POOR DOCUMENT

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THE SEMI-WEEKLY TELEGRAPH.

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Semi-Weekly Telegraph

ST. JOHN, N. B., SEPTEMBER 1, 1900.

THE PROVINCIAL STATUTES.

It is not necessary to enter into an elaborate analysis of mental conditions in order to fully follow the argument in the leading editorial of Tuesday's Sun against the consolidation of the provincial statutes. One does not need to bring together a large assortment of human types to find a classification for the intelligence that inspired it. The class of mind that is hostile to reform, and finds in every proposal of a government to improve public institutions a scandalous abuse of power, is too familiar to betray one into a patient study of its point of view. With a timid and suspicious intelect the Sun undertakes to deal with a question made up of large issues, and requiring a sympathetic and many-sided treatment. As could have been expected it wholly fails to meet the main position insisted upon by the The Telegraph.

While it may be regarded as a criticism upon the work of those responsible for the consolidation of many acts that has taken place within recent years, that lawyers feel the necessity of carefully examining the statute books lest some act may have been overlooked, we do not think it will be regarded quite as seriously as the Sun assumes it will be. It is well known that some of the gentlemen referred to by the Sun as having taken part in consolidating acts were not paid for their services, and that in preparing an act consolidating the law they omitted a very important piece of a statute, and that an amendment of the act was adopted at the next session of the legislature in order to supply the missing section. In view of this experience it must not be thought unkind on the part of the profession that they are disposed to verify the acts in question. If the consolidation of the statutes were entrusted to a committee specially chosen because of the possession of conceded legal ability, and sufficiently remunerated to ensure the work being done with the utmost care, the profession would be warranted in asking that the work be flawless. We did not, however, favor this argument in our article of Monday, and did not put it forward by any means as a substantial defence of the action of the government.

The Sun refers to a resolution adopted by the legislature in 1894, providing for a consolidation of the statutes, and the course adopted by Hon. Mr. Blair in 1896, declining to act upon the resolution as entailing too great an expense upon the province, and having the acts consolidated from time to time with the intention of placing them in one volume, as being a more economical method, and giving equally favorable results. The attitude taken by Hon. Mr. Blair was wholly dictated by considerations of economy. As a lawyer of wide reading and fully conversant with the great progress made in the past twenty-five years in England, Ontario, and many of the American states in cheapening law by simplifying procedure, in striking down abuses of many centuries' existence, in accommodating the administration of justice to the needs of the people, he could not but have been desirous that the laws of the province should be handed over to a competent committee for revision. All that he could promise by his plan was that the acts in amendment of the Consolidated Statutes and other general acts should be brought under one roof. He did not propose that the laws of the province should be thrown into the smelting pot, and be essentially modified where found necessary. If Hon. Mr. Blair, in 1894, was solicitous for a revision of the statutes he remained equally so in 1896, but he was unable to undertake it for financial reasons. In 1900 the government finds its position, financially, greatly improved. It recognizes that the stagnant conditions resting upon the province in 1896 have in a very large measure disappeared, and that we are able to undertake an expense Hon. Mr. Blair was compelled to shrink from. The Sun commits itself to the view that because a government announces a certain policy it is never to depart from it no matter what changes may take place in the circumstances that originally existed. It would tie a public man to the stake, and accuse him of recantation of his former self if he should wish to do something he formerly announced himself unable to do owing to conditions outside of himself. That doctrine is a most pernicious one. It is opposed to progress in human affairs, it is destructive to the liberalizing of the mind, it is to shut one's eyes to facts that make permissible that which before was not permissible.

The Sun gives the names of several gentlemen as having taken part in the past half-dozen years in the consolidation of the statutes as a guarantee that the work has been well done. We admit that the names are among the most weighty in the profession. But it surely cannot escape the mind of one seriously debating this subject that a half-dozen men not working in concert cannot systematize the law, and are not free to use their initiative in reforming the law. Their labors cannot be mutually supporting, and cannot proceed upon an enlarged basis. The point made in our previous editorial was that the government had ordered not a consolidation merely of the statutes, but a revision. That has not been done by the system employed in the past three or four years. All that that did was to gather up the winding and tortuous chain of legislation fast falling into a difficult snarl, and to put it into logical shape. By a revision the statutes of the province will be reformed. Reforms of other countries will be scrutinized, and where thought desirable will be introduced into our statute book. Defects in our present legislation will be purged away. General acts that have today no place in the volume of the Consolidated Statutes, such as the Married Woman's Property Act, the act for securing insurance to wives and children, and numerous acts of a like general and important nature, will be resurrected from their burial places and put within easy reach of both the public and the lawyer.

