

# The Daily Examiner.

TERMS—FIVE DOLLARS A YEAR.

"This is true Liberty, when Free born Men, having to advise the Public, may speak free."—EURIPIDES.

SINGLE COPIES TWO CENTS.

NEW SERIES.

CHARLOTTETOWN, PRINCE EDWARD ISLAND, WEDNESDAY, OCTOBER 15, 1884.

VOL. 15.—NO. 126.

## THE DAILY EXAMINER

is issued every evening, by  
The Examiner Publishing Co.  
From their office, corner of Water and  
Great George Streets, Charlottetown,  
Prince Edward Island.

RATES OF SUBSCRIPTION:  
Six Months, \$2 50  
Three Months, 1 25  
One Month, 0 50

Advertising at most moderate rates.  
Contracts may be made for monthly,  
quarterly, half-yearly or yearly advertise-  
ments, on application.

## ALMANAC FOR OCTOBER, 1884.

MOON'S CHANGES.

Full Moon, 4th day, 5h. 47.5m. p. m.  
Last Quarter 11th day, 10h. 15.7m. a. m.  
New Moon 18th day, 5h. 18.9m. p. m.  
First Quarter, 27th day, 0h. 41.9m. a. m.

| DAY OF WEEK  | Sun   | Set   | Moon  | High  | Days   |
|--------------|-------|-------|-------|-------|--------|
|              | rises | sets  | rises | water | len h. |
| 1 Wednesday  | 6 35  | 36    | 3 55  | 7 52  | 11 23  |
| 2 Thursday   | 5 31  | 4 26  | 8 43  | 8 43  | 29     |
| 3 Friday     | 6 32  | 4 57  | 9 26  | 9 26  | 26     |
| 4 Saturday   | 7 29  | 5 29  | 10 6  | 10 6  | 22     |
| 5 Sunday     | 9 25  | 6 30  | 10 49 | 10 49 | 19     |
| 6 Monday     | 10 56 | 6 41  | 11 27 | 11 27 | 16     |
| 7 Tuesday    | 12 24 | 7 24  | 12 8  | 12 8  | 12     |
| 8 Wednesday  | 13 22 | 8 14  | 0 51  | 9 9   | 9      |
| 9 Thursday   | 14 20 | 9 10  | 1 39  | 6 6   | 6      |
| 10 Friday    | 16 11 | 10 11 | 2 32  | 2 2   | 2      |
| 11 Saturday  | 17 16 | 11 16 | 3 38  | 10 10 | 10     |
| 12 Sunday    | 18 14 | 12 14 | 4 54  | 5 54  | 5 54   |
| 13 Monday    | 19 12 | 0 23  | 6 21  | 6 21  | 5 53   |
| 14 Tuesday   | 21 11 | 1 29  | 7 31  | 7 31  | 5 50   |
| 15 Wednesday | 23 9  | 2 26  | 8 25  | 8 25  | 4 46   |
| 16 Thursday  | 24 7  | 3 40  | 9 9   | 9 9   | 4 43   |
| 17 Friday    | 25 5  | 4 45  | 9 49  | 9 49  | 4 40   |
| 18 Saturday  | 27 4  | 5 47  | 10 24 | 10 24 | 3 37   |
| 19 Sunday    | 28 2  | 6 49  | 10 58 | 10 58 | 3 34   |
| 20 Monday    | 29 0  | 7 50  | 11 32 | 11 32 | 3 31   |
| 21 Tuesday   | 31 4  | 8 48  | 12 0  | 12 0  | 2 27   |
| 22 Wednesday | 32 56 | 9 44  | 0 6   | 24    | 24     |
| 23 Thursday  | 33 54 | 10 35 | 0 40  | 21    | 21     |
| 24 Friday    | 35 53 | 11 22 | 1 16  | 18    | 18     |
| 25 Saturday  | 38 51 | 12 4  | 2 42  | 15    | 15     |
| 26 Sunday    | 38 48 | 0 40  | 1 58  | 12    | 12     |
| 27 Monday    | 41 47 | 1 20  | 3 37  | 9     | 9      |
| 28 Tuesday   | 42 46 | 1 52  | 4 43  | 6     | 6      |
| 29 Wednesday | 43 45 | 2 24  | 5 58  | 3     | 3      |
| 30 Thursday  | 44 44 | 2 57  | 7 9   | 0     | 0      |
| 31 Friday    | 45 42 | 3 24  | 8 9   | 9 59  | 9 59   |

