

THE CANADIAN BAR REVIEW

THE CANADIAN BAR REVIEW is the organ of the Canadian Bar Association, and it is felt that its pages should be open to free and fair discussion of all matters of interest to the legal profession in Canada. The Editor, however, wishes it to be understood that opinions expressed in signed articles are those of the individual writers only, and that the REVIEW does not assume any responsibility for them.

It is hoped that members of the profession will favour the Editor from time to time with notes of important cases determined by the Courts in which they practise.

Special articles must be typed before being sent to the Editor at the Exchequer Court Building, Ottawa. Notes of Cases must be sent to Mr. Sidney E. Smith, Dalhousie Law School, Halifax, N.S.

TOPICS OF THE MONTH.

THE DOLE AND UNEMPLOYMENT.—The French economist, M. Jacques Rueff, has published an article in the *Revue d'Economie Politique*, in which he undertakes to show that the real cause of what he calls 'permanent unemployment' in England is the policy of the dole. In view of the persistence of unemployment in parts of the post-war world where that policy has not been adopted, M. Rueff's opinion is not likely to pass without challenge. Yet it has received the support of so eminent an authority as Sir Josiah Stamp. It is, therefore, worth considering. The argument of the French economist proceeds along the line that where technical conditions in industry and labour output *per capita* remain practically uniform over a period of years, fluctuation in the wages of labour finds a corresponding fluctuation in unemployment. Upon this correspondence a "law of unemployment" is postulated. Applying that law to England, where wages had been pushed up to an 'uneconomic level' in the war, and are now maintained practically at that level under the dictation of the Trade Unions, it is contended that the dole favours the continuance of unemployment because the recipient chooses idleness rather than work which would give him little more money than he would get without working at all. At the present moment England is facing an expenditure of £100,000,000 a year for unemployment insurance alone. Her standard of wages is higher than that of

most European countries, so that the profit-earning capacity of her industries is seriously lessened. Her high rate of taxation on incomes, and her oppressive scale of succession and estate duties, prevent investment in industries. Thus the country is not only falling from its former high estate as the chief manufacturing centre of the world, but her people cannot maintain their traditional position as money-lenders to other countries seeking capital to develop their resources and establish their industries. Economists are now greeting a New Age in which the well-being and progress of mankind rests upon the interdependence of nations. Hence if it is conceded that M. Rueff is right and that the policy of the dole tends to perpetuate unemployment in England, it is conceivable that its repercussions play no unimportant part in the stagnation of industry throughout the world.

* * *

JAIL WITHOUT BAIL.—There is an outcry in England against the practice of magistrates in refusing to admit to bail on their own recognizance poor persons accused of trivial offences against the criminal law. Mr. Justice Swift has declared in recent trials before him, resulting in the discharge of the accused, that the practice has become "a monstrous abuse of justice," and that it "deserves the notice of the legislature." One London weekly, in commenting on the matter, states that in the past five years 8,000 men and women, many of them scarcely more than boys and girls, have been detained in jail pending trial, only to be discharged by juries, free of guilt and blame. Apart from the ignominy attaching to their durance on remand, loss of regular employment is generally entailed by it with no right to compensation from any one. Such a situation in the administration of justice is intolerable. Only on clear proof of danger to the public should a poor person suspected of a minor crime be confined in jail pending trial. Is Canada wholly responsive of this elementary principle of social justice?

* * *

WAR-DEBTS MORATORIUM.—Writing enthusiastically of President Hoover's proposal that for a year from July last war-debts and reparations shall be the subjects of a respite, Mr. A. G. Gardiner, the famous English journalist, says:—

Would that it were possible to look for their complete cancellation. That would be the greatest tonic this suffering world could have. But if that is impossible yet, a drastic scaling-down is vital, and it seems obvious that the

logical and immediate sequel to the adoption of the "debtless year" is the summoning by President Hoover of an international conference to turn the World's respite into a reprieve.

Should Mr. Gardiner's wish be realised, President Hoover will be known to history as one of the great men of the twentieth century. It is apparent from the daily press that the consummation Mr. Gardiner so passionately yearns for is becoming less and less remote. On the 19th of August the following announcement was sent out from Basel, Switzerland:—

The trumpet call for revision of the whole scheme of war debts and reparations payments as an essential preliminary to the restoration of German and world economic prosperity, was sounded early Wednesday by a committee representing the ten most powerful banking nations in the world.

