

FILE 556

SAV - SB

November 21st,
1935.

Dear Mr. Savage,

It would always be a pleasure to hear from any friend of my friend Philip Priestman, but for its own sake I welcome your kind word of welcome to Canada.

I shall keep my eyes open for your son in case I come across him in the rather large crowd of Arts men. I hope that he is doing well.

Yours sincerely,

Hugh Savage, Esq.,
Duncan, B. C.

Hugh

H-G-E. SAVAGE, M.L.A.,
DUNCAN, B.C.



November 15, 1935

Arthur E. Morgan, Esq., M.A.,
Principal,
Mc Gill University,
Montreal, P.Q.

Dear Mr. Morgan,

Your portrait looking at me from the Mc Gill Daily reminds me very much of Sir Arthur Currie. I knew him slightly. To you, his successor, I want to bid welcome to Canada and God-speed in your work.

I'm writing because of that and also because you are a friend of Philip Priestman of Hull, who passed through here a year or two ago. He then saw his brother, David, whose wife (nee Cotsworth) leaves next week to spend the winter with the Priestmans at Hull. Mr. and Mrs. David are among our oldest friends out here.

Then, too, I have a son, David B. Savage, who is in third year Arts at Mc Gill, aims to be a newspaperman -as I was- and appears to be strong on economics.

I hope some day I may have the pleasure of meeting you in Montreal or out here. Meantime, I wish you the best of good luck

Yours sincerely

Hugh Savage

January 25th, 1924.

Mrs. Walter Lyman,
83 Redpath Crescent,
Montreal.

Dear Mrs. Lyman:-

Mr. Leese, to whom you gave a letter of introduction to me, called me up with regard to the "Save the Children Fund".

I have told him, however, that while I am very much interested and have been glad to lend any support which my name could afford, both directly and in the way of bringing forward such pleas as those of Dr. Nansen which indirectly help, it is quite impossible for me to join any Committee which is making an appeal for funds. McGill University has to appeal to the public continuously and I do not feel it possible for me to join in many other appeals, which could not but prejudice those made on behalf of the University.

Yours faithfully,

Principal.

Montreal Local Council of Women

My dear Sir Arthur,

Since Dr. Laurens's lecture and the appeal he made for the Greek refugees, the Local Council of Women has felt that there should be an effort made in Montreal to gather a contribution toward the relief work of the Save the Children Fund.

Mr. Leonard Leese who carries this note to you, is of the personnel of the Fund, and has but recently been sent from Greece to Canada. He is here to help us organize some sort of campaign

It is perhaps taking a sporting chance to attempt anything now, but the need is rather desperate, as of course you know, and we shall all be very deeply grateful for what countenance, encouragement, and advice you can give.

Very sincerely yours

Anna Scrimger Lyman

Pres.

83 Bishop's Crescent
January 23rd

Montreal Local Council of Women

My dear Sir Arthur,

Since Dr. Haureau's lecture and the appeal he made for the Greek refugees, the Local Council of Women has felt that there should be an effort made in Montreal to gather a contribution toward the relief work of the Save the Children Fund.

Mr. Leonard Leese who carries this note to you, is of the personnel of the Fund, and has but recently been sent from Greece to Canada. He is here to help us organize some sort of campaign

It is perhaps taking a sporting chance to attempt anything now, but the need is rather desperate, as of course you know, and we shall all be very deeply grateful for what countenance, encouragement, and advice you can give.

Very sincerely yours

Anna Scrimger Lyman

Pres.

83 Bishop's Crescent

January 23rd

MOUNT ROYAL HOTEL



VERNON G. CARDY
MANAGER

THE UNITED CHAIN

MONTREAL, CAN.	THE MOUNT ROYAL	ROCHESTER, N.Y.	THE ROCHESTER
TORONTO, CAN.	KING EDWARD HOTEL	ROCHESTER, N.Y.	THE SENECA
HAMILTON, CAN.	ROYAL CONNAUGHT	ERIE, PA.	THE LAWRENCE
WINDSOR, CAN.	PRINCE EDWARD HOTEL	FLINT, MICH.	THE DURANT
AKRON, OHIO	THE PORTAGE	HARRISBURG, PA.	THE PENN-HARRIS
WORCESTER, MASS.	THE BANCROFT	TRENTON, N.J.	THE STACY-TRENT
ALBANY, N.Y.	THE TEN EYCK	NEWARK, N.J.	THE ROBERT TREAT
UTICA, N.Y.	HOTEL UTICA	SYRACUSE, N.Y.	THE ONONDAGA

(OPEN MAY TO SEPTEMBER)
THE CLIFTON - NIAGARA FALLS, CAN.

UNDER CONSTRUCTION
NEW YORK CITY THE ROOSEVELT
SEATTLE, WASHINGTON THE OLYMPIC
PATERSON, N.J. THE ALEXANDER HAMILTON
NIAGARA FALLS, N.Y. THE NIAGARA



OF AMERICA

GEO. H. O'NEIL
GENERAL MANAGER FOR CANADA

MONTREAL
CANADA

23rd January 1924.

Dear Sir,

I beg to enclose a letter from Mrs Walter Hyman, president of the Montreal Council of Women, which will explain my purpose in writing to you. I venture to hope that you will give me an opportunity of discussing the matter mentioned in the letter of introduction. I shall be in Montreal at any rate till Friday night, and shall be happy to keep any appointment which you may make by telephone or otherwise.

I am,

Yours faithfully,

C. Leonard Leese

General Sir Arthur Currie.

March 8th 1924.

C. Leonard Leese, ^{Esq.}
The Save the Children Fund,
66 Isabella Street,
Toronto, Ont.

Dear Mr. Leese,

I am much obliged for the information
sent with your letter of the 6th inst., which I will
keep on record.

Yours faithfully,

Wilfrid Bovey

The Save the Children Fund

PRESIDENT: THE DUKE OF ATHOLL, K.T.
HEAD OFFICE: 42 LANGHAM STREET,
LONDON, W.1, ENGLAND



AFFILIATED TO THE SAVE THE CHILDREN FUND
INTERNATIONAL UNION, GENEVA
UNDER THE PATRONAGE OF THE INTERNATIONAL
COMMITTEE OF THE RED CROSS

CANADIAN ORGANIZERS:
C. LEONARD LEESE
MISS HELEN F. KNIGHT

66 ISABELLA STREET
TORONTO, ONT.

TELEPHONE : RANDOLPH 7395

6th March, 1924.

Colonel Wilfred Bovey,
McGill University,
MONTREAL. Que.

Dear Colonel Bovey,

Mrs Walter Lyman mentioned to me that Sir Arthur Currie wished to have any recent information upon relief work in Germany.

I am sorry I did not have an opportunity of getting into touch with you when I was in Montreal on Monday, and must write instead.

I enclose copy of a statement of relief work in Germany, dated 12th January, 1924. Since then I understand that the work in Cologne has extended. One additional Kitchen has been opened on 19th February in Cologne, maintained by funds remitted by the Canadian committee for relief of German Children.

I shall probably be in Montreal again in the near future and hope to be able to see you on that occasion.

With kind regards,

Yours sincerely,

C. Leonard Leese

Chief Organiser.

THE SAVE THE CHILDREN FUND ACTIVITIES IN

G E R M A N Y.

