

MORNING DAILY FOUNDED 1891—WEEKLY (NOW DAILY) 1897

CHARLOTTETOWN, PRINCE EDWARD ISLAND, CANADA, WEDNESDAY, APRIL 29, 1908.

20c A MONTH BY MAIL IN ADVANCE (\$2.00 PER YEAR BY MAIL IN ADVANCE)

ADDRESS BY THE COUNSEL

In The Prohibition Case Of Robert Jenkins Versus Dr R. McNeill Tried In The Stipendiary Magistrate's Court Last Week

Following is the full text of the remarks by A. J. B. Melish, counsel for Robert Jenkins after the hearing in the case of Jenkins versus McNeill last week—

Your Honor: This is a case which is entirely new. As far as I have been able to learn there has been no other case similar to it in Canada. There have been similar cases in the United States. In order to have a proper understanding of the case it will be necessary to go into the question of prohibition. In all countries a great deal of difficulty has been experienced in dealing with the liquor question. It has been made that people will acquire a thirst for liquor. This is a very difficult habit to give up. In some cases they become drunkards and not only hurt themselves but injure others by accident. Every country has tried to control the sale of intoxicating liquors.

THE PROHIBITION ACT.

The Government of P.E. Island has endeavored to do this and the method they adopted was the total prohibition of sale of intoxicating liquor. They have said "Nobody in Prince Edward Island shall sell liquor." They have done this for the benefit of the individual, the family and the community. They have attempted to solve this question by prohibiting the sale of liquor and thereby preventing those who use it wrongly from getting it. They made one exception. While recognizing that liquor used as a beverage has many bad effects, still, regarded as a medicine, it may be useful. They have recognized that liquor, as well as other things, may be used as a medicine, they have therefore allowed to be used as such, but not as a beverage. They say no person shall sell liquor, except certain vendors and the druggists, and then only under an order from a medical practitioner, and for strictly medical purposes.

AMERICAN LAW.

In some of the United States there has been similar legislation and the substance of the decisions of the American Courts is to be found in American and English Encyclopaedia of Law, 2nd Ed. Vol. 17 page 359: It reads—

"In a number of States it is made an offense for a physician to give a prescription by which intoxicating liquor may be obtained from a druggist by one who does not actually need it as a medicine. Under these statutes the physician must set in the good faith. It is his duty to examine and ascertain whether the liquor is absolutely necessary as a medicine."

That is the gist of the decisions of the United States Tribunals as laid down in this book, which is a standard authority and is constantly referred to in the Courts. "It is the duty of the physician to examine and ascertain whether liquor is absolutely necessary as a medicine."

THE EVIDENCE.

Now let us take up the evidence. We have brought to the notice of the Court that between 300 and 400 prescriptions for liquor have been issued by the defendant between the 12th of January and the 9th of April 1908. We have brought to the attention of the Court that two other physicians, of equally reputable standing, who have been practicing here for many years, one issued about six and the other three certificates in the same time. We are confronted with the astounding difference in the number of prescriptions given by Drs. Johnson and Carruthers and those given by the defendant.

We have brought to the attention of this Court the class of patients to whom those certificates have been issued. We have a large number of those certificates which have been gone over and put in evidence. These parties are well known to every person in Charlottetown. We have put a few of them on the stand.

The first witness was a man by the name of John Flynn. We find this man obtained prescriptions from Dr. McNeill on the 18th of January, 19th of January, 25th of January, 1st of February, 2nd of February, 3rd of February, 7th of February, 8th of February, 10th of February, 11th of

TORPEDO BOAT DESTROYER SUNK

Another British Vessel Lost In Collision—An Engineer Officer Drowned

Harwich, Eng., April 28—(Special)—The British torpedo boat destroyer Gala was cut in two and sunk this morning off Kentish Knock in the North Sea by the scout Attentive. The torpedo boat destroyer Ribble was also involved in collision, and returned to Sheerness with two compartments full of water.

The fleet was engaged in night manoeuvres when the accident occurred.

Engineer Lieut. Frank A. Fletcher of the Gala, who was in his bunk at the point where the destroyer was struck, went down with the vessel. There was no other loss of life.

SEVERAL DROWNED OTHERS INJURED

By the Capsizing Of A River Steamer Near Helena Ask.

HELENA, Ark., April 28—(Special)—Fifteen persons lost their lives and several others sustained serious injuries while several score are suffering from exposure as result of the capsizing of the river steamer Marion, having aboard the members of a Carnival company, near the mouth of St. Francis River.

