

MORNING DAILY FOUNDED 1891  
WEEKLY (NOW RURAL DAILY) 1887

CHARLOTTETOWN, PRINCE EDWARD ISLAND, CANADA, WEDNESDAY, MAY 8, 1907.

TWENTY CENTS A MONTH BY MAIL  
TWO DOLLARS PER YEAR BY MAIL

## Supreme Court And Court Of Chancery

### Judgments Delivered yesterday A Number Of Interesting Cases - P. P. Gillis Certiorari Dismissed Conviction Stands

#### COURT OF CHANCERY.

The Court of Chancery met yesterday morning for the purpose of delivering judgments in two cases heard before the Master of the Rolls, Mr. Summerdale in April last. The first case was an action brought by Thomas Inglis against Martha Paw and Edna Inglis an infant, to set aside and declare void a certain deed dated the 30th September, 1896, executed by the complainant in favor of his son, Ralph Inglis, of 60 1/2 acres of land on Lot 12. This deed was an absolute conveyance of the land, but it was contended that the son should maintain and support his father and mother for their lives and an agreement to that effect was signed. The son died in 1901 leaving an infant child Edna his heir-at-law.

The father, Thomas Inglis, sought by this action to have the deed set aside as having been executed improvidently and without independent advice.

The Court set aside the deed, holding that whenever a deed is executed by a father to his son and the father's support is not properly secured by a security on the place, and the deed executed without proper legal advice, the deed so executed is improvident and must be set aside. Numerous authorities were cited by the Master of the Rolls in support of this view. He declared that the agreement although under seal was a mere device for if a son became involved without any intention to deceive his father, the old man would find himself pauper. That in this case this actually happened, the son having died, the whole property rested in a baby a few months old, who of course was utterly unable to carry out the agreement. The old man had fractured an arm which is now helpless and his wife is confined in bed.

The deed was declared void and ordered to be delivered up to be cancelled.

Saunders for the complainant; McQuarrie, K. C., for the defendants.

The next case was a bill of complaints filed by Wm. A. Leonard and Major Wright creditors of the estate of the late James H. Cameron on behalf of themselves and all other creditors against Ewen Cameron to set aside a deed, dated 25th November, 1901, of 100 acres of land on Lot 27, in Prince George.

The complainants charged that the deceased, James H. Cameron, whilst indebted to the complainants had in his lifetime, on the 25th November, 1901, with the intent and design of defeating, delaying and hindering the complainants and other creditors, and for the nominal consideration of one dollar, conveyed a 100 acre farm at Albany to his own son Ewen Cameron, the defendant. The deceased, when he executed this deed, was at the time of his death, in April 1902, had ample real and personal estate to more than pay his debts. His estate however, had been wasted, and there was nothing left to pay his creditors.

The Master of the Rolls held that the deceased gave the deed to his son because he did not do so with the intent charged; that had the creditors looked after their debts in the lifetime of the deceased, or even after his death, and had not waited for four or five years after his death to collect them, they would have recovered them. He therefore declined to accede to the prayer of the bill, which he dismissed with costs.

McQuarrie, K. C., for Complainants; Saunders for Defendant.

#### SUPREME COURT.

After the Master of the Rolls had delivered the foregoing judgments the Supreme Court opened. The Chief Justice, Mr. Justice Hodgson and Mr. Justice Fitzgerald, presiding, when the following judgments were delivered:

**WHERE DOES CONSUMPTION BE GIN?**  
That first little tickle becomes a cough, the cough grows a fever, the fever a cold, the cold a pneumonia, the pneumonia a consumption. It is a disease that attacks the lungs, and unless it is treated at once it will lead to a fatal result. It is a disease that attacks the lungs, and unless it is treated at once it will lead to a fatal result. It is a disease that attacks the lungs, and unless it is treated at once it will lead to a fatal result.

