

Prince Edward TONIGHT MAE EDWARDS PLAYERS

All New Plays

7 BIG ACTS 7 VAUDEVILLE

NOVELTY ORCHESTRA

PLAY TONIGHT

"SHE GOT WHAT SHE WANTED"

The sensation of the year

TOMORROW

Matinee and Night "SELF DEFENCE"

Matinee Sat. 2.30, 16c. 37c. Night at 8.15 - 37c. 52c. 88c.

Seats Now Selling

CAPITOL TODAY

THE GIRL-SKY COMEDY

REX BELL

swift movement, action and surprises. Rex Bell rides and fights his way through a thrilling western story with a youthful cast of players.

Also **"VANISHING RIDER"** And **OUR GANG** Comedy

STRAND TODAY

When he robbed banks, he got away with it! But when he stole a lovely lady's heart, Fate had him trapped! That exciting crook picture, with Haines brilliant in a role both funny and dramatic. ALSO

"TARZAN" and Comedy

WILLIAM HAINES in ALIAS Jimmy Valentine

The Public Forum

ATTENTION

Sir.—Recently, the Women's Institutes of the province sent a blank form with a copy of a resolution above it, to each branch of the Institutes, throughout the province, asking the Executive or members of the Institutes to canvass the people to find out how many were willing to support the establishment of a sanatorium in this Province.

It seems that some misapprehensions have arisen with regard to the meaning of this resolution, for the question has been asked, "In the event of signing it, will the government have authority to tax as much and as many years as they would want to?" The answer to this is obvious. The signing of the resolution will in no manner whatever, bestow upon the government any authority to impose taxation for any purpose. As a matter of fact, it is not within the province of the government to increase taxation. This is a matter for the Legislature.

At the bottom of the resolution was the following: "He therefore resolved that we be understood to place ourselves on record as favouring the building of provincial sanatorium by the government of this province, and if funds for such erection, equipment and maintenance are unavailable, that a special health assessment be levied for this purpose."

This is quite clear; first, it requests the support of the Institutes for the building of a sanatorium, and second, it expresses the need of maintaining the same, and if necessary, the imposing of a health tax to do so. But it does not commit the government to anything, for in the event of the maintenance of the sanatorium coming before the House, the whole Legislature would have to decide this. There is only one way to get a sanatorium established in this Province as has been the case in the other provinces, namely, first it must be built, and after that, it must be equipped and maintained, and the only way to do this is by the people themselves, for themselves.

I am sir, etc.,
P. A. CREELMAN,
Provincial Health Officer
Charlottetown.

Sanitary Precautions

One of the greatest dangers that can follow an epidemic of influenza, grippe or any infectious disease is the germ that remain in clothing and furnishings of the home after the patient are supposed to be well. These germs what in most cases is called a relapse. This can be avoided by using a thorough disinfectant applied under the utmost HEAT PRESSURE which is MODERN DRY CLEANING.

We operate under the GLOVER PROCESS of Dry Cleaning. This means that the Cleansing fluid which enters every article is drained off and a steady flow of new liquid is permeating every article continuously.

Our Telephone and Delivery Service at your demand all ways. We call for and deliver goods.

Mail Orders at all times receive our best attention. We have many customers who are satisfied, and we want you and yours to be among the number.

Western Guardian

FREETOWN—There will be service in the Freetown Presbyterian Church, on Sunday, Jan. 13th., at three p. m.

FREETOWN—Service at Freetown Presbyterian Church, Sunday, January 13th., at 3 p. m. Rev. T. Lewis Williams will conduct service.

KENSINGTON—There will be services in Kensington Presbyterian Church on Sunday, January 13th., at eleven a. m. and seven p. m.

ANNUAL MEETING KENSINGTON DAIRYING ASSOCIATION—On Tuesday, Jan. 15th, 1.30 p. m. 3041-1-11-2i

PRESBYTERIAN SERVICES—Kensington Presbyterian Church, services Sunday, January 13th., at 11 a. m. and 7 p. m. Morning subject: "The Undiscovered Country"; Evening subject—"Judas, the Man from Neriath." Preacher, Rev. T. Lewis Williams, B. A., D.D.

