

Professional Cards

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Charlottetown

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EYE, EAR, NOSE AND THROAT
Riley Building, Queen Street
Opposite Frowse Bros.

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Graduate of N. Y. Post Graduate
Medical School and Hospital
Practice limited to Eye, Ear, Nose
and Throat.

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Etc.
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Smoke
With Satisfaction

You don't have to "pull
away" on one of our cigars in
order to enjoy it. We buy
cigars of a fine blend of to-
bacco and workmanship—

The 2 Macs
Druggists

149 Great George St.

Take Your Order
For Printing
TO—
The Central
Job Printery

176 KENT STREET
CHARLOTTETOWN,
TELEPHONE 430-2

THE CENTRAL GUARDIAN

IT PAYS to buy in this province
ALL THE LATEST Victor records
at W. T. Wellner's Queen St.

SALVATION ARMY Rummage
sale Friday, Jan. 28th 9 a. m.

FOR JOB PRINTING of every
description, patronize Central Job
Printery, 176 Kent St. Tel. 432-L.

RESERVE FRIDAY night, Feb.
4, 1921, for social entertainment
and dance at Pastime Hall. Special
music.

THE SISTERS Notre Dame Academy
will hold their annual high tea
on Wednesday and Thursday
evenings Feb. 2 and 3, 1921.

WANTED 500 PEOPLE TO
attend Judge Fitzgerald's lecture
in Hearts Hall tonight at 8 o'clock.
Admission 25c.

MR. FARMER. Do you keep a
record of your earnings and ex-
penditure? Why not get your first
account book free by subscrib-
ing or renewing your subscription to
The Guardian and start right now.

COME TO THE BASKET SOCI-
ety at North River Hall Monday,
Jan. 29th at 7.30. Ladies with
baggage free. Admission 20 cts.
Good programme.

THE CONGREGATION of MUR-
RAY Harbour South is called to
meet at Murray River and in the
Presbyterian Church there on Tues-
day Feb. 1st at 2.30 p. m. for the
purpose of moderating in call to a
minister. J. Dugald McKenzie, mod-
erator.

SUCCESSFUL OPERATION
Word was received by Lawrence
Dorion, mate of the tug "Roma,"
P. W. D., this city, that his daugh-
ter Jane who is teaching at Duver
school, West Prince, had to go
through an operation for appendi-
citis. The case was so far gone
and critical that Drs. Kier and
Gallant decided that the operation
would have to be performed right
away, and considered it unadvis-
able to have patient moved to hos-
pital. The operation was very
successfully performed at 10 p. m.
Saturday. Her father and mother
were at her bedside, and when Mr.
Dorion left on Tuesday she was dis-
ting well.

INTERESTING SERVICES will
be held Sunday Jan'y 30th in the
Cornwall Circuit Methodist Church-
es as follows: Cornwall, 11 a. m.
Rev. Dr. Hamilton Wigle, North
Wiltshire, 11 a. m. Kingston, 3
p. m. Cornwall, 7 p. m. Rev.
Sam. D. Webster.

HELPING THE NEEDY — The
wealthy men of Summerside and
elsewhere in Canada boast more
money than the square yard than
Summerside have an excellent
chance now to help out their less
fortunate fellow men. Several
cases of destitution have been re-
ported lately and in some cases a
door to door subscription has been
organized. The example of one
Summerside citizen who supplied
meat, vegetables and other neces-
saries to a large list of needy towns-
people at Christmas should be fol-
lowed by some who though not
having as big a heart as this gentle-
man may have a large purse.

The Local Musical
Event of a Decade

The Charlottetown Choral Society
will hold their first concert in
the Prince Edward Theatre Friday
evening February 4th.

Rehearsals have been held weekly
since the organization of the
society under the efficient direc-
tion of Mr. W. E. Fletcher, A. B.,
C. M., A. T. C. L. The pro-
gram will be a varied one and the
Society will be assisted by the fol-
lowing artists. Mr. F. T. Wat-
kis, pianist, who needs no introduc-
tion to Charlottetown audiences.
Mr. Bayard Haddock, Baritone.
Of Mr. Haddock's singing the Hal-
ifax Herald says: "Mr. Haddock
has a magnificent baritone voice,
thoroughly under control and which
he used in an artistic manner.
His work is clean cut and delicate,
and still robust and full."

