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## Proceedings in the Provincial Legislature

### Interesting Discussion on the Supreme Court and Court of Chancery Bill. Premier Bell Opposes the Attorney General.

April 25th—Afternoon Session  
The House met at 4:10 p.m.  
MR. J. D. STEWART asked the Hon. Commissioner of Public Works would be in his seat for a question on the Order which he wished answered.

MR. MR. LEA replied that the Commissioner was at home and was delayed on account of the heavy weather. He would himself endeavor to look up the required information.  
MR. KENNEDY asked Hon. Mr. Stewart regarding certain items in the Public Accounts. Mr. Lea had overlooked the question but he proposed an early answer.

MR. MR. LEA on a point of privilege referred to a quotation in his remarks on the motion made upon editorially. The Guardian which he wished to take. He was quite prepared to accept all that he had said in the House but he objected to being quoted. The Guardian had quoted him this morning and the same quotation of his speech at the last session had been made on February 23. Both were supposed to be quotations of the one thing, but both, he said, were different. What he had said regarding the necessity of taxing the people was: "To ask a man if he would himself was about as reasonable as to ask a child to take a dose of physic." That quotation was correct. But the Guardian went on to quote him as saying: "The right course is to compel him to take his physic." This was not correct. This does not seem to most members to be a matter of importance, but to say that he took the stand that the government was going to force the bill to pass, the people was a statement which was printed with intent to injure him in the country. The suggestion is made that the Guardian that he should have risen in his seat and denied the report when it came out if it was not correct. He did not do that. The late leader of the Opposition had been quoted as saying in reference to his statement. He had spoken in a joking way and he (Mr. Lea) let the matter pass at the time. The question was not referred to in the press until this spring, and any paper that will now claim that this article was quoting him correctly, from their report as of February, he would just like that paper to print their own report of what he did say. He will be side with the Guardian. Some of these editors think that they have the same right to announce the head of a government department as the gadfly has to annoy the cow in the pasture. No doubt the gadfly has grave doubts as to the cow's fitness for her business. Every parasite has the opinion that everything else was made for him to batten upon. He had no objection to being quoted verbatim, but he would ask the Guardian to do that, and stick to that.

Supreme Court Bill.  
MR. JOHNSTON moved the second reading of an Act respecting the Constitution of the Supreme Court and the Court of Chancery.

PREMIER BELL asked that further information be given on this proposed bill.

HON. MR. JOHNSTON suggested that the bill go into committee and then all the information would be given.  
MR. J. D. STEWART wished to repeat what he had already said with regard to this bill. It would be well to understand just what the House is doing, he said yesterday, a County Court Amendment Act had been brought into the House, first introduced by the Leader of the Government, who proposed it up to a certain point, when it was then taken over by the Attorney General. The amendment had to do with cutting down the County Court judges to two. The Attorney General said yesterday that had nothing to do with this bill, but his speech in moving the amendment certainly had. The County Court Amendment bill should really be disposed of before going ahead with this bill because the House would like to have the assurance that one judge at least of the County Court is not going to be dismissed. Is it intended that the County Court judge who is to be eliminated will be made to fill this new position on the Supreme Court bench?  
HON. MR. JOHNSTON: There is no intimate connection between the County Court Act and this Act—no connection whatever, in fact. Since my hon. friend asks, I might say it is the intention of the government not to press the amendment in the County Court Act in the section referred to. But that has nothing whatever to do with this.