STUDENTS RETURNED—Among the Summerside students returning to the various colleges at the mainland this week are the following: Messrs. Harry Holman, Frederick Large, Staverl Tanton, Robert Holman, Miss Harriet Bradshaw and Miss Ruth Llewellyn.

THE A. E. MACLEAN HOCKEY TROPHY—The handsome Hockey Trophy donated to the hockey teams of East Prince the season before last by Mr. A. E. MacLean, M.P., is now on exhibition at Foley's Drug Store, Summerside, and it has been decided, with the consent of Mr. MacLean, to throw open the competition for this cup to all the hockey teams of Prince County in the Junior or Intermediate class. In past seasons the trophy was only competed for by teams in the Bedeque, Albany, Borden, Cape Traverse, Tryon and Victoria districts, and such difficulty was found in completing the schedules that the cup was never handed over to any team. Under the present arrangement, arrived at at a meeting held in Summerside and attended by representatives of most of the teams of Prince County, the teams in the different sections of the whole country will compete their schedules of games and then the winning teams of each section will come together to compete for the trophy. All the teams concerned are now being approached on the matter, which would, if the arrangement is carried out, undoubtedly be beneficial not only to the local rinks but to winter sport throughout the country generally, as the interest in the contests would grow and be much enhanced in the final play-off stages.

NEW ANNAN INSTITUTE—The annual meeting of New Annan Women's Institute was held at the home of Miss Mary A. McKinnon on Nov. 21st. Meeting opened with the singing of the Institute Ode. The financial report for the year was read and showed a substantial balance on hand. The election of officers resulted as follows: President, Miss E. Alice Wright; Vice-President, Mrs. John McInnis; Secretary, Treasurer, Miss Mary F. MacIntyre; Directors, Mrs. James Tuplin, Mrs. P. S. MacIntyre and Miss Mary A. McKinnon; Auditors, Mrs. Emmeline McKay and Mrs. Geo. Schurman; Delegates to Provincial Convention, Mrs. N. J. McNeill and Miss Wright. A report of the District Convention was given by Mrs. McNeill who also read the History of New Annan Institute. An interesting paper "In and About the House" was read by Mrs. James Tuplin. Money was voted to buy Christmas treats for the school children. Luncheon was served and a collection taken after which a hearty vote of thanks was tendered the hostess for her hospitality. It was decided to hold the meeting in the evenings during the winter months. After singing National Anthem meeting adjourned. The December meeting was held at the home of Mrs. James Tuplin with ten members present. Meeting opened in the usual way. All bills were ordered paid. New Sick and School Committees were appointed. A letter from the Supervisor re Sanatorium was read by the Secretary. A paper "Community Betterment" was read by Mrs. McNeill and Miss Wright also read an interesting paper. Christmas read

ings were given by the Misses Audrey and Ruth Tuplin. Meeting closed by singing National Anthem. This was followed by a pleasant social hour during which a dainty lunch was served, a collection taken and a vote of thanks tendered hostess. Next meeting at the home of Mrs. P. S. MacIntyre.

PERSONALS

—Mr. William Ross, son of Rev. and Mrs. D. K. Ross, formerly of Bedeque, and now of Grand Falls, N.B., who has been visiting friends on the Island, returned to his home this week.

—Miss Fraser, R. N., of Boston, arrived home on Tuesday night, owing to the serious illness of her sister, Mrs. Lorne Ramsay, of Summerside, who, it is pleasing to report, is now considered out of danger.

Eastern Guardian

EASTERN AGENT—Mr. J. W. Murdoch is Guardian Agent in Montague and will be pleased to receive new and renewal subscriptions. tf

Y. Bowling

CITY LEAGUE JAN. 9TH

7.00 to 8.30
Y. M. C. A.

