

THE CHARLOTTETOWN GUARDIAN

Morning Daily (Founded in 1887) Authorized as Second Class Mail, Post Office Department, Ottawa.

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"The Strongest Memory is Weaker Than the Weakest Ink."

FRIDAY, FEBRUARY 28, 1917

Legislative Sovereignty Limited

Commenting on the need of a new Bill of Rights for Canadians, a subject which appears likely to be discussed in the House of Commons at the present session, the Fortnightly Law Journal says: "We in Canada are passing through a period in our national growth that is strongly reminiscent of the seventeenth century in England. Then the struggle was between the King and Parliament, between the sovereign power of those days and the symbol of the rule of law. That struggle almost ended in the mere substitution of one form of dictatorship— and a less benevolent one, by and large, than the one that was overthrown—for another. But disaster was avoided and the ultimate result was the Declaration of Rights of 1688 which today is in such urgent need of being reaffirmed. Because the doctrine of the divine right of Kings has given way to the equally obvious doctrine of legislative sovereignty and once more the spirit of freedom lies prostrate before the forces of dictatorship. Only the Courts can put upon this overweening menace of legislative sovereignty the limitations that must be put upon it, if freedom is to survive and true democracy be saved. The essence of freedom and of our form of democracy is the rule of law under which no person and no body of persons, not even Parliament itself, is above the law. Perhaps a Bill of Rights might serve as a reminder to Parliament that even it has no divine rights. But ultimately it will have to be the Courts who will stand between a duped people and the power of the politicians."

Indian Affairs

Indians in the Maritime Provinces, according to Mr. R. A. Hoey, acting director of Indian affairs, in the last annual report of the Department of Mines and Resources, are enjoying a continued high standard of living, many Indian families now occupying better homes and living under conditions beneficial to health. The centralization policy in Nova Scotia and Prince Edward Island has been continued with favorable results.

The quinquennial census of the Indian population was taken in 1944, showing a total Indian population of 125,946. The number of Indians in Prince Edward Island is given at 226. The number of enlistments among the Indians in proportion to their population during World War II is described as "exceptionally good." More than 2,600 enlistments of Indians were recorded, 170 of whom were either killed in action, died of wounds or as a result of natural causes. Three Indians were awarded the Military Medal. Indian enlistments in Prince Edward Island numbered twenty-four.

Reference is made to the one Indian agency in this Province, located at Summerside, to the large number residing at Lennox Island, and the smaller communities at Rocky Point, Morell, St. Andrews and Scotch Fort. "Subsistence farming," says the report, "was engaged in by a number of Prince Edward Island Indians, with many of them owning their own livestock. The homes are fairly good and increased employment has resulted in improved living conditions generally."

The statement of ordinary expenditure for the year shows the following amounts for Prince Edward Island: Indian agencies, \$3,624; Medical, \$3,862; Welfare, \$9,763. Total \$18,277, against a total expenditure for all Canada of \$6,164,240.

Nova Scotia Coal Deposits

Coal mining troubles in Nova Scotia bulk large in the news these days. A great deal of information about this industry is given in the bulky "Report of the Royal Commission on Coal, 1946," which was tabled in the House of Commons the other day. This is the work of the Carroll Commission, which was appointed in 1914 and held public sittings all across Canada. While they do not directly bear on current labour disputes, the 650 pages of this huge bluebook have much to say on mining methods, coal reserves, financial aspects of production, industrial relations, transportation, distribution, sources of energy, markets, government policies, subsidies, etc. The work is a veritable encyclopaedia on the subject, something akin to the Siris Report on Dominion-Provincial Relations. Like the latter report, it is probably destined to be read and forgotten. Nobody would think of taking it up as light reading, and neither the miners nor the coal companies seem to be enthusiastic as to the Commission's findings.

The following elementary but interesting notes on coal reserves in Nova Scotia are from the introductory pages of the volume:

There are in all ten coal fields in Nova Scotia. On the east coast of Cape Breton Island there occurs the Sydney coal field, the most important in the Maritimes. Several relatively small deposits occur on the west coast at St. Rose-Chimney Corner, Inverness, Mabou and Port Hood. In the south are two very small deposits in Richmond County and at Loch Lomond. On the mainland, the most important deposits occur in Pictou County in the Stellarton-Westville area, and Cumberland County in the Springhill-Joggins area. A small deposit occurs in Colchester County near Kempton.

