

IMPORTANT READING MATTER SELECTED FROM THIS WEEK'S NEWS FOR THE GUARDIAN'S SATURDAY SUBSCRIBERS

MONDAY.

The House opened to the public at 11 o'clock. MR. KENNEDY, (Kensington) inquired for information respecting the Provincial Stock Farm, which Hon. Mr. Richards laid on the table. MR. ARSENAULT asked for a return showing the names of the adjusters of land values, which were submitted.

MR. KENNEDY (Bradabane) inquired if the vacancy for Inspector of Schools for Queens has been filled. THE PREMIER replied that Hammond Johnson of Brackley Point had been appointed.

MR. COX, seconded by MR. McLEAN moved to memorialize the Dominion Government asking that the Order in Council regulating the space between latins and the size of netting in lobster traps be amended so as not to apply to this year's operations and to take effect in Prince Edward Island on and after 20th April 1911, and that in the meantime regulations better suited to the fishery in this Province be taken into consideration. He proceeded to argue the great hardship and loss which the order in Council in its present form would inflict. He pointed out that on the North Shore over 51 per cent of the lobsters caught are eight inches and under in length, which would all escape from traps of the prescribed model. He also pointed out the shortness of the fishing season in Prince Edward Island, which for the past few days, whereas in other Provinces the time ranged from 81 to 175 days. Moreover the operators had their traps prepared in accordance with the former regulations and would be compelled to suffer loss, in making changes, or otherwise practically abortive until the 31st of December to 20th April. There are people who say the regulation is all right and that the lobster industry must be protected or it would be destroyed, but he affirmed that this was not the opinion of practical men engaged in the fishery and held that what was claimed was only fair and just.

MR. McLEAN had no doubt the minister believed the regulation to be a good one. He himself did not believe the Government was using the packers fairly. The industry is a very large one and should not be interfered with in a haphazard way. It required practical knowledge. The season here is very short—only 78 days. Our lobsters are naturally smaller than those of other Provinces. It was the practice not to make the traps till shortly before the fishing began, usually not before 20th April and sometimes not till May. He thought the Department might try an experiment, but should not continue impracticable regulations. It was fair to allow some fishermen to use traps with the smaller mesh alongside of those with the large mesh, simply because the former were made earlier in the season. MR. PROWSE said the trouble was that the Department did not understand the local conditions of the fishery here. No one in the business wanted anything in the way of unreasonable favors. HON. L. McDONALD thought the Department should be commended for its efforts to protect the lobster fishery. He had always felt strongly on the subject. He did not think too sweeping changes should be made suddenly. He agreed with the mover that the lobsters in Nova Scotia are larger than ours, and therefore the same sort of traps were not suitable. Some exception should be made. But he believed the fishery is falling off, and unless measures are taken to protect it we shall have no fishery at all. HON. B. GALLANT said no doubt the lobster fishery should be protected by preserving the smaller lobsters, but account should be taken of the fact that our lobsters are not so large as those in other waters. He thought an independent commission for longer season in Nova Scotia was that they began in January in their open water, and shipped live lobsters of 9 inches and over. These were not fit for packing. THE PREMIER said it appeared that our season was about as long as the ice would permit. He thought a very strong case was made out for an extension of time for the use of the traps made under the old regulations. He thought however some regulation should exist to protect the small lobsters. If they are destroyed from year to year they cannot grow to be big ones. There had been too frequent changes in regulations arising from conflicting testimony of interested parties, and from differing local conditions.

MR. McDONALD, Georgetown, said it had been found that the traps with the large mesh caught the smallest lobsters. The big lobsters went in first and out again and the small ones last and were in the trap when it was taken up. After all the large, breeding lobsters were the most necessary to continue the species. Cod fish would destroy more lobsters than all the lobster fishermen. Still, the resolution was all well enough. HON. MR. McMILLAN thought the parlor-trap should be abolished altogether. He had understood that those who had the old lobster traps could use them as long as they lasted, which seemed unfair to those be-

