

THE GUARDIAN

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Editor and Managing Director, J. H. Burnett Associate Editor, Frank Walker. "The Strongest Memory is Weaker Than the Weakest Ink"

CHARLOTTETOWN TUESDAY, FEB. 27, 1951

Java Sea Fight

Today, when command of the sea forces of the Atlantic Pact countries is in the news, it is worth recalling how, nine years ago, in the midst of hostilities, an organization had to be set up to operate forces composed of British, United States, Dutch, Australian, New Zealand, Indian and Chinese nationals to defend the Dutch East Indies.

A Dutch admiral was given command but was unable to obtain air support for his fleet when needed and lacked even a common system of signals to control his inadequate force. Hardly had a system of command been set up than the whole area was conquered by the Japanese and the combined fleet of the Allies was sunk in what Mr. Churchill calls the forlorn battle of the Java Sea.

We have learned by that and other unhappy experiences that the techniques of international operations must be worked out with care long before the testing time and leaders selected who will have the opportunity to weld their forces into an effective fighting unit.

The nationality of the leader selected is of less than secondary importance

A Costly Undertaking

Reports from Ottawa state that the Government is considering plans for a new type of national registration. Reasons assigned for the proposal are vague. What the Government expects to accomplish by such an undertaking is also obscure.

Thoughtful Canadians were under the impression that there was an economy drive afoot in Ottawa. It is difficult to see just how such a costly undertaking as a nationwide counting of heads fits in with ideas about economy. Such a scheme, if it was to be comprehensive at all, would occupy hundreds of people for several weeks.

Moreover, there is something sinister about a national registration. The idea of having to carry an identity card, to be given a number, and to have one's dossier docketed at Ottawa, is out of harmony with our democratic traditions.

Trade Relations Threatened

What the Financial Post describes as a "body-blow to U.S.-Canada trade relations" is pending as a result of U. S. Congressional action on the Reciprocal Trade Agreement Act. If the amendments to the Act as passed recently by the House of Representatives are approved by the U. S. Senate, then for all practical purposes the Act has been "cut to ribbons," and the beneficial trade relationships between Canada and the United States which have been fostered since its introduction in 1934, are gravely jeopardized.

The present Act automatically expires in June of this year. A straight renewal for another three years has been sought by the Administration, and Secretary of State Acheson gave testimony in support of this action some weeks ago. Early this month, however, by vote of 225 to 168, the Republicans, with the aid of some 42 Democrats, rewrote the proposed renewal "piecemeal to their own liking", and this in spite of the fact that the Administration had urged its passage as "a symbol of United States determination to lead in the co-operative effort to expand world trade."

Tied in closely with this setback at Washington is the current crisis in Torquay, England, where a series of trade negotiations, made possible by the U. S. Reciprocal Trade Agreement Act, is now nearing its end. The conference is threatened with a breakdown because of the sharp split between low and high tariff nations in Europe. If Torquay collapses, then there will be nothing to replace the present Geneva-Anney agreements. Those agreements were binding until Jan. 1, 1951. After that date, unless renewed for a further term, they can be abrogated by any nation on six months' notice. Thus, without a further extension, the whole present structure of world tariff and trade arrangements will be left in a most hazardous position. And if President Truman has no further

June, 1951, the situation becomes even more precarious.

The Washington setback is due to a series of four amendments which the Republican forces have inserted into the new proposed three-year Act, of which the following is by far the most disturbing and serious change for this Dominion: a stipulation to the effect that concessions on foreign farm products coming into competition with price-supported American commodities shall not apply unless the foreign product is to be sold above the support price.

This agricultural amendment is believed aimed directly at Canada because of the political repercussions arising out of the shipment to United States of potatoes at prices well under the parity price-support figure at which the Government was purchasing U.S.-grown potatoes. "It is recognized," says the Financial Post, "that so long as either Canada or the United States is committed to a price-support program on farm products such a policy is inconsistent with unrestricted trade between the two countries. But the matter for deep concern here is that the attempt to reconcile this difficulty should be taken out of the Reciprocal Trade Agreement Act, a program which has served over the past seventeen years to bring about the greatest exchange of products between any two nations in the world."

EDITORIAL NOTES

To fight inflation, practice thrift; to save lives, support the blood bank.

Paardeberg, 1900. Their number, though not their fame, grows less.

The short course in forestry, although the term may seem inappropriate to this Province, is a step in the right direction. Many thousands of dollars are lost by failure to make the best use of wood-lots and larger stands of trees.

