



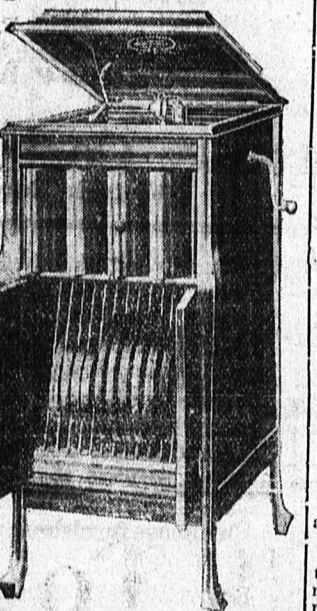
Fishing Tackle

We have never shown a better assortment than this year. It was selected by an expert fisherman from leading tackle houses in England and United States.

It includes—Rods, Reels, Lines, Baskets, Flies, Gut Hooks, Casts, Landing Nets, Rod Bags, Tips, Nets, etc. See our \$1.00 Rods.

E. A. Foster Central Drugstore Sunnyside

The Columbia Grafonola



We have a size and style Columbia Grafonola here now, that will exactly suit your requirements—the price too is sure to please you.

Call, see and hear the Columbia Grafonola to-day. you'll be paid in pleasure.

A. E. Toombs, 177 Queen St.

BAIT AND ICE REPORTS.

QUEENSPORT, May 5.—Herring scarce today, no ice. SOURIS, May 5.—East Point reports ice, eastern coast large quantities loose ice lobster rope, now out. St. Peter's steamer off Souris today in loose ice, no bait.

Cures Bilioussess Prevents Bright's Disease

THE CERTIFIED STATEMENT OF ONE WHO HAS PROVEN THE EFFICIENCY OF DR. CHASE'S KIDNEY-LIVER PILLS.

Mr. Colin M. Kiel, Craighurst, Simcoe county, Ontario, writes: "My mother and I have both used Dr. Chase's Kidney-Liver Pills with great satisfaction. We find that there is nothing to equal them as a prompt cure for torpid liver, bilioussess and indigestion. Some years ago my mother came near to death from kidney trouble and has to be careful in preventing Bright's disease. By using Dr. Chase's Kidney-Liver Pills occasionally she keeps the kidneys healthy and active. Another point favorable to Dr. Chase's Kidney-Liver Pills is that they do not gripe and yet accomplish good results. You are at liberty to use my letter."

SPLENDID SEND-OFF

(Continued from page one)

He reminded the men that total abstinence and purity in their living were essential to success in the work which they were about to undertake. The Premier said it seemed but a short while ago since they said goodbye to the men who were leaving for the front, and now their arms were striking direct blows against the foes of the Empire. The part that the present men were now going to play was just as important in its way, and just as essential, as any service they might be called upon to perform until the war was over. It should be a matter of pride to all that the province was capable of furnishing relay after relay of men who had the courage and strength to take up arms in defence of the Empire. Yet the Island was not at the point of exhaustion in the supply of volunteers. Throughout all Canada, he said, there was a series of armed camps of splendid men who were inspired by the great achievement of the Canadians at the front in the history of Canada, which dated back less than half a century, there was nothing so glorious as the performance of the Canadians in Flanders a few days ago. It was true the losses had been terrible, but there was no price too high to pay for those things which they had at stake. Everything that made life to them of value was at stake, and the admirable deeds of those men who had fallen would enrich the history of Canada as long as the Empire lasted and would give to the young men generation after generation that valour and confidence in our people that was worth even the great price that had been paid. The men of Canada to-day had been tried and had proved to the world that they were possessed of that same courage, that same undaunted perseverance and bull-dog tenacity that had always characterised the British race. (Cheers.) In this war, as in every war, the last reliance must rest upon the privateers who would carry the arms through to victory against the opposing forces. Every one of them, officer or private, carried the same responsibility and would take away from that war, when it was over, the same glory for work well done, for the highest service that fell to the lot of any citizen. It was the pride of all Canada now, that the greater the danger the more eager and ready were the men to go to the front. (Cheers.) The men there that evening had volunteered at a time when they were able to realise the gravity of their undertaking, and they would all do their duty. While distinction could come to only a few, they should all remember that, "Not once nor twice but many times in this fair island's story, the path of duty was the path of glory." (Cheers.) Mayor Stevens in a few remarks congratulated the men of their splendid physical fitness and their exemplary conduct. He thought they were a fine lot of men. He thought that the happenings of the past few weeks must thrill every true Canadian heart, and tempt to stimulate recruiting. He advised them all to kill as many Germans as they could, and if they could possibly do it, to kill three for every Canadian killed. (Cheers.) The Germans had never shown mercy, and he advised them all never to let any German get the upper hand. They were always to shoot first—and hit! Colonel Stewart also spoke shortly congratulating the men and giving them excellent advice. He complimented them on their drill and referred to their good behaviour.

