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**CENTRAL GUARDIAN**

This column is reserved for news of local interest but advertising of a new nature may be inserted at a cost a word strictly payable in advance.

**SCHOOL CLOSING**—The City Schools will close for the Christmas holidays at noon on Friday, December 22nd and reopen at nine o'clock on Wednesday, Jan. 3rd.

**DEATHS**

**MATHESON**—At Emerald, Dec. 13, Mrs. John Matheson, aged 64 years. Funeral notice later.

**JENKINS**—At Milville, Dec. 13, 1933, Miss Wealtha E. Jenkins, in her 79th year. Funeral from her late residence on Thursday Dec. 14, at 1:30 p. m. Interment in Vernon River Cemetery.

**Card Of Thanks**

Mrs. Harry Leard and family wish to thank their many friends for their kindness in their recent bereavement. Also those who sent flowers and messages of sympathy.

**IN MEMORIAM**

In loving memory of Aeneas J. Clarkin who died December 14th, 1931.

In silence he suffered, in patience he bore, Till God called him home to suffer no more.

Loving and just in all his ways, Upright and till the end of his days, Happy were the days we spent together, Lonely are our hearts today, For the one we loved so dearly, Has forever passed away.

Inserted by his Wife and Children.

**IN MEMORIAM**

In loving memory of my dear son, **CECIL COWAN RANKIN** Who departed this life December 14th, 1933. Gone but not forgotten. Inserted by his Father, Charles A. Rankin and Family.

**N. D. MacLean**

UNDERTAKER  
EMBLAHER  
Charlottetown and North Wilshire

**Text Of Judgment In Appeal Case Of Rayner Vs. Ritchie**

The following is the text of the judgment recently delivered in the Supreme Court of Canada, Ottawa, in the appeal case of Rayner vs. Ritchie.

**B. I. RAYNER vs. O. H. RITCHIE**

(Consent: Rinfret, Smith, Cannon, Crockett & Hughes, J.J.) Hughes J. (Concurring in by Rinfret, Smith, Cannon and Crockett, J.J.)

This action was brought by Olive H. Ritchie against Benjamin Rayner in the Supreme Court of Prince Edward Island for damages arising out of a motor vehicle accident.

The accident occurred on the 19th day of August, 1931, in the City of Charlottetown, Great George Street, in that city, runs northerly and southerly and is intersected by Kent Street, which according to the defendant's motor vehicle was waiting on the south side of Kent Street, east of Great George Street, and injured her very severely. This motor vehicle was operated by Lena Rayner, daughter of the defendant, who had neither a license for a motor vehicle nor a driver's license for herself. As to the defendant's responsibility, there was conflicting evidence. Some of the evidence was that the defendant was driving and some of the evidence was that the defendant was in his own car which was proceeding a very short distance ahead. There was also conflicting evidence as to the ownership of the car which struck the plaintiff.

The action was first tried by Mr. Justice Aresnault and a jury. The jury found for the plaintiff in the sum of \$5,000 and the learned trial judge gave judgment accordingly with costs.

From this judgment the defendant appealed to the Supreme Court in Appeal and the verdict was set aside on the ground of misdirection.

Subsequently the case was tried by Mr. Justice Aresnault without a jury and on October 12th, 1932, the learned trial judge gave judgment for the plaintiff in the sum of \$5,000 and costs.

The learned trial judge declined to find as a fact that the defendant struck the plaintiff's car which both Prince Edward Island license plates from the defendant's motor car were, with the defendant's consent, on the defendant's car which was not registered in Prince Edward Island at all and further that Lena Rayner was the agent or servant of the defendant on the day in question and at the time in question to drive the car to Charlottetown to be left by Rankine McLaine for sale by the defendant. He also found as a fact that the defendant and his daughter had an arrangement by which they were to come to Charlottetown together that morning, Lena Rayner, the daughter of the defendant, E. H. Rayner's car and the defendant's car to Rankine McLaine, she was to return with her father.

The defendant again appealed to the Supreme Court in Appeal. On the 24th day of February, 1933, the appeal was dismissed with costs. Chief Justice Matheson in his judgment said:

"I am the sole determinant of the case, I would not think it necessary to go further but would concur in the defendant's statements on that question but as the learned trial judge was not convinced by the evidence that the defendant was actually in the offending car at the time of the accident, there remains the final question to be decided."

"The evidence I think clearly points to the conclusion that this expedition to Charlottetown was organized and controlled by the defendant. The offending car with the number plates was in his custody. It was fitted out with two of his registration number plates (the only admit one). Between the two cars there appears to have been one license and two number plates, an outfit for one divided between two.

"I agree with the learned trial judge that the defendant at the time of the accident was employer for the time being of Lena Rayner, the driver of the car, and that she was acting under his control."

Mr. Justice Saunders agreed with Chief Justice Matheson that the appeal should be dismissed with costs.

From this judgment of the Supreme Court in Appeal the defendant appeals to this Court.

It was not contended before us that there was not negligence on the part of the driver.

1—That the motor vehicle which struck the plaintiff was not the property of the appellant.

2—That the appellant was not in that motor vehicle at the time of the accident.

