

The Charlottetown Guardian

President Lieut.-Col. W. Chester S. McLure
Vice-President J. R. Burnett, F. J. L.
Editor and Managing Director J. R. Burnett, F. J. L.
Secretary Lieut. Col. D. A. MacKinnon, D. S. G.
Associate Editors Frank Walker and D. K. Currie

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"Above The Law"

Of timely interest to the people of this Province, in view of the imposition of such legislation as the Campbell Government's Road Act, 1936, and National Park Act—measures which withhold right of appeal to the law courts or to any impartial tribunal in cases of land expropriation—is a series of articles now running in "Bench and Bar", a legal journal of national standing and repute.

The "Bench and Bar" editorial first refers to certain declarations made by leaders of labour movements in the United States to the general effect that labour groups should be their own judges as to the legality and equity of their acts. It then proceeds:

"But we do not need to cross the border of the ocean to find examples of the same thing. We are not thinking so much of the various tribunals organized for special types of case, such as the Workmen's Compensation Boards and the like, which fall into a different category. When, however, responsible members of a government which has passed legislation of a confiscatory nature and of more than doubtful validity, not only regard any attack upon the legislation as something in the nature of treason, but announce their intention of taking steps to make any court decisions ineffective, they need not feel surprised if there are many persons who feel that they are not acting in accordance with the best traditions either of this country or of Britain from which we claim to derive most of our public law and practice, whatever, in the opinion of these gentlemen, may be the 'equities' of the situation."

"The most obvious flaw in an attitude of this kind is that when any man or group of men, whatever their importance in fact or in their own opinion, place themselves or are placed above the law, it means that some other group, or all other groups, will be outside the law, in the sense that they will lose some existing protection. For one person to have more than his share of legal rights means that another will be deprived of his or the whole body will be made poorer in this regard. Perfect justice may never be found on this earth; it may be but an idea stored up in the heavens, as Socrates might say; but when we have arrived at a working rule, which is generally accepted and reflects the thought of many men, it should be made to apply as universally as possible and not be relaxed for any part of the commonwealth, even the government part."

The function of the courts, the article emphasizes, "is primarily to provide means by which the rights and obligations of any citizen or group of citizens may be discussed and determined in the light of the principles of justice as accepted by general consent and as expressed in the enactments of properly constituted governing bodies." We quote further:

"The idea that any man or group of men should be judges in their own case, that is that any or all of their acts should not be subject to review by a properly constituted tribunal, is not at all a new one. Much of the Constitutional History of England is concerned with various phases of the same idea. The irony of it is that generations of men have been taught as children to reverence the men who strove to prevent kings, barons and other potentates, both clerical and lay, from placing themselves or keeping themselves above the law and to consider the principle of equality before the law as fundamental must still have to face the same danger from other sources, or—which is worse—may make the same claim for themselves."

Uneven Trade Recovery

The current monthly letter of the Royal Bank of Canada gives an interesting analysis of our export trade. It shows that while for the twelve months ending in August, 1937, the value of Canadian exports was \$1,138,000,000, a gain of more than 21 per cent. over last year, the improvement was most uneven. Base metal and metal product exports are at high levels and the volume in these industries is creating new records; but agriculture and building are at low levels and industries, such as railroading, which are dependent upon these industries, have suffered considerably.

A comparison of current exports with those of 1929, says the Bank letter, suggests at least temporary changes in our economy. Wheat exports in 1929 had a value of \$428,000,000; by 1932 the total had fallen to \$116,000,000 and for the twelve months ending in July 1937 it has amounted to only \$175,000,000. In 1932 the price was low; in 1937 the volume had greatly decreased. The droughts which have reduced wheat exports have also affected all vegetable and animal products, so that as compared with 1929 the value of items in these categories is down by more than \$325,000,000.

