

APPEAL IN LIQUOR CASE

The appeal was allowed with its by presiding Judge A. C. Under yesterday afternoon when appeal case, the King, respondent vs. James Monaghan, appellant, was heard.

The case was an appeal from a conviction under the Prince Edward Island Prohibition Act by Magistrate G. J. Tweedy, K.C. Monaghan, charged with selling liquor contrary to the provisions of the Act, was fined \$500 and costs in lieu of payment sentenced to 12 months in jail.

Monaghan had been charged with selling liquor at the Kelly's Cross picnic in July last. The information was laid by the Mounted Police.

Attorney General Thane A. Campbell, K.C., and Crown Prosecutor Edgar Shaw, K.C., represented Monaghan. Mr. J. J. Johnston, K.C., appeared for the appellant.

The witnesses were heard, Joseph McQuaid, Riverdale and Alexis Quaid, formerly of Riverdale and of Charlottetown, and Eugene An of Bonshaw.

A summary of the evidence follows: Joseph McQuaid, Riverdale, testified he had known the accused slightly for two years. He remembered seeing him at the Kelly's Cross picnic in July last. On that evening Monaghan, witness and his brother Alexis Quaid, met on the grounds there and started to chat. The conversation drifted around to liquor and Monaghan said he could be a witness when liquor was sold. He knew where liquor was sold, but he would see later. Some time after the witness, looking for Monaghan, found him the supper tent and beckoned to go out. Monaghan went out the tent then accompanied by a witness followed the girl into the sacristy of the church and got "teddy" of rum which the girl hid on the floor. He put a dollar and a half there. He could not remember which Eugene Egan called out part of the money for the girl. The accused was in the building at the time, the witness thought. Monaghan had dangled the witness and the girl, but 15 yards behind, to the church.

Cross examined by Mr. Johnston, witness said the woman had liquor on her person. He had a no conversation with Monaghan except on the first occasion. Alexis McQuaid, Charlottetown, did not attend the picnic in July. He could not remember definitely what he, Joseph and Monaghan had discussed that afternoon when they talked. Later in the evening the witness saw Monaghan and women whom the witness thought was Monaghan's wife and her-in-law sitting in the tent. He did not see them get up and did not take any further notice of them.

Eugene Egan, Bonshaw, told he attributed a dollar towards the "teddy" of the accused. He was not present at the picnic when liquor was purchased and did not know what McQuaid got. He only conversation with the witness with the accused that day was speak to him in the support tent. There was no one near Monaghan the time. That was after the girl had been procured.

Mr. Johnston in summing up the case for the appellant declared that the Crown had not made out a case and until it had a conviction could not be asked for. The table with many magistrates to be is that a man is convicted because he crosses the threshold, count on the accused said.

To be guilty of selling liquor a man must either sell it himself or it through his agent. In the case before the court he claimed he was absolutely no case there. Therefore he was not calling witnesses.

Attorney General Thane Campbell asked if the appellant was selling the case without calling witnesses and Mr. Johnston replied that the Crown had made out a case.

The Attorney General claimed under the Prohibition Act anyone who exposes, keeps for sale, offers or offers to procure for others, either directly or indirectly, intoxicating liquor is guilty of breach of the Act. There was evidence in the case regarding the witness Bowman, and it was shown that the woman had had liquor in his possession.

The court pointed out that the Crown would have to change the charge in the case if a conviction of the liquor was obtained indirectly.

Mr. Johnston: "This court has no power of amendment." The court agreed that the charge did not need to be amended.

The Attorney General said that there were two references in the case, either that the woman was the agent of the accused or that she was the procurer, in which case it would be necessary to amend the charge.

There was evidence, however, that the woman was acting as the agent of the accused, Hon. Mr. Judge Saunders suggested that as there was an inference of agency, though perhaps not a very strong one, the matter might be cleared up by the accused taking the stand.

Mr. Johnston declared that "no jury could give a verdict of guilty beyond any reasonable doubt in this case as it stands, but a man's life or liberty is at stake on the one hand and the only way beyond any reasonable doubt."

