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### Central Guardian

SHOP from Holman's Catalog

THE CURTAIN will rise on the evening performance of Dumbells, sharp at 8.30, and the matinee at 2.30. Parties arriving at the theatre late will be obliged to wait until the first act is over.

WE WILL TAKE POTATOES, any kinds at our cellar on Mid Day—at best prices—Good stock wanted. M. Kennedy & Co. Bradabane.—1774-33 mwf 1 mth.

THE REPORT in circulation, that the tickets for Wednesday and Thursday nights performances of Dumbells, are all sold is incorrect. There are plenty good locations to be had for all performances.

ICE UNSAFE—A horse drawing a load of wood across the ice from Southport yesterday, broke through but fortunately was got out without serious damage. This was the first warning and should be sufficient.

Y. M. C. A. OFFICIAL TO ARRIVE.—Mr. J. H. Crocker, Y. M. C. A. director of physical education Toronto is arriving this evening to spend two days in Charlottetown. His lectures tomorrow night in St. James' Hall on "China". He will be the chief speaker at the Y. M. C. A. Sports banquet on Thursday.

ANOTHER HEARSE.—N. D. MacLean has added another horse-drawn hearse to his equipment. After having considerable experience with motor hearses Mr. MacLean finds that they are not practical for island conditions, the short season during which they can be used making the cost of upkeep prohibitive for funeral purposes.

FALCONWOOD HOSPITAL INSPECTED.—The members of the Provincial Legislature visited Falconwood Hospital and infirmary yesterday afternoon and thoroughly inspected the institution, also the dairy herd and farm equipment. The efficiency of the medical superintendent and staff was warmly commented upon, every part of the institution being kept in splendid order.

MAIL FOR OVERSEAS.—A full mail for the United Kingdom was despatched by the steamer "Montclair" sailing from St. John, N. B., on Friday the 28th instant. Another full mail will be despatched by the steamer "Andania" sailing from Halifax, N. S. on Monday, the 31st instant. The next mail for Bermuda, Barbadoes, Trinidad and British Guiana will be by the steamer "Teviot" from Halifax on Friday the 28th instant.

PROMOTED—Friends in this city will be pleased to hear of the promotion in banking circles of popular former Charlottetown boy, Claude R. Blake, who has been appointed to the management of a branch of the Royal Bank, Montreal. The Royal Bank Magazine has the following regarding the appointment: "C. R. Blake, whose appointment as Manager of Montreal, St. Lawrence and St. Catherine Branch has been announced recently, hails from 'The Island.' He joined the Staff at Charlottetown Branch in August, 1909, and after serving in various capacities in the Maritime Provinces, he was transferred to Head Office in February, 1918. In December, 1919, he was appointed to the Staff of the Supervisor's Department, Havana, where he remained for almost two years. In August, 1921 he was again brought to Head Office and attached to the Staff of the Canadian Credit Department where he continued until he received his present appointment."

### PERSONALS

Miss Carrie E. Holman, Summerside, was in the city yesterday.

Rev. J. J. MacDonald, P. P., Summerside, was a visitor to the city yesterday.

His many friends will regret to learn of the illness of Mr. Allan McInnis, plumber.

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### Discussion Continued

(Continued from Page 3)

ed, and I am satisfied that the Provincial Guardian could make it meet the requirements of any ordinary illegitimate child. The point is, what amount would it take to reasonably look after a child from its birth until sixteen years of age? The interest on \$700 would keep it up to the age of five or six; after that \$100 a year along with the interest should be sufficient.

MR. W. DENNIS: I agree with the last speaker in some of his remarks. The sum mentioned is a little too high. During the week-end adjournment I interviewed every clergyman and doctor and public man whose opinion was worth while and in almost every case they considered this bill too far-reaching. We have the example of Nova Scotia. The earning power of people there, I believe, is greater than here, and if they consider a maximum of \$500 sufficient why should we not consider it sufficient? We are making a long step from the former Act to the present one, even at \$500. If we find after a year's experience under the Act that the amount is not sufficient it can be raised by means of an amendment that the maximum amount be placed at \$500.

PREMIER STEWART: Might I ask if the Act you referred to has become law in Nova Scotia?

MR. DENNIS: I have no authority except the public press.

PREMIER STEWART: Has the statute been passed?

MR. SAUNDERS: It is reported that it received its second reading. DE. McMILLAN: The idea seems to be prevalent that this Act is striving to impose a penalty. That is not the idea at all. It is to make adequate provision for the maintenance of the child. If the committee think that \$500 is an adequate amount to support a child up to the age of sixteen years of age, that is the sum we should have. The amount of the amendment proposed by the hon. member for the Second District (Mr. Dennis). But if they think that the child is entitled to have a fair chance they will NOT vote for that amendment! Because \$1,000 is placed as a maximum amount in the Act, I do not think that means it is going to be imposed in every case. I have enough faith in the discretion of the judges of the County Court, in whose hands this matter will lie, to feel confident that a man who is able to pay only \$500, they will not exact \$1,000. I think that \$500 as a maximum amount is entirely too low, if we are going to consider the interests of the child, and that is the object of this Act.