1. 5,000 children being fed in Berlin for five months by the Save the Children Fund International Union with funds placed at its disposal by various affiliated societies. This feeding is additional on the German organisations' feeding 10,000 children at their expense. The S.C.F.'s participation in this work is one quarter or about £750.
Kitchens for 4,000 opened (January 12th), 1924.
2. 500 children being fed in Cologne in five kitchens of 100 each from 12th January to 10th May. An administrator has been sent to Cologne so that if conditions become worse and money is forthcoming the S.C.F. could, in the course of a very short time, expand its feeding indefinitely. Mr Piggott, the British Commissioner of Cologne, was present at the opening of the kitchens.
3. £100 per month has been granted for December, January, February, and March to the Wohlfahrtsamt of Cologne for the assistance of particularly necessitous cases.
4. A parcel scheme has been inaugurated and will be issued to the public next week whereby on the payment of 25s. in London a parcel will be delivered to any address in Germany. The parcel contains:-

22 lb. flour	3 lb. sugar	
8 " rice	1 lb. protox chocolate	1 lb. soap.
3 " rice.	6 tins 14 oz. condensed milk	
5. A number of institutions have received grants varying from £5 to £10. The grants for those institutions are being reconsidered at the present time.
6. The total allocations including cash in hand on the German Account is £4,400. An appeal is to be issued by the Cardinal at Westminster to the clergy in his Diocese. The S.C.F. is undertaking the work of advertising in the Catholic papers etc. The money resulting from this is to be used for Cologne.

(January 12th), 1924.

The Save the Children Fund



TORONTO COMMITTEE

PATRONS:

HIS WORSHIP THE MAYOR

SIR ROBERT FALCONER, K.C.M.G.	RABBI BRICKNER
HON. MR. JUSTICE RIDDELL	THE REV. TREVOR H. DAVIES, D.D.
THE MOST REV. NEIL MCNEIL	THE REV. JAMES LITTLE, D.D.
THE RT. REV. THE BISHOP OF TORONTO	THE REV. JOHN MCNEILL, D.D.

OFFICERS:

CHAIRMAN: PROF. D. R. KEYS
VICE-CHAIRMAN: MRS. J. WESLEY BUNDY
HON. TREASURER: R. J. DILWORTH
ORGANIZING SECRETARY: FRANK YEIGH

Under the Patronage of
His Grace the Archbishop of Montreal
The Rt. Rev. the Bishop of Montreal
Sir Arthur Currie G.C.M.G. K.C.B. L.D.
Lady Drummond
The Rev. George Hanson D.D.
The Rev. Rabbi

OFFICES:

86 ADELAIDE STREET EAST

TORONTO

TELEPHONE MAIN 6660



Refugee "Homes" in Tents in the Mountain Villages of Macedonia

The Tragedy of the Near East

A million and a quarter people—the ancient Christian population of Asia Minor and Eastern Thrace—have been uprooted from their homes. They have lost all their possessions. They have left behind their able-bodied men, as corpses or as captives. After weeks and sometimes months of agonized wandering, they have at last found refuge in Greece.

Today, in Greece, one person out of every five is a refugee. Nearly one million people are still without adequate means of support, and more than half of these are children. "It is always the children that are ground in the mills of international disputes," Mr. Hoover has truly said.

Here is a typical story of a woman refugee, named Panayota Kostoura, from Aidin in Asia Minor:

"During the first fighting that occurred in 1919, her mother-in-law was killed by a shell and her feeble father-in-law burnt alive in the fire that destroyed the greater part of Aidin. Her husband lost most of his property at the same time. . . . After the final disaster in 1922, she herself, her son a boy of seven, and her mother fled to Smyrna, arriving there at the same time as the Turks. With a number of other refugees they hid in the big Orthodox Cemetery, where they were shortly after discovered by a party of looters, who robbed them of their money and all objects of any value. Her husband was carried off and she was knifed in the back for having hidden some valuables on her person. She lay where she had fallen until a landing party of British sailors carried her off to safety. I may add she was pregnant.

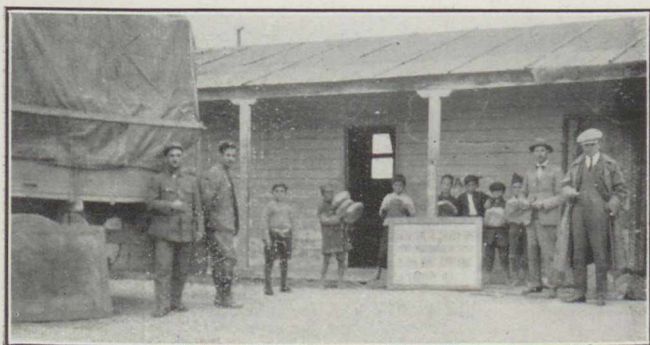
"On arriving at Volo she was lodged in an old fowl house (where she still lives), and there gave birth to a child which died forty days later from exposure. This woman has suffered from stone for some time past and is quite unable to work. She is burdened with her aged mother and little boy. Charity has so far kept them alive. The boy is just recovering from malaria, and is in an appalling state. He is anaemic, and has a swollen spleen."

Appalling Suffering

Read these extracts from recent cables from relief workers in Greece: "Severe storms and intense cold in Macedonia are causing appalling suffering. Many deaths have occurred from exposure and typhus. I am forced to increase the number fed, but our resources are only sufficient to help one in ten of the destitute." "The plight of the refugees in the remote mountain villages of Macedonia is harrowing in the extreme. With below-zero temperatures, many are still under canvas or living in the open without blankets or any clothing but rags."

Human Tragedies

Our susceptibilities may have been blunted by the mass figures of the Great War, but surely, with a little imagination, we can picture the individual human tragedies: the misery of little children searching for the mothers



"Give us this day our daily bread"

they have lost, and the desolation of mothers who have to watch their little children slowly die. From the huddled groups of refugees in every city, town, and village of Greece goes forth the stark appeal, from a depth of hopelessness and suffering well-nigh impossible to envisage, of one fellow-being to another.

A Canadian in Charge

The Save the Children Fund, generously supported by people of British stock all over the world, is responding to this call for help to its utmost ability. Its Chief Commissioner in Greece, Dr. W. A. Kennedy, of Kingston, Ontario, and a small British staff, have established relief centres and refugee camps in different parts of Greece, which are now providing nearly 30,000 children with a hot meal and a ration of bread daily at a cost of 25 cents per child per week. An additional 8,000 adults are being fed from the same kitchens on behalf of an associated society, the Imperial War Relief Fund, which does not restrict its appeal to children.

Efficient Administration

The Save the Children Fund, by the terms of an agreement which Dr. Kennedy negotiated with the Greek Government, undertakes to provide only foodstuffs and administrative personnel. Buildings and equipment for kitchens and warehouses, fuel, local transport, and the necessary office accommodation are provided by the Greek authorities. All supplies for the Fund's relief work are admitted free of duty.

The administration is efficient: no stores whatever have been lost throughout operations in Greece; money is handled by the British staff only; and rigid inspection insures that the food is actually consumed by those whose need is greatest. It is also economical: all overhead charges amount to less than eight per cent.

BUT MORE HELP IS NEEDED. The coming months will be the most critical period, and the need will remain appallingly acute till the next harvest. Dr. Kennedy cabled recently: "All our administrators telegraph for authority to distribute extra rations, but we cannot extend our activities further without additional funds."

The Problem

The problem is on a scale far beyond the resources of Greece alone. No country could feed, house, and absorb an addition of one-fourth to its population in the course of a few months; least of all can Greece, exhausted as she is by ten years of almost continuous warfare.

Greece alone is not to blame for the existence of the problem. The responsibility is shared by all the Powers which originally authorized and encouraged the fatal ambitions of former Greek Governments.

Moreover, the presence of these hordes of helpless, homeless, hungry refugees in Greece is a menace which spreads beyond the Greek frontiers. They render Greece a prey to political and economic chaos. Thus enfeebled, Greece becomes a tempting bait to the ambitions of her neighbors. In other words, the refugee problem in Greece is a menace to peace in the Balkans, which, as we learnt in 1914, is also a menace to the peace of the world.



