

Prince Edward TONIGHT MAE EDWARDS PLAYERS

Mat. Wed & Sat. —16c. 37c. Night at 8.15—37c, 52c, 80c.

7 BIG ACTS 7 VAUDEVILLE

NOVELTY ORCHESTRA

TONIGHT "THE YOUNGER GENERATION"

Exciting Story of Today's "Flaming Youth"

TOMORROW FIREMEN'S NIGHT "THE LOVE THIEF" Get your tickets from Firemen now

CAPITOL TODAY "LOVE AND LEARN" ALSO COMEDY "HOP OFF" STARRING Esther Ralston

STRAND TODAY "BROTHERLY LOVE" KARL DANE and GEORGE K. ARTHUR IN ALSO HAL ROACH COMEDY RIOT AND ORCHESTRA

STRAND RICHARD DIX WITH RUTH ELDER "MORAN OF THE MARINES" ORCHESTRA

Central Guardian

CORN BEEF and Cabbage at Green Lantern Cafe, every Tuesday, 35c, 40c.

FUNERAL NOTICE—The funeral of the late Francis C. Batt leaves his late residence, 50 Water Street, at 1.45 today for service in St. Paul's Church at 2 o'clock.

FUNERAL NOTICE—The funeral of the late Mrs. Sophia Boyle, which was to be held yesterday afternoon and was postponed, will be held this afternoon from her late residence 100 Hillsboro Street, service starting at 1.30.

A SPECIAL demonstration of the "Nemo-Flex" Foundation Garments will be conducted in the Corset Department, January 18th and 19th, under the supervision of a trained corsetier from New York, who will gladly help you in the selection of a Foundation Garment suited to your requirements. Moore & McLeod, Ltd. 4009

A SPECIALLY trained corsetiere from the Nemo Hygienic Institute, New York, will be in attendance in the Corset Department on January 18th and 19th. She will gladly advise you in securing the proper type of "Nemo-Flex" Foundation Garment for your figure. Moore & McLeod, Ltd. 4009

PERSONALS

Mrs. William MacLean, who has been on a very pleasant visit to St. John and Toronto, has returned to her home in Northam.

Mrs. W. E. Agnew of Barrie, Ont., daughter of the late Mrs. D. C. Morrison, of Cardigan, was expected home last night. She is accompanied by her brother-in-law, Mr. George Agnew, who is en route from Toronto.

Mrs. Albert Taylor and Master Billie of Tulsa, Oklahoma, who have been visiting in the city the past week, the guests of Mr. and Mrs. W. P. Donih, left on return yesterday morning.

Mr. James Q. Dixon has returned to Little Falls from Stamford, Conn., after an absence of six years, having been called home owing to the serious illness of his father, Mr. Milburn Dixon, who is at present a patient in the P. E. I. Hospital.

Mr. Preston Fraser who for the past month has been a patient in the P. E. I. Hospital has returned to his home.

Mrs. Edward MacRae of Point Prim who has been a patient in the Prince Edward Island Hospital for the past six weeks, has so far recovered as to be able to return home.

Island Boxer Ill in Boston

Mr. Edward Longaphis, amateur heavyweight boxer of Boston, Mass., and formerly of Prince Edward Island, who underwent an operation a few weeks ago is now rapidly recovering and in the course of a month or so will get back into training for several "shots," in and around Boston.

Longaphis was born in New Zealand, Prince Edward Island, and removed to the States some years ago. He is a likely looking chap, weighing in the vicinity of 190 pounds and is 5 feet 11 inches tall. He fought many successful bouts in the past two years and was just on the verge of his first professional bout, when the above mentioned hard luck crossed his path.

Longaphis is 23 years of age and is managed by "Bud" Sullivan of Boston.

Chile has appropriated 2,000,000 pesos to aid sufferers from the recent earthquake, and will also loan money for the reconstruction of homes.

Mindard's Linctament for Sore Throat.

Distinguished

Continued from page 1

later entering King's College, Windsor, N. S. At this institution in his freshman year he won the Welsford Scholarship, a coveted prize awarded to the student making the highest aggregate percentage in all the subjects studied the first year with the highest number of marks by which it had ever been taken. In his freshman year he also captured the Williams' engineering prize open to the whole body of students and in the fourth term led his year in responses. At the end of his second year he went to Edinburgh University for a year in Arts and Classics. He then spent a year in London, with the famous tutor Walter Wren, after which he returned home. He took his Bachelor of Arts degree in Windsor in 1874, Bachelor of Civil Law in 1876 and Doctor of Civil Law in 1897, all in due course. Judge Warburton began the study of law with the late Sir Louis H. Davies, subsequently Chief Justice of the Supreme Court of Canada. He also studied during his attorney's year with M. C. Baugh Allan, of the Inner Temple, London, a noted special pleader.

