

**THE DAILY EXAMINER.**

JANUARY 17, 1884.

**The Canada Temperance Act in the Supreme Court.**

THE case now before our Supreme Court, in which Mr. P. C. Connolly is the defendant, is one of some importance to the prosecutors for breach of the Canada Temperance Act. It arose in this way: At the hearing of the case before the Stipendiary Magistrate, and after the examination of a witness who denied all knowledge of any infraction of the Act, the Counsel for the prosecutor called Mr. Connolly to give evidence in the prosecution against himself, under the 123 sec. of the Act. His Counsel objected on three grounds:

1. That this section is *ultra vires* of the Dominion Legislature, as its provisions are an interference with civil procedure.

2. That this section, if it does enable the prosecutor to call upon the defendant to give evidence, he can only be examined as an ordinary witness, after the requirements of the 16 sec. of the Magistrate's Summary Jurisdiction Act have been complied with.

3. That though this section may make the defendant a witness he is not bound under it to answer any question which may criminate himself.

The Magistrate reserved his decision and a few days subsequently gave a writ *in judgment* in the case, deciding shortly:

1. That proceedings taken under the Scott Act are criminal proceedings, and therefore within the authority of the Dominion Parliament.

2. That the defendant was examinable as a witness after the requirements of the 16th session of the Summary Procedure Act had been complied with, without expressing any opinion as to whether or not he was not examinable as the defendant without such preliminaries.

3. That a defendant was compellable to give evidence though such evidence tended to criminate him of the infraction of the law for which he was then being prosecuted.

The Magistrate held that the words of this 123 section, viz: "On the trial of any proceeding, matter or question under this Act, the person opposing or defending, or the wife or husband of such person opposing or defending, shall be competent and compellable to give evidence in such proceeding matter or question," were plain and obvious, and were intended to reverse the well known rule of evidence "that no one is bound to criminate himself." Otherwise it appeared to him that they would have no meaning; for the only evidence material to the prosecution must of necessity be such as tended to prove the offence charged, and so criminate the defendant; and if the defendant could not be asked such questions, the Statute must be held to mean that only on all questions immaterial to the issue could the defendant be interrogated, which, in his opinion, was a *reductio ad absurdum*.

The question put to Mr. Connolly in this case was: "Did you between certain dates (naming the dates laid in the information) sell spirituous and intoxicating liquors?" In the trial before the Magistrate he refused to answer this question, and the Magistrate ordered his committal for such refusal, holding he was bound to answer it. The matter is now up before the Supreme Court for argument. Mr. Connolly's counsel moving the court to set aside the Magistrate's order, on the ground that he had no power to enforce an answer to a question which, of necessity, tended to criminate the defendant.

The public will await the decision with no small interest. It cannot but be evident that it must greatly affect the enforcement of the Act. If the Magistrate is right this power of examining the defendant will enable the Temperance Alliance to reach offenders not otherwise within the grasp of the law, and prevent offenders from escaping without themselves committing the additional crime of perjury. This to our mind is the most important point yet raised in the matter of procedure under this Act. For our own part we are by no means wedded to the policy of our law which in every criminal offence forbids the person accused opening his mouth on the witness stand even in his own behalf. On the Continent of Europe generally this is not the law, nor in the United States of America, and as well in Canada as in our Mother Country, it appears that in bankruptcy, divorce, revenue infractions, election laws and illicit sale of liquor, this policy is being gradually swept away, as an impediment in the due enforcement of laws founded on the good government of the Empire.

**The Election in Belfast.**

THE *Patriot* of yesterday appeals to the "Reformers" of Belfast to "stand shoulder to shoulder in upholding the liberal cause." It would be interesting to know what is meant by the "liberal cause," and what are the particular "reforms" which the "Reformers" of Belfast are called upon to promote. Is the return to power of Mr. David Laird, the man who promised to stop the railway, and afterwards built the branches, the reform which our contemporary has in view? Is the resurrection of the "rump" of the Davies Government with all its extravagance, but without its brains, the "reform" in support of which Mr. Laird

calls on the Liberals of Belfast to stand shoulder to shoulder? The true Reformers in Belfast know exactly what Mr. Laird means by a "reform." They have had several bitter experiences of his intense love of reform, and they will, if we mistake not, shew their true appreciation of it at the approaching election.

