

CORRESPONDENCE ON LIQUOR CASES AT SUMMERSIDE

SOME LIVELY DISCUSSION IN HOUSE OF COMMONS OVER ESTIMATES

NINETEEN PERISH WHEN STEAMERS COLLIDE IN FOG

The following correspondence with reference to the withdrawal of the prohibition cases at Summerside has been sent to The Guardian for publication.

Summerside, Jan. 27, 1914. To Hon. J. A. Mathieson, Ottawa.

In trial of prohibition cases here E. H. Strong claims I have no authority to represent prosecutor.

He also disputes right of Acting Premier to give me such authority, claiming such authority must come from Attorney-General.

Cases adjourned till to-morrow morning pending settlement this dispute.

Please wire me whether I have your authority to represent Prosecutor.

(Sgd.) W. E. Bentley.

Ottawa, Jan. 27th. To W. E. Bentley, Summerside.

The whole matter is in the hands of the Acting Premier.

(Sgd.) J. A. Mathieson.

Summerside, Jan. 27, 1914. To Hon. Murdock McKinnon, Acting Premier, Charlottetown.

In the trial of prohibition cases before Stipendiary Wright to-day, Mr. E. H. Strong claimed to be authorized to act for Prosecutor Phillips and that I had no authority or right to conduct these cases.

Mr. Strong and the Prosecutor both have informed the Magistrate that they have agreed to compromise and withdraw certain cases notwithstanding my protest and dissent.

My instructions from the Temperance Alliance are to make no compromises but have each case disposed of on its merits.

A direct issue has arisen as to my authority and standing before the Court. The Prosecutor has declared that Mr. Strong only is his Counsel.

Please wire me and also Mr. Strong and the Prosecutor and the Magistrate as to whether I have had authority to represent the prosecution in these cases and whether I have been so authorized from the commencement of the suits, and in case I have had, and now have, such authority, please state whether the compromise cases against my wishes and against the desire of the Temperance Alliance.

The cases are all adjourned until to-morrow morning to settle this question.

(Sgd.) W. E. Bentley.

Charlottetown, P.E.I., Jan. 27. Mr. A. J. Phillips, Summerside.

In the prohibition cases based on information placed in your hands by the Temperance Alliance, the Alliance is allowed to choose their own Counsel and as one is considered sufficient in those cases the employment of any other Counsel is not recognized by the Government. The responsibility for any action, whether compromise, withdrawal or prosecution will rest

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RIFLEMAN.—AT THE LAST SHOOT on the Kensington range between Charlottetown and Summerside Capt. A. R. Brennan left a leather trimmed rifle case on the range. This was found by some riflemen who was probably waiting for it to be claimed. Will the finder please leave it at the office of W. K. Rogers for Capt. Brennan. 4242-1-31M2

Minard's Liniment cures garget in cows.

with you (on the advice of the Counsel for the Alliance).

(Sgd.) Murdock McKinnon, Acting Premier.

(A copy of this message was sent to Mr. Bentley).

MR. BENTLEY'S STATEMENT TO THE COURT.

Jan. 28th, 1914, 3.10 p.m. May it please your Honour:

With reference to the disposal this forenoon of three prosecutions against some clerks in the drug store of Dr. A. A. McLellan, and to the arrangement made by Prosecutor Phillips and Mr. E. H. Strong with those defendants and their Attorney, Mr. Wyatt, by which the defendants pleaded guilty to two charges for selling intoxicating liquor, in consideration of the withdrawal of the third, and with reference to my connection with the prosecution of all the prohibition cases before this Court, I wish to state to the Court:

I was engaged by the Temperance Alliance to conduct the trials of the prohibition cases in which the defendants were witnesses, both in Queen's County and in Prince County, and I understood from the Alliance that they had made arrangements with the Government or the Attorney-General that I was to represent the Government Prosecutor in the trials of those cases.

As yesterday informed the Court, when the question of my authority to represent the Prosecutor was raised by Mr. Strong, I saw the Attorney-General on the day the first case was tried in Charlottetown and was informed by him that this arrangement had been made with the Alliance and that I alone was authorized to act for the Prosecutor in such prosecutions.

