

R. A. F. Presents

Garrison Theatre No. 3
"IN TOWN TO-NIGHT"
in aid of
NO. 60, CHARLOTTETOWN SQUADRON, AIR CADETS OF CANADA
TUESDAY AND WEDNESDAY
April 14th and 15th, 1942
PRINCE OF WALES COLLEGE HALL
7:30 P. M.
Reserved Seats 75c General Admission 50c

EASTERN GUARDIAN

This column is reserved for news of local interest, but advertising of a away nature may be inserted at 3 cents a word, strictly payable in advance.
W. M. S. MEETS. - The regular monthly meeting of the W.M.S. of the United Church, Montague, was held at the home of Mrs. Ethel Stewart on Tuesday evening, Mrs. Harry Davidson had charge of the devotional service. The theme was "The Lord's Supper, the Covenant of Our Faith. This was a very impressive service. A talk was given by the leader and Mrs. McLean. Scripture readings were given by a number of the ladies and suitable hymns were sung. Two special numbers were much enjoyed. There were quartettes "Beneath the Cross of Jesus"

In Memoriam

MR. LEO MCKENNA

A most esteemed young man passed to his eternal reward when Leo McKenna died in the Charlottetown Hospital on March 8 1942 at the age of 28 years. The only child of his parents, Leo was born in Kinkora, P. E. I., but since the death of his father (the late Mr. Thomas McKenna) who died when Leo was a small child he has resided with his mother, now Mrs. James Cullen in Bedford. McKenna was an able disposition and a pleasing personality he made friends wherever he went. Particularly during his last illness age make him beloved ever more and more. His was a deeply religious character and he thought of death as a going home to see face-to-face his Divine Lord, so often his welcome Guest in Sacramental Communion. Fortified by the consolations of his religion and the ministrations of Christ's anointed priests and comforted by the devoted and indefatigable love of his mother he bade her not to mourn him but to rejoice in his going to God. He always showed great pleasure on being visited by his step-father and was most anxious to see him once more when he felt he was dying. Conscious to the end he himself made all arrangements for his funeral with a calmness that tried the emotional control of those around him. His funeral was held on March 10 from the home of James Cullen Bedford to St. Bonaventure's Church Tracadre where Requiem High Mass was celebrated by the pastor Rev. K. McPherson who also conducted service at the grave.

CENTRAL GUARDIAN

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CANADIAN LEGION Monthly Meeting, Legion Rooms, Thursday, March 26th at 8 P.M. L-1190-3-25-21.

RED CROSS CONCERT Chambrade Chorus, Tuesday, April 21st. L-1189-3-25-11.

POLICE COURT-For the second successive day, there were no cases in docket in the City Police Court yesterday.

CORNWALL PASTORAL CHANGE - Official Board meeting at Cornwall Wednesday, April 1st, at 2 P. M. L-1183-3-25-11.

FUNERAL SERVICES - The funeral of Mr. Ronald J. McNeill was held from his late residence, 249 Fitzroy Street, yesterday morning to St. Dunstan's Basilica, where Requiem High Mass was celebrated by Rev. Louis Dougan who also conducted service at the grave. The pall bearers were Messrs: L. W. Goodwin, Augustus Murphy, Victor Purdy, Samuel Crockett, Michael Walsh and John A. McInnis.

ISLANDER DEAD - Patrick O'Heron, Grand Hotel, passed away Wednesday. He was born in Charlottetown, P.E.I., and served with the Canadian Forestry Battalion in the last war. Funeral services were held Tuesday at 10 a.m. from the Center & Hanna Chapel to the Soldiers' Plot, Mountain View Cemetery.-Vancouver News Herald.

ISLANDERS BANQUET - On Tuesday night, March 17th, among the one hundred and seventy-five guests attending the banquet in honor of the thirty-fifth anniversary of the Women's Auxiliary to the Canadian Club of Boston, the following "Islanders" were present: Mrs. Hedley V. Howlett, Retiring President, Mrs. Katherine MacLean, Ings. Club Pianist, Augusta Mitchell, Winifred Mitchell, Elaine Mitchell, Margaret Sennebaugh, Estelle Stewart, Mrs. Grace Rapson Whiteacre, Mrs. Jeanette MacLeod Morrison, George Webster, Mrs. Peter McTernan, Mr. and Mrs. Peter Pat, Mr. Hedley V. Howlett, Louise H. Essery.