R. A. Pendleton	148	223	138
R. L. Day	130	155	154
H. Crosswell	166	183	241
T. Howatt	206	172	190
J. A. Bentley	207	173	203
Total			2749

RAILWAY

L. Cameron	171	173	188
E. Warren	118	205	99
G. Swan	153	123	108
W. 179	195	152	
E. Coos	130	165	138
Total			2297

Majority for Y. M. C. A. 452 pins

8.30 to 10.00

ODDFELLOWS

D. McKenzie	164	208	132
H. Rodd	165	202	235
A. McEachern	147	159	174
C. McLean	164	178	183
Total			2517

TELEPHONE CO.

L. McNally	234	201	188
G. Garnham	124	157	190
L. McAulay	191	194	161
Alex. McLeod	134	193	128
E. McNevin	197	154	183
Total			2629

Majority for Telephone Co. 112 pins

Canada's New Stamp Issue

(Canadian Press)

OTTAWA, Jan. 9.—Canada's new pictorial stamp issue was completed when the four larger denominations went on sale Tuesday. The stamps are stated by post office officials to be regarded by philatelists as the finest production in any country. Each section of Canada is represented. The one dollar stamp carries a picture of the parliament Buildings, and is significant of the central part of the country. For the Maritimes the 50 cent denomination shows the schooner Bluenose winning the international fishermen's race. Quebec Bridge appears on the twelve cent stamps. The parries are typified in the twenty cent stamp by a western wheat field. The ten cent stamp bears a representation of a mountain in British Columbia with totem poles on the border.

BURLINGTON, Vt. Jan. 9.—The possibilities of competition for Canada will be one of the most important subjects under consideration by the Vermont Dairymen's association which will hold its annual meeting here Jan. 15 and 16 and 17. Other subjects will include bovine contagious abortion, the production of high quality dairy products and the present market demands. Speakers will include leaders of the dairying industry throughout New England.

Important Case

Continued from page 1

useless to call such evidence.

Here counsel submitted an affidavit made by himself, contradicting some of the statements made in the affidavit made by Perry, and giving an explanation of the reason why the Magistrate, Tweedy, did not adjourn the case until the afternoon. Tweedy did not refuse to adjourn, the case, it was affirmed; he was leaving on the afternoon train but was prepared to go on with the case at a later date. Johnston, counsel for Perry, it was further affirmed, declared in court at the time of the trial, that as the Magistrate was biased, he would not put in any defence, which was why the case was then brought to a close. Mr. Campbell further submitted and read affidavits from Robert MacDonnell and Keir Mann, much to the same effect as his own. All the affidavits claimed that the Magistrate, Tweedy was not biased, and recounted the circumstances of Perry's throwing away of the bottle.

The evidence on which this matter of bias turned was, briefly, that Perry, pursued by Mann, threw away a bottle while behind the Queen Hotel. Mann, asked in cross examination how far that was from the street replied "six or seven yards."

A diagram also was used to explain this. Mr. Johnston requested an adjournment in order that the distance might be measured. Counsel for Mann was then prepared to admit that a mistake might have been made in the measurement. Apart from this, there was no reason given for application for an adjournment. Following the discussion on this, it was Mr. Johnston, not the Magistrate, who said further evidence.

Mr. Campbell submitted that the accusation of bias was one which must be proved to the hilt.

THE QUESTION OF JURISDICTION

The first ground, Mr. Campbell went on, is that the Magistrate has no jurisdiction.

The second ground was that, on account of the Summerside incorporation act the Magistrate had no jurisdiction, but Mr. Campbell claimed that Section 21 of the prohibition act itself conferred such jurisdiction on any incorporated town "any statute of this province to the contrary notwithstanding." This would appear to confer the jurisdiction. He cited a case in which it was held that the County Court was not given jurisdiction by Section 4 of the amendment act, by reason of the fact that this very Section 21 gave the prohibition Magistrates jurisdiction in the matter. This section sets forth the jurisdiction of such Magistrates with great clearness and precision.

Counsel next took up the contention in the application, that Section 21 states that there "shall" be three magistrates appointed. That was not the wording of the section. It states that three Magistrate may be appointed; not shall be appointed. These magistrates did not constitute a board, nor was it intended that they should act together. It was intended that the jurisdiction be conferred either on three or on any, as they are perfectly independent of each other.

