

The spirit of truth-seeking is the dominant ideal and demand of our day.

Charlottetown Guardian Two Cents Morning Edition, Founded 1887

THE CHARLOTTETOWN GUARDIAN The People's Paper Read by Everybody

Covers Prince Edward Island Like the Dew

CHARLOTTETOWN, CANADA, FRIDAY, JANUARY 29, 1937

10 PAGES

There is no way discernible by which nations to-day can live to themselves.

Annual Subscription Delivered \$5.00 By Mail Canada and U. S. A. \$5.00

BOLSTER MISSISSIPPI LEVEES AGAINST FLOOD

DEATH DEMANDED FOR SOVIET CONSPIRATORS Strengthen Dyke System In Effort To Avert Disaster

PROSECUTION DENOUNCES TROTSKYISTS

17 Accused Face Death Before Firing Squad, Noted Editor Among Group

BY CHARLES P. NUTTER Associated Press Foreign Staff MOSCOW, Jan. 28—(AP)—Prosecutor Andrey Vishinsky demanded death tonight for 17 confessed conspirators to overthrow the government—the same fate which defendant Karl Radek urged in his newspaper writing for 16 other conspirators who pleaded guilty and were shot last August.

Head Bowed The former editor of the authoritative newspaper Izvestia sat with bowed head. He did not look up or reply.

In demanding death for the 16 confessed conspirators, tried last August, Radek "made a small mistake," Vishinsky roared.

Radek thought he was writing about Zimovief and Kameneff (two of the former defendants). He made a small mistake which this trial corrects. He wrote about himself.

Striding to the centre of the court, Vishinsky shouted out his demand for death and concluded his case. For two minutes the crowded courtroom applauded.

"The law demands, in case of proof of guilt, shooting—which can be commuted only in case of extenuating circumstances," the prosecutor declared. "I believe there are no such."

"I am not alone in accusing them of these base crimes. There are the victims—the people who were killed and maimed in wrecks who planned—who stand beside me now."

"The dead stand here with me, pointing at you with their terrible hands, demanding with me and my

(Continued on page 9)

Privy Council Defines Dominion Treaty Powers With Respect To Provinces

Upholds Validity Of Farmers Creditors Arrangement Act And Trade And Industry Commission Act.

LONDON, Jan. 28—(CP Cable)—The judicial committee of the privy council, handing down judgment in six cases arising from the social reform measures passed by the Canadian Parliament during the Bennett administration, incorporated in one of its opinions today a lengthy analysis of the Dominion's treaty-making powers as they are affected by the respective jurisdiction of the federal government and the provinces.

The judgment upheld previous opinions of the Supreme Court of Canada except in respect to several sections of the Dominion Trade and Industry Commission Act, which were declared invalid by the Ottawa court and were not included in the Dominion attorney-general's cross-appeal, which was allowed by the judicial committee.

Legislation dealing with unemployment insurance, hours of labor, minimum wages and marketing was declared ultra vires, or beyond the authority, of the Dominion Parliament.

Measures giving effect to some of the recommendations of the Stevens Commission on mass buying were declared constitutional, as was the law providing facilities for the liquidation of the debts of insolvent farmers along bankruptcy procedure but without actual recourse to the bankruptcy courts.

Limitations Defined In holding the minimum wage and hours of labor-acts ultra vires their lordships defined for the first time the limitations attaching to the Dominion Parliament's power to give effect to international treaties since Canada acquired her present status under the Statute of Westminster. They declared that under the distribution of powers between the Dominion and the provinces in the British North America Act, "there is no such thing as treaty legislation as such."

"The distribution is based on classes of subjects and as a treaty deals with a particular class of subjects so will the legislative power of reforming it be ascertained," the judgment said. "No one will doubt that this distribution is one of the most essential conditions, probably the most essential condition, in the interpretive compact to which the B.N.A. gives effect."

Counsel had argued that under

Canadian Red Cross To Assist U. S. Flood Refugees

Mr. George J. Tweedy, K. C., president of the Prince Edward Island Red Cross Society received the following telegram from Mr. J. L. Biggar, National Commissioner, Canadian Red Cross Society: "American Red Cross tells me best way to assist flood victims is to contribute funds but will gratefully accept non perishable food-stuffs and new but not used clothing. No personnel needed. Could you give your papers this state-ment saying cash contributions should be made to you for immediate transmission through this office to American Red Cross. Canadian Railways will carry contributions in kind gratis but I must have full details as arrangements are complicated regarding destination and duty."

