

THE DAILY EXAMINER.

MARCH 16, 1883.

The Cloven Foot.

The Patriot, of yesterday, shows the cloven foot on the pier question in an unmistakable manner. The great object of its editor is most plainly shown to be, to weaken the case of Prince Edward Island, and to trump up claims for the other Provinces against the Dominion Government.

In order to show how much our ex-Cabinet Minister has to say for the other Provinces, and how little he is inclined to plead for Prince Edward Island, we present our readers with a full paragraph of his article of yesterday which is a fair sample of the whole:

"THE EXAMINER tells us that although the piers and other works named in Schedule B of the British North America Act, belonging to the Local Governments, became the property of the Dominion, it did not follow that the Dominion Government should maintain them unless they are useful for purposes of foreign and inter-provincial trade."

The twisting and wriggling in the above extract are worthy of its author. He quotes what THE EXAMINER said, and then ignores a most important part of our statement which we have placed in italics. The liability of the Dominion Government to maintain wharves or piers hinges on the point as to whether they belonged to the Local Government at Confederation, as well as to whether they are seats of Interprovincial or Foreign trade.

It is too bad that the Government, in contending for justice to the Island in this matter, should not be supported by the Press of both parties. To the credit of the other Provinces, let it be said, that we have as yet seen no attempt in their Press to deny the justice of our claim. It would not be surprising if some Dominion newspapers, outside of the Island, should, for want of correct information, assume the ground taken by the Patriot; but it is almost humiliating to find that we have among us a man who, having received so many substantial favors from the Island, is so lost to patriotism and gratitude, as to attempt to weaken the hands of those who are earnestly laboring to obtain simple justice for our Province.

Does not Mr. Laird know that piers or wharves on the River St. Lawrence both above and below Quebec, have been constructed or maintained, both by the Government of McKenzie and Sir John McDonald? Does he not know that at St. Anne's, Chicoutimi and Bagotville, on the River Saguenay, piers or wharves have been treated in the same manner by both Administrations? Does he not know that no less than four piers are maintained by the Federal Government on the Island of Orleans, in the River St. Lawrence? Does he not know that within sight of our shores a new wharf has been constructed by the Dominion Government on Pictou Island? Does he know nothing of the large sums granted by the Dominion, and expended by Harbor Commissioners for wharf accommodation in the Harbors of the principal cities of Canada? If he knows of these things he should be found manfully demanding similar treatment for Prince Edward Island. If he does not know them, he should write but little on the subject until he is better instructed. It cannot be doubted that the decision

of the Supreme Court in the Holman-Green case has thrown additional light on the question; but the practice of Dominion in the other Provinces since Confederation has been in the main in accordance with that decision.

Mr. Laird may squirm as much as he likes, but it is undeniable that, as our first Cabinet Minister under Confederation, it was his duty to see that all Government piers in this Island were assumed by the General Government in the same manner as the Government piers of all the other Provinces. Should the Local Government fail to obtain a full refund of the moneys which they have been led to expend on these works since 1873, the responsibility must rest on our Minister who neglected his duty.

The King's County Election Case.

The primary fact of Dr. Robertson's disqualification was at once recognized by Parliament. Even the Opposition did not question it. But they contended that, though disqualified, Dr. Robertson's right to the seat should be declared, and then the whole case should be referred to the Committee of Privileges and Elections. It is needless to say that no more ridiculous proposition could have been made. It was founded on the idea that Returning Officer McCormack should have returned Dr. Robertson, whether qualified or disqualified; in other words, that he should have done that which he knew to be wrong— notwithstanding the law which provides that if any Returning Officer shall refuse to return the Candidate whom the Courts afterwards decide was qualified to take the seat, he is liable to a fine of \$500!

"Again, a disqualified candidate obtains a majority of votes; it is thought to be the better and safer course to return such candidate, together with the candidates according to the number of vacancies, who come next to him in the number of votes and there is no question that where there is any doubt as to the fact of disqualification, it would be much safer to follow this course than either to return the candidate alleged to be disqualified, to the exclusion of the others, or to return another candidate to the exclusion of the candidate alleged to be disqualified."