## THE RAILWAY TIME TABLE.

(Charlottetown Time.)

|                       | A. M. | P. M. |
|-----------------------|-------|-------|
| GOING WEST.           |       |       |
| Charlottetown         | 6 47  | 9 12  |
| Hunter River          | 7 47  | 10 55 |
| Summerside            | 8 42  | 12 22 |
| Summerside, arrive    | 9 07  | 12 57 |
| Summerside, depart    | 9 27  | 2 32  |
| Port Hill             | 10 30 | 4 15  |
| Alberton              | 12 05 | 6 57  |
| Tignish               | 12 42 | 7 47  |
| FROM WEST.            |       |       |
| Tignish               | 2 02  | 6 47  |
| Alberton              | 2 40  | 7 57  |
| Port Hill             | 4 15  | 10 25 |
| Summerside, arrive    | 5 17  | 12 07 |
| Summerside, depart    | 5 42  | 1 22  |
| Kennington            | 6 07  | 2 09  |
| Hunter River          | 7 02  | 3 25  |
| Charlottetown         | 8 02  | 5 07  |
| GOING EAST.           |       |       |
| Charlottetown         | 4 17  | 7 02  |
| Mount Stewart, arrive | 5 22  | 8 37  |
| Mount Stewart, depart | 5 27  | 9 02  |
| St. Peter's           | 6 17  | 10 02 |
| Souris                | 7 22  | 12 02 |
| Mount Stewart         | 5 32  | 9 07  |
| Cardigan              | 6 29  | 10 22 |
| Georgetown            | 6 47  | 10 47 |

## CONSIGNMENTS SOLICITED.

**R. O'DWYER,**  
Commission and General Merchant  
FOR SALE OF P. E. I. PRODUCE.  
289 WATER STREET,  
St. John's Newfoundland.

In connection with the above is Captain English, who is well known in P. E. Island, who will take special charge of all consignments, and will also attend to the chartering of vessels for the carrying trade of P. E. I. The firm is one of the oldest and most reliable in Newfoundland. Returns guaranteed to be prompt and satisfactory. Parties wishing to procure Labrador Herring should send their orders in time.  
Sept. 6, 1884.—till 31st Dec. '84.

## L. ARTHUR & CO.,

GENERAL  
Commission Merchants,  
121 ATLANTIC AVENUE,  
(ROSS MARKET)  
BOSTON, MASS.

Eggs and Produce a Specialty.  
May 16, 1884.—wly 17

## McLeod, Morson & McQuarrie, BARRISTERS

AND—  
**ATTORNEYS-AT-LAW.**  
Office in Old Bank.  
(UP STAIRS).  
Ch'town, Feb. 21, 1884.

## SULLIVAN & MACNELL, ATTORNEYS-AT-LAW

Solicitors in Chancery,  
**NOTARIES PUBLIC, &c.**  
OFFICES—O'Halloran's Building, Great  
George Street, Charlottetown.  
Money to Loan.  
W. W. SULLIVAN, Q. C. | CHESTER B. MACNELL  
Jan. 16, '83.

## W. WHEATLEY, (OF WHEATLEY & SONS, CHARLOTTETOWN, P. E. ISLAND)

**Commission Merchant,**  
269 BARRINGTON STREET,  
**HALIFAX, N. S.**  
Special attention given to the sale of  
P. E. Island produce.  
April 24, 1884.