In the two years which the Davies Government were in power they collected taxes amounting to \$97,283.78, or \$48,741.39 a year. The present Government have been in power for five years and they have collected less than \$17,000.00 a year of taxes, only a trifle in excess of the old Land Tax. Had they taxed the country as heavy as the Grits had done they would have over \$150,000.00 more revenue at their disposal than they have had from the trifling taxation which they have imposed. But this is not all. The Davies Government spent only \$146,363.00 on education in the two years they were in power, or \$73,181.50 a year. The present Government have spent over \$481,000.00 on education in their five years or over \$96,000.00 a year, \$23,000.00 a year or altogether \$115,000.00 more than was spent by the Davies Government. It will thus be seen that the present Government have taken over \$150,000.00 less in taxes and spent over \$115,000.00 more in education than the Davies Government would have done had they continued to run the Government for the last five years as they had run it for the two preceding years. This just means that if the Grits had remained in power the taxes would have been \$265,000.00 or \$51,000.00 a year more than they have been under the present honest and economical administration.

To continue building and maintaining Dominion works out of the direct taxes of the people of this Island, lest that dear good man, Mr. McKenzie, should be disturbed, or Mr. Laird's incapacity be reflected on, to waste the people's money on public works for the purpose of gaining political support; and to maintain a little army of officials doing work which could be done better by little more than half the number, have been the main features of Grit administration of local affairs in this Island. To return to these things is what Mr. Laird calls a "reform." The electors of Belfast, and we believe of the whole Island, are of a different opinion.

**Agricultural Education.**

THE subject of Hon. Donald Ferguson's lecture to-night opens up some of the most pressing and important questions of the day. Shall our schools and colleges ignore the great leading industry of our Province, and devote all their energies in higher education, to giving instruction calculated to draw young men away from the farm? Shall our farmers continue to work by the rule of thumb, ignorant of the light which, in other countries, is thrown on the art of agriculture, and thus allow themselves to be distanced in the race? How are we to educate our farmers? By founding an Agricultural College in connection with the Stock Farm! By making it compulsory to teach the elements of agriculture in our common schools! By starting agricultural societies! By encouraging more liberally Agricultural Shows!

It may be said that this is not a popular subject with a city audience. We don't see why. The discussion of farm subject should have a peculiar fascination for every person of taste, and in an agricultural country like ours, every person, whether directly engaged in farming or not, has an interest in its successful prosecution. From what we have learned from Mr. Ferguson, it is not his intention to go into details of crops, stocks, and manures, but to discuss the relations which agriculture should maintain to the general education of the country.

**Editorial Notes.**

—It will be seen by the following table which we quote from the *Winnipeg Times* that an important reduction has been made in the wheat rates on the Canadian Pacific Railway. The rates are lower than the low coal rates and do not exceed a cent per ton per mile after eight hundred miles are reached. The reduction proves that the Canadian Pacific Company is not the grinding monopoly it is represented to be:

	New Rate.	Old Rate.
Manitoba City to Port Arthur	30 cts. per 100 lbs.	40
Morden to Pt. Arthur	29 "	39
Brandon "	33 "	41
Oak Lake "	35 "	43
Wapella "	36 "	45
Broadview "	35 "	46
Indian Head "	39 "	48
Regina "	40 "	49

—Seventy-two applications for private bills have been entered for the approaching session of Parliament. The character of these and the number from each Province is as follows: Ontario—the largest number, 34, is entered from that Province; 15 bills affecting railway companies, 4 insurance companies, 3 banks, 2 divorce and 2 municipalities; 1 bill relating to the Methodist Church, is in the last also; 1 affecting the Board of Trade, 1 the Orange Order, 1 a transatlantic company, 1 the Niagara Bridge Company, 1 a construction company, 1 a graving dock company, and one a telegraph company. Quebec—In this province the bills are divided as follows: Railways 9, bridges 3, telephone 1, insurance, churches, (Pontiac and Ottawa Counties) 1; total 14. Nova Scotia—insurance 1, steamship company 1, railway 1; total 3. New Brunswick—Banks 1, railways

1; total 2. Manitoba and New Territory—Railways 9, navigation 1, banks 3, colonization 1, churches 1; total 15. British Columbia—Bank 1; total 1. None are entered from Prince Edward Island.