ginnings, or having only the new traps with the larger mesh. The resolution was adopted unanimously and a committee composed of Messrs Cox, McLean and Gallant appointed to forward it to the Minister of Marine and Fisheries. At 12.30 the House adjourned till Tuesday next at 3 o'clock. WEDNESDAY. Tuesday, March 21. The House opened to the public at 3.50. Various inquiries were made and returns asked for by Mr. Dohie, Mr. McDonald (Cardigan), Mr. Prowse (St. John's), Mr. Kennedy (Bradabane), Mr. Kinross, and others and returns answered by the Premier Hon. Mr. Cummiskey and Hon. Mr. Richards. MR. WYATT presented a resolution for an address to the Governor General asking for the appointment of a Judge to fill the vacancy caused by the resignation of Mr. Justice Hodgson. All regretted that the vacancy had occurred. Mr. Wyatt emphasized the late Master of the Rolls for his eminence as a lawyer and a Judge in Chancery. He had brought to the discharge of his duties fine natural abilities, great learning, a sound judgment and most painstaking effort. He had greatly improved the procedure in Chancery. The vacancy so long continued, had greatly disturbed the administration of justice. He showed the great importance of the Appellate Court, and the necessity for three Judges thereon. With two Judges, one of whom is the trial judge followed that if the trial Judge adhered to his first decision, it must stand, and any appeal must fail. In Chancery there are two Courts, that of the Master of the Rolls and that of the Vice-Chancellor, with appeal therefrom to the full Bench. Mr. Wyatt proceeded to argue that from the present state of the law, the appointment of a Judge from the Court of Chancery as there is no Court to try them. In consequence of this vacancy appeals could not be heard and the course of justice is paralyzed. Cases of great importance dating as far back as 1908, and others since arising were being blocked and could not be proceeded with. He attached no importance to any one during the time that Judge Hodgson was ill and had not resigned. His recovery was naturally hoped for. But since his resignation no excuse could be offered for not filling the vacancy. He cited the previous vacancies in the Supreme Court, and in all cases the appointments had been made within from four to ten days of the vacancy occurring. There were six or more such cases, and in the County Court like vacancies had been filled with promptness. He asked why there should be now this long delay? He felt that if proper representations had been made to the Government this appointment would have been long ago made, and that it was the duty of the Attorney General, as guardian of the people in regard to the administration of justice, to have made strong representations on the subject. HON. MR. HUGHES said all were distressed that the vacant judgeship should be filled. The actual vacancy had only occurred in October, 1910. Some hon. members pointed out that it had been two years since Judge Hodgson had sat officially. MR. HUGHES, continuing, moved an amendment, seconded by Hon. Mr. Gallant, to strike out the words, "without further delay," and insert the words "with all convenient speed." He said the delay had been stated to be much greater than it was. MR. MATHIESON thought the matter one of great gravity and urgency and they ought to hear from the leader of the Government on the subject. He cited numerous cases in which appeals had been put in and could not be tried. Delay of justice is a denial of justice and where such delays existed from year to year it was a denial of justice. He was surprised to hear the Premier say the other day that no remonstrance had been made. The Liberal organ had said the appointment would be made when the Government was "good and ready." He claimed it was an outrage upon justice that this place was kept vacant. Could it be that the Department of Justice was involved in a political tangle? If so it was a disgraceful thing. He claimed that the resolution was fully justified and that the language was temperate and respectful. The amendment made it a matter of "convenient speed." The trouble was that this appointment was made a matter of "convenience" to certain people. Justice should not be a matter of mere convenience. The Government

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MR. COX blamed the lawyers, said the whole afternoon had been wasted over a matter which the House had nothing to do. He thought there was no great hurry about appointing a Judge. MR. WYATT in closing claimed that neither the acting Judges nor the Bar Society had any right to interfere in this matter. His resolution was for an address to the Governor General on the subject, and was common to the resolution and both amendments. The address would be carefully worded. HON. L. McDONALD supported Mr. Hughes' amendment. He said there was no precedent for the proposed address. MR. DOBIE supported the amendment. THE PREMIER said that no representations had been made to him or to the Government on this subject by the Bar Society or the Judges, or by any one else. He said a vote for the amendment to the amendment would be a vote for the original resolution. MR. MATHIESON pointed out that there were abundant precedents. In 1905 an address had been passed on motion of Premier Peters and seconded by Mr. Mathieson asking that "immediate measures" be taken to carry out the terms of union with regard to winter communication. It was the duty of the Provincial Government to guard the interest of the Province in regard to this appointment. The proper time had long expired and the delay was disgraceful. In one way there was no precedent or precedent for such delay. Previous judicial appointments were made at once when a vacancy occurred. Mr. Mathieson had the floor when the House adjourned at 6 till 3 o'clock tomorrow afternoon. THURSDAY. Wednesday, March 22. The House opened to the public at 3.50. MR. McLEAN presented the petition of the Mayor and Council of Souris asking for amendments to the act of incorporation. He introduced the bill to carry out the prayer of the petition. MR. ARSENAULT presented the petition of the Pioneer Publishing Company praying for an amendment

