

THE GUARDIAN

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FRIDAY, JULY 18, 1913

A GOOD ATTRACTION.

Charlottetown has had no better advertisement in recent years than the motor boat parade and race on Tuesday evening, and the Aquatic Club is entitled to the thanks of the citizens for it, and also to their hearty support in carrying out the program mapped out for the remainder of the season.

Summer is our natural recreation time. The "wild" calls more loudly in summer than at any other season. There is a natural summer trend towards the shores and the woods. And it is fitting that, within reasonable bounds, the inclination should be gratified. Given a reasonable chance it will be gratified, as was abundantly demonstrated by the thousands who thronged the shores, the wharves, the Park, and the houseboats to see the gaily decked motor boats fitting hither and thither, or in orderly procession or friendly speed competition on this occasion.

The value of the advertisement lies largely in the fact that it was an evidence of being awake to the value of our natural advantages and making good use of them. A land-locked bay with stretches of magnificent river running some fifty miles into the heart of the country, along garden-like farms, by wooded shores and amid scenery that is unsurpassed for quiet, cultivated pastoral beauty, affording safe, pleasant and healthful boating—and yet practically neglected until very recently! Neglect of such advantages for one of the most healthful and most enjoyable recreations would be culpable and the Aquatic Club has done well to give it such an impetus as was given on Tuesday evening. It will also do well in following it up during the summer and it is hoped that all citizens will show their appreciation by patronizing each event, by boosting the events as they occur and by helping in every way to make not only the series but the whole summer as pleasant and agreeable as possible both to citizens and to visitors.

The animated appearance of the harbor with its forty or fifty motors on Tuesday evening will not soon be forgotten by those who witnessed it and nothing could be better designed to demonstrate to visitors the comparative comfort—if not wealth—the friendly co-operation, the capacity for healthful recreation, and above all the splendid facilities available in Charlottetown for such recreation.

It is pleasing to note that other aquatic sports are also to be added during the summer, such as swimming races, canoe races, and probably rowing races. Let each event be fully announced beforehand and let the people—citizens and visitors—know beforehand what is to take place. One evening in each week set apart for this sort of enjoyment will become an event that will be looked forward to with pleasure by all and will do very much to make Charlottetown in name as well as in reality one of the pleasantest summer resorts in Canada.

TROUBLE FOR IRELAND.

For the second time since the passing of the Parliament Act, the Home Rule Bill has failed to pass the House of Lords. This was a foregone conclusion, but the mode of preventing the progress of the measure was different from that previously followed. Instead of formally opposing the motion of the Liberal leader of the House, Earl of Crewe, and going into the Lobby against the second reading, which has been the usual course, the Unionist leader, Lord Lansdowne, followed the example of the Laurierites in the Senate, and moved as an amendment that "the House declines to proceed with the consideration of the bill until it has been submitted to the judgment of the people." This having been carried against the Marquis of Crewe's motion by 304 to 62, was then put as a substantive motion and carried without a division. The question now arises whether this can be termed rejection as contemplated by the Parliament Act. The Unionists maintain that it is merely delay; and consequently the House of Commons is not free to again consider the bill under the Act. This is a contingency not provided for by the framers of the Parliament Act, and has caused a good deal of perturbation in the ranks of the Government's supporters. What attitude the Government will assume remains to be seen, but it is evident the Ulstermen are not resting on their laurels. Government journals assert that

the Cabinet will not go to the country until Home Rule, Welsh Disestablishment and Scottish Temperance Reform are placed on the statute book under the Parliament Act, implying that the Government is inclined to consider such an amendment as the Laurierites introduced to be equivalent to rejection, which in effect it is. That being so Home Rule will automatically come into effect in April, 1914, and then the real trouble will have to be faced. Ulster Unionists are determinedly opposed to the acceptance of any measure which will separate them from the United Kingdom. In the event of the bill becoming law, Sir Edward Carson intends to form a provisional Government to take over the Orange Counties, directing the people to pay taxes to that provisional Government instead of to the new Irish Home Rule Executive in Dublin. Whether this plan be practical or not, it is a plan that commends itself to peace-loving Ulstermen, who, though prepared to oppose separation at the point of the bayonet, are not prepared to draw the first blood. On the other hand, as the Prime Minister, Mr. Asquith, has intimated that the British Army will not be used to compel Ulstermen to pay taxes imposed by Dublin, it seems a ludicrous situation will be created which must result in chaos in Ireland. It also has to be remembered that the Solemn Covenant was signed by nearly every Ulsterman in and out of Ireland, including officers in the army, soldiers, and most of the distinguished Irish judges.

