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"The Strongest Memory is Weaker Than the Weakest Ink"

CHARLOTTETOWN FRIDAY, FEB. 23, 1951

Barley Soup

The odd case of Jeremiah Nolan's forty thousand bushels of barley has been the cause of no little bewilderment in Ottawa for the past three years. Mr. Nolan is a grain dealer in Chicago. Early in 1947 he purchased the barley in Canada at the controlled price of 64¾ cents a bushel. While the shipment was in storage at lakehead, the Canadian Government decided to decontrol prices. At the same time, the Wheat Board was authorized by order-in-council to seize all wheat and barley in storage and to compensate the owners at the controlled price. Mr. Nolan's forty thousand bushels of barley were seized along with all the rest. Price of barley on the open market thereafter immediately rose to 93 cents. Those whose barley and wheat had been seized were granted the doubtful privilege of buying it back from the Government at the prevailing market price.

Mr. Nolan then challenged the Wheat Board's action in the Manitoba Courts. On appeal, he won and the court decreed that the Federal Government lacked the power to issue an order-in-council authorizing the Wheat Board to seize privately owned barley and grain. The Wheat Board appealed to the Supreme Court of Canada, which upheld Mr. Nolan's contention.

Now Justice Minister Garson announces that the Federal Government intends to appeal the decision of the Supreme Court of Canada and take the case to the Judicial Committee of the Privy Council in London. The case is deserving of comment on two points. In the first place, the Government is worried because the courts have challenged the arbitrary exercise of power by the executive in seizing private property. The fact that Mr. Nolan may have been speculating in grain futures is beside the point. For, under Section 92 of the British North America Act, it is clearly set forth that matters affecting property and civil rights are subject exclusively to the jurisdiction of the Provinces.

In the second place, it is somewhat of a paradox that the Canadian Government, which not long ago made such a fuss about ending appeals to the Privy Council, and expressed utter confidence in the Supreme Court of Canada as the court of last resort, should, when its own powers are challenged by that Court, seek to "get in under the wire" with an appeal to the Privy Council, on the ground that the litigation in the Nolan case was commenced before such appeals were abolished.

Quite apart from the merits of the case, Mr. Nolan's forty thousand bushels of barley may yet prove to be the point at which the Courts of Justice have called "halt" to the despotism of government by order-in-council.

Wheat To India

Answering a question in the House of Commons, Rt. Hon. C. D. Howe, Federal Minister of Trade and Commerce, explained the difficulties in the way of shipping Canadian wheat to relieve the food shortage in India. He said that India had already ordered 11 million bushels of wheat and presumably this grain is already in the required position for delivery.

Otherwise, Mr. Howe said that all the wheat in eastern positions was already sold and that no wheat could be made available for India until navigation opens. On the west coast, all outlets are fully booked by existing commitments until the beginning of July.

Whether the eastern situation will ease when navigation opens in April he could not say but he noted that many lake boats were going into the iron ore trade. The Government, said Mr. Howe, would keep in close touch with the situation but there are not likely to be any developments before spring.

The British Tradition

It is gratifying to note that Canada's Princess Pats have been placed in the British Commonwealth Brigade in Korea. With their former comrades in arms and under a system of administration with which they are familiar, the Canadian troops will feel more at home than with any other establishment. This evidently is what Major General Pearks, V.C., had in mind in speaking recently in the House of Commons. Having witnessed the Canadian Brigade in training in anti-tank warfare, he remarked:

"It seems to me that the main difference between the Canadian and the United States method was that the United States taught their men in the shortest possible time how to fire the particular weapon with which they were armed, while the Canadian commanders were teaching their soldiers how to fire their weapons from the most advantageous piece of ground available so that they would not be expended in the first battle in which they were engaged. It seemed to me that that was in accordance with British tradition. British commanders have had to emphasize the importance of preserving the lives of their men. I hope that this will be the tradition of Canadian commanders in the future... I plead most earnestly at this time that we do not follow slavishly the organization of the United States armed forces . . . I think that any attempt to Americanize the Canadian army one hundred per cent would be viewed with dismay by the Canadian people as a whole...A wholesale change at the present time would disrupt the Canadian army. So far as the infantry is concerned, it would mean that battalions of old historic regiments would lose their identity."