Retain Cruisers As Floating Forts LONDON, Jan. 28—Five "C" class cruisers shortly will be converted into floating anti-aircraft batteries. They are Cardiff, Ceres, Caldon, Calypso and Caradoc.

The five were due to be scrapped under terms of the 1930 London Naval Treaty until Britain invoked the escalator clause.

Provinces Are Ready To Co-operate

(By The Canadian Press) Canadian Provinces, upheld in their contention that a majority of Bennett Government reform measures exceeded Federal powers, swung quickly into line yesterday in a move to have co-operative governmental action on legislation that was ruled invalid by the Privy Council.

"Now that the air is cleared and the B.N.A. Act still stands as the charter of provincial sovereignty, we might well get on with a general conference of all interested parties," said Attorney General J. B. McNair of New Brunswick.

Speaking at Fredericton, he added: "The Government of this province will support such a movement whole-heartedly and approach such a conference in the broad spirit of co-operation which prevailed when Confederation was arranged."

Particularly interested in the Unemployment and Social Insurance Act, ruled ultra vires the Federal Government, Ontario's Attorney-General, Arthur W. Roebuck, said: "I'm quite satisfied Ontario is prepared to co-operate with the Dominion to pass enabling legislation to permit a nation-wide scheme to be made effective."

Effect of the Privy Council decisions emphasized the need for the provinces to pass enabling legislation where it was required, Attorney-General W. J. Major of Manitoba said at Winnipeg.

The Attorney-General of Ontario and New Brunswick both declared their satisfaction the Privy Council frowned on the Dominion administration invading what Mr. McNair and Mr. Roebuck considered provincial legislation.

New Brunswick's Attorney-General, Mr. McNair, described the Bennett Government legislation as "a direct invasion of the legislative field which under the treaty of union in 1867 was assigned to the provinces." If the legislation had been approved by the Privy Council, he added, it would "have opened wide the door to continued violation of provincial independence and autonomy at the will of the Parliament of Canada."

Ottawa Government circles considered the Privy Council judgments first definite interpretation of the limitation of the Dominion Government's power to give effect to international treaties.

The Privy Council found the performance of treaties was up to the

(Continued on page 9)

TRADE UPTREND IS REVEALED (C. P. by Guardian's Special Wire) OTTAWA, Jan. 28—Canada's trade bounded upward during 1936, according to a report issued today by the Dominion Bureau of Statistics. Total trade in the 12 months amounted to \$1,683,092,000 compared with \$1,388,658,000 in 1935.

Total domestic exports were worth \$988,154,000 compared with \$832,548,000 and imports were valued at \$674,938,000 against \$556,112,000.

JUDGE DUFFY ACQUITTED OF MANSLAUGHTER

Jury Bring In "Not Guilty" Verdict After Short Deliberation.

Charles Gavan Duffy, Judge of the Queen's County Court, was found "not guilty" of a charge of manslaughter by a jury in Supreme Court late yesterday afternoon. After 18 minutes deliberation Percy Noy, jury foreman, announced the verdict to a packed courtroom.

The charge was a sequel to the death of Michael Horgan, 22, of Stanhope, who died in hospital from injuries received in an automobile collision at Covehead on September 1st last.

The verdict followed a five day trial during which 26 witnesses were called by the Crown while Judge Duffy was the only witness called by the defense. Judge Duffy was called Wednesday and was still on the stand when court adjourned until yesterday. He concluded his evidence shortly before noon after which Mr. H. F. McPherson, K.C., counsel for the defense began his address to the jury.

Following Mr. McPherson's two and a half hour address, Attorney General Thane A. Campbell opened his case for the Crown. An hour and a half later Mr. Justice A. E. Arsenault charged the jury.

Jurymen were: Messrs. Percy Noy, foreman; John Toole, Clifford Chandler, Parker Carroll, Boyd McQuarrie, Irving Tweedy, Blake Wood, George A. Tweedy, John Grimes, Benjamin Dickleson, Beverly Vanderstine, Lloyd Stevenson.

When the jury had returned their verdict of "not guilty," Mr. Justice Arsenault said he was in hearty accord with it. The fact that the deliberations had taken only 18 minutes showed that jurymen had their minds pretty well made up before.

On motion of the Attorney General the King vs. William Munn, was stood over to the next session of the court.

As other cases on the docket had been disposed of the court adjourned sine die.

The following is a summary of Mr. Justice Arsenault's charge to the jury: In opening his charge to the jury Judge Arsenault remarked that, although the case had occupied five days and had entailed the examination of many witnesses, no time had been wasted either by the Crown or defence counsel.