Employment figures for August offer further evidence of the unevenness of recovery. The number employed in metal mining is three times as large as in 1926 and the number employed in manufacturing silk and silk products is five times that of 1926. To be in a healthy position in relation to absorption of its due share of population an industry should be employing about 20 per cent. more workers than in 1926. For the whole of Canada the employment index was 114.9 on the first of August, but an examination of the figures shows many industries with 30, 40 or 50 per cent. more workers than in 1926. It also shows the building industry with

an index of 76.9. If the normal figure for building is 120, than this index number implies only about 65 per cent. of normal employment.

How Ontario Voted

The Toronto Star (Liberal) has been delving into the election returns, finds that Mr. Hepburn's candidates, including Independent Liberals, polled 752,000 votes; Conservatives 585,000; C.C.F. 76,000; others 55,000; making a total of 1,468,000 votes. Commenting on the figures, it says:

"They go to show that our Ontario system of voting does not give a result in members which reflects the mass opinion of the electors. Government supporters polled little more than half the total vote, yet they secured 67 seats out of 90. The Conservatives polled about two-fifths of the total vote, but instead of the 36 members which this would give them on a relative basis, they have 23. The C.C.F. polled 76,000 votes (and more when the returns are complete), yet get no representation at all, nor do the 55,000 other votes secure a seat for anybody. It is not much of a system."

Editorial Notes

Jonathan Swift died this date, 1745.

According to the Telegraph-Journal, Premier Campbell was in conference with Premier Dunsart at Fredericton last week.

In yesterday's Guardian seven deaths were announced at the following ages: One at 80, two at 81, one at 83, one at 85, and one at 90—a total of 584 years, or an average of over 83 years.

New Brunswick Conservatives are to hold a convention at Fredericton on 27th inst. for the purpose of electing a leader and reorganizing. The Hon. F. C. Squire, the present leader, is the only name mentioned. Rt. Hon. R. B. Bennett was invited to be present and give an address but was unable to comply explaining that he had previously promised to attend the party conventions being held at Brandon, Man., on Oct. 22, and at New Westminster, B.C., on Oct. 30.

When ministers and politicians disagree who shall decide? No one is facing starvation in the Saskatchewan drought area, Hon. J. G. Gardiner, Minister of Agriculture, stated recently in comment on a speech made in Montreal by Mr. E. J. Garland, Organizer for the Co-operative Commonwealth Federation. Relief measures undertaken by the Federal and Provincial Governments and voluntary agencies would safeguard the people of the area against any threat of starvation, the Minister said.

The Prince Edward Theatre management is to be congratulated upon obtaining, at popular prices, a three days' showing of such a magnificent picture as "Romeo and Juliet." The large attendance last night may be taken as evidence of public appreciation of this kind of entertainment. The picture is splendidly produced and acted, and has received the warmest tributes from Shakespearean critics both on this continent and in the Old Country.

In Ontario, the future of the Hon. Earl Rowe is being discussed. He resigned his seat at Dufferin-Simcoe in order to accept the Provincial leadership. The by-election for his old seat is slated for November 15, and the local organization has adopted Dr. G. H. Campbell, President of the Ontario Dental Association, as Conservative candidate. Mr. Rowe is thus without a seat in the local legislature, and with no prospect of resuming his seat at Ottawa.

This Province is not the only centre needing increased provision for T. B. cases. At a meeting of the commissioners of the Jordan Memorial Sanatorium, Moncton, it was decided to erect an addition to the building which will give room to care for between 40 and 50 additional patients. Plans approved by the government were discussed fully, and it was decided to begin work soon with a view to completion as early as possible. It was felt that the new section was needed because of the fact that the Sanatorium, like other such institutions, was said to be overcrowded.

