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THE CHARLOTTETOWN GUARDIAN

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CHARLOTTETOWN, CANADA WEDNESDAY, JUNE 27, 1923

By Mail, Canada and U. S. A. \$4.50 Annual Subscriptions Delivered \$5

THE DRURY GOVERNMENT WILL RESIGN THIS WEEK

Hon. Howard Ferguson's Cabinet Already Practically Agreed Upon. Conservatives Will Have 77 Members in New House, a Substantial Majority Over all Parties. Liberal Leader Hay, Mr. Drury and Five U. F. Ministers Defeated.

(Canadian Press)
TORONTO, June 26.—The latest check-up returns from Ontario Provincial Elections with only the riding of Lincoln to hear from shows that Conservatives have a total representation of 77.
Liberals—15.
United Farmers—13.
Labor—4.
Independent—1.
The Conservatives made a total gain of 54 seats taking 31 from the Liberals, 8 from Labor and 1 from Independents.
(Canadian Press)
TORONTO, June 26.—Hon. E. C. Drury will be expected to place the resignation of himself and his Cabinet in the hands of the Lieutenant Governor this week as a result of the decisive defeat of the United Farmers, Labor Government in the Provincial elections yesterday.
Mr. Drury and his colleagues in the Government many of whom were defeated in their own constituencies are returning to the Provincial Capital today for final Cabinet meetings to wind up their administrations.
Hon. Howard Ferguson Conservative leader was in the city today and met a number of leading Conservatives. He is said to have stated that the composition of his Cabinet is almost completely settled upon.
Hon. Thomas Crawford, a former speaker of the House who is a member of one of the Toronto divisions, will probably have that honor again.
TORONTO, June 26.—Premier

British Labor Refuses Union With Communists

(Canadian Press)
LONDON, June 26.—An emphatic vote against the affiliation of the Labor Party with the Communists was cast by the Labor Party at its twenty third annual conference here today. The vote for affiliation was 366,000 and against 2,880,000.

Dr. Banting To Be Recognized By Parliament

(Canadian Press)
OTTAWA, June 26.—The Premier intends to move a resolution in the House of Commons to provide for recognition by Parliament for the work of Dr. F. G. Banting Toronto in the discovering of insulin as a treatment for diabetes.
"It is expedient," said the Premier "that Parliament should give such expression of the nation's gratitude to one who has rendered such distinguished service to science and humanity and that such recognition should take the form of a vote of an annuity sufficient to permit Dr. Banting to devote his entire life to medical research."

Federal Bye-Election In C. B. July 31

(Canadian Press)
OTTAWA, Ont., June 26.—Writs were issued for a Federal bye election in North Cape Breton and Victoria to fill the vacancy created by the appointment of Hon. D. D. McKenzie to the Supreme Court Bench. Nominations will be made on July 17th and voting on July 31st.

Delorme's Trial Still In Progress

(Canadian Press)
MONTREAL, June 26.—Draped around a dressmaker's dummy the blood stained garments of Raoul Delorme the slain college student were exhibited to the jury when Father Delorme was recalled today for continuance of the charge of having murdered his half brother.
Dr. W. J. Derome, Provincial Autopsist was the star witness at today's hearing.
Giving a minute description of the frozen body of the slain youth examined by him on the morning following the tragedy he said that while the body was chilled through when found it was not frozen stiff which indicated that the body had not lain exposed many hours. This fact was pointed out by the defence as an alibi for the prisoner whose movements were established after two o'clock on the morning of the murder. The body had been brought to the autopsist at nine in the morning. It had on the neck and face eight bullet wounds, seven on one side and one on the other, all appearing to have been fired at close range. Both wrists bore skin abrasions indicating that a struggle had occurred. The conditions of the stomach indicates the boy had not eaten for at least four hours previous to his death.
The cause of Action set forth in the summons by which the suit was commenced is "For Assessment for Provincial Government Taxes." The judgment was for the Plaintiff generally, without any reference to the tax claimed for the year in respect of which it was levied, so that it was impossible to ascertain from the record the subject matter of the action or of the judgment. Afterwards, from a witness examined by the Court it was shown that the plaintiff's claim was for income tax in respect of the year 1920. This Court, therefore, ordered that the summons be amended accordingly.
At the opening of the case, the Attorney-General appeared for the respondent (plaintiff below), and Mr. Bentley, K. C., for the appellant (defendant below). Appellant's Counsel admitted that the Statute of this Province II George V., Cap. 2, was effective to remedy any defects or omissions which it purported to cover in "The Taxation Act" 1920, and he waived "all preliminary questions so that the merits alone should be considered."
The grounds upon which Appellant relied may be classified and considered in the following order:
1. That it is not competent to the Legislature of this Province to impose a tax on income, in view of the fact that the Parliament of Canada also imposes a tax on the same subject matter.
2. That it is not constitutional to impose a tax as on a previous year; it should be on the current year.
3. That the proposed tax upon income is not "direct taxation within the Province" within the meaning of Sub-Section 2 of Section 92 of the British North America Act. That Section 4 of "The Taxation Act" is too broad, as it

