

HON. ROBERT ROGERS MEETS AND REFUTES ALL CHARGES OF OPPOSITION NEWSPAPERS

Minister of Public Works Clearly Defines His Position With Regard to the Conduct of Mr. Justice Galt in Accepting Fees for Services as a Commissioner -- A Lucid Statement Worthy of Careful Perusal

Special to The Standard.

Ottawa, Oct. 5.—Honorable Robert Rogers this afternoon defined the position which he has taken with regard to the conduct of Mr. Justice Galt in accepting fees as a commissioner appointed by the government of Manitoba to inquire into the building of the Manitoba Agricultural College.

Liberal newspapers have charged Mr. Rogers with having, while a witness at the inquiry, made a savage and unjustifiable attack upon the commissioner. This charge is met squarely and is refuted absolutely in the statement of the minister today. It is possible to sustain such a charge only by blotting out the records of parliament. The statement shows this to be so. It shows that, in his so-called attack upon Judge Galt, Hon. Mr. Rogers went no further than to give expression to what was the unanimous view of a parliament controlled by a government which enjoyed the unquestioning support of those newspapers which are today condemning the minister of public works. What Mr. Rogers did was to call the attention of Judge Galt to what is and has been for a decade, the law of the land, a law with which Judge Galt, in accepting fees as a commissioner, was supposedly unacquainted. Information since made available, to the effect that the provisions of the law in question have been brought directly to the attention of the Manitoba judiciary by the late government, weakens the assumption that subsequent violations were not committed knowingly.

When the evidence of Mr. Rogers was wanted in connection with the Winnipeg inquiry, the minister gave it readily and unequivocally. He concluded his testimony and was so informed by the commissioner and by crown counsel so far as that goes, he had ceased to be a witness. He then asked to be allowed to make a statement in general terms regarding the position which he had taken as minister of public works in the provincial government. He made this statement. He then took the course to which Liberal newspapers have since taken such

violent exception, namely, that of calling Judge Galt's attention to the position which he, as a paid commissioner, occupied under the law. In doing this Mr. Rogers, as already pointed out, stated only what was, without dissent, the view of parliament in 1906, when the then minister of justice, Honorable Charles Fitzpatrick, now chief justice of Canada, went to the length of issuing a circular letter to the members of the Canadian judiciary, bringing to their notice the provisions of the existing law.

Judge Galt Admitted Taking Fees. "Other judges having had the opportunity of seeing this notice," Mr. Rogers said today, "I felt that it was only fair to Judge Galt that he should be treated similarly. To my amazement, Commissioner Galt confessed on the day following that he had been in receipt of fees for sitting on these commissions."

"Parliament took very strong ground and very high ground in regard to this very question in 1906. Mr. Haughton Lennox of South Simcoe, now a representative member of the Ontario judiciary, introduced in that year a bill intended to make still more rigid the law against participation by judges in outside work. In support of his bill he quoted from a speech by the Minister of Justice when the same question had been before parliament during the previous session and the act amended. The Minister of Justice had replied to a question asked by Sir George Foster as to the exact meaning of the clause reading:

"That no judge herein above mentioned shall, either directly, or indirectly, as director or manager of any public corporation or firm, or in any other manner whatever, engage in any occupation or business other than his judicial duties, but every such judge shall devote himself exclusively to such judicial duties."

"Sir George Foster had asked: 'Will that prevent judges from going on commissions? We know that a good deal of discussion has arisen of late about judges being appointed to commissions at various times. Some-

times these are high matters of interest in which it might be desirable to appoint judges; but in other cases they are minor matters, and the judges are left open to a great deal of criticism and cross currents of opinion, which do not seem to add very much to the dignity of the Bench or to the respect in which judges should be held throughout the country. In fact, when you take a judge from the Bench and make him commissioner in a matter involving other legal points you rather take his robe of dignity from him. He becomes then more like an ordinary individual and becomes subject to criticism to which a judge ought not to be subject. He comes down, so to speak, in the general arena and stands to get a good deal of dust upon his clothes. I would like to know how far this goes towards preventing judges taking up commissions of a smaller kind and which are outside their judicial functions or international affairs. I quite agree that on international commissions it may be quite necessary to have judges; but the Minister of Justice will understand to what I allude when I say that there are commissions and employments that when participated in by judges detract from the general respect in which the Bench ought to be held."