Recent burglaries have induced comments on the alleged laxity of our prison system. The sole purpose of a prison is to protect society, and it is one which the prison unaided never can fulfill completely. For prisons cannot check all the law-breaking which social misery provokes. They may reform, but equally they may degrade. Under the most humane direction they can and do mutilate and brand. Those who make and administer the law are, therefore, in conscience bound to send no one who breaks it to a prison who may hopefully be reclaimed outside, and society undermines its own defence if it neglects the conditions which breed criminals, or, the after-care of those who leave the prison gate. But while in this imperfect world prison remains the law's first line of defence, it has three weighty duties to perform. First comes safe-custody, the only duty which the law itself enjoins upon the prison authorities. They must restrain their charges, not only within the bounds of prison but of that discipline, quite apart from punishment, without which no heterogeneous population, much of it undisciplined and anti-social by instinct and upbringing, can live at close quarters without disorder and catastrophe. Secondly, though dread of detection and exposure check many potential law-breakers, there are some in whom the sense of shame and even love of liberty are dulled or dead. The rigours of imprisonment must strike a mean which, while deterring these, will not brutalise others in whom those sentiments survive. Thirdly, the prisoner's mental and physical capacity to earn an honest living must not be lessened but, if possible, increased; and he should be given some sort of moral equipment to face the temptations of liberty and the ordeal of release which to many men is very terrible. How do our prisons tackle these responsibilities?

At last Japan has dropped her mask. Aglow with military victory, she openly and brazenly admits her ambition to convert Northern China into a puppet state obedient to Tokyo. The plunder of Manchuria is being repeated on a more extensive and more alarming scale. This war has been provoked primarily by Japan's growing economic unrest rather than by China's misdeeds. Japan's foreign trade deficit jumped to the record figure of six hundred million yen this year.—Edmonton Bulletin.

NOTES BY THE WAY

It is easy enough to find fault with the attitude of the British diplomats, and to deplore the weakness of British foreign policy. But the responsibility which rests on the shoulders of Britain's leaders is tremendous, and it must be conceded that their caution has been largely responsible for the staving off of a general war during the last few years.—London Free Press.

Science is the authority for the statement that the "earth is constantly bombarded by rays started on their way millions of light years ago." Commenting on this, Arthur H. Compton says: "It matters not that the source of the light has been shut off or the light itself put out. The rays, once started, never stop. Put the flame under the open sky and its rays stream on into interstellar space forever. The flame was mortal, but the light is life—what a great privilege! It is adequate enough to him, who lives in it, that life is grounded in faith, that life goes on, and the light that a life gives forth streams on throughout eternity!—George Matthew Adams.

Now we know all about this armed intervention here and there. It is really friendship and love for the enemy. Hear Jap War Lord General Sugiyama, who says: "The aim of Japanese intervention in Manchuria is to restore friendship between these two countries. And the accompaniment to the loveless is the crushing chord of the sixteen-inch gun.—Hamilton Spectator.

It is enough to glance at the displays of the new dealers to see how well the warning of His Eminence, Cardinal Van Dousselaere, is being heeded. Most of the magazines displayed before the public and the most popular among young people appeal to morbid curiosity and to the lowest passions. Their covers and their contents are an affront to public decency. They are a source of degradation, both moral and financial. How great is the amount of money wasted in buying these magazines which are not worth the paper on which they are printed. The waste of money, of time, and of public decency—such is the result of these immoral periodicals which nearly all come to us from the United States.—LeDroit (Ottawa).

We spend money for gasoline, ice cream, soft drinks—and indulge in luxuries, and we are bringing us nothing but entertainment for the moment. No permanent benefit comes to us from any of it, but we never think of kicking about it. It is only when it comes to pay taxes; the thing that gives us schools, public buildings, street lighting, and permanent benefits, that we rise up on our hind legs and holler our heads off. Aren't we humans funny?

The national average for the seven years ending with 1935 is a family income of \$36 a week. Its study, "Income and Economic Progress," the Brookings Institution argued that "if the entire national income from productive operations were divided equally among the population it would yield about \$625 a year, or the equivalent of about \$2,500 a family." That makes an average of \$48 a week. The Brookings economists said that if income were so divided, on a basis of absolute equality, it would still not provide a family income which would bring the average standard of life. In short, production is a major key to more abundant living. But the subject is complex and the attempts of theorists in the present Administration to aid the working population by reducing working hours and real conditions they base their schemes.—New York Sun.

