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**Case Continues In Supreme Court**

The hearing of the case of George W. Gardiner vs. the City of Charlottetown, George P. Nicholson and others continued before the Supreme Court yesterday, with Mr. Justice Arsenault on the Bench. A number of witnesses were heard, and motions were made by the defendants' counsel that His Lordship bring in judgment for the defendants. The argument by the plaintiff's attorney followed. Court adjourned at 5 o'clock till 11 a.m. today.

John F. Leightizer, 82 Weymouth St., master mechanic, C. N. R., the first witness, had been living in a house leased from George W. Gardiner since 1925 to whom till the summer of 1930 he had paid \$25 a month rent. Since 1930 till Dec. 28, 1932, he had paid rent to Geo. P. Nicholson, whom he had recognized as his landlord. Witness had stated to Nicholson that he was under the impression that the city had purchased the property. Mr. Nicholson had replied that the city could not procure a deed, and that he had bought the property. They had gone to Judge Hazard who advised them that the city could not obtain a deed, Mr. Nicholson had said.

statements of claim. Possession was admitted by the defense, but the allegations were denied.

Mr. J. J. Johnson, K. C., in argument stated that the action had been brought for the recovery of three plots of land to which were added certain other claims. There was also joined certain other actions, as it was alleged that the defendant had been put out of his property. Mr. Johnson described the tracts of land. The city had claimed that it had not been in possession of the land. It was the person who was out of possession who brought proceedings against the person who was in possession. But the city had ejected the plaintiff, and at the same time, had contended that it never was in possession. The city claimed judgment when it never had any right to defend the case.

A conclusive documentary title of the plaintiff for the lands had been shown. It was for the defendant to show that taxes had been due, that there had been a sale, that the matter had been communicated to the owner. The defense had shown that Mr. G. P. Nicholson had purchased the property for the City of Charlottetown, with the deed made out for the city, and when it had been found that the city could not get a deed made out to himself. For this reason the city and Nicholson had been both defendants. It was for His Lordship to decide whether or not Mr. G. P. Nicholson had bought for the city or for himself. If he bought for himself it was illegal, if he bought for the city he was a trustee.

Cross-examined by Mr. K. M. Martin, K. C., witness stated that the city had exercised no authority over the payment of rentals.

Witness had seen in one of the local papers where the property had been bid in by Geo. P. Nicholson. All receipts had been made on private forms. Apart from ordinary wear and tear the place in which witness was residing was in better condition than in 1930.

Bernard McKenna, 287 Richmond St., had occupied tenement since June 1928, when he had leased property from Geo. W. Gardiner. He had ceased paying rent to Mr. Gardiner in the summer of 1930 when Mr. Nicholson had notified witness that all rents were payable to him. Mr. Gardiner had told witness by letter to pay no rent to anybody until he had heard from him.

On cross examination witness said that the house inside was in anything in better condition than it was in 1930. Receipts received were on private forms.

Vernon Gay, 268 Grafton St., had resided in a tenement since Sept. 1, 1930. Witness had been put in possession by Geo. Nicholson, to whom he paid \$20 rent each month. Geo. W. Gardiner had nothing to do with putting witness in possession. Witness had dealt with Nicholson privately. No other person had asked him for rent. In 1930 the furnace had not been in as good condition as it was at present. The cellar steps were falling in. The interior of the house was in better condition than it was in 1930.

Some children had broken windows in the house adjoining. The panes had been replaced within a few days.

On behalf of the defendant, the City of Charlottetown, Mr. K. J. Martin moved for a judgment for the defendant, as the city had never been in possession of the land. There had been no case proved against City. Possession by had City had been alleged, and had been disclaimed by all the tenants, under oath. The lands had been sold to George P. Nicholson. The plaintiff had not proved its case against the city, but had definitely established the ownership of George P. Nicholson.