THREE TRUE BILLS FOUND BY GRAND JURY YESTERDAY

Two of the Three Boys Charged With House Breaking and Stealing Plead Guilty. The Chief Justice Comments Seriously Upon Problem of Delinquent Boys. Grand Jury Recommend Co-operation by Government with Other Provinces.

The Trinity Term of the Supreme Court opened in Charlottetown yesterday morning with His Lordship the Chief Justice and Associate Judges on the Bench. The following Grand Jurors were sworn: R. H. Jenkins, (Foreman) Charlottetown; Bradford Webster, North River; Patrick McIntyre, Mil Cove; James Eden, Charlottetown; Ernest Dunning, New London; Arthur Miller, Charlottetown; Thomas Smith, Ten Mile House; Alfred Robertson, Flat River; Neil C. Matheson, Oyster Bed Bridge; H. J. Phillips, Charlottetown; Leslie J. MacMillan, Elton; William McDougall, Hart River; Arthur A. Alley, Charlottetown; Russell C. Clark, Mt. Stewart; Leonard C. McKay, Charlottetown; Joseph K. Stanley, Charlottetown; Frederick Jenkins, Vernon River; Homer Pethick, Cornwall; Angus McRae, Wheatley River; Roland C. Buntain, South Rustico; Percy W. Turner, Charlottetown; Malcolm F. Riley, Belle River.
After the Grand Jury has been sworn in and received the charge from His Lordship they returned shortly afterwards with true bills for house breaking and larceny against Edward McInnis Weston of Constable and John McInnis. Later the prisoners were arraigned. Edward McInnis and Constable pleaded guilty. The trial of John McInnis will open next Tuesday.
The bills of indictment against the prisoners who are all minors, contains two separate charges, one for entering on or about April 5th the dwelling of Dora B. Williams and stealing a number of articles to the value of \$100 or upwards, and again, on or about April 16th, for entering the dwelling of Alex. Horne and stealing articles to the value of \$500 or upwards. These were the only criminal cases.

Important Jury Charge.

In charging the Grand Jury His Lordship reviewed briefly the bills of indictment and went on to speak of the need of looking after delinquent boys. He said:
"I think that this is a very proper place for remarking upon the prevalence of crimes of this nature by boys and young men. We seem to be raising a continual crop of youths from which are coming a number who take to the ways of crime and something will have to be done to stop it. There is not in this city of Charlottetown that security for property to which every citizen is entitled as of right and there must be a remedy devised by which the number of cases of house breaking and larceny, and of petty thieving, apart from house breaking, shall be brought to an end.
"Now, we have a Police Force in Charlottetown and on that force there are a number of very capable men, and I am not going to find fault with the way in which their duty has been discharged. But I will say this, and it gives point to what I have to say to you, Mr. Foreman, happen to be the Mayor of the City of Charlottetown and in that way have in your hands executive influence to carry out the improvements that might be considered necessary in the interest of law and order. We have here practically no criminal class. We have as good a foundation population in this city of Charlottetown as you would probably find anywhere else, but we have also a large number of boys who are idle, who have no occupation, who do not attend school, who are forming little "gangs", and however free from hereditary taint of vice boys may be who are spending their time in idleness, you have a constant source of danger.
"When they come into this court it has been the practice to consider special cases and allow some of them that seem to have been suspended sentence to go out on that what is regarded as "giving another chance," while it has operated successfully wherever the boy is handed over to the charge of competent people, has also operated to encourage a great many of the other idle and delinquent boys with the hope that even if they are detected, their punishment would be very light. And the Court will have to very gravely consider whether the extension of that consideration that has not been given to a few offenders is not doing more harm than good.
"My experience has been that in a number of cases where the boy is handed over to safe guidance, the result as a rule has been very satisfactory indeed in those particular cases, but on the other hand every time we take that course we are simply encouraging others in the hope that even if they are convicted their punishment will be little or nothing.