The more acres the South ploughs under, the more acres foreign countries sow with cotton. The higher we peg the price of cotton, the more the foreign countries undersell us in the world market. This doesn't mean that we must abandon the cotton farmer to the mercies of the world market, leaving him to sink or swim. It does indicate that, except as a temporary expedient, we must solve the cotton problem merely by arranging to grow less cotton and pay more for it.—New York Evening Post.

The time is ripe for the trial of any scheme that will persuade some of our people to take to people this vast land, but it will need some direct, personal work by those who know Canada to remove the prejudices and correct the wrong notions that may still exist in reference to her. Ontario wants immigrants, not only the very best available, and these could properly be assisted to get a start for themselves in this great land of opportunity.—Chatham News.

"In Anglo-Saxon democracies, where the ballot is the place of battle, the methods and technique of government often have heavy penalties; there is bitterness and division; and often there is folly. But when the tumult is over and the ballots are counted, the majority submits its minority submits its opinion, of a discussion and debate, we reach conclusions—and the conclusions leave men free. We submit to the force of right; never to the right of force."—Ottawa Journal.

An Eastern exchange points out: "In a dictatorship, opposition to the government is called treason. Social Credit speakers describe opposition to that creed as 'misrepresentation.' Honest differences of opinion are not tolerated under either regime."—Calgary Herald.

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PUBLIC FORUM

This column is open for the discussion by correspondents of questions of interest. The Charlottetown Guardian does not necessarily endorse the opinions of correspondents.

TRANS-ATLANTIC AND TOURISTS

Sir,—Mr. W. S. Stewart's letter in a recent issue of the Patriot, in view of its possible effect outside the province, calls for some reply. He contends that we are not entitled to accommodation for the transfer of automobiles across the Straits under the terms of Confederation. At the time of Confederation, automobiles were not known, but we were entitled to the transfer of mails and passengers. The meaning of the word "passengers" is not limited to persons who come across the Straits by automobile, but just as much passengers as if they came by train, or by a horse and wagon.

The terms of Confederation are not to be interpreted in the light of existing conditions in 1871. If that were so, we would be entitled to very little.

We would not now go back to the days of the old Northern Light, or even to the days of the Stanley, Hinto, or other winter boats. The Dominion has since been interpreted—and rightly so—so that we have a duty to perform towards this province, and in pursuance of that duty a car ferry service was inaugurated between Tormentine and Borden. The Dominion Government has recognized that we are entitled to this service for mails, for railway cars, for automobiles, for freight, and all other kinds of service between this province and the mainland.

This service does not only accommodate Prince Edward Island. In its nature it is inter-provincial and international, and services all of Canada, the United States, and other countries.

Under the terms of Confederation we were entitled to telegraph communication with the mainland. Telegraph has since been interpreted to include telephone—so that today we are served by both telegraph and telephone, and to that end we have been placed on the basis of being a part of the mainland, as no tolls are charged for such service across the Straits.

Mr. Stewart further says that we are not entitled to freight service, but the fact that winter boats carried freight as well as mails and passengers and that these winter boats were operated by the Dominion Government, shows that we were not to be dependent on commercial companies for this service. It is true that for some years the summer service was carried on by freight companies, but this service was subsidized by the Dominion Government.

Mr. Stewart says that our summer hotels are not receiving as much tourist business as they formerly did. An examination of the register of one of our principal summer hotels of some years ago

The Poet's Corner

SONNET

I heard great Hector sounding war's alarms.
Where through the listless ghosts
chiding he strode,
As though the Greeks besieged his last abode,
And he his Troy's hope still, her king-at-arms.
But on those gentle meads, which
Lethæ charms
With watery oblivion, his passion glowed
Like the cold night-worm's candle,
and only showed
Such mimic flame as neither heats nor harms.
'Twas plain to read, even by those shadows quaint,
How rude catastrophe had dimmed his day,
And blighted all his cheer with stem complaint:
To arms to arms! what more the voice would say
Was swallowed in the valleys, and grew faint
Upon the thin air, as he passed away.
—Robert Bridges.

