THE WESTERN GUARDIAN

AGENTS: J. Elmer Murphy, 26 Hanover St., and George Clow, 30 Ottawa St.
SUMMERSIDE and PRINCE COUNTY
News, Subscriptions, Advertising

The Guardian may be bought daily at any of the following stores in Summerside:

Bell Bookstore, Water Street; Gourlies Drugstore, Water Street; Toronto Bakery, Water Street; Mark Gaudet, 67 Granville Street.

The Guardian will be delivered to any home in Summerside. Carrier Boy at 2c per day or 10c per week. Phone 389 for this service or give your order to the boy responsible for deliveries on your route.

—REX A and D Feeding Oil at Taylor Drug Co., Kensington. 3-8-6i.

—WATERMAN PENS just received at Taylor Drug Co., Kensington. 3-8-6i.

—ALBERTON, March 19th and 20th, 3 act Drama "Path Across the Hills." Rush Drawing Stubs. 3-14-2i.

—SMALL two cover boat or cabin cast iron stoves, square cornered top 11 x 16, in stock at Brace's. 3-13-2i.

—HOCKEY — Kensington rink Thursday, March 14, New Annan vs. Spring Valley. Second game in finals for North Shore trophy. 3-14-1i

—HOCKEY — Bedeque rink Thursday, March 14. First game of finals in South Shore Hockey League. Freetown Grads vs. Bedeque Beavers. 3-13-2i

—ANNUAL MEETING. — The Annual Meeting of the Kensington Dairying Co-Operative Assoiation Limited, will be held in the King George Hall, Kensington, on Tuesday, March 19th, 1946, at 2 P. M. All members are requested to attend. W. L. Delaney, Manager. 3-13-14-16-18.

—DR. DOWNING ENROUTE HOME — Mrs. H. M. Downing of Summerside has received a cable from her son, Dr. John B. Downing, overseas, stating that he will arrive at Halifax this weekend. Dr. Downing plans to establish a practice at Borden.—S.

—DOUBLEHEADER HOCKEY match Bedeque rink tonight, Thursday, March 14, Kinkora Juniors vs. Searletown Gangsters, starting at 7:45 sharp. Playing a two-period game previous to South Shore League game. 3-14-1i

—MALPEQUE AND BALTIC W. M. S. —The March meeting of the W. M. S. for Malpeque and Baltic was held Tuesday afternoon at the Manse. The President, Mrs. Crowdis opened the meeting with the singing of hymn 677. Twelve members answered to roll call, minutes of last meeting read also treasurer's report given. Letters were read from Mrs. Woodside and Mrs. Enston. Twenty-seven calls were made by members since our February meeting. Mrs. Gerard Leekhart was in charge of the African program "What of Tomorrow" This is the climax of our African study. Thank Offering envelopes were distributed among the members. Easter meeting to be held on April 2nd at the home of Mrs. Preston Green. Roll call to be answered with the word "witness." Hymn 369 followed by the Mizpah benediction brought the meeting to close.

—PRAYER SERVICE AT MALPEQUE — The World Day of Prayer was observed in Malpeque United Church on March 8th. A goodly number were present, with Hamilton, Malpeque, Darnley and Sea View auxiliaries in attendance. Mrs. Leslie Ramsay, Hamilton, presided. Associated on the platform were Mrs. Crowdis, Malpeque, and Mrs. Hickey, Darnley. The theme—The Things That Make for our Peace—program as designated in Missionary Monthly. 1st and 2nd section was taken by Hamilton W. M. S.; with Mrs. Wendle Crozier taking solo in prayer hymn, "Open My Eyes." 2nd and 3rd by Darnley W. M. S., and 4th by Malpeque W. M. S. Hymns, "Holy Holy," "There Is A Green Hill Far Away", and "The Day Thou Gavest." Mrs. Simpson presided at the piano. Intercessional prayers were offered by Mrs. Beairsto, Mrs. MacGougan, Mrs. Donald, Miss Stewart, and Mrs. Ramsay. Rev. Mr. Crowdis gave a brief, but excellent address on Peace. This meeting was concluded with an offering, dedication, National Anthem and benediction.

Hospital Help WANTED

Assistant Superintendent, Operating Room Supervisor, Supervisor for Obstetrical Department, Dietician, Instructor in Nursing.

Apply stating age, experience, and salary required. This hospital now comprises seventy beds, and is starting the erection of a new, modern, 100 bed hospital.

Address
THE SUPERINTENDENT,
Prince County Hospital,
Summerside, Prince Edward Island
3-8-3i.