The law in Prince Edward Island contains two prohibitory clauses, one providing that no member of the local legislature can resign his seat for twenty-one days after the return of the writ of his election, and the other providing that no member of the local legislature shall be eligible as a candidate for the House of Commons. Dr. Robertson was a candidate for the local legislature in King's County, in May, 1882. He was elected, and the writ of his election returned on May 27th. He could not, under the law, therefore be eligible as a candidate for the Commons until June 18th, presuming he resigned his seat in the Legislature on that day. Inasmuch as the nomination for the Commons occurred on June 13th, it is obvious that Dr. Robertson at that time was disqualified, and that his exclusion from the seat is not a question of minority or majority votes at all. It is said, however, that he did resign his seat in the legislature before his nomination. If he did so, it was in defiance of the law; in fact,

and therefore of no effect. But the evidence of a resignation is wanted. We have in support of it simply an ipse dixit that the resignation was addressed to two members of the legislature, but it did not reach the Lieut.-Governor, to whom, in the absence of the Speaker, that officer not having then been elected, it should have been forwarded, the Lieut.-Governor having, on June 26th, 1882, certified that neither Mr. Robertson, nor from any person in his behalf, had he received his resignation from the local legislature. Now, these facts are

nor are they based on mere hearsay, but they are taken from the official records before the House, and they prove, beyond the shadow of a doubt, the disqualification of Dr. Robertson. It is said, however, that, admitting this fact, it is yet the duty of the House to confirm Dr. Robertson in his seat in vindication of the principle that the candidate receiving the highest number of votes ought to be returned. If that course were adopted the next day be referred to the Committee on Privileges and Elections by the attention of the Speaker being directed to the fact that a disqualified member was sitting in the House. More than that, Dr. Robertson would subject himself to

for every day that he occupied the seat, and knowing these facts, the House would be simply stultifying itself by the adoption of the course urged by the Opposition. One word more, as to the conduct of the returning officer in making the double return: There is a provision in the election law that if any returning officer refuses to return as elected the person whom the Courts afterwards decide was qualified to take the seat, he is liable to a fine of \$500. Had the returning officer in the King's County case, in the face of the papers served on him returned only Dr. Robertson, he would have brought himself within the operation of this law. In view of all these circumstances, the positive disqualification of Dr. Robertson and his inability to take his seat, under the laws of Parliament, there cannot be the slightest question that a reference of the whole subject to the Committee of Privileges is the only proper course to pursue.

—Wiggins is satisfied. In reply to a telegram sent to him by the Halifax Herald, he says:—

"I am perfectly satisfied. I congratulate the citizens of Halifax that no greater damage was done, for in this storm it was one of the most dangerous points on the coast, and for this reason I intended visiting your city on Saturday. Vessels may safely leave harbor. No storm of such violence will visit you during the years 1883 and 1884."

(Signed) "E. STONE WIGGINS."

Stanley Notes.

A communication in the Presbyterian, recently, signed "Orbah," caused great excitement in this village, electrifying one of shopkeepers to such an extent that he skinned his knuckles badly. The communication of "Inquirer," in the Patriot of the 15th, does not cause much sensation. It falls light. The cloven foot is too manifest to need pointing out.—Com.

King's County Election Case.

THE FACTS—AN OUTLINE OF DALTON MCCARTHY'S ARGUMENT.