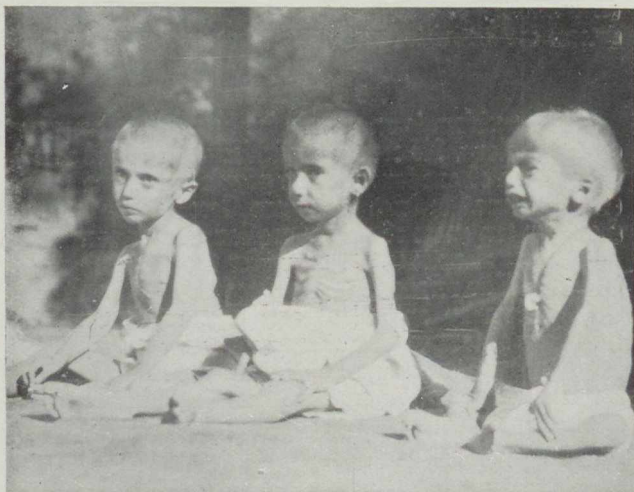
Waiting for their one meal a day

League of Nations Help

As an act not only of humanity but of statesmanship, the League of Nations has decided to help Greece to settle the refugees upon a self-supporting basis, and so to make them an asset to the country instead of a liability. An International Commission, presided over by Mr. Henry W. Morgenthau, formerly American Ambassador at Constantinople, has been set up to arrange and administer a loan of some thirty million dollars for this purpose.

Aid of the Greek Government

The Greek Government has set aside two and a half million acres of land upon which the refugees are to be settled. By the decision of the League of Nations, however, the loan can only be used for providing the actual materials required to enable the refugees to make good. The agri-



"Redeem the children appointed unto death"

culturist will receive buildings and carts, ploughs, cattle, and seed; the fisherman a boat and nets; the carpenter tools and timber. Not a cent of this money may be spent upon food to keep the people alive until they can benefit by the scheme. That task falls upon the Save the Children Fund.

Thus, the work of the Fund in Greece is no mere tinkering with the problem; it is an essential part of its solution. If the refugees can be maintained till the harvest in August of 1924, the bulk of them will by that time be self-supporting.

A Life-Saving Appeal

GIVE QUICKLY, GIVE GENEROUSLY. Your donation will save a child's life, and will be a direct contribution towards economic reconstruction in the most distressed region in Europe.

What Your Money Will Do

\$500 will equip a kitchen to feed 100 children for 20 weeks, which will be named after the donor, if desired, whether individual, Church, Sunday School, or Society.

\$100 will feed 20 children for 20 weeks.

\$12 will feed a child for one year.

\$1 will feed a child for one month.

25 cents will feed a child for one week.



Widowed, orphaned, hungry and homeless

How many will you save?

Dudley Oliver R. J. Dilworth,
Hon. Treasurer, Save the Children Fund,
Bank of Montreal 86 Adelaide St. East,
Drummond & St. Catherine Toronto

Please find enclosed \$..... for the Save the Children Fund.

Name.....

Address

The Power of the Supreme Court
from the
Viewpoint of the Layman

Address by

JOHN GODFREY SAXE

President

NEW YORK STATE BAR ASSOCIATION

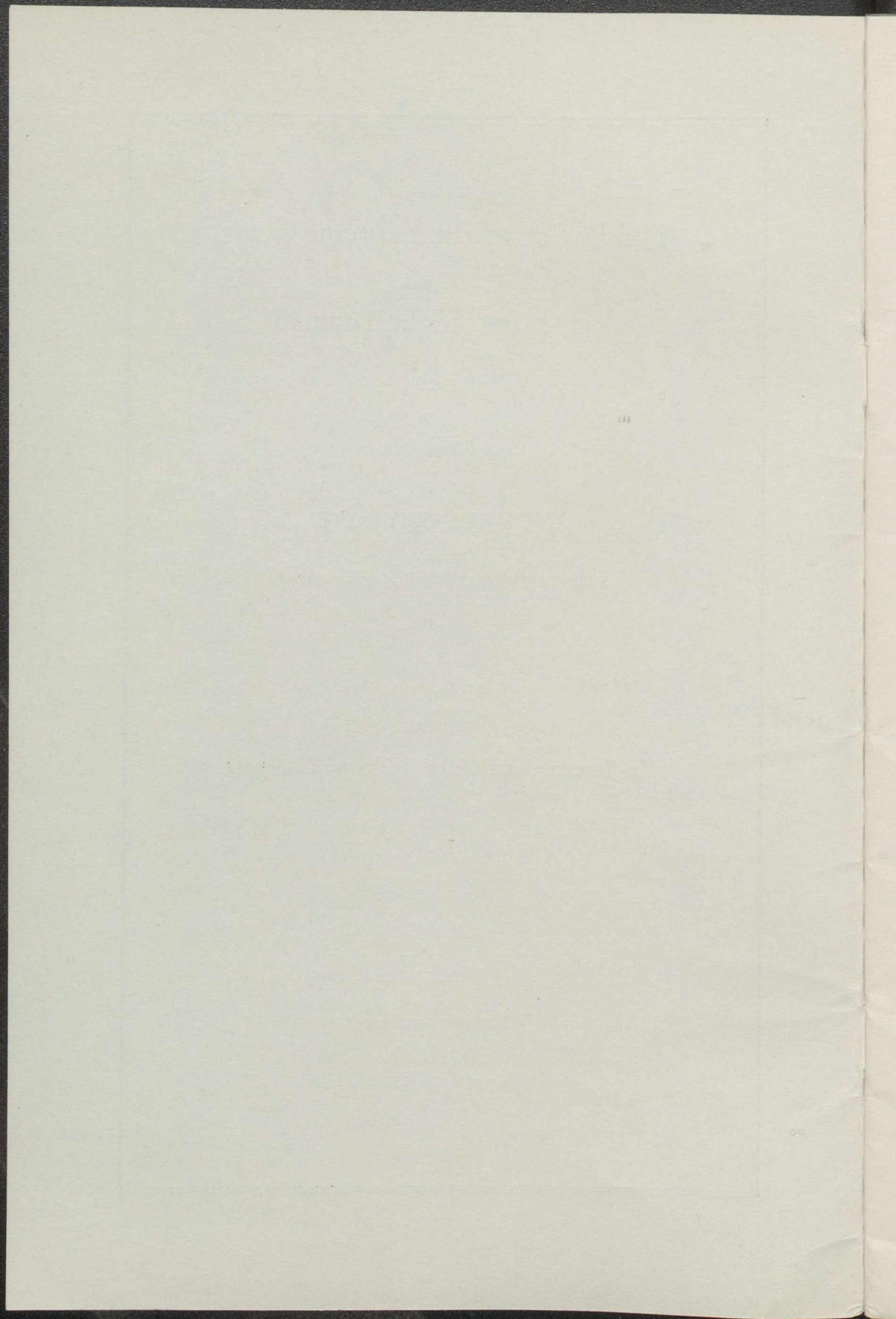
BEFORE

The International Association of Insurance
Counsel

White Sulphur Springs

West Virginia

August 20, 1936



*Mr. President, Members of the Insurance Bar,
Ladies and Gentlemen—*

It is an honor to have been invited to address you.

Recognizing the importance of the International Association of Insurance Counsel and the interest of its members in the vital problems of the day, I am conscious of the privilege you are affording to me.

You have been specially chosen for professional service, as counselors at law, by Institutions which sell insurance against loss of life or limb, and against loss by conflagration.

It is, therefore, appropriate that I should have accepted as my subject the greatest of all policies of insurance, which, itself, was achieved by voluntary sacrifice of life and limb; indeed, by Revolution.

My subject is the Constitution of the United States, with special reference to the power and duty of the United States Supreme Court. It is a policy of insurance written by the people of a new Federation to insure to themselves, and to their Posterity, Life, Liberty and the Pursuit of Happiness.

The opening words of the Constitution are explicit with the purposes of the entire instrument:

“We, the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.”