Application of Peter P. Gillis to quash a conviction for a fourth offence against the Prohibition Act. The grounds were that: 1. that the Stipendiary Magistrate for the City of Charlottetown had adjourned the hearing till Thanksgiving Day, and on that day had a adjourned until a subsequent day, when he made the conviction; complained of, and secondly that the Magistrate, being a ratepayer of the City, was disqualified from trying the case.

The judgment of the Court was delivered by the Chief Justice, and it was decided that inasmuch as no proclamation under the Great Seal of the Province had been issued declaring Thanksgiving Day a holiday, the Magistrate could sit and try cases.

The Chief Justice, on the second ground in an exhaustive review of the law held that the Magistrate was disqualified on the ground of pecuniary interest, but that the objection was one that should have been taken before the Magistrate before he tried the case, otherwise the point would be waived. In this case no such objection was taken, and it was too late to give effect to it in the present proceedings. There was also another reason why effect should not be given to the objection, viz., that if the Stipendiary Magistrate could not have tried the case no person else could, and it was better that the principle that no person could try the case who had an interest in it should give way in order that there might not be a failure of justice. The rule nisi for a certiorari was therefore discharged with costs.

Morson, K. C., and Mellish for the application; Peters, A. G., and Palmer, K. C., for the prosecution.

McKinnon, appellant, and McDougall, respondent.

This was an appeal at Chambers under the Insolvent Act. The judgment of the Court was delivered by Mr. Justice Fitzgerald, who held that the appeal should be dismissed with costs.

Mellish for the appellant; Weeks for the respondent.

Matthews vs. Jenkins; and Mr. Murray vs. Jenkins.

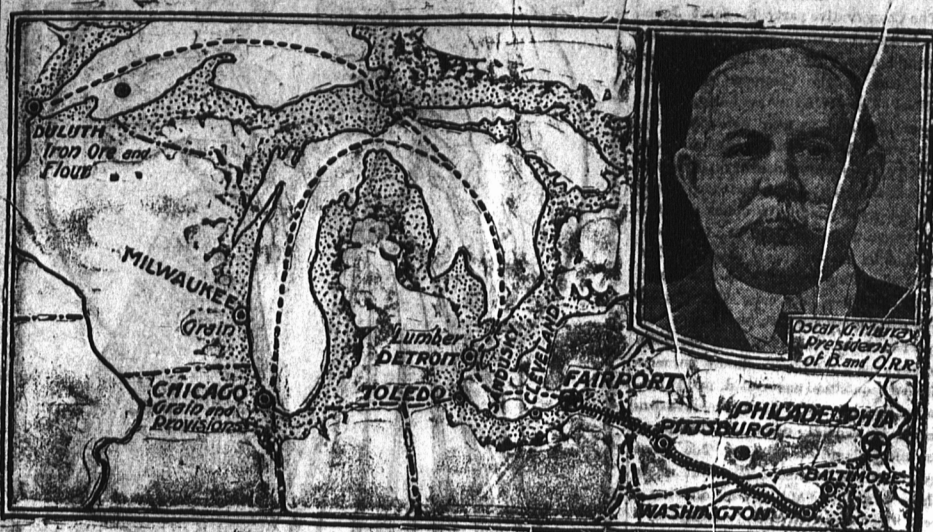
The judgments of the Court in these cases were delivered by Mr. Justice Hodgson. The actions arose out of proceedings taken under the Prohibition Act. Search warrants had been issued and been seized. The defendant justified the seizures under the warrants, and the plaintiff in each case, demurred to the plea, on the ground that the plea only alleged that the Magistrate had issued the warrants on the supposition and belief of the defendant Inspector under the Act, and not under oath upon proper evidence.

The judgment of the Court allowed the demurrer, the Court holding that the information must be under oath, and that a magistrate could not issue a search warrant on the mere suspicion and belief of the Inspector, but the Magistrate must have legal evidence before him and must form a judgment upon proper evidence under oath before coming to the conclusion that a search warrant should issue. The third and fourth pleas were therefore held bad, and the demurrers allowed.