WIFE-KILLER TO BE HANGED

Rochette of Quebec to Pay The Penalty For Poisoning

QUEBEC, April 28—(Special)—Omer Rochette, of Quebec, who killed his wife by giving her poison and then skipped to Chicago with another woman, whom he married shortly after his first wife's death was found guilty today, and sentenced to be hanged June twenty-seventh.

WANT PROHIBITION IN NEW BRUNSWICK

Strong Resolution Passed By District Division—Want Law Introduced Similar To That In Force In P.E. Island.

MONCTON, N. B. April 28—(Special)—District Division Sons of Temperance, representing Albert and Westmorland Counties, in session here yesterday, passed a strong resolution concerning provincial prohibition.

The resolution urges that in view of the report submitted by the provincial Government Commission, showing that the prohibitory law in Prince Edward Island is best law of its kind, the New Brunswick temperance federation urge upon the Provincial Government the necessity of bringing into operation the prohibitory law in this province.

MAN ASSAULTED IN MONTREAL

Old Man Cruelly Beaten And Dies As A Result Of His Injuries

MONTREAL, April 27—Another fatal issue to a murderous assault occurred here yesterday evening, not in the Italian colony. An old man named Xavier Favreau became engaged in an altercation with a young man named Edmond Bolduc, and they came to blows. It is claimed by the witnesses of the affair that the old man tripped and fell when the younger man jumped on him and kicked him about the head. An ambulance was called, but it was found that Favreau, who was forty-six years old, had been killed instantly by a blow over the head, which inflicted a deep gash two inches long.

A little Italian bootblack saw the row, and had noticed Bolduc write his name and address on a slip of paper just before the fight occurred. He immediately picked this up and ran with it to the nearest police station. Bolduc is under surveillance, but it is not yet certain whether the blow that caused the old man's death was given by him, or whether Favreau killed himself by striking his head against a door as he fell.

nosed his own case. He said he had La Grippe. He informed the Doctor he was very "Grippy." He asked him for a bottle of whiskey. Probably he asked for two. On hearing the mystic formula the Dr. wrote the order. After going to the "Two Maces" he found he could only get one bottle of the certificate. He asked the vendor to telephone the Doctor to make it two and he did so. Is this the way to prescribe for a man like that. He gave him two bottles of liquor, this poor broken down man who wanted something to put him on his feet. Are we to suppose that Dr. McNeill is not acquainted with the people? A man who has run two elections and who takes such an active interest in every thing. Do you think he was so unsophisticated as to suppose this man wanted two bottles of whiskey for the gripe. It sounds like a fairy tale of olden times. The magic formula "open sesame" is said and the rock opens. The man goes to him says he has La Grippe and wants liquor, gets prescription gets liquor and gets drunk. This man took the liquor and made himself lower than the very beasts on our streets. He had no recollection of anything until he recovered from the insensibility the liquor threw him into. He was fired for being drunk on the streets of Charlottetown. That is the way it works, especially when administered in two bottle lots. The Doctor did not give it for medical purposes. He simply signed the certificate, put the 50 cents in his pocket, and put the man in the dock. I submit the Doctor has gone far beyond what the law allows him. He did not examine that man carefully to see if he

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THE DEATH LIST OF THE TORNADO

The Total Number of Dead About Four Hundred-- Many Injured

ATLANTA, Ga., April 28—(Special)—Practically complete returns from all portions of Louisiana, Mississippi Alabama and Georgia show that the death list in the tornadoes of last Friday, Saturday and Sunday will not be more than four hundred.

The number of injuries stands tonight at about 1200, with reports indicating that a number of persons hurt will probably die.

TORONTO THIEF GOT IN ENGLAND

Scotland Yard Men Secure Sydney Morris, Wanted On Three Charges

TORONTO, April 27—Chief of Police Grasset this morning received word from London, England, of the arrest of Sydney Morris, who is wanted on three charges of defrauding Toronto wholesale clothing houses. Morris is charged along with James Reed, of stealing clothing from Fred C. Hunt, conspiring to defraud W. R. Brock and company and with intent to defraud Greenshields and company. He and Reed, under assumed names, sailed for London from Boston in December.

Morris is son-in-law of Goldberg, who was arrested in Toronto in November in connection with the charges and who, after being committed for trial, jumped his bail, and has not been found.