He seemed to him, Mr. Campbell

The Central Guardian St. Pauls Sunday School Annual Meeting Held

The annual meeting of St. Paul's Sunday School took place last evening in the Parish Hall. After prayer by the Rector, Rev. H. D. Raymond, the general business of the evening followed. The retiring slate of officers was re-elected. The report of the Superintendent, school J. E. H. Worth, showed the school to have had a very successful year, in its various departments of work.

The Secretary Hilton Vail presented his report having \$162.00 on hand. A Life Membership Certificate in the Bible Society, for the sixteenth successive year, was realized this year. This certificate the School took pleasure in presenting to Miss Gladys Hart of the staff.

The Secretary Treasurer, Stewart Leigh presented his report with a balance on the right side. Rev. Geo. Gillespie and Mrs. Gillespie were welcomed as they came to help St. Paul's in Church and Sunday School work. Rev. Mr. Gillespie is proving a great help in the Teacher Training Class, and the general work of the Sunday School.

An expression of loyalty was made to our new Sovereign King George VI. as he succeeds to the Throne. The meeting was brought to a close with prayer.

FUNERAL SERVICES—The funeral of Mrs. Joseph Fisher was held from her late residence, Fort Augustus, Monday morning to St. Patrick's Church where Requiem High Mass was sung by the Pastor, Rev. D. P. Croken, who also conducted the service at the grave. The pall bearers were: Messrs. Urban Curley, John Hearn, Eugene Callaghan, Joseph C. Fisher, Chas. Kelly, J. J. McDonald.

LADIES WINTER coats, special January clearance at S. A. MacDonald's, one-third off. L-2192-1-13-31.

STILL ON DANGER LIST—Mr. James Young, 23, of Grand Entry, Magdalen Islands, who was rushed by plane to the Charlottetown Hospital Monday to undergo the amputation of his lower right leg, was reported "still on the danger list" by hospital authorities late last night. Young was suffering from a severe case of gangrene following a shooting accident near his home Saturday, when his 10-gauge shotgun was accidentally discharged through his foot while he was hunting birds.

LADIES formal velvet dresses clearing at one-third off—S. A. MacDonald's. L-2192-1-13-31.

L. P. U. HOLD MEETING—Mr. James Cullen was re-elected president of the Laborers' Protective Union, at the annual meeting held Monday night. Other officers chosen were: Vice-president, Deser Doughtin; treasurer, Joseph Purcell; secretary, Lemuel Rusch; guide, William Gormley (re-elected); guardian, John Gillis (re-elected); trustees, Joseph McDonald, Fred Hughes, J. W. Gormley, all re-elected. The meeting decided to hold the annual Ball Jan. 29.

PREPARE FOR BURNS' CONCERT—Members of the Caledonian Club are preparing to observe once again the anniversary of Scotland's famous bard, Bobbie Burns. This year the club is holding its annual concert on Monday, January 25, and elaborate preparations are underway, under the direction of Mr. A. M. Douglas, for a bigger and more worthy entertainment than ever. Everywhere one hears the question asked, "are you going to the Burns' concert?" and the inevitable reply "I'll be there."

MAIL FLIGHT TO MAGDALEN—The inaugural flight of the Magdalen Islands winter air mail service was made yesterday when Pilot Jones, at the controls of the twin motored "Dragon," departed to the isolated islands making the outward trip in the remarkably short time of 45 minutes. A tail wind down assisted the big Canadian Airways plane eat up the miles. On the return flight an hour and twenty-five minutes elapsed from the time the plane left the Magdalen until it landed at Upton Airport. On the Montreal route it was necessary to use two planes yesterday, one to take the mails and one to take a full load of passengers.

Personals

Mr. and Mrs. Albert E. Fletcher, City, are visiting friends in Belhel.

Mr. Peter Sinclair, M. P., and Hon. J. P. MacInnis left yesterday morning for Ottawa.

Mr. and Mrs. John Smith of Halifax, N. S., spent Christmas in Maplewood, the guests of Mr. and Mrs. Mark Smith.

Mrs. William Cooper, Southport, received the sad news that her brother, Wesley Bowman, aged 56, had passed away in Cambridge, Mass., December 18th.