As regards the next contention, that Section 52 of the prohibition act was not in force, Mr. Campbell agreed with this. When it was enacted in 1918 it was really annulled, and so far as section 185 referred to section 52, it could therefore have had no force and effect. What is commonly known as section 52 of the prohibition act is not section 52 at all; it is a new enactment, passed in 1923.

Section 185 was intended to provide for the temporary suspension of a section 52 enacted in 1918. This ceased to have any effect when this section 52 was annulled and could have no bearing on the new section, enacted in 1923.

As to the contention that the evidence was inadmissible because it was obtained as the result of an assault made by Keir Mann upon Clavis Perry, he submitted that, in the first place, this contention had not been raised at the trial, and that, secondly, no search of Perry's person had been made, and thirdly, that even if such assault and search had been made, it was irrelevant to the issue.

The Court held that this point need not be discussed fully at the present time, but that if it developed in the argument on the application the respondent would have an opportunity of going into it more fully in his reply.

IS SECTION 21 ULTRA VIRES?

This leaves only the 3rd contention—that Section 21 was ultra vires of the provincial legislature to enact. In setting forth this contention at the trial of the case, counsel for defence contended that the provincial legislature had no power to appoint Superior or County Court Judges, nor could they appoint them indirectly by giving magistrates powers similar to those enjoyed by the judges of the superior or county courts. He was apparently relying upon section 96 of the British North America Act, which provides that all Judges of the District, Superior, and County Courts are to be appointed by the Governor General.

Mr. Campbell referred to a case from Ontario, cited by Mr. Johnston, in which the appointment of a mining commission, to have some of the powers and jurisdiction awarded Superior Court Judges by the provincial legislature was declared ultra vires by Mr. Justice Ferguson, on the ground that it infringed Sec. 96 aforesaid, of the B. N. A. Act. Mr. Campbell said it was maintained that the reason these powers were reserved for the Governor General was that a better selection of Judges might be obtained—reasons which did not apply. The above decision, he felt, was not in accordance with the intent of section 96, and was not in accordance with legislative practice. Mr. Campbell felt that that was not the real reason. The Dominion Parliament has gone on conferring wide powers of summary jurisdiction on justices of the peace who are appointed by the province. It seemed that the distinction between the judges which may be appointed by the provincial and the Dominion authorities did not rest upon the powers which they exercised respectively, but rather upon the nature of the establishment of the court, or jurisdiction in question.

He cited the case of Severn vs. The Queen to show the attitude taken by the court in that case, which was that every possible presumption should be extended to legislation passed by Provincial Legislatures, rather than to declare that it usurped the prerogative of the Federal authority under the B. N. A. Act. He also cited a case of small debts recovery act, submitting that this sets forth very clearly the proper view of the meaning and intent of Sec. 96, regarding the appointment of judges by the Dominion Government.

The Court: Is the validity of the appointment of Mr. Tweedy in question in this case?

Mr. Johnston: Yes; the validity of his appointment is attacked. It necessarily must be, for the constitutional validity of the statute appointing him is called in question.

The Court: Has this court any power to settle this question? It is a grave question whether this court can go behind the record on an application for a writ of certiorari into this very important matter. The main point seems to be one with which I doubt the ability of this court to deal on a writ of certiorari.

On adjourning the court suggested that counsel on both sides should look into this question before the court met again.

IN MEMORIAM

THE LATE DR. BISHOP

A telegram was received in Charlottetown announcing the death of Dr. H. H. Bishop, which occurred at Moncton yesterday morning, after a few days illness of pneumonia. The late Dr. Bishop was employed by the Health of Animals Department of the Dominion Government and worked in this Province for the past year or so in connection with the accredited herds undertaking. In this capacity he became acquainted with many farmers throughout the Province, to whom his genial manner endeared him and who will be sorry to learn of his passing.

Dr. and Mrs. Bishop and their son Dick have resided in Charlottetown during the Doctor's labors here, and made many friends. They removed to Moncton a little before Christmas expecting to enjoy the Doctor's three months' leave of absence which he had secured from his department;

but this was overruled and the leave of absence became a season of sadness and sorrow.

