

THE HERALD

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SESSIONAL NOTES.

Proceedings in the Legislature last week were, for the most part of a routine character. With the exception of two or three brief passages at arms across the floor everything moved along without excitement.

Among the requests for information, during question time on Tuesday, was the following put to the Commissioner of Public Works, by Mr. J. A. McDonald, Cardigan regarding Charles B. Clay, Road Inspector: Was he employed by the Department continuously during the year 1908-1909? Did he resign at any time during above period? If so, what was the date of his resignation, and when did it take effect? Was he reappointed to said office, and, if so, when? Was the said Charles B. Clay a candidate for the Third District of King's County at the last local general election held in this Province. Was or were any person or persons, and, if so, who, performing the duties of the said road inspector during the said election? By whom was or were such substitute or substitutes appointed and upon what terms? Was or were any sums of money paid to them or any of them, and, if so, how much to each for services as substitute? Also, lay on the table of the House a return of all resignations, appointments, returns, reports, letters, correspondence, memoranda, and documents in any wise relating to the matters above referred to. Hon. Mr. Cummiskey said the information would be furnished at an early date.

The Chancery Act was again up for consideration on Tuesday and made some progress towards the report stage. Several amendments which would appear to render the act more workable and facilitate proceedings were moved by Mr. Mathieson and Mr. Arsenault of the Opposition; but the Leader of the Government, promoting the bill, resisted them and called upon his followers to vote them down.

On Wednesday, Mr. John McLean presented a petition from certain inhabitants of Souris praying for the incorporation of that town. Objection was taken by the Commissioner of Public Works, on the ground that if the petition affected taxation or the public revenue, it could not be introduced by a private member. The Leader of the Opposition thought Mr. Cummiskey had taken objection too soon. There was no bill in this matter yet before the House. Mr. McLean's motion was to refer the petition to a committee to report thereon by bill or otherwise. The petition was forthwith referred to a committee who reported by a bill, which was received and read a first time and referred to the private bills committee. Other petitions were presented and many questions were asked of the Government concerning various matters of public interest. The Leader of the Opposition made further enquiry concerning our claims against the Dominion. He asked the Leader of the Government whether or not any memorial or writing had been prepared by the Provincial Government, or on its be-

half respecting the claims of the province. The Premier said there had been no correspondence; only a verbal statement had been made by the Federal authorities. No progress had been made. The Ottawa Government was not prepared, he said, to take up the questions involved. So that is all the Province has got (nothing), as the result of the alluring promises made by our Liberal friends all these years!

The questions asked on Thursday included the following: Mr. M. Kennedy asked the Honorable Commissioner of Public Works if tenders were called for the building of Anderson's Bridge, if so who was the contractor; to lay on the table of the House all papers relating to said bridge, was the work done according to plan and specification and was the contractor paid in full, if not, is it the intention of the Government to do so?

Mr. Delaney asked the Honorable Commissioner of Public Works to table a report showing how the sum of \$6, appearing on the Public Works Report page 129 to have been paid B. C. Allen (2) What services were given for money paid? (3) If said work was let by public auction or private sale and by whom sold or agreed with?

Mr. M. Kennedy asked the Honorable Commissioner of Public Works if he has received a petition from the inhabitants of Hope River and Millvale praying for the opening of a new road leading from the Warburton Road and to terminate at or near Hope River Church, and if it is the intention of the Government to open the proposed road. The Commissioner gave the usual answer in each case; that the information would be forthcoming.

Consideration was resumed, in committee of the whole, of the bill amending the City of Charlottetown act. Mr. Palmer, who had previously taken exception to the clause denying appeal to those assessed for expenditure on permanent sidewalks, said that he would not now oppose the clause. Mr. Mathieson would like to know what influences were brought to bear on Mr. Palmer to cause him to make this "right-about face." Had the party whip been cracked over him so vigorously that he submerged his convictions? Mr. Mathieson argued at some length in favor of the right of appeal. This right was one of the elementary principles of justice. It was for the purpose of granting relief to those aggrieved that our courts existed. City officials were liable to make mistakes in measurement or otherwise. Mistakes had been made and reductions had been granted to some who had complained. Why put such arbitrary power in administering the civic law in the hands of the city councillors? He pointed out that men do not rush into the courts, with the prospect of paying costs, unless they believe they have a just cause. He moved that this clause, refusing appeal, be struck out.