EXPECT RECORD TOURIST SEASON

(C. P. by Guardian's Special Wire) PORT OF SPAIN, Trinidad, Jan. 12.—More than 1,000 tourists landed here today from the liners Kingsholm, Francona and Empress of Australia to gladden the hearts of Port of Spain merchants and open what is expected to be a record tourist season.

It is said that the offence could not have taken place in any way other than through the complicity of the accused, otherwise how did the woman know Joe wanted liquor when not a word passed between them. She came out of the tent on the beckoning by McQuaid to the accused. He moved that the appeal be dismissed and the conviction upheld.

Judge Saunders in a short review of the evidence said that the only witness who knew anything of the matter was Joe McQuaid and his evidence was rather vague. He believed, the Judge said, that he would not have opposed the appeal. The case was the weakest in his experience, he said. He allowed the appeal with costs.

Highlights In Kidnap-Murder

(By The Associated Press) Dec. 27.—Ten-year-old Charles Mattson was kidnapped from the home of his father, Dr. W. W. Mattson, at Tacoma, Wash. The bearded kidnapper left a ransom note demanding \$28,000.

Dec. 28.—U.S. Department of Justice assumed charge of hunt for the kidnapper. Some 40 agents were reported in Tacoma within 24 hours after disappearance of the child.

Dec. 29.—Mattson family sought contact with kidnapper by a classified advertisement in the Seattle Times. It was revealed two previous kidnap attempts had been made at the home of George Franklin, Tacoma chain grocer, a neighbor of the Mattsons. Dr. Mattson continued to see patients daily.

Dec. 30.—Department of Justice agents called a "truce," apparently to appease the Mattson family and opportunity to negotiate with kidnapper.

Dec. 31.—A second classified advertisement appeared in the Seattle Times saying in effect: "We are ready."

Jan. 2.—Officers raided to an abandoned poultry ranch in Thurston County, Wash., in a fruitless search for Charles.

Jan. 4.—A third advertisement appeared in the Times. Dr. Mattson appealed for complete inactivity by authorities until his boy was safe. Authorities in all departments responded that they had complied.

Jan. 5.—A man was arrested at Spencer, Iowa, after he told a story of being mistreated by gangsters at Tacoma and of having seen a boy there "wrapped in a sheet."

Jan. 6.—Dr. Mattson appealed for complete cessation of surveillance "of any kind or nature whatever of my movements."

Jan. 7.—Fourth "Ann-to-Mable" advertisement appeared saying: "I am getting the notes. Police are not intercepting them. I accept your method of identification. All requests have been carried out. I will do as instructed without any-one knowing."

Jan. 8.—Rumors circulated the \$28,000 ransom had been paid. Fifth advertisement message to the kidnapper appeared.

Jan. 9.—Dr. Mattson asks kidnapper for "new proof" boy alive in sixth advertisement. Father also requests information to guard against impostor and hi-jackers.

Jan. 10.—Friends of Dr. Mattson said he had no assurance his son was alive and his demand for new proof blocked payment of ransom.

Steady Industrial Progress For 1937 Is Seen

MONTREAL, Que., Jan. 12.—There are indications that the present year will witness a steady advancement in the industrial development of Canada, according to information secured from the Industrial and Natural Resources Department of the Canadian National Railways today. It was stated that the present prospect that the signs of industrial development which were apparent in the latter part of 1936 will be followed by further development during 1937. Nothing in the nature of a boom is looked for, it was declared, but steady progress is anticipated.

Indicative of the forward development, it was pointed out are the announcements made by the Canadian Packers, of Toronto, that they will open a packing plant in Vancouver, B.C., which will cost half a million dollars, and by the Ford Motor Company of Canada that they will open a large assembly plant in Vancouver and will extend their Regina, Sask., development. Another good sign which the department has recently noted is the willingness of several manufacturing firms to erect their own plants if suitable plants could not be found for them. This, it was pointed out, seems to indicate that industry is more willing to invest money than has been the case for the past five or six years.

In the Maritimes a great deal of construction work in the way of new plants and improvements and extensions to existing manufacturing establishments and other buildings was undertaken during the past year. Construction contracts during ten months of the year in Nova Scotia totalled 1,397 with a value of \$7,234,700, being an increase of approximately 400 over the average for the past four years with a dollar value of \$2,000,000 above the four-year average. New Brunswick also exhibited considerable construction work. Prince Edward Island reports increased returns.