Mr. K. J. Martin moved that a judgment be brought in for the defendant, Geo. P. Nicholson. In this province the city clerk did not touch sales of land in any point. The net work of the initial complaint was illegality. Defense denied the illegality. On the issue of illegality made by plaintiff Mr. Martin asked for judgment. The defense had put the two deeds on record before the court, in the

**CENTRAL GUARDIAN**

This column is reserved for Queen's County news of local interest but advertising of a newsy nature may be inserted at 4 cents a word strictly payable in advance.

**ENJOYABLE DANCE**—A big dance was held in Emerald hall on Feb. 3rd, with a large attendance. The music was furnished by Anthony Gallant, of Freetown and Sil Arsenault, of Emerald. Some very clever step dancing by George Arsenault of Emerald and Jim McGuigan of Kinkora and little Miss Nora Arsenault, of Emerald Junction, was enjoyed.

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**THE CLINICAL SESSION AT MONTREAL**

(By F. B. Colton, Associated Press Science Writer)

**MONEY SAVING SPECIALS**

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**CHILDREN'S AID SOCIETY**—A meeting of the Children's Aid Society was held yesterday afternoon with the President, Hon. Dr. W. J. P. MacMillan presiding. A number of matters in connection with child welfare were considered. A resolution of sympathy was extended to the relatives of the late Mr. L. E. Shaw, former agent of the Society.

**LAI D TO REST**—There passed away at Tryon early Saturday morning, Feb. 4, Martha Gouldrup, widow of Thomas Gamble, who had reached almost her 89th year. Mrs. Gamble was sick only a few days prior to which she was bright and interesting in conversation. Her funeral service conducted by her pastor, Rev. F. S. Crossman, was held Sunday afternoon from the Tryon Baptist Church, in which she had laboured many years, and was one of its most efficient members. Interment was in the West-land Baptist Cemetery. She leaves to mourn one daughter, Mrs. Flora Clark, who cared for her for a number of years, one sister, Mrs. Wm. Muirhead, now residing in Boston, also a number of nephews and nieces. To the bereaved relatives The Guardian extends sincere sympathy.

**MEETING OF THE MINISTERIAL ASSOCIATION**—The P. E. I. Ministerial Association met in St. Paul's Hall on the 6th inst., with a fair attendance. In the absence of President Chisholm of Hazel-

**Trinity United Church**

**TUESDAY**

3.30—Mission Band, regular meeting—Social Hall.

7.00—Senior C. G. I. T., regular meeting—Social Hall.

7.30—W. M. S. Study Class, regular meeting—Home of Mrs. McNair, 265 Richmond St.

brook, Dr. Vincent presided. Messrs. Outhouse and Raymond conducted devotional exercises. Dr. Vincent, treasurer of the committee appointed to make arrangements for the week of prayer, gave the financial report of the five meetings held at the beginning of the year, as follows: Total contributions received \$137.00. Disbursements to the following objects: P. E. I. Hospital, \$68.60; Evangelical Alliance, \$33.00; Bible Society, \$30.00; expenses (printing etc.) \$7.42. The report was received and adopted, and the diligence of the committee commended, as receipts were in advance of previous years. Dr. Coffin was the efficient leader in a discussion on the "Oxford Group Movement" which was interesting and instructive. The president conveyed the thanks of the meeting to Dr. Coffin for his clear presentation of the subject. Meeting adjourned to meet again at the call of the president and secretary on the first Monday of March.

**Veteran Expert Propounds Cure In Fishery Ills**

**HALIFAX, Feb. 3—(C.P.)**—Re- adjustment of grants for fishermen's bounties, permission to the New England fleets to enter and trade at Nova Scotia ports, and direct routing of fish for the domestic trade—these are the cardinal points in M. H. Nickerson's programme for revival of the fisherman's prosperity in this province.