JERE MCAULIFFE

In New Plays And Big Vaudeville Next Week

There will be amusement galore at Theatre next week for at that time the good old reliable Jere McAuliffe will be back here for eight nights with what is positively the best company he has ever organized. Jere is always a tremendous favorite and this season he has a very large company—twenty-five people—and in addition to presenting good dramas with special scenery and artistic players, he brings eight of the best vaudeville turns that crossed the footlights. On Friday night the play will be, "A Daughter of the People," a big scenic melodrama, that has proven a tremendous hit everywhere. Tuesday night the bill will be Shaun Rhu, the great Irish Play, memorable to the name of the renowned actor Joseph Murphy. This is the first time Jere has visited the city since he tried to take the trip a year ago and had to take to Pictou Island. This season Jere brings the same Big 25 People show and the eight Big Vaudeville acts that he used in St. John, N. B. and Halifax where the S. R. P. sign was displayed in each town for three weeks. Everybody is anxious to hear Jere sing about his troubles on the ice.

HAVE YOU WANTS?

You can cure them painlessly by Putnam's Corn and Wart Extractor. Never known to fail. Be sure you get "Putnam's," in 25c. bottles.

A CHARMING PLAY AT OPERA HOUSE

Last Night Delighted A Large Audience—Some Very Attractive Specialties

There was nothing lacking in the fine quality of the delicately drawn little drama put on by the Klark-Urban Company last night at the Opera House. It appealed directly to the finer sentiments of human nature and it is a high compliment to those who delineated the different parts to say that their work was well done.

The play and the manner in which it was enacted undoubtedly achieved a first place in the regard of a large and critical audience—an audience whose appreciative faculties were on the alert—an audience that was plainly deeply interested—and that showed its pleasure and approval unmistakably.

It was an added pleasure that Eugene Powers the author of "A Day In June," was himself in the cast and played the leading role with his now well recognized ability. All the others were as usual almost faultless. The play affords many charming situations and provides pleasant work for the ladies whose dainty, graceful acting found many opportunities of expression.

The specialties last night were decidedly amusing. Klark and Urban in their musical act, tagged on some farce comedy of a rich, side-splitting kind that filled the house with smiles—in fact nobody had to go out for "smiles" last night.

Karlund was put into a packing box, nailed up and roped in—but it was no use—he got out in about 20 minutes and the only sign of trouble that was evident was the fact that his hair was tossed up—as if he had been during the interval trying on some of the spring hats which the box originally contained.

WILLIAM MCKENZIE LEAVES FOR THE OLD COUNTRY.

TORONTO, April 27—William McKenzie, it is understood, will leave Toronto tomorrow en route for England. His visit to the Old Country, which will extend over about six weeks, will be undertaken in regard to the carrying through of certain financial proposition in connection with the C. N. R.

CHICAGO MARKETS

Chicago, April 28—(Special)

Corn	66 1/2
Wheat	96 3/4
Pork	112.92
May Corn	63 1/2
Wheat	87 1/2
Pork	113.95

Condensed Advertisements

Top late for Classification.

BOY WANTED—A good smart boy with a fair education to learn the printing. Apply at once to The Guardian. 4-16drt.

DRESSMAKING—Lingerie waists, dainty muslin dresses, shirt-waist suits, etc. Apply at this office. 4-2843lpp.

WANTED—A caretaker for the Charlottetown Driving Park and Provincial Exhibition Association Grounds. Apply at once to C. R. Smallwood Secretary-Treasurer. 4-29dft.

WANTED—A coatmaker and pressman. Steady job and good wages to the right person. Apply to McLellan Bros. 4-29d3l.

TO LET—House on Euston St. No. 203, containing 8 rooms with bath and electric light. Apply to 117 F'zroy St. 4-29dft.

FOUND—At Oddfellows supper a pair kid gloves. Owner may have same by applying here. 4-29d1l.

WANTED—A cook, good references required, good wages given. Apply to Mrs. Rogers, Fairholm. 4-29dft.

ANNA GOULD AND HER LITTLE PRINCE

The Spooky Couple Very Much Excited Over Attention Paid Them

NAPLES, April 27—Madame Anna Gould arrived here today from New York on board the steamer Frederick der Grosse and was met in the harbor by Prince Helie de Sagan. The steamer came into the harbor at six o'clock this morning and the Prince was one of the first men to get on board. He rushed to Mme. Gould's cabin, met her at the door lifted his hat and kissed her hand. The Prince was much annoyed by the presence of reporters and he refused to be interviewed. The tutor of Mme. Gould's children however said: "Rest assured that the marriage will occur but nobody can say when or where. My conviction rests on what I have seen and heard from Mme. Gould."

