

THE DAILY EXAMINER.

JANUARY 9, 1884.

The Office of Clerk of the Crown.

We learn that a difference of opinion exists between His Lordship Chief Justice Palmer and Mr. Justice Peters on the one hand, and His Honor Lieut.-Governor Haviland and the Local Government on the other, as to whom belongs the right to appoint the Clerk of the Crown for this Province. The judges named hold that the Local Government have no right to appoint a person to that office, while the Lieut.-Governor and the Government insist that they and they alone possess that right. Mr. Justice Hensley dissents from the opinion of his colleagues on the Bench, and agrees with the contention of the Lieut.-Governor and Government, and holds that the right to appoint the Clerk of the Crown is vested in the Governor-in-Council, and not in the Judges of the Supreme Court.

The Judges of the Supreme Court have the power, under a law of this Province passed in the year 1872, to appoint the Prothonotary; and we understand that the contention of the Judges is that the appointment of Prothonotary carries with it that of the Clerk of the Crown. The Prothonotary is the officer of the Court who attends to the proceedings in civil actions, while the Clerk of the Crown is the officer who attends to the proceedings in criminal matters.

It will thus be seen at once that the duties relating to each office are separate and distinct while there is nothing to prevent one person holding both offices.

The late Daniel Hodgson held both, having been appointed to the one by the Court, and to the other by the Government.

Upon Mr. Hodgson's death, last summer, the Judges of the Supreme Court appointed the Hon. John Longworth to be Prothonotary, and this they had a perfect right to do, under the authority of the Provincial Statute passed in 1872. But that Act does not authorize them to appoint the Clerk of the Crown, the office of whom had also become vacant by Mr. Hodgson's death. The Government, although requested to do so, refused to appoint Mr. Longworth as Clerk of the Crown, and appointed the then and present Deputy Prothonotary, Mr. James Irving, to that office, very properly, considering that he had greater claims to the office, if, indeed, he were not better qualified to fill it; for they knew that for twelve years he had been Deputy Prothonotary under Mr. Hodgson, and that for several years before that esteemed gentleman's death he had performed the greater part of the duties relating to both offices not only with credit to himself but with great satisfaction to his superior officer (Mr. Hodgson) and the public. The Government regretted in common with the people at large that the Judges of the Supreme Court did not also see fit to recognize Mr. Irving's claims, and give him that promotion to which he was fairly entitled.

Mr. Irving's appointment as Clerk of the Crown was gazetted in August last, and no objection appears to have been made. The Supreme Court was in session at Charlottetown very shortly after, and although the appointment was known, no person objected. The Supreme Court met in Summerside in October and Mr. Irving went as Clerk of the Crown, and acted as, and performed the duties of, Clerk of the Crown—and no one objected. The Supreme Court has met several times since in Charlottetown, and no objection has been raised to Mr. Irving's appointment. In short, no objection whatever was raised from the date of Mr. Irving's appointment in August, until after the Grand Jury were sworn and charged on Tuesday last.

The Chief Justice then enquired of Mr. Longworth whether or not any person had been appointed to fill the office of Clerk of the Crown? This inquiry appears to us as having been a very curious one—and for this reason: If the power of appointing the Clerk of the Crown is vested in the Judges, surely the Chief Justice would know whether or not they had performed their duty and appointed a fit person to that office! If the appointing power is vested in the Judges, and no one was appointed by them for nearly six months, in our opinion it was fair matter for explanation by the Judges and not a subject for inquiry of the Prothonotary!

Upon hearing the Chief Justice's inquiry, Mr. Irving produced his commission under the Great Seal of this Province. The Chief Justice thereupon stated, in effect, that the appointment was no good as the Local Government had no right to make such appointment, and that the Court had prepared, and would transmit, reasons for their decision to the Lieutenant Governor. We are quite free to admit that the learned Judge had a perfect right to make these statements. Nay, further, it was his duty to do so if he believed he was correct in his law. But we think that His Lordship went beyond the line when he stated that the person named in the Commission was not fit for the office. We deeply regret that His Lordship should have considered it his duty to thus insult, not only His Honor the Lieut.-Governor, but also the gentlemen who compose the Executive Council of this Province. We do not, however, deem it necessary to contradict this statement. Mr. Irving has been, for the last twelve years, in the Prothonotary's office, and during that time he has been called upon to perform the duties

that appertain both to the office of Prothonotary and to that of Clerk of the Crown; and the fact that he has performed these duties without even the murmur of a complaint is a satisfaction to the Bar of this Province, to the Government and to the public in general, is a sufficient answer to His Lordship's statement that he is unfit for the office of Clerk of the Crown.

