THE CHARLOTTETOWN GUARDIAN

Morning Daily (Founded 1887)

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$5.00 per year (in advance) delivered to City
$4.00 per year (in advance) mailed to P. E. Island
$5.00 per year (in advance) mailed to Canada and U. S.
Members Audit Bureau of Circulations.

WEDNESDAY, FEBRUARY 2, 1938

"The Strongest Memory is Weaker than the Weakest Ink."

Hard To Reconcile

Our evening contemporary attributes to Mr. J. W. Boulter, Island representative at the recent annual meeting of the Canadian Horticultural Council, the following statement with regard to the convention proceedings:

"Discussion of the United Kingdom-United States trade treaty by the fruit growers led to the conclusion that the treaty was not likely to contain anything which would seriously affect the fruit trade, that sufficient preference would still be given Canada to permit Canadians to hold the market. The opinion was expressed that it might necessitate a better grade of shipment from Nova Scotia but no serious objection was raised."

According to the Canadian Press, strong protest against any change in the present apple preference in the British market was voiced at the convention by the Agricultural Ministers of both Nova Scotia and British Columbia — the two provinces chiefly concerned in this issue. Their remarks, as quoted, indicated that they were by no means satisfied that the treaty "was not likely to contain anything that would seriously affect the fruit trade."

In summarizing this phase of the conference, the Family Herald and Weekly Star says: — "With the matter of Imperial preference on fruits in jeopardy the 16th Horticultural Council had one of the largest turn-outs in recent years. With Fred Lewis, retiring president in the chair, and strong delegations from all the fruit growing areas of Canada present, the Council massed all its powers to convince the powers on Parliament Hill *that any relaxation of the preference enjoyed by our apple men in the United Kingdom in the forthcoming Britain-U.S.A.-Canada trade talks must not be thought of.*"

It is difficult to reconcile the statement attributed by our contemporary to Mr. Boulter with the Canadian Press or the Family Herald and Star report, or indeed with any other account that we have seen of the Horticultural Council meeting.

Safer Motor Cars

The Society of Automobile Engineers has been hearing some criticism at its recent annual meeting. The New York commissioner of motor vehicles has been telling them. He says that the new motor cars are too fast and offer too little visibility to the driver.

The speed of the modern car has been increased four times and the useful vision of the driver has been reduced as much as 90 per cent. A pamphlet of the United States department of commerce takes a similar view of the new car. "The automotive industry," it says, "is clinging desperately to the theory that its vast army of salesmen can sell high-speed cars (with emphasis on their power) and then a much smaller group of safety workers can induce owners to drive moderately and carefully. This theory is being rapidly disproved."

There is no doubt, suggests the Vancouver Province, that this indictment is a true bill—but probably it does not lie only at the door of the motor car makers and dealers. The effective factor for maker and dealer is what will sell—and what will sell is the thing that the owner prefers. He has preferred these high powered, streamlined, fore-and-aft-raked craft of the modern highway. He has wanted what the other fellow was getting. He did not want to be left behind, in any sense.

Owners, drivers and users of motor cars, as they are a majority of the population, are certainly a representative cross-section of the citizenship. The remedy here is that public opinion shall call the citizenship of the motorist to redress the balance against the weaknesses of himself as a motorist.

If there can only be safer-designed cars by law and regulation—cars not so fast, cars with better visibility, cars with headlights which will light the motorists instead of blinding the other motorist—then by law and regulation it will have to be done. The cost in human casualty of the other thing is rising too high.

Why A Throne Speech?

All kinds of queries on public affairs come to newspaper offices. The Ottawa Journal has been asked, in connection with Parliament opening, "Why a Speech from the Throne, anyway?" and it has had to go far back into history for the answer. It says:

Parliament began, not as institutions of government, but as organs of criticism. The King governed; and the ministers were, in fact as well as theory, the King's ministers. Parliament existed in order that the King might have means of consulting his subjects, especially in matters of taxation, and if possible securing their assent. As all the people could not be summoned, only the very important people were summoned individually, and the device of representation was hit on for consulting the rest. They came to hear what the King proposed, and to go back and report to those whom they were held to represent. The King recognized no claim of the Parliament to legislate, or even to veto what he proposed. Consultation was a method of smoothing the work of government, not a recognition of the right of the subjects to share in it.