Under these conditions the Canadian National Industrial Department is anticipating an increased number of inquiries and has made preparations to give service to a larger number of firms seeking to locate new plants in Canada or to extend their present facilities.

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revenge and told a dramatic story after gasping out his belief that none had been hurt fatally.

Western Air Express officials said the first seven occupants removed from the plane were not seriously injured. Hurt most badly was Pilot William W. Lewis and his condition was not considered critical.

Robinson said the Johnson's celebrated African big game hunters and movie producers were unconscious but several of the 10 passengers were able to walk about.

"A burst of rain and hail over the rugged terrain interrupted the rescue for hours after Robinson was brought to the sanitarium.

"We had no warning that anything was wrong," Robinson told rescuers. "We were riding along very smoothly. Suddenly the plane began to drop. Then there was a terrible crash."

At 9:55 a. m., 50 minutes before the plane was due to land, a message came from the plane saying it was flying at 6,000 feet on course and the "ceiling was 7,500 feet."

"Weather fileable," the pilot reported at 10:15 a. m. At 10:40 a. m. the pilot reported the plane was over Palmdale at 7,000 feet altitude and that there were "broken clouds and sunshine."

Then at 11:05 a. m. came the last word from the ship: "Coming down to localizer, ah, fie!"

John Wood, who drove into Newhall before noon to report he heard an "airplane engine sputter and finally died" near his ranch at 11:15 o'clock.

But it was not until about one p. m. that the distressed plane was heard near the sanitarium. Mrs. Foyette Gosard of the sanitarium told it this way:

"Roger Pollard, 19, one of the 28 patients in ward 121, first heard the cries," she said.

"There's an airplane crash just outside the window," he reported to the nurses. I heard a great crash and then the cries of many persons.

"The mountains are rather high and sound travel's well. So a party of doctors and nurses and men went into the hills and the plane was found four miles away. It was strange that the cries should have carried so far."

Where the plane crashed is not far distant from the disaster of Dec. 27 when 12 persons died in a San Francisco to Los Angeles transport of United Air Lines.

The mountains are rugged, cut with deep ravines and sprinkled with trees and thick brush. Their height ranges up to 3,000 feet.

Following is the list of passengers and crew aboard the plane: Mr. and Mrs. Martin Johnson, New York; Arthur S. Robinson, Rochester, N. Y.; T. Tillingham, Hartford, Conn.; J. J. Braden, Cleveland; D. E. Spence, Chicago; H. Hules, Chicago; R. T. Anderson, Neb.; Miss Lita James, Los Angeles; Pilot William W. Lewis, Gendale, Calif.; copilot Clifford P. Ownes, Burbank, Calif.; Stewardess Esther J. O'Connor, Glendale, Calif.

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COULD HARDLY RISE FROM HER CHAIR

Rheumatism Relieved by Kruschen This woman was such a confirmed sufferer from rheumatism that she thought she would never get relief. But before she had finished one bottle of Kruschen her rheumatism was leaving her. Here is her letter: "I had rheumatism so badly that once I got into a chair I found great difficulty in rising again. A friend told me to try Kruschen salts, but I thought it was a foolish idea, as there seemed to me to be nothing that would relieve rheumatism. My friend gave me two doses to try. I took one dose on Monday and another on Tuesday, and by then my pain had moved to another part of my body. Well that was a good start, so I bought a bottle and I gave me great joy to find my rheumatism disappearing, and now for a long time I have been free." (Miss A. R.) The pains and stiffness of rheumatism are frequently due to deposits of uric acid in the muscles and joints. Kruschen salts, by helping to stimulate the excretory organs to health, regular activity, enables them to expel this uric acid from the system.

Girl Guide News

Two Charlottetown Companies As a Christmas Good Turn the 2nd Charlottetown Company of Guides delivered on Christmas Eve two large boxes containing dresses, coats, clothing, etc., to two needy families.

On Friday, Jan. 8, at the first meeting of the New Year, the Guides of the Second Company were very pleased to welcome Miss Constance MacFarlane as one of their new Guides.