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showed that at no time in summer were there more than about twenty persons registered from points outside the Island.

Five or six years ago we only had three summer hotels, of which only one had accommodation for forty guests. Today we have seven such hotels.

Two or three farm houses were taking summer guests. Today there are at least fifty such houses.

Five years ago there were no over-night cabins. Today they are scattered right through the province. One of these over-night cabins has this summer accommodated over 1,500 people.

As an example of the number of strangers who visit the Confederation Chamber, it may be mentioned that Mr. Bradley, who is in charge, estimated that fully 5,000 people—most of them strangers—visited the Chamber this season.

An examination of the record of the number of automobiles crossing the Strait shows that the traffic has been increasing by from 10 to 15 per cent. per year over a period of the last fourteen years. It may be that during the past season there has been a fairly satisfactory service, but it is notorious that on several occasions many cars were left on one day alone 80 cars were left on the Tormentine side. When you consider that a round trip of the boat takes about four hours, and that she can only accommodate about 60 cars, this means that about 30 cars had to wait on the Tormentine side for seven or eight hours.

In these days of quick transit people will not wait. Whether they are coming here on pleasure or on business does not matter very much. The fact is that people want to get to their destination, that the traffic between Tormentine and Borden is increasing year by year, and that unless a remedy is found at an early date, people who have been disappointed in not being able to cross expeditiously will seek business or pleasure elsewhere.

P. E. I. TRAVEL BUREAU

SOME MARITIME "RESOLVES"

Sir,—Appearing as it has at a time when the Hon. C. A. Dunning is being urged, as Minister of Finance, to place in his estimates for 1938 a sum sufficient to supply Prince Edward Island with a second Tormentine-Borden ferry and provide the Charlottetown harbour with ocean shipping facilities, Judge Stewart's letter in Saturday's Patriot will be a matter of surprise, if not indeed of chagrin, to Islanders generally and particularly to those who for years have laboured so assiduously to obtain for the people of this province improved means of transportation, not only to and from the mainland but to the world overseas.

Emanating as has this letter from the pen of an Islander-born and an ex-judge of the province, it is but reasonable to suppose that the allegations contained in it will by some at least be taken seriously. It becomes, therefore, the duty of those who are not in accord with its tenets, notwithstanding feelings of personal friendship for the author, to give equal publicity to facts and arguments in controversy.

If the Island Fathers of Confederation, sixty-five years ago, failed in this matter of transportation to "build better than they knew," they did but follow the example of their predecessors in the other provinces. Nor could the statesmen of those days have been expected in reason to foresee the many and wonderful changes that science has forced upon the world and particularly upon this Dominion. Does Judge Stewart seriously contend that, while the people of this province are being taxed for their share of the general maintenance of the Dominion as a whole, this Island, because of its isolation, is to be allowed to suffer from lack of modern means of contact with the outer world? Surely not.

Touristry, unheard of in 1872, is today acknowledged to be one of the most important channels of "invisible" exports, and should be the source of a large and growing revenue to the Island because of the beautiful scenery and summer climate and the unrivalled sand beaches and warm salt water bathing. It may be true that more and better summer hotels are needed, but so long as tourists have to pass through the Tormentine-Borden "bottle neck," which limits so seriously the number of incoming automobiles, investors cannot in reason be expected to put their money into new buildings. Similarly, as the cost of hard surfacing our roads has to be paid for mainly from the tax levied upon gasoline, it is most important that every facility should be given to automobiles to come to the Island during the summer months.