INSURANCE
ALL LINES
RALPH MUTTART
Summerside

PROFESSIONAL CARD
T. E. HICKEY
Chartered Accountant
Office at
11 Granville Street
Summerside

—FOR SALE. — Work mare 1450 lbs. Colt 3 years old by Abner T. Clegg. George Croken, Freetown. 3-14-2i.

—FOR SALE. — One well matched team of mares, nine and 10 years old. About 1400 pounds. Exceptionally strong, perfectly sound. Joseph Martin, Travellers Rest. 3-12-2i.

—ALBERTON Friday, March 22nd, "Going My Way". Great Picture. 3-14-1i.

—ANNUAL School Sports Bedeque rink Friday, March 15. 3-13-3i.

—EXPERIENCED blacksmiths will not weld heavy anchors in hot weather. Order heavy iron or made to order anchors now at Brace's. 3-13-2i.

—FOR SALE. — At Central Bedeque, P. E. I., four room house, equipped with electricity. Including barn and lot. Inspection any time. Mrs. Mildred Craig. 3-14-2i.

—HOCKEY — Kensington rink Friday, March 15, Kensington Hockey Club vs. North Shore All Stars. Playoff game for Bell Trophy. Game starts 8:15. 3-14-2i.

—ENLARGING STORE — Ralph Callbeck & Co., Central Bedeque are enlarging their store by finishing two stories in the upper part of the present building. Mr. Roberts of Middleton with a crew of six men is rushing the work and expects to have the new part ready for the spring trade.—S.

—NOVELTY SHOWER — A delightful supper and novelty shower was held at Mulberry Lodge on Wednesday evening by the Misses Todd and Miss Eleanor Campbell in honor of Mrs. Eric Sheen whose marriage took place recently. The varied and useful gifts were opened and placed on the table by Miss Pauline Todd. Music was furnished by Miss Catherine McCallum. Mrs. Sheen sincerely thanked her friends for their kindness on this occasion.—S.

—ROTARIANS TO EQUIP ROOM — At the regular meeting of the Summerside Rotary Club on Tuesday it was decided to raise an amount of $5,000 over a period of three years to provide the cost of a room in the new Prince County Hospital. This room will be known as the Rotary Room. Mr. William Hayward gave a report of the crippled children's drive and said that $1,800 had been raised with all the returns not in. Guests were Victor Travers and Robert Clarke. —S.

Personals

—Mrs. Charles Profit and Mrs. Joseph Callaghan of Alberton were in Charlottetown attending the annual meeting of the P. E. Island Red Cross Society, Tuesday, March 12.

—Pte. Alex Nicholson, son of Mr. and Mrs. Daniel Nicholson of Albany, has returned home from overseas after spending two and a half years with the Cape Breton Highlanders. His family and friends were joyous to find him in good health. After spending a month home he has returned to his duties in Halifax.

—Mr. and Mrs. Fred Bell of Summerside, have left on an extended visit to cities in Canada and the United States. En route they will visit their daughter, Ferne, a student at Mt. Allison University.—S.

—Mr. and Mrs. Norman Olsen, of Islington, Mass., have arrived in Summerside on a visit to the latter's parents, Mr. and Mrs. W. K. Llewellyn, Cedar Street.—S.

FARM FOR SALE

I offer for sale my farm, at Carleton, situated on the Borden—Summerside highway, 1½ miles from shipping.

This farm consists of 100 acres more or less, and is in a high state of cultivation as it has always carried a large stock, 80 acres clear, 8 acres of choice hardwood and the balance under soft wood and pasture.

There is a never-failing Spring near barn.

Buildings consist of: A large dwelling house in good condition equipped with running water and modern bath; a new barn with running water and drinking bowls; a new riggery, a large general purpose building also a good henhouse.

Reason for offering farm, is ill health.

ROBERT S. CARRUTHERS,
Albany, R. R. 2.
3-14-16-21.

"KING KONG"
With
FAY RAY and
ROBERT ARMSTRONG
VICTORIA
Thursday, March 14th
Evening 8:00 - Matinee 3:30

BORDEN
Friday, March 15th
Evening 7:15 - 9:15
Matinee 3:30
Usual Admission

—TO-DAY—
Everyone says "LET'S SEE MORE OF EADIE"
COLUMBIA'S Eadie was a Lady
with ANN MILLER JOE BESSER William WRIGHT • Donnell • Lynne LITTLE and HAL McINTYRE and his ORCHESTRA
Original Story and Screen Play by Monte Brice
Produced by MICHEL KRAIKE • Directed by ARTHUR DREWORS
ALSO NEWS and COMEDY
Shows, 7.30 and 9.15
Matinee Thursday at 3.30
CAPITOL
SUMMERSIDE

Bedeque

Mr. and Mrs. Edwin McFarlane, Fernwood, were recent visitors to Charlottetown.