(Continued on Page Six.)

PERSONALS

Mr. M. T. Lambie, Springfield, was in Charlottetown Saturday. Mr. M. C. Delaney (Chief Conservative Whip), of Trion, came to Charlottetown Saturday and returned in Gunner Fred Moore, of the Composite Battery, Halifax, is home on furlough. Mr. Jack Davis, of the 26th Battalion, who enlisted from Charlottetown is here from St. John on furlough. Miss Clara Carver, Hazelbrook, was in the city Saturday and returned to her home on the afternoon train. Mr. John Anderson, Provincial Auditor, leaves this morning for a short visit to Springfield. He expects to be absent about a week. Miss Granville MacVittie, accompanied by her sister, Miss Morey, Westmoreland made a business trip to Charlottetown Saturday. It is pleasing to note that Mrs. Augustus Alyward, who has been ill with an attack of appendicitis, and for which she was operated upon in the Charlottetown Hospital, is now almost completely recovered at her home.

BASEBALL

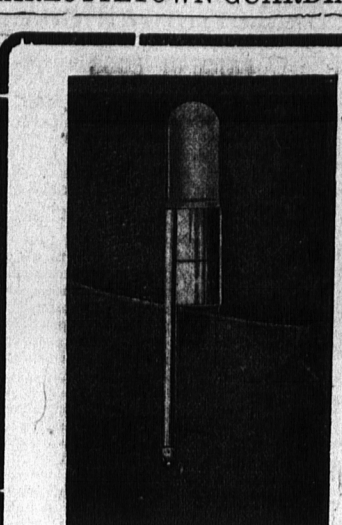
BASEBALL RESULTS, May 7. 11 National League at Boston, Boston 11 New York 7. At Pittsburgh, Pittsburgh 6 St. Louis 4. At Cincinnati, Cincinnati 9, Chicago 2. American—At New York Boston 5 New York 3. At Philadelphia Philadelphia 4, Washington 1 at Detroit, Detroit 11 St. Louis 2. Federal League—at Baltimore, Pittsburgh 10 Baltimore 9 at Newark Newark 5 Chicago 4 at Brooklyn Brooklyn 4 Kansas City 1. International At Providence, Providence 4 Toronto 2. At Jersey City Montreal 10 Jersey City 8. At Richmond, Buffalo 8 Richmond 3. No other games played.

This war is doing an enormous amount towards encouraging tea drinking all over the world, and it looks as though in countries where tea has up to now been more or less an experiment or a luxury it will in the near future be in a fair way of becoming a national beverage. Hence attract a taste for tea and it will come to stay. The Russians have of course always been large tea drinkers and with the Government's action in closing down the State-run vodka cabarets an even larger consumption is bound to follow. France, hitherto a very small consumer and essentially a coffee country, has been adopting tea to fight upon, and every French soldier who returns from the field will take the taste back to his family. It will all spell extra consumption and a continued range of high prices. Consumption has in the last year or two increased in a far greater ratio than has production, and fresh planting owing to various causes, chiefly the labour difficulty, has been handicapped. New land takes some years to come into full bearing, and young gardens require to be treated tenderly at first. Of course China tea, if she would, produce countless millions, but unless British grown tea goes to absolutely prohibitive prices there is not much prospect of the tea-drinking public reverting to China Tea. From "London The Grocers' Gazette" April 3rd, 1915.

