

INFORMATION TABLED BY THE GOVERNMENT IN REPLY TO QUESTIONS OF THE OPPOSITION!

THE DUMMY MINISTER OF PROCEEDINGS IN THE CASE JUSTICE PLAYS THE GAME

"You Scratch My Back And I'll Scratch Yours"

**Seeks Excuse to Pay Out Money--
No Real Trial Had Come Off
--But the Judges Claim for
Award is Supported by Squires**

Mr. Hon. Sir E. P. Morris, K.C.M.G.,
Prime Minister.

Dear Sir Edward.—In accordance with the request of Council I have secured from the Judges of the Supreme Court particulars of the election petitions in which they were engaged. Appended hereto is a schedule giving a list of the petitions and the Judges to whom they were signed. Section 194 of the Election Act of 1913 provides as follows: "Upon the trial of an election petition the trial Judge shall be paid the sum of one hundred dollars out of the funds of the Colony." Section 186 of the Consolidated Statutes, Second Series, Chapter 3, entitled "Of the Election of Members of the House of Assembly," which Act was repealed by the Act of 1913, reads as follows: "Upon the trial of an election petition the presiding Judge shall be paid the sum of one hundred dollars out of the funds of the Colony."

In December 1894 a petition was filed in the case of John Lash and Isaac C. Morris against Donald Morison and Alfred B. Morine. The proceedings did not go to the stage when witnesses would be called by either party, but were dismissed for want of prosecution. The trial Judge was the late Sir James S. Winter, K.C. The Government of that day disputed the payment of the sum of \$200.00 due under Section 186, Chapter 3, of the Consolidated Statutes before referred to. On the subsequent retirement of Sir James Winter from the Bench, he filed a petition claiming the sum of \$200.00. His Majesty's Attorney General, the late Sir William V. Whiteway, in his answer admitted the proceedings, but objected on the ground that there had been no trial of an election petition and consequently no amount was due under the section referred to. The case was heard before the late Chief Justice, Sir Joseph I. Little, and on the 19th March, 1897, a judgment was delivered by the late Chief Justice in favour of Sir James Winter for the amount of \$200.00. In view of this decision it would

appear that the Trial Judges are entitled to be paid the sum of \$100.00 out of the funds of the Colony, with respect to each of the five election petitions referred to. Section 194 of the Act of 1913 provides that "the trial Judges shall be paid the sum of one hundred dollars." It does not say the sum of one hundred dollars each, but as each trial Judge was paid the sum of one hundred dollars under Section 186 of the Consolidated Statutes above quoted, it would appear that the sum of one hundred dollars should now be each paid the sum of \$100.00. The difference in the two Acts being that under 1913 Act, two Judges would try each petition, while under Section 186 of the Consolidated Statutes, a petition was tried by one Judge only. It cannot be argued that as the 1913 Act provides for two Judges for the trial of each petition, that the time and labor of each individual Judge would be proportionally reduced. I, consequently am of opinion that, in view of the sections of the Consolidated Statutes and the Act above referred to and the decision of Chief Justice Little in the case of Winter vs. the Government, the Judges are entitled under the Act of 1913 to remuneration with respect to the election petitions as follows: The Carbonar Petition—Chief Justice and Judge Emerson. Harbor Main Petition—Chief Justice and Judge Johnson. Harbor Grace Petition—Chief Justice and Judge Emerson. Bay de Verde Petition—Judge Emerson and Judge Johnson. Bay de Verde counter petition—Chief Justice and Judge Johnson. Herewith I enclose for the information of Council a copy of the proceedings in the case Winter vs. the Government, also original memorandum showing the number of petitions and the Judges to whom they were assigned.

Very truly yours,
R. A. SQUIRES,
Minister of Justice.

March 26th., 1915.

On Which R. A. Squires Bases His Argument in Favor of Paying Fees to Judges John- son and Emerson and Chief Justice Horwood

To the Honorable the Supreme Court of Newfoundland.
The petition of Sir James S. Winter of St. John's, one of Her Majesty's Counsel humbly sheweth as follows:
1. In the years 1894, 1895 and 1899 petitioner was a Judge of your Honorable Court.

2. On the fourth day of December 1894 a petition was filed in the said Court in which John Lash and Isaac C. Morris were petitioners and Donald Morison and Alfred B. Morine were respondents.

3. The said petition was in and related to the election of the said respondents and each of them respectively as members of the district of Bonavista Bay which took place in the month of October 1894 and prayed that the election of the said respondents and each of them should be declared void on account of various matters set forth in the said petition to which for the purpose of this proceeding petitioner prays that reference may be had.

4. Notice of the filing of said petition was served upon the said respondents respectively.
5. The trial of the said petition was in due course of rotation according to law assigned to your petitioner as Judge as aforesaid.