Mr. McLean said it was an impertinence to ask the House to confer powers on the City Council, which the House itself did not claim. He was willing that they should have any reasonable powers; but not the power to tax at will without revision or right of appeal. Replying to the Premier, Mr. McLean said the latter was not justified in saying the bill had gone through eight years ago without opposition. There was no record—it was merely a matter of memory. Persons assessed for sidewalks were men of property and would not appeal without cause. If

such powers were asked by councils of new towns or villages hereafter asking for incorporation, not ten electors could be found to vote for incorporation. Mr. Arsenault argued strongly against the clause. He considered it a grave injustice to refuse the right of appeal. He had heard no reason why this right of appeal should be taken away. Citizens would not appeal to the court without some just cause. Should a demand be made at any time for such a clause in the Summerside incorporation act, he would most certainly vote against it.

Mr. Mathieson, continuing the discussion, referred among other things, to the arbitrary conduct of the council in seeking to cut off the small salaries of the Water Commissioners, who had just been elected in good faith, not a word about abolishing the salaries having been said during the election. He pointed out what had happened in Montreal, where corruption had grown to the extent of \$1,500,000, in an expenditure of \$5,000,000. This was an example of the danger of granting such arbitrary powers to a city council. Referring to the Leader of the Government as the father of the bill, Mr. Hazard interrupted to state that he had retired from the position of legal adviser of the city two years ago. Well, said Mr. Mathieson he was the city's legal adviser when the bill embodying this clause first went through. If he was not the father of the bill he was its grandfather. If the city business were done fairly and honestly, there would be very few appeals; but if not done fairly and honestly there surely ought to be the right of appeal. Why, he wished to know, was the Leader of the Government so determinedly opposed to allowing the right of appeal? The Premier might take a lesson from Mr. Palmer, who could change from right to wrong with lightning like rapidity. Could the Premier not change from wrong to right with like celerity? As a matter of fact, charges had been unequally made, and influential citizens had obtained reductions. He said, there is injustice. He pointed out that some \$42,000 had been expended on sidewalks and \$12,000 of this amount had been paid by the property-holders. Here was a large opening for favor; but favor and justice do not go together. The House had not always waited for indignation meetings before they made changes in statutes. Once it had taken away the right of Dominion officials to vote, and when a change had taken place at Ottawa this right had been restored.

Mr. McKinnon was not disposed to obstruct, in any way, the operations of the City Council; but he certainly thought the right of appeal should be allowed. Members on the Government side said there had been no indignation meetings. Were we to infer from this that the House was not to be limited in its exercise to pass all kinds of legislation, so long as there were no public indignation meetings held to protest? Surely that was carrying things with a high hand. Mr. Dobie did not doubt the City Council was composed of fair-minded men; but that was not sufficient reason for bestowing on them extraordinary powers, which might become oppressive. He certainly thought there should be the safe-guard of an appeal to the courts. Mr. McLean, Mr. Dobie and others continued the debate. Mr. J. A. McNeill repudiated the idea that the amendment to permit appeal to the courts, had been inspired for party reasons, as had been insinuated.

It was in order to afford simple justice to those who had to pay the money. The committee then divided and the amendment for appeal was lost by a party vote, 14 to 12.

Clause 6 of the bill was as follows: All sums now due or which may hereafter become due to the City of Charlottetown as fixed by the City Council in respect of assessment for permanent sidewalks may be recovered in the manner set forth in the next preceding section, notwithstanding any error, informality, irregularity of delay in the apportioning, assessing, collecting or enforcement of such assessment.

Mr. Mathieson emphasized his objection to this clause, which he considered would be almost a crime to pass. However, so long as there is 14 on the Government side and only 12 on the Opposition side, he supposed it would be forced through. It could not be pleaded in its favor, that this had been passed before. It was a new clause. Mr. McKinnon strongly objected to this clause. Mr. McLean argued that, as it stood, the clause would apply to future work, in the same line, as well as to the past. The clause was then amended by Hon. Mr. Hughes, so as to apply to "sidewalks already laid down," and omitting the word "error."