AUCTION AUTOMOBILES - When the public market was first established in Charlottetown many years ago even the most farsighted vendor did not visualize the huge scale of the automobile market. Yesterday three autos were put up for sale by public auction on the Market Square just as the fish, meats, vegetables and other commodities were offered in the market itself. One of the cars fell under the auctioneer's hammer for \$115; bidding reached \$110 on the second but this was withdrawn; the third vehicle failed to get a bid from the large audience which gathered on the Square.

NORTH WILTSHIRE W. M. S. - The March meeting was held on the 8th at the home of the President, Mrs. Wm. Clark. The theme of the worship period which was led by Mrs. Kehr Hatherley was "The Lord's Supper," the convenant of our Faith. Hymn "Two On That Night." Scripture references to Communion were read by the members. Hymn "When I Survey the Wondrous Cross" closed this period. Roll call was answered with scripture verses by eleven members. This was followed by the minutes of the previous meeting. A card of thanks was received. It was decided to hold a parlor social in March. Two quilts were donated by members for the work collection. The members were invited to Mrs. Deacons for the April meeting when the Easter offering will be received. Cities of Refuge, Mrs. Studt Cook was led by Mrs. MacRae. Questions were asked by members and answered by the leader and other members. The benediction closed the meeting.

Personals

Mr. Ernest Burns, Spring Valley, spent the week-end with his sister Mrs. Roy Warren, Charlottetown.

Mrs. Hartwell Bryenton, Hamilton, was the week-end guest of Mrs. Roy Warren, City.

The many friends of Mrs. Wilbur Trainor of Charlottetown Royalty are pleased to see her out again after her recent illness.

Mrs. Keith Boswell, Victoria, spent a few days recently in Graham's Road and New London, with her many friends and relatives. She was accompanied by her charming little daughter Miss Ruthie.

His many friends will be glad to know that Mr. Marshall Constable of New London has recovered sufficiently from his serious illness, to return to his position in Halifax.

Sgt. Irvine Rice who spent a week end leave with his mother, Mrs. Catherine Rice, Upper Prince Street, left on return yesterday.

The many friends of Mrs. Edwin Leonard, Sea View, are sorry to learn she is a patient in the P. E. Island hospital.

Mrs. William Campbell has returned to her home in Charlottetown after spending some time with her mother, Mrs. Albert J. Boyle, of Conroy, who had the misfortune of breaking her leg. She is doing as well as can be expected.

Miss Ann McPherson Grace Bay, arrived in the City Monday night on a visit to Mrs. Everett MacNeil.

Trinity United Church
WEDNESDAY, MARCH 25th
7.30-Lenten Service - Hearts Hall
8.30-Official Board.
8.30-Choir Rehearsal - Social Hall.

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SPRING OPENING THURSDAY AFTERNOON March 26th



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S. A. MacDONALD

Letter Read From Vice Chancellor On Chancery Bill Lt.-Governor's assent given to three bills in Legislature yesterday.