But that practice of consultation grew into a right when Kings found they could not live "of their own," but must raise taxes, and when the power of the subjects to help or hamper the tax-gatherer became very great. Besides, it sometimes suited the King to play off his faithful Commons against the overwhelming claims of the great feudal lords, something he could not do without magnifying the rights of the Commons.

In both these ways, the power of the elected representatives of the "people" grew, especially as the strength of the feudal lords waned with the passing of the Middle Ages and the development of national spirit, national organization, and a national market. The right to be consulted about taxes turned into a right to grant or refuse supplies; and on this right was gradually built up the claim to be the sole source of legislation. Kings used the Commons to help them defeat the feudal lords; but in doing this they raised up a fresh challenge to their autocracy. Gradually the King's ministers came to be responsible to Parliament as well as to the King; later on, far more to Parliament than to the King. Parliament gradually turned not only into the law-making body, destroying the King's right to govern by "order", or by special Councils, such as the Star Chamber, not responsible to the "people", but also into a body which could veto the acts of ministers, and finally into a body from which the Ministry must directly emerge.

No longer, then, did the King summon Parliament and bid it do his will. The King instead sent messages to Parliament, asking things subject to Parliament's will. Those messages are what we know now as the "Speech from the Throne."

Actually, the Speech from the Throne, as we know it today, while read to Parliament by the King, or, in the case of Canada, by the Governor General, who is the representative of the King, is written by the Prime Minister. Supposedly, it is a forecast or outline of the Ministry's legislative program, but while formerly this was true, it is not strictly true today. Indeed a common criticism of the Speech from the Throne is that it is too often used to conceal the Ministry's major intentions, and that subsequently Parliament is often called upon to deal with legislation not mentioned in the Speech at all.

Editorial Notes

Civic election nominations today.

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Candlemas—look out for your shadow.

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There is evidently still work for the snow plow when it makes its appearance.

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Three Queens in succession for the Dutch Throne is a pretty good record.

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Good news for the blind poor over 40—their pensions begin this month.

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The Rowell Royal Commission is now in the Maritimes and should be here at the week-end.

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An attempt at a "saw-off" between parties is being made as regards Saint-John Albert Federal vacancy and Argenteuil.

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Mr. H. G. Wells, now as ever, delights in making our blood curdle. Of an interview he had recently with President Roosevelt he writes in Collier's: "We agreed that the danger of a world-wide war crisis would rise toward a maximum between 1939 and 1940, and he thought that by that time there should be someone younger, quicker and better equipped to meet the urgencies of possible warfare without delay, in the White House. But he spoke of that rather as his own personal problem than as America's."

* * * *

The amount of cheques cashed by the branch banks in principal centres of Canada during the calendar year 1937 was $35,166,061,000 compared with $35,928,607,000 in 1936, a decline of two per cent. The decline in the Prairie Provinces was responsible for the drop from the 1936 aggregate, the remaining economic areas recording increases. The totals by areas follow, with those for 1936 in brackets: Ontario, $15,939,149,497 ($15,778,679,837); Quebec, $11,568,421,542 ($10,338,647,731); Prairie Provinces, $4,827,021,407 ($6,506,518,677); British Columbia, $2,098,109,246 ($2,075,358,484); Maritime Provinces, $733,359,446 ($639,402,014).

* * * *

According to official figures, total exports of cheese from Australia in the 1936-37 season amounted to 6,271 tons, writes Mr. Frederick Palmer, Canadian Trade Commissioner at Melbourne, in the forthcoming issue of the Commercial Intelligence Journal. On the recommendation of the Australian Dairy Produce Board new regulations have been brought into operation providing for uniformity in the size, colour, and crating of cheese for export. Investigations made by the board showed that the demand in the United Kingdom was mostly for 40-pound and 80-pound sizes. Under the new regulations these sizes only are permitted to be exported, excepting in special cases when the Department of Commerce may sanction the export of other sizes. The regulations also require that rimless hoops shall be used, to give a better finish to the cheese and render it more acceptable to the British market.