The facts of the case are these:—In the general election in June last, Dr. Robertson, a Liberal, was a candidate for King's County, P. E. I., and he received a majority of sixty-two votes over the Conservative candidate, A. C. McDonald, who received the next highest number of votes. But, before the return was made by the returning officer, a protest was served upon him against the election of Dr. Robertson, because at the time of his nomination he was not qualified to be a candidate, as he then occupied a seat in the local legislature. The returning officer accordingly made a double return, one setting forth that Dr. Robertson had received the largest number of votes, the other that it had been represented to him that

DR. ROBERTSON WAS DISQUALIFIED, and that Mr. McDonald received the next highest number of votes. Both these gentlemen have signed their names to the roll of members, and both have taken the oath. The question for the House to determine, therefore, is which shall receive the seat? Mr. Cameron, of Huron, opened the question in a motion to confirm Dr. Robertson in the seat, giving to Mr. McDonald recourse to the courts for contestation. The Premier moved, in amendment, that the case be referred to the Committee on Privileges and Elections, with power to send for persons, papers and records, and to report with all convenient speed. As might be supposed, the Opposition rested their case on the principle that it is the duty of a returning officer to declare elected the candidate receiving the highest number of votes, and to that general principle no exception is taken. But this rule, like all others, has its exceptions. There are to be determined not only questions of law and questions of fact as to the disqualification of Dr. Robertson, but the still more important subject of the duties of returning officers has to be definitely settled. Under the old election law, that which prevailed down to 1874, the duties of returning officers were both judicial and executive, and while, by recent legislation, the powers of these officers have been contracted, it has never yet been established that they are now shorn of all discretionary and judicial functions, and the doubt that still exists on that point ought to be referred, in connection with this case, to the Committee on Privileges and Elections. Now, as to the disqualification of Dr. Robertson, there is

NOT A SCINTILLA OF DOUBT.

The law in Prince Edward Island contains two prohibitory clauses, one providing that no member of the local legislature can resign his seat for twenty-one days after the return of the writ of his election, and the other providing that no member of the local legislature shall be eligible as a candidate for the House of Commons. Dr. Robertson was a candidate for the local legislature in King's County, in May, 1882. He was elected, and the writ of his election returned on May 27th. He could not, under the law, therefore be eligible as a candidate for the Commons until June 18th, presuming he resigned his seat in the Legislature on that day. Inasmuch as the nomination for the Commons occurred on June 13th, it is obvious that Dr. Robertson at that time was disqualified, and that his exclusion from the seat is not a question of minority or majority votes at all. It is said, however, that he did resign his seat in the legislature before his nomination. If he did so, it was in defiance of the law; in fact,

AN ILLEGAL ACT.

and therefore of no effect. But the evidence of a resignation is wanted. We have in support of it simply an ipse dixit that the resignation was addressed to two members of the legislature, but it did not reach the Lieut.-Governor, to whom, in the absence of the Speaker, that officer not having then been elected, it should have been forwarded, the Lieut.-Governor having, on June 26th, 1882, certified that neither Mr. Robertson, nor from any person in his behalf, had he received his resignation from the local legislature. Now, these facts are

NOT ILLUSORY.

nor are they based on mere hearsay, but they are taken from the official records before the House, and they prove, beyond the shadow of a doubt, the disqualification of Dr. Robertson. It is said, however, that, admitting this fact, it is yet the duty of the House to confirm Dr. Robertson in his seat in vindication of the principle that the candidate receiving the highest number of votes ought to be returned. If that course were adopted the next day be referred to the Committee on Privileges and Elections by the attention of the Speaker being directed to the fact that a disqualified member was sitting in the House. More than that, Dr. Robertson would subject himself to

A HEAVY PENALTY.

for every day that he occupied the seat, and knowing these facts, the House would be simply stultifying itself by the adoption of the course urged by the Opposition. One word more, as to the conduct of the returning officer in making the double return: There is a provision in the election law that if any returning officer refuses to return as elected the person whom the Courts afterwards decide was qualified to take the seat, he is liable to a fine of \$500. Had the returning officer in the King's County case, in the face of the papers served on him returned only Dr. Robertson, he would have brought himself within the operation of this law. In view of all these circumstances, the positive disqualification of Dr. Robertson and his inability to take his seat, under the laws of Parliament, there cannot be the slightest question that a reference of the whole subject to the Committee of Privileges is the only proper course to pursue.

Horsford's Acid Phosphate

IN DYSPEPSIA. FRANCIS H. ATKINS, A. A. Surgeon, U.S.A. says:—"For dyspepsia, whether in the lean or corpulent, in nervous debility and in night sweats of consumption, it has commonly given speedy benefit, and some of my army friends are quite enthusiastic about it."

