

TODAY

THEY'LL TEACH YOU ABOUT LOVE AND LAUGHS IN ANY LANGUAGE! They land in jail with their boy friends—but can it stop the riot of roars and romance?

NEVAIR

FIFI DORSAY

REGINALD DENNY

OUR GANG

In Their Latest Talkie

LOVE BUSINESS

Mat. 3.15, 16c, 37c. Night, 7 & 8.45. 2c, 4c, 52c.

PRINCE EDWARD MON-TUES

Never two such marvelous voices in one picture!

Lawrence TIBBETT IN **"NEW MOON"**

With **GRACE MOORE**

Throughout its exciting, nerve-rattling action here breathes the haunting pleading of love songs that make it a picture of irresistible sentimental appeal.

Public Shows Keen Interest In Dicks Case

Supreme Court Room Crowded During Yesterday's Proceedings. Case Goes To The Jury This Morning.

(Continued from Page 2)

Miller and Platts as to the meeting with plaintiff.

When McDonald and witness got to Capt. Dicks' car, they got out. McDonald asked plaintiff what was the matter. Plaintiff said somebody tried to shoot him up and he started towards the car. As witness and McDonald stepped to the other side Clinton was leaning against the door. He had an iron in his hand. McDonald gave him a push and he fell in the gutter. He was drunk. Witness saw Dicks talking to Miller and Mann, but did not hear the conversation. They were "chewing the fat and wrangling." Later Capt. Dicks drove away. Witness did not see how far he went. He did not hear plaintiff say anything about his tires. Witness searched the plaintiff's car, with McDonald.

Q—When you go out assisted by prohibition officers, who makes the seizure?

A—I do.

Q—As customs inspector?

A—Yes.

Q—And the man is prosecuted under the Customs Act. That is your usual course, is it?

A—Yes sir.

Q—Did you hear any shots fired?

A—No sir.

Q—Did you see anybody shooting?

A—No sir.

Q—You didn't fire any shots?

A—No sir.

Q—Did you see a gun?

A—No sir.

Q—Did you have a gun yourself?

A—No sir.

Q—Did you examine Dicks' car?

A—No sir.

Q—Did Dicks ask you to examine his car?

A—No sir.

Q—You didn't notice his tires?

A—No sir.

Cross examined, witness said he was not there when the supposed shooting was done. There are lots of hills there to obstruct the sight. It was a fact that when he and McDonald reached Dicks' car it was stopped, there was a fuss and when McDonald asked what was the matter, Dicks said, "Somebody has been shooting me up." Witness did not hear what Mann and Dicks said to each other. He did not know how far Dicks' car moved when it went away.

Q—When you go about searching you go about it the right way, don't you?

A—I try to.

Q—Have you ever used a gun yourself?

A—I have on one occasion.

Q—Where?

A—At Richmond Bay.

Q—Were you attacked at the time?

A—Yes sir.

Q—That was in self defense?

A—It was.

Q—As a matter of fact, do you carry guns?

A—I haven't just lately. We have been supplied with guns.

Q—And you are told to use them with discretion?

A—Yes sir.

Q—You have instructions to that effect?

A—Yes sir.

Q—That it is only in cases where you might be in danger yourself?

A—Yes sir.

Q—You say you go out with the prohibition officers, and you take the liquor. When you go out with Mr. Hayward does he let you do that?

A—Yes sir.

Q—When he makes the seizure?

A—When he makes it I take it.

Q—You do not let him put it over you, eh?

A—He has tried to.

Q—Isn't it a fact that when Mr. Hayward goes out he is the man that tries to claim the seizure?

A—He hasn't with me, anyway.

Q—You are too wise for him?

A—Probably.

Robert McDonald, Customs, excise and preventive officer, (sworn), at the time of the alleged shooting had his appointment from the Customs, but it was not to take effect until his resignation as Sheriff of King's County. He repeated the evidence given, of following the plaintiff's car.