He was admitted to the Prince Edward Island Bar on July 6th, 1878, and began the practice of his profession in Charlottetown, at first alone, but later in partnership with the late Francis Conroy. Afterwards he was associated with the late C. R. Smallwood, later with the late Hon. D. A. McKinnon, ex-Lieutenant Governor and subsequently with Mr. D. Edgar Shaw.

Political Career

Judge Warburton when a young man began to take an interest and active part in political matters, and upon his return from his studies in London, was appointed Secretary of the Liberal Association for Queen's County. In 1890 he ran his first election, being a provincial candidate for the First District of Queens. In this election he was defeated, but was returned in the following year, at a bye-election for the same district. In the general elections of 1893 and 1897, he was re-elected and in the latter year, on the resignation of the late Hon. Fred Peters, he was called upon to form a government, which he did, becoming Premier of the Province. In 1898, he was appointed Judge of the County Court of King's County, which position he held until October, 1904. In the latter year at the urgent request of leading Liberals of Queen's County, he resigned in order to contest that constituency at the Federal election which was held on November 3rd, 1904, and in which he and his colleague, the late Mr. L. E. Prowse, were defeated. In 1908 he was again a candidate for the county with Mr. Prowse, both being elected. In 1911, they were again defeated at the Federal election. He ran again in 1917 with Hon. John E. Sinclair as colleague, and was defeated. Mr. Sinclair being elected. On July 10, 1920 he was elected Judge of Probate as successor to the late Judge Aeneas MacDonald, and held that position at the time of his death.

At Ottawa

While a member of the House of Commons, the late Judge Warburton was Chairman of the Committee of Public Accounts for several terms. He was a delegate of the conference in connection with the representation of the Maritime Provinces in Parliament held in St. John in 1910. In June 1911 he was Chairman of representatives of the House of Commons at the coronation of King George and Queen Mary and was presented to Their Majesties at Buckingham Palace.

Judge Warburton took a prominent part also in the educational activities of the province. He was at one time a member of the School Board of Charlottetown, and was a frequent contributor to the press on educational topics.

He was for a number of years secretary of the Prince Edward Island Exhibition Association and a vice-president of the Dominion Forestry Association.

As a citizen of Charlottetown, he was ever active in promoting its interests, and in 1884 in conjunction with the late Mr. Justice Fitzgerald inaugurated the movement for tree

planting, improving the appearance of the Island's capital. This movement was carried to a successful issue. The trees now adorning Queen Square and Richmond Square were planted, the gardens in the former were laid out, and in the whole city over eight hundred trees were planted.

The deceased was a prominent member and office bearer of St. Paul's Anglican Church, Charlottetown, and for many years a delegate to the various Synods. He was a former governor of King's College, Windsor, N. S.

Ripe Scholarship

Noted as a frequent contributor to newspapers and leading periodicals at home and abroad on various subjects, the late Judge Warburton especially distinguished himself as an historian of his native Province, his latest work being a comprehensive history of Prince Edward Island from its discovery in 1534 until the departure of Governor Ready in 1831. Had his health permitted, no doubt he would have continued his history up to a later period, but as it is, it is a very valuable addition to Canadian literature.

Judge Warburton was twice married, first to Helen Davies, daughter of the late Hon. Daniel Davis, and five years after her death to Isabelle C. Longworth, daughter of the late Hon. J. Longworth, who is left to mourn together with three daughters, Mrs. J. Holroyd in Waterton Park, Alberta, Mrs. Bates wife of Rev. A. F. Bates of Fredericton, N. B., and Miss Olga Warburton, Assistant Superintendent of Faulkner Hospital, Jamaica, Plains, Mass.

One brother, Dr. George Warburton of Victoria, B. C. one sister, Mrs. R. B. Stewart of Strathgartney, P. E. I., also survive.

The following brothers and sisters predeceased him: Mrs. John Clark, of Alberton, Richard Warburton who met his death on the Mississippi River, Col. William Warburton, M.D., acting Surgeon General in India and Superintendent of the Royal Infirmary in Edinburgh, Scotland, and Dr. James Warburton, former Mayor of Charlottetown.

To the bereaved relatives The Guardian extends its deepest sympathy.

ROLAND HERON

Continued from page 1

He services. "I feel sure," said His Lordship, "that wherever his name is known there can be nothing but feelings of regret, and words of praise for his splendid public record."