Government is necessary. To establish and maintain Government, we, the People, voluntarily sacrificed many of our individual rights to Government; but we jealously retained, and throughout all generations, must guard and defend the Blessings of Liberty.

What does that mean?

Throughout all discussions of Government, in all Countries of the World, we find two different concepts of Government.

They have never been reconciled, and are irreconcilable.

Nicholas Murray Butler refers to them as “Liberty” and “Compulsion”.

Liberty is the English system, under which the People, while ceding power to Central Government, retain and uphold their Liberty.

Compulsion is the Roman system under which Government is supreme, and benignly legislates for

the People such of the Blessings of Liberty as it may see fit to bestow upon them.

It is a startling fact that Liberty is now confined to the Scandinavian Countries, Holland, Switzerland, France, the British Empire and the United States—that is to say, as President Butler points out, to a few nations lying to the west of the Rhine.

Compulsion has established itself in well nigh every other Land.

It may take the moderate form of Socialism, or the more positive form of Fascism, Naziism or Communism.

The late Frank I. Cobb, while Editor of the New York World, in an editorial entitled "Democracy or Despotism", dated November 2, 1912, on the eve of the Presidential election of that year, declared:

"The best modern example of Government under Roman Law is Prussia. The best modern example of government under English Law is the United States. These two conflicting systems cannot be permanently reconciled.

In the name of 'social justice', it is now proposed (—that was 1912, even before the World War—) it is now proposed—to erect a replica of Prussian Institutions upon American Soil.

Under that form of government all the activities of the citizen are regulated by an all-wise and all-powerful bureaucracy.

At every step of his life, a highly centralized Government tells him what he may do, what he must do and what he must not do.

In return for docile obedience, there are certain compensations such as State insurance and old age pensions, which are intended to reconcile the toiler to his lot.

It is not for him to have ambition beyond the ambition to do whatever the Government deems for the best interests of the State."

Even in America, the idea of Compulsion for several decades has had many advocates, and they may be found in both of the major political parties.

In most cases, they are as patriotic and honest in purpose as those who advocate Liberty.

In many cases, it is curious to note, they claim to be just as loyal Constitutionlists as those who understand that Liberty under the Constitution is irreconcilable with Compulsion.

The existence, in this Land of Liberty, of these two irreconcilable views is because of fundamental ignorance of our Constitution, our Supreme Court, and the limitations upon the powers which our Forefathers surrendered to Government in our Constitution.

As lawyers, you are thoroughly familiar with these questions.

My purpose is to discuss them with you, in simple words, in order to ascertain if you and I can make them luminously clear to the layman and lay woman.

These questions deeply concern the body politic—but they are not political in the ordinary sense of that word.

I need not assure you that I would not take advantage of the signal honor you have conferred upon me to talk politics.

The issue is the eternal conflict between aggressive Government and the Liberty-loving citizen; not between parties or candidates of parties.

The subject which I have accepted for discussion is Liberty not Compulsion. Democracy not Despotism.

The English idea of Government is best exemplified by the Constitutional Government of the United States.

We Americans look to the Supreme Court of the United States as the corner stone of American Liberty.

Why is this?

What is it that the Supreme Court does?

In answering these questions, I have in mind an unusually fine article by Garrett Garrett, published in 1935, in the Saturday Evening Post.

In the first place, the Supreme Court never does anything of its own initiative.

Two litigants come before it.

Observe, now, what is taking place.

I am referring, of course, to a case involving Constitutional law.

Who are these two litigants that appear before the Supreme Court?

One is a citizen; he has refused to obey a certain law.

The reason which he gives the Court for disobeying that law is that he believes that Government has no right to interfere with him in the manner prescribed by this law which he is challenging.

For his disobedience to Government, he has been hailed to Court, and from a decision of a Court of original jurisdiction, an appeal has been taken to the Supreme Court.

Thus, one party is a citizen. Who is the other?

It is a party called the "United States", and we are frequently told that it is the United States Government.

That is not so.

The United States Government consists of three divisions of powers, namely: The Executive power, vested in the President; the Legislative, vested in the Congress; and the Judicial, vested in the Courts.

This trinity of powers does not appear in the Supreme Court against a citizen.

Therefore, the party named "the United States" is not the Government.

The Supreme Court is the Judge. Of course, it is not also an interested and prejudiced party.

The party named "the United States", when it appears as a litigant, therefore, is the executive power or the legislative power, as the case may be.

One of the People is presenting his cause against executive or legislative power, claiming it has invaded his individual rights or immunities in an unconstitutional manner.

The Supreme Court—itsself a branch of government—decides that issue between him and another branch of Government.

It decides whether that branch of Government has over-reached its powers as against him, or whether it has acted within its constitutional powers and it is he who is at fault.

It may not even be a branch of Government whose act is challenged as oppressive. In our complex Governmental organization, any one of a multitude of departments, bureaus or boards may have delegated to it powers which are included under the general term "Executive", so that when we refer to the Executive, we often mean one of these many subordinate agencies.

What, then, does it mean for the Supreme Court to declare an Act of Legislation unconstitutional?

What the Court holds in effect, is this:

Under our Constitution, we agreed to live and govern ourselves by certain rules, including a rule for changing the rules.

We agreed that these rules shall be the supreme law of the land.

We agreed that this supreme law cannot be changed by Executive power or by Legislative power,—nor at all—except by the People.

The Supreme Court finds this thing now proposed to be done by another branch of Government is forbidden by the Rules, by the Constitution, by the law of the Land.

A branch of Government has exceeded its Constitutional power.

The Court, therefore, holds that, if we, the People, want that thing to be done, it is necessary for us to change the rules, in the manner provided by the rules themselves.

It upholds the rules which our forefathers made for themselves and for us, unless and until we, the People, decide and vote to amend them in the orderly manner therein provided.

That is what the Supreme Court says when it declares an Act of legislation to be unconstitutional.

It says it only when it is asked for its opinion; then it is silent again.

The Supreme Court does not instruct Congress as to what laws it may or may not pass.

The Supreme Court never "vetoes" or "invalidates" any Act of legislation.

All that the Supreme Court says in such a case is that the Act in question was void under the rules when it was enacted.

A branch of Government was attempting to use a power which our forefathers had not given to it.

The Court holds, therefore, that, when enacted, the statute then and there violated the rules, the Constitution, the supreme law of the Land.

That is not a judicial power; it is a judicial duty.

It is a duty that is imposed upon inferior Federal Courts, as well as the Supreme Court, and upon State Courts, as well as Federal Courts.

It is a duty that must be performed, on the last appeal, by the Supreme Court.

If the Supreme Court did not possess this power or if it did not perform this duty, our policy of insurance would not have been worth the writing.

Government would be the fiat of the Legislative and Executive branches of an all powerful State.

We, the People, would not have our day in Court. Compulsion would have superseded Liberty.

Despotism would have supplanted Democracy.

I prophesy that we, the People, will never approve a change in the Constitution limiting or restricting the power and the duty of the Supreme Court of the United States.

But, we, who treasure the Liberty which our Constitution gives us, must be eternally alert; for we must bear in mind that any Congress, by simple statute, without our vote, has power to increase the number of Supreme Court Justices and thus to pack the Court.

The Constitution does not fix the number of Justices of the Supreme Court. It is the Congress which may fix the number by statute.

The Judiciary Act of 1789 provided for a Chief Justice and five associates, six in all.

In 1807, the Congress added another associate Justice, making seven in all.

Presidents Madison, Monroe, Adams and Jackson, during a period of twenty years, recommended a further increase; but the Congress, then jealous of Liberty and unwilling to allow a President to make appointments to new vacancies, refused to increase the Court until 1837, when it enacted a law for two more associate Justices, but did so on the last day of President Jackson's term.

