

WAR TO CHANGE CANADA'S LAWS

Those Regarding Right of
Asylum and Socialism
Must be Altered

SPEECH OF AIKINS

Head of Canadian Bar Association
Addresses Body
in Montreal

(Canadian Press Despatch.)

Montreal, Sept. 3.—As a result of the war changes will have to be made in the laws regarding the right of asylum and Socialism, Sir James Aikins, K.C., President of the Canadian Bar Association, told this body at its annual convention which opened here at the Ritz Carlton to-day. At the outset Sir James Aikins discussed the progress made in securing the uniformity of Provincial laws, and referred to the fact that the Commissioners appointed by the various Governments were meeting here to-day. He expressed hope that the representatives of the Bar Association in the Provinces will cooperate locally with the Commissioners and work heartily together to advance and effect a common purpose, that was the unification of those laws which, while they be essentially within Provincial jurisdiction, affect business dealings between people in different Provinces.

Local Autonomy.

A few politicians had expressed the view that the unification of the law may be an invasion of Provincial jurisdiction. On the contrary, it acknowledged local autonomy. Business law was conventional, and the convention agreed upon was supposed to contain the fairest and easiest rules for conduct in trade of all people, wherever living. Thus the law merchant originated. If one jurisdiction declined to accept the conventions agreed upon by others, necessarily it would in time be out of the smooth trade current and its people would be hampered. This was recognized in principle by conferring on the Dominion the regulation of trade and commerce.

If the nations between which there is large trade were to agree upon some uniform domestic business laws to facilitate such dealings, that would not affect their several State sovereignty of autonomy. The nations of the British Commonwealth, the United States and France, which have fought side by side, naturally will co-operate for mutual protection, and will probably have more constant trade relations. That flow of trade will seek the freest facilities, among other things easily understood, common and constant rules of business conduct, in other words, uniformity of laws.

Fairness Must Rule.

"The war," the President continued, "has made manifest many conditions against the evils in which laws will have to be made and the good in which will have to be nurtured and brought to fullness, but in all the principle of fairness must be applied. For instance, new positive law will have to be enacted controlling conduct in the many phases of Socialism accentuated and developed by the war. Socialism is a word that covers many right ideas and a multitude of errors, everything

from Bolsheviki, the I.W.W. and anarchism to the policy that aims at securing through the Federal and Provincial Governments a better distribution and in subordination to that a better production of wealth. In its best sense, Socialism should be synonymous with democracy, where in every person serves and possesses according to the collective will of the people. Some of those new phases are shown in more frequent strikes, not only by employees of private concerns, but of the public; shown in profiteering not only by those controlling capital, but by Labor in the demand for the provincializing or nationalizing of public utilities and national resources and for the conscription of wealth; for the adoption of different taxation, so that its incidence may fall equally on the people for whose benefit and safety our ordinary and war debts were incurred, and for the national control of organizations the government of which is outside of Canada. As a result of the war and its disclosures there must also be changes in our international law, clearly so in respect to the right of asylum.

Nation Should Love Itself First.

"Will Canada, as sole master within its own boundaries, after this allow the old right to all people of all countries, even though healthy, capable of earning their own living, and not convicted of crime, and though belonging to the Caucasian race? I think not.

"A nation should love itself first. Our essential duty and the obligation of its Government is to create and maintain those conditions which will make for the highest moral, intellectual and physical development of Canadian citizens and cordial sympathy and co-operation between them, and thus make the nation upright, strong and prosperous. Moreover, if Canada has this faith and it was born for a great world purpose, to help in maintaining peace and to aid other nations toward the attainment of the same freedom of self-government, and similar elevated ideals it possesses, then it should religiously guard against the introduction of strangers from other countries who may hinder in the performance of that duty to itself and to its citizens and in the attainment of that world purpose. Canada and the United States have erred in this respect, and this war has torn off the veil and more fully disclosed the ugly fact. Even before the war that error was made manifest in industrial dissensions, in the ignorant, too often corrupt, use of the franchise and failure to understand the privileges and responsibilities of our free institutions and Government, in the denationalizing, and too frequently demoralizing, force of undesirable foreigners. Detached by distance from their own people, they generally are all for self and none for the adopted nation.

Will be a Sick Nation.

If, then, larger numbers are admitted to asylum in Canada from foreign lands, of different race, traditions, language and spirit than it can quickly and quietly absorb, Canada will be a sick nation, with a long period of convalescing weak-

ness. Its duty to itself is to keep healthy. That all peoples are not our brothers or even our neighbors, at all events for our own national purposes, is recognized by the desire of the allies and of the races themselves to have boundaries of national Governments determined by language, traditions and spirit. I think I can safely say that as all parts of Canada have been so long part of the benign British Empire, Canada's traditions and spirit are British, and all true Canadian citizens have a common purpose with which no persons or powers external to ourselves should be permitted to interfere.

"There are two languages here—English and French. No others should be recognized as Canadian. Will not the test in the British Commonwealth and the United States be nationality and not domicile as in the past, thus following the code Napoleon? To a limited extent United Kingdom legislation has already made it so (see Trading With Enemy Act, 1918). But what of international law? The Hun and Bulgarian, Austrian and Turk have not refrained from stealing or murdering because they feared the penalty, for blinded by their conceit they challenged the power of the nations to enforce it.

Lesson for Germany.

"The English and French speaking peoples are an agency to teach Germany that if it does not love its neighbors, such as Belgium and Serbia and Russia, and respect their rights, there are others who do and will defend them against brutal outrage, and mightily correct the offender, teach it that international law is positive law, based on the fundamental unity of human nature, and that the nations which bring forth the fruit of righteousness and respect international law are a rock of refuge and of defence, and whosoever shall fall on that stone shall be broken, and on whomsoever it shall fall it will grind them to powder. To-day the stone is falling on those Central powers which loved themselves excessively and their neighbors not at all."

Bankruptcy Legislation.

The need of fresh legislation dealing with bankruptcy was dealt with in a paper read to the association this afternoon by S. W. Jacobs, K.C., M.P., of Montreal. Mr. Jacobs pointed out that the measure which had been introduced into Parliament last session was put over to the next session to enable conferences to be held with people interested. He detailed the clauses of the act, which is to be reprinted and re-introduced next session, laying emphasis on the fact that there had been no attempt on the part of any one section or class of the community to obtain anything for itself from the enactment of the bill.

The Canadian Bar Association was an ideal body to take up a measure of this kind and see to it that the same was put through the House, and the community as a whole was looking to the association for not merely assistance, sympathy and co-operation, but that it should take the lead in this Federal measure, and

to see that no longer would there be any further delay in what had been for the past forty years a crying evil and abuse, that was the want of a measure to come to the assistance of those who had the right to demand that, having given up to their creditors everything they possessed, and being unable to carry on further owing to circumstances over which they had but a limited control, some assistance should be given them to place themselves on their feet again to resume once more, and to make some distinction between the honest debtor who had in no way attempted to do his creditors out of what justly was due to them, and a dishonest man who was in business, bringing loss upon the people who trusted perhaps blindly in what they conceived to be the party's honesty.