The chief difficulty with the Sun is that Hon. A. S. White is doing the work and is to receive a part of $20,000. That is the mote to trouble the mind's eye. Just what force there is in the criticism does not appear to the ordinary person accustomed to see governments employing legal ability found within their members. It was not thought subversive of free institutions that Sir Charles Hibbert Tupper acted as one of the counsel in the Behring Sea case while a member of the Canadian government. Sir Charles Russell was a member of parliament, and a supporter of the Gladstone administration, and it was not thought to be derogatory to the independence of the Imperial parliament that he should be employed as leading counsel with handsome fees in that case. What is proper and constitutionally correct in a Conservative cannot be very venal in a Liberal.

THE CUMBERLAND NOMINATION.

The Sun Tuesday morning stated that the county of Cumberland can well afford to ignore the reproach that the Liberal-Conservative party had to nominate "an outside man." It adds that the opposition convention had no such necessity because there are many inside men who would compare favorably with the sitting member, but the party preferred to be represented by a man who would fill the place of the candidate it had lost and would take a position in the first parliamentary rank. This we suppose is intended to induce people to believe that the late Mr. Dickey was a man of the first parliamentary rank, although every person knows that this was not the case. Mr. Dickey was a very good country lawyer, but he never would have reached the position of minister of justice had it not been for the favor of Sir Charles Tupper, whose man he was in the House of Commons. The Sun is wasting its time if it thinks it can delude the people of the maritime provinces into the belief that the selection of Mr. Cahan was not forced upon the party by absolute necessity. It is well known that Sir Charles Tupper before he left England intended Mr. J. H. Dickey, a brother of the late A. R. Dickey, should be nominated as the Conservative candidate for Cumberland, but when he reached Cumberland he discovered that no such nomination could be made, that the great house of Dickey had fallen in ruin, and that to nominate a man of that name for the county of Cumberland would be virtually to give away the election. Their only resort then was to nominate an outsider who was willing to be sacrificed for the cause of the party. It is absurd, of course, to speak of Mr. Cahan as a man of the first parliamentary rank because he has never made any such claims himself. Mr. Cahan is a good party man and was a fairly good newspaper man. He is now a lawyer and a politician, but we will venture to say that he has no idea of ever being the representative of Cumberland in the House of Commons.

WHEAT GROWING.

Commodore Stewart, in the Chatham World, has a good word to say in regard to the St. John exhibition, and expresses the hope that the county of Northumberland will make a good showing at the great fair. We quote:

"We hope this county will make a good showing at the great fair. It is now time intending exhibitors had their entries sent forward. There are nearly sixty prizes offered for wheat alone, which will give the farmers of Napan and other up-to-date farming districts in the county a chance to show other counties in the province what can be done in Northumberland in growing that grain. Chatham ought to, and no doubt will, send a good contingent of visitors to the exhibition."

Our esteemed contemporary refers to the wheat growing of Northumberland county as prosperous and valuable, but what does the Commodore think of the Sun and other opposition newspapers that were recently abusing the provincial government because they were encouraging the growing of wheat, and who carried their partisanship so far as to demand that the provincial government should compensate some farmers who had been induced to grow wheat which did not turn out as well as had been expected in consequence of having been rusted by the excessive rain? Commodore Stewart is a man of a different type from the persons who edit the Sun. He wants to see New Brunswick an important wheat growing country, and he will applaud the provincial government for what they have done to bring this about.

THE DOMINION RIFLE ASSOCIATION.

The matches of the Dominion Rifle Association are now on and although the assembly of marksmen is smaller than that of last year, there are still a respectable number of competitors for the various prizes. We have, on more than one occasion, referred to the fact that there is a good deal of inconvenience in requiring the marksmen of the several provinces to go to Ottawa to engage in the matches of the Dominion Rifle Association. Canada is a very big country, and the journey from the maritime provinces even is a long one, and from some portions of the west it is much longer. We fear that under the present system a great many marksmen who could compete for the prizes at their own headquarters are debarred from participating in these interesting contests. Another difficulty also is the selection of the men who go to England to compose the Bisley team. These men have to go to Ottawa in the first place, yet very few of our marksmen have sufficient time at their disposal to make the trip to Ottawa and also to England. We think that these competitions could be better held in the several provinces, or even in the local headquarters of each county or military district, and that a great many more marksmen would be able to participate if this arrangement were made. At the present time shooting at Ottawa is being done under extreme difficulties in consequence of the excessive heat, to which many of the marksmen are not accustomed. This heat produces different atmospheric conditions and spoils the shooting of the men. This is especially the case among marksmen from the maritime provinces, who are acustomed to a cooler atmosphere. We trust that this question will receive the attention of the Dominion Rifle Association, and that some effort will be made to enable the competitors for the valuable prizes of the Dominion Rifle Association to shoot for them at some place nearer their homes.