Legislative Assembly, March 24. The House met at 12.15 p.m. The following annual reports for the year 1941 were tabled: Public Accounts; Department of Public Works and Highways; Department of Education; Department of Public Health; "L" Division, Royal Canadian Mounted Police; Inspector of Credit Unions; Old Age Pension Commission. The Speaker acquainted the House that he had received a communication from the Private Secretary of His Honour the Lieutenant-Governor stating that His Honour had been pleased to appoint this day at 4 p.m. to receive the House and their Address in reply to the Speech from the Throne. The House resumed after recess at 3.45 p.m. Premier Campbell moved third reading of an Act to amend the Chancery Act. Hon. Dr. MacMillan said he had received a letter from one of the Judges of the Chancery Court, insisting that certain correspondence between him and the Attorney General be laid before the House before this bill goes through. Vice Chancellor's Letter Premier Campbell in reply read the following communication: "March 21, 1942 L.L.D. "Premier of Prince Edward Island, Charlottetown, P.E.I. "My dear Mr. Premier: "My attention has been called to a Bill now before the House relating to funds in the Court of Chancery to which I, as Vice Chancellor, take no serious objection although I do think that as a matter of courtesy the usual practice of consulting the Judges might have been carried out. "If it were not for certain remarks made by yourself and others on the discussion that took place in the House, this letter would hardly be necessary, but I feel that this discussion may lead to some misapprehension on the part of the members of the Legislature and the country generally, and as the Judges are not represented in the House and as they have no other means of setting out the facts, I beg to lay such facts before you, knowing that you will make the House acquainted with them. "You allege as a reason for not consulting with me on the Bill that at a recent session of the Court I would not hear you. I need not go into that matter. As an attorney, for what I considered sufficient reason, I suspended you from pleading in civil cases before any Court over which I presided until you gave a satisfactory explanation of your conduct in a certain case in which you gave instructions to Mr. Trainor not to appear before the Court, and in virtually acknowledging that, by such instructions, you intended that the Court should be 'ignored' or 'snubbed.' This was not a personal matter with me as an individual, but with me as a King's Justice presiding over the King's Court. On two occasions, I gave you the opportunity to explain that you did not intend that the Court was to be 'ignored' or 'snubbed' but you have not done so. "As to the provisions of the Bill, I may say that the Court of Chancery Act already provides by Secs. 56, 57 and 58 of the Consolidation of the Chancery Act 1940 that the funds of the Court shall be paid to the Provincial Treasury. This provision, however, was not brought to my attention or to the attention of the Masters of the Rolls, as far as I am aware. I do not know whether the officers of the Court were aware of this provision which was a new one. As to the consolidation of the funds referred to in the Legislature, I think that this applies only to a part of the funds. "There are at present over 150 accounts in the Bank kept in the name of the beneficiaries of the Court of Chancery funds and which have not been consolidated. A large proportion of the other funds are in the nature of mortgages and some other securities, a number of which mortgages were not negotiated through the Court but came into the Court as part of estates transferred to the Court in the administration of such estates. "Most of the loans on mortgages made by the Court, and they are not many, were made some years ago and practically no such loans have been made in recent years. "With reference to the audit made some years ago, this audit was not made through any distrust of the officials of the Court, but simply for the purpose of having a record