We are selling off our large stock of Crocker at reduced prices, to make room for our new supply in the Spring.—W. P. Crocker.

Board of Health.

A meeting of the Board of Health was held last evening, for the purpose of appointing a Medical Officer to collect mortuary statistics for the City of Charlottetown. Present—D. R. M. Hooper, Esq., Chairman; Messrs. Thomas Morris, William Murphy, Wm. Koughan, S. W. Crabbe, Paul Lea, Edward Davy, J. P. Tanton, William Ladner, Alex. Horne, Henry C. Douse, and R. R. Fitzgerald, Esq.

A letter was read from Hon. J. H. Pope, Minister of Agriculture, recommending the appointment of such an official.

It was moved by Mr. J. P. Tanton, seconded by Mr. Thomas Morris and carried,—

Resolved, That we appoint a Medical Officer to this Board of Health for the City of Charlottetown at five dollars per annum.

On motion of Mr. Wm. Koughan, seconded by Mr. Paul Lea,—

Resolved, That Peter Conroy, Esq., M. D., be appointed the Medical Health Officer for the City.

Moved in amendment by Mr. Edward Davy and seconded by Mr. Thomas Morris,—

Resolved, That Richard Johnston, Esq., M. D., be appointed Medical Officer of the Board of Health of this city.

Moved in amendment to the amendment by Mr. H. C. Douse and seconded by Mr. John P. Tanton,—

Resolved, That Joseph Creamer, Esq., M. D., be appointed Medical Officer to the Board of Health of this city.

The amendment to the amendment being put, there appeared as yeas—Messrs. Horne, Tanton, Douse, Ladner and Crabbe—5. Nays—Messrs. Murphy, Lea, Koughan, Davy and Morris.

The Mayor gave a casting vote in favor of the yeas.

The amendment to the original motion being put there appeared for it, Yeas—Messrs. Morris, Horne, Davy, Ladner, Douse and Tanton—6. Nays, Murphy, Crabbe, Lea and Koughan—4.

It was therefore carried, and Dr. Johnston was appointed.

On motion of Mr. Davy seconded by Mr. Morris,—

Resolved, That we recommend the appointment of Richard Johnston, Esq., M. D., as the Medical Officer of this Board to the Department of Agriculture at Ottawa, as the Statistical Officer of Mortuary Statistics for Charlottetown.

Carried.

On motion of Mr. Horn, seconded by Mr. Davy,—

Resolved, That this Board of Health earnestly desire the passage of a law by our Provincial Legislature this session, closing up all existing Privy vaults and prohibiting the use anything in the city but the dry earth closet—Carried unanimously.

Meeting adjourned sine die.

SHIP NEWS.

Bark John Bazley (of Philadelphia,) Sheppard, Matanzas 14 days, with sugar to H. Vemeyer & Elder; vessel to Miller & Houghton, reports: Had strong W. and NW gales. March 10 John Higgins, second mate, of Prince Edward Island, and Neal McDonald, seaman, of Sydney, C. B., while clearing the tug's hawser from the Martingale, were knocked overboard and drowned.

DIED.

At South Rustico, of Bronchitis, on February 13th, Emma Louisa, second daughter of Joseph and Frances E. Gallant. Deceased was ailing for 10 months, and bore her illness with Christian fortitude, and resignation to the Divine will.—R. I. P.

At Portland, Maine, on the 10th of Feb. last, of consumption, Andrew McCormack, of St. Peter's aged 40 years. Deceased had been but a short time absent from the Island, and leaves a wife and three small children to mourn their loss. May he rest in peace.

At Bay View, on the 4th inst., Andrew, youngest son, of John C. and Annie Clark, aged 3 years and 2 months.

At Lot 48, on March the 4th, David G. Lund, in the nineteenth year of his age, after a lingering illness which he bore with Christian resignation to the Divine Will. He leaves a mother, one sister and five brothers to mourn their sad loss.

