

Every Minute Counts in the fight against constipation!

Once let constipation get a grip on you, and your system is wide open to 90% of human ailments. Statistics show that to be the proportion of a disease that has constipation for a starting point. Pills and cathartics are as dangerous to the system as constipation.

CLASSIFIED ADVERTISEMENTS

Agents Wanted - LOCAL Agent wanted to sell for the "Old Reliable" Fertilizer. Spring selling season now starting; largest demand for stock since the war; exclusive territory; highest commissions; free equipment. Stone & Wellington, Toronto. 11-3-18181.

Miscellaneous - SAUNSONS SAUSAGES, FRESH today, Saunders, Newsome & Co. Market Building. -602-9-24-6 mo.

To Let - TO LET—HOUSE ON ELM Avenue, modern conveniences. Apply Wheatley Grocery.—tt.

Female Help Wanted - WANTED—IMMEDIATELY maid to assist with housework. Apply Mrs. J. W. Bell, York Point. Call long distance. -6012-22-4f.

Teacher Wanted - TEACHER WANTED FOR Bridgetown school to teach after Christmas holidays. Apply to C. B. Clay, Secy. 613-12-27-21.

Male Help Wanted - WANTED—SALESMAN TO cover P. E. Island during the winter months with "Talbot's" line of high-grade Art Calendars, Suberly quality stock. Good salary. Liberal commission. Paid weekly. Excellent opportunity for the right man. Apply at once giving references, and stating experience in first letter, to J. J. Lane Maritime Representative, 392 Lutz St. Moncton, N. B. 614-12-27-21.

QUEEN HOTEL WATER STREET CHARLOTTETOWN. This popular Hotel has been completely renovated and refurnished throughout and offers very comfortable accommodation to the travelling public. The table is especially good and the public are courteously cared for. Rate \$3.00 a day. BRUCE J. TAYLOR, Manager.

Charlotteville Hotel Co., Ltd. Proprietors. H. D. McEwen, Bristol J. V. Murphy and wife, Murray River; W. Anderson, Morrell; John H. Hanson, West Falls, N. Y.; E. Duch Sides, H. Brewster, Halifax; Miss Lucy Roach, Boston; Mrs. R. H. Edwards, Alberton; F. L. Bowness, Sides; J. W. Colbeck, Sides; J. H. Armstrong, Borden; W. S. Mahon, Toronto.

Deaths - SMITH.—At Newton, Dec. 21st to Mr. and Mrs. Walter Smith a daughter (Alma Catherine).

EVERY WOMAN for sanitary reasons should possess a MARVEL DOUCHE. Recommended by physicians. Cleanses instantly and thoroughly. Price \$4.00 each.

Central Guardian SHOP from Holman's Catalog

NOTE: — Advertising locals cost five cents per word, payable in advance.

LADIES tea aprons, 50 to \$1.50 Prowse Bros. Ltd.—12-24-31.

THE CASINO ORCHESTRA will furnish special music at the Veterans' New Year's Dance.

C. O. F. Court Charlottetown, Number 576 will meet tonight Dec. 27 at 8 p. m. in Grand Lodge, Richmond St. Regular business.

ANY PERSON WISHING to advise with Principal Miller relative to courses of study will find him in the office of the Charlottetown Business College during the holidays.

ANOTHER FINE CALENDAR.—The W. K. Rogers Co. Ltd has the Guardian's thanks for an usually large and handsome Calendar.

FUNERAL TUESDAY.—The funeral of the late John Lawlor will be held on Tuesday afternoon. The services at the Cathedral and grave were conducted by Rev. Jas. Rooney.

ZION SUNDAY SCHOOL Xmas entertainment this evening at 8 o'clock. A large attendance of parents and others interested is looked for, to enjoy an evening with the children.

ATTRACTIVE WINDOW.—The attractive photo studio window of Mr. J. A. S. Bayer, Great George Street is attracting much favorable attention. Snow banks and an old time "snow-man" are realistically presented and the life like photos of children who appear to be enjoying themselves in a real Canadian fashion, make up a very pleasing window.

QUIET XMAS.—Christmas Day was quietly observed in the city, church services being held in the morning in a number of churches. The weather was fine and the roads were suitable to either sleighs or cars. Interested crowds watched the sleigh driving on Great George Street which was a feature of the afternoon. There were many happy family reunions and the old time Christmas festivities were in order.