All the coals of Nova Scotia are bituminous, the greater part produced being classified as high volatile "A". They are generally good

coking coals but the high sulphur content is a handicap in their use for the manufacture of metallurgical coke and of gas.

Recent geological studies have shown that the coal deposits of the Maritimes belong to three age series, the Riversdale, Cumberland and Pictou series, the classifications being made on fossil-plant evidence. There were long intervals in which barren, sandstone and shale were deposited with only relatively short intervals favourable to the growth of coal-forming vegetation. The St. Rose-Chimney Corner, Port Hood and Richmond coal deposits belong to the Riversdale series, the oldest of the series.

The Springhill-Joggins deposits belong to the Cumberland or second oldest series. All the other fields belong, together with the New Brunswick deposit at Minto, to the Pictou series.

With the exception of the Sydney field the deposits in Nova Scotia are of small dimensions and, with the exception of the Pictou deposit, were formed from vegetation which grew on the location, the seams being characterized by uniformity of quality and thickness and a clay roof-bearing floor. The Pictou deposit appears to have been formed from drifted vegetation, the seams showing wide variations in thickness and quality within short lateral distances and lack the typical clay roof-bearing floor.

The really accessible coal in the land areas of Nova Scotia has been mined, the remaining reserves therefore offer little opportunity of recovery by stripping operations. An exception to this general statement is the outcropping of one or two seams in the Sydney coal field. The land areas contain only very limited deposits, the most important reserves lying in the submarine areas of the Sydney coal field. The Commission was advised that there is little likelihood of discovery of further coal deposits, with the exception of the possible field near Newville at Halfway Lake, sixteen miles southwest of Springhill.

EDITORIAL NOTES

It is suggested that instead of erecting a \$1,500,000 building for Federal bureaucrats, the money could be invested with more advantage in a grain elevator.

A total of 9,186 persons are employed by the Unemployment Insurance Commission, Labor Minister Mitchell disclosed in a return. Of the number 8,847 are regular employees and 339 casual.

The sudden, unexpected death of Miss Ellen Wilkinson, Britain's Minister of Education in the Labour Government, has raised suspicions of some kind or other with the result a coroner has ordered an inquest more than two weeks after her burial in a village churchyard in Buckinghamshire.

It seems hardly credible that the Federal Government would stand for every employee deserting his job for eight days before the end of each financial year, simply because he is entitled to be off duty ill that number of days without a doctor's certificate. This is an extreme instance of converting a "may" into a "shall". Why should a government employee have sick leave if he be not sick?

The unheard of weather conditions in Britain has produced hitherto unheard of wild-life conditions. An Old Country paper reports: "Wild cats—some more than forty inches long—from the Argyll hills are raiding poultry runs in the Inverary district of Scotland. Recent cold weather has brought them down in large numbers in search of food. 'Call of the wild' has also reached a black and white pet cat in Wick, Caithness, which has gone native and taken to the moors; living on rabbits, hares and grouse."

Henry James, American novelist and philosopher, died this date 1916. A consummate artist of the cultural class, the types of which he wrote—leisurely, complex, given to self-analysis, and, above all, Twentieth Century—have nowhere else found a delineator so skillful. His earlier stories are American, but his later ones cosmopolitan. Among his works are: The Wings of a Dove, Partial Portraits, Notes on Novelists, A Small Boy, The Ivory Tower, The Sense of the Past, The Middle Years. "The American scene—a huge American rattle of gold." "Ideas are in truth forces. Infinite, too, is the power of personality. A union of the two always makes history."

A cousin of Prime Minister King, the Rev. John King, M.A., has just died at Hampstead, Montreal, in his 91st year. His and the Prime Minister's paternal grand parents were brothers. He was born in the parish of Strichen, Aberdeenshire, Scotland, and obtained his M. A. degree at the University of Aberdeen. He was ordained to the ministry in 1882 and after a charge in England he was called to the United Presbyterian Church in Alva, Scotland, where he was a member of the Clackmannan Education Committee and a governor of the Dollar Institute. He had a subsequent charge at Glasgow. He came to Canada in 1928 following his retirement from the Church in Scotland and lived with his son Harry. While there he took a keen interest in the affairs of Kensington Presbyterian Church.

According to The Canadian Press correspondent at Ottawa the Government's mandate does not expire until 1950, but there is nothing to prevent Mr. King from calling an election earlier. He might, for instance, decide to fight an election on the Government's price control policy or on its dealings with the provinces on taxation agreements. A Liberal member said he understood most Government supporters would not be averse to an election within a few months. In chats with members of the Opposition the correspondent gathered that the C. C. F. and Social Credit parties would like more time to organize. Feeling among the Progressive Conservatives was said to be mixed, with some members feeling the time for a general election opportune and others arguing that organizational work should be accelerated.

