

THE DAILY EXAMINER.

DECEMBER 7, 1886.

The Prohibition Case.

THERE appears to be considerable misapprehension in reference to the rule for a prohibition which has been served on the Stipendiary Magistrate for Charlottetown.

The Magistrate's Court was established by an Act of the Local Legislature of this Island, passed in the year 1875, and Mr. Fitzgerald received his appointment in May of that year from the late Sir Robert Hodgson, who was then Lieutenant Governor.

It is said, however, that this section of the B. N. A. Act does not authorise the Lieutenant Governor to appoint the Magistrate; but that the Magistrate, being a judge of a court, should have been appointed by the Governor General, under the 96th sec. of the Act, which declares that "the Governor General shall appoint the judges of the Superior, District, and County Courts in each Province, except those of the Courts of Probate in Nova Scotia and New Brunswick."

It is, we believe, admitted that the appointment of a Justice of the Peace, Magistrate and Judge, belongs to that branch of the Executive known as the prerogative of the Crown, and it is said to be "a well established rule that the Crown cannot be divested of its prerogative even by an Act of Parliament, unless by express words or necessary implication."

The question is now before the Supreme Court of this Island, and we have no doubt that it will receive the serious and careful consideration which its importance requires.

It is well that the question has been raised; and it will be well to have it settled. Mr. Fitzgerald occupies a peculiar, if not dangerous position; and he should receive every consideration and all reasonable support. If he is rightly appointed, then he has nothing to fear, and is in no danger. On the other hand, if he is not properly appointed, what then? Judge Peters, in delivering judgment in a case before the Supreme Court last week, is reported as having said that a magistrate who acts without authority is liable to be sued for damages, as his acts are void; and a case is now before that Court wherein it is sought to make the City of Charlottetown liable for the acts of the Police, on the ground that they are the officials of the city.

We learn from the Protestant Union that the rule for a Prohibition was obtained from the Chief Justice after a long argument, and after a prima facie case had been made out; and we gather from Mr. Fitzgerald's remarks in Court last Saturday, that he has not any "grave doubt" on the point. We presume he did not hear the argument before the Chief Justice, otherwise he would have known of the rule

before he was served with it; but the fact that a prima facie case was made out before the Chief Justice, and that Mr. Fitzgerald himself, without having heard what is urged against his appointment, has a doubt, although not a grave one, calls for caution on the part of all interested.

To promptly remove every doubt about this important matter, it seems to us expedient that Mr. Fitzgerald should at once be appointed by the Governor General, or that the Lieutenant-Governor should receive regal authority, in explicit terms, to appoint magistrates, and should then re-appoint him. After the question at issue has been decided before the Courts, it will be time enough to take Legislative action concerning the past magisterial judgments, decisions and acts upon which doubt has been cast.

Disfranchisement of Dominion Officials.

WHEN Mr. Louis H. Davies solicits men in the employment of the Dominion Government for their votes, it would be well for him to explain why he so strenuously endeavored to disfranchise them, while the Franchise Bill was before the House of Commons. On the 23rd day of May, 1885, Mr. David Mills, Grit member for Bothwell, moved the following amendment to Sec. 9, of the Franchise Bill:—

"That no person holding any office or place in the Civil Service of Canada to which an annual or any other salary is attached, and who may become entitled to a superannuation allowance, shall be entitled to vote at any election of a member for the House of Commons."

This amendment was supported by Mr. Davies in a number of speeches. Indeed, he seemed to be more anxious for its passage than any of his Grit colleagues. He said:—

"I take my experience in my own County at the last election. The most bitter partisans I had to meet were the men who went from house to house, the men who worked quietest to circulate political falsehoods and lies, who took the stump against me, were men occupying positions in the Civil Service. There are very few members on this side of the House, especially from the Maritime Provinces, but will support the position I have taken. If you grant these premises I submit that sufficient ground has been made out for disfranchising Civil Servants."

Further on, when Mr. Hackett called on him to name the officials who took the stump and canvassed from house to house against him, Mr. Davies said:—

"The first one that occurs to me is the Collector of Customs at Rustico, who did nothing for five weeks but draw his pay and attend to politics."

This showed the animus of the Grit member for Queen's. Smarting under Mr. Thomas Doyle's exposures of his treachery before the Halifax commission, Mr. Davies tried to disfranchise him and close his mouth in the future. Now, we would say that what is sauce for Mr. Thomas Doyle should also be sauce for Mr. Louis H. Davies. If Mr. Doyle should be disfranchised because he holds an office under the Dominion worth \$100 per annum, what position should Mr. Davies be put in, at the time he was drawing tens of thousands of dollars as counsel and law agent for the Dominion Government?