"Replying to Sir George Foster, the Minister of Justice made a statement defining exactly the classes of work to be performed by judges. He said: 'This amendment to the act respecting judges will operate a clear notice that judges are not to be employed in connection with commissions, except where it is important in the public interest that they should be so employed. I think the less a judge has to do with matters which are not clearly within the scope of his judicial duties, the better for himself and the dignity of the Bench. Of that I am absolutely convinced. I would even go so far as to say that I entertain grave doubts as to the constitutionality of such appointments.'"

"The opinion of the Hon. James McDonald, an eminent member of the Bench of Nova Scotia was also quoted by Mr. Lennox, as follows: 'The principle of paying judges by fees was long ago found to be a vicious system, calculated to interfere with the independence of the Bench.' 'Mr. Lennox made a very earnest and powerful appeal in support of his bill. The principle which he laid down was not attacked. 'I have faith,' he said, 'that the government will apply themselves to this question. I have faith upon their utterances of a year ago, but whether they deal with this question properly or not the people of the country generally are well aware of the condition of things. They have had their attention more or less directed to it, and I think that sooner or later the government—any government that may be in power at Ottawa—will find that, if not by statute, then by a change of policy a new course will have to be adopted. Judges must not be taken from their proper sphere and away from the proper discharge of their judicial duties and placed on these commissions, particularly commissions that are of a political nature. I can very well speak under this head of those commissions that are of a political character, because the effect of putting the judges upon these commissions is to deprive the country of the services for which these men are permanently engaged.'"

Paying Judges by Fees a Vicious System.

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The case presented by Mr. Lennox was strengthened by his quotation from part of Lord Randolph Churchill's protest against the appointment of judges on the Parnell Commission. "It is submitted," said Lord Churchill, "that it is in the highest degree unwise, and indeed, unlawful, to take the judges of the land out of their proper sphere of duty, and to mix them with political conflict. In this case whichever way they decide, they will be the object of political criticism and animadversion. Whatever their decision, speaking roughly, half the country will applaud, half the other half condemn their action; their conduct during the trial in its minutest particulars, every ruling as to evidence, every chance expression, every question put by them will be keenly watched, canvassed, criticized, censured or praised. Were judges in England ever placed in such a position before? Will any judge emerge from this inquiry the same for all judicial purposes, moral weight and influence, as he went into it? Have you a right to expose your judges to such an ordeal?"

On the suggestion of the minister of justice, Hon. Chas. Fitzpatrick, Mr. Lennox agreed subsequently to allow his bill to stand over, on the acceptance of the principle which it embodied. "My opinion is," said the minister, "that the amendment which is proposed would have the effect not of withstanding its form, of enabling judges to do these things which I mentioned in that section and which, in my judgment, they are precluded from doing under the act as we now have it. I have up to the present session very strictly and once or twice judges have applied to me to know whether or not on a true construction of the statute it would be permissible for them to act as arbitrators in disputes between private parties. The answer that I invariably have given to them is that it is not competent for them to do so, and to-night I regret that I am obliged to deliberately say that the judges of this country have not observed the law passed by parliament and that they certainly have not given that example of obedience to the law which you are entitled to expect of them. Some time ago a question was put to me by the honorable member for East Grey (Mr. Sproule) in respect to violations of the act passed last session. I gave an answer at that time which substantially was to the same effect as what I have just said and I took occasion of that question and of that answer to prepare a circular letter to the judges in which circular letter I enclosed the question and answer as it has been put in the House, so that they must have their attention directed to the opinion of parliament in respect to those who are violating the law."

The letter referred to was sent from the department of justice under date of March, 1906. "I have not," the Minister of Justice proceeded, "received answers to all of the circular letters that were sent out. I wish now to say to my honorable friend, the promoter of this bill, that when these answers are received it is my intention to introduce myself, in parliament a bill for the purpose of giving effective sanction to the legislation of last session, and if my honorable friend will allow me a suggestion, I would ask him to allow this bill to remain in abeyance until the bill that I have referred to has been introduced, so that we may together prepare such legislation as will give effective sanction to the will of this parliament." On Mr. Lennox agreeing to this, the minister said, "We accept the principle. The records supply other evidence if more is needed of what was, in the minds

of the then minister of justice, the will of parliament. There was no question in parliament as to the propriety or as to the validity of the act restricting the activities of judges to work of a strictly judicial character. Copies of Letter Sent to Manitoba Judges.

The determination of parliament in this respect was well known to the bench of the province of Manitoba. Copies of the circular letter issued under the direction of the Minister of Justice in 1906, were sent to the Manitoba judges, and there existed among those judges a clear understanding as to the attitude of the minister, as evidenced in the following reply sent by Mr. Justice T. G. Mathers from Winnipeg, under date of April 6, 1906, and addressed to the minister of justice:

"I am just in receipt of your circular letter of March 19th relating to judges enacting in business outside their judicial duties, to which are subjoined certain questions asked by Mr. Sproule and the minister of justice's reply thereto.