The ferry boat being asked for, as I understand it, is not an ice-breaker but a boat specially adapted for carrying auto-cars, and not being intended for passengers and railway trains, it is expected to cost much less than the S.S. Charlottetown. Railway competition has rendered schooner freighting unprofitable. Moreover, the wind jammer is too slow, and in any event carries our produce out to the mainland. Judge Stewart evidently does not realize that the other provinces of Canada do not provide the Island with its natural market. The folly of "carrying coals to Newcastle" is generally admitted and that is precisely what is being done when the Island ships to Quebec and Ontario the outputs of its farms and fisheries, instead of sending them to other countries, particularly to the Motherland, where there is no agricultural market for almost everything that can be produced—with the exception of potatoes—both in the raw state and particularly as finished products in cans, bottles, etc. The canning experts that visited Charlottetown a few days ago stated that in canned goods

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Take strawberries as a single example: British jam manufacturers import annually 10,500 long tons from Holland and the Balkans and pay 3 1/2 cents per pound duty, while our berries are admitted free and are of a better quality.

In face of these facts Judge Stewart will, I am sure, admit that the Charlottetown harbour, the survey of which has just been completed, should be dredged and a pier built, so that ocean vessels can call and carry our produce to the many countries of the world where they can be marketed. American summer tourist vessels are already offering to call provided they can be assured of ample depth in the harbour, which assurance cannot now be given.

Judge Stewart speaks of the unemployed in the other provinces, but overlooks the fact that, in proportion to our population, this city is probably in a worse plight during the winter months than any other city in Canada; while in summer to provide the same work with large loans and investments in improvements that yield little or no revenue.

Now Judge, be an Islander and join in the prosperity chorus. I am, Sir, etc.

CHRIST IN SOCIAL MOVEMENTS

Sir,—The question of Communism and its relation to the Church has been very much to the fore in the press during recent months. At every one of the Assembly's, Synods, etc., held recently throughout Canada this subject has been under discussion. It is a very vital subject, without a doubt, and one well worthy the attention of every man.

In comparing Communism with some other countries one thing seems to be remarkable, and that is that Canada is a very "churchy" country, very conservative on all points dealing with matters which have some connection with religion. The comparative lack of success which radical sects have in this country might be said to be a proof of this assertion. Thus—apparently new social theories are dealt with in this country with the greatest precaution.

That as it may, the Church will have to take cognizance of new movements sweeping over the whole world and she must put her force and moral power behind such elements in those movements which are in conformity with the Master's will.

A movement which has won more converts in the past half century than Christianity ever won in the same space of time, will bear serious investigation. Brains and Faith have gone into the making of the great social movements of today and we cannot afford to neglect them. Many high-class Christians like to philosophise upon this subject but I suggest that the best idea is to try and discern what Christ desired this world really to be like.

The surprising thing is that, upon investigation, we find that Christ gave as much weight in his utterances to the right and just dealings upon earth as He did to one's status in heaven; in fact, the main theme of Jesus' words were about a "Kingdom" to come, a kingdom where fair play, justice, adequate livelihood, proportionate returns, and such concrete matters would be of paramount importance, and this Kingdom would be, not solely in heaven, where everything is said to be right, but on earth where things are far from right and in need of such rejuvenating processes.

Another surprising thing about Jesus was that He backed up many of his sayings by quotations from the prophets—and anyone who takes, even a cursory look at the prophecies will find that they were adequate livelihood, proportionate returns, and such concrete matters would be of paramount importance, and this Kingdom would be, not solely in heaven, where everything is said to be right, but on earth where things are far from right and in need of such rejuvenating processes.

The early Christians all conceived of the Kingdom as being materialistic—they were taught by the Apostles to conceive of it thus—that Kingdom, as I have pointed out, was concerned with matters relating to the everyday doing of the people, the economic situation,

COMBAT RHEUMATISM

Rheumatism is often caused by uric acid in the blood. This blood impurity should be extracted by the kidneys. If kidneys fail, excess uric acid remains, it irritates the muscles and joints causing excruciating pain. Plan to help prevent rheumatism by keeping your kidneys in good condition. Take regularly Dodd's Kidney Pills—for half a century the favorite kidney remedy.

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