Changes in the Court occurred in 1863 and 1866; and it was in 1869 that the Court was constituted as at present, with a Chief Justice of the United States and eight associate Justices.

It has remained so constituted for 67 years.

But the Congress still has the power to change the make-up of the Court.

And you will recollect that Upton Sinclair, the pamphleteer who stole the Democratic name and emblem for an unsuccessful campaign for the Governorship of California, insisted that his E. P. I. C. (End Poverty in California) was Constitutional, because, as he said, after he was elected Governor, he could readily increase the number of Judges on the highest Court of California, and he possessed in his notebook the names of ten lawyers who could be depended upon to construe the Constitution in the interests of the people.

I regard threats like these as idle words; but the power to do these things does exist; and I say, following Daniel Webster:

“God grants Liberty only to those who love it and are ready to guard and defend it.”

An outstanding example whereby, we, the People, amended the Constitution and changed our rules is recent and well within your memories.

I refer to the adoption of the Income Tax Amendment.

In and of itself, this amendment was extraordinary; because the power to tax is the power to destroy and there is no concept dearer to a Liberty-loving people than protection against oppressive taxation.

As State Senator in 1911, I voted for this amendment; and, of course, I am not here today to oppose it 25 years too late.

I have a feeling, however, that we did not then fully envisage the extent to which we, the People, were relinquishing insurance against oppressive taxation with which our forefathers had been painstaking to cover us.

The Constitution, as drawn by our Forefathers, provided that the Federal Government should not have any power to impose direct taxes, except according to the ratio of the population of all the constituent States in the Union taken upon a census.

What did that mean?

Members of legislative bodies must account to their constituents.

They have to go home, from time to time, and "mend their fences".

For this reason, our Forefathers deemed it the ample protection against unjust taxation, to provide that direct taxation could be made only in proportion to populations of the States; for thus the burden of any tax would fall on the several States alike.

Members of Congress were not going to go home to receive cheers, if their last legislative act was to vote an oppressive tax on the folks at home.

The Income Tax Amendment swept away this entire protection, as I will show.

The Congress wrote its first Income Tax Law without waiting for a Constitutional Amendment.

It came before the Supreme Court, which held that the Congress had violated the rules, in that it obviously had not followed the Constitutional mandate for apportionment among the several States.

The movement for a Federal Income Tax continued.

A Constitutional amendment was proposed.

We, the People, decided it was wise and we rewrote the rules written by our Forbears, and by the

16th Amendment to the Constitution, provided as follows:

“The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States and without regard to any census or enumeration.”

The direct result of this amendment is clearly stated in the amendment itself as I have just read it to you.

The direct result was to expressly take away apportionment, census and enumeration.

The indirect results were even more far-reaching.

Since the adoption of this amendment, Congress has had power to levy a direct tax on incomes and thus to tax citizens of one State out of proportion to citizens of other States.

We, the People, in relaxing the rules, gave up our chief safeguard against unfair, direct taxation, because, now, a majority of Federal legislators, responsible only to the localities from which they were severally elected and to which they must account, have been given power to levy income taxes on citizens who are not their constituents out of proportion to their own constituents.

We, the People, by amendment, thus created in the hands of Central Government a new power of great magnitude.

But that was not all.

The Supreme Court has held that, under this amendment, the Congress, in a sense, may also tax capital.

The Courts will sustain a mere definition written by the Congress unless it is of a flagrant abuse of power.

You will recollect that it was held that the Congress might constitutionally say that a cooling drink containing more than one-half of one per centum of alcohol was intoxicating liquor, and prohibited.

The same may be said of the Congressional definition of "income".

Congress, by amendment, was authorized to tax "income". Income had to be defined.

In American jurisprudence, a clear distinction has always been recognized between capital and income.

True income consists of the return from profession or business, salaries, rentals from real estate, interest on bonds and dividends on stocks.

Congress, in its very first definition of income went further than this and included, in its definition of

income, gains or profits on the sale of capital, and the Supreme Court held it was within the power of Congress so to do.

Congress then created surtaxes, as well as normal taxes, and imposed both on the aggregate of true income plus gains on sales of capital.

In other words, when you read that England has larger income tax rates than America, do not be deceived.

England does not include, as income, gains on capital. No matter how high English rates on true income may be, English income taxes are seldom likely to be as high as our income taxes, figured at surtax rates on the grand total of both income and capital gains.

To summarize

1. By Constitutional amendment, we have conferred a new power on Congress, whereby majorities may freely tax minorities and report back home: "I have soaked the other fellow". "I have made a redistribution of *his* wealth".

2. By definition, Congress has imposed income taxes on capital as well as on income.

3. Finally, by inventing surtaxes and imposing surtaxes on the total of the two, Government has

succeeded in making those who are comfortably off feel very uncomfortable.

It was said, many years ago, that taxation is the art of plucking the goose with the greatest amount of feathers and the least amount of squawk.

During the last score of years, the taxing authorities have refused to permit our financial feathers to enjoy the natural process of "moulting" and in place thereof have imposed by law the rigorous benefits of a very clean shave.

The French have a word for it:

When you are at your lowest ebb—despondent, melancholy, dejected, sorrowful, miserable, morbid—the French say you are "déplumé".

That all your feathers are gone.

I am dealing today with Constitutional power, and I have taken taxation merely as an example.

But, in passing, I wish to say one word, which has to do with taxation not from the standpoint of power; but from the standpoint of what the Congress, within its powers, ought to do.

For economic reasons, the tax on capital gains should be repealed! It has been a continuing preventative of business transactions. It has greatly retarded Recovery. It was mainly responsible for the pyramiding of values and collapse of 1929. If and when Recovery is fully achieved, it is calculated, by its economic nature, to destroy Recovery by bringing about a new pyramiding and a new collapse.

The New York State Bar Association in January adopted a resolution for an appropriate amendment of this law.

I know of no single amendment of statute that would do more to benefit the people.

The most recent discussion of the Supreme Court has had to do with two of its decisions, one holding that the Congress had no power to deal with wages, because that power belonged to the States, and the other, and later, holding that the New York Minimum Wage Law was unconstitutional, as beyond the powers of the State.

When the last of these two decisions came down, we were told that something frightful had happened; that the Supreme Court had held that the Congress and State Legislature together could not legislate as to everything which Government believed the people should or should not do.

We are not concerned, in this analysis, with the constitutionality of any particular wage law, or with the wisdom of proposals to amend the Constitution on that subject.

You and I are bent on a more fundamental inquiry:

Does there exist American territory which neither the Federal nor State Government may enter?

Our Constitution says:

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the

States, are reserved to the States respectively, or to the People.”

The Supreme Court has declared:

“The Constitution of the United States was ordained and established, not by the states in their sovereign capacity, but emphatically, as the preamble of the Constitution declares, by ‘the people of the United States’.

There can be no doubt, that it was competent to the people to invest the Federal government with all the powers which they might determine proper and necessary; to extend or restrain these powers according to their own good pleasure, and to give them a paramount and supreme authority. As little doubt can there be, that the people had a right to prohibit to the states the exercise of any powers which were, in their judgment, incompatible with the objects of the general compact; to make the powers of the state governments, in given cases, subordinate to those of the nation, or to reserve to themselves those sovereign authorities which they might not choose to delegate to either.”

Later, by the 14th Amendment, we, the People, specifically prohibited the exercise of certain powers by the States, providing that:

“No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any

State deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Let me put the question to you conversely, and more pointedly:

Is it possible that we, the People, in writing our rules, wherein we surrendered much of our Liberty to Federal and State Government, failed to set aside and save any Liberty for ourselves, and our Posterity, over which no Government could exercise domain?

Of course, there exists in America a Land of Liberty, guaranteed by our Constitution, upon which neither Government may trespass.

