



The Journal of Commerce

VOL. XLVI. No. 5

MONTREAL, TUESDAY, JULY 30, 1918

Price, 10 CENTS

The Journal of Commerce

Devoted to
CANADIAN INDUSTRY, COMMERCE AND
FINANCE.

Published every Tuesday Morning by
The Journal of Commerce Publishing Company,
Limited.

Head Office: 35-45 St. Alexander Street, Montreal.
Telephone: Main 2662.

Toronto Office: 263 Adelaide St. West., Toronto.
Telephone: Adelaide 917.

HON. W. S. FIELDING,
President and Editor-in-Chief.

Subscription price, \$3.00 a year.

Advertising rates on application.

MONTREAL, TUESDAY, JULY 30, 1918.

Special Articles

Editorials:	Page
Court and Press	1
Two Vetoes	1
The 47,000	2
The Commercial Treaties	2
When the Blood Boils	3
Germany Alarmed by After-War Needs	4
Canadian Railways to Have 20 Per Cent. Advance	5
Public Opinion	6
Among the Companies	7-8
Bank Clearings	9
Imp. Indications	10
A Little Nonsense Now and Then	11
Life Insurance in 1917	12
Business and Life Insurance	13
Ship Building Costs in Great Britain	14
Commodity Markets	15-16

Court and Press

IN connection with the discussion of the recent difficulties in the enforcement of the Military Service Act, and the action of various judges before whom the subject came, there has been, in a portion of the press of the country a most regrettable series of attacks on the judiciary—regrettable, first, for the reason that they appear to have been entirely unjust to the men assailed, and still more regrettable for the reason that such attacks are calculated to do much harm in weakening respect for the courts of the country. If there is one thing more than another essential to the peace, order and good government of Canada, it is that there shall be a sincere respect for the judiciary, a general confidence that the men who sit in our courts of justice will do what is right, according to their light. A country which has not the blessing of an intelligent and incorruptible judiciary is in a deplorable condition.

Canada, we rejoice to believe, is not in that condition. Few and far between have been the cases in which the action of our judges could be assailed as having been prompted by unworthy motives. Under a system of party government, our judges in most cases reach the bench through political channels. The system makes strenuous demands on the men elevated to the benches, for they are only human, and it cannot be expected that they will cease instantly to have their preferences as to men and questions in the politics of the day. But even in this very trying respect, to the honor of the bench it must be said that very rarely indeed have cases arisen in which judges have exhibited partizanship. The Canadian judiciary has a reputation for independence and integrity so well established that the strongest partisan who is appointed to a judgeship at once feels that he is bound to live up to that reputation and to do his part in maintaining it unsullied. Animated by such high purposes, the judges have a right to expect that their proceedings and decisions shall be viewed with respect and confidence by the public and by the press. As most of the matters set before the judges are controversial, it is to be expected that many people interested in the cases will be disappointed when the decision is given. But a belief, even on the part of the persons defeated, that the judges have given their decision conscientiously, is necessary to the welfare of the community. It is astonishing then to find that several journals in Ottawa and Toronto have made the recent decisions of the Supreme Court of Canada and the Supreme Court of Alberta the occasion of shameful attacks on those judges whose decisions did not happen to be agreeable to the writers. The Alberta judges have been attacked in language that could hardly have been exceeded in violence if it had been applied to a lot of thieves. In the case of the Ottawa

court the decision of the majority has been commended in terms which amount to the grossest insult to the two judges who dissented.

The business of the judges is not to make law, but to interpret it. If our law-makers blunder, if they fail to clearly express in words what they had in their minds, if they put into the statutes language which is capable of different interpretations, the judges cannot make amends for the defects. The judges are not concerned as to what they think the law ought to be, or what they would like it to be. They must take the law as it is found in the statute-book, and interpret it to the best of their judgment. The hardships of our soldiers on the battlefield and the need of recruits are in their place matters of high importance, but they have no bearing on the question of the legality of a statute, and no lawyer of standing would introduce them into an argument before a court. But press writers do not hesitate to introduce such things into a discussion of the courts' decisions, and to assail some judges as men who desire to obstruct Canada's war movements.

That judges shall differ at times is inevitable. A very large number of the decisions of our higher courts, possibly a majority of them, are decisions that are not unanimous. There have been cases in which the unanimous judgments of our highest Canadian court have been set aside by the English court of appeal. That there have been differences of opinion among our Canadian judges on such an important matter as the interpretation of our military law should not be surprising. In each case the judgment of the majority of the court must prevail, and the law as so interpreted, must be observed. A press attack on any of these judges, because his judgment did not harmonize with the wishes of the writers, is something that might be expected from the Bolsheviki press of Russia, not from the press of the Dominion of Canada. Journalists who for partizan ends make such assaults on the judiciary of Canada are breaking down one of the community's most valuable safeguards—respect for and confidence in the independence and integrity of the courts of the country.

Two Vetoes

PRESIDENT Wilson has given ample evidence of his earnest desire to co-operate with the two Houses of Congress in the carrying on of the public business. He does not fail to realize that only through such co-operation, as a rule, can the public business be effectively transacted. At a time like this a conflict between the two Houses, or between either House and the President, such as has