

THE DAILY EXAMINER, JANUARY 12, 1884.

The Office of Clerk of the Crown.

THERE are but one or two points in the Patriot's editorial to which we deem it necessary to refer. It will not be doubted for one moment that no question would have been raised as to the right of the Lieut.-Governor in Council to appoint the Clerk of the Crown if the request to appoint the Hon. John Longworth to that office had been complied with! Our readers should bear in mind that, according to the Patriot's contention, the right of the Government to appoint that officer depended on the person whom they appointed to office. In other words, if the Government had appointed Mr. Longworth, then, and in that case, they had the power to do so; but, as they gave the office to Mr. Irving, they have not the power to appoint the officer at all! Herein lies the secret of the objection to the right of the Lieut.-Governor in Council to appoint the Clerk of the Crown.

The Patriot accuses THE EXAMINER of misrepresenting the Judges in stating that they held that the appointment of Prothonotary carried with it that of Clerk of the Crown;—and then the Patriot says that:

"Upon the death of the late Daniel Hodgson, Esq., Prothonotary and Clerk of the Crown, a new Commission was issued to the Hon. John Longworth, under the authority of the Provincial Act passed in the year 1872, chap. 14, which enacts 'That the Prothonotary and Assistant Prothonotaries shall be each and all nominated and appointed by the Judges of the Supreme Court of this Island,' &c., &c. This Commission was signed by all the three Judges of the Supreme Court. The Commission, we understand, did not nominally, in its terms, express the words, 'Clerk of the Crown' (as it did the term Prothonotary, it being thought as the Legislature had in the years 1853 and 1854 united the two offices at the time of appropriating the salary, by enacting 'That there shall be allowed and paid unto the present or any future Clerk of the Crown and Prothonotary as and for the salary of that office' etc., 'the sum of etc.) that a separate commission would not be required, particularly as the Legislature in every subsequent grant for the last thirty years (with what appears two inadvertent exceptions) when expressly naming the officer in the appropriation item, spoke of the offices as united."

If this extract means anything it means, what we stated on Wednesday, "that the contention of the judges is that the appointment of Prothonotary carries with it that of Clerk of the Crown." Yet the Patriot has the effrontery to charge THE EXAMINER with "a misrepresentation, no such ground being relied on nor even mentioned in the letter of dissent and remonstrance sent to the Lieutenant-Governor." The fact is, we obtained our information on this point from the Patriot itself; and it, if any one, is guilty of misrepresentation. For we read in an issue of that paper, published in August last, that the Hon. John Longworth had been appointed Prothonotary, and that the Judges of the Supreme Court were unanimously of opinion that that appointment carried with it that of Clerk of the Crown! The editor of the Patriot perhaps will inform at which time he misrepresented the facts—whether in August last, when he stated that the Judges held that opinion, or yesterday when he denied it for them?

Again the Patriot suppresses the fact that Daniel Hodgson was appointed Clerk of the Crown by the Government. The article in yesterday's Patriot appears to be an official one, and as such it must be treated. It informs us that "Mr. Irving was sworn in (as Clerk of the Crown) before Mr. Justice Hensley without the knowledge and against the will of the other Judges of the Court." It would be interesting for the writer of the Patriot article to explain how Judge Hensley could, without the knowledge of the other Judges, swear Mr. Irving in against their will!

With regard to the legal bearing of the question, the Patriot writer informs us that he prefers "taking the law as expounded by the Supreme Court." The Patriot writer has the right to do as he pleases on that point, and it makes no difference which view he takes. The public, unfortunately for him, do not attach much weight to the "decision" in this matter because it is most emphatically dissented from by Mr. Justice Hensley, and disapproved of by His Honor the Lieutenant-Governor, who is well known to be one of the soundest constitutional lawyers in the Province, by the Attorney-General, and by the leading lawyers of the Province.

There is one fact that we cannot refrain from drawing attention to. Mr. Justice Hensley stated on the Bench on Tuesday last that he did not know that the question regarding Mr. Irving's appointment was coming before the Court until the day before—Monday. The public would like to know why Judge Hensley was kept in the dark?