Mr. Justice Hazard, recollected a task in which he and the late Judge Warburton had collaborated—namely the publication of two volumes of the reports of the Supreme Court. They are today the only records that we have of his contributions to the legal and judicial history of Judge Warburton, he said, had always been among the foremost in literary, historical and judicial research in this province.

His loss today is a great one; but like many more of us he had nearly arrived at the allotted time, and while he has discharged his duties faithfully, he has been a sufferer from illness for some years.

Mr. Justice Arsenault, could only re-echo every word that had been said by his colleagues of the bench and bar.

The first case called was that of the King vs. Roland Heron for shop breaking and larceny. It was heard before Mr. Justice Hazard, and the following jury:

- George Wheatley, foreman
James Andrews
John McKenzie
Nelson Gamster
James Stewart
Edward Williams
George H. Boyle
Leon Peters
Louis L. McMahon
William McPhee
William McKinley.

The prisoner, who in his arraignment had pleaded "not guilty" is represented by Mr. A. A. MacLean, K.C.

The Crown was represented by Mr. A. C. Saunders, K.C., Attorney General, and Mr. Clave Campbell.

Mr. Saunders gave the preliminary address to the jury, discussing the circumstances of the case which have already been published.

Street, told how, on the evening of December 8th, last, which was a Saturday, he had left his warehouse at 6.30 p. m. He found that the lock was sprung shut and, as he had left his keys at home he tied the door up with a rope. At about 8.30 he returned to his warehouse, driving his car up close to the door. The lights of the car showed the rope that he had fastened the door with was uncut. He attempted to open the door, but it wouldn't open very far. Witness then looked behind it and saw a man there. He asked the man what he was doing there, but received no reply. They grappled. Witness tripped the man in front of the car lights, saw who he was, and was able positively to identify him as Roland Heron, the prisoner in the dock. Witness then described how the prisoner was dressed. Clothing was produced, and he stated it was similar to that worn by the culprit on the night of the occurrence. Witness then called the police station, and Sgt. Allan MacInnis came. On examining the warehouse, it was found that chickens and fowl had been taken from two of the barrels. He was then able to identify the man captured a little later by Officer Biggar as the one he had found in his warehouse.

Sergeant MacInnis (examined by Mr. Campbell) told of having answered a phone call on the evening of Dec. 8th, about 8.40. He went to Jenkins' warehouse on Grafton St., and told of seeing two barrels of chickens and fowl not full. After further examination and search, made in conjunction with the Chief of Police and Officers Higgins and Biggar, he returned to Jenkins' warehouse, by way of the Grafton Street gangway (there was also one leading out onto Kent Street, so that by the two gangways a team could be taken right through from Grafton to Kent). Witness, in going through the alleyway to Kent Street, saw a man coming in off Kent Street. When 20 ft. distant he threw something off his right shoulder, which witness took to be his coat. He still came forward towards witness, who spoke to him. He was the prisoner, Roland Heron. Witness asked him what he was doing there, the man replied he had come to ease himself. Witness picked up the object the man had let fall and found it was a bag containing three fowl. (Bag containing fowl was produced and identified, and the fowl were also identified). When he had picked up the bag, he called to the prisoner, saying "Roland, you had better come with me." But Heron kept on going towards Grafton Street, and did not come.

This closed the case for the Crown. Mr. A. A. MacLean opened the case for the defence. He contended that there was no evidence to show that Heron had broken into the building or stolen the fowl. He was merely found inside the warehouse.

The first evidence on behalf of the defence was Robert F. Acorn, who testified that he had been overseas with the prisoner, in the same Battalion. Mr. MacLean asked witness as to prisoner's reputation and character in the army. Mr. Saunders objected and His Lordship overruled the question.

Roland Heron, the accused, next testified on his own behalf. He was 29 years of age, married with a family of three. He had enlisted at the age of 16, and was overseas for more than two years. He had been wounded twice in the head and once in the side with shrapnel; also he had been gassed. This, he deposed, had affected his lungs. Moreover, the wounds in his head had affected his memory. He had no very clear memory of the night of December 8th—except that he woke up in the police station. He had no recollection of being in Mr. Jenkins' place, nor of taking any fowl. He did not remember meeting Sergeant MacInnis. Previous to that he had been drinking for about a week. Drink, he said, caused him to lose all recollection. He did not remember seeing Officer Biggar that night. Officer Jay was the first one he saw when he awoke in the police station.