Truants and Idlers.

"We have a Truant Officer who would be very glad to furnish you with a list of delinquent boys from school. In every town and city the idle boy is on the evil road. You will not look for an offender among the ones who are attending to their duties, either at school or at work. They are not the ones who take to thieving and house breaking. It is the idle boys and habits; the must get money to satisfy those habits and if they do not earn it then they steal it.
"By a proper supervision of the Police, by a conference with the Societies here who have taken upon themselves the care, so far as they can, of neglected children—with their assistance, and with the assistance of the different Church organizations, it should be possible to keep a check upon those boys who are on the town ward road and to save many of them from ever coming into this Court.
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Grand Jury's Report.

At 5:20 p. m. the Grand Jury returned with the following report.
Continued on Page 3

Nurses Graduation At Falconwood Was Held Last Evening

The graduation exercises of Falconwood Hospital were held very successfully last night and were largely attended. Dr. Goodwill, Medical Superintendent presided and opened the meeting with a few introductory remarks. The programme was as follows: Selections by Dixon's Orchestra; solo, Mr. A. Bruce; duet, Miss Arsenault and Mr. Blanchard; recitation, Miss Keir; solo, Miss Rafuse; orchestra; reading, Mr. D. E. Shaw solo, Mr. Farnell of St. John's; Orchestra; solo, Miss Arsenault; presentation of diplomas by His Honor the Lieutenant Governor; address to graduates, Dr. C. K. Clark of Toronto, presentation of bouquets by Mrs. Clark.
This programme was followed by short addresses by Hon. G. E. Hughes, Dr. McGulgan, Dr. Johnson Mr. E. T. Higgs, M. L. A. and Dr. McMillan.
Mrs. Clark, who presented the bouquets, is the first Canadian graduate of mental nursing.
Dr. C. K. Clark, who is a prominent specialist in mental and medical hygiene, returned recently from London, Eng. where he gave an address. He is on his first visit to the province and is remaining a few days a guest of Dr. Goodwill.
Addressing the graduates Dr. Clark spoke of the need of studying mental defective cases and how they were treated early so as to prevent the increase of insanity.
The graduating nurses are: Mrs. Reta Gerard, Wheatley River, Miss Helen McKenzie, Pinetons, Miss Sofia Belle Clements, O'Leary.

Russian Patriarch To Be Released Pending Trial

(Canadian Press)
MOSCOW, June 26.—Supreme Court has decided to set Arch-bishop Tikhon free from custody pending his trial on a charge of resisting the Soviet authorities. It was announced today.
The release follows the receipt of a letter from Government circles. It was recently announced the former Patriarch had written from his prison cell expressing regret for his past actions and declaring his readiness to swear allegiance to the Soviet Government.

"Miss Canada" Leaves For Cleveland

(Canadian Press)
ST. JOHN, N. B., June 26.—Miss Winnifred Blair, "Miss Canada" and her mother, left for Cleveland, Ohio, this evening where she will join with "Miss America" for a series of festivals in that city.

Two Suggestions

"As I said, this sort of crime MUST BE STAMPED OUT. And there are two ways of approaching the problem, one by the exercise of the duties by parents and guardians, the other by the co-operation of our peace officers with those who have charge of their children. The officers should warn those parents whose boys are keeping bad company and that unless care is taken they will find them before long in the hands of the Law and disgraced for life. The remedy lies in the application of every moral influence that our church societies are able to bring to bear; in the active interest of parents and careful supervision by the police; and the knowledge that when they come into the Court, if they have broken the law, they will have to pay the penalty.
"If this remedy is followed, I would hope that when the next term of the Court comes around we would be free from what has been growing to be a menace of the security of the property of this city. House breaking, entering dwellings and stealing, are very serious crimes. Those who practice such deeds soon become exceedingly dangerous men. There is no boy who breaks into your house or mine, and finds that he has to choose between escape or seriously injuring or even killing the person who discovers him in the commission of his offense, is liable to commit the greater crime. Of the class found guilty of violent crimes a very large proportion indeed consists of those who are detected in the act of robbing a dwelling house."
His Lordship concluded his remarks with the usual charge in regard to the inspection of Falconwood Hospital, the Infirmary and the Queens County Jail.