—Mr. Sandford Fleming, the progenitor of the new standard time at present in use on our railway and in the Post Office, says that the next great move towards the revolutionizing of time will be the adoption of the twenty-four hour system. He thinks the old system of dividing the day into halves has been long enough baffling the efforts of travellers in solving the intricacies of railway time tables and guide books. There are few people who, at first glance, correctly catch the exact meaning of a. m. and p. m. when placed after figures indicating the hours of the day. It is said that the method now in use of counting the hours up to twelve, and then beginning anew again, had its origin at a period when people were in the habit of reckoning things by the dozen. The necessity for limiting the numbers used for so long a time no longer exists, as most people nowadays are able to count a little higher than twelve. And again it cannot be objected to on the score of novelty, as it has long been in use in Italy and Bohemia. It is contended by the admirers of this new system that every advantage is to be obtained by abandoning the halving of the day at twelve o'clock and adopting the system of numbering the hours consecutively in a single series up to twenty-four. But if all the clocks and watches now in use will be rendered unserviceable by the adopting of this method, an almost insurmountable barrier is presented. But it is contended that the timepieces now used could be utilized by simply supplying new dials, or by placing on the old dials the additional afternoon hours from thirteen to twenty-four, the cost of doing which would be very small. That it would take some time for the people to become accustomed to the new numbers of the afternoon hours, is admitted. The work of educating the public in this matter has already begun in the Western States, by some enterprising newspaper men there naming their two and five o'clock afternoon editions the fourteen and seventeen o'clock editions, respectively. Men who are now in the habit of working until six o'clock will, in the event of the adoption of the twenty-four hour system, soon become indifferent about being obliged to continue their duties until eighteen o'clock. As an indication of the favor with which this system is regarded, it is said that the representatives of over 100,000 miles of railway have emphatically pronounced in favor of the change. So we would advise our readers to exercise their faculties in counting time on the twenty-four hour scale, so that in the event of its adoption they will not be caught napping.

**The P. E. I. Hospital.**

The P. E. Island Hospital is now open for reception of patients. The committee have secured the services of a matron and nurse who received her training in London, England, and has had some years experience in an English Hospital. The Ladies' Hospital Aid Society most gratefully thank the kind donors for the following gifts towards furnishing:—

- Mrs. John Beer, two invalid chairs.
  - Mrs. Dr. Beer, two pillows.
  - Mr. Herbert Beer, one barrel flour.
  - Mr. H. Brown, half-dozen towels.
  - Miss Cameron, one wardrobe.
  - Mrs. Joseph Davison, (Burlington), two pillows, and \$1.00.
  - Mrs. Fitzgerald, one pair blankets.
  - Mrs. Thomas Plager, four towels.
  - A Friend, \$10.00.
  - A Friend, five yards flannel, one feeding cup.
  - Mrs. Higgins, one washstand.
  - Miss Higgs, five pillow cases.
  - Mrs. Dr. Johnson, one soup tureen, one child's crib.
  - Miss Macdonnell, one iron bedstead.
  - Mrs. E. MacLennan, (Eldon, Belfast), one pair blankets.
  - Mrs. Thomas McNeill, (Alberton), \$1.00.
  - Miss F. Mayne, one easy chair.
  - Mrs. F. S. Moore, one invalid chair.
  - Miss Morris, one bedstead, one washstand.
  - Mrs. Offer and Mrs. Younker, one dozen pillow cases, half-dozen towels.
  - Mr. Paton, sixteen yards carpet.
  - Mr. Pollard, one toilet set.
  - Mr. Sterns, six yards table linen.
  - Stentiford & Taylor, \$6.50.
  - Mrs. John A. Weeks, (Alberton), one pair blankets.
- Friends will please remember that old linen is greatly needed, and will be most thankfully received.