McQuarrie, K. C., and Brown for plaintiffs; Peters, A. G., and Palmer, K. C., for defendant.

International Harvester Company of America vs. Allan Grant. This case was tried in July term 1906, before Mr. Justice Fitzgerald and a jury, when a verdict was found for the plaintiff Co. for the full amount of its claim. Defendant applied for a new trial, on the ground that the verdict was against evidence, and that the notes used on were not promissory notes, but only lien notes, and as such cannot be used on the way the plaintiff had done.

The judgment of the Court was delivered by Mr. Justice Fitzgerald, who reviewed all the cases cited at the argument as well as a number of others, and in a very full and comprehensive decision, held that the notes were promissory notes and as such properly declared



## IRISH COUNCIL BILL DISCUSSED

### Audience Crowds House of Commons To Hear the Bill Introduced - It Brings In Home Rule In a Modified Form.

[SPECIAL BY WIRELESS.]  
LONDON, May 7.—The Irish Council Bill the object of which is to provide for the establishment and functions of an administrative council at Dublin, was introduced in the House of Commons this afternoon by the Chief Secretary for Ireland, Mr. Birrell, before an audience which crowded every corner of the House. Prior to the appearance of the measure it was popularly termed a Revoltion bill but to-day, its advocates refer to it as the Irish Council Bill owing to its creation of a Council to take over a number of features of Irish rule, but to the general public the bill is an Irish Bill with home rule in modified form to enlist support of elements hitherto hostile.

### PEACE REIGNS AT FERNIE MINES

[SPECIAL BY WIRELESS.]  
FERNIE, B. C. May 7.—The agreement between the operators and coal miners in this district was signed by members of the district board of United Mine workers here yesterday afternoon, the objections of these two to certain provisions having been overcome and as a result peace now reigns again.

### NURSES GRADUATE P. E. I. HOSPITAL

Every available foot of space in the Kindergarten Hall was occupied last night by those who attended the graduation ceremonies in connection with the graduation of two nurses trained at the Prince Edward Island Hospital—Miss Duffin, of New Glasgow; and Miss Spencer, daughter of the Rev. W. H. Spencer. A very elaborate and much enjoyed program was provided. His Honor the Lieutenant Governor presided and at the conclusion presented the graduates with their diplomas. Speeches were made by His Worship Mayor, Paton and by Dr. James Warburton, M.L.A. A recitation by Mr. Fraser, solos by Miss Bremner and by Miss Murray, a read by Mr. Nash, instrumental music by Messrs. Gaudet and Stanley and selections by Prof. Watts' orchestra rounded out a program which completed a very pleasant evening. The speeches were highly commendatory of the Prince Edward Island Hospital and the excellent training given to the nurses.

### BRITISH CREW WON THE CUP

NORFOLK, Va., May 4.—By five lengths the crew of the British ship Argyle, defeated the tars from the United States ship Illinois to lay, thereby winning the Hattenburg cup which was the prize offered for competition by the navies of the world at the Jamestown Exposition.

### SESSION RECORD FOR A GOOD MAN

There was a full muster last night at the drill shed of all the volunteers who have been attending the classes of the signalling school for some time past under the instruction of Sergeant Webb of the permanent Signalling Corps of Canada. Yesterday Captain Lester, inspecting officer, arrived from Quebec to inspect the men who have been attending the course. The signaller have been divided into three classes receiving instruction in the morning, afternoon and evenings respectively. The night class was examined last night, the men being divided into groups of eight and given the regular signalling work to do—first with the flags, then with the lamps and then with the heliograph. The men of this class have proved apt pupils and it is thought that when the marks are published later on they shall have a high rating of efficiency.

upor, that the memorandum creating the lien on the machinery sold was only collateral to the positive and unconditional promise to pay a definite sum of money at a fixed time.

The verdict of the jury was one that they could reasonably find on the evidence, and should not be disturbed, on the ground that it was against evidence. The rule nisi for a new trial therefore he discharged with costs.