Mrs. Hartle Condon, Wilmot Valley, returned home after spending a few days with her daughter, Mrs. Darrah, in Kensington.

His many friends are glad to know that Mr. John C. Pillman, New Annan, is making good progress toward recovery in the Prince County Hospital after being operated on for appendicitis.

Mr. James N. Clark, North Bedeque, is confined to his bed with the 'flu; his many friends in the Bedeque South Shore Hockey League wish him a speedy recovery.

The Young People's Society of the Bedeque United Church entertained the members of the Freetown Young People's Society with a skating party in Bedeque rink, ending up with a weanie roast. All seemed to enjoy themselves very much.

On Saturday, March 9th, on the eve of the departure of the Gould family from Bedeque to their new home in De Sable, Mr. and Mrs. Walter Gould, their son Harold and Mrs. Gould were dinner guests at the home of Miss Annie Leard. During the evening other members of the Women's Missionary Society of which Mrs. Gould Senior is a valued member assembled to do her honour. After a time spent in games and social intercourse the president on behalf of the society addressed Mrs. Gould, expressing deep appreciation of her services so generously given through the years, regret at the removal of her and her family from our community and the hope for happiness and continued usefulness in church environment of their new home. Following the address gifts were presented to Mrs. Gould to serve as reminders of her Bedeque friends. With the serving of refreshments the evening was brought to a close.

The world day of prayer was held in the Bedeque United Church school room on Friday afternoon, March 8th with a good attendance. The impressive service was presided over by Miss Louise Callbeck. The things that make for our peace, was the theme, stressing the importance, a childlike spirit, a loving heart, a quiet and confident mind and an active goodwill. Those who took part as leaders in the program were Mrs. Percy Affleck, Mrs. Edna Jenkins, Mrs. Howard Schurman of the Baptist Church, Mrs. Irving Toombs and Miss Louisa Callbeck. It was pointed out that God's peace may be had in a restless and troubled world and there fifty-two countries in the world who will be praying for peace on this world's day of prayer. A solo by Mrs. Jenkins, "This is My Task", was much enjoyed. The offering was received and dedicated. The meeting was brought to a close by singing "The Day Thou Gavest" and benediction, followed by a social hour, all sitting in a circle while a delicious lunch was passed.

—A joint meeting of the directors of the Sheep and Swine Breeders of Prince Edward Island was held in the office of the Provincial Department of Agriculture on Tuesday afternoon March 12th. Mr. Walter McKenzie, M.L.A., President of the Sheep Breeders, presided at the sheep meeting and Mr. James McGregor, president of the Swine Breeders, presided at the swine meeting. Other directors present were Walter Buntain, T. J. Inman, Urban Gillis, W. B. McLellan, Alex Hamilton, David Wright, Mr. Underhay and Mr. Boswell. Considerable business was transacted regarding the marketing of wool, and the grading of purebred sheep and hogs, and the distribution of pure bred registered stock. Mr. Walter Shaw, Deputy Minister of Agriculture. Messrs. Stuart Irving and Harold Clay of the Dominion Department of Agriculture, were present and gave some very helpful advice and suggestions in regard to Registered Ram grading centres, and the meeting considered the advisability of holding an auction sale of registered stock in the fall.

Cream massaged into the hand skin before pulling on rubber gloves, keeps your hands nice. But when your gloves are removed, dust them with talcum powder to preserve the rubber.

Answers Tabled In Legislature

Answers to the following questions were tabled in the Legislature yesterday:

Hon. Dr. MacMillan:

(1) What is the total bed capacity of the Provincial Sanatorium for patients?

(2) What number of beds has the Department of Veterans' Affairs priority on?

(3) How many veterans are in the Institution at present?

(4) How many civilian patients are in the Institution?

(5) What number of beds are now vacant?

(6) Give number of nurses necessary to staff of the Institution?

(7) Give number of nurses now employed?

(8) How many additional nurses are necessary?

(9) What steps have been taken to procure the extra necessary nurses?

Answers:

(1) Total bed capacity of Provincial Sanatorium for patients, 143.