We contend that there is no class of men in Canada to whom political rights are more valuable, or who can use them with more intelligence, than the civil service officials. Take away from this class their right to vote and they become mere vassals, without influence to protect their rights. Governments might come and governments might go, but their grievances would go on for ever—unredressed.

Let the civil servants remember, when Mr. Davies canvasses them, that the smooth words and the bland smile which he will call into requisition, are only used to cover his real sentiments regarding their political rights. If he had his way he would have been spared the trouble of canvassing them.

—Here is a point to be noted. Wages in the cotton factories have increased from ten to fifteen per cent. under protection, and raw cotton has increased five per cent. since 1878. At the same time standard sheeting is twenty-five per cent. cheaper now than it was on November 1, 1878.

Another Prize.

England's rigid scrutiny of the seas in search of islands for annexation has just yielded her one more prize, as a London despatch announces, in Socotra, situated in the Indian Ocean, about 120 miles east of Cape Guardafui, the easternmost point of Africa. It is worth remembering that she explored this same island about fifty years ago, with a view to its occupation, but selected Aden, in Arabia, instead. Since then the Red Sea, as a highway, has grown in importance, and now Socotra is required. While as an island of perhaps a thousand square miles in area, having a fertile soil and some products of special importance, Socotra might well be annexed for its intrinsic value, no doubt its strategic importance is specially looked at at this time.

Over Sixty-Seven Miles an Hour.

On November 16 a Michigan Central train on the Canada Southern division, having on board a number of directors and officials, ran from St. Clair Junction to Windsor Dock, a distance of 107 miles, in ninety-five minutes, being at the rate of over sixty-seven and a quarter miles per hour.

ONE CASE Men's Black Bear Coats opened to-day.—Bear Bros. 21—dec 2

PURE Gold Spices, Cream Tartar, Baking Soda, etc., etc., at 125 & 126

A GOLD-BLOODED AFFRAY BAZAAR.

On Board the Ida Maud.

ONE SAILOR STABBED BY ANOTHER.

Not Expected to Recover.

A GOLD-BLOODED stabbing affray occurred this morning, on board the brig Ida Maud, Captain Purdy, which is being loaded with oats and potatoes at Peake's No. 2 wharf. Among those engaged at work in stowing the cargo were two of the crew, one named James Smith, a native of Lockeport, N. S., and the other Juan Micaldo, of Porto Rico, who were passing oats at the forward hatch. So far as we can learn everything went on as usual, until almost ten o'clock, when the two sailors had some words about the manner in which the bags were being thrown into the hatch. Smith told Micaldo to take hold of a bag, but Micaldo refused to do so. Smith then pushed Micaldo aside and took hold of the bag himself. This enraged Micaldo and he rushed at Smith and in the short struggle which ensued, Micaldo succeeded in snatching Smith's knife from its sheath and plunging it into its owner's breast, penetrating the chest cavity. Smith crossed his arms over the region of the wound and almost at once sank to the deck. The knife was taken from Micaldo by the first mate, and Smith, who was bleeding profusely, was removed to the Captain's cabin, where all that was possible was done to alleviate the sufferings of the unfortunate man, until the arrival of Dr. Warburton who had been sent for.

CONDITION OF THE PATIENT.

A messenger was also despatched for the police, who were promptly on the scene. Into their custody Micaldo was given. On arrival, Dr. Warburton, after dressing the wound, deemed it advisable to have Smith removed to the Hospital, and preparations were soon made for so doing. Smith, who was very low, was placed in a sleigh and covered with furs, was driven to the City Hospital, where he was soon in comfortable quarters. Stimulants were administered, and the unfortunate man rallied somewhat, but his recovery is still very doubtful. His *ante mortem* statement was taken at noon.

THE CRIMINAL.

Micaldo, the man who did the stabbing, is a native of Porto Rico, and is about twenty-one years of age. He shipped on the Ida Maud at Halifax on the 13th September last. Captain Purdy says Micaldo is a wicked, blood-thirsty wretch, and that the greater portion of his crew were afraid of him. He did as little work as he could, and it was sometimes necessary, in order to ensure a prompt attention to orders, to assist his movements with a boot put where it would do the most good. It was a common thing for him to show a knife to the sailors, and at the same time make threatening remarks. He also tried the same game on the Captain—but did it only once. Micaldo is a short, thickset man, about four feet in height, and in appearance somewhat resembles the Island Indian. His face is broad, with prominent cheek bones; his eyes are large and jet black, and a few straggling long black hairs can be noticed on his upper lip and chin. He sports the regulation sou'-wester and knee boots, so necessary to the equipment of the sailor of the period, and considering the fact that it is but some three or four months since he first landed at a British port, speaks English very well indeed.