* * * *

The farm value of production of the 1937 field crops is now estimated to be $553,823,100, which is 10 per cent less than the value of $612,300,400 in 1936. In 1935 the farm value of field crop production was $511,872,900. The value of the 1937 wheat crops is estimated at $182,384,000, a decrease of $22,943,000 from 1936. The oat crop of 1937 was worth $114,665,000 compared with $116,267,000 and barley, $41,984,000 compared with $49,512,000. Other crops were as follows, with figures for 1936 in brackets: Rye, $4,225,000 ($2,980,000); peas, $2,012,000 ($1,991,000); beans, $1,595,600 ($1,790,400); buckwheat $5,494,000 ($6,088,000); mixed grains $18,206,000 ($18,751,000); flaxseed, $1,053,500 $2,588,000); corn for husking $3,303,000 ($4,258,000); potatoes $27,143,000 ($45,125,000); turnips, etc. $11,709,000 ($13,382,000); hay and clover $97,309,000 ($105,703,000); alfalfa, $16,947,000 ($18,077,000); fodder corn $12,087,000 ($10,572,000); grain hay $11,021,000 ($6,473,000); sugar beets $2,505,000 ($3,416,000).

NOTES BY THE WAY

If there was any notion anywhere that the new trade agreement could be put through with unanimous approval on both sides of the line or on either side, the notion may as well be dismissed. Enthusiasm for lower tariffs and larger trade abroad usually stops where self-interest begins. Can anyone imagine our textile chiefs whooping it up for reduced duties on American—or British—goods?—Edmonton Bulletin.

Little errors in translation can cause strange myths in folk lore and other stories. Cinderella's slipper is always of glass, although the slipper found by the charming prince after the ball was of fur. But in translating the story into the French a slip was made and the word "verre," meaning glass, was used.—Windsor Star.

Trying on hats in one of our very nicest shops, a gentle matron complained to the salesgirl that it was difficult these days to find a hat that wasn't eccentric-looking. "Yes", the girl agreed, "but for a crazy world you got to have crazy hats." She thought for a moment, then added, "But it does seem to me, some days, as if the hats were getting a little better."—New Yorker.

How a village panchayat took the law into his own hands by hanging a man in August last for an alleged "caste sin" was recalled when all the five members of the panchayat board, including the lambardar of the village of Rangpur, near Sirmoor, were sentenced to death. The prosecution alleged that when the victim, who had married a woman of a lower caste against the advice of men of his caste, treated with amused contempt the social ostracism directed against him, the village panchayat decided at a midnight session to punish him with death. The victim was forcibly removed from his house and kept in a locked room and was put to death on the day fixed for the "execution." — Calcutta Statesman.

I believe profoundly in the synthetic power of a common idiom of thought and expression. Given a free movement of books, papers, radio beams and the like, this is a unifying force that will triumph ultimately over every form of particularism, nationalism, and imaginative antagonism. It is bringing the Californian into clearer and closer understanding with the Kentishman, the New Yorker, the Scot, the Maori, the Afrikander, the Canadian, the Welshman, the Anglo-Indian and the Eurasian. I refuse to call myself foreign or alien among any people who speak, read and think in English.—H. G. Wells in Liberty.

Look where you will, you cannot today find critical organic illness anywhere in this country's economic and financial structure. You can see economic malnutrition, for which the remedies are fairly simple—but at no point is there the fatal impairment that comes from protracted excess. — Magazine of Wall Street.

The speech of the evening at the Gastronomes Dinner was unquestionably that of Sir Josiah Stamp, chief of the London, Midland and Scottish Railways. Incidentally, Sir Josiah is a Presbyterian, and goes to church every Sunday. Sir Josiah told a number of good stories. One was of the charlady who always used to take away the rind of the grapefruit at the house where she worked, in order, she said, "to lend a touch of dignity to her own dustbin." Another one was of the family picnic during the course of which the mother said to her daughter, "Ethel, tell your father not to stand so near the cliff, or else give me the sandwiches." — Overseas Daily Mail.

The production of furs in Canada remains an extensive industry. During the twelve months ended June last, for which statistics are now available, the production of raw furs showed a healthy increase in value. It amounted to a total of $15,464,883 as compared with $12,843,341 in the previous season. — Kingston Whig-Standard.

A part-time shad fisherman from Edgewater, New Jersey, tells us that the rest of this winter will be mild. What makes him think so is that the kingfish are still hanging around in the Hudson when by rights they ought to be down south, with Erskine Caldwell and the du Ponts.—The New Yorker.

The Soviet publishing houses make the claim that five and a half times as many books were published during the twenty years of the Soviet regime as came from the presses during the preceding twenty years. The Bolsheviks have at least to their credit that they have made the Russians a more literate people.—Exchange.