Mr. Campbell: "How fast were you going?"

"Well, I don't know, I asked Platts how fast his old thing could go and they (Mann and Miller) passed us at that time."

When they arrived where Dicks' car had stopped Mann and Miller had got out of their car. Witness asked what was the trouble.

Q—Why were you going for this car?

A—We believed he was carrying smuggled liquor.

Q—You say of this mark you saw on the back of the car that a bullet would make a more pronounced mark?

A—I think a bullet would go right through it.

Q—What is the back of a car made of?

A—The only car I had—a Ford—I think is made of tin.

Q—Is your own car what you call a "tin Lizzie"?

A—Yes.

Q—How old was it?

A—I had it the second year.

Q—And it had seen a good deal of service?

A—Yes.

Q—You used it a lot, as Sheriff.

A—No, it was a Customs car.

Q—She was getting a bit shaky, was she?

Q—Rattled, I suppose.

A—Yes.

Q—And you were going as fast as you could to keep up with him?

A—We were doing pretty good.

Q—She would be making quite a noise, wouldn't she?

A—Yes.

Q—At that time the roads were not in the best of condition.

A—Not too bad as to that. I remember the dust was bad.

Q—So there would be quite a noise from the old tin Lizzie you were driving, and it wouldn't be very easy for you to hear the crack of an automatic revolver a quarter of a mile away, under those conditions.

A—I don't know whether it would be a quarter of a mile away.

Q—Mr. Mann says so.

A—Well, we may have been. I don't think we were, though.

Witness described the nature of the mark he saw on the Dicks' car next day. The dent might be from an eighth to a quarter of an inch in diameter. It didn't look like a bullet hole to him, at the time. It could have been caused by a spent bullet. It looked like a direct blow; it was over a foot below the window to the left of the centre. Witness and Platts were back in Kensington before they knew whose car it was. At the time he searched the car for liquor he didn't know.

Q—You are sure that you didn't tell Capt. Dicks and myself, right in front of the Customs House, that you saw the flat tire the night before?

A—I am positive, because I didn't see the flat tire.

Q—Have you been acting in a dual capacity as prohibition officer and Sheriff?

A—At one time, yes sir.

Q—How could you reconcile those two positions, Sheriff of the County and prohibition officer?

A—It didn't need any reconciliation.

Q—Didn't you, as Sheriff, have to serve documents?

A—Yes.

Q—In connection with cases that might arise in prohibition matters, such as the case before the Court today?

A—Yes.

Q—And select juries for those cases?

A—Yes.

Q—How then would you reconcile your position as Sheriff of the County and still act as a prohibition officer?

A—As you know, the jury is selected long before the case would come up; perhaps a year ahead.

Q—But if you are a prohibition officer when the jury is selected, how do you reconcile that position with your being the Sheriff of the County?

A—I didn't allow that to interfere with my selection of the jury in any way.

Q—But you acted in both capacities at once.

A—Yes.

Q—And drew a double salary.

A—That was the main thing.

Q—I suppose so! And this very time, when this very matter occurred on which suit is brought here today, you were acting as Sheriff.

A—At that time, yes.

Q—And if the damage had been done in Prince County instead of in Queen's, you are the man that would have selected the jury to try the case?

A—I was not a prohibition officer then.

Q—But you were the Sheriff then; and you might have been one of the parties that would have been sued,

A—Possibly. I was sued before when I was Sheriff, for things I did as Sheriff.

Q—But that was in your office as Sheriff.

A—Yes.

Move to Recall Plaintiff

Mr. Campbell, on behalf of the defense, asked to have the plaintiff recalled as a witness.

Mr. Johnston:—For what purpose?

Mr. Campbell: I wish to ask him a question.

Mr. Johnston: What is the nature of the question?

Mr. Campbell:—I purpose to ask him if he was ever in Dorchester Penitentiary.

Mr. Johnston:—I submit you cannot ask him that at this stage of the proceedings.

