

THE CHARLOTTETOWN GUARDIAN

FRIDAY, MAY 5, 1911

THE JUDICIAL AND SENATORIAL APPOINTMENTS.

The announcement was made by telegram yesterday forenoon that Hon. F. L. Haszard had been appointed to succeed Mr. Justice Hodgson as a Judge of the Supreme Court and ex-Mayor B. C. Prowse as Senator, in succession to the late Hon. Donald Ferguson. The Guardian extends its congratulations to these gentlemen on their promotion. The first feeling in the public mind seems to have been one of relief that the deadlock is broken and the appointments too long delayed have been made. Apart from this the personal friends of the new Judge and Senator are no doubt pleased and gratified.

Mr. Justice Haszard's appointment has been for a good while expected and will be, we think very favorably received throughout the Province. He brings to his new duties very high qualities and acquirements, of character, legal knowledge and the respect and regard of political supporters and opponents alike. His services to the Liberal party, both federal and provincial had been large. He had contributed greatly to the success of the Liberal candidates in the election of 1908, and had held together the Liberal party in provincial affairs under very difficult and trying circumstances. In that regard at least no other man in the party could have done more, if so much.

In regard to the Judgeship there were two men who stood out prominently in the public view and expectation from the first—Hon. F. L. Haszard and Hon. A. B. Warburton, M. P. So notable was their prominence that almost everybody expected that one or the other would receive the appointment, and few would have been greatly disappointed, or disposed to be critical had either the one or the other been called to the position. Mr. Warburton had been long in public life, and had the additional claim that he had been somewhat prominent in federal affairs, which Mr. Haszard had not, and hence was one of those whose advice must be considered by the Government in regard to federal appointments.

But in that regard his strength was also his weakness. The Government were properly reluctant to open a pretty close constituency for the purpose of enabling the two representatives of Queens to virtually appoint themselves to two of the highest positions in the gift of the Crown for

this Province. But for that fact we should months ago have had to record the appointment of Mr. Warburton M. P., to be Judge, and of Mr. Prowse, M. P. as Senator. And we think the Government acted rightly in declining their first advice. At the same time few will be disposed to criticise too severely the desire of these two gentlemen to obtain appointments of honor and emolument, the disposal of which could only be made on their own recommendation, and which a large section of the Liberal party had taken for granted that they would receive.

For the vacant Senatorship there were reported to be many applicants, and it had been generally expected down to a few months ago that L. E. Prowse, M. P., would receive it. Otherwise there was no outstanding figure in the public mind among those understood to be in the running. There were a number of good men, whose respective claims and merits we need not discuss. The newly appointed Senator, Hon. B. C. Prowse, like his brother in the Commons, has a large acquaintance in the city and Province and a very considerable measure of popularity in the electorate. He is president of the firm of Prowse Brothers, Limited, whose extensive business he did much to build up. He had also been elected Mayor of this city by a large majority a few years ago, and was a straight party man who took an active part in federal and provincial elections. The policy of adding to the very large Liberal majority in the Senate is a questionable one, and yet is admittedly very hard to break away from. We need not discuss it further at present.

One word in closing with regard to Mr. Palmer, K. C., who came so near to being appointed a Judge of the land and had the cup snatched from him at the last moment. This was almost cruel treatment, and we sincerely regret that hopes may have been raised only to be dashed to the ground. Mr. Palmer has many friends in the city and Province. He is universally regarded as an upright and honorable public man whose long service at the bar and in the Legislature entitle him to the consideration of his party. He has held the post of Attorney General, and we trust that with returning health he may yet receive deserved promotion in some way satisfying to himself and his friends.

TAXING LIQUOR SALES.

On May 1 the Province of Ontario came under the new law by which a Provincial tax is laid upon liquor sales. The Government has stepped in to take a share of the hotel and saloon keeper's gross receipts, that is, in certain cases. The tax is 5 per cent. of the gross receipts over \$60

per day in the larger cities and over \$58 per day in other places throughout the Province. The saloon-keeper is bound to take account of all sales of liquors, cigars, cigarettes, tobaccos, and all "soft," or non-intoxicating beverages as well sold in the room where intoxicants are sold.

Picture Machine Exploded

Operator Narrowly Escaped Being Blinded.

While taking flashlight pictures in the Simpson House, Lindsay, W. E. McIntosh, of 48 Humbert Street, Toronto, and formerly chef at the Benson House, Lindsay, had his face and head badly burned by a machine exploding. He was taken to Ross Hospital and received treatment, but it remained for Zam-Buk to heal the terrible burns.

Speaking of the affair, Mr. McIntosh says: "At the hospital I was kept masked night and day for five days. At the end of that time the burns were still very bad and the doctors would not hear of my returning to work. I knew if only I could get some Zam-Buk for the burns I would be back at work in quick time and "At last I left the hospital and went straight to a local store and bought some Zam-Buk. At the hotel I applied a Zam-Buk dressing, and this cooled the burning pains and gave me quick relief. I kept on with the Zam-Buk treatment and returned to work. Within just one week after first commencing with the Zam-Buk treatment the burns were completely healed and I might have defied anybody to detect where they had been."