SOUTH AFRICA.

The Boers are now making what will probably be their last stand in South Africa. After having been driven from their capital they have maintained for some time past a species of guerilla warfare, evidently with the idea that Chinese complications or some other cause would induce the British to reduce their forces in South Africa, and thereby give them an opportunity of retrieving the disasters which have fallen upon them. There never was any hope that this would be the case. It is not unlikely, however, that the Boers have been secretly receiving encouragement from some source, and have been led to believe that some move on the political chess board would result to their advantage. There is no doubt, we think, that the war in the first place was due to such encouragement, and it is by no means unlikely that there are persons in high station in Europe that are willing that the war should continue in its present form, merely for the purpose of preventing Great Britain from showing too much activity in other parts of the world. However, there is no possibility of anything now occurring which will change the course of events. The Boers have been defeated so decisively that nothing short of the annihilation of the British army would help them. They are able, of course, to cause some annoyance and to interfere with the British communications, but there is no possibility of them gaining any advantage by such movements. They have certainly fought a good fight and any credit that is to be derived from obstinate resistance is justly theirs. At the same time we are of the opinion that they would have been better advised if they had yielded earlier to the inevitable, and thereby won some claim to consideration from their conquerors. As it is they ought to get nothing, and we trust will get nothing, but what the stern letter of the law will give them. They have done their very utmost to stay the tide of conquest and to prevent the British from obtaining a footing in South Africa. Now that they are defeated they should only receive such mercy as the conquered deserve from their conquerors. As for the Boer leaders who have obstinately kept in the field, steps should be taken to inflict proper punishment on them for the damage they have done to the British cause and to British property.

A great success was scored for the British on Tuesday afternoon when Machadodorp was occupied by General Buller's forces. This is the place where the Boers have been gathered in force, and which has been their headquarters ever since Pretoria was taken. Machadodorp lies about 150 miles east of Pretoria and is the last point west of the mountains from which a road goes north into the Lydenburg district. The Boer force assembled there was supposed to number 8,000 men with 90 guns, and as the country is naturally well adapted for defence, it was thought that the Boers would make a strong stand at that point. But Lord Roberts pursued the same tactics which have been so successful with the Boers on former occasions, and while Buller pressed them in front, French with a mobile force menaced their flanks, so that they had either to abandon their chosen position at Machadodorp or submit to be surrounded. This will account for the comparatively easy manner in which the position was taken. The importance of this victory can hardly be overestimated. The Boers have now no longer any point of contact with the railway. The men who have fled north are cut off from all communication with the outside world. They can neither receive supplies nor reinforcements from Europe by way of Lorenzo Marquez, and their last chance of escape is gone.

THE SITUATION IN CHINA.

The Chinese situation does not grow any clearer and it is impossible at this time to forecast what the outcome of the contest now going on in the flowery kingdom will be. The members of the embassies have been relieved of the danger in which they were placed, but no one can say what arrangement will be made between the powers as to the future government of China, or with regard to the manner in which the existing crisis is to be dealt with. It appears certain that the United States, which has always been able to keep out of complications of this nature, has now committed herself with the powers with regard to China, and the fact that preparations are being made to maintain 5,000 American troops in that country during the coming winter is a proof that the government of the United States recognizes its obligations as fully as any of the European nations. The great aim, of course, ought to be to maintain some sort of a government in China that will be respected and will respect the treaties that have been made with foreign nations, so that the commerce of China may go on as usual.

The war, after all, is to a large extent a trade war, and resembles in kind, although not in degree, the difficulties of forty years ago when Europe was just beginning to establish commercial relations with China.

THE UNITY OF THE EMPIRE.