Mr. Nickerson, formerly director of fisheries for Nova Scotia and a veteran fisherman and dealer, has given notice that "a bill will be introduced at the next session of the Provincial Legislature, an Act To Incorporate The Fishery Collectives of Nova Scotia." For, he writes, the fishermen shippers must be duly incorporated. The scope of the act will cover all mercantile fishstuffs; the intent, to enable the fishermen to conduct their own export shipments. Mr. Nickerson founded the Fishermen's Union of Nova Scotia early in the century, and he says he knows, from successful experiments, how it can be done.

He points out four years' income from the Halifax Award, paid by the United States for the use of Maritime fishing grounds by the Gloucester fleet, was never turned over to Canadian fishermen in the form of bounties, as the arrangement was. That sum amounts to \$849,000. The question was raised 10 years ago and resolutions passed in Nova Scotia and New Brunswick Assemblies, calling for appropriation of the amount. The claim was not pressed further at the time. Now Mr. Nickerson would like to see that amount set aside for possible use in the establishment of the fishing and shipping "stands" he proposes.

The father of fishermen's unions has long been a proponent of opening Nova Scotia's ports to New England fishing vessels for purposes of bait-buying and the laying in of supplies. The George III treaty, in its embargo provisions, he says, does not apply "to the citizens of any state that is friendly to His Britannic Majesty." And even if the United States were unfriendly, he wants to know why Seattle halibut-ers are allowed to use Prince Rupert when Boston haddockers may not come in to the coastal towns on the Maritime coast.

"The value of such intercourse," he writes, "is convincingly shown by the official records for the years 1918 and 1919, when the haddockers were let in as a war measure. Nova Scotia's share of the fish earnings for each year was \$15,000,000 in round numbers. Last year it was \$6,000,000. Opening the ports as a peace measure now will be a more certain means of recovery."

On the question of what he terms "direct routing" Mr. Nickerson favors the transportation of fish from western Nova Scotia from Yarmouth to Boston in steamers now plying the route, which have refrigeration, and thence by rail to Montreal. In that way the product could be delivered "35" hours from the fishing ground.

Other points in his plan call for a standing fisheries committee in the legislature to keep in close touch with the collective stands he proposes.

ing and successful training of her pupils.

The organizers for the evening were Miss Jean Owen and Mrs. Preston Ramsay.

The concert was then brought to a close by singing the National Anthem, when each one returned to their respective homes, feeling they had enjoyed a good entertainment.

**PERSONALS**

Pilot Walter Fowler of the Canadian Airways left at 12.40 (noon) yesterday in the Puss Moth plane on the initial trip this season, carrying 300 lbs. mail for the Magdalen Islands. If conditions warrant the large plane will leave today with the balance.

Friends will regret to learn that Mr. Leo Doucette of Reddin Bros., was rushed to the City Hospital Sunday and operated on almost immediately for appendicitis. His condition is reported satisfactory.

**HAMILTON SCHOOL CERT**

On the evening of Dec. 20 the teacher and pupils of Hamilton School gave a very enjoyable concert, assisted by some of the young people of the district. The hall was beautifully decorated for the occasion with evergreens and other Christmas trimmings.

Mr. John Simpson presided as chairman and at the hour of eight o'clock called the audience to order with the following program:

Instrumental music, Mrs. Preston Ramsay, Cederic Owen, Elmer Phillips.

Chorus, Old Santa Claus.

Welcome Drill, Alfred Ramsay, Heath Bryenton, Marion Stewart, John Champion, Keith Ramsay, Doris Stewart, Clifford Ramsay.

Recitation, A Song of Christmas, Muriel Stewart.

Dialogue, The Slek Doll, Leita Ramsay, Ruth Taylor.

Duet, Reuben and Rachel, Elizabeth Ramsay and Harold Ramsay.

Recitation, Writing to Santa Claus, Glendon Crozier.

Dialogue, The Last Day of School, by pupils.

Recitation, Ma and the Auto, Harry Taylor.

Drill, Christmas Stockings, by pupils.

Dialogue, The First Shave, Barbara Woodside, Elizabeth Ramsay, John Owen, Harold Ramsay.