I was informed by Rev. Mr. Wilson, the Field Secretary of the Alliance, that on the 30th December last he informed Prosecutor Phillips that I would go to Summerside and conduct for him the prosecutions of the Prince County cases.

On my arrival in Summerside on the 8th January I read the Prosecutor Phillips and gave him to understand what I supposed he already knew—that I was here to conduct such prosecutions.

The same morning, at Mr. E. H. Strong's request, I went with him and the two detectives to his office where Mr. Strong commenced to obtain from the detectives particulars of the facts in the different cases, and thinking Mr. Strong might be under some misapprehension as to our relative positions I asked him to come with me to his outer office so that I might speak with him privately. I then explained that I was retained by the Temperance Alliance and had been instructed by the Attorney-General to conduct these special prohibition cases in Summerside and in Charlottetown. Mr. Strong admitted he understood the situation but, for certain reasons which he stated, he expressed a desire to act with me and assist on these cases. To this I replied that I had no objection and would be glad of his assistance, but I made it plain that I was the person appointed to have the conduct and management of the cases on behalf of the prosecution.

Next day, the 9th January, Prosecutor Phillips informed me in Mr. Strong's office that he had just received a telephone message from the Acting Premier that I was to act alone for the Prosecutor and that Mr. Strong was not to act, and the Prosecutor wished to know from me if it would not do for Mr. Strong to remain in Court and to act with me or assist me. I told him that there could be no objections whatever to Mr. Strong remaining in Court, and that while I would not interfere in any way with the instructions he had received, which was a matter entirely between himself and the Government, I personally would be glad of assistance from Mr. Strong or any other case. Whether the Prosecutor informed Mr. Strong of such instructions then or since I cannot say.

On several occasions during the trial of these cases Mr. Strong mentioned to me that a compromise of the McLellan cases and of certain other cases could be arranged if we would agree to withdraw certain of the charges. Each time the matter was spoken of I warned Mr. Strong that I could agree to no compromises, that my instructions were specific and positive, that no such arrangements would be entered into or recognized, and that each prosecution would have to be disposed of on its merits.

I have already read to the Court this morning the telegrams which I sent to and received from the Acting Premier, Hon. Mr. McKinnon, at Charlottetown, and the Attorney-General, Hon. Mr. Mathieson, at Ottawa, with reference to the extent of my authority to act for the Prosecutor in these cases, and as to his duty to consult me alone with reference to the compromise, withdrawal or prosecution of any case.

I may also state that last evening Prosecutor Phillips met me on the street and informed me that he had received a telegram from Hon. Murdock McKinnon, the Acting Premier, to the effect that I alone was authorized by the Government to act in these cases and that the Prosecutor was to be guided by my advice.

This morning, however, when the cases against Dr. McLellan's clerks came up the Prosecutor has informed the Court that Mr. Strong is his Attorney, that Mr. Strong's appointment as such has never been cancelled, that I am not acting for the

(From Our Own Reporter)

OTTAWA, Jan. 30.—With the debate on the Speech from the Throne out of the way the House got down to business in earnest to-day and splendid progress was made by the Government with the estimates.

Hon. George E. Foster explained the vigorous policy of the Government in pushing Canada's trade and commerce. He announced the establishment of a laboratory at Winnipeg to carry on experiments in wheat.

Premier Borden, in reply to questions, said that the Government had not yet considered the appointment of a successor to Lord Strathcona.

Before the estimates were reached J. J. Hughes brought up the question of freight rates on Prince Edward Island which he said had been raised 25 to 30 per cent. He also complained that a number of men had been discharged.

Hon. Frank Cochrane, who replied, said that the rates on the P. E. I. Railway were the same as on the mainland on the I. C. R. There had long been an annual loss on the Island Railway and there was still a loss of \$100,000.

Hon. H. R. Emmerson: "And all ways will be."

Hon. Frank Cochrane: "I suppose it will."