ORPHANAGE VISITED.—On Christmas morning fifteen members of the Knight Templars of the Masonic order visited Mr. Herbert Orphanage and presented a handsome Xmas tree with an abundance of good things to the children. Each child received an individual present and a bag of candy and a good time was enjoyed in the spacious hall of the Orphanage. This is the second Christmas visit of the Knight Templars to the Orphanage and the occasion is being made an annual one.

HORRIBLE PARADE.—There was a well-attended meeting held last night at the McLean Service Station and full arrangements were made for the Big Horribles Parade on New Year's Day. A committee was appointed to interview the merchants and obtain a sufficient number of conveyances for the parade. Special arrangements are being made to have Mutt and Jeff, Charlie Chaplin, Maggie and Jiggs, The Bowery girls and many other humorous characters take part in this parade. Prizes will be awarded for the best turnout. So now boys get ready. It is not necessary for a participant to have a team and complete announcements will be made through the press later. During the past the Horribles Parade has been one of the most interesting events of the season and has always been looked forward to by the kiddies. So make this year's a banner one.

SALVATION ARMY CHRISTMAS TREE.—The annual Christmas tree and concert was held on Christmas night in the Salvation Army Hall, and was attended by a large number, among whom were many children who had received a present from a well-laden tree. The program of the concert was as follows: Opening song, "White Shepherd's Watch"; prayer and Bible reading by Mrs. Com. Higdon. "The Brownies and Fairies," by a number of the primary children; a recitation, "The Neglected Doll" by Doris Swan; a duet by Edna and Nellie Higdon; a dialogue "Christmas Lesson"; "Rag Doll Exercise" by a number of small children; cantata, "The Star Queen and Her Attendants." At the conclusion of the concert, Santa Claus appeared and distributed a goodly number of presents to the children. The entertainment on the whole was an excellent one, and all went away feeling that they had spent a most enjoyable evening.

PRESENTATION TO REV. DR. GENGEL.—At the close of the service on Sunday evening last, Rev. Dr. Genge, Pastor of the Central Christian Church was presented with a well-filled purse with greetings and good wishes for Christmas and the New Year. He is spending his Xmas holidays with his daughter, Mrs. Ellis and son Harold in Halifax, and will not return to Charlottetown until after the first of the New Year. Next Sunday the 30th he will be absent from his pulpit, but will preach at both services on Sunday, January 6th, 1924. Next Sunday the morning service will be taken by W. H. Stevenson and the evening service will be in charge of the choir, when they will give a sacred Musical Concert consisting of anthems, sextets, quartets, duets, solos and organ numbers under the direction of Prof. H. A.

FOREST HILL SCHOOL Report of the standing of Forest Hill School for December. Grade IX.—1, Christina Matheson 2, Florence Kilis. Grade VII.—1, Muriel Macdonald, Bertha MacKenzie, 3, Florence Macdonald. Grade V.—1, Ethel MacKinnon, 2, Nell Garrett, 3, R. D. MacKenzie, Grade III.—1, Norman Gillis, 2, Martin Gillis. Grade II.—1, Hazzard Gillis and Douglas Macdonald, (equal), 2, Ulling MacLeod, 3, Roy MacKenzie. Grade I.—Margaret Macdonald, Florence Macdonald, Teacher.

REVERE HOTEL L. E. Nesbitt, New York; R. Thomas, New Glasgow; J. Pellis, New Glasgow; L. S. Hu, Moncton; J. J. Duppuy, Moncton; Thos. LeClou, Moncton; J. A. McDonald, Sides; A. P. Arsenault, Sides; Chas. A. Prince, St. John; W. P. Giffin, Sackville.

O. O. H. & P. Special Meeting Kirvan Sanctorum this evening. Important business.

Judgement Given

Continued from Page 1

The fourteen cases of whiskey had the same label as the bottles. Haywood also stated that he heard a conversation between Barbour and the defendant in which the former said to the latter, "All this liquor was here. They used your horse in hauling it, and you know nothing about it" and that the defendant replied, "How could any sensible man not know something about it?" Thomas Doyle, a witness for the defendant, said that there are two farms, one of 100 acres, on which are the dwelling house, barns and outbuildings which he has owned and occupied for over fifty years; the other contains 24 acres which he bought and paid for. It was intended for the defendant, but the deed has not yet been delivered to him. He claims to own all the movables on the place and that he guides the defendant in his work of the farm. He also said that he knew nothing about the rum or the whiskey.