Cross examined by Mr. Saunders, the witness stated that he remembered having his tea at about 5 o'clock at home that evening. He had been drinking that day—in fact he had been on one continuous drunk ever since Monday. He slept home Monday night—in fact, every night that week. Asked as to how much drink he took he did not say very definitely. He said he did not buy it; there was always lots around. The drinks were given him by strangers.

Witness did not remember having any chicken, nor dropping a bag from his shoulder. If he had chicken, he did not remember where he got it. Nor did he remember Mr. Jenkins knocking him down, or being chased and arrested by Police Officer Biggar.

He did not remember being down to his sister's house that evening, nor leaving any poultry there. In short, he remembered nothing at all about it. It was possible he might have been there, but he had no recollection at all of it.

He admitted that he had been convicted eight years ago of theft (for stealing a suit of clothes) of being convicted three times under the prohibition act, and of being convicted of drunkenness once or twice.

Re-examined by Mr. MacLean, witness said that he had made "a little home brew" which was why he was convicted of breaches of the prohibition act.

Mr. MacLean then addressed the jury on behalf of the defence. He contended that in order to fasten a crime on anyone it must be proved that there was an intention to commit it. If he was so drunk as to be unable to form an intent, there is no crime. Whether or no he was so drunk as to be unable to form an intent, the law lays down, is to be decided by the jury.

He claimed that all the actions of the accused on the night of the alleged robbery—his returning to the place when he must have known, in his sane senses, that there were policemen about—show that he was not accountable in his actions. As to convictions for home brew—well, if every man who made home brew was convicted, the jails would all be filled. Those who get sent to jail for this are not wealthy men. Watch the papers and you will see that it is men such as this—men of the laboring class—who are sent to jail for making home brew. This man went over to France and was gassed. He never should have taken a drink, but he did so and lost his senses, and he is not accountable.

Counsel once more emphasized that the evidence had been brought forward to show that he had broken into the warehouse, or that he had taken anything. Mr. MacLean strongly impressed on the jury that in order to constitute a crime there must be intention. He read an extract from Lord Birkenhead on this point. He contended that the accused was drunk at the time, and hence incapable of forming an intent.

The Attorney General, addressing the jury for the crown, first took issue with the contention of the defence that drunkenness was a defence against crime. He referred to this as a childish defence. If this were allowed, it would be a very simple thing for any man who had committed a crime to get off by saying he was drunk at the time, and had no recollection of it.

He then reviewed the evidence in the case, claiming that it showed that, at the time of the occurrence, Heron was well aware of what he was doing, and that he had been caught red handed. Mr. Jenkins told Officer Biggar, when they first saw the man, just before Biggar gave chase: "There's the man I had the tussle with."

His Lordship, Mr. Justice Hazard in his charge to the jury, said there were two plain facts in the case. First, some fowl had been removed from Mr. Jenkins' warehouse. Second, there was the question of what had become of them. His Lordship reviewed some of the evidence of Mr. Jenkins in the case. This gentleman was able to identify the man, so there is not a reasonable doubt that Heron was the person who was concealed in the warehouse.

Then Mr. Jenkins discovered that his poultry were missing. (He called up the police, and the man, Heron was apprehended, having first thrown a bag of chickens from his shoulder. These chickens in His Lordship's opinion, were some of those taken from Mr. Jenkins' stock.

As to the man's own evidence, he doesn't deny the theft, all he can say is that he doesn't remember. If this were to be accepted as good excuse in every criminal trial, justice would become very difficult to administer.

There is no doubt that he was to a certain extent the worse for liquor. The question is, is drunkenness a defence? Drunkenness, in its ordinary sense is not a defence; but if a man were absolutely imbecile, or crazy with drink, it might avail him as a defence.

But if a man is simply intoxicated, and goes into a warehouse, and steals property and then could get off with it, it would be a very sorry state of things for the country.

His Lordship then proceeded to quote from the law on the subject, which showed that only insanity produced by drunkenness could avail. In this case, however, there was no question of insanity. Drunkenness, falling short of insanity does not rebut the presumption that the man intended the natural consequence of his acts. In this case there was no evidence before the court to show that there was any such intoxication as could render valid a defence of this kind.

His Lordship stated that it appeared to him so conclusive that the accused was the man who committed the crime that it was open to no possible doubt.

In leaving the case with the jury he said that the time had come when the law in this country had to be vindicated. In this case an attempt is made to get sympathy for him because his being at the front.

After having been out one hour and ten minutes they returned, with a verdict of "Guilty, with a recommendation to mercy."

WANTON SWAY OF AXE

Disappearance of Our Forests Involves Serious Danger to Prosperity

Our forests are disappearing at a rate that involves most serious danger to the future prosperity of our country. Little or nothing that counts is being done about it.