(2) The Provincial Sanatorium Commission authorized the Superintendent to use 15 per cent of beds for D. V. A. patients.

(3) 16.

(4) 90.

(5) 37.

(6) 19.

(7) Registered Nurses 15. Graduated, not eligible for registration, 2.

(8) Two or more registered nurses required before population is up to 143.

(9) To date, nurses as required have been procurable. There are four nurses who were with the armed forces on the staff, and at present there are others available.

Education

Mr. Strong:

Give the names and officers and salaries of all persons employed in Charlottetown by the Department of Education, being others than teachers in Prince of Wales College.

Answer:

Officials at present in the Department of Education with duties and salaries:

L. W. Shaw, M.A., Director of Education, $3,500.

P. S. Bradley, Secretary of Education $2,400.

Maurice J. Cahill, assistant secretary, $1,700.

Edward D. MacPhail, attendance officer, $1,800.

Sadie Acorn, stenographer, $1,000.

Beverly Pound stenographer, $600.

Rosalie Kiggins, stenographer, $600.

E. Callaghan, B.A., Inspector of Schools, $1,500.

F. E. Doiron, B.A., Inspector of Schools, $1,500.

C. B. Jelly, B. A., Inspector of Schools, $1,500.

G. Edison MacDonald, Inspector of Schools, $1,500.

A. A. Gilmore, Inspector of Schools, $1,500.

H. J. Hynes, Inspector of Schools, $1,500.

Lt. Col. W. W. Reid, B.A., Director of Physical Fitness, $2,500.

Alvin Myers, manager of School Supply, $1,400.

Lona Kitson, stenographer, $685.

Miss Dorothy Cullen, Acting Librarian (*), $1,450.00.

Grace Campbell, Records and Art assistant, $960.00.

Ella MacPherson, stenographer, $810.00.

Genevieve Soloman, School Libraries assistant, $750.00.

(*) (This amount includes $350, paid annually to Miss Cullen during the absence of Mr. H. B. Chandler).

Reconstruction Dept.

Mr. R. R. Bell:

(1) What total amount to date has been paid out to the Minister, Deputy Minister, clerks and other employees of the Department of Reconstruction? Give particulars of same.

(2) What further amounts have been expended to date? Give particulars of same.

Answer:

(1) Hon. J. Walter Jones, salary included in Premier's $2,000.

Secretary, J. F. Connolly, salary, $2,333.32.

War Assets dealer, John J. Mustard (Jan. 1, 1945 to Feb. 28, 1945) $1,218.38.

E. S. Chandler, salary (April 1, 1945 to Feb. 8, 1946) $550.

(2) Detailed answer tabled showing total of $1,279.75 expended in 1944-45, including: Dr. J. E. Lattimer, economic survey, $904.75; James W. MacKinnon, research, $264, and various small amounts.

(3) Detailed answer tabled showing total in 1945-46 expended of $3,979.10, including: Dr. J. E. Lattimer, salary and expenses, $1,390.15; James W. MacKinnon, $594.45; J. F. Connolly, conference at Ottawa, $110.82, services $100, travelling expenses, $28.85; John J. Mustard, travelling expenses, $127.71, plus War Assets sale at Maitland, $47.36; and various amounts for stenographic and secretarial services, printing, advertising, etc.

Trips To Ottawa

Mr. R. R. Bell:

The names of all Ministers, members and all other officials and employees of the Government who have incurred or been paid travelling expenses to Ottawa on Government business since March 31, 1945, to the present and the amount of said expenses in each case.

Answer:

Hon. J. Walter Jones, $963.90.
Hon. William Hughes, $987.50.
Hon. Allan Stewart, $100.00.
Hon. F. A. Large, $100.00.
Hon. Horace Wright, $150.00.
W. E. Massey, C.A., $792.55.
Randolph Carruthers, $325.00.
P. S. Fielding, $400.00.
L. W. Shaw, $250.00.
Gordon White, $150.00.
J. F. Connolly, $100.00.
Canadian National Railway ticket office, $482.65.
Maritime Central Airways Ltd., $174.80.

Death Yesterday At Summerside Of Mr. William Hayes

The death occurred at his home in Summerside on Tuesday, March 12th after a lingering illness of Mr. William Hayes at the age of 73 years.

The late Mr. Hayes, who was born at Fort Augustus, was a carpenter by trade and moved to Summerside about thirty years ago where he has since resided. Of a quiet and unassuming nature, he made many friends in Summerside who will learn with regret of his passing. He leaves to mourn his widow, the former Amanda O'Meara of Alberton and the following sons and daughters: John in Halifax; Stephen in Tufts' Cove, N. S.; George with the army of occupation in Germany; Hugh and James in Fort Augustus; Evelyn in Summerside and Freda in Charlottetown.