Recitation, A Small Boy's Protest, Earle Ramsay.

Intermission and sale of candy.

Instrumental music.

Recitation, Making People Merry, Leita Ramsay.

Dialogue, Entertaining Sister's Beau, Janie Champion, Ruth Taylor, Charlie Stewart, Wendell Crozier.

Step Dancing, Bruce Stewart.

Duet, Sparking Peggy Jane, Elva Stewart, John Owen.

Recitation, A Joke on Pa, George Bryenton.

Drill, Christmas Shoppers, by pupils.

Dialogue, Getting Ready for a Visit, Eva Stewart, Elizabeth Ramsay, Harry Taylor.

Recitation, The Twenty Sixth, Lea Champion.

Duet, Mr. Clock, Elizabeth Ramsay, Harold Ramsay.

Christmas Drill by pupils.

Chorus, Santa Claus is Coming.

At the conclusion of the program Santa Claus appeared in his usual happy manner and from a prettily decorated Christmas tree presented nice gifts to the teacher and pupils.

Much credit is due the teacher, Miss Jean Sharp, for her painstaking

**BIRTHS**

**FRANCIS**—At Westmoreland, Jan. 21, 1933, to Mr. and Mrs. Harold Francis, a daughter, Ella Josephine.

**MAYHEW**—At New London, Jan. 14, 1933, to Mr. and Mrs. Harold Mayhew, a daughter, Jessie Kathryn.

**WILLS**—At Kingston, Feb. 6, 1933 to Mr. and Mrs. Charles Wills a son, Melvin Fraser.

**DEATHS**

**BOAK**—At Mobile, Alabama, on February 6, 1933, John A. Boak, son of the late Sir Robert Boak, Halifax, N. S.

**DUNPHY**—At Morell, on January 28, 1933, Katie Dunphy, aged 52, after a lingering illness. The funeral was held on Monday, January 30th, to Saint Lawrence's Church. Interment, Morell.

**WISNER**—In this city, Feb. 4, 1933, Mary Wisner, aged 91, widow of the late Capt. James Wisner. Funeral from her late residence, 88 Sydney St., Tuesday morning at 8.45 to St. Dunstan's Basilica, thence by road to Vernon River for interment.

**MACLEAN**—At St. Paul's Hospital, Saskatoon, on Sunday, February 5th, Mrs. A. G. MacLean, (nee Laura Millar). Funeral will be held from her late residence in Raynora on Wednesday, February 8th. Interment at Saskatoon.

**Card of Thanks**

Mrs. Thomas Gorman and family wish to thank the many kind neighbors and friends who assisted them in their recent sad bereavement. Also those who gave Mass Cards and Letters of Sympathy. 7962-2-7-11.

**IN MEMORIAM**

In loving memory of **MRS. ANNIE GARRICK** Who departed this life Feb. 7th, 1924 Inserted by her Family.

**N. D. MacLean**

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Kruschen Salts 60c		Woodbury's Soap 3 for 60c
Chases N. Food 49c		Cuticura Soap 23c
Scotts Emulsion 98c		Pompeian Powder 45c
Phillips Magnesia 44c		Dandarine, small 32c
Wellows Syrup \$1.29		Packer's Tar Soap 30c
Minard's Lint 23c		
Parina T. Paste 39c		
Forhams T. Paste 48c		

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**DISARMAMENT CONFERENCE**

GENEVA, Feb. 6—(C.P.)—While the French plan for disarmament was being abandoned by some of its best friends, Maxim Litvinoff, Soviet delegate to the World Disarmament Conference, today proposed to amend it by incorporating a sweeping definition of an aggressor. So strict was the definition that an invader or attacker under any pretext whatever would be subjected to international penalties. The Soviet representative offered as his contribution toward security a definition of aggression which would place blame upon a state which had used armed forces against another country under almost any conceivable circumstances. Backwardness, maladministration, danger of life or property of foreign residents, internal disorders, boycott, repudiation of debts, the presence of different political, economic or social order—none of these conditions would justify a military attack according to the programme the Russian suggested. He asked the general commission to adopt a declaration embodying this definition.