Prince de Sagan made no attempt to conceal either his nervousness nor his annoyance at the presence of reporters and finally turned to Captain Bleker, the commander of the Frederick der Grosse and begged him in German to make the reporters keep away. One man pointed a camera at the Prince, whereupon De Sagan said in German: "If he does not stop I will throw his camera into the sea."

INDIAN YOUTH BEAT HIS FATHER TO DEATH.

VANCOUVER, B. C., April 27—An Indian was brought down from Smith's Inlet, 180 miles up coast, and committed to the Westminister jail on a murder charge. The preliminary hearing at Albert Bay shows that the youth of 21, quarreled with his father, both being drunk. The accused went into a hut, found his father lying down and beat him so severely that he died in a few days.

THE WEATHER

TORONTO, April 28—(Special)—Fresh east to south winds, occasional showers, not much change in temperature.

PAZO OINTMENT is guaranteed to cure any case of Itching, Blind, Bleeding or Protruding Piles in 6 to 14 days or money refunded. 50 cts.

CAPTURED \$1,500 WORTH OF LIQUOR

Glace Bay License Inspectors Raid Rooming House And Make Seizure.

GLACE BAY, April 27.—This afternoon License Inspector McDonald and police officer raided Mr. Magare's place and seized \$1,500 worth of liquor of all kinds. Some was found in the barn, some in the cellar, the rest in the store and in various rooms of the house. Polanders who roomed in the place were celebrating their Easter Sunday and early in the afternoon got into a free fight. Six were arrested and the raid was a sequel to the occurrence. Magaret claims was a wholesale business. The foreigners it is alleged, generally were supplied by him at the ks around the mines.

ICE BREAKING IN ST. LAWRENCE

MONTREAL, April 27.—The Lake St. Peter ice reported tonight as breaking away and floating down the river, and it is expected that it will be all gone by tomorrow, unless another jam occurs, which is not expected, as the government steamer Lady Grey is on the scene, breaking up any jams that occur. If the ice goes down properly, navigation will probably open tomorrow or Tuesday. This has largely been due to the good work of the Lady Grey which broke up twenty miles of jammed ice last week, and started the Lake St. Peter ice down yesterday. As soon as navigation is declared open there will be a big rush for this port, as four ocean boats and a half a score of coalgers and other craft are at Quebec awaiting a chance to get up to the port. The ocean boats are the Dominion Corporation while the Thomas liner Promona is waiting there with a big cargo of fruit from Mediterranean ports.

WONDERLAND

Buster Brown And Tige-- Harrison And Moffatt In Their Fine Comedy Complete Change Of Pictures Etc.

This is change of picture night at Wonderland, and some superb films are to be shown. The excellence of Wonderland's pictures is now an assured fact, and along with the excellent vaudeville attractions for this week, will make unusually good numbers. Buster Brown is as like unto the original as could be well imagined.

In all his escapades the faithful pal Tige joins, acting as protector when occasion requires—and as boon companion and participator in everything that promises a good time, always. "Buster's Bargain" is a pretty sketch, one which has taken well with audiences wherever it has been presented, and the actors in the playlet are all good. Of course Buster keeps the interest centered around his winsome and mischievous self—but the plot is well planned and holds folk watching for further developments.

Harrison and Moffatt present a most pleasing comedy sketch, in which music and song are prominent, followed by a touch of comedy which keeps the laughter alive and unflagging. The songs are very catchy, Miss Moffatt's voice exceedingly sweet and melodious. Harrison is a good comedian, and his voice a fine one. These people change their act, and tonight is the final presentation of the present one. So everybody come! Do not miss one of the finest programs Wonderland has yet presented. This evening will be entertainment of genuine worth, and intense interest. Keep it reserved for Wonderland.

FOR HOME AND HONOR OPERA HOUSE TONIGHT.

The Klark-Urban Company will present for the first time in this City, the interesting 4 Act Racing Melo-Drama, For Home and Honor, at the Opera house tonight.

This piece is another of Mr. Power's efforts, which have been such a success with this Company. He has written a very interesting plot, abounding in thrilling situations, calculated to stir the most inanimate pulses. He will be seen in this wonderful character creation of Old Tom, the trainer, a part

Minard's Liniment For Sale everywhere

Any Guardian reader who receives a dimly printed, badly printed, badly folded, badly cut, badly addressed, badly wrapped, torn, soiled or incomplete paper of whatever issue will kindly notify the Subscription Department at once.