An intriguing report comes from Paris to the effect that because of a gas plant strike "thousands of Paris families had cold coffee or none at all this morning." Do they make coffee the night before, or do Parisians generally use methods of coffee-making which do not necessarily require hot water?

The mobile bacteriological laboratory visiting here through Federal-Provincial co-operation should point out wherein we are falling down in sanitary practice. If frost does not come within a fortnight it might also produce a report on road conditions here.

The Department of National Revenue rules that it will not allow as a deduction from taxable income dues or fees paid to golf clubs or other clubs, even when the taxpayer uses these clubs for business purposes. Moreover the departmental ruling has been backed by the Income Tax Appeal Board which recently turned down two claims for deductions of golf club dues. It is permissible, however, to deduct specific expenses incurred at clubs in the way of business, provided the accounts are accompanied with the proper vouchers.

John Evelyn, English diarist, died this date 1706. Born at Wotton in Surrey in 1620, in 1642 he betook himself to Holland for three months and at the outbreak of the civil war spent four years in foreign travel. After the restoration he was made a commissioner of the privy seal (1685-7) and treasurer of Greenwich Hospital (1695-1703). He wrote "Sylva, or a Discourse of Forest Trees" and "Terra, a Discourse of the Earth" but is chiefly remembered for his great "Diary" which shows the graver side of the royalist party with admirable force.

Now we know for sure on medical advice. A British dietary expert declares some married men get fat because their wives over-feed them on purpose. "A 'comfortably' obese male," writes Dr. A. H. Douthwaite in the British Medical Journal, "is alleged to be easier to live with, and less likely to stray from the path of virtue." Dr. Douthwaite, on the other hand, says such men, because of the added strain on their hearts, are also less likely to live to a ripe old age. A short life and an enjoyable one.

"Empire free trade" has a powerful advocate in New Brunswick's favorite son, Lord Beaverbrook. For thirty-two years the London Daily Express with the "Beaver's" name prominently displayed, has crusaded for Empire unity through a united Empire economy. The Daily Express, despite its mounting circulation, is fighting against the tide. The Commonwealth is steadily broadening out, becoming less centralized, and at the same time taking in more territory in a much looser fashion than Imperialists like Lord Beaverbrook can ever see.

PUBLIC FORUM

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

THE SPANISH ORDER

Sir,—An announcement appeared in a recent issue of a potato journal that Holland had secured the Spanish order for 30,000 tons of potatoes.

Potato growers generally remember the big fuss and high hopes given by the chairman of the Potato Marketing Board over this proposal.

Trips were made from here and New Brunswick to Ottawa asking for financial assistance from the Federal Government also from the Provincial Government; all to obtain this order which was to pay the farmers the large sum of 40 cents a bushel, loaded in cars. Fortunately for the farmers, the order went to Holland, and our much maligned potato dealers sold the potatoes elsewhere for more money without Government assistance.

Too bad the only effort of the Board was such a failure.

I am, Sir, etc. POTATO TRADER.

THE POTATO FRONT

Sir,—Latest despatches from the Spud Island Front seem to indicate that all is quiet, and for the present at least it looks as though the potato dealers have retreated for the time being under the eaves of our Courts, leaving only a one-man army to cover their retreat. No doubt after re-cooperating there will be an all-out effort to smash through the Marketing Board, which at the present time, we are told, is held only by a few die-hard and amateur economists and will, of course, according to all reports from the front, be very easily taken—if and when the marching orders are given by the Courts.

Even our Deputy Minister of Agriculture was singled out for attack. I refer to Mr. W. R. Shaw, a man whom we farmers can well all proud of and who can at all times take his place among men; even he was almost told what he should say. Now we are told that this case will cost the farmers ten thousand dollars, and no doubt the other side's case will cost a like amount; and where will that money come from. If it has not already come from the farmers of this Province? After all, I do not know of any of the attacking army that are employed in digging coal or gold, or even cutting pulp wood, or any other kind of productive labours.

Now, Sir, you no doubt will be glad when this case is over, and letters like this cease coming in. But in conclusion I would like to say that there was a time in the history of this country when the landlords lost out in the Courts, and the same thing may happen in this case. I might say that all we farmers ask is a fair chance to live from the products of our labour, and we can market our products in the co-operative way much better than can be done in any other way. I would like to add the following lines; to me the author is unknown: "A farmer's trade is one of worth; He is partner with the Sun and Earth, He is partner with the Sky and Rain, And no one loseth by his gain."

I am, Sir, etc. M. B. MCLELLAN Alma, P. E. I.