Professor Coleman says that "the first hint we know of man is only about a million years old." "Only" about a million! Geologists, astronomers and national financiers become as used to millions as ordinary mortals are to hundreds.—Toronto Star.

It is said that the University of Georgia made a test the other day. Five students went without sleep for 100 hours. The published conclusion is that "slumber is essential to quick mentality, sharpness of vision, clarity of hearing and good humor. "But," says The Boston Post, "the strange part is that a university should have to make such a test in order to discover that fact." Strange indeed — so strange that one suspects that it must have been less a test than an object lesson.—Exchange.

That the number of Canadian governing bodies—28,000—could be cut by two-thirds or at least by half must be apparent to every serious citizen taking the time to look over the situation. Indeed, the more one thinks of it the greater the puzzle becomes. Why have we been so cool and indifferent toward the building up of such a vast number of organizations to handle public money? No matter how good the intention, you must have serious overlapping and extravagance under such a system.—Windsor Star.

Citizens who wish the national defenses to be strengthened, and we have the Japanese military leaders to thank for a substantial increase in their number at this time, will welcome the news that a permanent aviation base is to be established at the old navy radio and coaling station near Sitka in Alaska. Also another aviation base is planned for Kodiak Island, 500 miles west of Sitka, near the westward extremity of the Aleutians. Additional bases are reported to be under consideration.—Chicago Tribune.

PUBLIC FORUM

This column is open for the discussion by correspondents o. questions of interest. The Charlottetown Guardian does not necessarily endorse the opinions of correspondents.

THE PRYOR CASE

Sir,—From time to time our Provincial Prohibition Act has been before the Courts for interpretation. In the year 1926 in the case of Rex vs. Flood, the Supreme Court of this Province decided that section 52 of the Act, the section which prohibited the keeping or having in possession contraband liquor, was declared ultra vires and section 51 was declared to be in the same category. The result of this decision was, that practically all convictions made back to the year 1918 were null and void. At this time I was Attorney General of the Province, and there being no appeal from the decision to the Supreme Court of Canada, I was requested by the Temperance Alliance, through their Solicitor Mr. W. E. Bentley, K. C., to allow my name, as Attorney General, to be used to formulate an appeal to the Privy Council. As the Province's legislation was at stake, and the Temperance Alliance offered to furnish the money to carry on the appeal to the Privy Council, after the late Premier Bell had refused to do so, I readily consented and signed the necessary papers as Attorney General. By some machinations, however, Mr. Bell frustrated the appeal, and shortly after the Act was amended.

I may say, that the decision in the Flood case was strongly criticized and disapproved by the editor of the Canadian Bar Review, and subsequently by Professor J. F. Davison in the same Law Journal, and has since been generally disapproved by the profession.

On Monday last there was a decision handed down by Mr. Justice Saunders in the case of The King vs. Myrtle Pryor, who had been charged and convicted before Mr. George J. Tweedy, Stipendiary Magistrate for Queens County, for an unlawful sale of intoxicating liquor in violation of the Prohibition Act.

As this judgment, from which there is no appeal, may have a far reaching effect, inasmuch as our legislators may deem it unnecessary, in view of the decision, to make any amendments to the Prohibition Act, and as I was Counsel for the Appellant, I deem it my duty to submit reasons, why I believe that the decision just handed down is not in accordance with the principles of law. I am pleased to be able to do this, without in the slightest degree impugning the sincerity or motives of the learned Judge who rendered the decision.

And first, I desire to state, that the learned Judge, who delivered the judgment, very accurately and clearly sets forth the contention of the Appellant.

The Appellant was charged and convicted for selling intoxicating liquor in violation of the Prohibition Act, which was passed at the 1937 session of the Legislature.

It was admitted that the liquor she was charged with selling, was liquor unlawfully kept or possessed by her in violation of the Act.

Her Counsel contended that she could not be convicted of a sale, nor could there be a sale of liquors unlawfully kept in this Province.

The issue of law was clear and definite.

Section 88 of the Prohibition Act 1937 states specifically:

"No property rights of any kind shall exist in liquors unlawfully kept at any place in this Province."

No plainer more comprehensive or more emphatic words could be used to indicate that there should be no ownership, title, interest, claim, property, right or demand in contraband liquor.