## WEST & RENDELL, Commission Merchants,

St. John's, Newfoundland.  
Consignments solicited. Liberal advances  
made.  
July 25, 1884.—2aw 4m

## APPLES, APPLES, APPLES. CHARLES DONALD & CO.,

79 Queen St., London, E. C.  
Will be glad to correspond with Apple Grow-  
ers, Merchants and Shippers, with a  
view to Autumn and Spring  
business.  
They will also give the usual facilities to  
customers requiring advances. angl

## CAIRNS' MARBLE WORKS.

MR. CHARLES CAIRNS, in returning  
thanks to the public for the liberal  
patronage extended to him, begs leave to in-  
form his old customers and the public generally,  
that he has taken into partnership Mr.  
Malcolm McLean, and that hereafter the  
business will be carried on under the title of

## CAIRNS & CO., Marble & Stone Cutters.

They have on hand a fine stock of Monu-  
ments, Tablets and Headstones, in Italian and  
American Marble. They are of the latest de-  
signs, and at prices to suit all.  
C. CAIRNS,  
M. McLEAN.  
Ch'town, June 30, 1884.—pres n e pat s j w p

## Old, Successful, Trustworthy, PURELY MUTUAL, No Stockholders, Dividends Annually.

**ORGANIZED 1845.**  
**NEW YORK  
LIFE INSURANCE CO.**  
Cash Assets over \$55,000,000.  
**McLEAN & MARTIN,**  
Agents for P. E. Island.  
Ch'town, Aug 27—2m 2aw wly

## N. J. CAMPBELL, (Successor to Campbell & Rayden)

**Auctioneer and Commission Merchant,  
SHIP BROKER,  
AND INSURANCE AGENT,  
COR. OF QUEEN AND WATER STS.,  
Charlottetown, P. E. Island.**

**Importer and Jobber of Choice  
Groceries and Spices.**  
General Agent for P. E. Island of the  
British Empire Mutual Life Assurance Com-  
pany, of London, England.  
Special attention given to Auction Sales of  
Lumber, Coal, Fish, Apples and other Fruit,  
Real Estate, Household Furniture, Bankrupt  
and other Stocks, and all kinds of Merchan-  
dise.  
Correspondence and Consignments solicited.  
Returns promptly made.  
March 28, 1884

**EXHIBITION WEEK.**  
It Will Repay Persons Who May be in Town During Exhibition Week to Inspect the  
**NEW & EXTENSIVE STOCK OF GOODS,**  
JUST RECEIVED FROM THE ENGLISH, CANADIAN AND AMERICAN MARKETS,  
**AT THE LONDON HOUSE.**

This Stock consists not only of the Latest Styles, but also of the most attractive and saleable Goods; and in addition  
to our usual supply of every thing needful for Household purposes at the Lowest Rates, we are  
offering Special Inducements to Buyers in different departments.

**CHOICE TEAS** (in Half-Chests and Packages, 50lbs and 100lbs) **WHOLESALE & RETAIL.**  
For Exhibition Week ONLY, we shall offer as a Special Attraction for Cash, pieces and odd lengths of TAPESTRY,  
BRUSSELS and SCOTCH CARPETS, at surprisingly Low Prices:

CARPETS worth \$1.10 for 92 cents.  
CARPETS worth 95 for 75 cents.  
CARPETS worth 75 for 58 cents.

**GEO. DAVIES & CO.,**  
LONDON HOUSE,  
Charlottetown, Oct. 2, 1884—2w wly 21

**NOTICE.**  
**MORE ROOM. MORE GOODS.**  
**LOWER PRICES!**

As my Store has been greatly enlarged, my importations have been greatly  
increased, thus enabling me to show a very much better assortment of  
Goods than usual.  
Every Department is well filled with Choice NEW GOODS, imported  
direct from the English Markets. And, as I am bound to sustain my past  
reputation for selling Cheap Goods, those who patronize me will find my  
Prices Low.

