

Prince Edward TO-DAY MAT. & NIGHT

MAE EDWARDS PLAYERS

All New Plays

7 BIG ACTS 7 VAUDEVILLE

NOVELTY ORCHESTRA

Change Program EACH DAY

Program Today "IT WON'T BE LONG NOW"
Fast Moving Comedy

Tomorrow Night "Her Father's Sin"

Mat. Today-Sat. 2.30 16c. 37c.
Night at 8.15 - 37c. 52c. 86c.

Seats Now Selling

CAPITOL "THE FLIGHT COMMANDER" TO-DAY Also "COLLEGIANS" No. 4

CAPITOL TOMORROW

THE GIRE-SILY COWBOY

REX BELL

swift movement, action and surprises. Rex Bell rides and fights his way through a thrilling western story with a youthful cast of players.

Also "VANISHING RIDER" And "OUR GANG" Comedy

STRAND TO-DAY AND THURS.

MIGHTIEST OF ALL SCREEN SPECTACLES AT POPULAR PRICES.

BEN HUR

THE LURE OF ORIENTAL LOVE IN ANTIOCH

THE INSPIRED LOVE OF THE PRINCE OF HUR FOR THE GENTLE LOVELY ESTHER

With ORCHESTRA

MATINEE 3.00 - 16c. 26c
NIGHT 7 & 8.45 - 16c. 37c.

STRAND WILLIAM HAINES IN "ALIAS JIMMIE VALENTINE"

FRI-SAT. with Karl Dane and Lionel Barrymore

True Bill
Continued from page 1

some work before them, too. There were in all 22 bills of indictment including ten for larceny; two for house-breaking; one for murder, involving two persons; three for arson; one for bigamy; two for cruelty to horses and three for forgery. On these indictments they found true bills in nineteen cases, and when these came down for trial there were fourteen convictions. The two persons accused of murder were found not guilty. The total sentences imposed for these crimes were, for penitentiary forty-six years, and for jail four years and three weeks, making a total of a little over fifty years.

Since then the record of crime has on the whole been falling until it has reached the mark which you see today.

There is another record not so favorable. That is the number of prisoners in the Queen's County Jail. At present there are confined in that jail thirty-two persons: for prohibition twenty; drunk three; vagrancy five; theft three; attempted rape one. His Lordship felt that such a large population in the jail might well be the subject of special study and recommendation on the part of the Grand Jury. Any recommendations they might see fit to make would be gratefully received.

His Lordship put them on their guard against two unfair sorts of criticism, the first being that, if the jails were full, it indicated a great prevalence of crime, and the second, that if they were empty, it indicated slackness in the administration of justice. He reminded them of their duties in regard to the appointment of county constables and fence viewers, emphasizing the importance of the choice of suitable persons for these offices.

A thorough examination of the Falconwood Asylum and the Provincial Infirmary, was part of their duties. There were people who had relatives and friends who were inmates of Falconwood Asylum and they were much reassured by the Grand Jury's reports handed in twice a year. He directed them to go there with no pre-conceived opinion. They must not go there, inspecting everything was all right; inspections conducted with such pre-conceived ideas in mind are of little or no value.

The infirmary should be inspected in the same thorough manner. He felt, in this connection that they should give consideration to the long and faithful service given by Mr. Bonnell. He, in the Asylum and his wife in the infirmary, had served the province for a very long time, and he felt it his duty without further comment, to bring it to their attention. He felt sure that any recommendations they might wish to make in this matter would have the full attention of the Provincial Government.

Montague Curling Club Meeting

SPONTANEOUS REVIVAL OF INTEREST AND ENTHUSIASM CREATES A PROMISING OUTLOOK FOR THE COMING SEASON AND IS MOST ENCOURAGING TO LOVERS OF THIS WINTER SPORT.

A very large majority of the members were in attendance at the yearly meeting and the usual amount of business incidental to the occasion was disposed of satisfactorily.

The president, Mr. J. M. McLean, occupied the chair and conducted matters in his well known capable and affable manner. The secretary presented the financial statement, covering the past season's operations, the same was approved of unanimously. The question of membership fees was dealt with and suitably settled. A discussion then took place relative to certain improvements that might tend to procure a better ice surface. The election of officers for the coming year was then proceeded with and resulted as follows:—President—L. M. McKinnon; First Vice President—A. C. McKay; Second Vice President—R. W. Stewart; Secretary—Treasurer—J. A. McIntyre.