Dr. Bishop was a graduate of Toronto University and a native of Ottawa, in which city he met and married Miss Olive Wallis of London, England. Besides a sorrowing widow and one son Dick, there are left to mourn several brothers and sisters to whom many friends extend sincere sympathy.

The funeral will be held in Ottawa on Sunday, the remains leaving Moncton, Saturday noon.

MR. PETER C. DUFFY

There passed away to his eternal rest at Fort Augustus on Saturday, Dec. 22nd, Mr. Peter C. Duffy at the age of seventy six years, after a lingering illness of a few months of heart disease.

The late Mr. Duffy was an honest industrious man having no enemies. He built a beautiful home a few years ago where he and his wife and daughter lived till the time of his demise. In his passing away, Fort Augustus has lost one of its best neighbors, having lived all his years there. His life was one of a good christian. He always attended to his church duties never forgetting that life was but a fleeting shadow. He was attended regularly during his sickness by his good pastor, Rev. D. P. Croken, who administered the last Sacrament to him at his dying bed. During his sickness he was cared for by his wife and daughter, who did all that kind hands could do to prolong his stay, but God willed otherwise. He leaves to mourn the loss of a good husband and kind father, his wife two sons and five daughters. The sons are: Damien, a builder in Watertown, Mass., Edmund, of the Hood Rubber Co., Watertown, Mass.; the daughters are: (Carrie) Sister Angeline of the Little Sister's of the Poor Cincinnati, Ohio; (Katie) Sister Caroline of the same order, New York City; John Coyle, Charlottetown; Miss Louise of the same place, and Miss Belle at home. One daughter, Mrs. Harry Toombs, Charlottetown, predeceased him six years ago.

His funeral which took place from his late residence on Wednesday morning was one of the largest seen here for some time, people coming from far and near to pay their last respects to a good neighbour. High Mass being sung by the pastor, Father Croken, who also performed the service at the grave. The following were the pall bearers: Joseph Beard, Peter Heron, Benard Callaghan, Patrick McGuirk, James Dalton and Joan McGuirk.

The following Mass Cards were received: Mr. and Mrs. Eugene Kelly, Detroit.

Mr. and Mrs. Earl Cullen, Somerville, Mass.

Mrs. Thomas Riggs, Boston, Mass.

Miss Lena Stewart, Boston, Mass.

Miss Kathleen Kelly, Cambridge, Mass.

Mr. and Mrs. Henry McGuirk, Somerville, Mass.

Miss Lillian McNally, Somerville, Mass.

Miss Josephine McNally, Somerville, Mass.

Travis, Florrie, and children, Boston, Five.

Margaret and Gertrude McAulay, Charlottetown.

Mrs. Ellen Coyle and family, Charlottetown.

Mrs. McEachern, Charlottetown.

Mrs. Charles Heron and Jimmie, Charlottetown.

Mr. and Mrs. James Duffy and Family, Charlottetown.

Mr. and Mrs. Frank Duffy and Family, Charlottetown.

Mr. and Mrs. John Coyle, Charlottetown.

Mr. and Mrs. Alphonsus O'Donnell, Vernon River.

Mr. and Mrs. James Hughes, Fort Augustus.

Mr. Augustine Laverty, Fort Augustus.

Reggie and Charlie Coyle, Charlottetown.

Harry Toombs and children, Charlottetown.

Louise Duffy, Charlottetown.

Spiritual Bouquets

Mr. and Mrs. Joseph Coyle and Emmet, Charlottetown.

Miss Blanche McNally, Boston.

Mr. W. J. Pinesau, Boston.

Stock Quotations

HALIFAX, Jan 10.—Quotations furnished by Johnston and Ward Members Montreal Stock Exchange.