At this meeting the Guides made arrangements to have their long postponed party next Friday, Jan. 22, at seven o'clock. Fancy dress costume is optional but prizes will be given for the funniest and prettiest, etc. Each guide may bring a friend and they will please have pencil and paper. Guides who were not at last week's meeting please note that each Guide is to bring either sandwiches or cookies or a cake, and each Guide will provide something to drink for herself and for the friend she brings.

On December the 11th there were enrolled in the Kirk Browne five new members namely Elizabeth Martin, Frances Jenkins, Joan Large, Jeanie Lowther and Roma Worth.

Miss Gillian, Asst. Commissioner, conducted the ceremony and also presented the following sixers and their second with stripes: Elaine Porter, Janie Lowther Patricia Clark, Joyce Hessian, Marie Davies, Marjorie Huestis.

During the Christmas holidays their Brown Owl, Mrs. Martin took them on a skating party to Inkerman from where they returned to their enchanted abode to meet Tawny Owl Miss Marjorie Stewart, who assisted in providing a splendid repast.

This is an energetic little Pack and the interest in tests to be passed, is amazing.

Next meeting will be purely a handicraft one.

Track Rivals To Meet Saturday

NEW YORK, Jan. 12.—(CP)—Officials of the annual 68th Regiment Track and Field Meet announced today Glen Cunningham and Gene Venzke will resume their middle distance rivalry at 1,000 yards in the second renewal of the event Saturday.

Col. A. E. Anderson, Commanding the 165th Infantry, also said Herb Weust, Columbia University sophomore who broke the 100 Metre record with a 106 seconds performance last Saturday, has entered the 60-Yard Sprint.

must be decided by the Spanish people and by them alone, Eden said.

"I know there are some who believe that, as the outcome of this civil war, Spain will inevitably have a government either Fascist or Communist," Eden observed. "That is not our belief. Contrarywise, we believe that neither of those forms of government being indigenous to Spain, neither is likely to endure."

Green Road School Concert

The semi-annual examination and Christmas concert of Green Road School was held in the school on Tuesday evening, Dec. 22nd in the presence of a large number of ratepayers and visitors. The pupils were examined in the various subjects by their teacher, Miss Vera Trainor, assisted by Miss Elia Toole, Rev. Clarence Pitre and Mr. James McLaughlin of St. Dunstan's.

After the pupils had been carefully examined in the work covering the first term, a very interesting and enjoyable program was rendered by the pupils. Mr. Charles P. Toole was appointed, and capably acted, as chairman. The program was as follows:

Opening chorus by pupils. Drill by seven pupils. Duet by Janine and Agnes Toole. Recitation by Emmet Conway. Dialogue, "Watermelon Pickle," by two pupils. Recitation by Della McLaughlin. Duet by Edna and Raymond Conway. Song by Stephen Toole. Recitation by Frances Conway. Recitation by Katherine Toole. Dialogue, Christmas Shopping by four pupils. Recitation by Viola Toole. Song by Margaret McLaughlin. Recitation by Linus Conway. Song, by Theodore Toole. Recitation by Stephen Toole. Dialogue, "A Slight Misunderstanding," by two pupils. Song, by David McMurrer. Farewell, by Stephen Toole. Closing chorus by pupils.

After the programme, prizes were awarded to the pupils for attendance and deportment.

Prize for attendance equally merited by Della McLaughlin, Viola and Stephen Toole, drawn by Stephen Toole.

Prize for deportment, donated by Rev. Clarence Pitre, equally merited by Frances Conway and Arnold Toole, drawn by Arnold Toole.

In quick succession Santa Claus made his unexpected appearance and distributed gifts to the pupils from a well laden tree. Then a beautiful address was read by Miss Janie Toole, accompanied by a lovely gift, which was presented to the teacher by Miss Margaret McLaughlin on behalf of the pupils.

The teacher in a few well chosen words thanked the pupils for their beautiful gift and address. Complimentary remarks were expressed by several, congratulating the teacher on the excellent progress made during the half-yearly term, which was readily shown by the prompt and accurate answers of the pupils. The teacher received much praise on the well organized programme which was due to careful instruction and also for the well decorated room. After each and everyone had been treated to a generous supply of candy, the very enjoyable evening was brought to a close by singing the National Anthem, and extending best wishes to the teacher and pupils for a Merry Christmas and pleasant holiday.