We, the People, have reserved to ourselves many rights with which Government may not constitutionally interfere, and which, in fact, constitute "the Land of the Free".

The Supreme Court did not create it; our Fathers created it, and it is the duty of the Supreme Court to protect it.

It is true that its boundaries may not be precisely indicated by sign posts.

It is true that at times we may have to look to a divided Supreme Court to say whether a given enact-

ment is within the sphere of Government or the sphere of Liberty.

You look every day on the scenery of this Free Land.

Equal protection of the laws.

No impairment of the obligation of contracts.

Due process of law in any challenge to Life, Liberty or property.

Trial by Jury.

No double jeopardy.

No self incrimination.

No unreasonable searches and seizures.

No excessive bail or cruel and unusual punishment.

Freedom of Speech.

Freedom of the Press.

Freedom of Religion.

Those who complain that the Supreme Court has not gone far enough in sustaining legislation calculated to violate these fundamental rights, simply do not understand, that, every time the Supreme Court holds that class of legislation to be unconstitutional, it is upholding our Liberty under the Constitution.

When the Supreme Court hands down a decision that the Congress or State Government cannot con-

stitutionally legislate on a given subject, or cannot legislate to the extent that is attempted, and your friends raise up their hands in horror that so glorious a panacea has been judicially cast into the waste paper basket, tell them that it was their Forefathers who agreed to rules whereby a Liberty-loving people did not propose to have Government intermeddling with the conduct of our daily lives and our right to make a living in our own way, and that all the Supreme Court does, in such a case, is to uphold the rules.

Under our Constitutional system, there is no branch of the Government above the Constitution.

No Governmental authority may trespass upon the rights of the humblest citizen in the field of Liberty.

This noble principle was never more clearly illuminated than in Pitt's magnificent outburst of eloquence:

“The Poorest man may in his cottage bid defiance
to all the forces of the Crown.

It may be frail; its roof may shake;

The wind may blow through it;

The storms may enter,

The rains may enter,

But the King of England may not enter.

All his forces dare not cross the
Threshold of the ruined tenement.”

Thus Cobb, in his 1912 editorial, said:

“The greatness and glory of the American people have been achieved under a system of law that recognized no divine right in government.

This nation has been built up on a system of law that properly distrusted too much government.

It has been built up on a system of law that leaves every man and woman free to make the most of his or her life without let or hindrance from constituted authority.”

That is Liberty as distinguished from Compulsion.

It is Democracy as opposed to Despotism.

It is possible this Republic was founded in error.

It is possible that the Declaration of Independence was a mistake and the Constitution a blunder.

But you and I hold to the faith of the fathers.

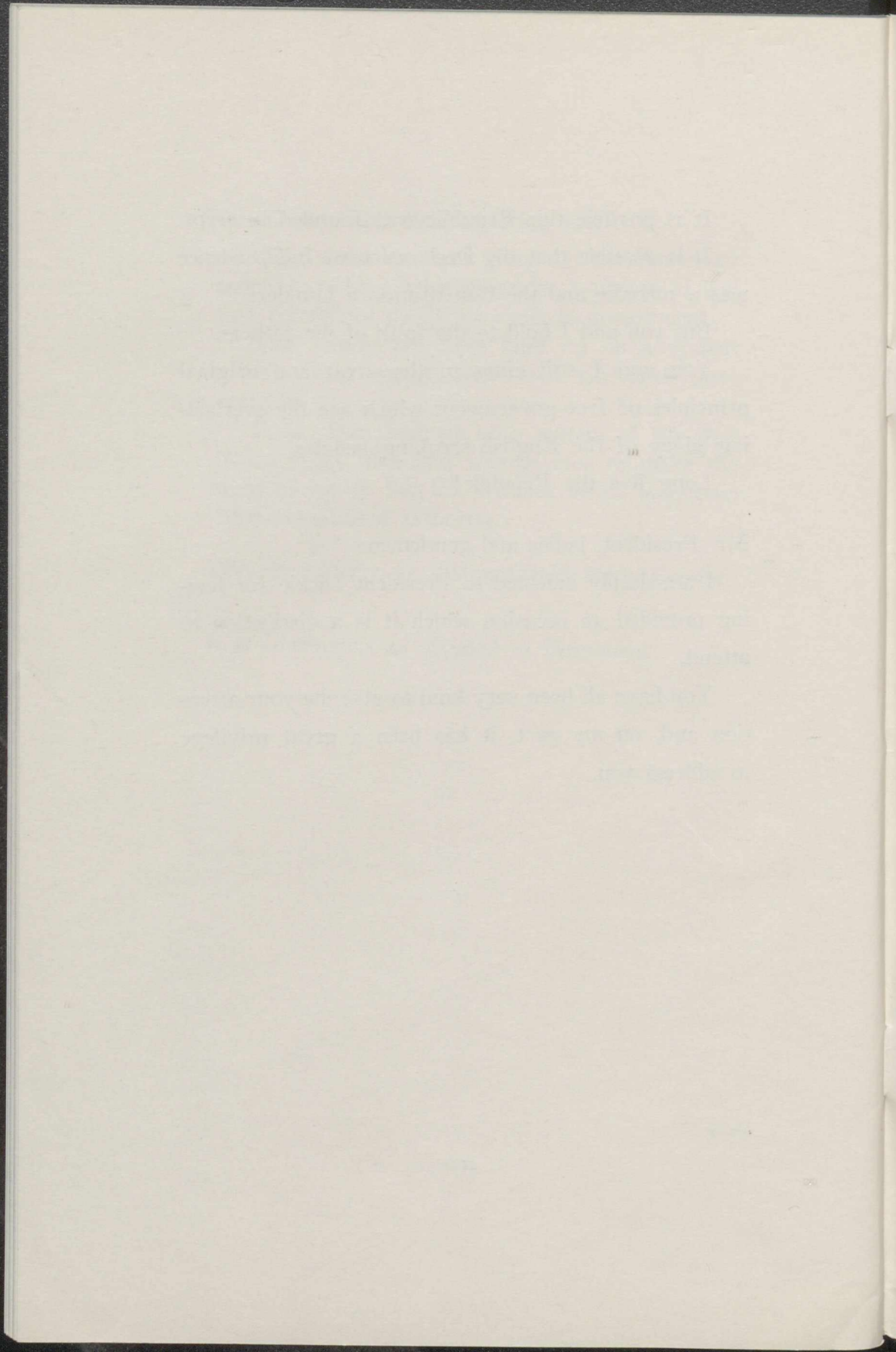
You and I still cling to the great and original principles of free government which are the everlasting glory of the English-speaking peoples.