There had been a great deal of gossip in connection with the case, His Lordship went on to remark, but he trusted that when the jury

(Continued on page 9)

56 DEAD AS VIOLENT GALES WHIP EUROPE

Shipping Hard Hit In Worst Storm In Half-Century. Rains Threaten Floods.

LONDON, Jan. 28—(AP)—The winter's most violent gales roared across western Europe from Scandinavia to Gibraltar today, swelling the roster of storm dead to at least 56.

Heavy rains caused threats of serious floods. Portugal was hard hit as the storm, described by meteorologists as the worst in 50 years, wrecked the harbor of Lixoes.

Distress signals were sent out by the Brazilian steamship Santos, with 100 passengers on board she said she was drifting helplessly, with engines damaged, toward the Berlengas Islands. Mountainous waves had swept her lifeboats away and prevented tugs from rushing to her assistance.

Toll of the tempest included 18 trawlers, three sailing vessels, a steamship, a motor vessel and numerous smaller craft in European waters.

Two trawlers were believed to have carried 46 men to their deaths in the North Sea yesterday after distress signals had been flashed. Neither the French trawler Lirette with 30 men aboard nor the British Amethyst was believed to have kept afloat in the gale and heavy seas.

Shipping along the western edge of the continent faced winds of hurricane force which threatened to drive them ashore along the Portuguese coast, although the full force of the storm was abating somewhat.

Two men were believed to have drowned at Oporto, Portugal when the Norwegian steamship Engria broke from her river Douro moorings and sank the motorship Oriente. The victims were aboard the Oriente.

The British Isles felt the storm's full force as gales lashed harbor waters, retarding normal shipping schedules. Coastwise and Thames estuary shipping was halted.

Four crew members of the tug Toxteth were believed drowned in the Mersey River, near Liverpool, when the craft capsized while towing the liner Pery from her dock.

The Russian steamship Irish was reported a casualty off Whitby.

(Continued on page 9)

Play Acclaimed

MR. HARRY FOSTER

Of this city, whose play "Nocturne" won the regional drama contest at St. John, N. B., this week and received high praise from the adjudicator.

(Continued on page 9)

Strengthen Dyke System In Effort To Avert Disaster Army And Civilian Corps Rush Work. Death Toll Continues To Mount.

(By The Associated Press) The nation's record flood crept forward today (Friday) toward the next danger area—levees between Cairo, Ill., and Memphis on the Mississippi—as United States army and civilian corps piled sandbags and gumbo mud on 300 miles of set-back levee walls in a desperate effort to avert disaster.

The Ohio River—a vast lake 50 miles wide in places from Pittsburgh to Cairo—eased its pressure along its upper stretch.

At Cincinnati the waters slowly began to recede. Louisville, Ky., still was largely inundated, but the crest was past and headed for isolated Paducah.

The death toll rose near 300. Nearly 1,000,000 persons continued homeless in 11 states. Damage mounted above \$400,000,000.

RAIN AND SNOW Threat of more rain and snow along the Ohio River came from weather forecasters but they added the cheering note the precipitation would not affect flood conditions.

Days will pass before the Ohio is back in its channel at Cincinnati and Louisville but already rehabilitation was begun. Appalling stories as yet unrealized apparently were in store for residents of vast sections.

Cairo, its women and children mostly evacuated, settled down behind a three-foot bulkhead atop his 60-foot seawall and waited for the 62-foot crest on the Ohio predicted for Sunday or Monday.

Driven From Homes Most pathetic was the plight of 6,000 farmers and fishermen driven from the 131,000-acre tract in the Bird's Point floodway on the Mississippi. They fled—mostly on foot—over rutted roads covered with six inches of frozen sleet. The reservoir filled rapidly, bringing the levee crisis near.

Three thousand refugees were at Charleston, Mo., where facilities were taxed to the utmost. Others were at Sikeston, Mo., crowded and jammed into relief headquarters.

These—as at New Madrid, Mo., at the lowest tip of the floodway—cast anxious eyes toward the set-back levee. A levee break would put New Madrid under six feet of water.

United States Army engineers along the Mississippi speeded reinforcement of the \$1,000,000 levee system. Commanding generals from Cairo to New Orleans stood ready to move out upward of 500,000 dwellers if broken dikes brought danger.

More than 2,500,000 acres of Mississippi bottom land were flooded at Bluewood, Ark., the levee was threatening collapse, endangering two more counties.