At the same time, the Statute provided that it is a violation of the Act for any person to keep or have in his possession any contraband liquor.

Section 52 provides:

"Except as herein provided, no person shall keep or have in his possession any liquor unless such liquor has been purchased from a Vendor in accordance with the provisions of this Act."

We have, therefore, by these two provisions,

1. A violation of the Act to have liquor unlawfully kept or possessed.

2. No property rights of any kind in liquor unlawfully kept or possessed.

Liquor is personal property i. e. goods and chattels. The Act does not change the character of the article. It is still intoxicating liquor.

But no person in possession of liquor unlawfully kept can have any property rights of any kind in liquor so possessed.

How then can he sell it? He may transfer the possession, but he cannot, if neither he nor any other person has any property rights in it, sell it to any one.

In the year 1919 this Province passed what is known as "The Sale of Goods Act." This Statute was first passed in England, and has been introduced into every Province in Canada. The Sale of Goods Act in effect, is an embodiment of the Common law in the form of a Code, similar to the Criminal Code of Canada.

Of course it became necessary in a Statute, dealing with sales of personal property, to define what was a "sale" and so Part I of this Statute enacts,

(a) A contract of Sale of goods, is a contract whereby the seller transfers or agrees to transfer the property in goods to the buyer, for a money consideration, called "the price."

(c) Where under a contract of sale the property in the goods is transferred from the seller to the buyer the contract is called "a sale"; but where the transfer of the property in the goods, is to take place at a future time, or subject to some condition thereafter to be fulfilled, the contract is called "an agreement to sell."

(d) An Agreement to sell, becomes a sale, when the time elapses, or the conditions are fulfilled, subject to which the property in the goods is to be transferred.

No other statutory definition of the word "sale" in this Province has been given or suggested.

Sir M. D. Chalmers the draftsman and author of the English Sale of Goods Act, of which ours is a counterpart, in his admirable work on the Act at page 3 says:

"The essence of Sale is the transfer of the property in a thing from one person to another for a price."

Mr. Justice Saunders in his judgment says "certainly one never regards property rights as the essence of a sale."

This definition of the word "sale", is only declaratory of the Common law, as decided throughout the centuries.

Benjamin on Sales defines a sale as "a transfer of the absolute or general property in a thing for a price in money" and says "there must be (1) Parties Competent to contract; (2) Mutual Assent; (3) a thing the absolute or general property in which is transferred from the seller to the buyer (4) a price in money paid or promised."

The Supreme Court of the United States in Williamson vs. Barry, 8 Howard at p. 544 defines a "sale" as follows:

"A sale is a word of precise legal import, both at law and in Equity; it means, at all times, a contract between parties, to give and to pass rights of property for money, which the buyer pays or promises to pay for the thing bought or sold."

Backstone's definition of a "sale" is:

A Mutual agreement between the owner of goods and another, that the property in the goods shall for some price or consideration, be transferred to the other, at such a time, and in such manner, as is then agreed.

In the year 1892 a Statute intitled "The Charlottetown Liquor Regulation Act" was passed for the regulation of the sale of liquors in Charlottetown. Section 9 of that Statute provided, that no action would lie for the price of liquors sold on credit in the City of Charlottetown. One, Doyle, of Charlottetown wrote to Keiths Brewery in Halifax, asking quotations on the price of beer. Keiths wrote in reply that they would sell "at $18.00 per hogs-head delivered free Charlottetown." Doyle was sued for the price of the beer and the case was tried before the late Judge Hodgson at Georgetown. Doyle's defence was, that under the terms of the contract, namely, "$18.00 per hogshead delivered free Charlottetown" meant that the sale of the beer took place in Charlottetown, as the property in the goods did not pass to him, until the goods were delivered in Charlottetown, and as same were sold on credit Keith could not recover. Mr. Justice Hodgson, however, held that the property in the goods passed to Doyle when they were put on board the boat at Halifax.

It is evident, indeed it is irrefutable, that the word "sale" has a definite and precise meaning, and does not mean a mere transfer of possession of goods, but a transfer either mediately, or in the future, of the property rights in goods.

A Transfer of possession may be a bailment, but it cannot be a sale. I may borrow an article, or hire an article, and pay a price for the loan of it, but it is not a sale because no property rights are transferred to me.