The newly elected president then took the chair and the appointment of committees and the consideration of new applicants were respectively decided.

When business was finally concluded the meeting assumed a more social aspect, much favorable comment was heard regarding the club room which had been completely renovated. A hearty vote of thanks was tendered Mr. J. A. McIntyre, the director of all the work for his successful efforts in providing such a cheery comfortable quarters for the club members. A pleasant hour was then whiffed away at cards which gave place to the serving of lunch very thoughtfully arranged for by the entertainment committee and which was much appreciated by all.

The meeting then adjourned with optimistic anticipations of an enjoyable season for members of the Montague Curling Club.

At Rotary

The monthly meeting of the Rotary Club was held Monday, Rotarian J. J. Hornby in the chair.

The minutes of the weekly meetings were read by acting secretary James Harris. There was one guest, Mr. R. D. Bennett of Campbellton, N. B. It was decided to erect the obelisk in its usual position on the west side of Government Road.

Owing to the absence of the president and vice-president, certain business had to be postponed.

Dr. W. J. MacMillan was then called upon for some comment on Dr. Creelman's paper which was given at the last meeting of the club. The doctor delivered an extemporaneous address on public health matters, stating that although a considerable advance had been made during the past ten years, the island is still far behind the other provinces so far as public health activities are concerned. He spoke on the work which is being done by the Red Cross Society in regard to inspection of school children, and along other lines. He said there have been four or five deaths from diphtheria within a short time, and if children are allowed to have enlarged tonsils, they are very susceptible to mild attacks of diphtheria with fatal results. There are no cases of that disease which antitoxin will not cure if applied in time.

He then spoke on the need of a sanatorium in this province. "Let the government build it," he said, "and if necessary borrow the money. I will support such a measure no matter what government introduced it. Of course, any government before committing itself to a large expenditure must feel that they are backed by the people generally, and the Women's Institute is doing good work in order to create public opinion in favor of a sanatorium."

He referred to the gift of a public-spirited citizen (Hon. George E. Hughes) who had offered a certain lot of land for a site. That site is just as good as anywhere. He thought it was a mistake to place the Dalton sanatorium in an inaccessible place. It is now almost impossible to get patients in sanatoriums in Nova Scotia and New Brunswick, as these institutions are now over-loaded. Moreover, the island has been dependent long enough on their generosity and it is time to do something for itself. A building containing from 20 to 25 beds would be sufficient to start with although the whole scheme eventually would involve a 100 bed institution. "The first cases would naturally have to be selected, and these would be cases with a chance of recovery. He was glad to support Dr. Creelman who was energetic and progressive and full of his subject. "What is the use," said Dr. MacMillan "of bringing immigrants to this province if we allow our own people to die from tuberculosis. While it is all right to spend millions for good roads conserving the public health is far more important."

Presentation To Mr. Henry Smith

At the close of the evening service in Trinity United Church Sunday a very pleasant function took place. Rev. Mr. Johnson called Mr. John F. Whear to the pulpit, and the latter, on behalf of the congregation, referred to the fact that Mr. and Mrs. Henry Smith were leaving on an extended visit to the Pacific Coast and therefore it was considered an opportune occasion to express the high regard in which they were held personally, and the deep appreciation of their interest in the upbuilding and welfare of the church and congregation.

Mr. Whear then read an address which was followed by the singing of "Blest be the tie that binds." To Henry Smith, Esq.

Respected Sir:—

On the eve of your departure to spend the winter on the Pacific Coast, we, on behalf of Trinity United Church of Charlottetown, Prince Edward Island, desire to express our deep sense of regret owing to the vacancy your absence will create in our congregation.

It may be sincerely and truthfully said that you were cradled in the Methodist Church, and spent a lifetime of Christian endeavor in its service. In the Sabbath School you were one of the leaders, especially in the work of the Bible Class. The fact that you were Recording Steward for thirty five years of the Methodist congregation, the duties of which responsible position you so faithfully discharged until Church Union was consummated in the year 1925, the richly merited tributes recently paid to you from the Bench and Bar of this province, strikingly evidence the high regard in which you are held by all classes in this community. Each in church and state you have performed your duty with exceptional ability and sincerity.