The Minister of Railways said that the men's wages had been raised 25 per cent. since this Government came in and it cost more to run the road.

He did not think that the cordwood rates quoted were unusual and thought that they were cheaper than elsewhere. He knew it was a hardship to have to lay men off but if the Government was going to run the railway it should run it as other railways were run.

In reply to a question in regard to the work of the Trade Commissioners Mr. Foster said that he was doing everything possible to improve the service. He had appointed an expert who had visited all the trade centres in Europe and China. He himself had been fortunate enough to visit those in New Zealand and Australia. He hoped to have the offices yearly inspected. It was one thing to gather good information and another thing to properly distribute it and he had adopted the idea of bringing the Trade Commissioners home occasionally to interview the manufacturers.

He was also trying to get the Trade more numerous and more interesting. He thought they were succeeding. Mr. Foster also explained briefly the advantageous plan now in operation by which the British Consuls abroad render service to Canada by forwarding copies of their reports to this country, by answering enquiries from Canadian merchants re trade and by permitting Canadian representatives to occupy quarters in the consulates. The Minister expressed the hope that the time was not far distant when

young men in this country would find a career in the trade service. It was not theoretically to-day under the Civil Service Act, he said, but he hoped to have the commissioning put upon a permanent basis. He would like also wherever possible to have men speaking the language of the country in which they were placed.

When the estimates of the Naval Department were reached Mr. A. K. MacLean, of Halifax, was on his feet at once. He said that as the Government was making no effort to administer the Act that refusing the vote, the Rainbow being out of active service and the Niobe tied to a dock at Halifax. He believed that the Government had been a party to forcing men off the ships and had made no effort to complete the enlistment. While refusing to carry out the Act the Government was actually increasing expenditure in this department. This was fooling and trifling with the public and wasting public money.

Hon. J. D. Hazen said that Mr. MacLean was wrong in saying that the expenditure for the naval service was increasing. Only the smaller part of this vote was for the navy, \$31,000, while the balance, \$76,490, was for wireless service, tidal survey, and all the other work that was included in this department.

(Canadian Press.)

NORFOLK, Jan. 30.—Forty-nine lives were lost when the steamer Monroe and Nantucket collided last night and the Monroe sank.

She went down 10 minutes after the collision. Passengers were sleeping when shock roused them and to many it was but the change for temporary sleep to eternal.

The Nantucket rescued 85 of the passengers and crew and is bringing them to Norfolk.

(Canadian Press)

NW YORK, Jan. 30.—The presence of mind of the passengers and crew alike, was responsible for saving so many lives when the old Dominion liner Monroe sank, according to a statement issued here to-night by E. B. Walker, President of the Old Dominion Line through Jas. Leyland, Superintendent of the Live-Stock Department.

The statement says Captain Johnson lowered lifeboats with the assistance of eight volunteers, then picked up twenty-seven persons who jumped in to the water. The first officer, Horsley, lowered a boat with ten passengers and rescued twenty-four. Fourteen were saved by two boats from the Nantucket. One life raft saved six and another four. Two men gave their lifeboats to two lady passengers and lost their lives. Nineteen passengers from the Monroe are so far not accounted for.

(Canadian Press)

NORFOLK, Va., Jan. 30.—Representatives of the Press were all barred from the Nantucket when she was docked by the local steamboat inspector. From passengers leaning over the rail the Press men were able to ascertain that the Nantucket rammed and raised the Monroe in a dense fog at two a. m. to-day. The Monroe careened and turned turtle within ten or twelve minutes after the impact. Some of the Monroe's passengers and crew climbed over the side as the steamer careened and walked or were washed off when the vessel sank. The rescued were in the water half or three-quarters of an hour before they were got out.

E. C. Lyons, whose name was not formerly given among those saved, gave a graphic description of the collision. He was undressed when the siren blew a double blast twice, Ha rushed on deck just as the Nantucket struck. The crew behaved splendidly. As far as he could see there were not many women on the ship but they were allowed to get into the boat first. They picked up a man and woman in the water, the man holding the woman dead. Many people were The man was almost exhausted and the woman died. Many people were caught in their stairwells. Only two boats were launched from the Monroe. One passenger states there was only one boat. All the Nantucket's boats were engaged in the work of rescue.