Following is the address: Dear Teacher: We the pupils of Green Road School, who are assembled here tonight take the pleas-

Would Fight Merely For The Pleasure

BY PAUL MICKLESON Associated Press Sports Writer NEW YORK, Jan. 12.—(AP)—Let Max Schmeling stay in Germany. Heap the steaming dishes so fat Jimmy Braddock can get fatter. Send Joe Louis back to the motor business.

Strange as it may sound, two fellows have been discovered who want to fight just to fight—Battling Father Times who'll be tickled out of their winter underwear for a chance to fight not just the battle of the century but the battle of the centuries.

Introducing...

William "Bangor Bill" Withee, 76-year-old, 134-pound scourge of Rockland, Maine, an ardent admirer and disciple of the immortal John L. Sullivan who learned about fighting in the right way as a stage driver, coal heaver, restauranter and policeman.

Charles "One Round" McJunkin, 76, retired printer from the fighting precincts of Greenville, South Carolina, a true spirit of the old school, so restless and disgusted with pink faced fighters of the day that he picked up his frowed umbrella and stood the fight crowd on its ear by entering the American Legion Golden Gloves tournament at Greenville. "One Round" McJunkin weighs 127.

"I'll fight anybody in the world—and lick him," boasts "Bangor Bill."

As manager of "One Round" McJunkin, I say we'd be tickled pink for just one chance to make a sucker out of that young Yankee from Maine," wires Carter "Scoop" Latimer, of Greenville.

"One Round" McJunkin, ready to turn pro if necessary, still is an unknown quantity at the somewhat tender age of 76, but "Bangor Bill" is a veteran. His famous "polato punch" got him in and out of trouble.

One night, he openly heckled a fight show promoted by 35-year-old Oliver "Haymaker" Hamlin. A man of few words, "Bangor Bill" demanded a fight with Hamlin when the argument got too heavy and Hamlin obliged.

The fight, a two rounder labelled the "Potato Bowl Grudge" was fought at Rockland on New Year's night, after the county attorney refused to interfere.

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Surprise

The sleeping earth doth sleepily The blur from dazed eyes rub, And rubs and rubs, then wide awake He lies in a dewy tub, Prepared to greet the first sun's ray, The usher of another day.

The birds too are prepared to greet The rising sun with song, With sweeping swoops and anxious curves.

Why must they wait so long? Most beasts and beings are dreaming yet. While plants and flowers are dozing set.

The yonder distant, eastern sky, Is silent, grey background. A crimson red now takes his place Without a single sound; Is it the blushing of that globe, Or just his royal, kingly robe?

At last he ventures just a peep At his dear kingdom—earth, Then reassured that all is well He boldly tumbles forth.

The sunbeams free like fairies fly Go lightly dancing on their way.

On everything they gently kiss, They wake and leave a smile. Before the donor can be thanked He's gone perhaps a mile: Sunrise in nature's beauty net Is almost equal to sunset.

— Ivan M. Roberts Highfield.

Card of Thanks

Mrs. John T. White and family, Emerald, wish to thank most sincerely the many kind neighbours and friends who assisted them in every way in their recent sad bereavement.

Mrs. Gordon MacLeod and family wish to convey their sincere thanks to their friends and neighbours for their many acts of kindness and letters of sympathy received in their recent sad bereavement, also for beautiful floral tributes.

L-2183-1-13-11.

IN MEMORIAM

In loving memory of Mrs. Emma Crosby, Cornwall, who died, Jan. 9th, 1936. Sweet memories will linger forever; Time cannot change them, it's true; Years that may come cannot sever Our loving remembrance of you. Inserted by son and daughter. L-2175-1-13-11.

Too Late To Clarify

WANTED—SMALL, UNFURNISHED apartment. Write M. care Guardian. L-2191-1-13-31.

WANTED A GOOD SMART BOY to work on farm. Apply R. W. care Guardian. L-2188.

Card of Thanks

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