PREMIER BELL: I think it is advisable to discuss the matter at this stage before we go into Committee. The Committee will naturally discuss the details.  
HON. MR. JOHNSTON: And the principle as well.  
PREMIER BELL: Here it is a question of principle. I think that whether it be on the motion to read the bill a second time or on a motion to go into committee, it is advisable to discuss the general principles of the bill before we go into a discussion of its details. Of course, I have had access to a copy of the bill, which was laid on the table for the members, but that is about all the information I have concerning the matter, and I think that this is the time for my hon. friend to open up a discussion of the whole matter and considering the opportunity of coming into committee, if my hon. friend does not desire to say a few words upon the subject, I have no objection to the principle of the bill so far as it applies to the application for an additional judge of the Supreme Court. If the bill were confined to this, I would say to my hon. friend by all means go ahead and see that you can accomplish it. I don't believe myself that there is any possibility of getting the appointment of a fourth judge under existing conditions, but, as I said before, this application is merely to ask the federal government for the appointment of such a judge for the purpose of rounding out our Court of Appeal. I shall offer no objection. But I deem it my duty to say now that I don't believe any application of that kind will be successful. Today we have Mr. Fielding as a lawyer who is the head of the judicial department and he will look very narrowly into any application which has for its effect an increase in the expenditure of public moneys. Close inquiries will be made by the officials at Ottawa with regard to the necessity for this appointment—urgent necessity for it. These men, looking at the matter from a common sense standpoint, will say: Why you had a population of 100,000, you got along with three judges, and now your population is reduced from 100,000 to 82,000 and you are asking for a fourth judge. They would ask what was the relative cost of judges of the Supreme Court here as compared with other provinces. If you appoint another judge with a salary of some \$9,000 a year for this province the result will be that you will have a per capita cost that will be very near fifty per cent over any of the other provinces.

A Point of Order.  
HON. MR. JOHNSTON: I wish to rise to a point of order. I would like to get the ruling of the chair upon this: This is a government measure, introduced by the government, and by the unanimous instructions of the party of this province.

## M. Barthou's Return Causes Speculation

(Special to The Guardian)  
PARIS, April 30.—A meeting of the entire French cabinet was held for Sunday night when vice-premier Louis Barthou, head of the French Genoa delegation, will outline the conference situation. It is still insisted in social circles that M. Barthou's return to Paris is on his own initiative. The reticence of the officials here in connection with M. Barthou's homecoming has given rise to speculation as to possible differences between the head of the French delegation and Premier Poincaré.

INTRODUCED BY THE GOVERNMENT.  
We are now bringing forward a motion to go into committee of the whole House upon the bill. The bill has already been introduced and has received its first and second reading. IT IS A GOVERNMENT MEASURE INTRODUCED BY THE GOVERNMENT AND NOW THE HEAD OF THE GOVERNMENT ATTACKS THE PRINCIPLE OF THE BILL. I would like to know at this stage whether or not the Leader of the Government is in order?  
MR. SPEAKER: I don't think that is debatable, and I don't think you have any right to dictate to the Premier. The government might rebel against the Leader, and the government might be broken on the bill.

HON. MR. JOHNSTON: I merely wished to get the ruling.  
PREMIER BELL: I am not going to raise any objection to the introduction of this bill so far as it relates to a simple application to the federal government for a fourth judge. I am merely pointing out, as I think I have a perfect right to do and as I think every member of the House has a perfect right to do, that under the circumstances we have no right to expect that the federal government will grant the request.

The Billation in this province amounts to less than one-third of the amount in any other province, continued Premier Bell, and the appeals from decisions are less. The conclusion that the federal government would come to would be that this fourth judge was not an urgent necessity. They will ask: "What has this judge got to do?" The proper course to pursue would be to lay a foundation for a claim by showing that there was some work for him to do, and this might be done by lifting the Probate Court up to the level and status of a branch of the Supreme Court, which could be easily done by an Act of this Legislature. There is a precedent for this in the English law courts where the Probate Court is elevated to such a position. Even in Canada in the province of British Columbia the Supreme Court exercises jurisdiction in the matter of the Probate Court. This would give the new judge an important duty to perform and if this were done there would be a remote chance of securing the appointment. This was a proposition which should commend itself to every member of the House, and to the country members especially, because the consequence would be that the province would have a Supreme Court judge, paid by the federal government, attending to the duties of the Probate Court, and the fees which now go into the pockets of the Judge of Probate would go into the exchequer of the province. These would amount to from \$3,000 to \$5,000 yearly.

Fourth Judge's Duties.  
The fourth judge would then have three distinct functions to perform: 1st. He would perform the duties now exercised by the Judge of Probate.  
2nd. He would be assistant Judge of the Supreme Court in case of over-pressure of work or in case of sickness.  
3rd. He would perform the functions of a Judge of the Court of Appeal.