We trust that the Government will lose no time in publishing the "statement, in writing, of the particular grounds and authorities upon which the Court (that is the Chief Justice) based their judgment for disapproving of Mr. Irving's appointment"—which His Lordship has transmitted to the Lieutenant-Governor. We should like to see the grounds upon which His Lordship has seen fit to disapprove of the appointment of one of the most efficient officers of the Public Service, and refused to receive him as Clerk of the Crown, though he is qualified for the office by education, experience, and

training, and though he holds Her Majesty's commission appointing him to it. As to the "personalities" which form a prominent feature of the Patriot's article, we have to say that (1) they are a confession of weakness, (2) if we felt that the cause THE EXAMINER has espoused needed such adventitious aid, we might easily retort by enlarging on the close family relationship which, it is well known, exists between the Chief Justice and the gentleman for whose benefit the Chief Justice seeks to eject Mr. Irving from the office of Clerk of the Crown; (3) the editor of the Patriot can have no sufficient evidence of that which he has the audacity to state respecting the authorship of THE EXAMINER's article; (4) no lawyer had anything whatever to do with the article referred to; and the law expounded by THE EXAMINER is such as is commonly known or has been laid down by the Judges themselves while on the Bench. It is significant that, though the Patriot charges THE EXAMINER with misrepresenting the "facts," it has studiously abstained from pointing out a single "fact" that we have misrepresented.

—Hon. Donald Ferguson will, on Thursday evening next, deliver a lecture in the Y. M. C. A. Hall on "Agricultural Education." The subject is of the first importance to all classes in the Province, and as Mr. Ferguson is a practical agriculturist, and is thoroughly acquainted with the benefits to be derived from agricultural education, the lecture will certainly contain much useful and valuable information, many good practical suggestions, and, at the same time, be a fine literary production.

Our Advertisers.

Miller Bros. are offering great bargains in sewing machines, organs, etc. In connection with their establishment is a first-class workshop, where repairs are attended to promptly, cheaply and well.

J. B. Macdonald is now holding his annual clearance sale. As the stock now on hand must be cleared out in order to make room for spring supplies, great bargains may be expected.

The first of the series of Penny Readings in St. Peter's Schoolroom will be held on Tuesday evening, January 22. A good programme is being prepared.

Hon. Donald Ferguson will deliver a lecture on "Agricultural Education," in the Y. M. C. A. Hall, on Thursday evening next.

Horace Haszard is issuing fire insurance policies on every class of insurable property at reasonable rates.

Supreme Court.

SATURDAY, Jan. 12, 1884. The Queen vs. Michael Beagan.—The trial of this case was finished last evening, when Mr. Arthur Peters, after a vigorous fight, succeeded in getting the prisoner acquitted. The Queen vs. John McPherson.—Indictment for larceny. The prisoner is now on his trial. The Attorney-General for the Crown, Mr. Mullaly and Mr. McLean for the prisoner.

LETTERS TO THE EDITOR.

The Topic of the Day.

SIR,—The unseemly and petty objections offered by Chief Justice Palmer and Mr. Justice Peters to the appointment of Mr. J. D. Irving as Clerk of the Crown, have awakened a feeling among the people that may lead to reconstruction in other quarters of the judiciary, the necessity of which has been on more than one occasion clearly foreshadowed. The Patriot, of course, justifies the dismissal of a young man who has received his training for the position, which he so worthily occupies, from the late Daniel Hodgson—who, by the way, was himself a "Layman." Will the Patriot say that its new found friend, the Hon. John Longworth, though a Q. C., and a gentleman of high professional standing, is better qualified to fill the office of Clerk of the Crown than was the late Mr. Hodgson—a layman? We have yet to learn that a professional training is an essential qualification for the office of Clerk of the Crown. We are told by the Patriot as the mouth-piece of the Bench in this case, that according to the constitution of this Province, the Lieut.-Governor has not the power to confer such appointment, and even if he (the Lieut.-Governor) had the power, Mr. Irving was not a sufficiently competent person to discharge the duties of the office in question. How is it that the Bench did not discover Mr. Irving's incompetency before now? If the Lieut.-Governor in Council does not represent the Crown in this Province, who does? The Judges of the Supreme Court cannot surely represent the Crown, because the Crown appoints them, and therefore they are but the servants of the Crown. Can a servant assume the prerogatives of his master or sovereign? The writer in his blissful ignorance of law, always thought the Attorney-General for the time being represented the Crown, and not the Judges of the Supreme Court. If so, has not that officer, in his double capacity, as the Queen's first adviser, and head of Her Majesty's Executive Council, the power to appoint the Clerk of the Crown, who exercises his functions as a Ministerial officer? Surely political feeling has not entered the stream of Justice in this Province, which should ever continue to flow in all its purity, unswayed by any ties of kindredship, or any other consideration.