"I entirely agree with the minister that judges should obey the law and that there may be no doubt about my position I beg to say that before assuming my duties in August last I resigned from every company (of which there were several) in which I was a director, and have not since, and am not now engaged in any occupation or business other than my judicial duties. I believe the same is true of all my brethren on the bench of Manitoba."

"It will be seen," concluded Mr. Rogers, "that on addressing Judge Galt as I did I enunciated no new doctrine. I reminded him of a well known provision of the statutes governing his duty as a judge, and of which he ought to have been as fully cognizant as were his brother judges on the bench of Manitoba. My purpose in referring again to this incident is not to recede from or modify in any degree the position which I have taken, but simply to state the facts as they are, so that the misrepresentation of the Liberal press will be less likely to create a misunderstanding in the minds of the non-partisan public."

VESSEL'S TOPMAST FELL.

The topmast of the schooner H. B. Lees, at Lawton's Wharf, fell yesterday while the crew were hoisting it into place, damaging the engine. The mate, John Burke, narrowly escaped death, getting off with a slight cut on the forehead and shoulder.

DRINK WATER TO AVOID SICKNESS SAYS AUTHORITY

Glass of hot water before breakfast daily keeps the doctor away.

Sanitary science has of late made rapid strides with results that are of untold blessing to humanity. The latest application of its untiring research is the recommendation that it is as necessary to attend to internal sanitation of the drainage system of the human body as it is to the drains of the house.

Those of us who are accustomed to feel dull and heavy when we arise, splitting headache, stuffy from a cold, foul tongue, nasty breath, acid stomach, can, instead, feel as fresh as a daisy by opening the sluices of the system each morning and flushing out the whole of the internal poisonous stagnant matter.

Everyone, whether ailing, sick or well, should, each morning before breakfast, drink a glass of real hot water with a teaspoonful of limestone phosphate in it to wash from the stomach, liver and bowels the previous day's indigestible waste, sour bile and poisonous toxins; thus cleansing, sweetening and purifying the entire alimentary canal before putting more food into the stomach. The action of hot water and limestone phosphate on an empty stomach is wonderfully invigorating. It cleans out all the sour fermentations, gases, waste and acidity and gives one a splendid appetite for breakfast. While you are enjoying your breakfast the phosphate hot water is quietly extracting a large volume of water from the blood and getting ready for a thorough flushing of all the inside organs.

The millions of people who are bothered with constipation, bilious spells, stomach trouble, rheumatic stiffness; others who have sallow skins, blood disorders and sickly complexions are urged to get a quarter pound of limestone phosphate from the drug store. This will cost very little, but is sufficient to make anyone a pronounced crank on the subject of internal sanitation.

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IMPORTANT NOTICE

TO

MAIN AND WEST TELEPHONE SUBSCRIBERS

Work of moving the WEST TELEPHONE EXCHANGE from King St. to New Building on Duke St. will be started Saturday, Oct. 7, 1916, at Midnight.

During process of moving Switchboard, Telephone Service in West Exchange will be discontinued. Service will be resumed as soon as lines are reconnected, which should be not later than Monday night.

The Company regrets to cause this interruption of service and has arranged to give emergency service to districts served by West Exchange with stations connected direct to Main Exchange. These stations will be located at the following points:

FAIRVILLE. T. H. WILSON'S DRUG STORE.

MAIN STREET, MAIN 3360

WEST END. N. B. TEL. CO., NEW BLDG.

DUKE STREET, MAIN 3361

" " N. B. TEL. CO., OLD BLDG.

KING STREET, MAIN 3362

" " W. C. WILSON'S DRUG STORE

133 UNION STREET, MAIN 3420

West Subscribers may obtain free service to Main Subscribers from these Stations. Charges for long distance calls will be collected at time of conversation. Due to the limited number of stations we are able to install, the Company respectfully requests all persons using these Stations to limit their conversation to a period not over three minutes.

In order to give Main Subscribers an opportunity to reach persons located in West End by telephone in cases of emergency, a messenger service will be maintained at the Old Office on King St. Upon request a messenger boy will be sent to residence or place of business of person desired and request him to come to the nearest emergency Station. Connection will then be made with party calling.

Without doubt this move will cause some annoyance and inconvenience and we earnestly solicit your co-operation in making it a success.

THE NEW BRUNSWICK TELEPHONE CO., LTD.