Enthusiastic Meeting At Cardigan Yesterday

Messrs. John A. McDonald and Leslie Hunter Unanimously Nominated to Contest Third Kings.

There was a full representation from every poll in the Third District of Kings and a large number of other voters, including ladies, at the Liberal Conservative convention held yesterday afternoon at Cardigan the large hall being well filled. Dr. H. A. Fraser, of Montague the Convener, presided, the secretary being Mr. F. W. Mellish.
The following were unanimously nominated:
Mr. John A. McDonald, Cardigan for Council.
Mr. Leslie Hunter, farmer, of Dundas, for Assemblyman.
The nomination of the candidates was received with hearty applause.
After the business of the meeting had addressed were given by the candidates, Mr. J. D. Stewart, K. C., Mr. Jas. McIsaac, and Mr. Howard McDonald.
The following resolution was moved in an able speech by Mr. Frederick W. Mellish of Union Road, seconded by Mr. Peter McKinnon a Conservative veteran of fifty four active years experience:
Resolved: That this meeting in approval of the Liberal Conservative platform of the policy and its confidence in the leadership of Jas. D. Stewart, and its appreciation of his services in that capacity, both to the party and to the country.
We affirm and uphold the principle that pre-election pledges and promises constitute a covenant as binding in honor for their performance upon those making them as any private contract or agreement. We emphatically condemn the practice of making such promises to serve political purposes only, and without the intention of putting them into effect.
We further submit that all political questions should be referred to the people as simple questions of fact.
And in view of the foregoing we hold that the Bell administration has forfeited the confidence of the people, and should no longer be entrusted with the government of this Province.
In that it gained power by falsehood and deception and has broken faith with the people.
Their pre-election promises have not been fulfilled.
They opposed taxation and then levied increased taxes by every means in their power.
They increased both the taxes and the public debt.
They promised to reduce both the number and salaries of Government officials, instead of which they have greatly increased them. They promised a speedy adjustment of our claims at Ottawa, amounting to four million dollars, but have put forth no effort worthy of the name to redeem their pledge.
They promised assistance to agriculture by giving continuous hold to the mussel beds of the Province, both summer and winter and discontinued the only Government enterprise of the kind we possessed.
They opposed and condemned the Highway improvement scheme and then entered into the construction of roads without the consent of the people and in direct opposition to their former attitude.
They promised that liquors for medicinal purposes should be analyzed, inspected and sold at actual cost, instead of which they have trafficked in the business for profit by wholesale and retail.
They have mis-represented the financial condition of the Province as left by their predecessors in order to excuse their breach of faith.
The best interests of the country therefore demand a change in the administration of affairs; and the methods by which they are carried on.
And to this end we invite the support and co-operation of all good citizens both men and women at the forthcoming election for the overthrow of the present discredited administration and the establishment of a government based on good faith and an honest regard for the public interests.
The meeting closed with hearty cheers for the candidates and the singing of God Save the King.

Scout Parade Held Yesterday

Last evening the Boy Scouts initiated their first parade since re-organization. It must have been a surprise and delight to the parents and friends of the boys to see them make such an excellent showing. The parade of Scouts totalling over one hundred and the Cubs who marched separately, totalling about forty. The Scouts were nicely uniformed and marched with excellent drill and discipline. They paraded the principal streets and at 8 o'clock marched into the Prince Edward Theatre where they enjoyed seeing a good picture show.
On Sunday they will have a church parade to their respective churches, announcement of which will be given later.