In the various activities of the church and of the community, you have taken an active and an outstanding place.

It is not by spasmodic effort that character is formed in the eyes of the people. It is by a man's daily walk and conversation year in and year out, and all who have had the pleasure of your acquaintance, and those who have been more intimately associated with you, appreciate that in this respect you have measured up to an enviable standard. By precept and example, you have exemplified a type of citizenship which is treasured in any community or church. During the long period of your stewardship, several of the most brilliant and eloquent preachers of the day and generation have graced the pulpit and ministered to the congregation of this church, and you venture this assertion that all, could they speak on this occasion, would gladly unite with us in bestowing upon you the "Well done, good and faithful servant."

The name of Henry Smith will be honorably inscribed on the tablets of the memories of all who have been associated with you, and who have accomplished for the Christian advancement and the material welfare of our congregation; work that will tell in the present and for the future in the distance.

In conclusion, we earnestly hope that both yourself and Mrs. Smith, after a happy visit with your son, Mr. Harry Smith, your daughter and other relatives, will return to your native land refreshed in body, and bringing home again the pleasantest recollections of your stay in the West.

On behalf of the congregation—
GEORGE J. TWEEDY,
Recording Secretary,
Official Board
G. DOUGLAS STEEL,
Clerk of Session
R. H. ROGERS,
Recording Steward.

N. S. SCHOONER ON OLD TIME TRADING CRUISE

BOSTON, Jan. 8.—The three-masted schooner, Marion L. Conrad, Captain John Correa, purchased for the purpose in Nova Scotia, is today outbound on an old-time four months trading cruise to West African ports. Items of trade include a deck of lumber, men's and women's clothing, bay rum, mixed paints, razors and 97,000 pounds of flour. These are to be exchanged for goat skins, cocoa beans, palm oil, ivory and wicker chairs. Captain Correa intends to trade among the Portuguese colonies and in West African ports. The trading venture is the result of a meeting between Captain Correa and T. W. Benson, The United States Exporting and Importing Co. was formed and the schooner was purchased in Nova Scotia. The crew was carefully chosen as the vessel has now auxiliary power.

Nearly \$50,000 worth of American goods were sent to South Africa in the year 1928.

Presentation To Mr. Henry Smith

At the close of the evening service in Trinity United Church Sunday a very pleasant function took place. Rev. Mr. Johnson called Mr. John F. Whear to the pulpit, and the latter, on behalf of the congregation, referred to the fact that Mr. and Mrs. Henry Smith were leaving on an extended visit to the Pacific Coast and therefore it was considered an opportune occasion to express the high regard in which they were held personally, and the deep appreciation of their interest in the upbuilding and welfare of the church and congregation.

Mr. Whear then read an address which was followed by the singing of "Blest be the tie that binds." To Henry Smith, Esq.

Respected Sir:—

On the eve of your departure to spend the winter on the Pacific Coast, we, on behalf of Trinity United Church of Charlottetown, Prince Edward Island, desire to express our deep sense of regret owing to the vacancy your absence will create in our congregation.

It may be sincerely and truthfully said that you were cradled in the Methodist Church, and spent a lifetime of Christian endeavor in its service. In the Sabbath School you were one of the leaders, especially in the work of the Bible Class. The fact that you were Recording Steward for thirty five years of the Methodist congregation, the duties of which responsible position you so faithfully discharged until Church Union was consummated in the year 1925, the richly merited tributes recently paid to you from the Bench and Bar of this province, strikingly evidence the high regard in which you are held by all classes in this community. Each in church and state you have performed your duty with exceptional ability and sincerity.

In the various activities of the church and of the community, you have taken an active and an outstanding place.

It is not by spasmodic effort that character is formed in the eyes of the people. It is by a man's daily walk and conversation year in and year out, and all who have had the pleasure of your acquaintance, and those who have been more intimately associated with you, appreciate that in this respect you have measured up to an enviable standard. By precept and example, you have exemplified a type of citizenship which is treasured in any community or church. During the long period of your stewardship, several of the most brilliant and eloquent preachers of the day and generation have graced the pulpit and ministered to the congregation of this church, and you venture this assertion that all, could they speak on this occasion, would gladly unite with us in bestowing upon you the "Well done, good and faithful servant."

