

A Breaker and Maker of Laws

One of the generally accepted ideas of the administration of law in the British Empire, has been that a judge was appointed to administer the laws as he found them, the privilege of law-making being jealously confined to the representatives of the people in Parliament assembled.

Recorder Dupuis, of Montreal, takes an entirely novel view of this matter and claims for himself the privilege of ordering existing laws which do not meet his approval to be set aside, and replaced by his own wishes on the subject. He declared this in a very sensational paper which he read from the Bench.

Recorder Dupuis states that he has ordered the Police to enforce rules which practically amount to the license system for the social evil, which is in distinct violation of the Federal laws of this country.

Recorder Dupuis is quite entitled to his opinion on this subject; but he is a servant of the people and draws his salary for performing duties as Recorder, to which he is sworn, and has certainly no right whatever to tamper with the laws.

If he feels too big to merely carry out laws, and wants to take a hand in making them, the only legal and constitutional course open to him, is to resign his position as judge and ask the people to elect him to Parliament.

The Recorder meanwhile should realize that any system of protection of illegal business, renders the protector liable to suspicion of taking hush money, and a judge cannot afford to place himself in the position of being suspected.

If Recorder Dupuis will consult the report in 1905 of the Hon. Judge Taschereau, Superior Court, Montreal, now Sir Henri Taschereau, Chief Justice of the Province of Quebec, he will see how very illegal his actions have been. His Lordship shows how utterly false is the position taken by Recorder Dupuis as to the benefit of toleration. He points out that the laws do not permit such ideas as Recorder Dupuis practises, His Lordship makes, however, one mistake; he says: "The discretion of our magistrates can be relied on". But then that was before Recorder Dupuis had been awarded his position.

Recorder Dupuis took the opportunity of making a brutal attack, from the bench, upon the Reverend A. French. The high esteem in which Mr. French is held in Montreal gave to this attack the effect of a boomerang, for it is evident that Recorder Dupuis is mad with Mr. French for forcing his hand, because all the reverend gentleman is accused of by Recorder Dupuis is that he wants the existing laws enforced. Truly a pitiful spectacle, to see a judge attack a defenceless man because he asks for laws to be enforced.

Fortunately, this incident has been so glaring that the attention of the Government has been called to it, and it is likely that the unique instance, in modern days, of a law enforcer becoming a law maker, will be fully investigated, and such an irresponsible and revolutionary idea stopped.

Unfortunately an appointment as judge is too often the reward for services rendered to members of the Government exercising the patronage, services sometimes of a not very honourable character. But no Government allows its nominees to usurp the prerogatives of the people's representatives in such a glaring manner as has been done in this case.

If every judge arrogates to himself the power of law-breaking and law-making, what would become of the administration of law? And if Recorder Dupuis is permitted to change some laws to suit himself, what is to hinder every other judge from doing likewise?

Reports Wanted

We shall be glad to have every Municipal Official who gets out a report on the work of his Department, send in a copy.

A good many have been received but many are still waiting.

We would particularly ask every Clerk or Treasurer to send in his last Financial Statement, and also a memorandum giving the Population, Total Assessed Property Valuation, Exempted Property, Debenture Debts, Sinking Fund and Tax Rate.

We shall be glad of replies from all, as we have a plan in view that will, we expect, aid every municipality in selling its bonds.

Please send the information asked, to the Financial Department of the Journal.

Natural Resources

"We agree that those natural resources which are necessities of life, should be regarded as public utilities; that their ownership entails specific duties to the public; and that, as far as possible, effective measures should be adopted to guard against monopoly."

In a very inspiring address before the Canadian Club of Montreal, the Hon. Sydney Fisher, quoted the above, which is taken from the declaration of principles adopted by the North American Conservation Conference, which was formed of representatives from the United States, Mexico, Newfoundland and Canada.

"Natural Resources", it was agreed by the Conference, mean "all materials available for the use of man as means of life and welfare," and included soil and waters, minerals and forests.

Such a principle as the one quoted will have a tremendous influence on the betterment of our country, if it is properly enforced. It means that any Government will see that the citizens as a whole are not taken advantage of by the few. It does not mean, necessarily, public ownership, or even operation, but it does stand for absolute public control.

That such a principle is sadly needed is proved by the blind way in which monopolistic ownership has robbed, and is still robbing the public.

If Canada is to enjoy to the full the enormous development that is possible, her natural resources must be rigidity and scrupulously safeguarded. The selfish policy of the Hudson Bay Company, which for so many years fettered our great North West that its natural resources might be seized and exploited by the "Company of Gentlemen Adventurers," has been too widely copied to the disadvantage and hurt of Canada.

Mr. Fisher wisely enforced the idea that true patriotism consists not merely in fighting for one's country, but also in so administering its resources we may hand it on, unimpaired, to future generations.

We Canadians are beginning to realize the enormous natural wealth of our Country, and its attendant possibilities. Let us also realize the "specific duties" which attend such ownership, and see that everyone now has the chance of enjoying them, while learning them unimpaired to those who follow.

Union of New Brunswick Municipalities

The Official Report of the Annual Convention of the Union of New Brunswick Municipalities will appear next month.