**MARRIED.**

On the evening of the 16th January, at the residence of Mr. Henry Chandler, of this city, by the Rev. John W. Wadman, Mr. Robert Stewart, to Annie Swab, both of Little York, Lot 34.

**DIED.**

At Hope River Mills, January 18th, 1884, after a short illness, Alexander Simpson, aged 75 years.  
[Funeral from his late residence on Friday, at 10.30 a. m.]  
At Sunnerville, Georgetown Road, on Wednesday morning the 16th inst., Andrew Murphy, a native of County Wexford, Ireland, aged 81 years, and well known and esteemed in the district. May he rest in peace.  
At Springfield, Lot 27, on Jan. 11th, 1884, Catherine Jane, infant daughter of Ronald and Mary McDonald, aged 2 months and one day. Suffered little children to come unto Me, and forbid them not, for of such is the Kingdom of God.  
At West River, Lot 65, Dec. 28th, of brain fever, in the 13th year of his age, George Sutherland, dearly beloved and second son of Neil McNeill.  
At Boughton Island, on the 29th December, 1883, Margaret E. Allan, in the 42nd year of her age, leaving a loving husband, three children, and a large circle of friends, all mourning their loss.

**Our Store Closes Every Evening at Six o'clock (Saturday Excepted). 1884. For the Winter Months. 1884.**

W. & A. BROWN & CO. are selling the following lines of Dry Goods, at very low prices, to clear before stock-taking 1st April:

Jackets, Dolmans and Ulsters, Promenade Scarfs, Wool Jackets and Ulsters, Mantle and Ulster Cloths, Overcoatings, Scotch and Canadian Tweeds, Colored and White Shirts.

Also a special line of Dress Goods, of excellent value, and suitable for the season, reduced to twenty-two cents.

A large stock of Carpets, Oilcloths, Hearth Rugs, Mats, White and Grey Cottons, Sheetings, Pillow Cottons and Linens, Fancy Shirtings, etc., bought very low, and now opened, ready for the early Spring Trade.

**WHOLESALE & RETAIL. W. & A. BROWN & CO.**

Ch'town, Jan. 5, 1884.—dy wklly

**GREAT ATTRACTIONS**

Just Received, a Large Assortment of

**JEWELRY,**

CONSISTING OF

Gold and Silver Waltham and Geneva Watches, Colored, Gold and Plated Sets, Ladies' Chains and Lockets.

GENTS' GOLD, GOLD-PLATED, SILVER AND NICKEL LOCKE'S AND CHAINS, Silver-Plated Ware, Eight-Day and Thirty-Hour Clocks (American styles), Spectacles and Eyeglasses.

Call and be convinced that my Stock is the Cheapest and Best in Charlottetown.

Watches, Clocks, Jewelry, etc., cleaned and repaired. All work warranted.

**G. G. JURY,**

North Side Queen Square, Opposite Post Office.

Charlottetown, Dec. 18, 1883.—2aw mo th wklly im

**SEWING MACHINES, CHEAPEST AND BEST**

IN

PRICE \$5.00

TO \$100.00



IN

PRICE \$5.00

TO \$100.00

**MILLER BROTHERS, QUEEN STREET.**

The following are some of the kinds in stock, viz., Raymond, White, Wanzer, Royal, American Singer, William Singer, Wheeler & Wilson, Gen., Household, Osborne, Champion, Weed. A large supply of extras and parts kept constantly on hand, Sewing Machines, all kinds, fully warranted. A first class repair shop in connection where the repairing of all Sewing Machines is promptly attended to.

**MILLER BROTHERS also keep on hand a LARGE STOCK OF ORGANS,**

which they are selling at extremely low prices. ORGANS in price, from \$60 upwards. Accordions, Concertinas, Violins and other small musical instruments at Bottom Prices.