6. On or about the tenth days of January 1896 your petitioner was requested by Counsel on behalf of said respondents respectively to hold a sitting as Judge as aforesaid for the purpose of hearing a motion in relation to the matter of said petition and petitioner thereupon the 14th day of January, 1896, for the said sitting and directed that notice thereof should be given the Solicitors for the petitioner.

7. On the day so appointed petitioner held a sitting as Judge as aforesaid in the matter of the said petition. At the said sitting the said parties respectively appeared by their respective Counsel the petitioners represented by the Hon. Mr. Emerson Q.C. the respondent Morison represented by Mr. A. B. Morine, LL.B. as Solicitor and Counsel and the respondent Morine represented by Mr. Morison Q.C. as Solicitor and Counsel.

8. A motion was then made by said counsel for the respondent Morine for the dismissal of the said petition for want of prosecution upon the affidavit of setting forth certain facts.
9. A similar motion was made by Counsel on behalf of respondent Morison upon the same or a similar affidavit as to facts.

10. The petitioner, said Counsel, argued and was heard against the said motions respectively upon several grounds principally points of law to which the respondents' Counsel respectively replied.

11. Petitioner as Judge aforesaid took time to consider the said motions and arguments and subsequently on the 25th day of February 1896 held a sitting for the purpose of delivering judgment and the parties by their respective Counsel being present judgment was delivered by petitioner dismissing the said petition as against the respondents and each of them with costs against the petitioners.

A REFUTATION Mr. Peters' Story

(Editor Mail and Advocate.)

Dear Sir.—In refutation to the denial of Mr. Peters in this morning's "News" of remarks made by him to a recent visit of the Grand Jury to the Penitentiary (Jan. 21st., 1915) as contained in a letter read by Mr. Coaker in the House on Wednesday afternoon, I wish to state emphatically that Mr. Peters did make this remark to Supt. Parsons in the presence of prisoners when lined up in No. 1 ward, as many of the prisoners can certify, and Supt. Parsons said "that was their working clothes."

I would like to ask Mr. Peters, foreman of the Grand Jury, what report he made on the sanitary arrangements of the Penitentiary, and about the two prisoner boxes under the north window and nuisance pit about ten yards from the broomsheds, and if he complained to Supt. about such. The nuisance boxes lay from Saturday to Saturday. They are emptied every Saturday and the nuisance pit once a year, about 1st. May. That is the state of affairs.

The Morning News of the 15th thought that letter highly colored, but Sir I could not paint it any lighter. If it was painted in detail as I saw it, it would prove that "Man's inhumanity to man makes countless millions mourn." Those facts are true.

Yours truly,

GEO. LEDREW.

Note.—J. J. Cahill endorses all Mr. George Ledrew says in this matter. Mr. Cahill called on us to make this statement.

How Canada Protects Her Trees

That the value of trees is not appreciated is an oft repeated statement, but there is in every-where a circle of our citizens who recognize their value and are prepared to defend them.

In Toronto, Mr. Justice Middleton recently allowed judgment of \$500.00 for sixteen willow trees which had been cut on private property on Toronto island, by corporation labourers.

While trees are, to a great extent, private property, there is also associated with them a corporate interest, in that the general effect of their presence adds materially to the comfort of the people and to the beauty of their surroundings. It may be too much to expect that all owners of property containing trees will recognize their value from this standpoint. There is no authority to protect trees from wanton destruction by their owners, but education on the subject may secure the results aimed at. Horticultural societies should include the protection of trees in their spheres of activity, though, unfortunately, by-law, the removal of trees from private property to maintain a nuisance on private property is a contravention of the law and the destruction of trees, with their beauty, shade and comfort, though legally permissible is not less blameworthy.

"Conservation."

U can get Elastic Cement Roofing Paint in 1, 2, 5 and 10 gallon tins from your dealer.—a14.ced

How Alcohol Effects System Total Abstinence, Longevity

**Even in Small Amounts Alcohol is Injurious--
The Low Mortality Among Abstainers**

(Editor Mail and Advocate.)

Sir.—The action of the British Parliament regarding the drink problem has drawn the world's attention to the loss of national efficiency through the drinking habits of the working classes. There are two phases of the drink habit that are often lost sight of by those who are addicted to drinking. Our phase is well illustrated by the experience of Harry Whitney and is related in his book entitled "Hunting with the Dakima." In describing his birthday celebration at Annotok, he said: "A bottle was opened and I drank the health of all my friends and family at home. It should be said in this connection that the dweller in the arctic must avoid excessive use of spirituous liquors, if he is to endure the cold and hardships incident to his life."

In my experience, I found that even one drink of whiskey, when on the trail, would make me logy and drowsy. I tried it once or twice under severe hardships, hoping that it would stimulate me to endure them, but found it only increased the hardships, making endurance doubly hard. For a moment it does stimulate but almost immediately there is a reaction, leaving one weak and incapable. This applies no matter how small the dose may be."