The name of Henry Smith will be honorably inscribed on the tablets of the memories of all who have been associated with you, and who have accomplished for the Christian advancement and the material welfare of our congregation; work that will tell in the present and for the future in the distance.

In conclusion, we earnestly hope that both yourself and Mrs. Smith, after a happy visit with your son, Mr. Harry Smith, your daughter and other relatives, will return to your native land refreshed in body, and bringing home again the pleasantest recollections of your stay in the West.

On behalf of the congregation—
GEORGE J. TWEEDY,
Recording Secretary,
Official Board
G. DOUGLAS STEEL,
Clerk of Session
R. H. ROGERS,
Recording Steward.

N. S. SCHOONER ON OLD TIME TRADING CRUISE

BOSTON, Jan. 8.—The three-masted schooner, Marion L. Conrad, Captain John Correa, purchased for the purpose in Nova Scotia, is today outbound on an old-time four months trading cruise to West African ports. Items of trade include a deck of lumber, men's and women's clothing, bay rum, mixed paints, razors and 97,000 pounds of flour. These are to be exchanged for goat skins, cocoa beans, palm oil, ivory and wicker chairs. Captain Correa intends to trade among the Portuguese colonies and in West African ports. The trading venture is the result of a meeting between Captain Correa and T. W. Benson, The United States Exporting and Importing Co. was formed and the schooner was purchased in Nova Scotia. The crew was carefully chosen as the vessel has now auxiliary power.

Nearly \$50,000 worth of American goods were sent to South Africa in the year 1928.

Important

Continued from page 1

hibition officer, or Inspector appointed under the provisions of this Act shall on summary conviction be liable to a penalty of not less than two hundred dollars and in default of payment to imprisonment for a term not exceeding six months.

The applicant, while driving a motor car on a public road in the vicinity of the Town of Summerside was ordered to stop by Kier Mann, a Prohibition officer, but the applicant, George Gallant (Chick), refused or neglected to stop the said motor car and was convicted before His Honor George S. Inman, Judge of the County Court for Prince County, of an offence under the said section and fined in the sum of \$200 and \$85 costs and in default of payment to imprisonment for the space of three months.

The substantial ground of this application is that Section 129 of the Prohibition Act was at the time of the said conviction ultra vires of the Provincial Legislature inasmuch as it infringes upon the rights of the Dominion Parliament which has already by the criminal code made provision respecting the interference with peace officers and public officers in the discharge of their duties. Section 169 of the Criminal Code of Canada provides that:

"Everyone who resists or wilfully obstructs

(a) a peace officer in the execution of his duty or any person acting in aid of such officer

(b) is guilty of an offence punishable on summary conviction and liable if convicted, on summary conviction, to six months imprisonment with hard labor, or to a fine of one hundred dollars."

The questions for determination in this case are:

1. Was Prohibition Officer Kier Mann a Peace Officer within the meaning of Section 169 of the Code? 2. Was he acting in discharge of his duty?

3. Was the action of the applicant George Gallant (Chick) in refusing to stop when ordered to do so by the Prohibition officer a wilful obstruction of a peace officer in the execution of his duty?

No trouble arises under questions one and two. A prohibition officer is a peace officer and he is admitted to be so by the counsel in this case. It can hardly be contended that he was not acting in the execution of his duty for if he were not he would have no right to order the applicant to stop.

Question 3 presents more difficulties. It is contended by counsel opposing this application that the act of not stopping was a negative act and that the mere act of disobeying the command of a peace officer cannot be regarded as an obstruction of the officer.

So far as I have been able to read authorities, they seem to establish the principle that when a command is given by a peace officer acting in the execution of his duty, the refusal or neglect to obey such command constitutes in law an obstruction of the peace officer.

The King vs LeClair (1906) 12 C. C.C. p. 332 was where a cabman refused to move away when ordered to do so by a Grand Trunk Railway police officer. This was held to be an obstruction of the peace officer.

Laverne J. at page 338 says:

"He (the cabman) positively refused to move away and by this obstructed the said company's officer who had charge of the ground and whose duty was to have the Company's regulations enforced."

In Rex vs L. 38 C.C.C. p. 242 in the Ontario Supreme Court the head note reads "Urging persons, found on premises where peace officers were lawfully conducting a search for intoxicating liquors, at a place where it could not under the O.T.A. be kept, could not give their names to the officers in the execution of their duty and punishable as an offence under Section 169 of the Criminal Code."