W. MARTIN CO. V. GEORGE E. FULL AND ORS.

(Continued from page two)

or an Act of the Legislature of Prince Edward Island, shall, before beginning business in the Province, make out and transmit to the Provincial Secretary a statement under oath shewing: (a) The corporate name of the Company; (b) How and under what special or general Act the Company was incorporated; (c) Where the head office of the Company is situated; (d) The amount of the authorised capital stock; (e) The amount of stock subscribed or issued and the amount paid up thereon; (f) The nature of each kind of business the company is empowered to carry on, and what kind or kinds of business it is or are carried on in Prince Edward Island; (g) The names of the directors and officers of the company, and its agent or agents in this Province. 2. Such company shall also transmit to the Provincial Secretary in the month of January in each year a statement showing all changes in the directors, officers and agents of such company that have taken place during the preceding year. 3. Every company which fails to comply with the provisions of the section shall be liable to a penalty of ten dollars for every day during which such default continues, and every director, manager, secretary, agent, traveller or salesman of such company, who with notice of default transacts business within Prince Edward Island, shall for each day on which he so transacts such business be liable to a penalty of ten dollars, to be recovered as a private debt by any person or corporation suing therefor. In the argument at the Bar there was much discussion regarding the construction of the Act, and especially as to the application of its penalties. On the face of it, as it appears in the Statute Book, the whole Act comprises 5 clauses, or paragraphs, numbered 1, 2, 3, 4, 5. The clauses quoted above are numbered 1, 2, and 3; and the question was raised as to whether the penalty named in the first part of clause number 3 applies to clause number 1, and to clause number 2. It must be said that the Act is most intractably indeed, most casuistic, drawn, but it devolves upon the Court to ascertain from its language, if possible, what the Legislature intended, and to give the enactment that meaning if the language will warrant such a construction. In Maxwell on the Interpretation of Statutes, 3rd Ed. p. 319, the principles of construction is laid down in these terms: "Where the language of a Statute, in its ordinary meaning and grammatical construction, leads to a manifest contradiction of the apparent purpose of the enactment, or to some inconvenience or absurdity, hardship, or injustice, presumably not intended, a construction may be put upon it which modifies the meaning of the words, and even the structure of the sentence." In Salmon v. Duncombe (1886), 11 Appeal Cas. 627, Lord Hobhouse, in delivering the Judgment of the Privy Council says: "It is, however, a very serious matter to hold that when the main object of a Statute is clear, it shall be reduced to a nullity by the draftsman's unskillfulness or ignorance of law. It may be necessary for a Court of Justice to come to such a conclusion, but their Lordships hold that nothing can justify it except necessity or the absolute intractability of the language used." The application of these principles to the present case, justifies, in my opinion, the construction which I have put to me, construing the words "this section" in the first part of clause number 3, in order to give proper effect to them, as including and referring to clauses numbered 1 and 2. This construction would constitute the three clauses one section, number 2, and 3, as their wording indicates, being merely sub-sections. This would make the enactment uniform and give effect to all its language. It would, moreover, render every Company which failed to comply with all the provisions of the Act liable to the penalties mentioned, which is I have