EDITORIAL NOTES

True to their motto, "Be Prepared" the Boy Scouts are planning to be ready to play their part should they be needed in civil defence.

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India is offering Canadians an opportunity to make suggestions as to the form of a proposed memorial to Mahatma Gandhi on a ninety-acre site at Rajghat, Delhi.

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Scouts and others welcome Mr. Ernest F. Mills, executive commissioner for training at the Canadian Boy Scouts Association headquarters, Ottawa. His visits do much to advance the movement here.

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Sympathy should go out to Canada's "ten best-dressed men", so proclaimed during a three-day convention of the Retail Men's Wear Association in Montreal. It is to be feared that they will be in for a lot of ribbing from their fellow citizens.

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Agriculture Minister Gardiner's present visit to London is for the purpose of making another effort to obtain financial reimbursement from Britain for the post-war sale of wheat to the United Kingdom at below-world prices. Perhaps he can get some of our other farm product markets re-opened for us while he is there.

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The governing bodies of all the Provincial law societies and the council of the Canadian Bar Association meet today and tomorrow at Regina. Such meetings and those of the Council of Uniformity of Legislation are amongst the strongest influences in keeping Canadian law uniform despite the ten distinct jurisdictions.

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Writing about "Shantymen and Shantyboys", a new anthology of songs of sailors and lumbermen compiled by William Main Doerflinger, a New York Times reviewer says: "Among the finds of Mr. Doerflinger's collection are the songs of Larry Gorman, a famous Prince Edward Island maker-upper of shantyboy verses. It is interesting to see that these shantyboy lyricists, like the old Gaelic poets, were well feared for the bite of their satire. And again like the Gaelic poets, these songmakers of sea and woods did not fear to speak their minds." The work is published by the Macmillan Company, New York.

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A tour of the Maritimes by representative M. P.'s and their female belongings is due to begin at Saint John on March 2nd. The total number originally intended was fifty but so many others have become interested that it is reported that Saint John will have to prepare for a delegation of seventy-five, including the Hon. D. C. Abbott, Minister of Finance. This is a hint to the powers that be to include this Province in the itinerary. This go-ahead movement is to be followed by a visitation in June of some one hundred leading industrialists from other parts of the Dominion.

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George Frederick Handel was born this day 1685 at Halle-an-der-Salle, Lower Saxony. At 18 he became a violinist in the opera at Hamburg. Studied what were considered the classical models of composition in Italy, produced a number of Italian operas including "Rodrigo" and "Agrippa." In 1710 he went to Hanover as music director to the Elector (afterwards George I). He produced a number of operas in England and became an early director of the Royal Academy of Music for which he wrote no fewer than fourteen operas, but the venture failed as did another theatre he backed. Handel's style is direct and vigorous, not lacking in dramatic power and occasionally marked by deep emotional feeling. He well knew how to get great choral effects by simple means. "Saul" was produced in 1739 and the "Messiah" in Dublin in 1742. During his last seven years Handel was blind.

The Devouring Sea

(Sydney Post Record)

Premier Jones' disclosure that Prince Edward Island is growing smaller is something that cannot be noted without sympathy mingled with a mild degree of apprehension in Cape Breton. It is no small thing when Canada's smallest province grows smaller. Cape Bretoners, as islanders themselves, have a fellow feeling about this sort of thing. Erosion of the coastline accounts for the dwindling proportions of P.E.I. according to her Premier. The Indians should have been left on the Island's shores with the colonists settling the interior. That's the conclusion to be reached from the remarks of the Hon. J. Walter Jones.

The Indians liked things wild, left nature as they found her. Then came the white settlers, cutting down the trees whose roots bound together the earth of the coastline and held it firm. All the white man cared about was growing c... and he made a garden out of Prince Edward. Island. The Indian cared more for hunting and fishing. What crops he did raise was on the seashore. Let's give the Indian credit for having sense. Now we know why the sad sea waves have been eating the coastline. A hungry monster—the sea.