Riddell, J. at page 248 says:

"Obstruction then not being necessarily physical, I think anything is obstructing an officer in the execution of his duty, the natural effect

Central Guardian

THE ANNUAL meeting of the S.P. C. A. will be held in the city building on Wednesday evening, Jan. 9 at 8 o'clock. 2092-1-8-21

GET YOUR CALENDAR FOR 1929 by paying your subscription to the Guardian, Nine to choose from.

DO NOT DELAY sending your renewal—you will get an artistic calendar if paid in time.

BY PAYING YOUR SUBSCRIPTION now you get the choice of nine calendars from the Charlottetown Guardian.

WHIST—A series of whist will be held in the Nurses Home, commencing Thursday evening, 10th, at 8 p.m. Tickets at door, 25c. 2088-1-8-31

ICE CONDITIONS—There was some travelling on the West River ice at Westville yesterday and at North River several persons were reported to have crossed the ice on foot.

SAD DEATH—Mrs. James F. Cullen, Hillsborough Street, Charlottetown, received the sad news of the death at West Point of her mother, Mrs. Daniel Sullivan, formerly of Hope River, and a sister-in-law of the late Chief Justice Sullivan.

TEACHER'S MEETING—The monthly meeting of the Teacher's Service Training School was held in Mt. Stewart school on Wednesday, December 19th at 2 p. m. with seven teachers and the Supervisor, Mr. Court present. The president, Miss M. C. McDonald, occupied the chair. The minutes of the previous meeting were read and adopted. The following committees were then appointed: Entertainment, Annie Donnelly, Elizabeth Clark; Press, Sadie Farquharson, Edith Cameron; Mr. Court then gave a very helpful and instructive talk on the making of a Time Table and School Management. The next meeting will be held on Jan. 31 at 2 p. m. The subject for the next meeting is the teaching of Elementary Arithmetic.

Hockey players use Minard's Liniment.

Increase

Continued from page 1

ments are being made by concerns on Nov. 1st to the present date, other than the Association, give in detail the business that the following steamer shipments, Association has been doing:

P. E. I. POTATO GROWERS' ASSOCIATION

Steamer Shipments

| Destination | Name of steamer | Loaded at | Date | Variety | (150 lbs. bags) |
|----------------------------------|-----------------------------|-----------|---------|--------------|-----------------|
| Norfolk, Va. | Jacob Christensen | Geo'Town | Nov. 1 | 30,000 I. C. | |
| Jersey City, N.J. | Isa | Ch'Town | Nov. 2 | 14,875 I. C. | |
| Jersey City, N.J. | Isa | Ch'Town | Nov. 2 | 5,000 I. C. | |
| Norfolk, Va. | Sikeborg | S'Side | Nov. 15 | 14,244 I. C. | |
| Norfolk, Va. | Sikeborg | S'Side | Nov. 15 | 8,000 I. C. | |
| Norfolk, Va. | Helligom | Geo'Town | Nov. 19 | 29,088 I. C. | |
| Brooklyn, N. Y. | Boniface | Geo'Town | Nov. 30 | 21,088 I. C. | |
| and Jersey City, N. J. | Boniface | S'Side | Nov. 30 | 16,659 G.M. | |
| | Boniface | Ch'Town | Nov. 30 | 3,671 I. C. | |
| | | | | 4,697 G. M. | |
| Norfolk, Va. | Dampfire | Geo'Town | Nov. 30 | 10,619 I. C. | |
| Norfolk, Va. | Stahl | Geo'Town | Dec. 13 | 15,000 I. C. | |
| New York, N. Y. | Stahl | Geo'Town | Dec. 13 | 9,902 I. C. | |
| | | | | 15,332 G. M. | |
| Jacksonville, Fla. & New Orleans | Nidar | Geo'Town | Dec. 18 | 6,069 Rose | |
| New York, N. Y. | Larch | Geo'Town | Nov. 26 | 3,692 I. C. | |
| Washington, N. C. | Eivvva | Geo'Town | Jan. 5 | 6,076 I. C. | |
| New York, N. Y. | Eivvva | Geo'Town | Jan. 5 | 10,000 I. C. | |
| | | | | 4,244 I. C. | |
| | | | | 3,200 G. M. | |
| | | | | (908) | |
| Charleston, S. C. | St. Therese (Approximately) | Geo'Town | Jan. 8 | 21,500 I. C. | |
| | | | | 2,000 G. M. | |

Stock Quotations

HALIFAX, Jan. 8.—Quotations furnished by Johnston and Ward Members Montreal Stock Exchange.