Of Mr. Ivan Williams, Violinist,
the Halifax press are loud in
their praise, hailing Mr. Will-
iams as "a genuine virtuoso." Mr.
Williams was formerly solo violi-
nist of Queen's Hall Orchestra,
London, Eng.

Coupons are to be had from mem-
bers of the chorus, and at Hughes
Drug Store. Plan opens at the
Prince Edward Monday January
31st.

One of the best known guides in
Nova Scotia gives this testimonial.
Have used MINARD'S LINIM-
ENT in my home hunting and out-
door camp for years and consider it
the best white liniment on the
market. I find that it gives quick
relief to minor ailments, such as
Sprains, Bruises and all kinds of
wounds. Also it is a great remedy
for coughs, colds, etc., which one
is liable to catch when log driving
and cruising during the winter and
spring months. I would not be
without MINARD'S LINIMENT
and cannot recommend it too high-
ly.

(signed) Ellison Gray
East Kempville, N. S.

Smoke
T&B

Mellowed Virginia leaf,
blended by experts

Dr. E. C. Harris
Eye Specialist

Office, Royal Bank
Building, Charlot-
tettown.
Office Hours:
9.30—12.30, 2—5
Phone 68-Y.

THE CO-OPERATIVE FARM-
ERS' will be loading live Hogs at
Emerald Tuesday, February 1st.

WHIST PARTY at K. of C.
Home tonight. Members and
friends be sure and come.

DON'T FORGET TO COME to
the postponed sale of cattle at
Cass Bros. Wed. Feb. 2nd.

DO YOU WANT SOME lumber
or cedar posts. We can supply you.
MacLeod Bros., Albany.

DON'T TAKE OUR WORD for it
HEAR it yourself—use your own
judgment of the Brunswick phon-
ograph W. T. Wellner, Queen St.

ALL ACCOUNTS due me must
be settled at once, otherwise I will
have to take action. Notes will
be taken in payment. L. H. D. Mac-
Leod, Fredericton.

POSTPONED.—Prof. Steele's
English class at the Y. W. C. A.
tonight is postponed until Tuesday
owing to the lecture in Hearts
Memorial Hall.

600 BAGS CRUSHED OYSTER
SHELLS clean and sweet. 500
bags mica crystal grit for poultry.
Lowest prices at Carters Feed
Store, Queen St.

\$335.00—375.00—385.00 for a
new superior piano and \$600.00
for a player. Now is your oppor-
tunity. W. T. Wellner, Queen
St.

RECORD BOOK. Mr. Farmer
how much did your farm earn for
you in 1920? I can't exactly say
offhand. The Guardian Account
and Record Book will say it for
you in 1921. Subscribe or renew
today.

MOUNT STEWART CIRCUIT.
Methodist Churches. Services.
Dunstaffnage 10.30 a. m. Serv-
ices Back River 3 p. m. Services
Mt. Stewart, 7 p. m. M. K.
Chairman will preside at each of
these services. Everybody invit-
ed.

MONTAGUE METHODIST CIR-
CUIT, Sunday Jan. 30th. Services
will be as follows: Lower Montagu-
e at 10.30 a. m. Sturgeon at
2.30 p. m. Montague at 7 p. m.
Rev. Dr. William Brown of Am-
herst will be the speaker and the
pastor will also be present to con-
duct the services.

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Rev. Dr. Hamilton Wigle, North
Wiltshire, 11 a. m. Kingston, 3
p. m. Cornwall, 7 p. m. Rev.
Sam. D. Webster.

PERSONALITY
Is to a Woman—what
Perfume is to the
Flower

The intimate possessions
of a woman best portrays her
personality.

With this idea in mind we
give especial attention to the
finer toilet articles and pre-
parations which discriminat-
ing women want.

The world's best products
are represented in our stock.

PERFUMES, TOILET WAT-
ERS, CREAMS, LOTIONS,
BRUSHES, POWDERS,
SACHETS, TALCUMS, MAN-
ICURE GOODS, SOAPS, LIP
STICKS, NAIL POLISHES,
DEPILATORIES, EYE BROW
and LASH PREPARATIONS,
DENTIFRICES, SHAMPOOS,
SMELLING SALTS, ETC.,
ETC.