Out of 822,000,000 acres of virgin forest only about one-eighth remains. The rest is being cut and burned with terrible speed. And there is sufficient supply of the kinds of timber we use to take the place of what we have destroyed.

Major George P. Ahern, who established the Philippine Forest Service, organized the protection and utilization of forty million acres of public timberlands, and thereby laid the basis for a perpetual succession of timber crops, earned cash enough to pay all expense of administration, all the expenses of the Philippine Forest School and four million dollars to boot for the public treasury.

This outstanding success in forest conservation in the Philippines was built on Government control of lumbering. It is safe from devastation.

Forest fires are steadily growing worse in America, and fire prevention is absolutely indispensable. But the axe carelessly used is the mother of forest fires. The axe and not fire is our greatest danger. Until the axe is controlled there can be no solution of the fire problem, or the problem of forest devastation.

Over one-fifth of our ultimate possible timber-growing area, we have the axe. These forests are safe, they are well handled, and they will produce larger and larger crops of timber as time goes on. Over the other four-fifths of our forest land the axe holds unregulated sway.

Either we must control the axe on these privately-owned lands, or the

THE MARKETS

OTTAWA, Jan. 14 (—) Eggs prices appear to have touched the bottom over the week end and a somewhat steadier tone is reported today.

TORONTO—The local situation is unchanged being a little more steady. Dealers are quoting country shipper's for ungraded eggs delivered cases returned, extras 38 to 40c; defence, 32 to 35c; second 27 to 30c.

MONTREAL—This egg market is quiet today. British Columbia eggs are now selling on spot at extras 39 to 40c; firsts 34 to 37c; pullet extras 32 to 35c. Ontario eggs are selling at extras 39c; firsts 35c; second 28 to 30c.

WINNIPEG—Egg receipts here continued heavy and there has been a further decline in prices to country shippers which are now extras 38 to 40c; firsts 35 to 37c; second 27 to 29c.

EDMONTON—Egg receipts at this point have been extremely heavy and no export was shipped to Montreal during the week. At the present time dealers are quoting country shippers' 32 to 33c; firsts 29 to 30c; second 25 to 26c.

MONTREAL, Jan. 14—The export trade in Canadian grain here today was decidedly heavy and a feature of the day was the fact that foreign buyers failed to re-spond to the prices, asked by local exporters. A feature of the domestic cash grain trade was the stronger feeling that developed in American made to get sympathy for him because his being at the front.

Other lines were firmly maintained. The local market was quiet, American No. 4 yellow corn sold at 1.11, cold sweet corn at \$1.09 per bushel ex-store. Montreal and Manitoba feed barley at 78c.

The flour market was without any special feature to note, prices for spring and winter wheat grades being well maintained under a fair demand. The demand from local and United States buyers for all lines of millfeed was good and prices were unchanged. A good trade was done in standard grades of rolled oats at firm prices. The trade in all grades of eggs was only fair and the under-lying to the market continued easy.

Receipts were 805 cases. An active business was done in potatoes and the tone of the market was firm. Prince Edward Island whites sold at 85c and green mountains at 90c per 90 lbs. in bags, while New Brunswick green mountains were offered at 65c per 90 lbs. in bulk. Owing to the scarcity of supplies and the good demand a stronger feeling developed in the Canadian beef market, and values were advanced ten cents per bushel to \$5.50. There was no change in the butter situation, prices being generally steady, but the volume of business was small. Receipts were 20,285 packages. Extreme dullness marked the cheese trade but values were firm. Receipts were 29 boxes.

WINTER FLYING IN CANADA

The handicaps of winter flying in Canada have now been largely overcome. Year-round operations are increasing, greatly to the benefit of the operating companies which can now keep their aircraft in constant work.

Forests that are left will follow the road of those that are gone already.

PROTECT YOUR CHILDREN FROM "FLU" GRIPPE

A Warning to Parents! Flu germs are everywhere to-day. They reach the system through the nose and throat. Mothers can protect their children in a very simple way. Take a saucer of water, place it on a lamp or stove. Add a half teaspoonful of Catarrhose to a pint of water, which is brought to a boil. Let the steam from the kettle fill the room so that the medicated air is breathed by the child. This germ-killing vapor destroys the child's breathing organs and kills the "Flu" germ. Catarrhose Vapor stops cold, prevents Grippe, relieves Sore Throat, prevents Flu, Croup and whooping cough. Just as good for adults as for children. If you keep the air in your home pure and well protected from dangerous Flu, Grippe, Croup, and Colds, all diseases will disappear in 50c bottles.