MAN WANTED FOR MURDER

(Canadian Press)

PETERBORO, Jan. 30.—The local police believe they have a man wanted in Springfield, Mass., for murder. A stranger giving his name as Albert Beavis, applied for lodging last night at the station. The police found a circular giving a description corresponding with him. The police say he admits serving a term in Guelph and has admitted the murder of a woman in her apartments in Springfield, Mass., in 1913.

SUPPOSED ISLANDER KILLED BY TRAIN

(Canadian Press)

News has been received here of the death in a train accident at Revelstoke, B. C., on Thursday, of a man said to be an Islander and named M. Nicholson.

The sad intelligence was conveyed in a telegram sent to Mr. Van Iderstine, the postmaster at Hunter River, by the Orange Lodge authorities in that town, as follows:

"M. Nicholson was killed here to-day by train. Please ascertain if Orangemen in good standing. If able to locate his people please see what request they have as to burial, and if Orange Lodge has any instructions regarding funeral. Wire Master of Orange Lodge."

Mr. Van Iderstine, however, informed a Guardian representative that he has not been able to fix the identity of the person named in the above telegram, and consequently has been unable up to the present to locate any relatives of the deceased in the Hunter River district.

It is hoped by the means of this paragraph to arrive at the identity of the unfortunate man.

S.S. COMPANIES TO CO-OPERATE

(Canadian Press)

LIVERPOOL, Jan. 30.—At a conference to-day between British and Scandinavian steamship companies in reference to the Transatlantic route it is said they agreed to act together in the threatened trouble.

HERBERTS ARE LEGALLY MARRIED

(Canadian Press)

MONTREAL, Jan. 30.—A new turn has been given to the case of the Herberts, whose marriage was annulled by Archbishop Bruchési and Civil Judge Laurendeau. The Quebec Supreme Court has reversed Judge Laurendeau's decision and Mrs. Herbert gets back her legal marriage status, though the marriage is not recognized by the Church.

SOUTH AFRICA OPENS HOUSE

(Canadian Press)

CAPETOWN, Jan. 30.—Heated alterations to-day marked the opening session of the Parliament of the Union of South Africa. In the course of the discussion General Louis Botha, Premier, and two Cabinet Ministers were called upon to justify to the country the iron-handed methods they adopted in dealing with the recent strike workers, ten of whose leaders they deported this week to England.

Viscount Gladstone, the Governor-General, in his address said the declaration of martial law had been an imperative duty by the Government but made no reference to the deportation of the strike leaders.

General Jan Christian Smuts, Minister of Defense, gave notice that he would move for an indemnity from the Government for acts under martial law and prohibiting the return of the deported men, thus raising an effective barrier to the efforts of the representatives of the labor men to move for the adjournment of the House to discuss the deportation of the labor members. Some members indulged in heated language. There were some scenes but nothing riotous.

WHITNEY AND ROSS ARE IMPROVING

(Canadian Press)

TORONTO, Jan. 30.—Sir James Whitney is reported by his physicians to have passed a restless night but is sleeping quietly to-day.

Sir George Ross had a fair night and his condition is good. Both patients are improving.

WANTED FOR NO-FUND CHEQUES

(Canadian Press)

LONDON, Jan. 30.—E. W. Bates, a wealthy real estate man who disappeared some weeks ago, has been issuing fraudulent checks to an aggregate amount of \$3,000.

The checks issued by Bates were returned from the bank with the words "no funds" on them. The police are looking for him in consequence.

CANADA'S FIRE LOSSES GREATEST IN WORLD

(Canadian Press)

It may seem incredible at first blush, that Canada's fire loss in recent years is per capita higher than in any other country from which records are available. Yet this statement is based upon figures issued by the Commission of Conservation, Ottawa.