Hazard K. C., and Johnson for the plaintiff; Mathieson, K. C. and McDonald for the defendant.

Bannerman W. Tanton, Robert N. McNeill and Heath Fitzgibbon were sworn and admitted as attorneys of the Court. Messrs Tanton and McNeill having made over the required percentage of marks were admitted as Barristers.

JUMPING WITH NERVE PAIN.

That's how you feel with neuralgia. But why lie awake at night, groaning or complain—get busy with a bottle of Nerviline. It does not like magic, seeks out the pain and destroys it. Harmless and certain, instant relief, nothing is so popular as Nerviline for aches and pains of all kinds. Try it for lumbago, test it in rheumatism, prove it in neuralgia, headache or colds. You'll soon acknowledge that Polony's Nerviline beats them all. Sold everywhere in large 25c bottles.

### THE WEATHER.

[SPECIAL BY WIRELESS.]  
TORONTO, May 7th.—Moderate winds, a few scattered showers, but for the most part fair.

### PILES CURED IN 6 TO 14 DAYS

PAZO OINTMENT is guaranteed to cure any case of Itching, Blind, Bleeding or Protruding Piles in 6, 10, 14 days or money refunded. 50c. 11-101 m.w. 6m.

### COMING EVENTS.

Red Rose meeting, Lodge Prince Edward, O. E. Tuesday, May 14th at 8 o'clock.

## Debate On The House Of Lords

### Matter Brought Up By The Conserva- tive Wing Of The Lords—Debate At- tracted Much Interest But Did Not Develop Anything.

[SPECIAL BY WIRELESS.]  
LONDON, May 7.—The discussion in the House of Lords last night was devoted to Lord Newton's bill proposing a reconstruction of the House on the party elective basis.

He seeks to remove the excessive preponderance of hereditary peers by stipulating a qualification through services to state, or previous election, and he provides for a certain number of elected peers, and for nomination by the Crown of Life Peers—these not to exceed one hundred in number.

The House, as well as the galleries, was thronged, showing the interest aroused

by the Conservative proposal to reconstitute the Government's action, and the possibility of a debate provoking a statement of the intention of the Government. This, however, did not come to pass.

The Earl of Crewe, the Lord President of the council speaking on behalf of the Government, declined to have anything to do with Lord Newton's proposal. He gave no hint of the government's plans although his cryptic utterance on the subject conveyed the idea that the government contemplated a somewhat drastic measure.

After this announcement the debate was adjourned.

### SLEEP AND THE YEARS OF AGE

LONDON, May 5.—There is no question that the quantity of sleep required steadily diminishes from infancy to old age. This is a rather interesting exception to the general rule that, as in so many matters, old age returns to the needs of infancy. As regards sleep, old age is more restful in its needs from infancy than in any other period of life. If elderly people obtain good sleep during the first few hours, and if they have not lost that delight in reading, and in all the pleasures of youth, but which so many of us curiously lose, their case is not to be grieved over. The special value of the earliest hours of sleep, by the way, has been proved by psychological experiment. The popular phrase "beauty sleep" is well warranted, it is the early (the deepest) hours of sleep that make for health and beauty.

### WHERE TRADE IS TO BE FOUND

New York, May 5.—At a meeting of the New York Academy of Sciences recently, Dr. George F. Kunz, in exhibiting the mass of jade weighing 4,715 pounds, that was found a few years ago in Silesia, said that this discovery led away with the former belief that the jade implements found in the lake dwellings of Switzerland must have been formed from jade brought into Europe from Asia in prehistoric times. The mass in question contains enough jade to make five times as many implements as have been discovered among the ruins of the lake dwellers.

### THE PUBLIC IS OFTEN FAKED.

Unscrupulous dealers actuated by large profits often recommend corn cure "as none are so healthy, so buoyant and full of life as those who regulate with their work waltzers. Fair and coating they take from the tongue, freshen their cheeks to the past, biliousness and stomach disorders they prevent and actually cure.