Section 88 of the Prohibition Act declares: "No property rights of any kind shall exist in liquors unlawfully kept at any place in this Province."

Can I make a contract of sale of a flock of wild geese flying over my house, or a wild animal roaming through my woods? Of course not. Why? Because there are no property rights in wild animals or wild game, and while they remain unreclaimed are not the subject of a sale.

Some years ago both Provincial and Federal legislation was passed, declaring that foxes kept in captivity, were to be considered "domestic animals", to prevent foxes, escaping from captivity and returning to their wild state, from becoming the property of any person who captured them.

Mr. Justice Saunders admits that there cannot be a transfer of property rights in liquor unlawfully kept, because the Statute says so. He holds, however, that a transfer of possession of the liquors for a price constitutes a "sale."

If I give my servant a scrip, made out in my name, and instruct him to go to the vendor and have it filled, and my servant returns to me with the liquor, the servant passes to me the possession of the liquor. Could it be contended that my servant was guilty of a sale of the liquor? It would be absurd to so hold.

It would be needless for the Statute to make the mere passing of the possession of unlawfully kept liquor an offence. It would be superfluous, as the mere possession of contraband liquor is in itself an offence under Section 52. The possession of the liquor by the party who passes the possession, is itself an offence and the possession of the party, to whom the possession passes is equally an offence. And here let me state that the possession of this illegal liquor, by the two detectives from Montreal, constituted a direct violation of the law, and rendered them in the highest sense of the term accomplices, and their uncorroborated evidence should not justify a conviction.

Mr. Justice Saunders refers to Sections 51 and 125 as suggesting that the Act recognizes a sale of contraband liquor.

On the contrary, it makes eminently clear the whole purpose of the Act. The Act is not intended merely to prevent the sale, or keeping for sale, of intoxicating liquor, but to prevent the consumption of liquor as a beverage. Originally, the purpose of the Act was to prevent the sale or keeping for sale of liquor. And it was not then illegal to have liquor in your possession, provided you neither sold, nor kept it for sale. You had a perfect right to own liquor, and you had property rights in it, and could not be interfered with so long as you refrained from selling it.

In the year 1918 a complete change took place in the purpose and scope of the law, and in order to prevent the use of liquor as a beverage, most drastic provisions were passed, whereby it was declared that there should no longer be any property rights in liquor, unless it was purchased from a vendor; and simultaneously, it was provided that anyone having in his possession liquor not obtained from a vendor, was guilty of a violation of the Act.

There were, however, classes of people who had a right to have liquor legally in their possession, and who owned and had property rights in same. Among these were: 1. Brewers and Distillers licensed by the Dominion Government; 2. Vendors; 3. Persons who purchase from the Vendors; 4. Chemists; 5. Clergymen for Sacramental purposes; 6. Scientists for mechanical purposes; 7. Exporting warehousemen; 8. Doctors to a limited degree; 9. Hospitals.

This large body of persons could legally own and have possession of liquor. They could not, however, sell it or keep it for sale as a beverage.

It was, therefore, necessary to pass Section 51, to prevent the unlawful sale of those legally held liquors, otherwise the Statute would be futile.

There were then two classes of liquors held in possession, namely, (1) Those kept legally and (2) those illegally kept. As to (1) they could not be seized, unless they were kept for sale; but the parties could be convicted for selling, them, or keeping them for sale; and as to (2) they could be seized and confiscated, because they were illegally kept, but they could not be sold, or kept for sale, because they were not the subject of property rights.

By this interpretation of the Statute we have a consistent and symetrical Act, dealing with all classes of violators of the law, and it is submitted it is the only rational view to take upon legal principles and authority.

The learned Judge in his judgment says "that the objection is to say the least a most remarkable one" and asks "Have we been imposing fines and imprisoning innocent persons for the past nineteen years, under an act which has been misinterpreted by the judiciary and members of the bar of our Province?"

May I suggest, that the same remarks might be used in regard to the decision in the Flood case, where it was the Judges who discovered the flaw in the Statute, and not the Counsel who argued the case.

The answer to the query put by Mr. Justice Saunders is contained in the words of Lord McNaughten in the Privy Council in Hamilton vs. Baker, 14 Appeal Cases p 209.

"I am sensible of the inconvenience of disturbing a course of practice which has continued unchallenged for such a length of time, and which has been sanctioned by such high authority, but if it is really founded upon an erroneous construction of an Act of Parliament, there is no principle which precludes your Lordships from correcting the error."