**Quality Good. Assortment Large.**  
**CALL AND SEE US,**  
**L. E. PROWSE,**  
**Sign of the Big Hat, 74 Queen Street.**  
Ch'town, Sept. 26, 1884.—eod wly

## DORSEY, GOFF & CO'S.

Celebrated Make of Boots are taking the lead all over the  
Island.  
**People say our Boots are Water-tight,  
Good Fit, Very Cheap, and wear as  
well as Custom Boots.**

## BE SURE AND GET OUR MAKE.

**DORSEY, GOFF & CO**  
Ch'town, Sept. 18, 1884.—eod wly

## TO SPORTSMEN! TO BUILDERS.

Double & Single Barreled Guns,  
Breech & Muzzle Loaders,  
Revolvers.  
(Smith & Wesson & Remingtons.)  
All kinds of Cartridge and  
Materials for Shooting.  
**A LARGE STOCK**  
**W. E. DAWSON.**  
Sept. 25, '84—1m tws wk

## TO BUILDERS.

ROOFING FELT,  
TARRED PAPER,  
DRY SHEATHING PAPER,  
PITCH,  
PORTLAND CEMENT,  
SHEET LEAD,  
ZINC,  
NAILS,  
PAINT, OIL, GLASS, &c.  
A large stock of above selling very cheap  
for cash.  
**W. E. DAWSON.**  
Sept. 25, '84—4w tws w.