Yours, A. LAYMAN.

Jan. 12, 1884.

A few months ago Prince Bismarck received an anonymous present of a large and magnificent piece of tapestry, on which is represented the scene of the Emperor Henry IV. doing penance at Canossa. It is hung at Friedlarhuhe, in the corridor leading from the Prince's study to his drawing-room.

The Fisheries of 1883

EMPLOYED 29,000 FISHERMEN, 743 VESSELS AND 11,500 BOATS, AND VALUED AT \$7,600,000! (From the Halifax Herald.) Stimulated by the Government bounty and by fair prices, and prosecuted by an industrious and frugal class of men, the fishing industry, like all other Canadian industries, has during the past year been carried on with renewed vigor and has yielded a bountiful harvest. The increased value of the past year's crop, we have good authority for stating, will amount to nearly half a million of dollars. This increase is almost entirely in cod and other fish of the same family—thus proving the practical effect of the bounty. To this branch of the fisheries over forty new vessels and three hundred and sixty men have been added since the previous year, as well as 1,150 new boats to the shore service.

THIS YEAR'S CATCH amounting in value to about \$7,600,000, was gathered by 29,000 fishermen, owning 743 vessels, 11,500 boats, 1,250,000 fathoms of nets and seines, and 700 weirs and traps, valued in all at \$2,250,000. The above total value of the fisheries, would give to every man, woman and child engaged in them, including those in the lobster factories and others who are actually engaged only a few months in the year about \$265; but the difference in the prices obtained by the fishermen, and those at which the returns are made up would reduce the amount to about \$225 per capita.

THE BANK FISHING has proved very successful, but the shore fishing on a great portion of the coast has not been so profitable. The salmon crop is almost the same as last year, showing an increase over the year '81 of about one hundred per cent. During the fall months, the rivers all around the coast were better supplied with parent fish than has been known at any time for the past thirty years. With improved protection and facilities for passing these fish over the mill dams, gradual and satisfactory increase may, with confidence, be anticipated for the coming years. The great advantage of artificial culture also is beginning to show itself with gratifying results in nearly all the rivers into which young salmon have been planted during the past seven or eight years, and from this time forward there will, no doubt, follow an increased supply, consequent upon these efforts.

Our fishermen had altogether a prosperous season, and are generally contented, comfortable and happy. There are many reasons for anticipating still LARGER AND MORE PROFITABLE RESULTS IN THE FUTURE. (1) By improved protection to all fish frequenting our island waters for the purpose of procreation. (2) By the improved and more economic modes and appliances for taking fish, including boats and vessels. (3) By increasing commercial facilities for reaching profitable markets with fresh and other fish. (4) By improved methods of curing to suit the different markets of the world. (5) By increased knowledge of the capabilities of our fishing as well as the habits and movements of the different species in order to their more ready capture.

The experience of older countries proclaims the wisdom exhibited by the statesmen of Canada in providing for the protection and culture of the fisheries. They are an inexhaustible source of wealth, giving to man the best of food, merely for the trouble of capture and at the same time training men for a mercantile marine indispensable to the growth and strength of a nation. Success to the fisheries and a happy New Year to the fishermen all around our coast and prepare to reap a more abundant harvest during the year 1884.

THE KNIFE AT SEA.—Word has been received at Pictou from the captain of the bark "John Gill," at Buenos Ayres from Liverpool on the 22nd Nov., that, while the vessel was in latitude 8.41 north, longitude 24.52 west, a seaman, Wm. Black, stabbed the mate, Alex. McCall, in the left breast, and immediately jumped overboard. The mate, who belonged to River John, died in about forty minutes, and Black was drowned. McCall was a fine young man, of good character, and a good seaman.—Pictou Colonial Standard.