Sir Charles Tupper spoke at Halifax on Tuesday evening at a great patriotic concert, and singularly enough he took for his theme, the unity of the empire. He said that the greatness and the real unity of the empire had never before been so brilliantly attested as during this war in South Africa. He referred to the fact that Great Britain, which was supposed to be merely a great naval power, had been able to transport an army of 200,000 men across 7,000 miles of ocean to South Africa, and that brave men in Canada, Australia and New Zealand had by common consent sprung to arms and shown to the world that these great outlying portions of the empire were ready to support the mother country. This was true, although it was not new, for the same thing has been said by many persons on many platforms during the past few months. The remarkable feature about the thing is that Sir Charles Tupper, who is doing his best, in a political sense, to prevent the unity of the empire, should, while in Halifax, have assumed the role of a patriot and began to speak in favor of it. The campaign which was conducted by the Conservatives in 1895 and 1896 was certainly not one that was calculated to increase our patriotism or to promote the unity of the empire. Sir Charles Tupper's son, who he thinks can do no wrong, run about the country decrying Great Britain and declaring that she could not sell her goods except at the point of the bayonet to savage nations. This was not calculated to promote the unity of the empire, or good feelings between Canada and the mother country. More recently Sir Charles Tupper has been in the province of Quebec denouncing imperial federation and declaring that there never could be a legislative union of the empire. He has been stating that if Canada was bound to assist in the defence of the empire, it would cost this country enormous sums of money every year to do so, and he mentioned the figure of $46,000,000 as what would be Canada's share of the imperial expenditure for a single year. We fail to see that this kind of talk is likely to promote the unity of the empire or that it is the language of a patriot. Yet Sir Charles Tupper, after such attacks on Great Britain has no difficulty in joining in a patriotic demonstration as the greatest of loyalists. He evidently thinks that the people of Canada have very short memories and that they cannot recollect his previous utterances in regard to the subject with which he was dealing on Tuesday evening in Halifax. We regret very much that the leader of the opposition should display so much inconsistency, and that he has such a low opinion of the intelligence of his followers as those diverse utterances of his illustrate.

INTERCOLONIAL AND GRAND TRUNK.

The Sun Wednesday published a foolish article, the burthen of which was that under the present minister of railways, the Intercolonial is under the control of the Grand Trunk. The only reason given for this absurd statement is that freight from Nova Scotia is carried over the Intercolonial railway and handed to the Grand Trunk at Montreal. The facts of the case show that since Mr. Blair became minister of railways the influence of the Grand Trunk over the Intercolonial has been reduced to nothing. Under the late government the Intercolonial ended at Point Levis, and the other 173 miles of railway from there to Montreal were owned by the Grand Trunk. The result of this arrangement was that the Intercolonial could not get any freight at Montreal except by favor of the Grand Trunk, and the latter railway was able to impose such rates on freight going eastward from Montreal that the Intercolonial railway got little or nothing. All the profit on goods going from Montreal to Halifax or St. John went to the Grand Trunk, a fact which sufficiently accounts for the constant deficits of the Intercolonial under Tory rule. Now the Intercolonial railway can get freight at Montreal independently of the Grand Trunk, and if the latter receives any favors from the government road they are granted for substantial considerations from the other side.

The people of Canada do not need to be reminded that under the late government the mail steamships went to Portland, Me., in winter, and the freight they carried went over the Grand Trunk. The present government brought this arrangement to an end, and now the mail steamships come to St. John and their freight goes over the C. P. R. This does not look like unduly favoring the Grand Trunk.

OUR PROVINCIAL LAWS.

The Sun devotes another long article to the subject of codifying the provincial laws. It appears that we were wholly mistaken in regarding the work of revising and consolidating the statutes as essentially of a high class nature. It turns out that it can be done by anybody, and in any way. If you do not want to pay two dollars a day to have it done you can have it equally well done at half that sum. It is thought in certain well informed circles that in another year a mechanical device will have been invented to do the work while you sleep. In fact if you look into tomorrow's Sun you will very likely find it saying that a hidden attachment has been discovered in the street roller, and that upon a dexterous movement being applied to it with the forefinger and the left-hand thumb a complete edition of the statute of frauds with Lord Tenterden's amendment in its proper place will fall out. That need occasion no surprise. We have seen a machine perform feats that some of the greatest men in the land would despair of doing. We have seen it boss a party, nominate a candidate, and impose its will so completely upon him that his friends taunted him for his cowardice. Today we can watch its mental processes as it languidly ponders over the aspirations of a politician who was once able to trounce it. We find we will also have to recede from another position we incautiously occupied. We urged the view that a number of men could not be expected to revise the statutes in an efficient way unless they acted together and constantly compared the result of their labors. We assumed that as many of the principal acts of the province such as the Supreme Court act, the Supreme Court in Equity act, the County Courts act, the Probate Court act, the Justices' act, the Debtors' act, etc., have provisions that dovetail any revision as distinguished from a mere consolidation of them could not be undertaken unless they were considered as a whole. That, it seems, was a transparent fallacy, and we are completely at a loss to learn how we could have been imposed upon by it. If that eminent member of the provincial bar, Mr. Tidd, and that very distinguished brother of his, Mr. Chitty, Q. C., are entrusted respectively with the revision of say the Supreme Court act and the Debtors' act with strict orders not to speak to one another either in or out of court, we have no doubt that when they offer the product of their separate labors to the public it will be found to be as symmetrical as the hewn stone for the temple of Solomon. Does any one doubt that if a squad of men were set down in widely scattered regions, and were securely blindfolded, and were provided with a compass and a proteid extract of 83 per cent., and then turned loose, they would not infallibly meet in a back lot? Some unknown law is responsible for that result and its presence would no doubt achieve the same happy effects in connection with the revision of the statutes. No explanation was ever vouchsafed why a Conservative administration one day was seen to open up its ranks, and deliver forth upon the world half of its members, and after leaving them to wander up and down in a horror of great darkness suddenly receive them back again. Nature cannot be appealed to for nature will be ransacked in vain for such a prodigy. We plainly are in the hands of providence. It may play tricks upon us for a time but in the end it does the right thing, and it may be depended upon not to fail us no matter how much we may seem to defy common sense in our method for the revision of the statutes.