We think further that His Lordship had nothing to do with Mr. Irving's qualifications to office. If the Lieutenant Governor in Council have the right to appoint that officer—as they say they have—and Mr. Justice Hensley hold, they have—we are of opinion that Mr. Irving's qualification was a matter for the consideration of the Lieut.-Governor-in-Council and his advisers before they made the appointment; and, they having appointed him, must have considered him qualified—a matter upon which His Honor the Lieut. Governor is as competent to pass an opinion as any one else.

The principle involved in the present matter is a very important one; and we trust that the Government will spare neither time, trouble nor expense, in defending their rights and privileges. The constitution of our country gives certain powers, rights and privileges to the Government, and whenever any attempt is made to usurp these powers, the duty of the Government is plain and we trust they will do it.

Prince County Exports.

BELOW will be found a statement of the exports from the port of Summerside and its outports for the shipping season of 1883. During the year, 18 vessels arrived from, and 38 cleared for, British and Foreign ports. These vessels, both inward and outward, were in cargo. 355 arrived from, and 337 cleared for, ports in the Dominion. Of these arrivals and departures some were in cargo, and some in ballast. The mail steamers made 198 round trips to Point Du Chene, and 20 to Charlottetown. Valuable shipments of the products of the farm and fisheries of this County have been made during the year to ports in the other counties of the Province for final shipment. In return for these, Prince County takes credit for some articles of export of the other counties of the Island shipped from Summerside. The exports here given, are all the products and manufactures of the Island, and will be found generally correct. The manufacture of cheese is fast becoming an important industry of the county, and the quantity exported last year greatly exceeds that of 1882. Navigation closed earlier at this port last year than the year previous, and the market for farmers' produce was not so good. To these causes may be attributed any falling off that may appear in the exports of 1883, as compared with those of 1882. By comparing them with previous years, however, it will be seen that, with the exception of 1882, the exports for 1883 are by far the largest ever shipped from this county in one year. The increase of our trade with the West Indies and British Guiana is a noticeable feature of the exports of 1883:—

GREAT BRITAIN.	
	Value.
Oats, 90,305 bush.	\$32,695
Sheep, 585.	2,340
Lobsters, 415 cases.	1,830
Sundries.	343
	\$37,208
BRITISH GUIANA.	
Oats, 81,693 bushels.	\$36,573
Sheep, 381.	1,667
Poultry, 420 lbs.	91
	\$38,261
WEST INDIES.	
Oats, 135,826 bushels.	\$64,592
Potatoes, 2,135 bushels.	685
Sheep, 61.	244
Sundries.	3
	\$65,524
NEWFOUNDLAND.	
Oats, 8,341 bushels.	\$ 2,803
Potatoes, 6,225 bushels.	1,598
Butter, 1,020 lbs.	210
Cattle, 4 head.	160
Leather, 77 lbs.	30
Lard, 620 lbs.	50
Poultry, 2 cases and 6,000 lbs.	228
Beef, 56,900 lbs.	1,700
Canned Meat, 11 cases.	50
Oatmeal, 2,924 lbs.	80
Mutton, 340 carcasses.	704
Pork, 109 brls and 3,600 lbs.	1,574
Sundries.	60
	\$ 9,347
UNITED STATES.	
Eggs, 12,897 cases.	\$58,577
Butter, 2,841 lbs.	356
Pork, 1,277 lbs.	30
Turnips, 289 bushels.	78
Ox, 1.	40
Game, 21 brls and 7 boxes.	291
Horses, 668.	66,856
Sheep, 1,126.	2,361
Lobster, 79 cases.	352
Fanners, 1 set.	30
Soundings, 10,365 lbs.	4,512
Leather, 7,598 lbs.	405
Oatmeal, 1 brl and 400 lbs.	16
Codfish, 2 cases and 200 lbs.	18,586
Turnips, 425 bushels.	133
Calfskins, 2,550 lbs.	1,800
Herring, 909 brls. (Is'd).	21,170
Potatoes, 82,107 bushels.	21,170
Sundries.	3
	\$175,907
NEW BRUNSWICK.	
Oats, 190,549 bushels.	\$50,560
Potatoes, 35,448 bushels.	9,484
Butter, 9,317 lbs and 12 tubs.	2,076
Pork, 1,167 brls and 182,761 lbs.	29,193
Hides, 30,788 lbs.	1,837
Turnips, 425 bushels.	80
Oysters, 4,191 brls.	6,898
Cattle Head, 902.	35,897
Horses, 410.	41,992
Sheep, 4,669.	10,540
Starch, 70,000 lbs.	2,800
Sheep pelts, 18,201, and 24 brls do.	9,735
Lobsters, 652 cases.	2,633
Leather, 8,774 lbs.	3,509
Mills, 3.	300