It is well known that at Common law no theft can be committed with respect to wild animals, dead bodies nor of any other thing in which there is no right of property. It is necessary according to Russell on Crimes, Crankshaw, and other recognized authorities, that there should be in some person a sufficient ownership of the thing stolen.

At Crankshaw 1935 Edition page 408 it is stated: "To constitute an offence of theft, there must be in the property taken a right existing at the time of taking, either to the ownership or to the possession of the property."

A person in control of contraband liquor has no right to ownership, or right to possession of same. He can have no lawful ownership or lawful possession. He cannot sell the right of possession, anymore than he can sell the right of property. At most he can only transfer the physical possession without any rights of any kind.

It is not for me to suggest what changes, (if any), should be made in the law, and I leave same to Attorney General Campbell who, as shown by his persuasive and convincing argument, was able to convince a Judge of the Supreme Court that a sale can be made without the passing of any property rights. He should be ingenuous enough to frame such amendments as may be necessary.

I am, Sir, etc.,
J. J. JOHNSTON,
Counsel for Myrtle Pryor

FINANCIAL STATEMENT BY MAYOR

Sir,—Numerous letters have been written concerning the state of Civic Finances. Many unkind and unnecessary remarks have been made by those writing under an anonymous name, remarks which they would probably not have the courage to make over their own name. This however, is the usual reward one receives for public service, and as such must be accepted. After all it is an encouraging sign, because it indicates that at last our citizens are aroused to the seriousness of the financial situation.

In this letter it is my purpose to present as true and accurate an account of civic finances as possible. In order to do so, it is necessary to refer you to the net debt as at December 31st, 1935 which was the end of the fiscal year of the previous Council. It was then $1,699,083.36. On January 15th, 1938 the close of the fiscal year of the present Council it was $1,994,351.66 from which must be deducted $7,371.76 paid the Public Utilities Commission covering the City's share of the investigation into the rates of the Maritime Electric Company, and which under their agreement of settlement will be repaid by them; $21,000. Relief Grant paid by the Government, not previously shown, which leaves $1,965,979.70 or a total increase in net debt of $266,896.34 for the two years, mark you not one year. Comparisons are odious, but it might be remarked in passing that deficits on ordinary account alone have during the life of several previous Councils, run from $85,000. to $110,000. with absolutely nothing to show for it, while the increase in the debt has been in excess of the present period. Now it might be interesting and probably somewhat enlightening to indicate just what we have to show for the increase. For your information this together with figures re net debt are shown below:

DECEMBER 31, 1935.

Bonded Indebtedness	$1,978,850.00
Bank Overdraft	47,833.44
	$2,026,683.44
Less Sinking Fund	327,600.12
Net Debt	$1,699,083.36

JANUARY 15, 1938

Bonded Indebtedness	$2,192,850.00
Bank Overdraft	164,474.40
	$2,357,324.40
Less Sinking Funds	362,972.74
	$1,994,351.66
Less amount to be paid by Maritime Electric	7,371.96
	$1,986,979.70
Less Relief Grant paid by Government not previously shown	21,000.00
	$1,965,979.70
Net Debt 1937	$1,965,979.70
Net Debt 1935	1,699,083.36
Net Increase in Debt	$266,896.34

Relief Expenditures 1935-36	$46,123.02	
Relief Expenditures 1937	53,464.38	$99,587.40
Permanent Works 1936	$57,617.02	
Lord's Wharf 1936	3,979.80	
Government Pond 1936	7,630.67	
Park Breastworks 1936	15,578.09	
Government Pond 1937	3,940.93	
Park Road Culvert 1937	3,692.33	
Lord's Wharf 1937	2,107.02	
City Hall 1937	1,343.10	
Office Equipment 1937	2,098.77	
Market Building 1937	1,757.24	
Permanent Street Work 1937	107,268.39	
Curb to Street 1937	4,340.64	
Victoria Park 1937	30,143.35	$241,548.45
		$341,135.85

First direct Relief for the two years amounted to $99,587.40 and Permanent Works $241,548.45 a total expenditure of $341,135.85.

Just a brief analysis concerning the nature of this work.