The Court:—The witness could go on the stand and you might ask that question, and he could refuse to answer it. How much further ahead would he be?

Mr. Campbell: I submit that this question is relevant to this case.

The Court:—If you could show me any authority.

Mr. Campbell: The Court has full authority to allow the evidence.

The Court: Quite so; but there must be good reason.

Mr. Johnston: My learned friend wants now, after cross examination, to put a question as to character.

Mr. Campbell: Not as to character; Mr. Johnston: That is as to character. I never heard tell of such a thing.

The Court: We can't examine as to character unless the plaintiff has given evidence of character.

Mr. Campbell: I submit that as the question is one which goes to the foundation of the action, then the Court, in order to see justice is done, will in its discretion recall the witness.

Mr. Johnston: As I understand the practice of this Court, if it is some question that counsel has omitted to ask that is material to the evidence, the Court will in its discretion allow the witness to be recalled. But that is not to say that my learned friend can start in now to harass the witness as to character.

The Court: It is not usual to recall a witness for the purpose of further cross examination. You are into the defense now, and you want to prove your defense by the plaintiff witness being cross examined again. I don't think you can do so.

Chief Inspector Called

Bennett J. Hayward, Chief Prohibition Inspector, sworn as witness for the defense, had no distinct recollection of May 13th last. He was not present at the events connected with the case.

Q—Had you some conversation with a man from the Guardian?

A—Yes, I believe so. He came to me about it.

Q—Before you talked to that man from the Guardian had you had any talk with Mr. Miller or Mr. Mann, since the 12th of May?

A—I don't think I had.

Q—Had you any report of theirs?

A—No.

Q—Were you present at the hearing before the Commission—the Customs probe?

A—Yes.

Q—Did you hear Capt. Dicks give evidence?

Mr. Johnston objected to the question as being entirely irrelevant. Objection sustained.

Cross Examination

Q—(Mr. Johnston): Where did you receive the information you gave to The Guardian?

A—I forget now. It was all hearsay that I heard about it.

Q—So this interview you gave was all hearsay?

A—Oh no; that happened all right, I guess.

Q—You were not there?

A—Which one do you mean?

Q—This shooting up of Capt. Dicks.

A—Oh no, I wasn't there.

Q—Well then it was hearsay, all you knew about it?

A—I was talking about the interview with The Guardian. I was present then.

Q—And what you told them was hearsay?

A—Yes.

Q—Where did you learn all about this, that it was blank shots that were fired?

A—If I remember rightly, The Guardian man asked me. I didn't know at the time it was for publication.

Q—I want to know where you learned it.

A—Well, there was some mention made about shots, some party told me that they shot Dicks' car.

Q—Who told you?

A—I can't remember.

Q—Was it Miller?

A—No.

Q—Was it Mann?

A—No.

Q—Was it MacDonald?

A—No.

Q—Platts?

A—I don't think it was anybody that was there. It was someone who said that they had heard about it. I said I didn't think it was right. Well, they said, the shots were fired.

Q—Who was this man?

A—I can't remember who it was. It may have been The Guardian representative; I don't know.

Q—It got into The Guardian, anyway?

A—Yes. That is how the thing started. I was not in a position to give a report on it, anyway.

Q—You gave the report, but it was not for publication?

A—I didn't think so at the time.

Q—But they published it?

A—Yes.

Q—You go to The Guardian with lots of information, don't you? Don't you publish everything in The Guardian, in every case where you get a conviction?

A—No sir.

Q—Don't you get somebody to go?

A—No sir.

Q—It is always in. Every time you get a conviction it is in the paper; but every time a man is discharged it is not in the paper. Do you know that?

A—Well—

Q—Are you sure that every time you get a conviction you don't get it put in the paper?

A—I haven't gone to The Guardian—

Q—Or send any one?

A—No.

Q—Or the Patriot?

A—Sometimes I go to make a correction, that is all.