According to the Commission's statement of the comparative fire losses of different countries in 1912, in regard to cities with a population of over 20,000, the figures for Canada were 5 cities; population, 937,172; per capita loss, \$2.88. The United States was not a bad second, with 300 cities; population, 32,826,433; per capita loss, \$2.55. The North American continent, as a whole, has an unenviable pre-eminence over Europe in this respect. Even Italy, which had the greatest loss in that year of any of the old world countries, had less than one third of Canada's rate to her debit.

For England the figures were: 12 cities; population, 7,164,849; per capita loss, \$1.54. Germany had the lowest figures in Europe—3 cities; population, 2,659,575; per capita loss, 0.20. In fact, stated a well-known local agent to a Guardian representative: "Unless there is loss of life, our Canadian public regards destruction by fire with altogether too much complacency. We are apt, unthinkingly, to assume that the loss is made good by the insurance companies, and to give the matter little thought unless it concerns us directly. A little reflection will show that the cost of insurance is borne by the general public. Numerous fires mean, high insurance rates, and these in turn mean higher cost of production, which is paid for by the consumer in the form of higher prices for goods. In addition to this, we must remember that fires in mills, factories, warehouses and offices, usually throw people out of work, and disturb business in various ways, e. g., in the cancelling of many orders or protracted delay in their fulfilment."

THE WEATHER, THE TEMPERATURE, TIDE, MOON, ETC.

(Special to The Guardian)

TORONTO, Jan. 31.—Moderate to fresh north-easterly to northerly winds; fair and somewhat colder.

"THE WEATHER.—Yesterday was very mild, thaw setting in. There were several hours of bright sun and at night it became frosty again and windy.

The highest temperature recorded yesterday was 42 degrees above zero, in comparison with 25 degrees, the lowest recorded the previous night. At 9 a. m. it was 40 degrees above; at 9 p. m. 34 degrees above.

The tide will be high this afternoon at 2.16, tomorrow at 2.42 and Monday at 3.08; it will be high tomorrow morning at 3.09 and Tuesday at 3.56. The sun sets this afternoon at 5.05, tomorrow at 5.06, and Monday at 5.08; it rises tomorrow morning at 7.21, Monday 7.20 and Tuesday 7.19.

The moon sets tonight at 10.59 and tomorrow at 12. There was a new moon Monday, Jan. 26th at 2.34 a. m. The first quarter of the moon will be on Tuesday, Feb. 3rd, at 6.33 a. m.

The length of today will be nine hours and forty-two minutes and tomorrow 9.45 minutes.

JUDGES CONDEMN FRAUDULENT ACTION

(Canadian Press)

In the Supreme Court on Thursday decision was given in the matter in which a married woman, Amelia K. Currie, made an application claiming money held in the name of the Transatlantic steamship company, attached by her husband's creditors. It is said they agreed to act together in the threatened trouble.

As transactions of this kind are by no means singular, and there are unfortunately some who believe it rather a clever thing to transfer all they own on the eve of insolvency to wife or relative under some unspoken trust in order to take out of the reach of creditors all the property available for the payment of their debts, it is as well that the opinion of the Court in regard to such transactions should be known.

The Chief Justice delivered an oral judgment in which he said that the applicant claimed the money in Court as the owner in her own right of the goods at the time of the fire; that on the evidence she was not in his opinion sole owner; on the contrary it appeared that the business continually belonged to her husband. He found the whole transaction fraudulent as against creditors, and being such a fraud, the Court simply ignored all the assignments from attorneys to mother and from mother to daughter; refusing, as a Court of Justice, in any way to assist such shuffling or to sanction such proceedings. The Court would dismiss the application with costs.

MR. JUSTICE FITZGERALD'S DECISION

Mr. Justice Fitzgerald followed with the following written judgment: In the application of Amelia K. Currie for payment to her of money paid into Court by the N. B. & Mercantile Insurance Company, garnishees:

I concur in the judgment delivered by the Chief Justice and am fully in accord with him as to the complexity of this transaction.