The International Bankers' Committee, headed by Albert H. Wiggin, of New York, in submitting a long report of its inquiry into Germany's credit situation, assailed reparations payments as an immense obstacle to the peaceful, economic progress of nations, and summoned the governments to "lose no time" in revising the schedules of international payments. This pronouncement, gaining great force from the eminence of its authors, impressed observers all the more when they realized it was subscribed to by the financial chiefs of the United States and France, two nations which have been outstanding opponents of any plan to revise international payments.

* * *

FRANCE AND ENGLAND.—No matter what differences exist—and there are many—between French and English ideas concerning the ways and means of restoring peace and prosperity to the world, as between themselves the two nations confess a very real and strong sentiment of amity. That, of course, is a natural emergence from their alliance in the war. Perpetuation of this laudable sentiment has been much forwarded by the erection of a statue in London to Marshal Foch, and by a corresponding gesture at Montreuil-sur-Mer, where the French have set up a statue of Field-Marshal Earl Haig during the past summer. France has become peculiarly responsive to English support for her attitude on disarmament, and the views expressed in the House of Commons touching the matter are eagerly scanned in Paris. When Mr. Churchill said that the French army is at present the stabilising factor in Europe, and Mr. Ramsay MacDonald referred to the "peculiarly attackable position of France," the French Nationalist and Conservative press hailed these utterances as justifying France in subordinating the limitation of her armaments to security. But the peace of the world now and for the future will

be bought at the price of disarmament, and to teach France to appreciate the correctness of that view is the friendly duty of England.

* * *

INDUSTRIALIZED AGRICULTURE.—In this day of Canada's struggle to balance her budget and to help the world to orientate the manual labourer to new and inexorable economic demands, it is interesting to read of a happening in an Ontario town which illustrates the agricultural side of the proletarian problem. This is the story. A farmer in search of a 'hired man' approached one whom he thought desirable, in a district employment office. "How much," he inquired, "do you want?" "Thirty dollars a month," was the reply. "I'll tell you what I'll do," said the farmer: "You take over the farm, and I'll work for you there at the wage you mention." The mutual exchange between employer and unemployed was not effected. But the story has a timely moral. It illustrates the passing of the old order of agriculture in which the farmer and his family found all their needs supplied by the soil and rejoiced in their splendid isolation from the worries of business. When farm products became the subjects of commercial speculation the farmer in the western hemisphere became a business man. Agriculture thereupon entered the industrial domain. As Mr. Garet Garrett puts it in a recent article:—

It embraced the character of industry and assumed all the risks of industry. Sustenance farming in the great old design gave way to money farming—that is to say, farming primarily for a money crop. This has gone so far that modern agriculture now speaks of itself as an industry, and so also do economists speak of it in a strict sense, whereas not many years ago the word "industry" was opposite to "agriculture," meaning machine craft. And remark that precisely in degree as agriculture has embraced the character of industry the power of exchange has become vital to it also. No longer does agriculture live by production simply. But if the production of food is expanded too fast—much faster than the increase of population—then agriculture is bound to lose its power of exchange, a crisis will overtake it, and surplus will be a curse where once it had been a beneficence. And it will be a curse not to agriculture alone, all industry will be involved in a crisis of agriculture.

And just so far as the farmer has become an industrialist just so far must he accept the bitter and the sweet—the loss with the profit—that marks the experience of those who hazard their fortunes in the industrial world.

* * *

UNFAIR WILLS.—The Joint Committee appointed to consider the Wills and Intestacies (Family Maintenance) Bill introduced into the

British Parliament by Miss Rathbone has reported against its expediency. The object of the proposed legislation was to

secure on the death of a spouse leaving a will certain arbitrary or fixed interests in the estate disposed of by the will to the surviving spouse and any surviving children who are below the 'defined age,' or if above that age are physically or mentally incapable of self-support.

In short, it was sought by the Bill to protect these persons from unfair posthumous treatment by one who is financially responsible for them during life. The Joint Committee, while not favouring the provisions of Miss Rathbone's Bill, approved its object, and would not oppose legislation providing that a spouse or children thus left destitute

should be able to obtain means of support by application to the Court, the amount to be measured by the amount of the estate and the circumstances in which the family had been living.

Would not legislation of the sort suggested by the Joint Committee find acceptance as well as justification in Canada?

* * *

ROYAL LEADERSHIP.—In our June number we ventured to express the view that if the English democracy could not provide efficient leadership in the country's hour of trial this great service might be discharged by the King. In the light of what was done last month by His Majesty King George towards the formation of the National Government now holding office we seem to have spoken with the voice of prophecy.