The funeral will be held on Friday morning from his late residence. Interment will be in St. Paul's Cemetery, Summerside. —S.

CEMETARY COMMITTEE

(Continued from Page 1)

years after the Cemetery was incorporated, that is, not until 1913, that the Company was authorized to receive money to be held as a capital amount the interest of which should be used to defray in perpetuity the upkeep of any plot in the Cemetery and the monuments thereon. When money was so received it was to be invested by the Company upon "trustee securities", the interest of which was to be expended yearly in keeping the grave plot and monuments in good order, and condition. With respect to moneys so received both the Company itself and its officers personally were declared to be Trustees. The Company's trustees were to act without remuneration and to receive no profit."

"In 1945, the Incorporation Act was again amended. Certain informal meetings of shareholders or their representatives had been held in the office of the Eastern Trust Company. These meetings were declared to have been valid meetings. The acting secretary or chairman of those meetings was authorized to call a first meeting of shareholders or their representatives for the purpose of appointing directors, passing bylaws or transacting the Company's business. The Act stated that the late Mr. C.R. Smallwood had been the secretary-treasurer of the Company, and that at a meeting held on 3rd July 1928, after his death, his son Vivian C. Smallwood was appointed secretary-treasurer to act in his place. The Act declared that the paid up capital of the Company was $2,696.00; that dividends on this capital were paid until the year 1930; that Vivian C. Smallwood had held 60 per cent of the paid up stock; that he had controlled or managed the affairs of the Company but that no meetings of shareholders or directors had been held for some years prior to Vivian C. Smallwood's death which took place on 20th November 1943."

Describes Proceedings

"After the Amending Act of 1945 was passed, a meeting was called of plot holders, shareholders and others interested in the Company to be held on the 29th of May, the purpose of the meeting being stated to be to make provision for the future management and care of the Cemetery. The notice of the meeting stated that action without delay was necessary in the public interest. The meeting was not called by the Acting Secretary or Chairman of the informal meetings as mentioned in the statute, but was called by Mrs. Ada Smallwood, the Administratrix of her son's estate."

"At the meeting held in response to this notice a nominating committee was appointed who were to select an executive to look after the Cemetery, the executive to be approved at a later meeting. The nominating committee met and made certain nominations. Another meeting was called for the 13th of June. This second meeting was called by the acting secretary of the informal meetings so as to comply with the direction of the statute. The meeting confirmed the nominations which had been made by the nominating committee and appointed several persons to act as directors until the conclusion of the next session of the Legislature."

The persons so appointed met, appointed a chairman and secretary-treasurer, and authorized and requested the secretary-treasurer to call upon the persons having custody of the books, papers and documents of the Company and to request that they be delivered up to the directors. The directors also gave instructions that if the books and papers should not be delivered upon such demand, the situation should be reported to the Attorney-General for such action as he might see fit to take. The books and papers were duly demanded, but the demand was not complied with. When this was learned, five of the seven persons who had been appointed directors declined to act further."

"The inability of the directors to obtain the Company's books and papers was accordingly reported to the Attorney-General. The Attorney-General thereupon caused to be demanded and subsequently obtained certain books and papers of the Company which have since remained in his possession."

Legal Proceedings Taken

"Prior to the calling of the meeting of 29th May, legal proceedings had been taken in the Court of Chancery by Mrs. Ada Smallwood with respect to her son's estate. In these proceedings an order had been made by the Court that all persons having any claim against the estate of Vivian C. Smallwood should come into Court and prove their claims on the 12th day of June; failing which they would be excluded and barred from making any claim afterwards. At the time mentioned for putting in claims, the books of the Company, although they had previously been asked for, had not been delivered up."

"It had been the view of the directors that the opportunity of putting in a claim ought not to be lost by default, in case it should appear that the late Vivian C. Smallwood's estate might be liable with respect to moneys paid to the Cemetery Company for perpetual care of graves. At the request of the directors I accordingly attended before the Master of the Rolls at the time and place mentioned in the notice. The situation was explained and a request made that the time be extended for putting in a claim until after the Cemetery Company's books could be obtained and be examined. The request for extension was granted. The time was first extended to July 10th, and afterwards to September 10th."