MR. J. AUGUSTINE McDONALD: According to the amendment of the member for Second District (Mr. Dennis) the first part of the clause leaving the weekly, monthly or quarterly payments, and in the second part it is proposed to limit the penalty to a fixed sum. Why give the judge discretion in one part and take it away in the other? The leader of the Opposition in his remarks last week argued that nothing less than a contribution of at least \$10 a month would be sufficient. Taking his word for that, how would he support that sum supposing part of the principal sum was consumed, I would like to hear how my hon. friend is going to make "square" the two parts of this section. Personally, I think that if we leave the matter to the discretion of the judges in one case we should do it in the other.

MR. DENNIS: The total amount that a man would be liable for would be more than \$500, because he would have to support the mother or in her sickness, and so forth.

MR. J. AUGUSTINE McDONALD: Certainly.

MR. DENNIS: Well, we must bear that in mind, and with that I think \$500 is sufficient.

MR. J. AUGUSTINE McDONALD: You do not get my point. There is an alternative phrase in the first part of the clause. A man is to pay "a sum of money" weekly, monthly or quarterly until the child reaches sixteen, the amount being left at the discretion of the judge, and in the last part you fix the amount of a lump sum to be paid as an alternative. Why not trust the discretion of the judge in both cases?

MR. SAUNDERS: We are now discussing the question of a certain sum that may be accepted by the Court in full payment. There is nothing inconsistent with leaving the weekly amount to be paid at the discretion of the Court and at the same time giving an opportunity to pay a sum fixed by statute whereby a man could clean the slate right off. \$500, I think, is too small a sum to meet with greater satisfaction. We would have to give the judge some latitude in fixing a weekly or monthly allowance, we could not do anything else. In that case it is absolutely necessary to give discretion to the Court.

MR. J. AUGUSTINE McDONALD: According to the leader of the Opposition in his statement some days ago, nothing less than \$10 a month would be sufficient. How much that would be over a period of sixteen years he will readily see.

MR. SAUNDERS: I was not discussing that just now.

MR. J. AUGUSTINE McDONALD:

### Discussion Continued

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ALD: No, I know that: The amendment of Mr. Dennis was lost by a large majority.

HON. J. A. McDONALD: I wish to say again that so far as the general objects of this bill are concerned I am in sympathy with the measure, and feel that something should be done. At the same time I am not satisfied with it in a number of respects. This Section 18 as the promoter has said, a vital part. We have many examples in this country of the value of bills or acts passed to legislate people into a moral condition. We can look around and see instances of these everywhere, and we find that in every instance they are failures. When we try to legislate people into morality we are attempting the impossible. We find here that the mother of the child is held liable to a certain extent as well as the father. That surely must have some bearing on the case in discussing the amount that must be charged against the father for maintenance purposes. We know that in a great majority of cases the father of the child referred to in this Act cannot be held liable for money payments. We do not get money out of them, no matter how much the judge says about it. In probably eight or nine cases out of ten the Act will be a total failure. I would suggest with respect to this clause that the amount of money be payable monthly or quarterly. I do not see why weekly payments should be accepted. The amount will be small and such provision will only encumber your Act, in having clerks make out receipts every week. I think half the payments would be quite sufficient. Also, the payments should not exceed \$100 a year until the child attains the age of sixteen years; or a lump sum not to exceed \$750. Then let us have a clause providing that the balance of the money, in the event of the death of the child before the age of sixteen shall revert to the father of the child. We must suppose that we will have only the interest on the sum of \$750 to use. As a matter of fact, when the child is very small, the mother should double that amount. She has the same liability as the father. Taking this interest, with an equal amount contributed by the mother, there should be sufficient to care for the child for a good many years quite comfortably. I venture to say that if the Orphanages of the Province had \$100 or \$75 or \$80 a year for the caring of a little child up to five or six years of age they would be very able to take care of them. Afterwards when the maintenance charges become heavier, you can use the principal sum. I think these amounts would serve the purpose of the bill very well.

MR. J. HOWARD McDONALD: Sometimes the mother may not be able to give any support. That occurs in many cases. Or she may desert the child.

HON. J. A. McDONALD: The same applies to the father.

MR. J. HOWARD McDONALD: But in most cases the father does pay. We know that from the way the old Act worked out. There is no great danger if we fix the maximum at \$1,000 and give the judge discretion.

