

BILL TO AMEND PROBATE COURT ACT BEFORE THE LEGISLATURE

(Continued from page 1)
Assembly Chamber, March 29.—The House met at 8.30 o'clock.
Hon. Mr. Clarke presented the report of the nominating committee.
Mr. Pelletier asked for leave of absence for Mr. Dugal until Thursday.
Mr. Mahoney asked for leave of absence for Mr. Humphrey until Thursday.

Mr. Slipp presented the petition of the New Brunswick Shale Co., Ltd., for a bill to amend the company's act of incorporation.

Hon. Mr. Wilson presented a petition in favor of a bill to incorporate the Pine Valley Cemetery Company.
Hon. Mr. Baxter presented a petition of Orange Lodge of New Brunswick in favor of a bill relating to said lodge.

Hon. Mr. Wilson presented a petition of James Doody and 1,400 others in favor of a plebiscite on the ward system in St. John.

Hon. Mr. Young introduced a bill to amend the St. John City Assessment Act of 1909.

Mr. Granham presented a petition in favor of a bill to amend the act incorporating the Cedar Hill cemetery.

Mr. Tilley presented a petition in favor of the St. John Protestant Orphan Asylum.

Mr. Stewart (Northumberland) presented a petition of the town of Chatham in favor of a bill to amend acts relating to that town.

Mr. Stewart (Restigouche) presented a petition of the town of Dalhousie in favor of a bill relating to that town.

The House went into committee with Mr. Young in the chair and took up the consideration of the bill to amend the Schools Act. On the consideration of the section referring to audit of school trustees accounts Dr. Bourque asked if the provision requiring the secretary to produce his accounts referred to accounts of more than one year back.

Hon. Mr. Baxter said his view was that it did not, as the section stipulated that the demand should be made for production of accounts to the auditor six days before the annual meeting.

Dr. Bourque said he asked because there had recently been some little trouble at Richibucto. Would it be necessary for the secretary to keep his books and accounts for years in case they should ever be asked for again?

Hon. Mr. Clarke said there should be some legislation to provide for safe keeping of all school books, vouchers or anything else so that on any change of secretary the whole record could be handed over.

Mr. Smith thought that instead of the auditor having to call for books, it should be the duty of the secretary to see that he got them without having to ask for them.

Bill To Amend Probate Courts Act.
Mr. Baxter said several matters had been referred to upon which he would like to consult the chief superintendent. He would move that progress be reported with leave to sit again.

The bill to amend the Probate Courts Act was then taken up.

Hon. Mr. Baxter explained that the bill was practically a consolidation of the existing law, and where any changes were made he would call attention to them.

On the section disqualifying the partner of any judge of probate from acting as proctor in any matter before him, Hon. Mr. Clarke said he thought the section should be extended to cover the case of a son or other near relative, as it was almost impossible for a judge under such circumstances not to show favoritism in some way or other.

Hon. Mr. Baxter said if the premier would extend his suggestion to all courts he would gladly act on it. In one of the courts in St. John where a son was in the habit of practicing before his father favoritism was carried on to such a disgusting extent that it had become scandalous. If anything were done to put a stop to cases like that, then they would be meeting the real abuse. If it were adopted in the probate court then it could be adopted in other courts where it was infinitely more needed.

Hon. Mr. Clarke said he was entirely in accord with the principle laid down by the Attorney-General, though perhaps the provision was not yet ready for legislation along that line. Still to insert the clause suggested in the bill under consideration would be the thin end of the wedge.

Hon. Mr. Baxter agreed. He said he had in mind the case of a gentleman occupying a very high position in the courts of the province who had a son of great brilliance for whom a great

future might be expected. He would be sorry to be a party to any legislation that might prevent this young man practicing in any court in which his father might be on the bench. A simpler method of dealing with cases such as he had referred to as existing at St. John was to put such scoundrels as did not know how to properly conduct themselves and their courts off the bench altogether.

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Hon. Mr. Clarke said that the leave of absence granted to the hon. Speaker expired today and the house would be sorry to hear that there was no improvement in the honorable member's health. He therefore moved that the leave of absence be extended to the end of the session.

Hon. Mr. Clarke said he desired to call the attention of the house to the fact that certain rules were laid down to govern procedure in matters coming before it. These rules should either be observed or repealed. He had had occasion to call the attention of members to the matter before but there seemed to be no improvement in conditions.

He was referring more particularly to rules 78 and 79. The first of these rules required that all private bills should be brought in within ten days of the opening of the session, under

penalty of double fee, and the second that every private bill should be properly advertised for four weeks before introduction so that the people who might be affected would have a chance to know what the bill was about. Both of these were exceedingly wise rules and they were both of them being consistently broken. Neglect to file a bill within the proper time delayed its introduction and lengthened the session and so caused additional expense to members. There was no reason at all why these rules should not be observed. This year through various reasons the House had not sat till a much later date than usual, and had it met at the usual date in February would now be about proroguing. It had been the practice, he was aware, for many years to extend the time limit, and if the practice were to be arbitrarily stopped now it might work some little injustice.

Extend Time for Introduction of Private Bills.

It was the same with rule 79 and this rule he felt was more grossly violated than almost any other. It was a most wise rule, as without it much legislation might be put through and many people who might not be aware of what was going on might be injuriously affected. No less than seven notices for suspension of these rules were on the order paper for today and were on the order paper for today and

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Mr. Stewart (Northumberland) remarked that it was not always neglected that accounted for rules not being observed. In some cases those interested desired to save the cost of advertising and in some other cases after, so as not to stir up opposition.

Mr. Slipp desired to say that neither of those considerations applied to the bills that he had introduced that evening.

Mr. Tilley said, regarding bills that he had brought in, that legislation was coming along so fast in St. John that they did not have time to advertise it.

The House adjourned at 10.35 p. m.

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"We are fighting Germany, Austria and drink," he said, "and so far as the greatest of these three deadly foes is drink."

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