Notes By The Way

Now that two-way radio telephones are being used as safety equipment for railway trains, it is suggested that they should be made obligatory on Canadian railroads. Use of two-way radio would eliminate collisions which continue to occur on Canadian railroads at too frequent intervals. —Vancouver News-Herald.

Mrs. Sarah O'Ver, 108 last October—she recalled seeing the first Duke of Wellington, who died at her home in Compton near Winchester. During the war Mrs. O'Ver insisted on helping the national effort by forming a girls' knitting circle. She was believed to be the oldest person in Britain. —London Daily Mail.

What may prove to be Britain's "gift" to United States motorists has arrived in the pocket of Canadian-born W. V. Baldwin, once of Wall Street. He is marketing the Baldwin-Auger automatic car park. By means of the mechanism, a car parked on platforms atop steel rails is dailed electrically to a storage space—and back when the driver returns. Average delivery time is three minutes. While cost of the mechanism is figured at around \$500 per car space, operating costs are low: utilization of 79 per cent, of floor space required a year's wait before rearmarriage. Iowa contemplates a measure to hamper uncontented divorces by pre-divorce investigation. Tennessee's state judicial council will attack that problem by prohibiting action within thirty days after a defendant has received notice of a suit. Wisconsin may require divorced men who have minor children to secure court permission to marry again, so that a record of non-support will be available to support two families may be remarriage. —New York Herald Tribune.

The South Seas have witnessed in 1946 the most striking example of advancement upon primitive cultures. The peoples of some of the remoter islands were barely removed from the stone age either materially or mentally when they were confronted with all the terrifying apparatus of modern war. After their recent experience, these simple people cannot return again to their old condition of isolation from the modern world, and it will be the task of the United Nations organization to lay down the principles by which they will be guided through the transitional years ahead. There is a great need for the peace and order of the world. The administrator of the United Nations, Mr. A. G. R. S. Gurney, who is in the West is an individual quickly responsive to change: a man in the South Pacific is a unit in a rigid society. It will not be easy for him to find a common ground of understanding. Happily, a new technique of social anthropology is now developing which deals with just such problems. —London Times.

The secret service is said to be puzzled by the discontinuance of operations by a passer of counterfeit money who operated in New York City for about eight years, and who was certainly a very peculiar rascal was notable for his restraint, for he specialized on one-dollar bills and passed only about 15 of them a week. It is obvious from the fact that this man has not been heard of since he was arrested, that he was seriously interested in proving that crime does not pay and willing to endure all necessary privations to prove it. Passing a counterfeit bill usually calls for a counter-charge, pursued with a vengeance. The mysterious operator must have had some business expenses. Production costs may have been small, but amounted to something. Ordinarily, those who are successful in crime do not provide the proof by hanging in jail. This criminal, never apprehended, never identified, teaches the lesson just as plainly by demonstrating that the fruits of successful crime, pursued with a period long enough to win a man a competence in an honest calling, brought nothing but a pittance.

The nation's supply of food, and especially of vitamins, has been increased last year by the processing of 500 tons of hips, mostly gathered by village women and children. A food-analyst has put to me this question: "If hips, why not haws?" says a writer in The London Spectator. Hips and haws go as sweetly together as, say, spick and span; and the haw, it is argued, is meatier, fuller of solid food than the hip; and though its inherent vitamins may be X, Y, Z, instead of P, Q, R, it is certainly nutritious and rich in that other blessed word of the day, in calories. Many years ago an economic picture depicted "the wicked waste involved in the spectacle of great big snails crawling about unmolested and unseated; and indeed, we neglect a large number of animals and plants that are supplied gratis. The list might run: mushrooms, gray squirrels, dandelion and scarlet leaves, pig nuts, acorns, nuts and a host of berries. While not going so far as the snail-loving epicure, I would confess that we ought to use a deal more of the wild fruits, especially acorns and pig nuts, as fodder. If not as food. The thick folk such as the Italian peasant who sets store by daisies as a salad pizza could make good the deficiency in the supply of pig nuts and poultry fodder by picking hips and haws and gathering acorns. Certainly those 600 tons of hips have proved a highly valued addition to our rations. The pulp juice has been used freely as a sweetener.