Fearing that their duty to Ulster will conflict with their duty to the Government, some officers have already begun to speak of sending in their papers. The London Times, referring to this, deprecates resignations as premature, and adds: "The solidarity of our corps officers is a priceless national possession which is not to be jeopardized without the gravest and most insistent cause, but the spirit of anxious restlessness which has begun to invade the army and other departments of the public service is most disquieting."

Thus, whatever be the fate of the Home Rule Bill, there will be trouble in Ireland, and the question is, will the present Government be prepared to remain in office to face it?

RAILWAY RUMORS

A rumor has been in circulation for some days to the effect that a number of the Railway offices at Charlottetown are to be abolished and the present incumbents transferred to Moncton. Like all rumors this one has grown to such an extent that, in some cases at least, the officials to be moved have been named and even their salaries sized up.

There is no truth in the rumor. No orders have been issued, so far as the railway officials here are concerned, and no definite action decided upon so far as the Railway Management is concerned.

There are, however grounds for anticipating certain changes when the Car Ferry system is completed. When the Prince Edward Island Railway will have become "in reality as well as in name"—as has been so fervently prayed for by our people—a part of the Intercolonial, changes will naturally be inevitable and it is quite possible that a too strained economy may suggest the centralizing of the whole management at Moncton and a consequent curtailing of the machinery at Charlottetown.

To make any such change in the meantime would be injudicious in the extreme. There is no more reason for such a change now than there has been at any time in the past, nor will there be until the Car Ferry has been completed, the P. E. I. Railway standardized and the traffic of the Intercolonial and the P. E. I. Railway have become one in reality. And even then the identity of the P. E. I. Island Railway ought not to be sacrificed. Even as "an integral part of the Intercolonial" the former will have its peculiar requirements and will be subject to conditions which will in no way be common to the Intercolonial. For these and many other reasons a too radical change should, even then, be guarded against and the time to guard is now.

Railway corporations move slowly and often to make up for the slowness, they begin to move some time in advance. It may be that in anticipation of the coming change to the "integral part" preparation is already in progress. If so the local authorities should take steps at once to forestall it. To make any reduction in the staff at Charlottetown before the Car Ferry is completed would be a serious blunder; to make any radical changes afterwards would be a serious loss to Charlottetown and to the province. The whole question should be considered now.

AIRMAN WAS KILLED

SALISBURY, July 17.—Major Hewatson of the British Army was killed by a fall from an aeroplane today.

MAINLY ABOUT PEOPLE.

Mr. Shannon, Comptroller of the I.C.R., went to Murray Harbor yesterday afternoon in the Superintendent's private car, which was attached to the southern train. He was accompanied by Supt. McEwen of the P. E. I. R.

Sir Ian Hamilton has written to Mr. F. W. Hyndman stating that he had read with great interest the pamphlet which Mr. Hyndman has written, especially the one entitled "Seven Historic Events." Sir Ian adds he was "very glad to have had an opportunity of taking by the hand one who had had such an eventful career, and who has served his country so well."

Mr. and Mrs. J. J. O'Conner of Dorchester, Mass., are visiting in Charlottetown, the guests of Mrs. O'Conner's parents, Mr. and Mrs. M. A. Barron, Dorchester Street. Mr. O'Conner, who holds a lucrative position as Cashier in the Merchants and Miner's Tran. Co., Boston, is now on his first visit to Canada, the beauties of which he is thoroughly enjoying. They leave today on their return journey.

There are in Charlottetown at present two visitors from Gloucester, Mass., Mr. J. G. Campbell and Mr. J. W. Warner. The former has some relatives in Georgetown, whom he has been visiting and Mr. Warner has been accompanying him on the trip. Mr. Campbell is interested in fisheries while Mr. Warner is on the press-room staff of the Gloucester Daily Times. They will be in Charlottetown for a few days and then will go from here to St. John by way of Summerside.

STEWART VS. BUCHANAN

Sir—I consider a public discussion of differences that may arise between Bench and Bar unseemly and to be deprecated. At the same time, as this matter has got into the newspapers I deem it my duty towards myself as well as towards my partner, to deny most emphatically that the remarks made by the Chief Justice in his charge to the jury in this case, reflecting most severely upon the conduct of Mr. Bentley and myself, had any foundation whatever, and I venture to say that if His Lordship had taken his usual caution of putting himself in possession of the facts, he would not have made the reflections upon our conduct which he did.

The facts are simply as follows:— In December, 1910, Stewart required the loan of a sum of money, and his neighbor and friend, Archibald Buchanan, agreed to advance him \$500.00, secured by a mortgage on Stewart's farm, payable in five years. The interest (which was at the very moderate rate of 4 per cent) was to be paid yearly on the 22nd day of December in each year, and the mortgage contained the usual condition that if the interest was not paid promptly the whole principal money should become due, and Buchanan might proceed to sell the land.