Y. M. C. A. LECTURE COURSE.

THE Fifth Lecture of the Winter Course, before the Young Men's Christian Association, will be delivered by HON. D. FERGUSON, M. P. P.

Y. M. C. A. HALL, Thursday Ev'g, January 17th.

SUBJECT—"AGRICULTURAL EDUCATION."

Chair to be taken at eight o'clock. Ad mission ten cents.

HENRY SMITH, Secretary.

Ch'town, Jan. 12, 1884.—pat.

St. Peter's Penny Readings.

First of the Series.

ST. PETER'S SCHOOLROOM.

Tuesday, Jan., 22nd.

ADMISSION, 10 CENTS.

Ch'town, Jan. 12, 1884.—m w&f.

FIRE INSURANCE.

RISKS taken on all classes of insurable property at reasonable rates.

HORACE HASZARD, Lower Queen Street.

Ch'town, Jan. 12, '84.—2w ebb.

SEWING MACHINES, CHEAPEST AND BEST

IN PRICE \$5.00 TO \$100.00 IN PRICE \$5.00 TO \$100.00

MILLER BROTHERS, QUEEN STREET.

The following are some of the kinds in stock, viz.,

- Raymond, White, Wanzer, Royal, American Singer, William Singer, Wheeler & Wilson, Gem, Household, Osborne, Champion, Weed.

A large supply of extras and parts kept constantly on hand. Sewing Machines, all kinds, fully warranted. A first-class repair shop in connection where the repairing of all Sewing Machines is promptly attended to.

MILLER BROTHERS also keep on hand a

LARGE STOCK OF ORGANS,

which they are selling at extremely low prices. ORGANS in price, from \$60 upwards. Accordions, Concertinas, Violins and other small musical instruments at Bottom Prices.

MILLER BROTHERS, Dealers in Pianos, Organs, and Sewing Machines.

Charlottetown, Jan. 12, 1884.—

1884. JANUARY. 1884. Annual Clearance Sale At J. B. MACDONALD'S.

I AM now having my Annual Clearance Sale, and will CLEAR OUT Wool Goods in

- Scarfs, Clouds, Wool Squares, Heavy Winter Cloths, Winter Dress Stuffs, Ladies' Fur Caps and Muffs, Ladies' Fur Tippets, Ladies' Felt and Fur Hats, Men's Fur and Cloth Caps, Men's and Boys' Ulsters, Overcoats and Reefing Jackets, All Remnants in Cloths, Remnants in Dress Stuffs, Remnants in Prints, and Remnants in Canton Flannels.

These goods must be cleared out and Bargains Extraordinary will be given.

J. B. MACDONALD'S, Ch'town, Jan. 12, 1884.—2aw w&f, Queen Street.

GREAT ATTRACTIONS

Just Received, a Large Assortment of

JEWELRY,

CONSISTING OF Gold and Silver Waltham and Geneva Watches, Colored, Gold and Plated Sets, Ladies' Chains and Lockets.

GENTS' GOLD, GOLD-PLATED, SILVER AND NICKEL LOCKETS AND CHAINS.

Silver-Plated Ware, Eight-Day and Thirty-Hour Clocks (American styles), Spectacles and Eyeglasses.

Call and be convinced that my Stock is the Cheapest and Best in Charlottetown.

Watches, Clocks, Jewelry, etc., cleaned and repaired. All work warranted.

G. G. JURY, North Side Queen Square, Opposite Post Office

Charlottetown, Dec. 18, 1883.—2w m&f w&f

THE CHARLOTTETOWN

FLOUR, FEED AND PROVISION, STORE,

South Side Queen Square, near Queen Street,

HAVE to announce that they have on hand the following goods, which they are prepared to sell at reasonable prices and in quantities to suit purchasers:

Flour (Superior Extra, Strong Bakers' and Patent) OATMEAL, CORNMEAL, BRAN, SHORTS, OATS,

CRUSHED FEED, either Oats and Barley or Oats, Barley and Corn. APPLES, which will be sold by the barrel or by the pound, at rates very little over barrel prices.

Ch'town, Dec. 18, 1883.