When the House reassembled in the evening, the city charter amendment bill was again taken up. Mr. Arsenault moved an amendment to the previous amendments, granting to property owners in certain cases the right of appeal. Mr. Mathieson argued in favor of this, but the Premier opposed it. Mr. Arsenault said he had met a number of citizens of both parties who had complained of injustice in this matter. Mr. McKinnon said he had learned of four cases that had come to court on the city suing for the amount of assessment for sidewalks. The defendants in these cases proved they had real grievances, which had been met in part. In one or more cases it had been proved the measurement had been wrong. Mr. Arsenault's amendment was lost on a vote of 12 to 11. Section 7 increasing the tax on banks to \$250 was struck out without discussion. After some further discussion of the bill, Mr. Mathieson expressed surprise that there was not a clause asking for the adoption of ballot voting in civic elections. During the recent election Mr. Lyons, one of the Mayorality candidates, advocated this in his election card. Afterwards, Mr. Rogers in an "election platform," expressed himself in favor of ballot voting in Dominion, Provincial and civic elections. Mr. Rogers having been elected Mayor, he was surprised nothing was said about ballot voting in the amendments asked for. He would move an amendment in that direction on the third reading of the bill. Progress was reported and shortly afterwards the House adjourned.

On Friday Hon. Mr. Cummiskey presented a petition of certain inhabitants of Souris, praying that no act of incorporation be granted that town at the present session. He moved that the petition be referred to the private bills committee, before which the bill for incorporation is pending. Objection being taken the motion stood over. In answer to Mr. Cox, the Commissioner of Public Works said a petition of certain inhabitants of Gable Head and Head St. Peter's Bay had been received praying that a road be opened from the Cable Head Road to the sea shore opposite Catherine McIntyre's farm, and also a counter petition. He could not say what action would be taken. Mr. Mathieson asked the Leader of the Government: (1) Has a statement of the claims of this Province against the Dominion Government as set forth in the Resolution of this House passed in the session of 1907 been prepared for presentation to the Government of Canada? (2) If so, to lay upon the table of this House the said statement or a copy thereof. (3) Was such statement of claims presented to the Government of Canada. (4) If so, when and by whom? The Premier stated that a copy of the statement would be prepared and laid before the House. Mr. McLean asked the Commissioner of Public Works to lay on the table of the House all returns, reports and correspondence respecting the road from Baltic Road to Fairfield received by him from the Road Inspector.

or other officers of the Public Works Department since the 30th September, 1908. (2) Has the Government acquired a title to the property over which the said road passes? If so, from whom and at what price in each case? (3) Does the Government propose to take any and what further action in the matter? Hon. Mr. Cummiskey promised the information Mr. J. A. McDonald asked the Commissioner of Public Works to lay on the table of the House a statement regarding the payment to Mr. W. W. Lavers of \$48.00 in connection with Cardigan Bridge, showing for what service the money has been paid. The information was promised by Mr. Cummiskey.

Mr. James Kennedy moved a lengthy resolution, of which he had previously given notice, setting forth the serious handicap which the trade of this Province has for years been subjected, owing to the difficulty of navigation and excessive freight rates charged by reason of the short haul rates between points in this Province and points on the mainland. He showed the disadvantageous disproportion in freight rates between points in this Province and points in the mainland, as between Montreal and these same mainland points, by quoting the actual figures per 100 lbs in each case. The resolution further recited the great loss suffered by Island shippers by lack of shipping facilities and careless handling, on the P. E. I. Railway, the connecting steamers and the I. C. Railway. It also set out that, in view of the fact that we contribute our full quota of the cost of maintenance of all Government owned or subsidized railways and steamboats, we are entitled to equal privileges with the upper Provinces over all these lines, and due allowance should be made for extra handling caused by shipment. Steamboat passenger rates to and from this Province were declared to be excessive; the P. E. I. Railway was set down as mismanaged and its timetable so arranged as to cause dissatisfaction to the travelling public, and rendering in complete and unsatisfactory connections between trains and steamboats. The resolution further set forth that it had been decided by unanimous resolution of our Legislature on the 21st of April 1906 to memorialize the Government of Canada to take all these grievances and disabilities into consideration and to grant a reasonable measure of relief. As no effective action had been taken by the Government of this Province to remedy the long-standing recited grievances, it should therefore be resolved that this House do again direct the attention of the Government of this Province to its neglect in taking such steps as would lead to a removal of the said recited grievances, under which the people of this Province have suffered for so many years.