"After the books and papers were obtained upon the demand of council for the Attorney-General they were carefully examined. No minute book was produced and only one ledger. From this ledger it appeared that from 1914 to 1930 inclusive, a period of 17 years, dividends aggregating 232 per cent had been paid, being an average of 13 per cent a year. During nine of those years the rate of dividend was fifteen per cent and as high as twenty per cent per annum.

"Churches and cemeteries are species of property which are regarded as set apart and maintained for the benefit of the public, and so do not come within the classes of property which are liable to contribute to the administration of public affairs by way of taxation. It might have been supposed that the last resting-places of the dead and the maintenance of cemetery plots and monuments in a condition to honour their memory would have been free from the mercenary proclivities of the living. The record of profits made from the establishment and maintenance of the People's Cemetery is not one to look back upon with pride. Legislation might well be enacted to prevent in future any profit making whatever out of property set apart as a place of burial for the dead.

"The minutes of the meetings held in the office of the Eastern Trust Company before the Amending Act of 1945 was passed show in February 1944, Mr. L. H. Coffin, a retired bank manager, had been asked to examine the records of the Cemetery Company to obtain information about the trust funds deposited with the Company for the care and maintenance of graves and plots, and that Mr. Coffin in March 1944, duly made a report of his inquiry. Mr. Coffin's report showed that he had inquired at all the banks but had been unable to find any trust funds except one bank account for about $60. The report shows that according to the Cemetery Company's records payments amounting to $3,566.75 had been made to the Company for perpetual upkeep of plots, and that no funds, bank accounts or securities could be located to represent these payments.

Examined Records

"After the books became available for inspection through the action of the Attorney-General, I examined the Company's records and ascertained that the Company's ledger fully verified Mr. Coffin's statement. In addition, there was found to be another payment of $100 which had not been included in Mr. Coffin's list. This amount was subsequently admitted as having been paid to the Company. The moneys paid for perpetual care and which are now missing, amount to $3,666.75. The money was contributed by fifty or more persons. Many of the contributors are not now living.

"The matter of the missing trust funds was brought to the attention of the Attorney-General. The Attorney-General engaged Mr. K. M. Martin, K. C., as counsel to look into the matter and to present a claim to the Court in accordance with the leave which had previously been granted. A hearing took place on September 10th, when Mr. Martin appeared and submitted evidence. On October 18th, the Master of the Rolls gave judgment disallowing the claim.

"In his judgment the Master of the Rolls stated that the books of the Company, assuming the books were all before the Court, were not kept in a proper manner but show that the deceased, Vivian C. Smallwood, had invested the trust moneys in Dominion of Canada bonds. The Master of the Rolls stated that it may be possible these bonds will yet be found. He stated further that there was no evidence of any fraud or conversion or misappropriation of the trust funds on the part of the deceased Vivian C. Smallwood.

"From this judgment the Attorney-General appealed to the Court of Appeal in Equity. The appeal was heard on 22nd November last. The Court of Appeal gave judgment on 11th January 1946, when conflicting judgments were read.

"The Chief Justice in his judgment declared he would have allowed the appeal and would have ordered the Administratrix of V. C. Smallwood's estate to furnish an account of the trust funds shown to have come under V. C. Smallwood's control as manager of the Cemetery Company and said that if on such accounting the trust funds had been depleted by neglect and misfeasance, then the deficiency should be declared to be a liability of V. C. Smallwood's estate.

"The Vice-Chancellor, Mr. Justice Arsenault, stated reasons for dismissing the appeal and declared that the appeal should be dismissed, but without costs.

"The Court being thus divided, the judgment of the Court appealed from was maintained by an equal division of opinion in the Appeal Court.

Time for Appeal Past

"From these judgments an appeal might have been taken to the Supreme Court of Canada. The time for appealing is sixty days from the date of judgment. That time expired on 11th March instant. No appeal has been taken.

"In the year 1939, a general "Cemeteries Act" was passed. It applied to all cemeteries, but with an exception from its provisions of funds deposited with a Church or Church Society for perpetual up-keep of a grave or plot in a cemetery. The Act was prepared or was caused to be prepared by the late Mr. John Anderson who told me at the time that he had collaborated with the late Mr. A. A. MacLean, K. C., in preparing the Act. Mr. Anderson also stated the chief reason for asking for the enactment was the fact that no meetings of the People's Cemetery Company had been held for a number of years and it was desired that that Company as well as other Cemetery Companies should account to the Provincial Secretary and the Government so that there might be no danger of any loss of trust funds for perpetual upkeep of graves. Section three of the Act contains a provision requiring that such accounting be made. The People's Cemetery Company and the late V. C. Smallwood were asked to file accounts of such funds but no accounts were filed. Had compliance been insisted upon, there is no doubt the funds would have been forthcoming. The loss is thus the direct responsibility of the Provincial Government, through its default in the enforcement of the Act.