While two sections of the proposed bill refer to the appointment of an additional judge, the most of the bill has reference to making changes in the Court of Chancery and it was these sections that the Premier considered objectionable. There was no necessity for putting in these clauses at all, or of attempting to take away from the judges of the Court of Chancery the functions which they have here to perform. They were for the most part the main object for which the bill was introduced and they should be eliminated, because the two judges referred to—the Master of the Rolls and the Vice Chancellor—are men in whom the public have the greatest confidence. The Court of Chancery in this province has been greatly improved under the influence of the late Mr. Justice Fitzgerald who took especial pains and care to build up the Chancery Act to its present high state of excellence. The people generally regard this Court as being their chief court in which to appeal

## Russia Will Reject French Terms

GENOA, April 30.—Russia will reject the French terms for an agreement with the Allies but will consider the British terms acceptable as a basis for negotiations. This decision was reached by the Russian delegation in a conference which continued until an early hour this morning. The French terms, it was learned today, provided that if no agreement can be reached on payment of Russia's debts the Soviets shall accept the arbitration of a mixed commission appointed either by the chief justice of the United States Supreme Court or the Hague Tribunal of the League of Nations.

Foreign Minister Tchekicherin of Russia today sent Premier Facta, Italian President of the economic conference, a note expressing the dissatisfaction of the Russian delegation with the delay in replying to its note of April 20, and saying the note would be withdrawn and the Russians would resume their initial position unless they were assured that the credits necessary to restore Russia would be granted.

for equity and justice. It has advanced a long way since the early English days, and any matter brought into it now receives immediate attention. There is no delay, as there is in the Supreme Court, until the commencement of a term, because the very moment a case is ready to go into court, it is dealt with swiftly, honestly and satisfactorily. Therefore it is natural that everybody should regard any interference with this court as being a matter that certainly should not be touched at all.

The Court of Chancery.  
After a judgment is made it is then that the real work of the Court of Chancery begins. A married woman or some person has to be looked after; an estate is divided by judgment and every cent of the money and every portion of the property has to be distributed as it should be. The Court of Chancery takes this burden of responsibility off the shoulders of the government of the province, which would otherwise be obliged to appoint a man especially for the purpose of looking after these estates and winding them up.

By this bill it is proposed to do away with the two judges who are known as the Master of the Rolls and the Vice Chancellor. And right there a very interesting point might arise. Has this Legislature got power to do this? Personally the Premier had his doubts about it. The offices of Master of the Rolls and Vice Chancellor are as old as the Confederation Act; they have been confirmed since by subsequent Acts. Supposing this Legislature had the power to take away the duties of these judges, what would be the consequence? The result would be virtually to abolish the offices, because there will then be judges who will be in receipt of pay but having no work to do. Can this be done? The Legislature may add to the duties of a judge and it may take away some of his functions, but it cannot take away ALL his duties and functions because by doing that the result would be the abolition of his office entirely.

Further than that, the Court of Chancery judge is paid by salary in his capacity of Vice Chancellor or Master of the Rolls and that salary is paid to him in that capacity. By removing from him his duties he is prevented from giving a receipt for his salary. Can the Legislature do this?  
If the Court of Chancery is to be abolished, what is to be substituted in its place? It is proposed to substitute four judges and to each of these is given the full power now exercised by the present two judges. Any of these four Supreme Court judges might interfere in a case, tried by another judge, and assume the right and have the right to deal with it in the capacity of a Court of Chancery judge. This would certainly be to introduce an element of confusion.

Another Difficulty.  
But there was another difficulty involved. After disorganizing the Court of Chancery by taking away the powers and functions of its two judges, as the proposed bill would do, there is substituted in their place nothing whatever. The fourth judge, who, it may be argued, is going to deal with this matter, is not yet appointed. He may not be appointed. Nevertheless the courts would be disorganized. Therefore I say that this is an extremely unwise decision, and of that unanimous decision, and of the unanimous decision of the Liberal members of this Legislature, I have introduced this bill. When it goes into committee many things will be clear which have been mentioned.

There is another difficulty. We

## ISLANDER HONORED

The following letter published in the Religious Herald of Richmond, Virginia, is from Rev. Dr. Malcolm A. McLean, formerly of Montague and now widely known in Canada and the United States. He refers to his own work in his letter and announces that he has accepted a call from Ottawa.

