

Why the Food Board Suspends Licenses

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War exigencies have brought about a change in the outward form of our Dominion legislation. Orders-in-Council have for the time being taken, in a large part, the place of the more deliberate and perhaps cumbersome Parliamentary bills. Of course, all these Orders-in-Council are covered by a blanket authorization. They are in the fullest sense of the term as democratic in their origin as the deliberative legislation which has been our British prerogative since the time of King John. They are the equivalent in Parliamentary procedure of what in committee work is known as "reference with power to act." In this they differ from the Prussian standard, that secures the power to act without any real reference from an elective body.

The comparison is useful as illustrating the process of enforcement adopted for the Orders of the Canada Food Board. During the past month public attention has been directed frequently to the sudden and apparently pre-emptory closing of several food establishments in the Dominion. Restaurants have been closed for not carrying out food rules for periods of seven or fifteen days; flour mills have received as drastic orders; flour and feed businesses have been closed for even longer terms. The announcement to the public of this step has usually gone hand in hand with the closing. Many of them will ask, "Why should a business man thus be prevented from doing business, and how is it effected?"

The Food Board was created by Order-in-Council for war purposes under the provisions of the War Measures Act in 1914. That was passed in deliberative assembly by both Houses of Parliament. They made the reference. The power to act was given unequivocally. The Food Controller was enabled to act independently or in co-operation with any other department of the government, or indeed with any department or officer of the government of Great Britain or of the Allied countries vested with similar powers. This was a pretty wide scope. In November last, followed the Order enabling the Food Controller to license food dealers—a subject that has been amply described in this series of articles. Paragraph 2 of P. C. 3214 reads:

"Any such license may be cancelled or suspended by the Food Controller for the violation of any of the provisions of these regulations, or of any amendment thereof, or of any Order or regulation made by the Food Controller hereunder."

Further, Paragraph 8, says:

"Any person violating any of the provisions of these regulations shall be guilty of an offence, and will be on summary conviction liable to a fine not exceeding \$100, or to imprisonment for a term not exceeding 3 months, or to both fine and imprisonment."

It is perhaps natural that with such unusual conditions in the Dominion as the Food Board Orders brought about, there should have been a good deal of uncertainty as to procedure. Again the Board had to build up an organization which would meet the difficulty. It has been already mentioned in this series how the real difficulty of food control is the carrying out of the Orders when made. There is now centralized at Ottawa something which might be called a Dominion-wide food police force. The staff of inspectors may, to those who do not know conditions, seem large, but in reality it is a moderate number for so large an undertaking as watching the new rules on food supply from ocean to ocean. Where it has not been possible to proceed through the ordinary channel of the police force against offenders, it has been found best to act by suspension of license. It would be an interesting study to the municipal student to consider which of the two ways is the better deterrent. In the case of a fine imposed, a known sum of money is involved; in the closing of a business that amount is less easily calculable. So far as the Board is concerned, its labors would be considerably eased if a police prosecution pure and simple were found adequate to meet all cases. The Board is really left no choice in those cases where suspension is ordered.

At present, this enforcement work is in the experimental stage, and it is too early to make comparisons of value. Where, however, the municipal police force was not able to proceed with sufficient promptitude, the Food Board

took the bit in its own mouth, so to speak, when it found its inspectors reporting flagrant cases of violation of Food Board rules. Thus, the closing of restaurants and other food-dealing establishments followed pretty drastically. This was done by the suspension of the license to trade for a set period, because "No License, No Business." The sole object of licensing is to control the licensee; to get him to conform to measures of food supply and direction which are considered necessary for the welfare of the people of Canada, Great Britain and the Allies during war. It might be thought that closing a business for a week was rather a stiff punishment. But might there not be still stiffer German punishment for the offenders and for others also if, through inability to enforce these Orders, there grew up so much laxity in food regulation as to deprive our Allies of their legitimate share of our foodstuffs? If there is any complaint to be made in any province about the drastic manner in which open violations have been met, they must be made where they belong—to those who have not utilized the more kid-gloved method which the police courts would have offered.

This special section of the Canadian Food Board, formed to deal with enforcement activities, is practically a new Dominion-wide food police force, centralized in Ottawa. It is one of the interesting outcomes of Canada's participation in the war. Naturally its work has only just begun.

"Business men and others are reminded," declared the Chairman of the Canada Food Board recently, "that the efficiency with which any law is enforced depends in large measure upon the force of public opinion in support of that law. The food regulations were passed because they were vitally necessary in order to save essential foods to maintain our soldiers and Allies, and also to protect the Canadian public against profiteering and unfair business practices. It is not claimed that these laws are free from defects, and some change may still be necessary. They have, however, been passed after very careful consideration and their enforcement is in the interest of the public. Therefore, to make them effective, it is necessary that public opinion should encourage and support the police authorities in their enforcement."

ONTARIO MUNICIPAL ASSOCIATION.

The Ontario Municipal Association held its twentieth annual meeting in Toronto, City Hall, August 28, 29 and 30, under the presidency of Mr. S. H. Kent, City Clerk of Hamilton. The meetings of the Ontario Association have always been successful and well attended, as indicated in the official reports in our contemporary the "Municipal World," of Ontario. This year, in spite of the war, which has sent over so many municipal officials to France and consequently increased the labors of those left behind, the convention was as successful as any of its predecessors, which is strong evidence that so far as municipal Ontario is concerned, the executives and officials are fully alive to their responsibilities.

Among the speakers at the meeting were Mayor Church, of Toronto; G. K. Dewey, Brockville, and K. W. McKay, Editor, *Municipal World*.

The papers included the following:

The Workmen's Compensation Board and Municipalities—Samuel Price, Esq., Toronto, Chairman Workmen's Compensation Board.

Public and Private Municipal Legislation of 1918—W. B. Doherty, Esq., City Solicitor St. Thomas.

Relation of Rural and Urban Municipalities—T. J. Mahoney Esq., Warden Wentworth County.

Municipal Assessment—James C. Forman, Esq., Assessment Commissioner, City of Toronto.

Municipal Enhancement Through Small Holdings—Great Production—Intensive Cultivation—Irrigation.—Illustrated by lantern slides and moving pictures.—N. Cauchon, Esq., Ottawa.

The Bell Telephone Local Franchise Situation—Ald. Henry B. Ashplant, London.

Municipalities and Social Service—E. Fraser Ranev, M.A., L.L.D., Toronto.

On the invitation of the City Council of Toronto the delegates spent an evening at the National Exhibition.