MR. McARTHUR: I am in favor of the principle of the bill and I think there is considerable merit in what was said by all the previous speakers. The remarks of the Commissioner of Agriculture seem to me the most sensible. I think we are overlooking one feature. It was originally provided in the clause that the money would revert to the province in the event of the child's death and I believe that is in the interests of morality. It would be a better provision than having the money revert to the father in case of the death of the child before it reaches sixteen years. In that case you are going to encourage something "accidentally on purpose" happening to the child, when there is a chance to get clear of the payment of a considerable sum of money. Anyway, why should that man be handed back to the father? I don't know that the Nova Scotia Act should be considered a criterion of what we should do here. No doubt however the earning power is greater in that province. I think the maximum of \$500 is too little; \$750 or \$800 would be right. But I would vote for \$1,000 in preference to \$500.

HON. J. H. MYERS: I realize that this bill will not cure all the evils it is intended to cure, but it will remedy some of them. I feel more than half inclined to agree with the Commissioner of Public Works, especially with reference to striking out the provision for weekly payments. \$700 would only figure out at about eighty three cents a week. It would hardly be worth a man's while paying up every week in that case. The payments should be met quarterly or half yearly. With reference to the money reverting to the Province in preference to the father of the child, I cannot agree with that. I think it would be an injustice for the Province to take that money. I would feel like supporting the Commissioner of Public Works. The suggestions of Hon. Mr. McDonald were embodied in an amendment to the amendment of Hon. Dr. McMillan.

On motion of Hon. Dr. McMillan the Speaker took the chair and progress was reported.

### EVENING SESSION

Section 18 sub-section (b) was amended as suggested by Hon. Mr. McDonald. The amended clause provides that the annual payment shall not exceed \$100 until the child reaches the age of 16 years; and that if a lump sum is paid it shall not exceed \$750. The balance of the money, in the event of the child's death before reaching that age, to revert, on order of the court to the party providing such funds. This amendment carried. Clause 18 was then adopted as a whole.

Clause 27 was amended to provide that notice shall be given to the person making application to the provincial Guardian in all proceedings instituted under the auth-

### Discussion Continued

(Continued from Page 3)

ority of the Act.

Clause 31, providing that the order shall bind real estate was on motion of Hon. J. A. McDonald amended in the latter part of the clause (the following words being struck out: "The judge may direct notice to be given by publication in a newspaper where he considers the same advisable.")

MR. DENNIS did not think there should be provision for binding the estate. The widow and legitimate children should not be asked to contribute towards the support of an illegitimate child. That was placing the odium on innocent parties. It might affect the winding up of the estate. If so it would seriously complicate matters. Without that clause the bill was still a very generous one and covered all principal emergencies that might arise. He moved that the entire clause be struck out.

PREMIER STEWART said the hon. member was not taking the right view point. If this clause were struck out the hardship on widows and legitimate children would be much greater. The money is a debt on the estate. Other sections provide that whatever is due at the time of the man's death shall be so considered. It would therefore be taken from the estate in any case, before the estate is distributed among the heirs. The clause provides that if the payment of this particular debt creates a hardship upon the widow and legitimate children it will not be paid.

MR. DENNIS said all the clauses referring to the matter should be reconsidered.

HON. J. A. McDONALD referred Mr. Dennis to subsection two of the clause under discussion, which states that the legitimate children must first be duly provided for. His object in moving an amendment was that the great publicity involved in publishing the matter in the newspaper was unnecessary.

MR. DENNIS argued that if a widow and legitimate children have suffered for ten or twelve years because of payments being made during the man's life-time they should not suffer after his death.

Mr. Dennis' amendment that the entire clause be struck out was put to the committee and lost by a large majority.

Hon. J. A. McDonald's amendment that the last two lines of the clause referring to publication in newspapers be struck out was carried.

Clause 32 referring to any private agreement that might be reached between the mother and putative father, with regard to maintenance and support of the mother and child, was amended on motion of Hon. Dr. McMillan to provide that the requirement be fulfilled by the provision also of any other ADE QUATE arrangement submitted by the putative father, with the approval of the judge.

MR. McEWEN: Would you consider marriage an adequate arrangement?

HON. DR. McMILLAN: I would think so, yes.

MR. McEWEN: Should not that be mentioned?

HON. DR. McMILLAN: I don't think so.

Mr. Saunders said the proceedings were taken in the County Court and the lien on land would have to be registered. How could the amount of the judgment in the County Court be taken out of the land. There was no provision for taking proceedings in the Supreme Court.

PREMIER STEWART said there was, and referred Mr. Saunders to Section 35.

MR. SAUNDERS: Yes, that's quite all right.

MR. McEWEN: I think it should be inserted that there be no counsel fees paid for any proceedings under this Act.

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