WHY THE STABBING WAS DONE.

THE EXAMINER's reporter had a chat with Micaldo in the police station shortly after his arrest. He was quite willing to talk about the affair, and did not seem at all put out over it. When asked why he did the stabbing, he said that Smith was continually fooling with him, and some times he injured him in so doing; that when they were at work this morning Smith would push him about and throw bags upon him; that when he went to get his mitts to put on, as his hands were cold, he was followed to the cabin and caught by the throat and brought back. He says that the crew were always trying to impose upon him because he was a boy, and denies that he ever before took a knife to the captain or to any other person. He also states that he was struck in the mouth and in the right eye by the second mate this morning, and that his head is covered with lumps as a result of the treatment he has received. Micaldo, judging from the way he has acted since his arrest, is a cruel-hearted wretch, and his story is given, as it should be taken, for what it is worth.

THE VICTIM.

James Smith, his victim is a native of Lockeport, N. S., and is about twenty-six years of age. He shipped on the Ida Maud at Trinidad, on the 2nd November, as an ordinary seaman. Captain Purdy speaks highly of his good qualities, and had appointed him to sail as second mate on the trip to Demerara.

The preliminary examination of Micaldo was commenced before His Honor the Stipendiary Magistrate at two o'clock this afternoon. Seven witnesses were examined, and the information elicited was somewhat similar to that given above. The examination will be continued to-morrow, commencing at ten o'clock.

Diphtheria and Manure Heaps.

M. Ferraud, *Lyon Medical*, traces the relation between manure heaps and rural epidemics of diphtheria. On one occasion the disease appeared the day following a general street cleaning. He argues that manure should be kept in closed wells of stone, glazed with asphaltum, so constructed that the fluids filter away from the solid matter.

More Silver.

A correspondent writing from Caldwell, Kan., says: "Silver has been recently discovered in large quantities north and south of this city, where the lead crops out; in fact, it underlies the entire city about 36 feet from the surface, and extends several miles into the territory. It weighs from 55 to 60 lbs per 1000 lbs. rock."

THE Annual Bazaar and Tea of the P. E. Island Hospital will be held on DECEMBER 19th, in the Roller rink.

Doors open at 12 o'clock; tea on the tables at 5 p. m.; admittance, 10cts. Contributions gratefully received by MRS. LAIRD, President. MRS. C. PALMER, Vice do. MRS. COLEMAN, do. MRS. P. D. BEER, Secretary. Ch'town, Dec. 7, 1886.

NOTICE.

ALL persons indebted to James Reid, doing business under the name of REID BROS., are hereby notified, pursuant to arrangement made by attaching creditors and the undersigned, John D. Reid, who claims said debts as assignee, that said debts are to be paid to Henry Longworth, Sheriff of Queen's County, at the store of Reid Bros., Cameron Block, Charlottetown. All overdue debts not paid by the 31st inst. will be sued for without further notice. HENRY LONGWORTH, Sheriff. J. D. REID, Assignee. Ch'town, Dec. 7, 1886—dy & wky

TO THE TRADE.

Great Clearing - Out Sale!

\$9,000 Worth of Cloth, Ready-made Clothing, Women's Wear, &c.

THE undersigned gives notice that by virtue of Writs of Execution out of the Supreme Court, at the suit of John D. Reid, and at the suit of the Tryon Woolen Manufacturing Co., against James A. Reid, and under sundry attachments against the said James A. Reid, as an absconding debtor, he has seized and levied upon all the stock in trade of Reid Bros., in the Cameron Block, in Charlottetown, and will, in compliance with the terms of a resolution of creditors, passed on the 14th day of December, inst., on and after

Wednesday, Dec. 8th inst.

and from day to day until the whole is disposed of, offer the whole said stock for sale in quantities to suit the trade and purchasers.

HENRY LONGWORTH, Sheriff. Ch'town, Dec. 7, 1886—dy & wky

Public Meetings.

PUBLIC MEETINGS of the Liberal-Conservative Electors of the Second Electoral District of King's County, for the purpose of appointing delegates to nominate candidates to contest King's County at the next Dominion election, will be held at the following places, viz:

- At or near Peake's Station, Lot 38, on Monday, 13th December, at 6 p. m.
At or near Savage Harbor Schoolhouse, Lot 38, on Monday, 13th December, at 1 p. m.
At or near the store of H. N. Cox, Esq., Morell, on Monday, 13th December, at 6 p. m.
At or near Little Pond Schoolhouse, Lot 56, on Monday, 13th December, at 6 p. m.
At Montello, Lot 42, on Monday, 13th December, at 6 p. m.
At or near the Courthouse, St. Peter's Bay, on Tuesday, 14th December, at 6 p. m.