P. E. ISLAND RAILWAY.

THE SPECIAL TRAIN, running in connection with the steamer "Northern Light," has been withdrawn. Passengers for the "Northern Light" will require to go by the Regular Train, leaving at 2 30 o'clock, p. m.

JAMES COLEMAN, Superintendent. Railway Office, Ch'town, Jan. 11, 1884.—2i.

I WILL GIVE WRITTEN GUARANTEE that my MOUTACHE GROWER will produce heavy moustache inside ten weeks, or money refunded. Price of Recipe, \$1. Address: J. MURRAY McNEIL, London, Ontario. [Jan 12, 1884]

LECTURE!

J. H. FLETCHER, ESQ., WILL DELIVER HIS

NEW AND POPULAR LECTURE

"UNCROWNED HEROES," in the Basement of the Zion Church,

Monday, 14th inst., AT EIGHT O'CLOCK, P. M.

Doors open at 7 30 o'clock. Admission, 10 cents.

Charlottetown, Jan. 10, 1884.—tl date.

The Ladies of St. James' Kirk

INTEND HOLDING A

Good Old Time

TEA AND FANCY TABLE, EARLY IN MARCH.

Further particulars will be given.

CIVIC ELECTION BY THE MAYOR

IN pursuance of an act of the General Assembly of this Island, made and passed in the forty-third year of the reign of Her present Majesty Queen Victoria, intituled: "An Act to amend the Act of the eighteenth Victoria, Chapter thirty-four, intituled 'An Act to incorporate the town of Charlottetown and all Acts amending the same'." I do hereby give Public Notice that an

Election of a Mayor and one person to serve as a Common Councilman in the City Council for each Ward of said City,

Being in all a MAYOR and FIVE COMMON COUNCILMEN, will be held on

WEDNESDAY,

the 23rd Day of January, A. D., 1884,

At the several places, that is to say:

In Ward No. 1, at or near the store of Messrs. J. & F. Morris, corner of Queen and Water Streets.

In Ward No. 2, at or near the house of Thomas Connolly, opposite Mr. E. Beatty's Watchhouse, Sydney Street, between Great George and Prince Streets.

In Ward No. 3, at or near the Market House.

In Ward No. 4, at or near the Fire Engine House, fronting on Kent Street, east, between Weymouth and Cumberland Streets.

In Ward No. 5, at or near the house of Widow Tierney, corner of Euston and Great George Streets.

And at the said Election the Poll will be opened at nine o'clock in the forenoon, and continue open until five o'clock in the afternoon of the same day.

DESCRIPTION OF WARDS.

Number One shall comprise all that part of Charlottetown which lies south of Dorchester Street, and the parcel of land formerly known as the Military Barrack Ground.

Number Two shall comprise all that part of Charlottetown which lies south of Richmond Street and north of Dorchester Streets.

Number Three shall comprise all that part of Charlottetown which lies south of Grafton Street and north of Richmond Street.

Number four shall comprise all that part of Charlottetown which lies south of Fitzroy Street and north of Grafton Streets.

Number five shall comprise all that part of Charlottetown which lies north of Fitzroy Street, including the Common of the said Town.

NOMINATION DAY.

Act 43, Victoria, Cap. 15.—"Seven Days before the time of any and every election for Mayor or Councillors, the Person or Candidates for the office of Mayor or Councillor shall give their names in as such Candidates to the City Clerk, and the City Clerk shall duly enter the names, residences and additions of such persons, together with the office and wards for which they are candidates, and such entry, when made, shall be deemed nomination for such candidates."

There shall be paid by each person so nominated for Mayor, at the same time, a fee of ten dollars, and by each person so nominated as Councillor, a fee of five dollars which sums shall go toward paying the cost of the election.

No person shall be qualified either for the office of Mayor or Councillor unless such nomination be made in manner and the time aforesaid.

The time appointed for the nomination of candidates, shall be from the time of twelve at noon, until the hour of four o'clock in the afternoon of the day fixed for that purpose.

Qualification of Electors, see Act 43, Victoria, Cap. 15, sec 20 and 64.

[L. S.] DAVID R. M. HOOPER, Mayor of the City of Charlottetown, A. H. MacPHERSON, City Clerk, Mayor's Office, Charlottetown, Jan. 8, 1884.—tl 23 dly.