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Cape Bretoners, looking at their own coastline, find much of it rockbound but that doesn't apply to all our shore. The rocks at Louisbourg, for one place, stand in firm defiance of the sea. The lashing waves strike with unappeased wrath at the ramparts of Louisbourg and unyielding places on our shore are more or less, at the mercy of the pounding surf. There have been coastline changes from time to time through the years For example the shore of Inverness County has been altered Harbours once accessible to ships have been closed by sandbars and the landline devoured by gluttonous waves at other places.

Intelligent man, when confronted by necessity, usually has found means of winning victories over the antagonistic forces of nature. It's to be expected that P.E.I. will unite as one man to hold back the devouring ocean, even as the staunch Hollanders have done in their country. This, however, is not alone an Island concern. It is a concern of the entire nation, the land area of P.E.I. being part of the total area of the Dominion of Canada, and there are few plots of Canadian earth more fruitful than the island that bears the nickname of the Garden of the Gulf.

As for Cape Breton Island, no one here seems concerned although it is true that there are stretches of shore from which the ocean takes greedy bites. Hunks of land drop away from time to time. The appetite of the sea never is satisfied. The ocean is at our gates clamoring for admission Mice might be alarmed but men are not. Whatever it takes to hold back the ocean we have what it takes and, in larger measure so has Canada.

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More information is required than is at hand to determine the degree to which Cape Breton is losing in one place and gaining in another from the sea The sea has a way of adding and subtracting in terms of land This is true in many parts of the world wherever shore and salt water meet. The shoreline of England has been greatly changed through the centuries Once prosperous seaports such as Rye and Winchelsea have been left high and dry from a receding sea while, in other places, huge portions of chalk-cliffed coast have dropped into the devouring waters.

Well, we can't say we haven't been warned. Premier Jones has spoken for Prince Edward Island. It may be that there is nothing to be concerned about here but it would be interesting to know in precise terms what is happening and is likely to happen to such portions of the Cape Breton coast as are amenable to the dictates of the sea.

Old Charlottetown

(And P. E. I.)

UNSAFE BUILDINGS

"Until very recently three-storey houses were very seldom seen in Charlottetown—and but few buildings were joined together. Latterly several lofty wooden buildings have been erected, or are in course of erection, in contact one with the other. Our readers have reason to remember the fire which, in 1866, swept so large a portion of the city. Had that fire encountered lofty wooden buildings, such as now stand upon parts of the district over which it swept, we believe that but few houses below Queen's Square and the river, would have escaped.

"While a large part of the city lay in ashes, we suggested the propriety of prohibiting the erection of wooden buildings, at least in certain districts—our suggestion was not heeded, and wooden buildings, far more dangerous to the city than any which existed previous to the fire, now tower above our heads, in all probability destined to feed a fire still more disastrous than any we have known. If there is any argument calculated to induce the enactment of a law prohibiting the indiscriminate erection of wooden buildings, it is the one drawn from the fact that risks upon such buildings will probably not be taken; or if taken, will be limited to but a small proportion of their value, and be done at enormous rates of premium."

—The Islander, Aug. 21, 1868.

BOGOTA, COLOMBIA, Feb. 21 —(AP)—A bus carrying 40 passengers tumbled into a gorge about 60 miles west of Bogota last night, killing about 10 persons, press dispatches said.

While The Getting's Good

Notes By The Way

Irregularities in roulette tables in Las Vegas might be described as one of the minor hardships of the atomic age. But the blasts at least provided the gamblers with an unexpected element of chance.—London Free Press.)

Those inclined to be critical of cadet and other forms of military training might consider evidence given to a Congressional committee by General George Marshall, the U. S. Secretary of Defence. General Marshall was asked if he thought the present U. S. defence program would make the United States "too militaristic." He replied as follows: "Anybody who has watched the demobilization of our army after a war wouldn't be worried about that. After the last war, I was up here on Capitol Hill talking to you gentlemen about aspects of demobilization and before I knew it the whole army had dissolved in my lap. I simply couldn't find any army. There is every indication you can't force a military life on our people." These words apply equally to this country, as our past experience proves. (Winnipeg Free Press.)