POTATO PRICES

Sir,—I note in your paper of the 20th a Prince County potato grower complaining about the New Brunswick shippers keeping the marketing down in Montreal below the Marketing Board price level. The way the Prince Edward Island and New Brunswick Marketing Boards are set-up this can occur because they issue licences to grower-shippers and there is nothing to stop a grower-shipper selling his potatoes in Montreal at any price he chooses. This puts the shipper who has to buy from the grower out of business as he cannot compete. The Marketing Board should not only set the price to the grower but they should also set the price that New Brunswick and Prince Edward Island potatoes must sell for in our main consuming markets, Montreal, Toronto and Ottawa, in order to stop grower-shippers from selling below the established price that non-grower shippers have to pay to the grower.

I agree with the writer that we must sell and ship potatoes faster than we have been, otherwise, there will be potatoes dumped at sea.

The Poet's Corner

SPRING IN WINTER

Spring, shivering past the iron gates of winter To keep her sweet appointments far ahead, Lets fall each year one day that marks her passage, Her promise of return, her true word said.

It comes that January dawn, with silver Flutings from birds incredulous, daffily gay; The air is light and carries children's voices As they will carry across the fields of May.

The sky has lifted and is blue; white cloudlets Frolic like babies in their ample pen. Joy is abroad, and hope that, lacking substance, Yet blows a bubble to cheer the hearts of men!

V. H. Friedlander.

This Willforce Not Welcomed



NEWS ITEM: COMMONS VOTES DOWN RESOLUTION TO PROBE EFFECTS OF CIGARET SMOKING.

the end of the season. The Federal Minister of Agriculture has left it up to the Governments of the two Provinces to approach him with a satisfactory plan, so the growers will have to contact our departments of agriculture in the two Provinces in order to have some support system adapted.

Hon. Mr. Gardiner stated that the Federal Government would pay 50¢ per 100 cwt. for potatoes shipped to and public of Charlottetown that they intend opening a Seminary for Young Ladies on Monday, the 15th instant, at the late residence of John Morris, Esq., Sydney Street, near the Roman Catholic Chapel. The course of instruction will comprise English in all its branches, French, Italian, Music, Drawing, Embroidery, and every description of Fancy Work.

Messrs. J. and W. McGill announce that they will have in readiness "a new clipper Brig, 220 tons, to sail for Australia about the month of September next, if a sufficient number of passengers can be obtained." At Cove Head on the 5th inst., the launching of the schooner "Nettle", 90 tons, owned by Ewen McMill & Company, is reported.

NEWFOUNDLAND TRADE

Sir,—After a few conversations with Hon. Eugene Cullen, I was impressed with the fact that our discussions were being suppressed, and although Mr. Cullen did not want to say much, he pointed out that his position was new to him and he was feeling his way along slowly; but I certainly knew once more where the stream had its source and further I was beginning to learn a few more interesting things regarding our trade-conscious Premier Jones and how much he was doing to help out in the Newfoundland trade.

At this point I would like to know why Mr. Cullen was so cautious of certain movements of his, because wasn't he Minister of the Department of Industry and Natural Resources, and being Minister and getting paid to do the job, why the push around? How long would the same gentleman keep a hired man if he did not perform his duties?

Will Mr. Cullen be good enough to answer this question so the people of Prince Edward Island will know what is going on: Why did the Government purchase a building on the lower end of Prince Street Wharf for \$23,500 last spring when in the same breath they told a group of interested shippers who were trying to further trade to Newfoundland that the Government just did not have any funds to help?

If his Department cannot answer it, perhaps some honorable member in the Department of Agriculture can. I wonder what their story will be during the next House session.

One night lately I listened with interest to Mr. Cullen speak on the radio, but I thought it strange that during the course of his talk he never even mentioned the Newfoundland trade which is supposed to be worth three and a half million dollars a year—why the silence? I am not saying that, but I think Mr. Cullen was trying to hide something—bad boys act that way too sometimes. I know, I was young once. In all my talks with Mr. Cullen he has never as yet even suggested a better method of perhaps helping on the Newfoundland trade—yet through his Department the Government operates the Eskimo boat on the Outport trade.