## SCOTT ACT.

**The Penal Clause—Is it  
Repealed?**  
Stipendiary Magistrate's Decision on  
the Point.

The following judgment was delivered  
by the Stipendiary Magistrate yesterday:—  
The Queen on the prosecution of R. H.  
CRAWFORD vs MARY ANN OFFER:—  
The question raised in this case is  
whether the penal clause in the Canada  
Temperance Act, 1878, is repealed by the  
penal clause in the Liquor License Act,  
1883.  
The counsel for the defendant argues in  
short that it is impliedly repealed under  
that principle in the interpretation of  
statutes which declares that if a later sta-  
tute again describes an offence created by  
a former one, and affixes a different punish-  
ment to it, varying the procedure, giving  
for instance an appeal where there was no  
appeal before, the earlier statute is impliedly  
repealed by it.  
The penal clauses in these Acts are as a  
fact very different. The Liquor License  
Act (sec. 9) enacts that "any person who  
sells or barbers liquor of any kind without  
the license therefor by law required," shall  
for a first offence incur a penalty of not  
less than \$20 and not more than \$50, and  
for a second offence makes the offender  
punishable with three months' imprison-  
ment, while the similar clause in the  
Canada Temperance Act (sec. 100) enacts  
that "whoever exposes, keeps for sale,  
sells or barbers any spirituous liquor"  
shall be punishable for a first offence with  
a fine of not less than \$50, for a second of  
not less than \$100, and for a third by im-  
prisonment for a term not exceeding two  
months; and the former statute gives an  
appeal in every case, while the latter takes  
away the right of appeal, when the convic-  
tion is made by a Stipendiary Magistrate,  
Recorder, etc.  
The clauses in the License Act under  
which this contention is sought to be upheld  
are the 141st, the 145th, and the 83rd and  
84th, the 141st section enacts "nothing in  
the foregoing provisions of this Act shall be  
construed to affect or impair any of the  
provisions of the Canada Temperance Act,  
1878, and no hotel, saloon, or shop license,  
shall be issued or take effect within any  
County, City, Town, Incorporated Village,  
or Township in Canada within which the  
second part of the said Act has been  
brought into force as by the said Act,  
provided or within which any law for  
prohibiting the sale of liquor under the  
Temperance Act of 1864, or any  
other Act is in force," and the  
145th section is as follows:—"The sale  
of liquor without licence in any municipality  
where the Canada Temperance Act, 1878,  
is in force shall nevertheless be a con-  
travention of sections 83rd and 84th of this  
Act, and the several provisions of this  
Act shall have full force and effect in every  
such municipality except in so far as such  
provisions relate to granting license for the  
sale of liquor by retail." The 83rd and  
84th sections are as follows: "No person  
shall sell by wholesale or by retail any  
liquors without having first obtained a  
license under this Act authorizing him so  
to do.  
84th. "No person shall keep or have in  
any house, building, shop, eating house,  
saloon, or house of public entertainment,  
or in any room or place whatsoever, any  
liquors for the purpose of selling, bartering  
or trading therein, unless duly licensed  
thereto under the provisions of this Act."  
Now, admitting in the first place that the  
objects of the two Acts are identical and  
that the offence legislated upon in each is  
in its nature the same—for otherwise there  
could be no conflict nor implied repeal—  
what is the intention of the Legislature in  
this matter, for it is only if from the enact-  
ments of the later Act you can gather an  
intention to repeal any part of a former  
Act that such a repeal takes place. There  
is nothing in our law which forbids cumu-  
lative punishments for the same offence, or  
declares that two distinct remedies for the  
infraction of any law shall not co exist.  
There are, no doubt, two ways of inter-  
preting the 141st and the 145th sections.  
The first one (as contended for by the de-  
fendant's counsel) limiting the words of the  
first-named section to a declaration gener-  
ally that the Canada Temperance Act  
shall remain in force when brought so by  
the vote of the people unimpaired, but that  
nevertheless all infractions of its provisions  
by way of the sale of liquor, shall be pun-  
ishable under the License Act. The other,  
that the words "affect" or "impair"  
are to have their full force and  
meaning in the 141st Section, and that  
every provision of the Canada  
Temperance Act shall be absolutely and  
wholly unaffected and unimpaired by any of  
the previous provisions of the License Act,  
(including the penal clause, No. 91, and the  
appal clauses before referred to) and that  
section 145, is only to be read as giving an  
additional alternative or cumulative remedy  
if found expedient or necessary.  
In the various cases I have examined, I  
can find no clause similar to our 141st in  
the conflicting statutes, there under review,  
and where the doctrine of the implied re-  
peal of penal acts is sustained. Its lan-  
guage is very comprehensive, and for ought  
that appears on the face of the statute pur-  
posely so. It can be given its fullest ex-  
pression, only by holding that the remedy  
given by section 145, is an additional one.  
Take indeed, for instance, the appal  
clauses in the several acts. Sec 123 of the  
License Act, gives an appeal in every case.  
Sec. 111 of the Canada Temperance Act,  
says there shall be no appeal in certain  
cases. Now, if you must prosecute under  
the License Act, where there is an appeal,  
do you not directly affect (in fact repeal)