These experiences of Mr. Whitney confirm the results obtained by a scientific study of the effects of alcohol on students of Yale University.

The other phase that is so often lost sight of by "moderate" drinkers is most serious, as it relates to the effect of drink on the length of life of the drinker. It has lately been studied by Arthur Hunter, Actuary of the New York Life Insurance Co., who in a recent report to a medical society in New York said: "Nothing has been more conclusively proved than that a steady free use of alcoholic beverages, or occasional excesses, are detrimental to the individual. In my judgment, it has been proved beyond peradventure of doubt that total abstinence from alcohol is of value to humanity. It is certain that abstainers live longer than persons who use alcoholic beverages. The low mortality among abstainers shown by insurance statistics may not be due solely to abstinence from alcohol, but to abstinence from tobacco and to a careful regard for one's physical well-being."

Among men who admitted that they had taken alcohol occasionally to excess in the past, but whose habits were considered satisfactory when they insured, there were 389 deaths while there would have been only 190 deaths had this group been made up of insured lives in general. The extra mortality was, therefore, over 50 per cent; which was equivalent to a reduction of over four years in the average life of these men. If this meant that four years would be cut off the end of the average normal lifetime of each man, there are many who would consider that "the game was worth the candle;" but it means that in each year a number of men will die at an earlier age than they should. For example, at age of 35 years, the expectation of life is 32 years; in the first year after that age, instead of say, 9 persons dying, there would probably be 12 deaths; that is, three men would each lose 32 years of life. In the next year probably 4 men would each lose 31 years of life etc. As a matter of fact, many immoderate drinkers would live longer than 32 years but not nearly so many as would live if they had been moderate drinkers and far fewer than if they had been total abstainers from alcohol.

With regard to men who had used alcoholic beverages daily but not to excess, the experience of the companies was divided with two groups: (a) men who took two glasses of beer, or a glass of whiskey a day; (b) men who took more than the foregoing amount but who were not considered to drink to excess. The mortality in group (b) was found to be fully fifty per cent greater than the first group (a)—an excellent argument for moderation in the use of alcoholic beverages.

Part of the hazard from alcoholic beverages lies in the user losing the power to limit himself to a moderate consumption.

Among men whose habits were formerly intemperate but who had reformed for at least two years prior to their acceptance by the insurance companies, the extra mortality was fully 30 per cent, and their average lives were reduced by about 3 years. This excess mortality is partly due to the effect of previous intemperate habits in undermining the system and, partly to a proportion of the persons relapsing into their old habits.

It is, perhaps, useless to try to stop men drinking by showing them the bad effects of drinking. Anyone can see the effects himself. The trouble is that drinkers have weak will-power and cannot reform their habits. That is why the drink question becomes an urgent one for social reform and calls for legislative action. Russia and France have very successfully solved the problem; with their experience, the English Government will, doubtless, do still better. Then it will be Newfoundland's turn to deal with it in the most statesman-like way.

Yours truly,

TRITON.

Prussians Harsh With Bavarians

**Evidence of Callous Attitude
Came Out During Neuve
Chapelle Fight**

**GAVE THEM NO HELP
Left South Germans With-
out Support and Did Not
Succour Wounded**

London, April 5.—"Prussians, Bavarians and Saxons took part in the fighting at Neuve Chapelle, but their mutual co-operation does not seem at all points to have been very hearty," says the eye-witness attached to British Headquarters in France, in a communication dated April 2.

"Our prisoners of the two last-mentioned nationalities expressed great indignation," the writer goes on to say, "at the manner in which they were flung into action during the counter-attacks from Bois du Lys. Orders were given them, so they have said, to reinforce the firing line, but on advancing from the wood they found no firing line, but discovered instead that they were alone and unsupported. Many surrendered in consequence. On the whole, they are under the impression that they were grossly mishandled by the Prussian officers."

"The treatment of their own wounded by the Germans was callous to a degree. Although numbers were lying in front of the trenches in many places, no effort was made to pick them up. At last our men were compelled by pity, and considerable risk to themselves, to endeavor to reach these wounded, but the Germans continued to shoot, and they hit some of our men while engaged on this errand of mercy, although their intentions were obvious. There is reason to believe that many of the wounded were Bavarians and Saxons, while the men in the trenches were Prussians."

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Wanted—An Engineer holding a Second's Certificate to take Chief's position on a steam-er. Apply by letter with references to A.B.C., this office.—a31

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the Fathers at work**

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NOTE—Friday night promises to be a great contest, many names entered. First prize, \$5.00; second prize, \$3.00; third prize, \$2.00; must be over 14 years. Saturday three prizes, children under fourteen. Don't let the children miss the pictures.