NEW BRUNSWICK, (continued.)				
Wagons, truck, 2.	80			
Timothy Seed, 494 bushels.	624			
Soundings, 1,520 lbs.	760			
Lard, 8,896 lbs.	896			
Island Cloth, 12,148 yds.	9,705			
Hams, 51,255 lbs.	5,304			
Mills, Shingle, 4.	400			
Rotary do, 2.	491			
Poultry, 3 boxes and 9,620 lbs.	486			
Beef, 4 brls, and 1,750 lbs.	169			
Tallow, 5 brls, 2 boxes and 4,373 lbs.	486			
Oatmeal, 47 1/2 brls and 2,600 lbs.	365			
Pigs, 57.	306			
Codfish, 3 brls and 7,450 lbs.	394			
Mackerel, 111 cases and 14 lbs.	168			
Calfskins, 13,190 lbs.	792			
Wool, 24,841 lbs.	6,213			
Cheese, 45,633 lbs.	5,668			
Barley, 111 bushels.	293			
Herring, 59 brls.	4,480			
Sundries.	4,480			
	\$276,954			
NOVA SCOTIA.				
Oats, 58,727 bushels.	\$20,148			
Potatoes, 25,752 bushels.	5,012			
Butter, 1,651 lbs.	330			
Pork, 4,478 lbs.	239			
Hides, 2979 lbs.	173			
Turnips, 1,373 bushels.	225			
Oysters, 406 brls.	714			
Horses, 7.	735			
Starch, 4,800 lbs.	192			
Sheep pelts, 600.	300			
Threshing Mills, 2.	600			
Timothy Seed, 344 bushels.	689			
Canned Meat, 405 cases.	2,025			
Oatmeal, 16 brls.	81			
Pigs, 3.	30			
Calfskins, 790 lbs.	55			
Wool, 8,551 lbs.	2,137			
Cheese, 273 lbs.	33			
Barley, 7 bushels.	4			
Sundries.	819			
	\$34,571			
PROVINCE OF QUEBEC.				
Oats, 30 bushels.	15			
Potatoes, 1,161 bushels.	261			
Pork, 7 brls.	141			
Hides, 70 lbs.	4			
Oysters, 13,153 brls.	23,193			
Horse, 1.	150			
Starch, 12,000 lbs.	2,080			
Lobsters, 758 cases.	3,370			
Leather, 34,767 lbs.	13,157			
Lard, 100 lbs.	10			
Island Cloth, 100 yds.	80			
Codfish, 52 cases.	156			
Mackerel, 2,791 cases.	11,512			
Wool, 6,008 lbs.	1,562			
Cheese, 150 lbs.	18			
Barley, 11 bush.	7			
Sundries.	18			
	\$55,397			
ONTARIO.				
Potatoes, 118 bush.	\$ 18			
Turnips, 12 bush.	3			
Oysters, 131 brls.	208			
Starch, 316,700 lbs.	12,648			
Island Cloth, 260 yds.	160			
Mackerel, 432 cases.	1,750			
Wool, 6,223 lbs.	1,556			
Sundries.	130			
	\$16,473			
SUMMARY.				
Oats, 565,471 bushels.	\$237,387			
Potatoes, 152,946 bushels.	58,222			
Eggs, 12,897 cases.	58,577			
Butter, 12 tubs and 14,859 lbs.	3,260			
Pork, 1,284 brls and 140,839 lbs.	31,166			
Hides, 38,837 lbs.	2,014			
Turnips, 2,198 bushels.	286			
Oysters, 17,964 brls.	31,158			
Cattle, 907 head.	36,097			
Game, 21 brls and 7 boxes.	291			
Horses, 1,086.	109,763			
Sheep, 6,822.	17,152			
Starch, 443,000 lbs.	17,720			
Sheep pelts, 18,801, and 24 brls.	10,035			
Lobsters, 1904 cases.	8,185			
Leather, 43,618 lbs.	16,696			
Farming implements, 5 threshing wagons, 2 sets Fanners, 2 truck	1,640			
Timothy, 838 bushels.	1,313			
Soundings, 11,585 lbs.	5,272			
Lard, 9,616 lbs.	956			