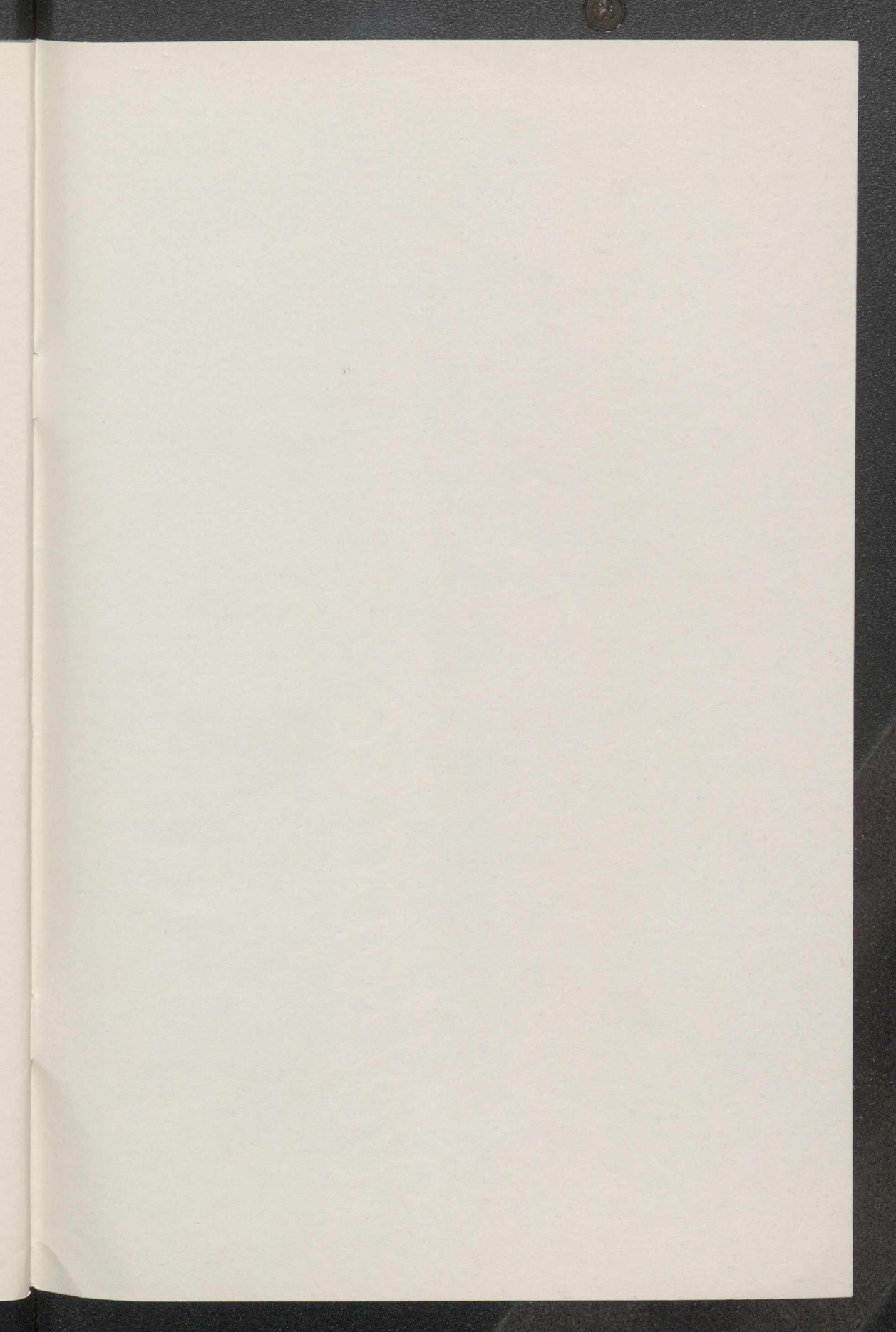
Long live the Republic!

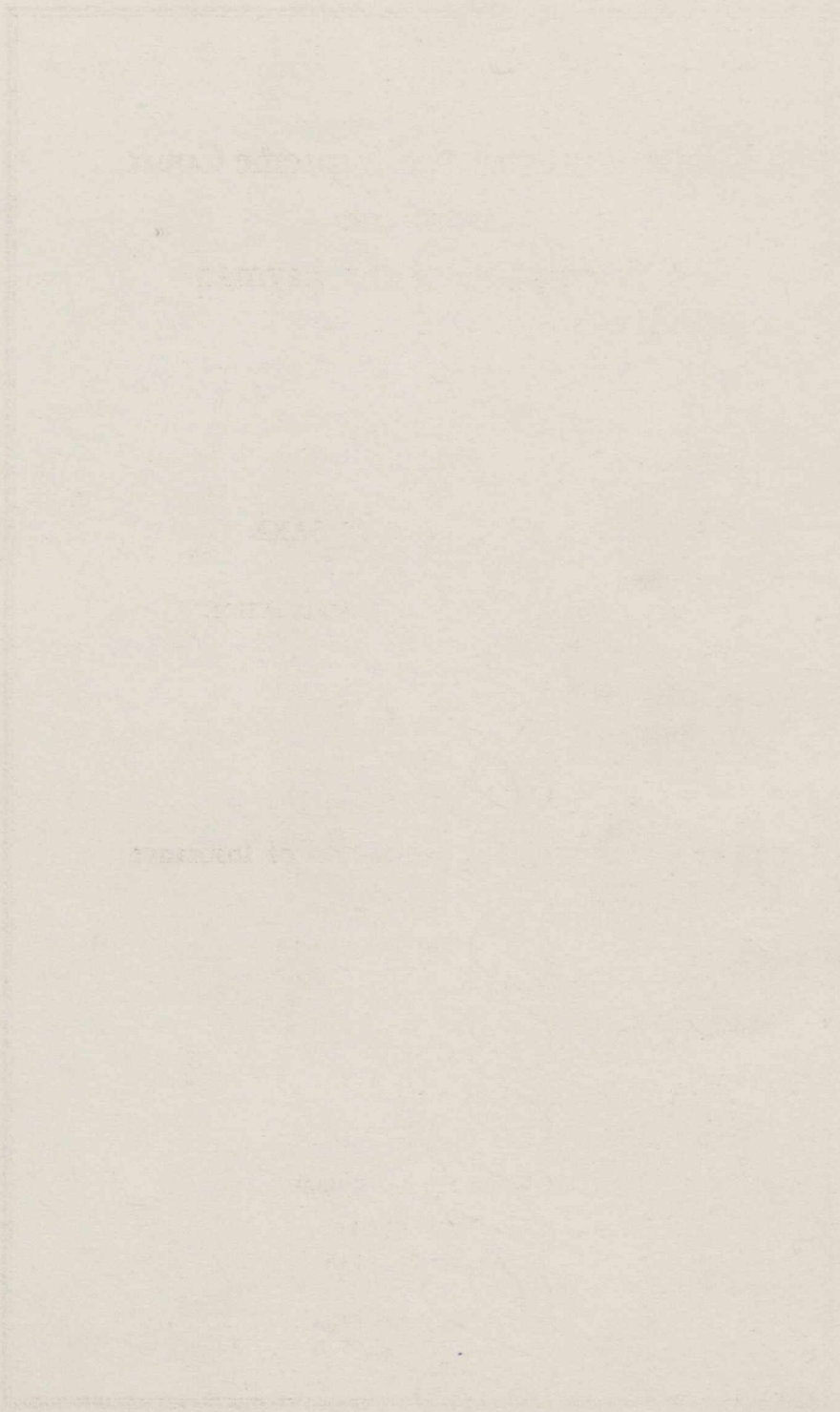
Mr. President, ladies and gentlemen:

I am deeply indebted to President Dickie for having provided an occasion which it is a distinction to attend.

You have all been very kind to give me your attention and, on my part, it has been a great privilege to address you.







THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

530 SOUTH EAST ASIAN AVENUE

CHICAGO, ILLINOIS 60607

TEL: 773-936-3700

FAX: 773-936-3700

WWW: WWW.PHYSICS.UCHICAGO.EDU

WWW: WWW.PHYSICS.UCHICAGO.EDU

WWW: WWW.PHYSICS.UCHICAGO.EDU

WWW: WWW.PHYSICS.UCHICAGO.EDU

WWW: WWW.PHYSICS.UCHICAGO.EDU

WWW: WWW.PHYSICS.UCHICAGO.EDU

WWW: WWW.PHYSICS.UCHICAGO.EDU

WWW: WWW.PHYSICS.UCHICAGO.EDU

WWW: WWW.PHYSICS.UCHICAGO.EDU

WWW: WWW.PHYSICS.UCHICAGO.EDU

WWW: WWW.PHYSICS.UCHICAGO.EDU

WWW: WWW.PHYSICS.UCHICAGO.EDU

WWW: WWW.PHYSICS.UCHICAGO.EDU

WWW: WWW.PHYSICS.UCHICAGO.EDU

WWW: WWW.PHYSICS.UCHICAGO.EDU

WWW: WWW.PHYSICS.UCHICAGO.EDU

WWW: WWW.PHYSICS.UCHICAGO.EDU

WWW: WWW.PHYSICS.UCHICAGO.EDU

7

PRINCIPAL AND VICE-CHANCELLOR
A. E. MORGAN

MCGILL UNIVERSITY
MONTREAL

September 14
1936

Dear Doctor Saxe,

Thank you for your letter of the 11th
September, with a copy of your address before The
International Association of Insurance Counsel, which
I am very glad to have.