3—That the appellant did not have custody or control of the motor vehicle at the time of the accident.

We agree with the finding of Mr. Justice Aresnault that arrangements for the sale of the motor car which struck the plaintiff were made through the appellant, and we agree with Mr. Justice Matheson that the expedition to Charlottetown was organized and controlled by the appellant.

There was ample evidence to support the finding of the learned trial judge that the defendant was sufficient to render the appellant liable.

E. H. Rayner had purchased the motor car which struck the plaintiff in Montreal for sale by a corporation known as E. H. Rayner, Limited, which carried on business at Montreal. A license was procured from the Province of Quebec for the motor car in Montreal on the 19th day of August, 1931, the car was duly registered in the Province of Quebec in the fall of that year. E. H. Rayner left the motor car in the barn of the appellant in Summerside in Prince Edward Island. In the year 1930, the car was used and it remained, according to E. H. Rayner, in the appellant's barn in Summerside. On February 1st, 1931, E. H. Rayner limited went into liquidation and E. H. Rayner entered into negotiations with the liquidator for the purchase of the car. In June 1931, E. H. Rayner went to Prince Edward Island. He detached a 1931 Prince Edward Island license plate, number 2174, from the front of the appellant's car and put it on the rear of the car which he took to Charlottetown. He took the car out of the appellant's barn and drove it in Prince Edward Island although it had not been licensed anywhere for 1930 or 1931. He said that the car was taken to Rankine McLaine's automobile salesrooms to discuss an exchange for a new car. Rankine McLaine was absent and E. H. Rayner arranged for the car to be left by Rankine McLaine for sale by the defendant. He also found as a fact that the defendant and his daughter had an arrangement by which they were to come to Charlottetown together that morning, Lena Rayner, the daughter of the defendant, E. H. Rayner's car and the defendant's car to Rankine McLaine, she was to return with her father.

**FUNERAL OBSEQUIES OF LT. GOVERNOR**

Impressive Ceremony And Service In His Native Parish Of Tignish Attended By Thousands Who Deeply Regret The Passing Of One They Loved So Well.

Despite heavy roads due to Sunday's snow-storm, there was a very large attendance at the funeral at Tignish on Tuesday of the late Lieutenant-Governor Dalton. The remains were accompanied from Charlottetown by many who had taken part in the state funeral, including Lieut. Colonel P. J. Andrew, representing His Excellency the Governor General, Hon. J. A. MacDonald, the Government of Canada, Col. J. S. Jenkins, D.S.O., the Government of New Brunswick, honorary pall bearers, Hon. W. J. P. MacMillan, Hon. G. S. Sharp, Hon. Thomas MacNutt, Hon. H. F. McPhee, Hon. A. F. Arsenault, Hon. W. W. Wood, Hon. F. R. Hearty, former Lieutenant-Governor.

There were also on board the following members of His Honor's personal staff: Lieut. Col. G. E. Pull, A.D.C., Major C. G. Thompson, M.C., A.D.C., Major W. J. MacDonald, A.D.C., Mr. Alban Farmer, Private Secretary, Mr. H. R. Stewart, Clerk of the Executive Council.

With His Excellency Bishop O'Sullivan were many clergymen from the diocese.

The Knights of Columbus sent a representation from Charlottetown and they were joined by others en route.

In the Superintendent's private car were the chief mourners, Mrs. Dalton, Dr. C. H. Dalton and Mrs. Dalton, Mr. and Mrs. Paul Murray, Mr. and Mrs. W. J. Cox, Mrs. Orsfein, Chicago, and Miss Irene Dalton.

The party was augmented at various stations, about 120 passengers being on board when the train reached Tignish at 11.50 a.m.

At the historic Church of St. Simon and St. Jude, built by the late Bishop MacCabe in 1860, Requiem Mass was celebrated by Rev. Earl Dalton, a grandnephew of the deceased, assisted by Rev. J. A. MacDonald, of Tignish, pastor of the church, as deacon, Rev. J. Gaudet, of Bloomfield, as sub-deacon and Rev. Phalen McKenna of St. Mark's, St. J., as master of ceremonies, Bishop O'Sullivan was present on the throne, assisted by Rev. Terrence Campbell of Alberton and Rev. Patrick Hogan of Charlottetown, priests from various parts of the diocese being present in the sanctuary.

The funeral sermon was preached by His Excellency Bishop O'Sullivan, who paid eloquent tribute to the deceased's benevolence and deep religious faith.

At the close of the service the body was viewed by a large concourse of people estimated at about

1,500, who were gathered in the church.

The final obsequies at the grave were performed by Rev. Father John A. McDonald. The pall bearers were J. A. Bernard, Chester McCarthy, J. A. Hackett, Captain James McGrath, John M. Ahearn and A. R. Shea.

On account of heavy snowdrifts, many persons were present at considerable difficulty and inconvenience. Rev. Father Walsh of Palmer Road walked eight miles to meet the special train and another clergyman walked six miles.

Among those who came from the western part of the province, in addition to those already named were A. E. MacLean, M.P., Health Strog, M.P.P., A. F. Arsenault, Mayor Manson of Summerside, A. J. Matheson, W. H. Dennis, M.P.P. of O'Leary, Austin Ramsay, of Canso, James Pendergast, of Kensington, and others.