NEW YORK EXCHANGE

At. Top. & Santa Fe Ry.	198 1/2
American Can. Co.	117 1/2
Am. Car & Ferry Co.	104 1/2
Am. Loc. Co.	114 1/2
Am. Smelt. & Ref. Co.	97
Am. Bosch Mag. Co.	43 1/2
Am. Cop. Min. Co.	120 1/2
N. Y. Cen. & Hud. R. R.	189
Can. Gas Co. (N. Y.)	107 1/2
Hud. Motor Car Co.	87 1/2
Inter. Petroleum	57
Stan. Oil of N. J.	58 1/2
Southern Pac.	129 1/2
Union Pac. Ry.	219 1/2
U. S. Ind. Alcohol Co.	130
Westinghouse Elec.	148
United States Steel	164 1/2

MONTREAL STOCK EXCHANGE

Abitibi	40 1/2
1st-B E Steel 1st Pfd	6 1/2
Winnipeg Electric	103
Brazilian Traction	79
Steel Co of Canada	258
Abitibi	29 1/2
Dominion Bridge	94 1/2
Canadian Brewery	29
Building Products	42 1/2
Fraser and Co	85
Chas Gurd	44
Foreign Securities	39
Can Pac Ry	239
British America Oil	54

BANKS

Bank Commerce	335
Bank Royal	396
Bank Montreal	397

WHEAT

Mar	117
May	119 1/2
July	121 1/2

CORN

Mar	91 1/2
May	94 1/2
July	95 1/2

OATS

Mar	48
May	49 1/2
July	48

WHEAT

May	123
July	124 1/2
Oct	123 1/2

GRIMSBY OR BOSTON

HALIFAX, N. S. Jan. 9.—The question as to whether Grimsby, England or Boston Mass takes precedence as the premier fishing port in the world has been newly aroused by the announcement that catches landed at the Massachusetts pier last year constitute a new high record. The secretary of the Boston Fish Bureau has issued an announcement placing the number of pounds of fish landed there during 1928 at 225,513,158, an increase over 1927 of more than 24,000,000 pounds. Returns from Grimsby are not yet in.

The increase in poundage landed is attributed to the fact that more steamers have been operating, and the large number of druggers or "baby trawlers" now in service, making quick trips to and from the grounds.

Messages of Sympathy

Mrs. Mary Coursey, Boston.

Mr. and Mrs. Thomas Riggs, Boston.

Mr. and Mrs. Henry McGuirk, Boston.

Elena, Shirley and James Duffy, Boston.

Miss Minnie Callaghan, Boston.

New Method Dry Cleaners

Phone 983 Charlottetown

Prowse-Mac-Millan Nuptials

A wedding of exceptional and great interest took place Wednesday, 8th inst., when Hon. Senator Benjamin Charles Prowse of Charlottetown, Prince Edward Island, and Dr. Clara E. Macmillan of Ottawa, daughter of the late Mr. and Mrs. Duncan Macmillan, formerly of Cymbrria Lodge, in this Province, was solemnized at St. Matthew's Anglican Church in that city.

Rev. Canon Jefferson, assisted by Rev. Mr. Gardner, officiated.

The bride and groom were unattended. The bride was given away by her brother-in-law, Mr. Courtney Harper, of Ottawa.

The bride looked very beautiful in her costume of sapphire blue transparent velvet and Irish lace. She wore a blue felt and velvet hat, with shoes to match, and over her shoulders was a magnificent Alaska white fur throw. For travelling, the bride was attired in a Paris ensemble of light beige and brown silk, with brown shoes and shoes to match. She also wore a handsome seal coat trimmed with Russian Kolinsky, the gift of the groom.

The bride's niece, little winsome Clara Harper, was ring bearer, wearing a blue taffeta bouffant gown, trimmed with Irish baby lace, with pretty bonnet of lighter blue.

After the wedding breakfast, the happy couple left for a trip south going via New York, thence by boat to Florida where they will remain until February, returning to the capital for the opening ceremonies of the Dominion Parliament.

The presents were exceedingly numerous and elegant.

The hosts of friends of Senator and Mrs. Prowse will unite in happy felicitation.

Magistrate—"Did the defendant offer any resistance?"

Constable—"Only half a grown Your Worship, and I wouldn't look at it."