Sitting a few days ago in one of the central cities of our Dominion with some of its leading bankers and merchants, I was pained to hear expressed a somewhat general opinion that the commercial honesty of the people of this province was lower than elsewhere in Canada. I am not concerned now to enquire into the correctness of this opinion. I thought then, and so expressed myself, that if the evil example and conduct of some of our country merchants and traders had been the cause of this bad record, otherwise undeserved. Such transactions, for instance, as the one now disclosed to us on sworn testimony, were in my judgment lowering our position in the business world and tarnishing an otherwise fair name.

I endorse therefore the forcible and plain language of the Chief Justice used by him in describing a palpable and flagrant fraud to defeat creditors in the enforcement of their just debts.

When it is known that the law of the land is fully equal to the task of brushing aside all such dishonest attempts to defraud, we will then have fewer instances of commercial dishonesty and fewer attempts such as this.

This case to me is replete with fraud, from its first incident to its last—referring to the letters written by William D. Currie, as the last of a series of fraudulent endeavours under legal form to convey property into the hands of dummy owners. Not a dollar changed hands in any of these so-called legal assignments, either to the attorney, to the mother or to the wife; neither did the property or business or the full management of it pass out—even for an hour—from the judgment debtor. Nothing was done but to pay three favoured creditors out of the business, held in the meantime beyond

the reach of other creditors, care being taken that the business premises should afterwards be sold under a judgment obtained by the mother on a promissory note for \$2,000, concerning which not a tittle of evidence was offered that it was other than a bogus debt to be used for that specific purpose. Neither was there any accounting by the judgment debtor to any one of these nominal owners from the year 1909 until this date, nor any agreement as to his position.

In some years' experience I have not met with a more forbidding fraud, more carefully planned, with more willing accomplices.

As to the order the Court should now make I agree with the Chief Justice that there is no doubt in the matter. Under the Garnishee Act any garnishee can relieve himself of liability by paying into Court the amount due by him to the judgment debtor. It matters not whether this is done with or without an order. There is no need for any order.

Once there the Court has but to see in the matter of judgment creditors—as I understand this case is—that it is paid out to them, in the order of their garnishments.

As to the applicant, Amelia K. Currie, who intervenes in these garnishee proceedings, asking that the amount in Court be paid to her as sole owner, as she was not at any time the owner of the goods upon which the insurance was effected she has no claim to the consideration of the Court or for the order she seeks.

The goods upon which the insurance was effected were at the time of the loss the property of the judgment debtor, William D. Currie, notwithstanding his fraudulent efforts to place them in his wife's name, and the Court so holds under the evidence now submitted to it.

Consequently the moneys now in Court as paid in by the garnishee will be distributed to the judgment creditors in the order of their garnishments, as creditors of William D. Currie.

Mr. Justice Hasard fully endorsed both judgments.

TANGO IN CHURCH

PATCOGUE, N. Y., Jan. 29.—At the request of Rev. George Probst, of St. Paul's Episcopal Church, several girls will show to church members the "proper" way to dance the tango.

COMING EVENTS, ANNOUNCEMENTS, MEETINGS ETC.

One cent per word each insertion in this column. Cash must accompany order. Minimum charges twenty-five cents.

The regular annual meeting of Juues County Royal Orange Lodge will meet with Tanton Lodge Brookfield on Tuesday, Feb. 3rd at 11 a. m. 4237.

CONCERT AND BASKET SOCIAL in the New Orange Hall at Millville on Wednesday, February 4. A special train will leave Charlottetown at 7 p. m. If storming concert will be held first night following. Doors open at seven, concert starts 7.45. 4196-1-28M1

A special general meeting of the shareholders and patrons of the Bonshaw Dairying Co., will be held in the Court House at Bonshaw, Feb. 11th at 3 p. m. Installation of a Butter Plant to be discussed. Also other business. Wm. McRae, Sec. 4241-1-31M5p.

IT PAYS.—That is the final word when you consider the buying of a standard typewriter, such as one of my Smith Premiers or Remingtons against unsaleable, little known and unpopular machines. A. Milne Fraser, Halifax, N. S. 4241.

Minard's Liniment Cures Diththeria.