Victim X isn't dead yet. He or she is still alive and among us today. That is all we know, except that in the next 12 months or so Victim X will die—and not a natural death. Even the dead do not escape statistics; in a sense they create them. So the printed form is already on file for Victim X, waiting to be filled out. Name, address, age, sex, occupation, place and time of death. We cannot fill it out yet, for we do not know the answers now. But in a year or so some patrolman or state trooper or ambulance interne will make out the necessary report on Victim X, who will have the dubious honor of being the millionth American killed in a traffic accident since 1900. In the cold, impersonal words of the news release: "The Association of Casualty and Surety Companies made the forecast today and called the unfortunate person 'Victim X'." We do know this much. The careful driver stands a good chance of not being—or causing—Victim X. —New York Times.

Money in quantity is not too hard for us to understand. It is of different kinds, dollars, pounds, francs and so on, which results in foreign exchange and favorable or unfavorable trade balances. The objective is to get as much as possible of the other countries' money. The more the better. The more a country has of its own, the worse off it is, because of inflation. But money in small amounts is a horse of another color. A country can have too much of its own money, but an individual can never seem to get nearly enough. Some sorts of assets can be frozen but personal cash assets, never. They melt and dribble off in all directions in all sorts of ways. And so, being impelled at times to look for solvency in not-too-hopeful examination of little-used compartments of our wallet, and little used pockets, and feeling down behind the cushions on the chesterfield, we cannot understand how so many people can leave so much money lying arcund in banks, gathering dust along with interest. To us even a deposit of $1.02 is not something to be overlooked. The quality of forgetfulness behind the Finance Department's yearly statement on unclaimed bank balances is simply beyond us.—(Montreal Star.)

Some Ottawa officials are suggesting that the way to stop inflation is to siphon off spending by taxation. And incidentally siphon off the taxpayer.—(Hamilton Spectator.)

A Windsor man was brought to court cn the charge of operating a television set without a radio license. He said he had been told that a television set required no license. The charge was dismissed, but only because he was misinformed. Radio and television apparently are the same thing to the Department of Transport when it comes to collecting money, and the householder who has not a license for the one must have it for the other. According to the Radio Broadcasting Act, every owner of a private receiving station must take out a license. A receiving station is something that will pick up wireless transmissions of writing, signs, signals, pictures, and sounds of all kinds—the latter neatly descriptive phrase meaning conventional radio programs. The $2.50 charged for a radio license goes to support the Canadian Broadcasting Corporation's non-sponsored programs. That reason can hardly be given for requiring a TV owner to shell out, however, because at the moment the CBC has no TV. It is not difficult to understand how the Windsor man might think he could watch the television offerings of somebody's plow factory in Des Moines without paying the Government of Canada for the privilege. Now it has been established that radio and TV are sisters under the law, has the Department of Transport —the CBC's collection agency—cut itself off from a separate and probably fatter license for video once it is going here? When the Toronto and Montreal TV stations are operating, will separate television license be required only of those set owners who are within receiving range of the stations? Will others, who can get only American stations, be required to buy only radio licenses? Will TV be worth it anyway? These are questions which must be answered, particularly the last one. — (Toronto Globe.)

Ten Richest

(Toronto Star)

Out of an estimated income of $515,000,000,000 for 70 countries, the U. S. national income in 1949 topped the list with $216,831,000,000. The USSR came second with a national income, expressed in dollars, totalling $59,500,000,000. On the basis of total income, the United Kingdom stood third and Canada eighth among the ten richest nations in the world. (according to UN statistics).

On a per capita basis, the United States and Canada headed the list of 10 richest nations with $1,453 and $870 respectively. In third place among the 10 nations with the highest per capita income was New Zealand, $866, followed by: Switzerland, $849; Sweden, $780; Great Britain, $773; Denmark, $689; Australia, $679; Norway, $567; and Belgium, $562. The USSR was listed in 23rd place among all 70 nations, with a per capita income of $308.

In eight wealthiest countries in the world live only 10 percent of the world's population. Half the world's people are congregated in the poorest 26 countries.

The Poet's Corner

ON MUSIC

Many love music but for music's sake,
Many because her touches can awake
Thoughts that repose within the breast half-dead,
And rise to follow where she loves to lead.
What various feelings come from days gone by!
What tears from far-off sources dim the eye!
Few, when light fingers with sweet voices play
And melodies swell, pause, and melt away,
Mind how at every touch, at every tone,
A spark of life hath glisten'd and hath gone.

—Walter Savage Landor.