Island Cloth, 12,448 yards.	9,945			
Hams, 51,255 lbs.	5,204			
Machinery, 4 shingle mills, 2 rotary do.	1,200			
Poultry, 5 cases and 23,638 lbs.	1,245			
Beef, 4 brls and 38,650 lbs.	1,869			
Tallow, 5 brls, 2 boxes and 4,373 lbs.	480			
Canned Meat, 416 cases.	2,075			
Oatmeal, 2,924 lbs. and 64 1/2 brls.	544			
Pigs, 60.	336			
Codfish, 3 brls, 54 cases, and 7,650 lbs.	566			
Mackerel, 3,334 cases and 1,930 brls.	32,362			
Calfskins, 16,530 lbs.	1,000			
Wool, 45,653 lbs.	11,408			
Cheese, 46,056 lbs.	5,719			
Barley, 129 bushels.	68			
Herring, 959 brls.	2,096			
Mutton, 340 carcasses.	704			
Sundries.	5,856			
	\$709,918			
COMPARISON OF EXPORTS.				
1879.	1880.	1881.	1882.	1883.
\$454,731	\$517,969	\$583,673	\$815,370	\$709,918
CONGRATULATORY.				
At the opening of the Hilary Term of the Supreme Court to-day, the Hon. W. W. Sullivan, Attorney General, presented, on behalf of the Bar of this Province, the following resolutions, passed at a meeting of the Law Society, to their Honors The Chief Justice, and Mr. Justice Peters:—				
The Bar of this Province learning that this Hilary Term of the Supreme Court is the fiftieth anniversary of the admission as a Barrister, of the Honorable Chief Justice Palmer, desire to extend to him their warm congratulations and to express their pleasant remembrances of his association with them when a member of the Bar, and their appreciation of the uniform courtesy, patience and attention which have marked his conduct since his elevation to the Bench.				
They beg further to express the hope that His Lordship will for many years yet be spared in the full vigor of his mind to preside over the Judiciary of this Province, satisfied that in his integrity, ability and industry combined with his long experience, the administration of justice will continue to be as it has been in the past, faithfully and efficiently maintained.				
The Bar further desire to extend their cordial congratulations to His Lordship, Mr. Justice Peters, on his recovery from his recent severe illness. The senior Judge of the Maritime Provinces, if not in Canada, His Lordships keen intellect, and mastery of the Principles of the Law, have made his decisions to be received with respect throughout the Dominion, and the Bar welcome him with sincere pleasure back to his place on the Bench which he has for so many years adorned.				
The Chief Justice and Mr. Justice Peters replied feelingly to the respective resolutions, and expressed their high appreciation of the kind expressions of the confidence of the members of the Bar, shown towards them as testified by the above resolutions.				