NEW YORK EXCHANGE

| | |
|----------------------|-----|
| At Top & Santa Fe Ry | 198 |
| Am Can Co | 117 |
| Am Can & Foundry | 100 |
| Am Locomotive Co | 109 |
| Am Smelting & Re Co | 94 |
| Am Bosch Mag Co | 48 |
| Am Cop Mining Co | 110 |
| N Y Can & Hud Ry R R | 187 |
| Con Gas Co (N Y) | 104 |
| Hud Motor Car | 84 |
| Inter Petroleum | 56 |
| Standard Oil of N J | 52 |
| Reading Co | 108 |
| Southern Railway | 128 |
| Union Pacific Ry | 217 |
| U S In Alcohol Co | 130 |
| Westinghouse Elec | 140 |
| United States Steel | 158 |

The following cases were on the docket:

Absent or Absconding Debtor

DeBlois Bros, Ltd. vs. Harry Ling, et al. vs. W. McLean and ano. vs. Peter Cairns.

Non Jury Debt or Damage

Ambrose Ford vs. Wellington Mutch.
George C. Kitson vs. James G. McLeod.
DeLaval Company Ltd. vs. John M. Quinn.
Alexander McLeod and ano. vs. George Martin.
John Connolly vs. A. Hammond Affleck.

Jury Debt or Damage

Henry Evans vs. Edwin C. White.
Benjamin G. Acorn vs. Daniel A. McDonald.
Imperial Bank of Canada vs. Arthur B. Fyfe.
Annie Cousins vs. John G. McFadden.

Special Paper

Keir, Mann vs. Clovis Perry.

JUDGMENTS DELIVERED

The following judgments were delivered:

Brown vs. Keele, appeal against judgment of Wilfred Tanton, J. P., who had convicted appellant of assault, Appeal dismissed without costs. McCullum for appellant, Heath Strong for respondent.

Application of George Gallant for writ of certiorari to set aside conviction by Justice Inman under Prohibition Act. E. H. Strong and J. J. Johnston, K. C., for applicant, Thane Campbell for respondent. This judgment appears in full elsewhere in this issue.

In the appeal case of Edward Bryson vs. Edna Walsh, tried at Alberton last May before Judge Inman. Appeal was allowed without costs. Saunders and T. Campbell for appellant, Tanton for respondent.

The following cases on the docket were tried and judgment given:

John Connolly vs. A. Hammond Affleck before Arsenault, J. Judgment for plaintiff, \$1025.00. H. M. McLeod, plaintiff, T. L. Compton for defendant.

DeBlois Bros. vs. Harry Ling, absconding debtor, before Mathieson, C. J. Judgment for plaintiff for \$355.05. Amount paid into court proceeds of sales of personal effects of defendant to be paid to plaintiff on entering into proper bond. Stewart, K. C. for plaintiff.

John H. MacLean vs. Peter Cairns, absconding debtor, before Arsenault, J. Judgment for plaintiff \$131.44. Gaudet, K. C. for plaintiff.

Alexander MacLeod and another, vs. George Martin, before Arsenault, J. Judgment for plaintiff, \$83.33.

The Grand Jury returned from their tour of inspection at 5 p. m. The foreman stated that they were unable to present a report until the following morning. He applied for the discharge of Neil MacDonald from further attendance on the jury, by reason of illness in his family. This was acceded to by the court. The court then adjourned.

Modern Etiquette

BY ROBERTA LEE

Q.—What should the well-dressed man wear at any formal daytime function?
A.—Formal afternoon attire.

Q.—What should all women addressed on an envelope?
A.—Either as "Mrs." or "Miss." The prefix should never be omitted.

Q.—Where are glasses placed at a formal dinner?
A.—To the right of the plate, at the ends of the knives.

Minard's Liniment is good for colds.

At Rotary

The monthly meeting of the Rotary Club was held Monday, Rotarian J. J. Hornby in the chair.