Enjoyable Gathering In New School Room Of Methodist Church

The men of the congregation of the Methodist Church enjoyed a delightful supper and entertainment in the new addition to the Sunday School, given by the trustees and the Ladies Aid of the church. Mr. Isaac Carter presided and after the supper, to which all present did full justice, opened the programme with a few introductory remarks.
The entertainment which followed included solos by Miss Chesley, Mrs. Fletcher, Mr. R. McKie, an interesting paper on the history of the church in Charlottetown by Mr. Henry Smith, and an address of the Sunday School work by Mr. G. F. Hutcheson, a reading by Miss Seaman and short addresses by Rev. Mr. Ryan and Lieutenant Governor MacKinnon.
The chairman announced that about \$3,750 was still unpaid on the building suggested the opening of a subscription list. This was very promptly responded to and a result about half of the amount was voluntarily subscribed last night.
A hearty vote of thanks to the Ladies Aid by Col. Moore and recited by Dr. Harris was passed unanimously. The entertainment closed with the singing of God Save the King.

Announcements, Coming Events, Meetings, Etc.

**Mrs. George Noel Millford will be at home Wednesday, June 27th from 3 to 5 and 7 to 9 p. m. 2555-26-21.
**Come to the tea and Ice Cream at St. Marks Anglican Church Rustico Wednesday July 4th. Tea served from 4 to 8 Price 30 cts. 2575-26-41.
**There will be a social entertainment in the St. Georges Hall on Wednesday, July 4th. 31
**Ice Cream Social North River Hall, Wednesday evening June 27th. In aid of Mt. Herbert Orphanage. Mon, Wed.
**There will be an ice cream festival at Clinton Hall on Thursday June 28th. If not fine the following evening. 2612-27-31.

ENTHUSIASTIC MEETING AT CARDIGAN YESTERDAY

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The Weather, Etc.

TORONTO, June 27.—Maritime moderate south winds with scattered showers.
High tide this morning at 8.59 and tonight at 10.25.
Sun sets this evening at 7.55 a.m. and rises tomorrow morning at 4.7. Full moon Thursday June 28th 9.04 a.m.
Summer tide etc. 2612-27-31. minutes later than Charlottetown.



JUDGMENTS GIVEN YESTERDAY IN TWO TAX APPEAL CASES

In the Supreme Court yesterday Chief Justice Matheson delivered Mr. Justice Arsenault, the appeal judgment in the tax appeal case of Gilbert Gaudet, K. C., Appellant vs. the Provincial Treasurer, respondent, dismissing the appeal.
Judgment in the tax appeal case of Plaintiff, vs. Jas. C. Tuplin Silver Fox

Condensed Specials:

RATES.—10c per line per day. 5c per line per day for 3 days or over. 3c a line per day for 6 days or over. Court 5 words to a line. Groups of 5 figures, initial letters count as one word. 10 per cent discount for cash. Address forms part of ad. and must be paid for. Special Rates Furnished Room ad. 75c for seven words for one week. Situation wanted, for seven words. 50c per week.

*FOR SALE A WICKER BABY carriage, iron cot and organ. Apply 5 Spring St., or phone 1511. 2550-26-21

*BUNGALOW FOR SALE—AT Brighton 20 minutes walk from the city. Finest situation on P. E. I. Apply to J. D. Taylor at Taylors Bookstore. 2564-26-51.

LOST SPARE TIRE—LOST BETWEEN Charlottetown and Hunter River Ford tire rim and carrier. Finder notify Artemas Moffat, New Glasgow, Reward. 21

*THE PROPERTY OF THE LATE J. H. Gates on Longworth Ave., consisting of dwelling house, barn, and large lot of land is offered for sale. For further particulars apply to 19 Longworth Ave., Phone 254-L. 2490-23-61

WANTED—SECOND CLASS teacher for Webster's Corner School. Apply, Philip Smith, Secretary. 2597-27-21.

FOR SALE—RUBBER TIRE wagon almost as good as new, wire wheels. Apply Ira McKay, New London. 2616-27-21.

WANTED—A MAN FOR FARM work. Apply to Herbert Mason, R. R. 5, Charlottetown. 2618-27-31.

WANTED—TEACHER FOR SEA View School, Principal Supplement \$150. Assistant, Supplement \$100. Sec. of Trustees Edwin Murphy. 2617-27-41.