Following is the letter:  
Dear Dr. Pitt—Toward the close of January I took a trip to Canada, where I spent two delightful weeks. As a result, I have decided to leave the old dominion of the south, to take up work in the capital of the young Dominion of the north. It is not, I assure you, without a profound sense of loss that we sever our connection with the choice Franklin people. There is no more worthy people anywhere than the people whom I have had the privilege of ministering during the past three years. They know how to throw about their pastor an atmosphere of love which calls for the best that is in him, and leaves him regretful that his best is so poor.

I venture to say that in the entire southern convention there cannot be found a church that has more members than that made by the Baptists of Franklin. When we were offered the sum of \$63,000, one fifth of the entire associational apportionment, it seemed beyond the most sanguine dreams of the most optimistic. But when the people a little more than five hundred strong, including the non-resident members, made a total pledge of over \$100,000, it marked in a wonderful way the beginning of a new day for the Baptists of Franklin. Particularly gratifying was the result in that it was a 100 per cent response from our resident membership.

During the past two years the missionary giving of the people has been heroic, the amount contributed to the work of the Kingdom outside of Franklin being double that given for the support of the local work. In addition they have built for the pastor one of the most complete and up to date parsonages in all the southland.

It has been my hope that I might be permitted to lead the Franklin Baptists through the entire five year program. But it is not to be. An urgent call from the Canadian capital is seen to be of the Lord and cannot be disregarded. And so on the 19th my resignation was presented to take effect on April 16th.

I shall always feel grateful for my three years in Virginia. Mr. McLean and myself will cherish the most delightful and grateful memories of the associations with the Virginia Baptists and of the kindness and appreciation we have everywhere experienced. Our work in Ottawa is a challenging task. But the resources are infinite and in my native air I expect to have at ready command a greatly increased vital energy. "The tie that binds" will not be severed. So much of our vital interest remains in Dixie that we hope frequently to visit the southland, and if God so wills, again to labor here.

Trusting that the bonds of American-Canadianism may grow stronger with every passing year and ever increasing contribution toward solving the great problems of the present and future. I am, Cordially yours,  
M. A. MACLEAN.

The Editor of the Herald adds: "It is no harm to add in view of the foregoing that the trustees of the university of Richmond at their semi-annual meeting, held a week or so ago, voted to confer the honorary degree of Doctor of Divinity upon Mr. MacLean and he will have to return from Ottawa in June to be suitably invested. The action of the Board gives a hint of the high esteem in which this fine man and minister is held in Virginia. We grieve that he is going away, strong, cultured, devout. May blessings abound for him as he returns to his own land."

## Royal Bank Clerk Receives Presentation

Mr. T. W. H. McPherson who for several months has been the obliging and efficient receiving teller of the Royal Bank of this city leaves this morning for Summerside to which branch he has been transferred.

On Saturday evening last he was waited upon by his fellow employees and presented with a leather satchel bag. The presentation which was made by Mr. A. R. McInnis, was accompanied with the hearty good wishes of all and conveyed in a neat address by Mr. W. R. Hunter, to which Mr. McPherson made a suitable reply.

Mr. McPherson was an exceedingly popular official, engaging the good will and esteem alike of his fellow-clerks and the customers of the bank who had dealings with him. His departure is much regretted by his many friends here, while at the same time he is congratulated upon his promotion, and carries with him their best wishes for success in his new home.

Another Transfer.  
(Word was received here on Saturday that Mr. J. R. McInnis, formerly of the Royal Bank, this city, is to be transferred to one of the southern branches. Mr. McInnis is now at Buxton, N. B., where he was called last Easter, owing to the serious illness of his mother.

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M. A. MACLEAN.

## HOW WILL THE KING GOVERNMENT HANDLE THE INDEMNITY QUESTION?

The Problem Alone is Sufficient to Demonstrate Whether the Professed Millennial Dawners are Men or Mice.

(BY BOB SPUD)  
Doubtless all electors remember the great doctrine of economy which was incessantly preached by the Liberal politicians prior to the election of December last. It will also be remembered that ever since the cessation of the Great War, the theory was advanced by the leading lights of the Liberal party that the Union government had no mandate to further carry on the business of the country, as it was elected only for the duration of the war.