sought to weaken the resolution instead of adopting it and urging the appointment as they should. The object of the amendment was too clear and would decide no one. If there ever was a case in which the House should speak it was now. The duty was the stronger because three or four members at Ottawa were silent on the subject. The way things were going our Judges might be cut down from three to two and from two to one. It is only by constant assertion of our rights that our rights can be retained. Some would say eleven jurors were as good as twelve, but they could not render a verdict. How long would the Premier and his colleagues consent to have their own private interests sacrificed in this way? Yet they try to burk this resolution. THE PREMIER said this question has been made a football, and especially by the leader of the Opposition. So long ago as the election of 908 he had stated that he (Mr. Haszard) was going out of politics and looking for a judicial appointment. This statement had been made at Bell River. MR. MATHIESON denied making the statement there or elsewhere. THE PREMIER proceeded that at that time Judge Hodgson was sick but not so sick but that his recovery was hoped for. The leader of the Opposition wanted to drag the judiciary into politics. The appointment rested wholly with the Dominion Government, and the Provincial Government had done nothing to delay it and were not in any way to blame. This was a matter over which we have no control. The Governor General had probably never heard of the vacancy. The resolution was not respectful and all the changes made by the amendment went to make it respectful. In regard to some of the appeals spoken of they were not proceeded with when they might have been and while Judge Hodgson was still sitting. It was all right for this House to make a recommendation, but not in order to force the Government and that course would effect no good. While Judge Hodgson held on to his position he had a right to do so, and he Government at Ottawa had no right or power to displace him. He said that the appeals, said to have been held up, were not held up at any time down to October last. MR. ARSENAULT asked whether the Premier would deny that he was an applicant for the vacant position? He proceeded to argue that the course of justice is very much impeded because this appointment is not made. This House was a party to confederation, and to the appointing officer being transferred from the Province to the Dominion, and if appointments are not made it is surely a matter of concern to the House. Here had been long delay. All that he resolution asked was that there should be no further delay. MR. PALMER said all hoped and expected that the Dominion Government would make the appointment in a timely manner. Regrettably this question came up here as a party question. Politics could not be kept out of the discussion here. Why had not this matter been brought up in the Bar Society, which is non-political and represents the interest of the lawyers, their clients and the interests of justice generally? But no motion had been made in the Bar Society. Or the Judges themselves might have made representations, if they thought the interests of justice were suffering, but they had not done so. He thought the resolution out of order altogether and favored the amendment. MR. McLEAN thought the Bar Society of Charlottetown had nothing to do with the matter. They had not been consulted or taken action in regard to previous judicial appointments. He denied that this is a party question. They were not asking for the appointment of a Conservative or a Liberal. They were not asking for the appointment of a particular man, but only that an appointment be made. He moved an amendment to the amendment to omit the word "convenient" and hoped this would be accepted and adopted unanimously. MR. 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MR. McNEILL moved the House into committee on the bill to incorporate the Prince County Publishing Company. Mr. McKinnon in the chair. The bill was agreed to and reported with amendments. The city incorporation amendment act was read a second time and the House in Committee considered it. Mr. Crosby in the chair. The bill makes provision that taxes must be paid on or before 31st December to enable electors to vote at civic elections, provides for a temporary Mayor in case of the absence or incapacity of the Mayor, gives power to exempt the property of Bruce Stewart & Co., to the extent of \$25,000, and provides for inspection of meats and medical examination of school children. Progress was reported at 6 o'clock. The House resumed at 8.30 o'clock when the bill to amend the Vital Statistics Act was taken up in committee, Mr. McWilliams in the chair. A conversational discussion took place on points discussed before, in which Hon. Mr. Richards, Mr. Mathieson, the Premier, Mr. Arsenault, Mr. Wyatt, Mr. McLean, Dr. Warburton and others took part. One objection urged was that the amendments would not make the law more workable than it was before. Another objection was that it imposes duties upon clergymen for which they are to receive no pay, while the doctors are to be paid 15 cents for each birth or death reported. On the other hand it was claimed that the proposed amendments grew out of experience in operating the act. At 10.35 it was agreed to report progress and ask leave to sit again.

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"Pneumonia"

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