Our Store Closes Every Evening at Six o'clock (Saturday Excepted).

1884. For the Winter Months. 1884.

W. & A. BROWN & CO. are selling the following lines of Dry Goods, at very low prices, to clear before stock-taking 1st April:

Jackets, Dolmans and Ulsters, Promenade Scarfs, Wool Jackets and Ulsters, Mantle and Ulster Cloths, Overcoatings, Scotch and Canadian Tweeds, Colored and White Shirts.

Also a special line of Dress Goods, of excellent value, and suitable for the season, reduced to twenty-two cents.

A large stock of Carpets, Oilcloths, Hearth Rugs, Mats, White and Grey Cottons, Sheetings, Pillow Cottons and Linens, Fancy Shirts, etc., bought very low, and now opened, ready for the early Spring Trade.

WHOLESALE & RETAIL.

W. & A. BROWN & CO.

Ch'town, Jan. 5, 1884.—dy wklly

THE CHARLOTTETOWN

FLOUR, FEED AND PROVISION, STORE,

South Side Queen Square, near Queen Street,

HAVE to announce that they have on hand the following goods, which they are prepared to sell at reasonable prices and in quantities to suit purchasers:

FLOUR (Superior Extra, Strong Bakers' and Patent)

OATMEAL, CORNMEAL, BRAN, SHORTS, OATS,

CRUSHED FEED, either Oats and Barley or Oats, Barley and Corn. APPLES, which will be sold by the barrel or by the pound, at rates very little over barrel prices.

Ch'town, Dec. 18, 1883.

SIGN OF THE ELEPHANT.

W. R. BOREHAM has now on hand the LARGEST AND BEST STOCK OF

BOOTS, SHOES, SLIPPERS, OVERSHOES & RUBBERS,

ever shown by him. His motto is a good article at a moderate price.

LADIES' AND GENTS' FINE GOODS, a specialty.

A nice lot of LADIES' AND GENTS' FANCY SLIPPERS for the Holidays.

Try BOREHAM for a pair of GOOD BOOTS.

W. R. BOREHAM,

North Side Queen Square.

Ch'town, Dec. 10, 1883.—mo we fr 2m

GRAND SALE OF

DRY GOODS AND CLOTHING.

JOHN MACPHEE & CO. will, during the HOLIDAY SEASON, give special bargains in

Dress Goods, Knit Wool Goods, Mantles, Shawls, Flannels, Hosiery, Gloves, &c

CLOTHING. CLO INC.

Men's Overcoats, \$3.90, \$5.00, \$6.50, up.
Men's Ulsters, \$4.95, \$6.25, \$7.00, up.
Men's Reefers, \$2.95, \$3.50, \$4.50, \$5.00, up.

Fur Caps, Kid Mitts and Gloves, Cardigan Jackets, Worsted Tweeds, Underclothing, Buffalo Robes, Horse Rugs, Small Wares, etc.

PARKS' WARP, CHEAP.

Cash Buyers can depend on getting REAL BARGAINS in every Department.

WHOLESALE AND RETAIL.

JOHN MACPHEE & CO,

ROBERT ORR'S OLD STAND.

Ch'town, Dec. 12, 1883.—2aw wklly pres pat.

NEW FRUIT, Wholesale and Retail, Cheap.

ON HAND:

230 boxes very choice Valencia and Layer RAISINS,
30 half-boxes choice LAYERS,
3,000 pounds CURRANTS,
200 boxes prime FIGS,
5 cases choice PRUNES,
200 barrels hard WINTER APPLES, No. 1,
20 kegs GRAPES,

AND MORE TO ARRIVE.

BEER & GOFF.

Nov. 14, 1883.—2aw wklly

CIVIC ELECTION BY THE MAYOR

IN pursuance of an Act of the General Assembly of this Island, made and passed in the forty-third year of the reign of Her present Majesty Queen Victoria, intituled: "An Act to amend the Act of the eighteenth Victoria, Chapter thirty-four, intituled: "An Act to incorporate the town of Charlottetown and all Acts amending the same."

I do hereby give Public Notice that an Election of a Mayor and one person to Serve as a Common Councilman in the City Council for each Ward of said City,

Being in all a MAYOR and FIVE COMMON COUNCILMEN, will be held on

WEDNESDAY,

the 23rd Day of January, A. D., 1884,

At the several places, that is to say:

In Ward No. 1, at or near the store of Messrs. J. & T. Morris, corner of Queen and Water Streets.

In Ward No. 2, at or near the house of Thomas Connolly opposite Mr. R. Heutz's Warehouse, Sydney Street, between Great George and Prince Streets.

In Ward No. 3, at or near the Market House.

In Ward No. 4, at or near the Fire Engine House, fronting on Kent Street, east, between Weymouth and Cumberland Streets.

In Ward No. 5, at or near the house of Widow Tierney, corner of Euston and Great George Streets.

And at the said Election the Poll will be opened at nine o'clock in the forenoon, and continue open until five o'clock in the afternoon of the same day.

DESCRIPTION OF WARDS.