**MILLER BROTHERS, Dealers in Pianos, Organs, and Sewing Machines.**

Charlottetown, Jan. 12, 1884.—

**THE CHARLOTTETOWN**

**FLOUR, FEED AND PROVISION, STORE,**

South Side Queen Square, near Queen Street, HAVE to announce that they have on hand the following goods, which they are prepared to sell at reasonable prices and in quantities to suit purchasers:

Flour (Superior Extra, Strong Bakers' and Patent) OATMEAL, CORNMEAL, BRAN, SHORTS, OATS,

CRUSHED FEED, either Oats and Barley or Oats, Barley and Corn. APPLES, which will be sold by the barrel or at rates very little over barrel prices. Ch'town, Dec. 18, 1883

**NOTICE**

IS HEREBY GIVEN that the ANNUAL GENERAL MEETING of the Shareholders of THE EXAMINER PUBLISHING COMPANY will be held at the office of THE EXAMINER newspaper, on WEDNESDAY, the 30th of January, inst., at the hour of eight o'clock, in the evening.

N. J. MITCHELL, Secretary.

Ch'town, Jan. 17, 1884.—wklly.

**MORTGAGE SALE.**

Valuable Property in Charlottetown, Fronting on Queen Square.

To be sold by Public Auction, at the Court House, in Charlottetown, on THURSDAY, the 4th day of March next, A. D. 1884, at the hour of 12 o'clock, noon, under and by virtue of a power of sale, contained in an indenture of Mortgage, dated the sixteenth day of June, A. D. 1877, and made between William F. McLaughlin and Elizabeth McLaughlin, his wife, of the one part, and John Ings, of the other part.

For further particulars apply at the office of F. L. Hazard, Solicitor, Charlottetown. Dated this Seventeenth day of January, A. D. 1884.

JOHN INGS, Mortgagee.

Ch'town, Jan. 17, 1884.—wklly tl sale.

**Sleighs, Stoves, &c.**

BY AUCTION,

**MARKET SQUARE,**

Friday Next at Eleven O'clock,

- 1 Handsome Round Back Double Sleigh,
- 1 Comfortable Family Box Sleigh, and several single Sleighs.
- 2 Buffalo Eokes (new),
- 2 Sets Harness,
- 1 Medium Sized Base Burner (hard coal),
- 1 do do (hard or soft coal),
- and sundry articles of Household Furniture.

CAMPBELL & RAYDEN, Auctioneers.

Ch'town, Jan. 16, 1884.—2h.

**GAS STOCK.**

To be sold by Auction on FRIDAY next, 18th inst., at my Sale Room, at 12 o'clock.

20 shares 1st Preference Stock,  
20 shares 2nd Preference Stock,  
20 shares Common Stock.

WILLIAM DODD, Auctioneer.

Ch'town, Jan. 14, 1884.—

**V. M. C. A.**

**LECTURE COURSE.**

THE Fifth Lecture of the Winter Course, before the Young Men's Christian Association, will be delivered by

HON. D. FERGUSON, M. P. P.

—IN THE—

Y. M. C. A. HALL,

—ON—

Thursday Ev'ng, January 17th,

SUBJECT—"AGRICULTURAL EDUCATION."

Chair to be taken at eight o'clock. Ad mission ten cents.

HENRY SMITH, Secretary.

Ch'town, Jan. 12, 1884.—1st.

**TO THE TRADE!**

ON Consignment and for sale very low, at my Auction Room, Queen Street.

- TEA—50 Half Chests Prime.
- APPLES—150 barrels No. 1 Choice.
- HERRING—50 barrels No. 1.
- CODFISH—15 quintals.
- GREY COTTONS—7 bales all prices.
- WRAPPING PAPER, Paper Bags, etc., very cheap. TERMS CASH.

A. McNEILL, Auctioneer.

Ch'town, Jan. 14, 1884.—1st wklly 21.

**TO LET.**

THE room on South Side Queen Square, lately occupied as a private billiard room. Apply to

HORACE HASZARD.

Ch'town, Jan. 14, 1884.

**FIRE INSURANCE.**

RISKS taken on all classes of insurable property at reasonable rates.

HORACE HASZARD, Lower Queen Street.

Ch'town, Jan. 13, 1884.—2aw

**WANTS, LOST, FOUND, &c.**

BOARDERS—Mrs. Robert Rodd, has removed to the house of Mr. C. Haszard, Easton Street, where she can accommodate a number of Boarders; on reasonable terms.