We buy toilet articles as
carefully as we buy drugs and
ingest on the same high qual-
ity. Equip your toilet table
with things which will reflect
your good taste and give to
your toilet an air of true
personality.

TRADE-MARKED and AD-
VERTISED GOODS are
FEATURED HERE.

Johnson & Johnson
THE QUALITY DRUG-
STORE

Cor. Kent & Prince Sts.

TO-NIGHT-
Tomorrow Alright
Get a 25¢ Box

E. A. FOSTER, Central Drugstore, Charlottetown.

Judgment in Case
Of Frank vs. Oaks

The following is the full text of
the judgment delivered by Judge
Hazard at the present term of the
Supreme Court in a case of interest
to all automobile owners:
IN THE SUPREME COURT
Leo Frank Appellant
and
Albert Oaks Respondent

In the month of July last the Ap-
pellant was convicted in the Police
Court of the Town of Summerside,
before James E. Wyatt, Stipendiary
Magistrate in and for said town of
operating a motor vehicle at a
greater rate of speed than seven
and one-half miles an hour on the
streets of said town.
This appeal is taken from said con-
viction.

The case came up for hearing at
the last November Term of this
Court in Summerside. A prelimi-
nary objection was taken by Martin
K. C. Counsel for Respondent that
there was no appeal before the
Court and asked that it be dismis-
sed. It was argued that inasmuch
as the Motor Vehicle Act gave no
right of Appeal and that the Pro-
visions of the Provincial Statute
regulating appeals from all orders
of Magistrates even if applicable
had not been complied with, no ap-
peal having been filed as re-
quired by said Act, there was no
appeal before the Court. He furth-
er contended that it under Part XV.
of the Criminal Code of Canada the
appeal was taken then there could
be no appeal thereunder. In this
case, the points were reserved.

Subsequently a motion was made
by Mr. Bentley Counsel of Applee-
ant to quash the Conviction on sev-
eral grounds and amongst others
that the offence as alleged was not
an offence under the Act.
This motion was also reserved
for consideration at appearing to
me that the witnesses all being
present their evidence should be
taken and the point raised, consid-
ered. Is there then an appeal
before this Court? Sect. 77 of the
Summerside Incorporation Act 3
Edward VII, Cap. 1 provides that
all lines of penalties shall be re-
versible before the Stipendiary
Magistrate of said town who is
constituted a Court for the trial of
all complaints arising under the
said Incorporation Act, Section 19
of the Motor Vehicle Act 3 Geo. 5,
Cap. 6, Sec. 3 provides that proceed-
ings for the recovery of penalties
carried out under part 15 of the
Criminal Code of Canada.

The proceedings in the first in-
stance was by information laid in
the Police Court of Summerside be-
fore Stipendiary Magistrate Wyatt,
wherein the Defendant below, was
fined in the sum of five dollars and
costs. From this conviction the ap-
peal is now taken under the Provi-
sions of part 15 of the Criminal
Code.

Under the Motor Vehicle Act
there is no appeal given, either by
express words or by implication,
and unless it can be held that the
provisions of part 15 of the Crimi-
nal Code so applied, carries with it,
that right, then there can be no
appeal before the Court. What then
is the effect of the application to
the Motor Vehicle Act of part 15
of the Criminal Code?

Section 19 of the Motor Vehicle
Act, as amended, reads as follows:
"Proceedings for the recovery of
penalties under this Act shall be
taken and carried on under part
XV. of the Criminal Code of Can-
ada. The language of this section
is very clear and explicit but is for
the sole and only purpose of pro-
viding the practice to be adopted
for enforcing the penalties under
said Provincial Act.

In the King vs. Quimet, 11 C. C.
C. 136, where a like question arose
it was held that part 15 of the Code
gave no right of appeal when made
applicable to the enforcement of
Provincial Statutes, nor does any
other provision of the Criminal
Code give such right. To give such
right, nothing short of a statutory
enactment is sufficient. In the case
of Wheatley vs. Lons, 1 E. L. R.
132. (1906) the late Chief Justice in
delivering the Judgment of this
Court stated the rule of law in re-
gard to appeals as laid down by
Lord Penton in Rex vs. Hanson
4 Bar and Ald. 53, as follows, that
"although a certiorari lies, unless
expressly taken away yet an appeal
does not lie unless expressly given
by Statute and further stated that
in Regina vs. Stock 8A and E. 405
the same rule was followed and is
referred to by Patterson J., in these
words, "the doctrine in Rex vs.
Hanson, that a certiorari lies, un-
less expressly taken away, but an
appeal does not lie unless express-
ly given seems to be clear law." In
the case of the Attorney General
vs. Sillen 10 H.L.C. 704 it was held
"the creation of a right of appeal
is an Act which requires Legisla-
tive authority, neither the inferior
nor the superior tribunal nor both
combined can create such a right."

