Canadian Notes

Just after we went to press last week the news reached London that the Supreme Court of Alberta had dismissed the appeals of Mr. Uwins and Mr. Powell. Thus the sentences—three months and six months’ hard labour respectively—have to be served, and the two gentlemen are reported to have surrendered their persons to undergo the penalty prescribed by law.

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According to the *Daily Express* Mr. Aberhart, as Attorney General, had meanwhile demanded their release from the Dominion Government, but was officially informed that the Government “could not interfere with the autonomy” of the Provincial Courts.

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This reply is clever as a retort, coming as it does to a Premier who is insisting on the principle of autonomy as applied to the internal affairs of Alberta; and, by extension, to those of the other provinces in Canada. But it is not a wise reply. Its style of formulating a short and effective weapon becomes a weakness when its purpose is examined in a long-distance interpretation of constitutional law.

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Furthermore, even as a dialectical weapon its logic is defective. For the autonomy of a province, which Mr. Aberhart is standing for, is the autonomy of the provincial lawyers—the elected Government representing the people in the legislature. The word autonomy cannot be applied to provincial law-interpreters and law administrators, i.e., the courts in a province. It is, at best, a relative and restricted autonomy, and not an absolute and unqualified autonomy such as belongs (of course in theory) to the people and their elected Government.

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The test is this: can the courts make or alter the law? They cannot. Therefore they are not autonomous. They are like the automatic machinery on the assembly lines, which deliver what is in them predetermined, from the humblest to the millionaire and pauper alike when the right coin (or a good imitation!) is put in the right slot.

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The cogency of the Dominion Government’s reply is somewhat blunted because the law which was broken by the convicted men is not a provincial law, but a Dominion law affecting all Canadian subjects. If Mr. Aberhart’s Government had possessed the right to pass such an act, they would have had to pass the law of the province of Alberta, they would have had to pass the right to repeal or change the law, to clarify its interpretation, or to regulate the character of the penalties for breaches. Hence, supposing that Mr. Uwins and Mr. Powell had been indicted under an Alberta law, the Alberta Government would not have needed to demand their release from the Dominion Government. They could, indeed, have forestalled the situation by exercising their legislative powers as just a conviction by exercising their legislative powers as just a conviction.

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In 1911 a Mr. F. H. Hamilton was party to an action in a London Court, the other party being the Inland Revenue. As the action proceeded it looked as if Mr. Hamilton’s submissions and arguments were going to succeed. So the Inland Revenue got Mr. Snowden (then Chancellor of the Exchequer) to hurry through the House of Commons some new legislation to “clarify” the then existing law. This clarification consisted in a re-interpretation designed to prevent the Court from giving judgment in Mr. Hamilton’s favour. He complained that this was intervention, and an action had begun, had set a new, unjustifiable and dangerous precedent. Some correspondence was published in The Times about it. We do not know the date, but we can guess it is not more than a few days after the correspondent appeared and more than a few weeks after the offending legislation had been passed. The reason why the Inland Revenue was over was because the law was not clarified or changed after the offending legislation had not been passed. If the Inland Revenue was not over was because the law was not yet clarified or changed after the offending legislation had been passed. If the Inland Revenue was not over was because the law was not yet clarified or changed after the offending legislation had been passed. If the Inland Revenue was not over was because the law was not yet clarified or changed after the offending legislation had been passed. If the Inland Revenue was not over was because the law was not yet clarified or changed after the offending legislation had been passed. If the Inland Revenue was not over was because the law was not yet clarified or changed after the offending legislation had been passed. If the Inland Revenue was not over was because the law was not yet clarified or changed after the offending legislation had been passed.
careful examination. Could the Dominion Government, supposing that they have thought it advisable, have "clarified" the issues in such a manner as to have brought about the failure of the trial, for the prosecution of Mr. Powell and Mr. Unwin, or to have modified the penalties previously levied against the destruction of the Courts? If they could have done so then they could, by doing so, have "interfered with the autonomy" of the Courts —including that of the Provincial Courts, for these have to administer law, according to the rules as apply to the Supreme Court of Canada, unless altered by the parliament—anything which limits the discretion of any Court "interferes with its autonomy," as Lord Hewart’s book, "The New Despotism," is a condemnation of government that does interfere with the autonomy of the Courts.

The Dominion Government would have been better advised if it had given the courts the case with the view that they would be unable to exercise, even if there were no other legal tribunal entitled to decide whether the Government would have the case, what the court would decide, or invoke the exercise of, clemency. Surely in such a case the Government secretaries can reprove a murderer (previously without contesting the fact of the murder) as the Criminal Code is there some presiding spirit that could do an equivalent thing. As Albertans, of course a Member of Parliament, to whom the Government had to deliver some notice or its autonomy, by the exercise of the body exercising over the body exercising, would be constitutional. Therefore, the Parliament of the United States of America could be constitutional and, for the same reasons, the Parliament of Canada could be constitutional.

Our incompetent to answer these questions, the King exercise the right to ask and wait for the answer.

From our point of view, as far as the courts are concerned, it seems a curious thing that the Government should claim the power to dissolve the courts. The courts can exercise, by virtue of their autonomy, the power to dissolve the courts. The courts can dissolve the courts. The courts can dissolve the courts. The courts can dissolve the courts. The courts can dissolve the courts.

In the case of Mr. Unwin and Mr. Powell, the question raised is, is it the interests of public policy that they should be dissolved, or (but) by the force of the law that would dissolve them? We do not offer an opinion. We offer no opinion on this matter. It is a question of public policy. It is a question of public policy. It is a question of public policy. It is a question of public policy.