It was a pleasure to make your acquaintance
last year and I was sorry that I was not able to renew
contacts in New York, but I hope that the time will
come when this is possible.

Yours sincerely,

Doctor John Godfrey Saxe,
102 Maiden Lane,
NEW YORK CITY.

RECEIVED SEP 14 1936

JOHN GODFREY SAXE
102 MAIDEN LANE

September 11, 1936.

Dear Principal Morgan:

I think you may be interested in the enclosed address which I delivered at White Sulphur Springs last month. The audience was thoroughly representative of prominent lawyers from nearly every State in the Union.

I purposely did not give it out to the press, partly because it was not intended to be political and extracts of it might have been used as politics, but more especially, because I drew heavily from President Butler, Frank Cobb and Garret Garrett both for ideas and text, and I felt that, to publish it as mine, might border on plagiarism at quite a few points, although I did give them due credit.

It gave me the greatest pleasure to attend your installation and I sincerely trust that your first year at our great University has been one of pleasure to you. I am sorry that we have not met either in Montreal or New York in the meantime, and I sincerely hope that, when you are next in New York, I can have the pleasure of seeing you.

Faithfully yours,

John Godfrey Saxe

A.E.Morgan, Esq.,
Principal and Vice-Chancellor,
McGill University,
Montreal, Canada.

JGS/c enc

CHAS. E. MOYSE, B.A., LL.D., HON. PRESIDENT
(VICE-PRINCIPAL EMERITUS, MCGILL UNIVERSITY)
WALTER S. JOHNSON, K.C. - - PRESIDENT
REV. SAMUEL P. ROSE, D.D., VICE-PRESIDENT



EDMOND T. SAYERS
SECRETARY-TREASURER
2333 HUTCHISON ST. TEL. ROCK 573

W. CARLESS, F.R.I.B.A. - PAST PRESIDENT
JAMES M. MORRIS
FREDERICK J. NAFFEL
DOUGLAS A. WHITTAKER

FIRST
JUNE
1921

General Sir Arthur W. Currie, G.C.M.G., K.C.B., LL.D.
McGill University
Montreal.

Dear General,

As I understand you will be leaving shortly for Europe, I would be so much obliged for the title of the address you were good enough to promise to deliver before our Society on the 22nd January 1922.

The Syllabus will soon be ready for the printer, and I should like it as complete as possible.

Thanking you in advance, and with best wishes for a pleasant trip

Yours very faithfully,

Sec.-Treas.

September 19, 1923.

Edmond T. Sayers, Esq.,
Secy. and Treas., St. James Literary Society,
2333 Hutchison Street,
Montreal.

Dear Mr. Sayers,

I am in receipt of your letter of
September 4th and enclose herewith \$7.00, being annual
dues and \$2.00 for the dinner.

With all good wishes,

Yours faithfully,

Encl.

ST. JAMES LITERARY SOCIETY.

2333 Hutchison St.,
Montreal, 4th Sept. 1923.

General Sir Arthur W. Currie,
McGill University,
Montreal.

My dear Sir:

On behalf of the Executive, I have much pleasure
in enclosing Syllabus for the 26th Annual Session 1923-24.

It has been decided to hold the Annual Dinner on
6th November. As the charge has been fixed at only \$2.00
(business dress), it is hoped that all will avail themselves of
the opportunity of getting acquainted with their fellow members
early in the Society's year.

When sending me your annual fee of \$5.00, kindly
add \$2.00 for each supper reservation, so that the Committee
may know the number to cater for.

Yours very sincerely,

EDMOND T. SAYERS,

Secretary-Treasurer.

enc.

February 11th, 1924.

Edmond T. Sayers, Esq.,
2333 Hutchison Street,
Montreal.

Dear Mr. Sayers:-

I beg to acknowledge and to thank you for your letter of February 8th advising me of the discussion being opened before the St. James Literary Society by Major J.A. Macdonnell on "Is it Desirable for Canadian Students to Continue their Education in Europe", the evening of Tuesday, February 19th.

It would give me much pleasure to be present at this discussion, as I am deeply interested in the subject, and I regret exceedingly that a previous engagement will prevent my doing so.

With all good wishes, I am,

Yours faithfully,

CHAS. E. MOYSE, B.A., L.L.D. HON. PRESIDENT
(VICE-PRINCIPAL-EMERITUS, MCGILL UNIVERSITY)
SAMUEL M. BAYLIS, PRESIDENT
DOUGLAS A. WHITTAKER, VICE-PRESIDENT



REV. SAMUEL P. ROSE, D.D., PAST PRESIDENT
A. A. BRAMLEY-MOORE, B.A., M.D.
JOHN T. FARMER, M.Sc.
WALTER B. WOODLAND, B.Sc.

EDMOND T. SAYERS
SECRETARY-TREASURER

2333 HUTCHISON ST. TEL. ROCK. 573

8th Feby. 1924.

Sir Arthur W. Currie G.C.M.G., K.C.B.
McGill University
Montreal.

Dear Sir Arthur.

Enclosed please find a copy of our syllabus, from which you will find that on 19th Feby. Major James ^{M.} Macdonnell is opening a discussion before our Society on "Is it Desirable for Canadian Students to Continue their Education in ~~Europe~~" and knowing the personal interest you take in the subject, it is hoped ^{in British Universities} that you will reserve that evening and give your fellow members the pleasure of your company - and do not forget the pipe.

Might I also ask that you will cause to be placed on the Notice Boards an invitation to all Professors and Students to attend the meeting, and take part in the discussion which will follow the opening?

Thanking you in anticipation of a favourable reply at your convenience

Yours very faithfully.

Edmond T. Sayers

Sec.-Treas.

Syllabus enc.

*Pooled
Notices*

G. P. O. Box 2554
MONTREAL

EDMOND T. SAYERS & CO.

General Agents
Advertising - Insurance, &c.

EDMOND T. SAYERS

Residence:
2698 HUTCHISON ST.
OUTREMONT

Telephone:
ATLANTIC 0573

MONTREAL, Sep. 11, 1924
(CANADA)

General Sir Arthur W. Currie,

McGill University,

City

York
My dear Sir:-

After several years of service with the Bell Telephone Company, I have decided to enter into business on my own account as General Commission Agent.

I have served a long apprenticeship in advertising and insurance fields, and in returning to them I hope to renew business acquaintanceships and to find other channels among my friends.

May I hope that when opportunity arises my name and desire to fill your needs may be clearly engraved on the tablet of your memory.

Very sincerely yours,

Edmond T. Sayers

September 13th, 1924.

Edmond T. Sayers, Esq.,
P. O. Box 2554,
Montreal.

Dear Mr. Sayers:

I beg to acknowledge and to thank you for your letter of September 11th advising me that you have decided to enter into business on your own account as General Commission Agent.

May I wish you every success in your new venture and should an opportunity arise I shall certainly bear your name in mind.

With all good wishes, I am,

Yours faithfully,

October 7th, 1925.

Dr. S. P. Rose,
101 St. Luke Street,
Montreal.

Dear Dr. Rose:-

With reference to your letter of September 17th, I am very glad indeed to make a small contribution towards a purse for Mr. Sayers as a slight recognition of his faithful services as Secretary of the St. James Literary Society.

With all good wishes for the success of your endeavour, I am,

Yours faithfully,