Q—Did you correct this information you gave about the firing of blanks?

A—No.

Q—Why didn't you?

A—It is getting corrected now.

Q—Now is the time to correct it, is it?

A—Yes.

Q—Did you have an interview with anybody else about this matter?

A—I think I spoke to our men about it when I was up there.

Q—Did you speak to me about it?

A—I said I took it to be Capt. Dicks.

Q—How many were in the car coming up?

A—Two of them, I believe.

Q—Were there two?

A—Well, we were coming and they were going and I took it to be Capt. Dicks. That's all.

Q—But I want to know who "we" were.

A—Ceel Miller and I.

Q—What time would that be?

A—Sometime in the afternoon.

Q—What time?

A—Couldn't tell you.

Q—You got some liquor down at Waugh's that day, did you?

A—Yes.

Q—How many bottles?

A—There were three kegs.

Q—Any bottles?

A—There were three cases, yes.

Q—How many bottles?

A—I couldn't tell you.

Q—Those bottles were afterwards produced?

A—They were turned in to the Customs House.

Q—Weren't there some bottles missing, Mr. Mann?

A—I couldn't tell you.

Q—Didn't you hear about it?

A—No sir.

Q—That some of the bottles had disappeared?

A—No sir.

Q—You take a drink yourself, don't you.

A—Sometimes.

Q—Bottles, yes?

A—No sir.

Q—When did you get a prescription last, from the Vendor?

A—Last Spring, I believe.

Q—Is that the last bottle you had to drink?

A—I have sampled some of it to see what it was.

Q—Oh. You don't profess to be a tee-totaler, then?

A—I have got to sample it to see whether it was rum or whiskey, sometimes.

Q—How large a sample do you take?

A—Not very much.

Q—A bottle or two?

A—No sir.

Q—A keg or two? Sometimes you take a keg or two, don't you?

A—No sir.

Q—That is your oath?

A—Yes sir.

Continuing, witness said the road was gravelled in places. He did not see Everett Haslam there at all. The cross examination was continued on witness' direct testimony concerning the manner of overtaking the Dicks car. Witness could not say how far they speeded past plaintiff's car after passing him, whether it was one mile, two miles or five miles.

Q—If the plaintiff knew you were a prohibition officer and that you were after him, why did he slow down the second time? What was to prevent Dicks from making a bolt in that car he had?

A—Well, for one thing his car might not have been working too good.

Q—But he says it came out of the garage in first class condition that day.

A—It might not have been working too good that day.

Q—Didn't it seem to be working all right? It was going 35 miles an hour at one time, you say?

A—Yes sir.

Q—What would make it cease to work all right?

A—Several things might do it.

Q—Can you tell us of anything that would prevent him, if he heard you shouting and notifying him that you were prohibition officers the first time, from going on out of your reach altogether?

Witness saw Dicks get out and go around the back of the car and saw Clinton on the other side with an iron bar in his hands. Witness took the bar away and Clinton fell in the ditch. Witness and Platts searched the car and found no liquor. Witness heard no shots fired that night. Nor did he see or handle any gun. Dicks' car was the first to pull away. Witness contradicted Officer Platt's evidence with respect to Capt. Dicks' statement to him. Witness was sure he did not exchange any words with the plaintiff that night. Witness examined plaintiff's car next day and saw marks. He would think a bullet would make a plainer mark unless it was a spent bullet.

Cross-Examination of Ex-Sheriff MacDonald

Cross examined, witness repeated that on the day in question he was not acting as Customs Officer but as County Sheriff.

Q—You were asked about what you said when you arrived at Capt. Dicks' car. You stated that you inquired what was the matter.

A—Yes, I didn't stop, I kept on going around the car, and I think Capt. Dicks, or the man that was there—I didn't know him at the time—said something; but I couldn't tell what it was.

Q—You heard what Mr. Platts said, that Capt. Dicks said somebody was shooting him up?

A—Yes.