The Age-Old Story

Then came all the tribes of Israel to David unto Hebron, and spake, saying, Behold, we are thy bone and thy flesh. Also in time past, when Saul was king over us, thou wast he that leddest and out broughtest in Israel: and the Lord said to thee, Thou shalt feed my people Israel, and thou shalt be a captain over Israel. So all the elders of Israel came to the king to Hebron; and King David made a league with them in Hebron before the Lord; and they anointed David king over Israel.

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Memoirs Of The Hon. A. E. Arsenault

Former Premier and Retired Justice Supreme Court of Prince Edward Island

(Continued)

In my twenty-five years on the Bench, and during the time Prohibition was in force in this Province, I had occasion to hear many appeals from Prohibition convictions made by Stipendiary Magistrates, and in some cases I have quashed the convictions.

It is a well known fact that magistrates in the performance of their duties, become acquainted with most of the bootleggers and require little if any evidence to convict them. However, in sitting on appeal in such cases, I always took the stand that since Prohibition was a sumptuary law, there should be definite evidence to justify a conviction under that law. If there was no such evidence before me, I invariably dismissed the case.

But though I was not in sympathy with the Prohibition law, I had but little respect for the bootlegger and where I found definite proof, I upheld the conviction. In one case that came before me in appeal the only evidence was that a broken bottle had been found on the premises that smelt of moonshine. The magistrate convicted. In my oral judgment granting the appeal I paraphrased Moore's celebrated song: "You may break, you may shatter the vase if you will "But the scent of the moonshine will cling round it still."

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Some years ago a prominent citizen of Alberta was in the habit of spending his vacations on the North Shore of the Island. At that time there was considerable rum-running off the Island coast and a very fine brand of rum aged in wood was readily available as the result of the smuggling. Some of his friends used to bring the Alberta vacationist an occasional bottle of this highly prized rum which he greatly relished. A few years later when the liquor laws of Alberta became more stringent, this man, with whom I had become well acquainted, wrote me a letter in which he denounced the liquor laws of his Province and ended by asking me to get him a cask, or if I could not get him a cask to send him at least a dozen bottles of the rum he had so much enjoyed while in Prince Edward Island. I replied by informing him that I had not as yet entered the profession of rum-running and that, in any case, the good old rum which he had written about so enthusiastically was as extinct down here as the dodo and could not be had for love or money.

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War time means strenuous work for the Premier of any Province so that I had my share. The Federal Government, after the election of 1917, had passed the Conscription Act and young men from all ranks of life were being called to join the Armed Forces. Tribunals had been set up in each Province to which those young men could apply for exemption.

Though those tribunals were as fair and impartial as it is humanly possible for such bodies to be, many persons were dissatisfied with their rulings and the result was that I had people, mostly the parents of those applying for exemption, in to see me from morning till night. I could do but little for them even if I were inclined to interfere with the judgment of the tribunals which, in most cases, I was not. I carried an especially heavy burden during harvest time. Many farmers' sons were in Halifax and other training centres, and I was constantly besieged by their parents to have those boys home to assist with the harvest.

The Federal Government had taken over the Dalton Sanatorium at North Wiltshire and it was being enlarged and other buildings added. It had also taken over Government House for a convalescent home and building operations were also being carried on there. These projects resulted in a constant stream of telegrams pouring into my office from Ottawa and Halifax. I could do little from 9:30 a.m. to 4 p.m. but interview people. From 4 p.m. to 6 p.m., I dictated my correspondence, always heavy during those war years.

In addition, the affairs of the Government had to be attended to. It was no picnic. Moreover recruiting meetings were being held throughout the Province and in my role of Premier I had to attend many of them.

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When Sir Robert Borden came to the Island just before the 1917 election, a meeting was held in Souris and a special train took him and his party from Charlottetown. On the return trip, dinner was served in a baggage car where tables had been set up. At my table there was a doctor from Summerside and an Island candidate for the House of Commons. The three of us were Catholics. The waiter came along and asked us whether we would have cold sliced chicken or canned salmon. Both the Doctor and I called for chicken. Our Federal candidate who remembered everything, exclaimed, "It's a fast day." Both the Doctor and I had forgotten that but we felt like blasting our well-informed friend for reminding us of it. To add to my disgust, I happened to turn around and saw at a nearby table a prominent Catholic clergyman hoeing into the chicken with gusto. He, of course, had forgotten also about the fast day but was more fortunate than us since he had no busybody to remind him of it.