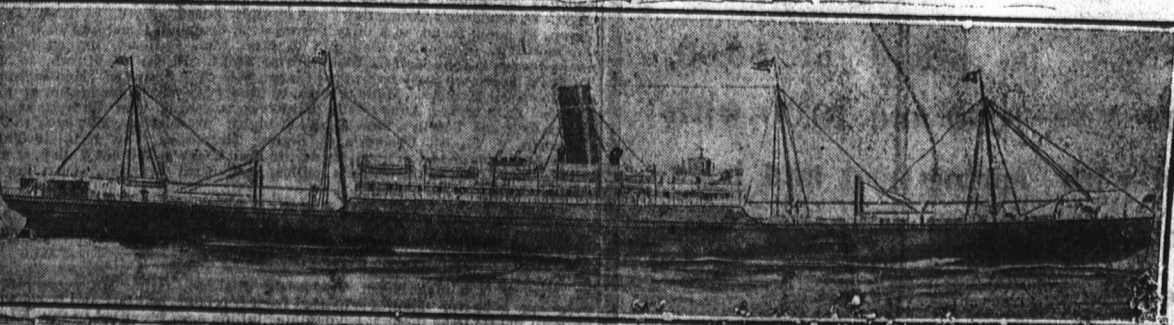
Think what it means to have the system purified and cleansed by Dr. Hamilton's Pills. A true laxative, a perfect tonic, harmless and wholly vegetable in composition, they will do you good. To feel and look your best use Dr. Hamilton's Pills, 25c at all dealers.

BOYS' Norfolk, in two-piece, is a very popular suit. We also have a number of other styles, such as Double breasted, with or without belt. York Norfolk, and other natty designs, \$2.50 to \$4.00. James Paton & Co., 114 St. John St., Halifax, N.S.

The sale at Capt. Tooker's residence held yesterday by R. B. Norton was not completed and will begin this morning at 10.30 when everything will be cleared out. All the upstairs furniture is yet to be sold and some of the goods down stairs. 58dri

We have an Invictus Patent leather oxford on the new swing last, rather pointed toe. Blucher pattern at \$4.50 a pair which is an ideal article of footwear for the young man looking for something nobby. Alley & Co., 5-8dri

Tress Hats. If you drop in and give me an idea what price you want, I can show you a full range of shapes at every popular price. You will find every style correct in Tress Hats and you will find the quality a little better for the money than you can get in any other make. H. H. Brown, The Hat and Cap Man, 5-8dri



PACIFIC MAIL STEAMER MONGOLIA WHICH WENT ASHORE ON COAST OF JAPAN.  
This is the second accident to the big liner since last October. At that time she went on the rocks of Midway Island and was taken off after much trouble. She was built by the N. Y. Shipbuilding Co. Camden, and was one of the largest vessels constructed on the Delaware. She was a liner ship to the Manchuria and cost of each was about \$3,000,000.

### Condensed Advertisement

(Too late for classification.)  
SEE PAGE 6 FOR RATES  
FOR SALE—A buggy, rubber tires, at \$125.00.  
WANTED—A boy for delivery wagon. Apply to D. Stewart, E. High St. Bkery, Kent Street.  
VALUABLE PROPERTY FOR SALE. Property adjoining City Hall. Apply on premises to Mrs. J. H. Aitchison. 5-8dri  
WANTED—A copy of "Past and Present of Prince Edward Island" for five dollars. Apply by letter to P. O. Box 903. 5-8dri  
FOR SALE AT 5 cents a roll, a quantity of heavy brown paper, suitable for lining bull-tins, wrapping heavy materials, etc., about 15 lbs to each roll. Apply at Guardian office at once.  
REMEMBER—That everybody reads a morning paper as the news is so fresh and up-to-date, and that at 8 o'clock during the day everybody is likely to buy the goods advertised while their money is still bright and active.