Q—You didn't hear that?

A—No, Mr. Platts had stopped there. He would be handier to him than I.

Q—Do you remember that he said that the next day?

A—I remember him telling me in the office that day.

Q—I believe Capt. Dicks and myself called on you the next day?

A—Yes.

Q—To find out who actually did the shooting?

A—I suppose that was the purpose.

Q—Was that the expressed purpose?

A—Yes.

Q—To find out from you who were the parties that had actually been concerned in the shooting?

A—Yes.

Q—And you told us that you were not mixed up in the shooting.

A—I told you I did no shooting if there was any done.

Q—Did you say "if there was any done"?

A—I must have.

Q—But did you?

A—I wouldn't say that. I remember saying I did no shooting.

Q—Do you remember saying that you were not mixed up in it?

A—I may have used those words, I can't recall all that was said and done.

After some further examination on this point, witness was asked: Q—Did you tell us that it was Mr. Mann and Mr. Miller that were in the car?

A—Well now, I am not sure whether I told you that or not.

Q—You didn't want to be written here, did you.

A—I was not particular. I didn't see any danger from any part I took in it.

Q—And Capt. Dicks took you out and showed you the actual marks on the car?

A—Yes.

Q—Do you remember telling Capt. Dicks and myself that morning about the flat tire he had.

A—No.

Q—Do you deny that you made that statement?

A—I will deny that I saw the flat tire.

Q—Do you deny making the statement that you did see the flat tire?

A—I don't see why I would make it because I really didn't see that flat tire. Whether I mentioned that flat tire in the conversation or not I wouldn't like to say positively but I feel quite sure I didn't.

A—I might have.

Q—Do you remember we had quite a talk about it?

A—I talk to you about a lot of things.

Q—Do you remember telling me that it was blank shots that were fired?

A—I might have said the same to you.

Q—I suppose you had no reason for that, either?

A—Mr. Mann gave evidence here of shots fired at Gallant. They were blank shots.

Q—He didn't say they were blank shots.

A—You didn't ask him.

Q—Then you came to the conclusion, when you heard Dicks was shot up—knowing that your officers had been using blank shots—

A—I didn't know they did.

Q—Then why did you mention blank shots at all?

A—I didn't mention them.

Q—You never mentioned them to The Guardian man?

A—He mentioned them first.

Q—Who was that man?

A—I don't know. It may have been The Guardian man.

Q—You don't remember about it?

A—No, I don't.

Q—Then who mentioned them first?

A—The party that told me that there were shots.

Q—Did I mention to you that they were blank shots?

A—I don't remember interviewing you at all.

Q—Do you remember me calling your attention to it several times?

A—No, I do not.

Q—Do you remember me calling your attention to the conversation that you and I had the day after the shooting took place?

A—No.

Q—Do you remember saying to me that it was blank shots that were fired?

A—No, I don't.

Q—Is your memory good?

A—Yes, very good.

Q—Don't you remember when I went up to you and said: "Now, you've got yourself into a lot of trouble."

A—You often do that, in lots of cases.

Q—Not any more often than you shoot the men up.

A—You often do that, you know yourself.

Q—Did you shoot a fellow up here by the name of Garnham, not very long ago?

A—No sir.

Q—Did Mr. Platts?

A—Mr. Platts was not there.

Q—Who was there?

A—You know yourself.

Q—Oh. It was Hayward?

A—Yes.

Q—Is Mr. Platts related to you?

A—Yes.

Q—How many Platts are engaged in prosecuting these liquor cases?

A—There is one Platts on prohibition enforcement and one in the Customs.

Q—How many Haywoods?

A—Two on prohibition. One in the Provincial Police, and myself.

Q—Are there two Platts' and four Haywoods?

A—No.

This concluded the evidence. Mr. Mark R. McGuigan, then summed up on behalf of the defence. Mr. J. J. Johnston followed for the plaintiff. The Court then adjourned until 10.30 this morning.