The breastwork at Victoria Park was in a dilapidated condition, unsafe for traffic of any kind, this was completely repaired in 1936 and in 1937 a modern boulevard was laid down, and the old culvert replaced with a new one.

Government Pond was made a place of beauty, the City Hall was repointed, Lord's Wharf rebuilt, a Rest Room was opened in the Market Building, extra Parking spaces laid out, a number of streets were paved, all this making Charlottetown a modern and beautiful City.

You might remark that much of this work was not necessary. In the ordinary course of events that would be true, but we were facing extraordinary conditions. Eight hundred men were out of work, they together with their dependents, numbering about thirty-five hundred souls, had to be provided for. It was purely a case of providing work, giving them direct relief, or letting them starve. The Council adopted the only possible and Christian course. The result was a greatly increased morale and something of real value to the City. Toward the work projects the Government contributed the sum of $56,911.00 and toward direct relief $46,000. during the two years. When it is remembered that $99,587.40 was expended on Direct Relief, and it is customery in other Provinces for the Government to contribute a sum equivalent to two-thirds of the amount expended, it can readily be seen that an additional grant of $20,000. should have been given. As stated in my Annual Report this whole matter of relief is now being investigated by a Federal Agent, and it is hoped that more generous allowances will be advanced in future. It meant a tremendous lot of work for each individual Councillor, work without remuneration, but work well and cheerfully done. Personally I have no apology to offer. I am proud of our record. Those who will examine it in the light of existing conditions cannot fail to see that it was of a most constructive nature.

I have attempted to place the plain unvarnished truth before you in detail, so that you can see what has been accomplished. Nobody realizes better than the writer however, the absolute necessity for a complete overhauling of our entire financial structure by competent authorities, hence my recommendation. This letter is not written in any spirit of controversy; it is purely a resume of two years expenditure, all of which can be verified by the printed reports which are available to all citizens.

With a deep appreciation of the honor and privilege of serving the City during the past two years.

I am, Sir, etc.,
P. W. TURNER
Mayor

AN OLD TEACHER AND MODERN EDUCATION

Sir,—During the past year a controversy on the subject of education in Prince Edward Island has been carried on in the columns of your paper. I myself have taken considerable part in this controversy, all my letters, so far, appearing above the nom de plume of "An Old Teacher". But as several of the leading controversialists have recently suggested that I should reveal my identity, I am now going to do so, and at the same time give a brief account of my experience in educational matters, and a reason for the faith that is in me.

I am, Sir, an old teacher of long experience in Eastern and Western Canada. To be more exact, my experience amounts to 12 years teaching in Prince Edward Island, one summer in Manitoba, one year in Saskatchewan, and 15 years in British Columbia, in which province I was compelled to leave the teaching profession on account of ill-health. Forty years ago I began teaching in my native province, and after teaching there for nearly 8 years, I went west on the Manitoba Harvest Excursion of 1906.

That excursion of 1906, Sir, was in the palmy days of Canada. It was in those palmy days when a great statesman ruled the hearts and hearts of all Canadians from Cape Race to Nootka Sound; and on special occasions this great chieftain was wont to announce to the world that if the nineteenth century belonged to the United States of America, the twentieth century belonged to Canada. It was, in short, in those days when the then Prince of Wales had "a pull with Laurier," and consequently on the death of his illustrious mother, ascended the British throne as Edward the Seventh, King of the United Kingdom of Great Britain and Ireland, and Greater Britain beyond the seas. "Bliss was it then to be alive, but to be young was very Heaven";—at least it was so in Canada.

I spent the summer of 1906 teaching in Manitoba, but the cold icy blasts of November there induced me to seek a warmer climate and accordingly I went West to British Columbia, a happy hunting ground that had just recently been discovered by Prince Edward Island teachers. Here I found it necessary to take teachers' examinations, and I determined to spend the coming winter in some institution of learning, and chose for this

(Continued on page 8, Col. 4)

The Poets' Corner

IN AFTER DAYS

In after days when grasses high
O'ertop the stones where I shall lie,
Though ill or well the world adjust
My slender claim to honored dust,
I shall not question or reply,

I shall not see the morning sky;
I shall not hear the night-wind sigh;
I shall be mute as all men must
In after days.

But yet, now living, fain were I
That some one then would testify
Saying—"He held his pen in trust
To Art, not serving shame or lust."
Will none?—Then let my memory die
In after days!

—Austin Dobson.