PUBLIC FORUM

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

STUDENTS' HOSTEL

Sir—We wish to thank Major T. B. Rogers for his letter of support in your issue of Feb. 22nd. Judging by the indignant enquiries now coming in from all parts of the Province his letter has done more to arouse public interest than ours. The unpardonable action of turning a minor out on the street without notice and without even notifying his parents, may yet prove a blessing in disguise. It has often been said "Actions speak louder than words". This one practically spoke volumes we think. I am, Sir, etc. SALLY M. MACKINNON Uigg - Kinross

APPEAL COURT QUESTION

Sir—In a recent issue of The Patriot there appeared an editorial under the heading "For Criminal Appeals". The editorial, except for the introductory paragraph, was copied from the Toronto Telegram and was somewhat critical of the fact that in Canada generally no appeal is allowed in Ontario in particular no provisions were made for a special Criminal Appeal as is found in England, and it suggested that at the next overhaul of the judicial structure provisions should be made for the setting up of such a Court. The Patriot, while copying the editorial, made no comment on it or its application to Prince Edward Island. In this Province, although it may not be commonly known, when the Supreme Court hears an appeal in a criminal case the judge who tried the case is competent to sit and does sit upon the appeal against his own judgment. One can easily imagine the great difficulty which confronts an appellant when he attempts to convince the trial judge that his considered judgment was wrong in law. In civil cases the trial judge does not sit on the appeal from his judgment but the appeal is heard by the remaining judges, or if none are absent by the remaining one who has power to reverse the judgment. In a criminal case, even though the appeal judge may be junior and much less experienced than the trial judge—and just this has happened in the past—if it is felt that the trial judge is in error, the appeal is heard by the remaining judges. The struggle for providing sufficient judges to set up an Appeal Court of Appeal has been carried on for a long time but nothing has yet been done to provide the remedy, as the Federal Government seemed unwilling to meet the wishes of the Province in the matter. However, last year our good friend Mr. McLure, M.P., again brought the matter to the attention of the Minister of Justice, Mr. St. Laurent, who is said to be a great lawyer, seemed to recognize the merit of the Island's claim. He stated that if the Province would agree to the reshuffle of the powers of the judges he would be prepared to recommend a measure to Parliament which would provide the long needed Court of Appeal without adding to the present number of judges. This is a matter which does not present itself to the people generally, but those who have been involved in litigation have been long in the administration of justice in this Province that they meet the next month will not let the offer from Ottawa slip past. The matter of the Court of Appeal is a very important Provincial Right and surely Premier Jones and Dr. McMillan will see to it that whatever resolution of law which may be required will be passed by the Legislature at the coming session, and let Ottawa's offer be accepted before it is withdrawn. If the Jones Government provides the machinery for the setting up of the long-needed Appeal Court for this Province it will have gained the acknowledgment of a great Provincial Right and will have done more for the advancement of the Province than has any Government in generations, and the benediction of lawyers and litigants should be upon its members. Sir, etc. FOR IMPROVEMENT IN JUSTICE

The Poet's Corner

ETCHING

Here on the empty branch there blooms a rose More white than those that summer knew. The plect-fence is rounded now. The gate swings wide into a drift. Whose hollow holds a hint of blue. Across what once was April grass The wind's invisible armies pass. Warped by the sun and worn by rain. The shallow steps are smooth again Under the kindness of snow. The winter door is sealed with white. Upon the curving of the sill Some bird has rested from its flight. Leaving a single imprint here. A simple hieroglyph to say A visitor has passed this way. —Sara Varr Alaystine Allen, New York Times.

The Island in 1770

"Remarks and Observations by Mr. William Drummond in his voyage from Cowdoy to St. John's Island and the Gulf of North America," from the original in the archives at Ottawa. The period covered by the Journal is April-May, 1770.

Britain's Situation In 1947

(United Kingdom News Bulletin) In 1947 Britain has not enough resources to do all that she wishes to do and barely enough to do all that must be done. The United Kingdom Government attaches the first importance by 1947 to providing payment for imports and to basic industries and services, particularly coal and power. Targets for 1947 are set and means to implement them will be discussed with management and trade union representatives. Imports and exports are of fundamental importance, now and for some years to come. Failure to build up our export trade in the next two or three years so that we can afford to buy enough imports would mean continued food rationing, much less working and private motor driving, widespread unemployment for lack of raw materials and inability to re-equip industry with the most modern machinery. In 1947 Britain must increase her imports to eighty-five percent of the 1938 volume, compared with seventy percent in 1946. Britain's imports of food and raw materials are in any case limited by availability and by what she can afford.