Chairmen in each polling division will please attend to the above.

A full attendance of the Liberal Conservative Party at these meetings is requested.

By order, JOHN P. SULLIVAN, 2nd Vice President L. C. Association, King's County.

Dec. 6, 1886—dec 11 wky 11

CARD.

WE would inform the citizens of Charlottetown and Prince Edward Island generally, that our MR. SANTA CLAUS will be at the

DIAMOND BOOKSTORE.

on and after Monday, 6th December, inst., having in his possession the largest, choicest and best value GIFTS and PRESENTS ever placed at his disposal.

Come and see him early. 225—deven on Christmas Eve will remain open until midnight.

Respectfully, CHRISTMAS, NEWYEAR & CO. Dec. 6, 1886.

Referring to the foregoing I would urge the necessity of an early visit to Mr. Claus, as the festive rush, based on Christmas Eve, prevents him paying his proverbial courtesy to visitors.

The Christmas Cards, Fancy Goods, Toys, &c., of the present visit being so very numerous, we cannot particularize. It is absolutely imperative that you come and view the immense stock.

THRO. L. CHAPPELLE, Diamond Bookstore. Ch'town, Dec. 6, 1886.

Apples! Apples!

AT Auction, at Rooms, on WEDNESDAY, 8th inst., at 11 o'clock, a. m.,

100 bbls. Winter Keeping Apples.

A choice lot in all kinds.

A. H. B. MACGOWAN, Auctioneer. Charlottetown, Dec. 6, 1886—21

SCHR. "HIGHLAND LIGHT."

BY order of the Vice Admiralty Court of Prince Edward Island, and under a warrant issued therefrom, the schooner "Highland Light," her tackle, apparel and furniture, will be Sold by Auction, at QUEEN'S WHARF, Georgetown.

On Tuesday, Dec. 14th, 1886,

at the hour of TWELVE o'clock, noon.

TERMS—Cash. JOHN SMITH, Deputy Marshal of V. A. Court. Ch'town, Dec. 6, 1886—1 sale

Skates! Skates!

JUST RECEIVED:

150 pairs Acme Club Skates,

200 do Imitation Spring do

FOR SALE AT VERY LOW PRICES.

DODD & ROGERS. Ch'town, Dec. 6, 1886—4 wks wtd

LONDON HOUSE.

DECEMBER.

FALL AND WINTER GOODS, CHEAP.

Two hundred Ladies' FUR CAPES The balance of our splendid stock of Ladies' MANTLES and ULSTERS.

Eleven hundred yards MANTLE and ULSTER CLOTHS. Fifteen thousand yards DRESS GOODS' Forty-two hundred yards FLANNEL—Scarlet, White and Grey, from 16cts, up

A large and valuable assortment of Men's and Boys' READY-MADE CLOTHING, OVERCOATS, ULSTERS, &c.

Ladies' FUR MANTLES, JA' KETS, GLOVES, &c. M n's FUR COATS, CAPS, GLOVE'S, &c.

Beaver, Astracm, Persian Lamb, and o'her FURS. SLEIGH ROBES, &c.

One hundred and fifty pairs of BLANKETS, very low. Three hundred half-chests splendid TEA, at 25 c nts

TEA, in packages of five, ten, and twenty pounds

HARRIS & STEWART,

SUCCESSORS TO

Geo. Davies & Co.

Ch'town, Dec. 6, 1886.

BEER BROS.

LADIES' MEN'S

Fur-lined Cloaks, Fur Coats, Astrachan Sacks, Fur Caps, Redingotes, Fur Gloves, Ulsters, Jerseys, Hosiery, Felt Hats, Gloves, Dress Goods, Underclothing, Trimmings, &c. Gloves, Shirts, &c., &c.

MILLINERY: HATS and BONNETS, in Felt and Straw—all the Leading Styles, and a magnificent line of TRIMMINGS.

All orders receive Miss Saunders' personal attention

CARPETS! CARPETS!

BEER BROS.

Ch'town, Nov. 11, 1886.

BRITISH WAREHOUSE

83

QUEEN STREET.

Our Stock of

FALL AND WINTER DRY GOODS

---is now---

Complete in Every Department,

Comprising all the Latest

NOVELTIES OF THE SEASON

and

of as Good Value as is to be had in

the City.

A. L. BROWN.

Ch'town, Nov. 12—wky

Boots, Boots.

Buy Your

FALL BOOTS

---AT---

DORSEY, GOFF & CO.

Ch'town, Sept. 2, 1886.