Mr. McKinnon pointed out the serious grievances under which the people of this Province, are laboring in this matter. He severely criticized the conduct of Mr. Sharp, Superintendent of the P. E. I. Railway, who, he said, takes no notice of the representations made by the people and the merchants. He considered the bad local management and the high rates of freight are our worst handicap in the market. It was his contention that the Railway Commission should control the rates charged on the P. E. I. Steam Navigation Company's steamers, and thought that a committee of the Legislature should represent the matter to the Minister of Railways and the Government at Ottawa. He quoted from a speech of the present Minister of Railways indicating that he was willing to give us a fair service. In view of this, he considered this an opportune time to approach him. We should have through rates, he considered, for freight to and from the Island—as at those charged on the mainland. He considered the way in which our hogs are handled on steamers and railways detests from the intrinsic value of the pork. If the House would only deal with this matter in a business like way a great good would be done for this Province.

Hon. Mr. Hughes regarded the question of most importance, and in order to discuss it fully moved the adjournment of the debate. After some bills had been advanced a stage, the Leader of the Government moved the reading of the bill to enable the Government to guarantee certain bonds of the P. E. Island Cold Storage Company. The committee stage was reached, when progress was reported and the House adjourned.

The House met for a brief sitting Saturday forenoon. After routine Mr. J. A. McDonald moved, seconded by Mr. Kennedy, for an order of the House to lay on the table all information asked by Mr. McDonald in a question previously put to the Commissioner of Public Works and published at the beginning of these notes. Speaking in his resolution, Mr. McDonald said he had taken this course because he had asked for this information about Mr. Clay in the ordinary way, but had not received it. The public accounts show that Mr. Clay had drawn his full salary for the year, as Road Inspector, although he had in the meantime been a candidate for the Legislature, and had run an election. The public were entitled to some explanation or defence of this proceeding. Mr. Mathieson said this was not a very great matter from a monetary point of view, but it involved a very important principle. Mr. Clay was a road inspector, and became a candidate for the election to the Legislature. If he did the work while a candidate, he should not be paid for it, as he was entirely disqualified. If he resigned he should be paid for the time he was campaigning, and not holding office. Mr. Cummiskey said he had resigned and his resignation had been accepted by order in

Mr. J. A. McDonald seconded the resolution. Too much stress, he thought, could not be laid upon this matter. The freight rates are of the most importance, and with us were most unfair. He instituted a contrast between the rates to and from Cardigan, and those charged from points on the main land. The manner in which freight is handled by our local management is most annoying. Even in the smallest and most clearly proved claims, redress is not given. He pointed out that it costs 8 cents a barrel to get flour from Pictou to Cardigan—46 miles. On the mainland it is carried 1,300 miles for 16 cents. In his own case he made a claim against the railroad for a barrel of oil short. He got no satisfaction from the Superintendent. When he communicated with the railway authorities at Moncton he received a cheque for the oil.

Mr. Prowse strongly supported the resolution. He pointed out that western products were underselling ours solely because of the unfair rates. He considered that we should not rest satisfied in this matter until we obtained fair play. He considered the local management on both Steamers and railway is careless and bad.

Mr. Delaney considered this resolution was one of the most important that could engage the attention of the people's representatives. We are, he pointed out, essentially a farming community, and unless we look after the farmers' interests, we cannot hope to prosper. Our pork exports, he said, are so handled in transit that when the meat reaches the market it is in many cases mangled and dirty. This is one of the things, he pointed out, that militates against the farmers and dealers of our Province. Mr. Delaney briefly described the conditions which constitute our hardships in this matter. He said that if Mr. Cox handled as much pork as himself (Mr. D.) and his colleague, he would not talk as he does—through his hat. He considered it our bounden duty to work for the farmers, and he expressed surprise that Mr. Cox should try to throw cold water on the resolution. (This was Mr. Delaney's maiden speech in the House, and it was greeted with hearty applause.)

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