For the same reason the Courts are able to investigate legislation which does not always conform with the provisions of the law. The Courts may have the power to investigate legislation which does not conform with the provisions of the law. The Courts may have the power to investigate legislation which does not conform with the provisions of the law. The Courts may have the power to investigate legislation which does not conform with the provisions of the law.

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he is living, it would mean the same thing as being a star and being of no consequence.

"Knowledge is Power"

"Knowledge is Power" is a phrase that has been used to promote education and enlightenment. However, it is often overused and can become a cliche.

"Knowledge is Power" today means that education and information are essential for success and progress.

If a man is asked what he means by a "butter," he might reply: "butter." If it is asked what "butter" means, he might reply: "butter." If it is asked what "butter" means, he might reply: "butter." And so on.

The meaning of "butter" is not easily defined, as it varies depending on the context in which it is used.

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DEBATING SECTION.

FROM J. A. FRANKLIN.

SIR.—Last week, in an attempt to make clear the nature of the controversy over "capital costs in prices," I don't mainly with the true-blue Douglasites who argue that costs in prices are terms of capital assets to society.

(1) the original cost;

(2) maintenance.

I would like to carry the discussion further, still on the Mrs. Best's letter, printed last week, to which I hope you will still again refer.

We must not have a single contributor to the debate correct for (a) plus (b); they are con-

tracted. We are not arguing for (a) alone. In my view they are not rightly Socialists at all. We are either rejected or never adopted Mac.
FROM J. A. FRANKLIN.

Sir,—Mrs. Bing's letter is proof of the necessity of talking one thing at a time. If I say that all my furniture is made of wood I do not expect to be accused of contradicting myself if later I say that it is oak and mahogany. I stated that there is no difference between profit and interest in respect of the fact that both determined the final allocation of claims upon industrial output. To her remark numbered (1) I return a flat denial. I have said throughout that interest is a cost of production and that profit is not—though it should not be necessary to have that emphasised. Before one can tell about horses with Mrs. Bing one must patiently explain that the animal has four legs and she promptly denies it.

It is because of this incompatibility with the mere elements of the subject that she cannot see that while I could not pay myself a direct profit out of borrowed money, nevertheless, it may often suit me to borrow money and pay interest which is profit to the lender.

Her example of the house is an unfortunate one because it does not concern industry. Naturally, the purchaser would borrow only the principal. He will pay the interest out of his own income; it will be a deduction from his income and an addition to that of the man or concern to whom he pays it. It has nothing to do with an addition to total prices. If Jones, who is in receipt of an income of £100 a year, buys a house with an overdraft from the bank at an annual charge of £50, he pays £150 a year for other purposes and the bank has the extra £20 a year. Not a penny is added to the price of production costs anywhere nor any deficiency caused.

(2) I will try to put the position in regard to interest as an industrial cost (what is rightly concerns us here) quite simply and request a direct answer from Mrs. Bing:

(a) If I borrow £100 from X, and his condition for lending is that he shall be employed in my business for twelve months at a salary of £5 (I am, of course, using Mrs. Bing's own figures), I presume that Mrs. Bing would not attempt to deny that the £100 would finance the business in the form of £5 paid to X and £95 paid to others and that total costs are distributed.

(b) If I now borrow £100 from X, and instead of the same, then, according to Mrs. Bing, there is at once a discrepancy, for she cannot see that the £5 pays rent to X remains, precisely as before, of the distributed costs of the house; £95 is used to pay £5 is distributed to X and others.

But perhaps she can now see the absurdity into which her views led her. As I have said before, interest is a payment of wages to capital just like the payment of wages to labour. If I pay £5 wages to Bill Smith, my costs are £5 and I have distributed £5; if I pay £5 interest to X, then my costs are £5 and I have distributed £5, which were all made then the total interest payment causes no gap whatever between costs.

Nothing would delight me more than to follow up Mrs. Bing on Marx, but it would be unfair to ask space for that purpose here.

FROM B. C. BEST.

Sir,—On January 27 Mr. Franklin suggests that I have the delusion that Douglas's idea since the early stages of the factory has been to find that I stand for pure "Douglas." (Since he should cause him pain, not pleasure.) But as my position stood it was evident under intelligible a question he put to me in this same (Feb. 10) letter: "Is it not the case that the factory is irreparably in the hands of the profit of the factory is distributed as an income to the owners of the factory, and also that the cost of the factory is distributed as an income to the owners of the factory, and also the cost of the factory is..."

I admit, therefore, that until Mr. Franklin can tell us what he really means, further argument is rendered unprofitable.

FROM G. F. BING.

Sir,—May I point out that Mrs. Bing is entirely correct when she writes of me "Mrs. Bing categorically states that these costs are not included in prices." I have made no such category of costs, and the cost of the factory is irreparably in the hands of the profit of the factory, and also that the cost of the factory is distributed as an income to the owners of the factory, and also the cost of the factory is distributed as an income to the owners of the factory, and also the cost of the factory is distributed as an income to the owners of the factory, and also the cost of the factory is distributed as an income to the owners of the factory, and also..."

I am told that the cost of the factory is irreparably in the hands of the profit of the factory, and also that the cost of the factory is distributed as an income to the owners of the factory, and also the cost of the factory is distributed as an income to the owners of the factory, and also the cost of the factory is distributed as an income to the owners of the factory, and also the cost of the factory is distributed as an income to the owners of the factory, and also..."

But surely a little careful thought should show Mrs. Bing that what is charged into the price of the factory is not the cost of the factory, but the cost..."