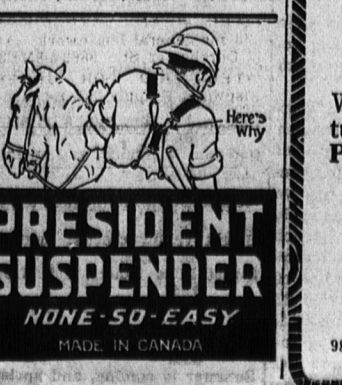
Safety Case Thermometers Tycos

no doubt, what the Legislature intended. The plaintiffs are an Extra-Provincial corporation which according to the pleadings, as already stated, carried on business in this Province having gain for its purpose, or object, and before beginning such business, namely before entering into the contract in question, did not make out and transmit to the Provincial Secretary a statement under oath containing the information required by the Act respecting Extra-Provincial Corporations. The question is whether in the circumstances the plaintiffs can maintain an action in this Court to enforce such contract? It is obvious that the object which the Legislature had in view in requiring the information mentioned was the protection of the public, and that protection is sought to be secured by the enactment which requires that before beginning such business a Company shall make out and transmit to the Provincial Secretary a statement under oath as mentioned in the Act, in other words the statute prohibits an Extra-Provincial Company from commencing business in this Province of the kind mentioned unless and until such statement is so made out and transmitted. It is not necessary to decide that contracts entered into in violation of Statutory provisions are void and incapable of enforcement in a Court of law. Bensley v. Bignold (1822), 5 B. & Ald. 335, Cope v. Rowlands (1836), 2 M. & W. 149 and Furgusson v. Norman (1855), 5 Bing. N. C. 76, and Melliss v. Shirley Local Board (1855), 16 Q.B.D. 446, are leading examples of this class; and the later case of Victorian Daylesford Syndicate, Ltd., v. Dott (1905), 2 Ch. D. 624 is to the like effect. In that case Buckley, J. said: "There is no question that the contract which is prohibited, whether expressly or by implication, by a Statute is illegal and cannot be enforced." "If," he says, "I arrive at the conclusion that one of the objects is the protection of the public, then such contract is impliedly prohibited by the Statute, and is illegal." The purpose is a public purpose, and therefore upon all the authorities the act for the doing of which a penalty is imposed is an act which is impliedly prohibited by the Statute, and is consequently illegal." In the case of Bonnard v. Dott (1906), 1 Ch. D. 740 the case of Victorian Daylesford Syndicate, Ltd., v. Dott is approved and followed by the Court of Appeal. In line with those authorities is the case of Brown v. Moore (1902), 32 S.C.R. 93. As the whole, indeed, the sole purpose of the Act in question in this case is the protection of the public, and as the contract sued upon was made in violation of the Act, I am led to the conclusion, warranted, in my opinion, by ample authority, that the contract was an illegal contract on which the plaintiff cannot maintain an action in a Court of Law. An additional point stated on behalf of the plaintiff is that the Provincial Legislature had not power to pass the Act respecting Extra Provincial Companies. In my opinion the Act deals with that class of subject, and is passed under the head of "Civil Rights in the Province" in "The British North American Act, 1867," which is intra vires a Provincial Legislature. The decisions of the Privy Council in Citizens Insurance Company of Canada v. Parsons (1881), 7 App. Cas. 96, and Attorney-General for Ontario v. Attorney-General for the Dominion (1896) App. Cas. 348, lead to this conclusion, which is supported by the view expressed by Lord Haldane, L. C. in the recent case of John Deere Plow Company, Ltd., v. Wharfedale (1915), App. Cas. 330, wherein he says: "It might have been competent to that Legislature (a Provincial Legislature) to pass laws applying to companies without distinction, and requiring those that were not incorporated within the Province to register for certain limited purposes, such as the furnishing of information." The result is that Judgment be for the defendant on the demurrer with costs.

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Tycos fever Thermometers are as fine instruments as money and experience can produce. We have them with the new Safety case and with Nickel case chain and pin both kinds in half, one and two minute thermometers with certificate. Special prices to nurses and doctors.

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Important Announcement

We wish to remind all our acquaintances and the public generally that we have just opened a general store at Hunter River in the building lately occupied by Mr. L. H. McLeod.

We Will Buy Farm Produce

of all kinds according to seasons and will make a specialty of Poultry, Butter and Eggs. We will keep in stock an up-to-date line of Groceries, Crockery, Boots and Shoes, Dry Goods, Flour and Feeds, Machinery, Wire Fencing and Gates, Farm Seeds, Lime Fertilizers, Carriages, Harness and Hardware.

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We have stocked a complete line of Farm Seeds and can sell you the best quality at right prices. Timothy, Clover Seed, Wheat, Vetches, Peas, Barley, Turnip Seed and Garden Seeds.

We have arranged to handle the celebrated "Maritime" Brand Wire Fencing and Gates. Quality the best, prices away down 4 to 11 bar from 19c "per rod up. Gates all sizes and prices. It will pay you to send for our price list.

We sell International Farming Implements of all kinds, also Truck Wagons, Cream Separators, Carriages and Harness. Call and see the "Capital Favorite" Ranges we have to offer you. Those who have used them, would not be without them.

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We have a market for good quality Poultry all the year round at highest prices—Only one Stipulation.

Quality Must be Real Good

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