John Coyle, a witness examined for the defendant, who also testified against the liquor, stated that Doyle's place, gave his version of the conversation between Barbour and the defendant as follows: Barbour asked Doyle, "Did you find anything further about the liquor?" He said, "No." Barbour said, "The amount of liquor couldn't be on your place without your knowing something about it." To which Doyle replied, "Anyone of common sense couldn't help knowing it was there."

James Fraser, a Customs and Excise clerk, and acting gauger, testified that all imported liquor comes through his hands. That the kegs of rum and cases of whiskey seized on the Doyle farms were delivered to him as such officer; that there was no rum in the kegs cut into the wood as would have been done had the liquor been regularly entered and the Customs duty paid thereon.

Section 52 of the Prohibition Act enacts that no person shall keep or have in his possession any liquor unless such liquor has been purchased from a vendor in accordance with the provisions of the Act. It is for a violation of this section that the defendant is charged.

In view of the nature of the evidence given it became necessary to enquire into the meaning and legal effect of the words "keep or have in his possession." There are two kinds of possession known to the law, actual or constructive, or as they are sometimes called, possession in fact and possession in law. This section deals with possession in fact. Possession in fact exists where the thing is in the immediate occupancy of the party or his agent or tenant.

The word possession is derived from two Latin words, the inseparable preposition "pro," which, joined to a verb, strengthens its meaning and signifies, to sit, to have, to possess, to hold, to occupy. The first meaning found for possession in all standard dictionaries is: "The state of owning or having in one's hands or power property." Webster defines the word thus: "(Law) The having, holding or detention of property in one's power or command."

Allan J. in Brown vs. Volkening 84 N. Y. 80 defines it in this way: "Possession means simply the owning or having a thing in one's power or control." The learned judge in Sullivan vs. Sullivan, 66 N. Y. 41 gives the following definition: "Possession implies a present right to deal with the property at pleasure and to exclude other persons from meddling with it."

Lord Blackburn, in his valuable work on Sales of Personal Property, 2nd edition, page 334, says: "In general in technical language one is said to be in possession of goods when he has the property and an immediate right to have the goods dealt with as he will."

Judge Stephen in his history of the Criminal Law of England, vol. 3, page 123, illustrates the distinction between possession in law and possession in fact as follows: "A moveable thing is said to be in the possession of a man when he is so situated in respect to it that he can act as its owner and that it may be presumed that he will do so in case of need. If one person gives to another the possession of a thing on terms that he shall use it for some special purpose and return it on demand, the person to whom such possession is given is said to have the custody or charge of the thing. While in the custody of which the latter has the key, he would be said to be in the butler's custody. A drinking cup set before a guest at an inn for his use during a meal is said to be in his charge. Possession may be either connected with or separated from ownership in any of its degrees, but a custody or charge can exist only where some one other than the custodian is possessor."

The same learned author, in his digest of the Criminal Law, 3rd edition, at pgs. 210, 211, under the heading of "Possession with the criminal law and offenses against Property" says: "A moveable thing is in the possession of the husband of any woman if the property committed to him and not the legal possession of it which remains in the coach-master, yet as against all the rest of the world he must be considered to have such a special property therein as will support a count charging him as his goods."

Applying these principles to this case, I have now to consider whether the prosecution has made out

on the 12th and 13th of October last. Had the prosecutor simply shown that the twenty-nine kegs of rum and the fourteen cases of whiskey seized by him were found concealed on the defendant's premises and had the defendant failed to give any satisfactory evidence as to his knowledge thereof or connection therewith, I would feel bound to hold that the prosecution had established a prima facie case against the defendant and to give judgment accordingly. But it would seem that the prosecution evidently realizing that the business of rum-running and smuggling intoxicants into the Province had during the past season been largely carried on, may have felt that the defendant was not the actual importer, smuggler or concealer of the 1090 gallons of rum and the four cases of whiskey uncovered at Rustico. There is no suggestion in the evidence that Doyle had any part to play in the bringing of the liquor to the place where it was seized. 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