At Flat River, on the 1st Feb., Jane, youngest daughter of Hector C. Morrison, aged 10 months.

At Orwell Head, Lot 57, on the 27th day of February, Elder Murdoch McKenzie, at the patriarchal age of 100 years. He emigrated from the Isle of Skye to this Island in the year 1821. He was well educated, having studied the classics at Portree Grammar School. He efficiently discharged the duties of an ordained Elder in the Orwell Head congregation for the past fifty years.

WANTS, LOST, FOUND, &c.

WANTED to purchase a pair of nice Brass Andirons. Apply for six days at the EXAMINER OFFICE. [March 13]

COAL—A few tons Anthracite Coal for sale at McMILLAN'S WHARF. [mar8]

WANTED to Rent or Purchase a small house and garden. Apply at this office. [mar6]

TO LET—A TENEMENT ON LONG STREET, in first-class repair, containing five Rooms and Kitchen, with Yard. Possession given immediately. Apply to MRS. THORNE, Spring Park Road. [mar7 eod]

TO LET—A two-story house, nearly new, at present occupied by Mr. W. B. Morrison, situated on Pleasant Street, near the residence of L. C. Owen, Esq. Possession 16th instant. Apply to William Dodd. [mar5]

TO LET—A Dwelling House, on the corner of Prince and Dorchester Streets, containing ten rooms and shop, also convenient out-buildings. Possession given about the 15th March, instant. The premises are suitable for a Boarding House or Store, and are at present in the occupation of Mr. Hutchins. For further particulars apply to Mrs. COSTELLO. [mar3]

TO LET—1st of April, a COTTAGE on the corner of Euston and Cumberland Street, now in possession of R. W. Tremaine, Esq. Apply to Mrs. J. D. Haszard, at the residence of T. J. Harris, Esq. [mar3]

TWO Gentlemen can be accommodated with Bedroom and Parlor. Board if required. Enquire at this office. [mar2]

TO LET—Immediate possession given of a desirable residence, situated on Upper Hillsborough Street. Rent low to a good tenant. Apply at the Merchants Bank of P. E. I. to Mr. F. S. Moore. [mar17]

SIGN OF THE LION CHEAP GOODS FOR 1883. Just opened—New Wall Papers, in great variety, from five cents to \$1.20 per roll. A lot of Rich Gilt Papers, imported last season will be offered at half price. W. A. WEEKS & CO.

Paper Hangings. Just opened—New Wall Papers, in great variety, from five cents to \$1.20 per roll. A lot of Rich Gilt Papers, imported last season will be offered at half price. W. A. WEEKS & CO.

Linoleums and Floor Cloths. Linoleums—the new Floor Cloth, soft and warm to the feet, has a carpet-like appearance, all widths. W. A. WEEKS & CO.

Carpets. English, Brussels and Tapestry Carpets, Hemp and Wool Carpets. If you are going to buy one try us first. We will give large discounts on these Goods. W. A. WEEKS & CO.

Very Cheap Cotton Goods. White Shirts, Furnitures, Crotones, Tickings, Sheetings, Towelings, Battings, Luce Curtains, Holland, etc. W. A. WEEKS & CO.

Mourning Goods. Fine Wool Cashmeres, Crapes and Mourning Goods, carefully selected. Millinery and Saccu Fitting done on the premises. W. A. WEEKS & CO.

Corsets. The best makes, The Dermatoid are very popular. Never break. Ladies should see them. W. A. WEEKS & CO.

GENTLEMEN will find Fresh New Goods, in Cloths and Tweeds, Linen Collars and Cuffs, Handkerchiefs, W. A. WEEKS & CO.

London Hats, Neck Wear, Underclothing, Gloves, Braces, Skirts, etc. A large stock of very fine Silk Handkerchiefs in hand. W. A. WEEKS & CO.

New Teas. We are selling large quantities. The quality is right and price low. Parcels of 5 lbs. and 10 lbs. very cheap. W. A. WEEKS & CO.