Sept. 29th. Set out from St. Peter's with Mr. Higgins and Mr. Creed and arrived at Fortune toward evening. Next day went to Three Rivers where I stayed till Oct. 15th. This evening went aboard Mr. Higgins sloop with himself. Sailed immediately with a south west wind. Came to anchor about midnight, a smart gale next morning from E. carried us to Thousand Islands where we spoke the Glasgow man of war. The wind contrary we anchored that night. Oct. 17th. Winds still contrary (sacked this whole day and by a favorable change in E. carried us to Fort in the evening and came to anchor where I stayed that night. Oct. 18th. This and the following day with the Governor. Oct. 20th and 21st. Spent these two days at Fort Amherst and on board the Mermaid man of war. James Smith, Capt. Oct. 22nd. This day set off from Port Loyal in the Mermaid sloop with ten hands and arrived evening at St. Peter's where I stayed till the 31st. and came same day to Stanhope. Nov. 1st. At Stanhope this and the 4 following days nothing remarkable. On the 2nd. Mr. Hill and Mr. Eben Taylors were married. Nov. 6. In company with Capt. Stewart from Campbellton two servants and two Frenchmen set off in Lawson's boat for Maljuc. Stayed here till the 11th. Next night arrived at Little Harbor where lodged in a wigwam as the night before and the next day went to Maljuc this being the 8th. It snowed very thick and blew a heavy gale from the east. Nov. 9th. Spent this and the nine following days in Mr. Davidson's house. Baptized several children some of considerable age. Nov. 19th in Mr. Wymhar's (Urquhart) sloop with himself came to Stanhope. Nov. 26-27-28. These three days a very intense frost which affected every liquid in the house and froze the tanks in one night. Nov. 28th. About 6 this evening I began to snow from the east and continued very thick with a strong wind till ten the next day. The sea swelled high on the beach. Dec. 1st. This day a south wind melted some of the snow; same evening a heavy rain fell and continued very intense till the 5th when it was foggy and temperate, little thaw, the weather variable but always clear till the 21st. Dec. 21st. This evening attended a French Wedding at Stanhope. Mr. and the two Misses Lawson's. Was still illing. Jan. 1st 1771. Hard frost and extreme cold, wind from the north. Alex McNale his wife and four children of our company set off for Three Rivers. At evening the French came to us and made a frolic Jan. 2nd. This day the preceding and following nights intense frost which froze the sea and the snow on the hills. Jan. 3rd. to the 9th continued very cold. Jan. 9th. This whole day a very intense frost such as we have not had this season, slept this night in a new house for the first time. Jan. 10th. Set off this morning for Grand Haste stayed there this night. Jan. 11th. Hard frost, this day returned to Stanhope. The next two days the same weather. Jan. 14th. This afternoon solemnized old Handel with feasting and dancing. The next 7 days the same cold weather nothing of interest to relate. Feb. 22nd. Set off this day for St. Peter's with the Smith and Shoemaker, where I stayed till the 6th and then returned all these days extremely cold with keen frosts. From Jan. 26th to Feb. 11th the same intense cold. Feb. 11th. Cold N.W. wind with severe frost through the day. Urquhart set off St. Peter's and Hart for Charlotte Town where we arrived about 3 P.M. and slept that night. Feb. 15th. A moderate breeze with frost through this day, towards noon it rained a little. Staid this day with the Governor. Feb. 16th. A fine warm day. Went to Capt. Manly's and stayed overnight. From the 16th to the 20th the same cold weather. Feb. 20th. Went dark and frosty in the evening returned to Charlottetown. Next two days much the same. Feb. 22nd. Dark and cold till noon afterwards clear and temperate. Left Charlottetown at 11, parted with Mr. Spencer about 4 P.M. arrived at home about 8 P.M. From Feb. 23rd to March 3rd. Nothing of interest occurred. This day baptized John Lawson's son, John. April 22nd. North west wind and Alex Jamison were drowned in Francoise harbor. Jamison between 4 and 5 P.M. MacLaughlin about 8. Lads killed a goose. April 15th. Southwest wind till midnight. Ice left the shore to open for the first time. April 22nd. North west wind and clear. Set off in a boat for St. Peter's being stopped by ice the boat returned, but I proceeded with a Frenchman on foot, passed Sarage bay on a cake of ice, arrived at 8 P.M. and remained there till May 1st. April 26th. mist and rain

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