Last March Mr. Cullen claimed "initiative of Government saved market in Newfoundland for Prince Edward Island" and that our sales to that Province had increased \$200,000 for the 1949 year. Now that claim is unfounded and they know it; even Mr. Cullen himself admitted it to me when I faced him about it. I think Mr. Cullen got his facts backwards because I wish to say that his statement could fit the Eskimo boat. When the House meets I wish some good Government member will be frank enough to point out to the people just how much money was lost on the Eskimo boat, because it is not fair to our country that such things be allowed. I figure that misadventure cost each individual farmer on Prince Edward Island at least \$1.00 per month for the last 17-18 months. In other words approximately \$100,000 to \$170,000 spent with nothing to show for

I very much fear that by the time our Island people know what is taking place regarding the trade it is going to be too late. Why should the Government want to suppress the Newfoundland trade by hiding facts and figures? It seems too bad when one has to ask a lot of embarrassing questions through the press from an old neighbor and friend, but when the future of our country is at stake, it is time someone spoke up. I wonder if the Government of our country is run on the plan the late Hon. Mackenzie King ran Canada, namely, all Cabinet members had to pass in their resignations before they were granted seats in the Cabinet. When someone asked Premier Jones at the session of the House last March he never answered.

My next letter will deal further with Mr. Cullen and why he did not go to Newfoundland last spring when he had the opportunity to go down with others who were looking into the trade.

I am, Sir, etc. WOODROW WHEATLEY, Charlottetown

The Age-Old Story

Memoirs Of The Hon. A. E. Arsenault Former Premier and Retired Justice Supreme Court of Prince Edward Island

(Continued)

The system is of very ancient origin. It is the inherent right of a British subject to be tried by his peers, and so, notwithstanding its faults, juries have been retained in most British dependencies. Juries have great powers. On a question of law they are bound to take directions from the presiding Judge, whether he is right or wrong. If he is thought to be wrong, then there is a remedy by appeal on such questions of law. But on a question of fact they are not bound by the Judge's directions or opinions. The presiding Judge has the right to express his opinion on questions of fact and, because of his greater experience, a jury may be influenced by his remarks as to whether the plaintiff or the defendant is right.

Where a jury gives a verdict on a question of fact, that verdict is seldom disturbed by a Court of Appeal. Courts of Appeal, in effect, have often said, "If we had been trying this case without a jury, we think we should have come to a different conclusion, but we cannot say that this verdict is one that a jury properly instructed could not have given."

It is a dangerous procedure for a Judge, on a question of fact, to tell a jury that it must render a verdict in favor of the plaintiff or the defendant as the case may be. I remember a case in which I was acting for the defendant. The presiding Judge gave positive instructions to the jury that it find for the plaintiff. The jury retired, but shortly afterwards returned with a verdict for the defendant. The Judge was indignant and said, "Mr. Foreman, did you not understand me to tell you that you must find for the plaintiff?" "Yes, my Lord," was the foreman's reply. When I ascended the Bench it was with the resolution that I would never put myself in such a position that a foreman of a jury could slip me in the face with such an answer and never have.

Juries, however, are at times peculiar. I recall a case where, contrary to expectations, a jury found a verdict for the plaintiff. There were two counsel on the other side. A junior lawyer, who had only recently been admitted to the Bar, had the case for the defendant and had engaged to assist him a senior counsel who carried about a good deal of avoirdupois. After the case had been decided, another lawyer who knew the foreman of the jury well, asked him how they had come to find such a verdict. "Well, I'll tell you," said the foreman, "that fellow no good." It may be that this foreman was no fool, that he knew the lawyer had no right to ask him such a question, and that he was merely taking the lawyer for a ride. But again, he may have given the lawyer a truthful answer, for juries have been known to be swayed by things which had no legal bearing on their verdict.

But juries generally know which case has justice on its side and find accordingly. It is related that when John Scott (afterwards Lord Brougham) and Scarlett (afterwards Lord Abinger) were at the Bar, they were frequently opposed to one another on circuit. Scott had a wide command of language which amounted to eloquence and could often bring tears to the eyes of the jury. Scarlett, on the other hand, was quiet and matter of fact, but logical.

On one occasion, after they had completed a circuit in the north of England during which time Scarlett won most of his cases against Scott, a lawyer asked one of the jurymen how he liked Scott. "Oh," said the jurymen, "Mr. Scott, he is a very fine man. He can talk, he can, and he can make us cry." "And what do you think of Scarlett?" probed the lawyer. "Oh, that man Scarlett, he is not much. He can't talk like Scott. I don't think much of him."

"Yes," said the lawyer, "but I notice you have been giving Scarlett most of the verdicts." "We have, indeed," said the jurymen. "But you see that man Scarlett, he is very lucky. He is mostly on the right side."

Some lawyers, when a verdict goes against them, are apt to resent it so strongly that they may show their displeasure by displaying or even expressing contempt for the presiding Judge. It is related in the lives of the English

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