Upon hearing of the above facts the Zam-Buk Co. communicated with Mr. A. Gillies, the proprietor of the "Lindsay Watchman-Warder" and asked corroboration. Mr. Gillies replied that the facts were as stated and enclosed a report from the newspaper which chronicled the occurrence.

There is no doubt that for burns, scalds, cuts, scratches and abrasions, however serious, Zam-Buk is the finest known remedy. It is also a sure cure for eczema, piles, ulcers, abscesses, scalp sores, children's rashes, and eruptions, sore feet, chafings, insect stings, inflamed wounds, festering and skin diseases generally. Zam-Buk Soap should be used in conjunction with the balm for washing wounds and sore places. All druggists and stores sell Zam-Buk, 50c. box and Zam-Buk Soap at 25c. per tablet, or post free from Zam-Buk Co., Toronto, for price.

SHIPPING NEWS.

Entered, May 4—Schra. Frank, Grant, Wallace, N.S.; Dwina, Frank, Richbucko, N.B.  
Cleared, May 4—Schra. Frank, Grant, Wallace, Venture, Read, Pugh-wash.

MacKinnon's Beef, Iron and Wine is enjoying an immense sale because it is such a good reliable tonic for young and old. It is superior to any similar article sold today. If you need a tonic call today and get a bottle 75c. The MacKinnon Drug Co., Cor. Gt. Geo. & Kt. Sts., drif.

He must make up this account from day to day, and every day in which these sales in any bar in a large city exceeds \$60, or where in other places they shall exceed \$50, one-twentieth part of the surplussage will go to the Government. The saloon men, so the Toronto News states, have no intention of contesting or evading the law, as they must each on the 10th day of the month furnish a sworn statement of their daily sales, and there are severe penalties for any attempted crookedness. Besides the heavy fines, the Government has power under the law to put its own book-keeper in any saloon to take account of sales and the Provincial Secretary has power to cut off the license at once.

Be it observed that the tax is not based on the average sales for the month. Each day's sales is treated separately. It is believed the Ontario Government will gain a considerable revenue from this source. There are not a few days in the year, such as the bi-weekly market days, fair days, circus days, or when election meetings or exhibitions are being held, in which the receipts of the saloons are far above the average of other times. It is at such seasons that the Government's toll of the receipts from drink and tobacco sales are expected to mount up.

AS TO SENATE VACANCIES.

The Watchman claims that the vacancy in the Senate caused by the death of the late Senator Ferguson in September, 1909, has only existed one month longer than what followed the death of the late Senator Montgomery, which it says lasted from July 31, 1893, to February 18, 1895, a period of one year, six and a half months. We have not verified the dates. The defence is good enough for any party man who is quite content that the Liberal Government shall be only a little more dilatory than the wicked Tories. But we apprehend that the same wicked Tories may now claim that the vacancy following Senator Montgomery's death only covered one actual session of Parliament, that of 1894, which began on March 15 and ended on July 23 of that year. And that even during that period there were three Senators sitting in Parliament to represent this Province. We quite agree with The Watchman, that the Conservatives of that time (including the present editor of The Watch-

man) were no better than they ought to be, but still there seems some difference between the present situation and that of seventeen years ago in regard to Senatorial vacancies. A new record has been made not only in duration but in quality. There are two sessions instead of one to account for now, with but one Senator actually sitting where there were three in 1894.

The appointment of Premier Haszard to the vacant Judgeship involves his resignation as head of the Government. It is understood that a meeting of the Provincial Cabinet will be held today at which a new leader will be chosen and a reconstruction of the Government effected. Already the local politicians are engaged in making "slates."

"NE TEMERE"

Editor: Guardian.  
Dear Sir: Judging by newspaper reports of the past few days the decree "Ne Temere" is receiving a very generous share of attention. Toronto and Montreal have been wrestling with it for about two months past, and even such a serious body as the British House of Commons heard it briefly discussed. The ministers of two churches in this city gave their view of the matter in Sunday night's sermons; the reports of which published by you suggest the opportuneness of a few words of reply.

All Catholics are grateful to the two speakers for their praise of the Church's endeavor to lessen the number of mixed marriages and to uphold the sanctity of the marriage tie. The compliment was not undeserved, but why blame the Church for trying to do what you praise her for having

AFTER GRIP

Physicians agree that grip is not so much to be dreaded for itself as for the weakened condition of the system it produces, which leaves the body an easy prey to other diseases. It is particularly dangerous to old people just on this account.

The very wisest thing that we can advise to all who have had grip is to begin taking Vinol right away. This splendid tonic braces up the body and makes new strength by enriching the blood and sharpening the appetite, causing more food to be used by the stomach. Vinol is our cod liver and iron preparation, without oil, and is delicious. An Indianapolis lawyer, Mr. John Kinney, says Vinol built him up wonderfully after grip left him weak and run down. We have such perfect faith in Vinol that we warrant it absolutely—money back if you are not pleased.

R. A. Foster, Central Druggist.

done? The "Ne Temere" decree is the very means by which we are trying to render mixed marriages less frequent and trying to uphold marriage as sacred.