HORSE RACES TOMORROW AFTERNOON

The regular Saturday program of the Victoria Driving Club consisting of four events, will take place tomorrow afternoon at sharp 2 o'clock on the same course as previously, namely east side of Hillsboro Bridge. Following are the events:

Class A Trot—Captain Jackson, Brian Mac.

Class B Pace—Butcher Boy, Louisset, Hastings Echo, Laocopia Belle.

Class B Trot—Watts Edition, Peter Verde, Meek Todd, Ruth S.

Class C Trot—Mary Volo, Longshot, Peter Wilton, Jr., Woodward Scott, La Rico, Emma Azoff.

Officials are asked to please be at the course promptly on time.

Western Guardian

—TO LET—Office of the late W. K. MacGougan. Water Street, Summerside. Percy L. Bowness. 3032-1-30-21

—HORSE RACING AT SUMMER-SIDE—The postponed horse racing on the Summerside harbour is to take place on Saturday afternoon, weather permitting. Some good horses are competing and a good afternoon's sport is expected.

—ORDERLY CROWD—The fans that came down from Charlottetown and all along the line on Tuesday to see the League game at Summerside were a very orderly crowd. There was not even a drunk recorded in the Summerside police Court or Wednesday morning. The police handled the situation very well. The Crystal rink had the largest attendance so far this season and everything went off well.

—NEW HEATING SYSTEM AT POST OFFICE—For the past few days plumbers have been at work installing a pair of new boilers in the Dominion Public Buildings at Summerside. This was found necessary owing to leaks in the old system. The caretaker praises the efficient manner in which the transfer was made. The building was only without heat for seven hours. This was quick work as a complete change was necessary as the old boilers were of a design now obsolete. The new boilers are of the McGill type. The work was in charge of Mr. R. T. Morrison of Summerside.

Right towards their fellow man. Prayerless people who treasure up wrath against someone else. Then there are those who wrong others by their conduct, and those living in known sin. The speaker came down heavy on all sin prevalent in the lives of the type of people living under these conditions. The nightly influence on those attending the series of meetings is working for an unmistakable betterment in daily living. Tonight at 8 p. m. another meeting of the series will be held and the subject of address will be the "Romance of the Human Heart." At 6.30 p. m. a Lantern Service will be held for juniors.

Mortgage Sale

There will be sold by Public Auction in front of the Law Courts Building in Charlottetown in Queen's County in Prince Edward Island on Saturday, the 28th day of February, A. D. 1931, at the hour of twelve o'clock noon ALL THAT parcel of land situate lying and being on Lot or Township Number Twenty-nine bounded as follows: Commencing on the west side of the Melville Road at the northeast angle of land in the occupation of Francis Smith thence west to the east boundary line of the Westmoreland Estate, thence north seven chains and four-tenths links or to the southwest angle of land in the possession of Patrick McKenna, thence east to the road, thence along the road to the place of commencement containing fifty acres of land a little more or less. This sale is made in pursuance of a Power of Sale contained in two Indentures of Mortgage dated respectively the 13th day of March A. D. 1923, and the 31st day of May A. D. 1926, and made between Bernard Trainor of Maplewood in Queen's County in Prince Edward Island farmer of the one part; and the undersigned of the other part, default having been made in payment of principal and interest secured by said mortgages. Dated this twenty-ninth day of January A. D. 1931.

MINNIE ELIZA WEBSTER, Mortgagee.

Messrs. McLean & McKinnon, Solicitors.

Meetings At Salvation Army

A warm spiritual fervour is growing from night to night at the Awakening Meetings being conducted for 10 days in the Salvation Army Citadel. Last night a special scripture message was read, having a vital place in all revivals. "Ye are: and receive not, because ye ask amiss," Jas. 4. 3. Adjutant Martin styled his address under the subject of "God's dead-letter office." Emphasis was placed on the various types of people whose prayers were never answered. The people whose hearts are not