M. Litvinoff's declarations for a moment, startled the conference inasmuch as his definition of an aggressor in many respects paralleled the policy of Japan in Manchuria. Detailing his definition, the Soviet member said that any nation that declares war against another state, invades another state without declaring war, bombards the territory of another state, or establishes a naval blockade of another state should be termed an aggressor. In expanding a statement that attempts to destroy the Soviet organization are continuing in some quarters, he declared, "the majority of states have not established normal relations with the Soviet union. In other words they are applying a boycott against it— one of those sanctions which it is proposed should be applied in the future only against an aggressor."

Meanwhile the Polish spokesman, Count Rasinicki, admitted the French plan was practically unworkable in view of the opposition of Great Britain, Germany and Italy.

Louis Zulueta, delegate from Spain, also, after praising the French plan, expressed a desire to further real disarmament. He urged a greater faith in existing international peace pledges as the greatest need.

The discussion will be continued tomorrow.

**PrINCE STREET SCHOOL**

Honor roll for January.

Grade X—1 Doris MacDougall, 2 Esther MacLean, 3 Charlotte Gass.

Grade IX—1 Katherine Bagnall, 2 Ruby Aorn, 3 Jack Roach.

Grade VIII—1 Thelma Dingwell, 2 Gladys James, 3 Janet Stewart.

Grade VII—1 Caroline Sinclair, 2 Mary McDonald, 3 May Carr.

Grade VI—1 Grace Diamond, 2 Katherine Shaw, 3 Amy Harper.

Grade V—1 John McEwen, 2 Kimball Keeping, 3 Earl Wannacott.

Grade IV (Miss Fullerton's Dept.)—1 Josephine Pickard, 2 Helen Murchison, 3 Helen Moore.

Grade V (Miss Week's Dept.)—1 Ross Stewart, 2 Cynthia Kendall, 3 Eleanor Mary Duffy, Douglas MacLennan.

Grade IV (Miss Stewart's Dept.)—1 Marjorie MacEachern, 2 Doris Gillis, 3 Constance Williams.

Grade 4 (Miss Macdonald's Dept.)—1 Dorothy Keeping, 2 Mary McEachern, 3 Gordon Cameron.

Grade III (Miss Douglas's Dept.)—1 Noreen Campbell, Vernon Garrett, 2 Alexia Bowness, Hugh Campbell, 3 Bert Campbell, Henry Larter.

Grade III (Miss Aitken's Dept.)—1 Pauline Simmonds, 2 Norma Dalziel, Reta Tweel, 3 Catherine Wright.

Grade II (Miss R. Stewart's Dept.)—1 Bernice Boyce, 2 Pat Clarke, Joyce Howatt, 3 Beverly Pound.

Grade II (Miss Bennett's Dept.)—1 Aletha Saunders, 2 Olive Keeping, 3 Blanche Howatt.

**Lost Appeal From Sentence**

(Associated Press)

BOSTON, Feb. 5—Stephen J. Richards, of Needham, Boston broker, yesterday lost his appeal from a five year sentence for using the mails to defraud. Judge James M. Morton, Jr., in United States circuit court of appeals, in a majority opinion, upheld the verdict of the federal district court.

Richards was head of the United Investment Assurance Trust and Founders Security Trust, now in receivership. Assistant United States Attorney Haven Parker, who prosecuted the case, showed that \$1,400,000 had been received from customers in all parts of the country.

**YOUNG SHARKS VISIT HARBOR**

BAY DE VERDE, Nfld., Jan. 31—(C.P.)—The usually calm water of the harbor is ruffled these days by a school of young sharks that seem to be feeding hereabouts. Fishermen declare the young fish, or jumpers, are prowling around in hundreds.

Cheap Flour is Poor Economy— **Robin Hood Flour** Is Real Economy