system of keeping the accounts introduced and this was done. The accounts are kept by officials of the Court who are officials of the Government and as such, the Provincial Auditor was at all times at liberty to audit the accounts of the Court of Chancery in the same manner that he audited the accounts of the Supreme Court. "When the audit is made I can assure you that the Provincial Auditor will receive my full co-operation and that of the Master of the Rolls as well. "I am taking the liberty of forwarding to the Leader of the Opposition a copy of this letter and further to assure you that in all matters pertaining to my office (outside of pleading in my Court in civil cases) and in all matters pertaining to your office as Premier and Attorney General, I am at all times ready and willing to confer with you in matters of mutual interest and to extend my full co-operation. "I am, dear Sir, "Yours faithfully (Sgd) A.E. ARSENAULT "Vice Chancellor of the Court of Chancery." Premier's Reply "A complete reply to the terms of this letter will necessarily occupy considerable time, said Premier Campbell, and as I do not wish to keep His Honour waiting unduly I would ask the privilege of deferring my reply on matters irrelevant to the present bill until a later date. There are three matters in this letter which have more or less direct reference to the present bill, and I will therefore refer to them very briefly. "The first of these is the one mentioned in the last paragraph of the letter. (The Premier re-read the paragraph.) I entirely fail to understand these statements. The alleged suspension order did not attempt to draw any distinction between civil and criminal cases. It is true that in the editorial columns of The Guardian a few days later there appeared that distinction, to the effect that the Attorney General was suspended only from the conducting of civil cases and not from the conducting of criminal cases. Of course, the editorial columns of The Guardian are very sagacious on Court matters and they can give the exact amount of the probable deficit due to the failure of mortgages to realize their full face value. I think the amount of the deficit is \$150,000, which is to be lost to the Court of Chancery funds by depreciation on mortgages. That is I believe the outside amount that should be lost; so that while The Guardian editorial in drawing a distinction between civil and criminal cases did not state any judicial authority for this distinction still in view of its sagacious insight into Court matters perhaps some authority might be attached to that distinction. As a matter of fact, however, the case from which I was subsequently excluded was not a civil case at all, but a Crown case in which appeared as counsel for the defendant. The second point is Mr. Justice Arsenault's statement that the consolidation effected by the Court was only a partial consolidation. There are still 150 accounts in the bank kept in the names of beneficiaries of the Court. It appears to me that this is all the more reason for a present completion of the attempted consolidation, because why should certain accounts have the protection set up standing on their own feet and other accounts be subjected to more or less incomplete consolidation and attendant risks? "The third matter is this, according to His Lordship, that as to the provisions of the bill, the Court of Chancery Act already provides by sections 56, 57 and 58 of the Consolidation of the Chancery Act 1940 that the funds of the Court shall be paid to the Provincial Treasurer. It is true that this provision is given, but in the 1940 Act that is an alternative provision; it is optional with the provision for depositing in the bank or for investing in any other form of securities which the Court may direct. "His Lordship goes on to say that this provision was not brought to his attention or to the attention of the Master of the Rolls as far as he is aware. I cannot see, for the life of me, why it should be necessary to draw the special attention of either the Vice Chancellor or the Master of the Rolls to that provision, because the provision was merely a re-enactment of a provision which existed in section 57 of the Chancery Act of 1910, which in turn was a re-enactment of a provision passed in 1890, Cap. 7, Sec. 1. I certainly took it for granted that the Judges of the Court of Chancery would be familiar with a provision which had been in effect in the Chancery Act since 1890 and saw no reason for drawing it specifically to their attention or to the attention of the officers of the Court. "While bringing these matters to the attention of the House the learned Vice Chancellor says he takes no serious objection to any of the provisions of the Bill, and that when the audit is made he can assure the House the Provincial Auditor will receive his full co-operation and that of the Master of the Rolls as well. I am sure that hon. members will appreciate that full measure of co-operation." Premier Campbell's motion for third reading of the Act to amend the Chancery Act was then put and carried. Third reading was also given to an Act to suspend temporarily the imposition of income taxes, corporation taxes and taxes on securities and an Act to provide for the licensing and registration of certain corporations and persons. Bills in Committee On motion of Premier Campbell the House went into committee with Mr. MacLean in the chair on an Act to amend the Highway Traffic Act. Section 1 limits to one the number of license plates required to be carried on motor vehicles. The speaker explained the amendment is being made at the request of the Minister of Munitions and Supply, Ottawa, as a wartime measure to conserve metal supplies. Section 2 provides that in order to prevent traffic hazards arising from the operation of old vehicles and the use of old equipment and tires during the present war, no person shall operate a motor vehicle on a highway at a greater speed than forty miles per hour. The bill was reported agreed to with amendment. On motion of Hon. Mr. McGillivray the House went into committee with Mr. Hughes in the chair on an Act to amend the Credit Union Societies Act. The bill, introduced at the request of the Credit Union League, clarifies the provisions of the existing law with regard to the transfer of a deceased member's shares and deposits. It was reported agreed to without amendment. On motion of Premier Campbell the House went into committee with Mr. Hughes in the chair on an Act to amend the County Court Act. The bill refers to rules of interpleader and discovery in aid of execution, and is intended to place the procedure of the County Court in the same certain position as it was before the revision of the rules of the Supreme Court in 1941. It was reported agreed to without amendment. Premier Campbell referred to the decision of the House to send a delegation of three members to Ottawa to present the resolution of the House respecting the price ceiling on potatoes. Discussion followed on the personal of the delegation. The Premier's motion that it consist of (Continued on page 6, Col 8)

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