It does not seem possible to make any defence for Hon. Mr. White now that the Sun has made a comparison between him and that pure patriot, Sir Charles Hibbert Tupper. We can only faintly protest that the comparison is a most unfair one. Sir Hibbert is naturally credited in the public mind with being as lofty of soul and disinterested in motive as his saintly and adorable father. Sir Charles Tupper has often been led into the wilderness, and tempted with visions of riches but he has withstood the assaults of the evil one, and has preferred poverty and hardship rather than wealth and a troubled conscience. For this he is held in esteem in Canada, in Great Britain, in the far fastnesses of Krugersdorp, in fact wherever the flag floats, even though it be upon the Yang Tse Kiang river. The glory of it rests upon his son, and even falls about him three feet deep. We acknowledge Mr. White cannot stand in the Tupper presence. Let the passage pass so that we may breathe again.

The Sun lounges into a debate like an elephant and escapes through the window like a tom-tit. It brings in its books, and citations, throws its menacing glance over everybody, asks that the lights be turned up a little higher, inquires of the judge if he has enough ink, and then when interest is at the highest declines to go on because it has forgotten its handkerchief.

BAD BILLY SMITH.

South Ontario is now represented by a good Liberal, Mr. Leonard Burnett, who defeated the Conservative candidate, Mr. William Smith in 1896 by a majority of 144. The Conservatives of South Ontario have again nominated Mr. William Smith, who seems to be better known in that part of the country as "Billy Smith." This nomination is not at all pleasing to the respectable Conservative press, as will be seen by the following comments upon it which appeared in the Brockville Times under the heading "A Bad Blunder."

"The Conservatives of South Ontario made a mistake in nominating William Smith as their choice for the coming general elections, and we are sorry to observe that they made it unanimous—that there were apparently none present at the convention who had principle enough or courage enough to protest against the nomina-

St. John, N. B., September 1, 1900.

MACKINTOSHES AND RAIN COATS.

We have received our stock of Mackintoshes and Rain Coats from the second to the ground floor, where we have unexcelled facilities for showing them.

There's a peculiarity about this stock---every garment is roomy; contains plenty of material. It costs more to make them that way, but nothing less is good enough for our customers. Another peculiarity is the low range of prices.

The Raglan Rain Coat, made of soft finished English waterproof cloth, very light weight, odorless, and free ventilation. The most stylish coat on the market. Colors, fawn of various shades, and light, medium and dark greys. - **Prices $15, $20**

Men's Double Breasted Coats in melton; all sewn seams, velvet collar; navy, brown, fawn and grey, - - - - - - - **$13, $15**

Palmette Waterproof Coats in military style, cape coats, and double breasted, seams all sewn. Colors navy and black, Military coats, **$15,**
Double breasted, **$13, $15,** Cape coats, **$6, $8, $8.50, $10, $15**

Youths' and Boys' WaterProof Coats in all makes of waterproof cloths and Scotch waterproof tweed, - - - - - - **$3.75, 4.50, 8, 13**

Men's Black Rubber Coats, - - - - - - **$2.25**

Boys' Black Rubber Coats, - - - - - - **1.90**

At prices to clear we have a lot of

Scotch Tweed Waterproof Coats, well made and guaranteed waterproof, with sleeves and long capes. Every coat in this lot is reliable, and most of them sold as high as $13. Our clearing prices range as follows:
- - - - - - - **$4.50, $5, $6, $7, $7.50, $9**

We also have a few **Boys' Coats** which we are selling **at greatly reduced prices.**

GREATER OAK HALL,
SCOVIL BROS. & CO.,

King Street,
Corner Germain.

ST. JOHN, N. B.