Beyond some quite grave errors about some clauses of the decree both sides showed a fairness which demands a fair answer. All Catholics must and do admit that it may cause considerable trouble to the attacking party, however, do not see and do not admit that it may cause considerable good by preventing unions which they abhor as well as we. Its intention is to penalize the evil, and for that no minister of God should blame us since suffering for evil follows our belief in Christianity and our experience with civil law. The decree is not a bit of hasty legislation gotten through before the closing of session; but a document based on the study and experience of years and drafted for the express purpose of meeting conditions in different parts of the world.

The difficulties specially to be met were:

The trouble arising 1st from hasty, and mere verbal engagements; 2nd, from mixed marriages; 3rd, from non-Catholic engagements and marriages in which one party, at least, is Catholic, for Section XI No. 3, says: "Non-Catholics whether baptized or unbaptized who contract among themselves, are nowhere bound to observe the Catholic form of betrothal and marriage."

Both speakers told their hearers that before the Council of Trent marriage was only a civil contract. This is quite erroneous, for from the very first marriage was held by the Church as a sacrament and over sacraments the Church claimed and exercised supreme power. For example: Pope Calixtus—218-222 A. D.—allowed as valid, marriages which Roman law declared invalid and down through succeeding centuries the Church claimed and exercised over marriage, rights which she never claimed over ordinary civil contracts. The civil contract idea of marriage is quite recent and not admitted by Catholic doctrine. It certainly was not the accepted doctrine of France at the time of the Council of Trent for the ambassadors of the French King requested the Council to declare null and void all marriages contracted without the consent of parents. Had marriage been held as a civil contract only the King might have made his own laws. Nor was such idea current in England before 1539 for Henry VIII appealed to the Pope for a divorce from Catherine of Aragon, his lawful queen, and about the same time Philip of Hesse consulted not the state but Luther about his divorce; both these men could have divorced themselves had they held marriage a mere civil contract. The Rev. Mr. Thomas gave correctly the wording of the clause regarding engagements; but omitted giving the explanation necessary to

tion. Before Easter '08 a previous show the true purport of the legislation constituted an impediment i. e. if either party, without the consent of the other, broke off the engagement the injured party could enter a protest and delay or prevent a subsequent marriage. The impediment thus constituted caused much difficulty for the simple reason that engagements are very private matters and consequently very difficult of proof. To terminate this uncertainty and doubt as well as safeguard the woman, who generally is the injured party, the Church declares that in future no engagement will be held to constitute an impediment unless one of the contracting parties can produce a written contract signed by both the parties and by either the parish priest or the Ordinary or at least by two witnesses. There is no official form for this written engagement and consequently Rev. Mr. Thomas should not have given one. Much less should he have given in its place what is called the marriage agreement. That form of agreement is very old, has for centuries been signed by the non-catholic party before the marriage ceremony could take place—it came not with the "Ne Temere" but long before it. Every right-thinking person should encourage the adoption of this written contract. Its common use would prevent hasty engagements and in cases where one of the parties break faith, the other would have evidence which a civil court will find more convincing and satisfactory than the perusal of a bundle of over-affectionate letters. The Church does not prohibit or annul the private promise; it simply refuses to take action unless the written contract be forthcoming as evidence.

In regard to the marriage itself one finds it hard to see why the provisions of the "Ne Temere" cause so much alarm or why the whole discussion is given the appearance of seeking justice for the people of Quebec. Before discussing the question Rev. Mr. Thomas should have consulted the will of Quebec. No complaint comes from 90 p. c. of the people of that province and yet they have been governed since the days of French power by the clause "Tametsi" of the Council of Trent and the force of that clause was just the same as the decree "Ne Temere." The civil law of the province orders its Catholic subjects to observe the formalities prescribed by the Church and the people of P. E. Island or Ontario have no reason to protest against the doings of the Quebec government. What should we say did the people of Quebec?

(Continued on page 3.)

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3-2dvfrnt/sep 19.

NEW ADVERTISEMENTS.

AUCTION SALE.

The subscriber offers for sale at auction on Wednesday 10th at 12 o'clock noon, her large double house and lot at 35-38 Upper Hillsboro Street. This property is about 124 feet wide and 82 feet deep and extends 25 feet north of the house and 51 feet south, the latter supporting a splendid lawn with fruit and shade trees. The house is well built and in good repair. Fitted with modern conveniences, besides pantries and bathrooms, ten rooms in one part and nine in the other.

MRS. CHARLOTTE S. WELLNER, R. Beattie, Auctioneer. 5-5d3.

Farm Sale

To be sold by Public Auction on the premises on Saturday the 13th May inst., the valuable farm of Henry E. Vickerson at Marshfield, Lot 34, comprising 103 acres, fronting on the St. Peter's Road and extending along the Vickerson Road to the Hillsborough River. This farm is centrally located as to schools, churches, cheese and butter factories etc., being about eight miles from Charlottetown.

For further particulars apply to Messrs. Warburton & Shaw, Solicitors, Cameron Block, Charlottetown.

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