Threat of disease continued unabated. Except for a Coast Guard report of influenza of epidemic proportions at Paducah, Ky., no widespread outbreaks were prevalent.

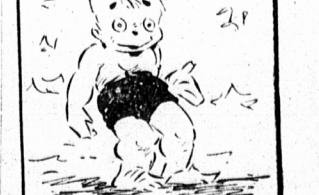
Flood Facts At A Glance

(By The Associated Press) (By Guardian's Special Wire) Homeless—Approximately 1,000,000 in 11 states. Known Dead—Kentucky 225, Arkansas 25, Missouri 17, West Virginia 13, Ohio 14, Illinois 11, Tennessee 10, Indiana 9, Pennsylvania 3, Mississippi 3, Alabama 2, South Carolina 1, Total 333. Damage—More than \$400,000,000. River Stages—Ohio falling from headwaters at Pittsburgh to Owensboro, Ky., downstream from Louisville, Ohio rising from Evansville, Ind., to junction with Mississippi at Cairo, Ill., Mississippi rising from Cairo to Arkansas.

Extent—Army engineers estimated approximately 5,000 square miles affected between Pittsburgh and Memphis. Weather—Rain or snow forecast for Ohio watershed. Relief—Red Cross, seeking \$10,000,000 flood relief fund, reported contributions had almost reached \$3,000,000 mark.

(Continued on page 9)

SOME FOLK'S MEMORIES ARE AS BRIEF AS THE MODERN BATHING SUIT!



(Canadian Press) TORONTO, Jan. 28—Minimum and maximum temperatures:—Dawson — 10H Victoria 28 30 Edmonton 38B 16H Regina 38B 18H Winnipeg 12B 6H Toronto 22 3H Ottawa 2B 14 Montreal 20B 12 Quebec 10B 14 Salt Lake City 2B 14 Halifax 4 14 Charlottetown 4B 4

FORECAST Maritime East: Winds shifting to easterly and increasing as night; fair and cold, followed by moderating this afternoon at 12:55 and tomorrow morning at 12:45. Sun sets this afternoon at 5:05 and rises tomorrow morning at 7:28. Last quarter moon Wednesday, February 3, 7:04 a. m. Summerside tide eighteen minutes later than Charlottetown.

THE CAR FERRY Leaves Borden 9:45 a. m. 1 p. m. Leaves Toronto 11 a. m. 2:55 p. m. Daily except Sunday.

COMING EVENTS

- Salvation Army rummage sale, Friday, January 29. Opens 1 p. m. L-4058-1-28-21.
•••Highfield Granites vs. Hornets at Milton Rink tonight. Skate after. L-4090.
•••Loading live hogs at Elmira and Balic February 1 and 2. Harding Fraser. L-4095-1-29-31.
•••Hockey at Highfield tonight Western Stars vs. Second Granites. Skate after. L-4089.
•••Pantry sale aid of Basilicata Alvar Society Saturday 30th at Prowse Bros. Store. L-2294-1-18-26-27-28-29-30.
•••Hockey Victoria Rink. Cape Traverse vs. Victoria, Friday, January 29. League game. L-4065-1-28-21.
•••Annual Meeting Queens County L. O. L. will be held in Tanton Lodge, Brookfield February 2nd at 1:30 P. M. L-4002-1-29-2-1.
•••Hockey Victoria Rink. Cape Traverse girls vs Hampton boys. Challenge game. Lady referee. Admission 15 cents. L-4070-1-29-21.
•••Come to the Chicken Supper in St. Catherine's Hall, Jan. 29th. If not fine Jan. 30. Supper served from 6:30 p. m. L-4060-1-28-21.
•••The Annual Meeting of the Ladies Auxiliary to the Canadian Legion B. E. S. L. will be held in the Legion Hall tonight at 7:30. Full attendance requested. L-4061-1-29-11.
•••Buying live hogs Monday, Alden Moore, Kensington, Everett Haslam, Emerald, Lemuel Craswell, Hunter River, Tuesday morning. Signed A. E. Wedlock. L-4068-1-29-21.

Enjoy tea at its best

"SALABA" TEA

Lethal Chamber For Executions Urged

OTTAWA, Jan. 28—A new move to alter the method of executing condemned persons was launched in the House of Commons today, met with both support and opposition and was referred to a special committee for further study.

Dr. J. K. Blair (Lib. Wellington North), who has been championing the lethal chamber as a substitute for hanging for several years, introduced his last year's bill to effect the change.