The minutes of the weekly meetings were read by acting secretary James Harris. There was one guest, Mr. R. D. Bennett of Campbellton, N. B. It was decided to erect the obelisk in its usual position on the west side of Government Road.

Owing to the absence of the president and vice-president, certain business had to be postponed.

Dr. W. J. MacMillan was then called upon for some comment on Dr. Creelman's paper which was given at the last meeting of the club. The doctor delivered an extemporaneous address on public health matters, stating that although a considerable advance had been made during the past ten years, the island is still far behind the other provinces so far as public health activities are concerned. He spoke on the work which is being done by the Red Cross Society in regard to inspection of school children, and along other lines. He said there have been four or five deaths from diphtheria within a short time, and if children are allowed to have enlarged tonsils, they are very susceptible to mild attacks of diphtheria with fatal results. There are no cases of that disease which antitoxin will not cure if applied in time.

He then spoke on the need of a sanatorium in this province. "Let the government build it," he said, "and if necessary borrow the money. I will support such a measure no matter what government introduced it. Of course, any government before committing itself to a large expenditure must feel that they are backed by the people generally, and the Women's Institute is doing good work in order to create public opinion in favor of a sanatorium."

He referred to the gift of a public-spirited citizen (Hon. George E. Hughes) who had offered a certain lot of land for a site. That site is just as good as anywhere. He thought it was a mistake to place the Dalton sanatorium in an inaccessible place. It is now almost impossible to get patients in sanatoriums in Nova Scotia and New Brunswick, as these institutions are now over-loaded. Moreover, the island has been dependent long enough on their generosity and it is time to do something for itself. A building containing from 20 to 25 beds would be sufficient to start with although the whole scheme eventually would involve a 100 bed institution. "The first cases would naturally have to be selected, and these would be cases with a chance of recovery. He was glad to support Dr. Creelman who was energetic and progressive and full of his subject. "What is the use," said Dr. MacMillan "of bringing immigrants to this province if we allow our own people to die from tuberculosis. While it is all right to spend millions for good roads conserving the public health is far more important."

Presentation To Mr. Henry Smith

At the close of the evening service in Trinity United Church Sunday a very pleasant function took place. Rev. Mr. Johnson called Mr. John F. Whear to the pulpit, and the latter, on behalf of the congregation, referred to the fact that Mr. and Mrs. Henry Smith were leaving on an extended visit to the Pacific Coast and therefore it was considered an opportune occasion to express the high regard in which they were held personally, and the deep appreciation of their interest in the upbuilding and welfare of the church and congregation.

Mr. Whear then read an address which was followed by the singing of "Blest be the tie that binds." To Henry Smith, Esq.

Respected Sir:—

On the eve of your departure to spend the winter on the Pacific Coast, we, on behalf of Trinity United Church of Charlottetown, Prince Edward Island, desire to express our deep sense of regret owing to the vacancy your absence will create in our congregation.

It may be sincerely and truthfully said that you were cradled in the Methodist Church, and spent a lifetime of Christian endeavor in its service. In the Sabbath School you were one of the leaders, especially in the work of the Bible Class. The fact that you were Recording Steward for thirty five years of the Methodist congregation, the duties of which responsible position you so faithfully discharged until Church Union was consummated in the year 1925, the richly merited tributes recently paid to you from the Bench and Bar of this province, strikingly evidence the high regard in which you are held by all classes in this community. Each in church and state you have performed your duty with exceptional ability and sincerity.

In the various activities of the church and of the community, you have taken an active and an outstanding place.

It is not by spasmodic effort that character is formed in the eyes of the people. It is by a man's daily walk and conversation year in and year out, and all who have had the pleasure of your acquaintance, and those who have been more intimately associated with you, appreciate that in this respect you have measured up to an enviable standard. By precept and example, you have exemplified a type of citizenship which is treasured in any community or church. During the long period of your stewardship, several of the most brilliant and eloquent preachers of the day and generation have graced the pulpit and ministered to the congregation of this church, and you venture this assertion that all, could they speak on this occasion, would gladly unite with us in bestowing upon you the "Well done, good and faithful servant."

The name of Henry Smith will be honorably inscribed on the tablets of the memories of all who have been associated with you, and who have accomplished for the Christian advancement and the material welfare of our congregation; work that will tell in the present and for the future in the distance.