Sail Ducks, Flour Bags, Cotton Warps, Rag Matting. 7,000 yards, all widths. Also, stamped patterns. W. A. WEEKS & CO.

COUNTRY DEALERS will find our Stock complete. We have a large reserve of Cotton Goods, Dress Goods, Winceys, Warps, Linen Threads, Buttons, Pins, Braces, etc., at low prices, to wholesale buyers. W. A. WEEKS & CO., DIRECT IMPORTERS OF

DRY GOODS, Sign of the Lion, QUEEN STREET. Ch'town, March 2, 1883.—wkly

THE BENEVOLENT IRISH SOCIETY. (Established A. D. 1825.) FOR the purpose of relieving the distressed poor of all denominations. (Constitution, Article II.) will give their ANNUAL CONCERT IN THE MARKET HALL, Saturday, March 17th, 1883.

HOLIDAY! THE CITY OF CHARLOTTETOWN, CITY CLERK'S OFFICE, 15th March, 1883. At the request of the Benevolent Irish Society, of Charlottetown, Saturday next, the 17th instant, will be observed as a Holiday in the City Offices. By order of the Mayor, A. H. MACPHERSON, City Clerk.

P. E. Island Railway. ST. PATRICK'S DAY. EXCURSION RETURN TICKETS, at the rate of First-Class Fare, will be issued from all Stations on this Railway to Charlottetown, on ST. PATRICK'S DAY, the 17th instant, good to return up to and including Monday, March 19th, 1883. L. E. ARCHIBALD, Railway Office, Ch'town, Jan. 8, '83.—5

FREEHOLD FARM. Stock and Implements. I AM instructed by Mr. JOHN CAMERON to sell BY AUCTION, at his residence, LITTLE YORK, six miles from Charlottetown, On Monday, March 19, AT ELEVEN O'CLOCK, His very valuable Farm of eighty seven acres, conveniently situated, close by York Railway Station, and within two miles of Stank and Cheese Factories. This Farm is in a high state of cultivation, and well worthy of attention of intending purchasers. Terms to the Farm at sale. Also,—HORSES. 1 Mare, in foal; 1 do., sired by "Boggy Harry"; 1 Cart Horse, by "Glanville"; 1 Cart Colt, by "Brown Stout"; 1 Filly, "All Right"; 1 Fat Cow (large); 2 Cows, in calf; 1 Grade Durham Heifer, in calf; 1 Grade Jersey Heifer, in calf; 1 Grade Ayrshire Heifer, in calf; 1 Yearling Bull (Durham). A lot of valuable Sheep. FARM IMPLEMENTS. 1 Latest improved Reaper, (Kirby), 1 Plow, eye Mower, 1 Improved Cultivator, 1 Cast Seed Sower, 1 Wheel Rake, 1 Horse Randall Harrows, 1 Iron Plough, 2 do., 1 Trunk Wagon, pole and shafts, 1 Dray Wagon, 1 Horse Hay Fork (blocks and complete) and sundry other useful articles. TERMS.—All sums under \$10 cash, over that amount credit until last day of November next on approved joint notes. Fall due 3 months. A. McNEILL, Auctioneer, March 8, 1883.—wkly 2ly 12, 14, 16.

J. M. AULD'S EGG DEPOT. LARGEST trade of the kind IN THE PROVINCES. Highest Prices always. Greater inducements than ever will be offered customers this year, as it is desired to increase the business 50 per cent. Traders, farmers and others, who may have Eggs to dispose of the coming season will do well to see or correspond with the subscriber before making arrangements to sell elsewhere. Customers can always be supplied with what cases they need, to send or bring their Eggs to market. Consignments by Rail or Steamer, carefully attended to. J. M. AULD.

WANTED—About May 1st, two or three smart young men, age 17 to 21, from country preferred. Ch'town, Mar. 1, '83.—law th wly 3m

EASTER CONGRATULATION CARDS. BREMNER BROS. HAVE received this day a choice selection of NEW AND BEAUTIFUL Easter and Congratulation Cards, from the celebrated establishment of L. Prang & Co., London. March 10, 1883.—4