In November, 1911, Buchanan wrote me complaining that the previous winter Stewart had been selling the wood on the land in acre and half acre lots to certain parties, to which Buchanan had not objected, as he knew that Stewart was hard pushed for money, that when he wrote Buchanan he was informed Stewart was going to clear the woods all out and then sell the place, and that he had told Stewart if he would cut or sell any more lumber off the place he (Buchanan) would close out the mortgage, and he asked our assistance in the matter. Upon such complaint being made we wrote Stewart notifying him that if he attempted to cut or sell any more lumber off the place proceedings would be taken against him.

In October, 1912, Buchanan came to see us and complained that Stewart had been cutting and selling wood off the place in large quantities in spite of Buchanan's objections; that he had defied Buchanan and said he would cut all he liked, and Buchanan said it was useless writing Stewart further as he would not stop. Buchanan told us he was in grave doubt if he would ever get his money back as the land was not then worth \$500.00.

The first year's interest was paid us on the 23rd December, 1911, a day late. (At the recent trial it appears Stewart gave some evidence of paying \$10.00 to Buchanan before the interest fell due. We never heard of this from our client.) Shortly afterwards we gave Buchanan our opinion that he was entitled to sell under the provisions in the mortgage. At the same time we told him it would be harsh (though legal) conduct to take advantage of the default in payment of interest for one day, and that if he sold he should be prepared to prove that the land was being stripped of lumber, and that his security was in danger in consequence.

He assured us that if Stewart was allowed to continue cutting as he was doing for any length of time his security would become comparatively valueless. On these representations (which we had no reason to doubt) we caused the farm to be advertised for sale, giving four weeks notice of sale, being ample time for Stewart to get the money elsewhere and pay Buchanan off if his land was sufficient security.

We also entered judgment on the warrant of attorney and issued execution thereon for the purpose of making good out of his personal property what the land might turn out short. We also issued the writ of ejectment to enable Buchanan to turn Stewart out of possession, as even if the land were sold we might be obliged afterwards to do this to enable the purchaser to get possession, and thus prevent Stewart going on destroying the farm.

On the day of the sale Stewart was present with his attorney Mr. Gaudet, and the latter bid in the land for

Stewart for the amount of debt, interest and costs against it. Afterwards this action was brought by Stewart against Buchanan for damages, on the ground that his land was sold sooner than the mortgagee justified. To this action we appeared for the defendant at his request, and on receiving notice of trial, we wrote Buchanan to come to town to go over the facts of the case in detail and to tell us what witnesses should be subpoenaed in support of his case. He did come to our office a few days afterwards, but positively refused to discuss the case with us or to subpoena witnesses. On that day Mr. Bentley was absent attending Court at Summerside.

We afterwards on the 20th of June wrote Buchanan informing him that it would be absolutely necessary for him to be present in the Court to give evidence on his own behalf, and that he should be prepared to produce evidence to show that Stewart was cutting wood, as he complained of to us, and offering him to subpoena any witnesses whose evidence would help him. Having received no reply to this letter we sent Mr. Hessian (of the staff of our office) down to Pinette to see Buchanan in order, if possible, to induce him to come in and defend his suit. Mr. Hessian did not find him at home, and it seems that about that time Buchanan had left the Province.

When the case was called I stated to His Lordship that the defendant refused to be present or to have anything more to do with the case. Buchanan was called in Court, but did not respond. I thereupon intimated to the Chief Justice that under the circumstances we wished to withdraw from the case altogether, as we did not consider ourselves any longer representing the defendant. As I understood it, His Lordship approved of the course I suggested and thereupon Mr. Bentley and myself left the Court to attend to our business. Of course on the hearing we could not inform the Court as to the statements of fact made to us by Buchanan, as the Court would not under any circumstances allow such statements from us, unsupported by sworn testimony, to be evidence in the cause.

A day or two afterwards I was surprised to read in the Patriot newspaper what purported to be the charge of the judge to the jury, which contained very strong comments on our conduct throughout. I thought that some mistake had been made by the reporter, and my first impulse was to take no notice of the newspaper report, but to allow the well known character of the firm to be its own vindication.

On the 4th of July, Mr. Bentley not crediting the correctness of the report, wrote to the Chief Justice the following letter:—

July 4, 1913. Hon. W. W. Sullivan, Chief Justice, Charlottetown.

Sir—I enclose herewith what purports to be a report of your address to the jury on Wednesday last, the 2nd inst., on the trial of the suit of Robert Stewart vs. Archibald Buchanan.