In that case Lord St. Leonard said:
"It is clearly laid down that no
right of appeal can be given ex-
cept by express words."

The right of appeal is clearly a
substantive right and can only be
given by a clear expression of in-
tention open to no doubt. In this
case I find no such authority either
express or by implication and in
my opinion there is no appeal. The
case will be dismissed with costs.

CASTORIA
For Infants and Children
IN USE FOR OVER 30 YEARS

Always bears
the Signature of
Dr. J. C. Peckham

Prince Edward

MATINEE 3.15 SHARP—NIGHT 7 AND 8.5

What Would You Do?

If you found the girl you loved bound and
gagged in an underground den of San Francisco's
Chinatown?

EARLE WILLIAM



"The Purple Cipher"

Would you fight the organization that
\$2,000? Would you fight the secret enemy if
you had seen three of your friends fall victims to
the band because they failed to meet their
man is?

SEE THE PICTURE TODAY.

"demmed In"

Eight Startling Chapter of
"Hidden Dangers"

The Local Musical Event of a Decade
The Charlottetown
Choral Society

—OF—
100-VOICES-100

UNDER THE DIRECTION OF
MR. W. E. FLETCHER, A. R. C. M. A. T. C. I.

ASSISTED BY
MRS. KEITH ROGERS—Accompanist.
MR. BAYARD HADDOCK—Basso.
MR. IFAN WILLIAMS—Violinist.
MISS GLADYS BILLMAN—Soprano
MR. F. T. WATKIS, Pianist.

AT THE
PRINCE EDWARD
FRIDAY, FEBRUARY 4th

Coupons can be secured from members of the Choral
Society and at Hughes' Drug Store.

Reserved Seat Sale and Exchange of Coupons at
the Prince Edward, Monday Jan. 31st. Box Office opens
9.30 a. m.

THERE ARE TWO FACTORS that determine the value of a
publication as an advertising medium.

Editorial excellence will indicate its influence with its readers.
Membership in the Audit Bureau of Circulations indicates its business
ethics and methods.

The first shows whether the paper is worth reading.
The second shows how many people read it.

In both the advertiser is vitally interested.
The GUARDIAN invites the closest scrutiny. Its A. B. C. report is
accessible to advertisers.

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AND
Account Book
GIVEN AWAY FREE

new subscribers and old subscribers renewing
their subscriptions before end of current year.
Only limited number available and first
comers will have the preference.

Contents

- TO RECORD
BANK ACCOUNT
BANK COST ACCOUNT
RECORDING, record of
LUNDAIR
RECEIVED
PAID OUT
STOCK, cost of
STOCK, sold
CONCRETE PROPORTIONS
ORN, cost of
ORN, sold or fed
BIRD HERD, cost of
EQUIPMENT ACCOUNT
EXPENSE ACCOUNT, household
GENERAL INFORMATION
STATION TABLE
AY, cost of
AY, sold or fed
DPS, cost of
DPS, sold
DPS, cost of, and sold
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INVENTORY, residence
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POULTRY and EGGS
REMEDIES for FARM ANIMALS
REMEDIES, HOUSEHOLD
SEED TESTING
SHEEP, cost of, and sold
SILO RECORD
TRACTOR RECORD
WHEAT, cost of
WHEAT, sold, or fed

Send your renewal at once and ask for
free copy of

Farmers Record
AND
Account Book
Charlottetown Guardian Subscription Dept.

Cylinder Grinding

We have recently installed a
Heald Cylinder Grinder same as
used in the best Motor Car Man-
ufacturing Plants and are ready
to regrind all types of Automob-
ile and engine cylinders and fit
oversize pistons and rings at the
lowest price. All work guarant-
eed.

Bruce Stewart & Co. Ltd.
Charlottetown, P. E. I.