BILLS BEFORE THE LEGISLATURES

During the past few weeks the legislatures of the provinces have not been in session, and no new provincial bills have been introduced. The majority of the legislatures have concluded their work for 1947, but in Ontario and Nova Scotia the sessions have been adjourned and will, no doubt, be resumed at a later date. The main development in the past month was the sudden announcement by Premier Angus L. Macdonald on May 12th in the Nova Scotia legislature that Nova Scotia would enter into a tax agreement with the Dominion. Tax legislation along the lines of that enacted by the other “agreeing” provinces will presumably be introduced when the session re-opens. Nova Scotia will thus be the seventh province to accept the Dominion’s fiscal proposals and to authorize the signing of a tax agreement.

DOMINION

Taxation

The most important matter before the Dominion Parliament in recent weeks has been the budget for the new fiscal year and the proposed changes in taxation laws. On April 29th Hon. Douglas Abbot, Minister of Finance, delivered his budget speech, the contents of which had been the subject of much public speculation. This was followed on June 6th, by the introduction of bills to amend the Income War Tax Act, The Excess Profits Tax Act, 1940, and the Special War Revenue Act. (Bills 269, 270 and 271)

The changes which are being made this year in the Income War Tax Act are not numerous, but affect almost every taxpayer. The main feature is the provision to reduce the rates for personal income tax by percentages ranging from 54 per cent in the bottom bracket to 6 or 7 per cent in the top bracket, the change of rates becoming operative on July 1st, 1947. Corporation income tax rates are unchanged, but there is established a new five per cent withholding tax on dividends paid by wholly-owned Canadian subsidiaries to their parent companies abroad.

The Excess Profits Tax, which was designed solely as a wartime tax, will end on December 31st, 1947, after being in effect since 1940. No application for the determination of standard profits will be received after September 1st, 1947. The Special War Revenue Act is undergoing an extensive revision and its title is being changed to the Excise Tax Act.
In the course of his budget speech, the Minister of Finance made the important announcement that he hoped later in the session to introduce a bill to provide for a general revision of income tax law. He explained that the bill would not be passed this session, but was being introduced a session in advance of its enactment in order that an opportunity might be given for careful consideration and discussion of all its details. In rewriting the Income War Tax Act, efforts are being made to improve its arrangement, to make it clearer and simpler and to remove ambiguities and anomalies. The Minister also indicated that the law in its working will be less dependent upon the exercise of ministerial discretion.

**Discipline of Visiting Forces.**

Commanders of forces visiting Canada under the ordinary laws of the country have no legal power to discipline their forces. The granting of such authority has been rare in the past, and requires special legislation. In 1933 legislation was enacted (chap. 21) to make provision for the discipline of Commonwealth forces while in Canada. Later, at the outbreak of war, an order in council was issued under the War Measures Act extending the same right to commanders of United States forces. This order has now lapsed.

On May 23rd, Rt. Hon. Louis St. Laurent, Secretary of State for External Affairs, introduced a bill to give commanders of visiting United States forces the same disciplinary authority as Canadian commanders exercise over their men. He pointed out that the jurisdiction of the United States service courts will extend only to such breaches of discipline as would not be offences under Canadian law. A breach of a Canadian law by a United States serviceman will still be tried by a Canadian court even though it is also contrary to military regulations. Members of United States forces acting in the course of their duty will not, however, be subject to the sections of the Criminal Code, which provide for the prohibition of unlawful drilling and regulate the possession of offensive weapons. (Bill 253)

**Interpretation Act**

The Interpretation Act comes first in the Revised Statutes and is important for the drafting of new legislation. On June 2nd, a bill was introduced to amend the Interpretation Act in a number of matters so as to bring it up-to-date. In introducing the bill, Rt. Hon. J. L. Ilsley, Minister of Justice, stated that these amendments were necessary before the work of consolidating the statutes
is undertaken and he indicated that consolidation should take place some time within the next few years at the latest. It will be noted that the last consolidation of the Dominion statutes was made in 1927. (Bill 260)

HAROLD SHURTLEFF

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CONTEMPT OF COURT IN THE 'SIXTIES

[October 27th, 1851] Illegal and absurd behaviour of Mr. Ramshay, a judge in the Liverpool County-court. Mr. Whitty, of the Journa', having made severe comments on his conduct as a judge, Mr. Ramshay took occasion to say in the course of a case before him, 'The witnesses, like many persons in this part of the country, appear not to have the slightest regard for the solemnity of an oath, and to be equally destitute of the feelings of humanity.' In the report of the Journa', this was described as 'Mr. Ramshay's opinion of the people of Liverpool.' The judge thereupon resolved to proceed against Mr. Whitty for contempt, and despatched his officers to make immediate apprehension. Mr. Whitty refused to stir unless a proper warrant was exhibited, and on a second attempt being made, gave the two officers into custody. Attending under a summons on the Monday following, Mr. Ramshay fined his enemy in the sum of 5l., with the alternative of seven days' imprisonment in Lancaster Castle. 'It was me,' he said, 'who gave the order to bring him, and by the word 'bring,' I meant force to be used, if necessary. Even if it required ten thousand men, I would get him. I care for no man living who opposes me.' The audience in court here burst into laughter, the judge continuing, 'If you bailiffs don't take one of these men, I will fine you. Bring him before me this instant, or I will fine you.' Two of the parties in court were dragged forward and fined 5l. Addressing himself to Whitty, the judge said, 'I tell you, sir, that you look like a man in whose eyes and in whose face the worst passions and the worst feelings of our human nature are delineated.' Mr. Whitty preferring incarceration to payment, took his departure for Lancaster, amidst an immense and sympathizing gathering of his townsmen. The fines in each case were ultimately paid by friends, and a hearty welcome given to the prisoners on their return to Liverpool. The Earl of Carlisle, as Chancellor of the Duchy, instituted an inquiry into the conduct of Mr. Ramshay, and at the close pronounced a judgment removing him from his judicial office. (Joseph Irving: The Annals of Our Time. 1869.)