While this so-called "no mandate" government held the reins of power and the cost of living was still soaring skywards, the session of indemnity per member was increased from \$2500 to \$4000. The Liberal members, although continually harping that the then government was composed of a bunch of usurpers autocratically holding on to power against the wishes of the people, accepted this increase. Those men evidently had forgotten at that time that they, the Opposition members, were elected on the same day as were the supporters of the government, the mandate of which they seemed firmly convinced, had become null and void after the cessation of hostilities in Europe; for if the government had no mandate, how could the opposition members have? Nevertheless they did not resign their seats.

Any rate let bygones be bygones. According to the Liberal doctrine the sessional indemnity now, since the autocracy is overthrown and replaced by a democracy, shall be the amount of \$2500, as the bill authorizing the increase was passed ONLY by a government that had no mandate. Therefore the \$4000 salary cannot be conscientiously accepted by the members of the government that is under obligation to do all in its power to hasten the dawning of the millennium, unless the democratic way of passing a bill to that effect during this session is proceeded with.

While that would be one way out of the difficulty, yet it would appear to be a serious offence for the King government to commit, when it is taken into consideration that it obtained power by pledging itself to implement economic measures by all possible means.

An increase of \$1500 on the salary of every member of parliament and senator would, in the opinion of the writer, be more economically spent in relieving the unemployment situation in the various centres throughout the Dominion, than going into the pockets of the politicians, unless it can be proven conclusively that those poor mortals (the M.P.'s and senators) are actually in want.

The farmers are now heavily feeling the pinch of the re-adjustment of prices. Many skilled workmen in our cities and towns and numerous unskilled laborers have been out of employment for months.

The only remedy prescribed for this state of affairs is that when prices are re-adjusted or near the pre-war level, things will brighten up.

The unemployed and those suffering from wage cuts are further admonished that the cost of living must be brought down, and that one of the first steps in that direction is the decrease of wages. Would it not be but reasonable that the wage slumps should also be paraken of by our Parliamentarians? At any rate it should not even be hinted at by the so-called democratic government at Ottawa that a cent more than \$2500 per member should be extracted from the public trough.

It now remains for the King government to decide, whether: (1)—It shall disregard its pet cry of "no mandate" which had such a pleasant sound while on the opposition benches, and vote \$4,000 to each member of parliament and senator or: (2)—Ignore its pre-election cries of economy by passing a bill authorizing this \$1500 increase so as, from the Liberal point of view, it will become constitutional and legally voted or: (3)—Stick to its cry of "no mandate" for the former government by absolutely ignoring the \$4,000 rate of salary or: (4)—Pass a bill repealing that act which, in itself, while acting in the interests of economy, recognizes that the Union government had a mandate, despite the May 4th 4.66 a. m.

CONDENSED SPECIALS

RATES.—10c per line per day. 5c per line per day for 3 days or over. 3c a line per day for 6 days or over. Count 5 words to a line. Groups of figures, initial letters, count as one word. 10 per cent discount for cash. Address forms part of ad. and must be paid for. Special rates furnished upon request. 50c for seven words for one week. Situation wanted, for seven words, 50c per week.

WANTED—MAID FOR GENERAL HOUSEWORK. Apply Mrs. Geo. DeBlois, 25 Fitzroy St.

FOR SALE—A QUANTITY OF White Flax Seed. Percy Hatch, Mt. Herbert.

WANTED—AN EXPERIENCED laundress. Apply P. E. Island Hospital in person.

ONE HUNDRED DOLLARS PAID for evidence which will convict the author of slanderous statements, jeopardizing my moral character. Matilda Hawkins, 44 Langworth Avenue, Charlottetown.

FOR SERVICE—REGISTERED Holstein bull, bred from stock with high butter-fat record. Terms five dollars cash insured. C. L. Boyter, Georgetown.

Announcements, Coming Events, Meetings, Etc.

HUNTER RIVER Drama's Club will present the comedy, "When a Man's Single" in Hunter River Hall, Thursday and Friday evenings, May 4th, and 5th. Good specialties. Popular prices. Obtain your tickets early.

The Weather, Temperature, Tide, Moon, Etc.

TORONTO, May 1—Maritime west to northwest winds, fine and a little warmer. High tide this afternoon at 12.57 and tomorrow morning at 2.20. Sun sets this evening at 7.08 and rises tomorrow morning at 4.44. First quarter moon on Thursday May 4th 4.56 a. m.