The representatives of the Knights of Columbus included C. St. C. Trainor, Warden, Alban Farmer, Past Grand Knight, William Davy, Adroctie, Rodrick MacDonald, W. D. Gillis, L. B. MacMillan, James Hogan, Dr. J. A. MacPhee, Patrick Fitzsimmons, J. Leightner. The following Fourth Degree Knights acted as body guard, D. B. MacDonald, W. J. Flynn, Hon. A. F. Arsenault, A. A. Hennessy. The Knights also provided a guard of honor during the night as the body lay in the Basilica.

The clergymen in attendance included Vicar-General Rev. Dr. J. C. MacCallan, of Summerside, pastor of the Tignish church for eight years, Rev. Dr. Monaghan, Misconche, Rev. Urban Gillis, Wellington, Rev. Emmet O'Hanley, Rev. Dr. Bernard Gillis of Charlottetown, Rev. Dr. Murphy, Rev. Frank MacQuaid, Rev. Dr. Thomas Curran of St. Dunstan's University, Rev. Patrick Welsh, Palmer Road, Rev. Michael Rooney, Cardigan, Rev. Father MacCabe, Sturgeon.

A number of the visitors were hospitably entertained at the homes of Dr. J. A. Johnson and Mrs. Johnson, and Mr. and Mrs. Joseph A. Bernard and lunch was served by the ladies of the parish in the parochial hall.

Superintendent MacKinnon and Mr. Gallant of the Passenger Department of the C.N.R. were on the special train as representatives of the railway.

The following ladies from this city attended the funeral: Mrs. W. J. P. MacMillan, Mrs. G. E. Sharp, Mrs. H. F. MacPhee, Mrs. W. W. Wood, Mrs. L. B. MacMillan, Mrs. W. D. Gillis.

A. She was my daughter and I was anxious to see how she was getting along naturally.

After the appellant turned from Great George Street to Kent Street he saw the car driven by his daughter come to Kent Street and stop, and the appellant told the Chief Constable that he actually saw the accident.

The Chief Constable testified that immediately after the accident both of the appellant's Prince Edward Island markers were on the motor car which struck the plaintiff and further that the appellant stated to him that he himself had had trouble with the accelerator.

J. S. Biggar corroborated the evidence of the Chief Constable as to the markers and testified that the appellant claimed ownership of the car which struck the plaintiff and stated that he had intended to have the accelerator repaired.

Both the appellant and Lena Rayner admitted that after the accident they saw one of the appellant's markers on the rear of the car which had struck the plaintiff.

The foregoing supports the opinion of Chief Justice Matheson that the expedition to Charlottetown was organized and controlled by the appellant.

In *Sanson v. Aitchison*, 1912, A.C. 84, Lord Atkinson said:

"And if the control of the car was not abandoned, then it is a matter of indifference whether Collins, while driving the car, he styled the agent or the servant of the appellant in performing that particular act, since it is the retention of the control which the appellant would have in either case that makes him responsible for the negligence which caused the injury. It appears to their Lordships that there is abundant evidence to sustain the conclusion to which the learned judge has come on this question of fact, the retention of control by the appellant."

The appeal should be dismissed with costs.

(Concurs in the foregoing case were W. E. Bentley, E. C. For the appellant and J. C. C. Campbell for the respondent).

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Sold only in red, airtight packages.

**Who will score first goal?**  
A Coupon With Every 50c Purchase

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If your coupon bears the correct name you are in line for one of the free tickets.

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NOTE: In addition to first choice write alternative choices in order of 2nd, 3rd, 4th and 5th choices as likely first scorers. The alternative choices will be good for free tickets only if less than twenty coupons bear the name of the player to score first as first choice.

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chapel was most successful. A wealthy man financed the erection of the first barracks of the East London Mission, later the Christian Mission.

The year 1878 was the birth year of the Salvation Army. The body was organized in much the same manner as an army. The movement was bitterly opposed by the liquor interests, and every means was used to break up the meetings. Public sentiment grew against the Army, but Booth and his wife never wavered. In 1880 Mrs. Booth died, and the General was left without the helpmate in whom he had placed so much dependence in collaboration with Stead he attempted to abolish patriotism in England. The objective was not attained but the social work of the Salvation Army was initiated. His wide travels he established his Army in many countries. He received an audience with King Edward VII, and the General was named a knight in property, the King of Japan, the President of the United States in his Army uniform. Everywhere General Booth received high honours.

He died in 1915 as a result of an operation in his eyes.

Today the Salvation Army carries on work in between seventy and eighty countries of the world. The activities will be continuing after the Christmas holidays. The poor and the work at White-

**LECTURE ON SALVATION ARMY FOUNDER**

General Wm. Booth was the subject of the lecture given by Rev. Dr. H. Moorhead Legg last evening.

General Booth was born in 1829 in Nottingham, England, and was assisted by a wealthy publisher he began a mission in his east end of London, and there preached the gospel to many who had never before heard the message. He also did a great work of charity among the poor and the work at White-