As you will recollect Mr. McLeod and I had withdrawn from the case before the jury was empanelled, for the reasons stated to the Court by Mr. McLeod.

It is incredible to me that the report can be correct, in view of the fact that I was not present in Court when the case was tried, that no opportunity was given me to make explanation, and that I should thus appear to have been condemned unheard. I shall be greatly obliged if you will inform me if the report is to any, and what extent, correct. Your etc., W. E. BENTLEY.

To this letter His Lordship caused the following reply to be sent:—

July 7, 1913. W. E. Bentley, Esq.

Sir—I am directed by the Chief Justice to acknowledge the receipt of your letter of the 4th inst. to him respecting the case of Stewart vs. Buchanan, tried by a jury during the present Term of the Supreme Court, and to say that he has not read any report of his charge to the jury in that case, and that consequently he has no knowledge of the contents of any such report.

I am also directed to state that the Chief Justice declines to enter into explanations or discussions to or with any person whatsoever regarding what he deems it proper or necessary to say in open Court, before the public, in the official discharge of his public duties.

I am further directed to return to you the enclosed purporting to be a report of his address which you sent to the Chief Justice, and to inform you that he has not read the same. I am, etc., W. A. O. MORSON, Prothonotary.

In the face of this reply informing us that the Chief Justice "declines to enter into explanations or discussions to or with any person whatsoever regarding what he deems it proper or necessary to say in open Court, before the public, in the official discharge of his public duties," we concluded it would be of no avail for us to ask for any hearing as to our conduct so reflected upon. Being told by one or more members of the Bar that in our own interests we should make some explanation exonerating ourselves before our fellow members of the Bar from the imputations cast upon us, we asked the

(Continued on page four.)

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E. R. BROW

Charlottetown Manager, for P. E. I.

PRINCE'S LIFE THREATENED MATTERS GROWING ALARMING

CHRISTIANIA, July 17.—An attempt on the life of ten-year-old Crown Prince Olaf, is reported. A Bill before Parliament provides that if the King and Queen die without a male heir, Norway shall become a Republic. The Anti-Monarchy agitation is making great headway.

TORONTO, July 17.—The agitation is growing against the alarming extent of baby farming here and the Ontario Government is to be called on to aid the municipal authorities to stamp it out.

New Rubber Bathing Caps We have a splendid new stock of bathing caps all this season's goods in rubber lined and pur gum rubber in various colors and the latest styles. Prices from 25c to \$1.00 each. Water Wings We have these in cotton and silk. J. G. Jamieson DRUGGIST

SEE that rich, golden crust—appetizing, isn't it? We refer to

Cameron's Home-Made Bread The animated appearance of the harbor with its forty or fifty motors on Tuesday evening will not soon be forgotten by those who witnessed it and nothing could be better designed to demonstrate to visitors the comparative comfort—if not wealth—the friendly co-operation, the capacity for healthful recreation, and above all the splendid facilities available in Charlottetown for such recreation. Montague Black Fox Exchange Corrodes Solved L. M. McKinnon, Manager Montague, P. E. I.

BIRTHS.

TAYLOR—At Charlottetown, July 16, 1913, to Mr. and Mrs. Wilfred Taylor, a son.

MARRIAGES.

HINTON-GOSNELL—At the home of the bride, Bathurst, N. B., on the 9th inst., by the Rev. F. A. Wightman, Miss Jennie B., daughter of Mr. and Mrs. Arthur Hinton, to Sidney A. Gosnell, of the same place.

DEATHS.

HARRIS—Entered into rest, at a Halifax, N. S., on Wednesday, July 16th, 1913, Wm. Critchlow Harris, aged 69 years. Funeral from St. Peter's Cathedral tomorrow Saturday morning at 9.30 o'clock.

CLEMENTS—At the P. E. I. Hospital, Thursday morning, July 17, 1913, after a lingering illness of bright's disease, Herbert Freeman Clements. Funeral from his father's residence 31 Upper Hillsboro Street, this, Friday afternoon, at 4 o'clock to the People's Cemetery.

SASKATCHEWAN MURDERER TO HANG

PRINCE ALBERT, Sask., July 17.—Arrangements are being made for the execution of Emeria Kovoiach here to-morrow. Kovoiach and Lewis Ratz were convicted of the murder of Charles Bruggencote on the night of February 11 last. The murder was one of unusual brutality. The two men killed Bruggencote at the lonely ruined shack where they lived by beating in his brains with a cudgel and afterwards cutting his throat and driving him along a trail into the open prairie, where they left the body. The two murderers were tried and convicted at the May term of the Court. Ratz is under sentence to hang one week from to-morrow for his share in the crime.