• • •

I have always been of the opinion that the system of supplementing the teachers' salary by a levy on the different school districts was wrong. Every child, rich or poor, is entitled to the same opportunity for education. The system of levying from school districts is a discrimination since the richer districts can raise more money for educational purposes than the poor ones and can therefore obtain the services of more and better teachers.

In the Session of 1919 I had enacted a Statute by which such monies would be raised by a general tax over the whole Province instead of being collected by the several districts. The Act was not to come into force until it had been approved by a plebiscite which was to be held at the same time as the general election. The Statute was not to apply to cities or incorporated towns.

The Liberals made this an issue, which it was not, as the results of the plebiscite were to have no bearing on the victory or defeat of the Government. But the Liberals raised a hue and cry against the Government and charged the Government with attempting to impose a tax on the Province that would be ruinous. That hue and cry went a long way toward defeating the Government.

Ironically enough, the Bell Government when it came into power appointed a Commission to inquire into the whole educational question, which Commission, in its report, advocated the very system of raising money for education that I had proposed and which the Liberals were responsible for defeating. Needless to say, the Bell Government paid no attention to its Commission's report.

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Immediately after the defeat of my Government in 1919, and before turning over the reins of power to Mr. Bell, I had an Order-in-Council passed opening all roads of the Province to motor vehicles. This action took the automobile question out of politics and no more was ever heard of it. I recall an interesting incident concerning the passing of this Order-in-Council. As I was coming out of the Council Chamber after having seen all the roads opened to motor traffic, I met an old and prominent Conservative supporter and told him what had taken place. He was a big dealer in agricultural implements and waggons, and was indignant at my action and said it would ruin the party.

"Mr. H.....," I said to him, "you are at present in the carriage business. But it will not be long before you will be selling more cars than you ever sold buggies." The dealer said, "That is a crazy idea which will never happen." But it did happen. Within a short time, his firm had a motor car agency and were making more money selling them than they had ever made selling the old-fashioned buggies.

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My successor as Premier, the late John H. Bell, was slow in taking office and he did not do so until nearly two months had elapsed after the election. In the meantime we were to have a visit from the Prince of Wales and I urged Mr. Bell to take over so that his Government might prepare for the visit. He, however, demurred, and asked me to carry on. I was therefore still head of the Government when the Prince arrived.

As part of the reception, a luncheon was held in the Prince of Wales College. My seat was to be at a side table. Sir Robert Borden accompanied the Prince but could not leave the ship because of a sprained ankle. Chief Justice Mathieson, owing to the recent death of the Lieutenant-Governor, was Administrator and as such presided at the luncheon Seating arrangements were made so that Canada's Prime Minister would be placed at the immediate right of the Prince. The chair, because of Sir Robert's accident, was vacant when most of the party had taken their seats. A certain gentleman, a Senator, seeing the empty chair, presumed to occupy it. Within a matter of moments the Prince sent word to me that I was to occupy it. As I sat by him I could not but recall the information given in St. Luke chapter 14, verses 8-9-10-11.

After the King was toasted. I had to move the toast to the Prince, and as I started to rise, he patted me on the knee and said, "Let that soak a bit." His reply to the toast was his first speech in Canada and he appeared a little nervous.

His landing at the Marine Wharf had taken us by surprise. It is true a launch had been observed approaching the wharf but it had been taken for a dispatch boat since the Prince, who was under cover, could not be seen. A snap which I have shows Supreme Court Judges Fitzgerald and Hazard, who were on the reception committee, with their backs to the Prince when he landed.

While we visited different places in the City I sat in a car with Sir Joseph Pope who was in charge of the Prince's tour. He always got into the car first from the left of the car and after having done this two or three times he turned to me and said, "You may wonder, Mr. Premier, why I always get in first. It is because you will then be sitting on the right which is the place of honour."

After the luncheon at Prince of Wales College, Mr. Reuben MacDonald of the Patriot came to me and asked why I had left my place at the table and taken a seat by the Prince. I replied to him, "I did so by command."

(To be continued)

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