative, in all probability personal motives shapes the decision, as many people shrewdly suspect it did with the majority of our Manitoba legislators when they passed the late Exemption Act.

But for the sake of argument, let us admit that the expediency was sufficiently

pressing to call for an Exemption Act last session. Then, how did our legislators handle the question? Had they merely passed an act fixing certain exemptions, and making it apply only to debts contracted after the passing of the Act, they would have fair ground for argument on their side, and they would have interfered with no man's existing rights. But that was by far too honest a course to pursue. A Legislature of thirty-one members, not seven of whom were without unsatisfied judgements hanging over them, would profit nothing by a sensible Exemption Act such as this. The aggregate of unsatisfied judgements against members of that Legislature reach in the neighborhood of one million dollars, so that an Act to prevent such men from getting deeper into debt, would certainly be an ornamental, if not a ludicrous piece of legislation. Such is the kind of legislature which has been arranging the relations between debtor and creditor, and in so doing they have ignored all existing rights, and placed past, present and future debts all in the same category. But in so doing they have, in the opinion of competent legal men, gone beyond their powers, and it is not at all unlikely that a call upon the disallowance powers of the Dominion Government may be made very soon by a few of the prominent solvent men of the province. At any rate it may be questioned if even our Manitoba courts will hold that the provisions of the Act can be applied to debts contracted before its passing. All that is necessary is for some courageous creditor to make a test case, and there will be no scarcity of pecuniary assistance to fight it to the bitter end; and there is reason to believe that in the end the bitterness will be felt by those who have overreached themselves in their efforts to shelter rascals and plunder honest men.

THE WINNIPEG TELEPHONE.

Although negotiations are not yet finally broken-off between the Bell Telephone Company and their subscribers in Winnipeg, as yet these negotiations have not accomplished any satisfactory results. The concession of a reduction of \$10. a year to each subscriber is far from satisfactory to the latter, and their ultimatum of \$40. a year for places of business and \$30. for residences, which is still unanswered by the company, seems both a fair and reasonable offer, and will no doubt

be adhered to, and if the company persist in acting with stubbornness, arrangements for the formation of a new company will doubtless be entered into without delay.

We have no desire to use any language to the company which could by any means be construed into a threat. But we are safe in presuming, that the Bell Telephone Company, while a powerful corporation, is not prepared to enter into a competition, which must entail heavy loss, simply for the purpose of crushing any rival company which might be organized in the city. Starting from that assumption, we fail to see the wisdom of their longer resisting the demands of subscribers here, for whether the officers of the company are aware or not, there exists now such a state of opinion in this city regarding the telephone, that it requires only one bold spirit possessed of the requisite tact to take the matter in hand, and the formation of a new company, with ample capital will be a matter of very little difficulty. It is useless for the Bell Company to argue that financial strength on their side will make the contest an unequal one with the chances against the local company. The local organization can be formed of shareholders who utilize the telephone, and who will as a matter of selfishness use the local system, and employ their influence, which will be powerful in persuading their neighbors to do the same. No doubt the contest, in the event of two companies being in the field, would be an unequal one, but the chances of making it pay would be decidedly in favor of the local organization.

But we will go further in our words to the Bell Company. There are always in a city like Winnipeg people with the spare time and energy, to undertake the formation of a company like this and already some parties are figuring upon the matter here, and are prepared at a moment's notice to launch into the work. From one reliable source we are informed that the whole outfit of the Bell Company now in use in this city can be duplicated at a cost of about \$17,000. The calculation may be made a shade too close, but making allowance of a liberal margin, the fact stands out plain that the rent of over four hundred, at \$30 a year, will allow a large income, out of which to pay working expenses and a liberal dividend to the stock-holders. A little further widening of the breach between the Bell Company and the Winnipeg subscribers will