"As chairman of the board of directors appointed at the meetings referred to, I went with Mr. David M. G. Carr, to the Cemetery on the 7th of July last and we had a lengthy interview with the caretaker Mr. Gregory, and examined his records. The records include two plans and a card system. A separate card is kept for each plot, with the name of the owner and names of the persons interred. There are about 375 plots in what is known as the Old Cemetery, and about 673 plots laid off in the new part, or 1048 plots in all. The total area of land owned by the Company is 12 acres, of which one and a half or two acres have not been laid out in plots.

"At that time, we were informed about 800 or 900 plots had been taken. About 150 plots still remain to be sold. Of the plots sold, the owners of about 50 had paid for perpetual care. A large number paid by small annual contributions, which had to be collected every year.

"A plot contains space for seven or eight graves (dependent upon its location and shape). About 300 or 400 poor house and asylum patients have been interred; we were told, by direction of the Government. For these nothing was paid. Some 300 or 400 graves are single. They were sold at $2.00 a grave and nothing was paid for maintenance. There are about 250 plots which were sold years ago in respect of which nothing whatever is being paid for their upkeep. There are also a number of plots in which only one or two persons were buried and the plots have since been left without any provision for maintenance.

"Prior to 1942 the caretaker had personally collected the annual contributions from plot-holders, the prices then charged ranging from one dollar to three dollars per plot, although only about half a dozen paid $3.00. In 1942 a new arrangement was made with the manager, the late Mr. V. C. Smallwood, by which Mr. Smallwood collected from plotholders, and paid the caretaker for his work.

"As to the expense of the care and maintenance of the cemetery, the minutes of a meeting held in the Eastern Trust Company's office on 29th March, 1944, show that authority was then given to enter into a contract with Mr. Seymour Gregory as caretaker to look after the cemetery for the year then current at a cost of $150 per week. Authority was also given at that meeting to have a chart of the graves in the cemetery drawn up at a cost of $700. On 16th May 1945, at another meeting in the same office a report was made of the financial condition of the Company in which it was stated that receipts from income and capital amounted to $6,405.03; that disbursements had been made amounting to $4,924.25, and that there was then on hand $1,480.80.

"At the time of the appointment of directors on 13th June last it was understood this balance had all been expended or would be expended within a very short time in payment of the expenses of maintenance under the arrangement with the caretaker then in effect. When those funds were expended there was no money out of which the cost of further maintenance could be paid.

"The report of the meeting of 16th May, 1945, already referred to, also showed that the funds then being expended included collections made by the caretaker Mr. Gregory from the owners of plots from whom collections had to be made annually. As the collections for the care of plots in the season of 1945 had then been made, nothing further could be asked for during that season. In consequence, no arrangement could be made for the care of the cemetery in 1945 after the funds on hand were exhausted.

Must Restore Confidence

"The method of attempting to collect annually from some 900 or 900 plotowners is one that does not commend itself. Many pay only $1.00; very few pay $3.00. Several calls have to be made in many cases before even these small amounts are paid over.

"With over $3,600 of "perpetual care" money paid to the Cemetery Company and lost, it seemed useless to apply to other plot-owners to pay a lump sum for maintenance. Confidence must first be restored. In the case of Sherwood Cemetery Company from a much smaller number of plots sold, contributions of perpetual care moneys to the amount of about $17,000 have been received and the money duly invested. A very much larger sum might well be realized in the case of the People's Cemetery if a proper effort were made. Before this can be attempted however, contributors must be assured that funds so paid will be preserved and duly accounted for.

"The expense of operation or maintenance of the cemetery seems entirely too high. It may be necessary in present circumstances by reason of the amount of hand labour involved. Some eight men using lawnmowers were at times employed last season. No power machine is used. For economy of maintenance the land should be levelled so that power machines can be used for grass cutting.

"A carriage way or driveway exists through the middle of the cemetery leading from St. Peter's Road to Lower St. Peter's Road. Many curving driveways also exist which take up space and are expensive to keep in good order. These curving driveways might well be eliminated and the land used for additional burial plots. If this were done, land sufficient to be laid off into several hundred plots would be available for sale.