In conclusion, we earnestly hope that both yourself and Mrs. Smith, after a happy visit with your son, Mr. Harry Smith, your daughter and other relatives, will return to your native land refreshed in body, and bringing home again the pleasantest recollections of your stay in the West.

On behalf of the congregation—
GEORGE J. TWEEDY,
Recording Secretary,
Official Board
G. DOUGLAS STEEL,
Clerk of Session
R. H. ROGERS,
Recording Steward.

N. S. SCHOONER ON OLD TIME TRADING CRUISE

BOSTON, Jan. 8.—The three-masted schooner, Marion L. Conrad, Captain John Correa, purchased for the purpose in Nova Scotia, is today outbound on an old-time four months trading cruise to West African ports. Items of trade include a deck of lumber, men's and women's clothing, bay rum, mixed paints, razors and 97,000 pounds of flour. These are to be exchanged for goat skins, cocoa beans, palm oil, ivory and wicker chairs. Captain Correa intends to trade among the Portuguese colonies and in West African ports. The trading venture is the result of a meeting between Captain Correa and T. W. Benson, The United States Exporting and Importing Co. was formed and the schooner was purchased in Nova Scotia. The crew was carefully chosen as the vessel has now auxiliary power.

Nearly \$50,000 worth of American goods were sent to South Africa in the year 1928.

Important

Continued from page 1

hibition officer, or Inspector appointed under the provisions of this Act shall on summary conviction be liable to a penalty of not less than two hundred dollars and in default of payment to imprisonment for a term not exceeding six months.

The applicant, while driving a motor car on a public road in the vicinity of the Town of Summerside was ordered to stop by Kier Mann, a Prohibition officer, but the applicant, George Gallant (Chick), refused or neglected to stop the said motor car and was convicted before His Honor George S. Inman, Judge of the County Court for Prince County, of an offence under the said section and fined in the sum of \$200 and \$85 costs and in default of payment to imprisonment for the space of three months.

The substantial ground of this application is that Section 129 of the Prohibition Act was at the time of the said conviction ultra vires of the Provincial Legislature inasmuch as it infringes upon the rights of the Dominion Parliament which has already by the criminal code made provision respecting the interference with peace officers and public officers in the discharge of their duties. Section 169 of the Criminal Code of Canada provides that:

"Everyone who resists or wilfully obstructs

(a) a peace officer in the execution of his duty or any person acting in aid of such officer

(b) is guilty of an offence punishable on summary conviction and liable if convicted, on summary conviction, to six months imprisonment with hard labor, or to a fine of one hundred dollars."

The questions for determination in this case are:

1. Was Prohibition Officer Kier Mann a Peace Officer within the meaning of Section 169 of the Code? 2. Was he acting in discharge of his duty?

3. Was the action of the applicant George Gallant (Chick) in refusing to stop when ordered to do so by the Prohibition officer a wilful obstruction of a peace officer in the execution of his duty?

No trouble arises under questions one and two. A prohibition officer is a peace officer and he is admitted to be so by the counsel in this case. It can hardly be contended that he was not acting in the execution of his duty for if he were not he would have no right to order the applicant to stop.

Question 3 presents more difficulties. It is contended by counsel opposing this application that the act of not stopping was a negative act and that the mere act of disobeying the command of a peace officer cannot be regarded as an obstruction of the officer.

So far as I have been able to read authorities, they seem to establish the principle that when a command is given by a peace officer acting in the execution of his duty, the refusal or neglect to obey such command constitutes in law an obstruction of the peace officer.

The King vs LeClair (1906) 12 C. C.C. p. 332 was where a cabman refused to move away when ordered to do so by a Grand Trunk Railway police officer. This was held to be an obstruction of the peace officer.

Laverne J. at page 338 says:

"He (the cabman) positively refused to move away and by this obstructed the said company's officer who had charge of the ground and whose duty was to have the Company's regulations enforced."

In Rex vs L. 38 C.C.C. p. 242 in the Ontario Supreme Court the head note reads "Urging persons, found on premises where peace officers were lawfully conducting a search for intoxicating liquors, at a place where it could not under the O.T.A. be kept, could not give their names to the officers in the execution of their duty and punishable as an offence under Section 169