"A strip of land exists on the north side of the cemetery adjoining St. Peters Road which has not been laid off into grave plots. A much larger area exists in the newer part or southern side of the cemetery which has still to be laid off into plots. Apart from the curving roadways, space is available for laying off some 450 or 500 plots which could be sold. The prices of plots sold earlier varied considerably. Recent prices of plots are from $40 to $60 each according to location. A sum of $20,000 or upwards might well be received from the sale of plots; and considerably more, if the curving driveways were also made available for grave plots.

"If sums to be set apart and invested as principal moneys for perpetual care could be collected from the present 800 or 900 plotholders, so that the interest could be used annually to maintain the cemetery in good order, it is obvious that a bright future is in store for the People's Cemetery. Some method of creating confidence must however be devised.

"Effective management in the interest of the cemetery and not of its former shareholders must be brought about. The position of shareholders may well be disregarded altogether without any injustice, in view of the payment to them of the large dividends referred to. The persons now interested are the plotowners, the contributors of the lost funds, and the public.

Bill Before Legislature

"A Bill to amend the present Cemeteries Act is now before the Legislature. With some amendments, perhaps only in the nature of clarification, that Bill, if enacted, may serve the purpose. A board of management of three persons should be appointed by the Government who should act without remuneration and make a full report to the Legislature each year. All funds for perpetual care should be paid immediately into the treasury upon which three per cent interest would be allowed. Interest on the lost funds should be contributed by the Government each year. This might well date back to the death of the late Secretary-Treasurer, three years ago. Some contribution should also be made by the Government in respect of Poor House and Asylum patients buried in the cemetery.

"Probably the Government's machinery could be used, without cost to the cemetery, considering the circumstances, in levelling portions of the surface so that power machinery for grass-cutting may be used. Doubtless the Government's engineers would assist gratuitously in the planning and lay-out of further grave plots.

"The present two plans, one of which has been in use for many years and is now practically worn out, should be replaced by new ones, of which several copies might well be made and the originals then kept on record in the Registry Office. These and the cards representing the 1048 plots are now in the custody of the caretaker. They should all be under the control of the management committee.

"It is obvious that the board of management should be appointed at once. Plans for looking after grass-cutting should be made without delay.

"With the well-kept Roman Catholic Cemetery immediately adjoining, the People's Cemetery, given a little encouragement and assistance may likewise become a place of interest and attraction, and a fitting memorial place for the departed."

YOU ARE INVITED
—TO—
TRINITY UNITED CHURCH
To Hear
REV. DR. A. D. MacKenzie, M. A.
MARCH 10th to MARCH 17th
K. G. SULLIVAN, Minister

HOCKEY

An eager crowd of fans gathered at Victoria Rink Wednesday night to see the game between Hunter River Royals and Victoria Unions. Due to the long trip and strange surroundings the Royals were taken unawares the first period, which gave the Unions a definite edge which the Royals found hard to overcome, but the second and third periods were hotly contested and thrilling to witness an the final result was 8-5 in favor of the Unions. Messrs. Vernon Noye and Dan MacLeod satisfactorily refereed a good clean game.

Hunter River Royals: Goal—Silliphant; Defense—Ford, Cassidy, and MacFadyen; Forwards—Smith, Robertson, Boyle, Pineau, Gautier, and Blacquier.

Goals procured for Royals by Pineau (Blacquier), Gautier, MacFayden (Pineau), Robertson (Boyle) and Boyle.

Victoria Unions: Goal—Lord; Defense—Boulter, G. MacLeod; Forwards—Knox, Lou MacLeod, Les MacLeod, Taylor and Betts.

Goals procured for Unions by Taylor, Betts, Moore, Les MacLeod, G. MacLeod, Knox and Lou MacLeod.

After the game the Royals were guests at lunch of the Unions and Mr. Robertson in a humorous speech thanked all those who contributed towards their pleasant evening, and hopes were entertained by both teams for another friendly game in the near future.

OTTAWA, March 13 — (CP) — Sure sign spring is just around the corner:

The Ottawa Fire Department was called yesterday to extinguish a grass fire along the Canadian National Railways right of way. Firemen said it was the earliest recorded grass fire in 27 years.

Annual
School Sports
BEDEQUE RINK
FRIDAY, MARCH 15th
Skating races; honeymoon race; handsleigh races; hockey match. Special feature: "Ice Queen". Best "Queen" receives 75 points, and a special prize of $3.00; 2nd, 50 points; 3rd, 25 points. Come and enjoy an evening's fun.
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