that provision of the Canada Temperance  
Act, permitting no appeal; yet this sec. 141  
says, that none of its provisions shall affect  
or impair any of the provisions of the  
Canada Temperance Act. This is not beg-  
ging the question, for though it may be  
necessary to construe both sections 141 and  
145 together, yet each section should, in  
itself, be made effective if it is possible,  
so to arrive at one harmonious enactment.  
The question for the Judge is not what the  
Legislature meant but what its language  
means. I cannot read section 141, and the  
clear unambiguous language used in it,  
without feeling that its literal meaning and  
full natural force can best be given to it by  
holding that the Canada Temperance Act is  
unaffected, except by addition, in any par-  
ticular by the License Act, 1883. This  
construction has at least the merit of giving  
both sections their full force and effect,  
while the other must necessarily limit what  
appear to me to be plain words with but  
one apparent meaning.  
It must be conceded that there is a strik-  
ing incongruity in maintaining the two sets  
of punishments as enacted in these two  
penal clauses. Why should the second  
offence under one Act be punishable with a  
longer term of imprisonment than the third  
offence under the other, bearing in mind  
that where the Scott Act is in force the Act  
punishable must in both cases be the same.  
It may well be questioned if it is wise to  
leave in doubt what the punishment may  
be, or judicious to put it in the power of a  
private prosecutor to visit one offender with  
a light punishment and another with a  
heavy one for identically the same offence.  
Without the saving words of the 141st sec-  
tion a strong argument from the existence  
of such an anomaly would undoubtedly  
exist that the legislature intended the later  
provision to supersede the former, but  
must not the express enactment of this sec-  
tion be maintained rather than by putting  
it on our side and applying the doctrine of  
implied repeal seek to obtain conformity in  
punishment.  
What is this offence? It is a violation of  
the Canada Temperance Act simply, no  
matter under what statute you prosecute  
or how you frame the conviction. The  
mode of procedure, the limitation of action,  
and degree of punishment, are in this Act  
particularly set forth. To prosecute under  
the License Act you must do so under its  
provisions as to procedure, limitation of  
action, and degree of punishment, all of  
which are different from those of the  
former Act; in doing so, you  
therefore necessarily affect or impair  
all the provisions of the Canada Tem-  
perance Act relating to procedure, appeal,  
limitation of action, &c. Is it not indeed a  
virtual repeal of the whole C. T. Act, ex-  
cept its prohibitory principle? How can  
you do this, or say that the Legislature  
intended it, in the face of the 141st Sec-  
tion, whose apparent object is to preserve in-  
vulnerable all the provisions of the Canada  
Temperance Act, and not its principle only.  
As to the first point I am inclined to the  
opinion that these Acts are not to be con-  
strued as having the same object. The  
object of the one Act is to prohibit, while  
that of the other is to restrict and license,  
and the penal clauses in the one prohibit  
the sale of liquor wholly, in the other only  
without license; in one sense entirely dif-  
ferent offences, though it follows  
that an infraction of the one is  
an infraction of the other, where the  
Canada Temperance Act is in force. An  
offence oftentimes, however, falls within two  
distinct enactments in their ordinary mean-  
ing. In a recent case, it was observed  
"that there was no principle of law or in-  
terpretation to authorize a court to with-  
draw a case from the express prohibitions of  
one clause, on the ground that the offence  
was also punishable by a different penalty  
in another, neither could be held nega-  
tory!" How far the very enactment of  
sec. 145, in the License Act, shows an  
intention on the part of the Legislature  
itself to treat both offences as being of the  
same nature, and identical it is difficult  
to say. The learned Chief Justice, in  
the case Mitchell vs Brown 28, L. J.  
M. C., 55, which was strongly pressed  
upon my attention by Mr. Davies, the  
defendant's Counsel, concludes his remarks  
in these words: "When such specimens of  
legislation come before us we are driven  
to form the best conjecture we can as to  
intentions of the legislature." Any inter-  
pretation upon this point seems to me must  
be largely conjectural. There is no doubt  
that the ostensible object of these Acts is  
widely different, though both prohibit the  
sale of liquor. It appears to me quite  
possible for the legislature to enact that a  
certain unlawful Act be punishable in  
either of two ways, and yet recognize that  
the person committing the act is actually  
guilty of two distinct offences.  
In my best judgment the intention of the  
Legislature, as expressed in the sections  
under review, is to leave both Acts intact,  
without altering or impairing any of the  
provisions of the Canada Temperance Act,  
and so that an infraction of this Act may  
be punishable under it, although such in-  
fraction may also be punishable under the  
Liquor License Act of 1883.

The government is to make a free grant  
to the Manitoba Southwestern and Mani-  
toba & Northwestern railways of the lands  
formerly granted to them at a dollar an  
acre.  
The Dublin corporation has appointed a  
committee to consider a plan for renaming  
the streets after national events and per-  
sons.  
Over a thousand signatures to the Scott  
Act petition have been stolen from the  
sheriff's office of Northumberland and  
Durham.  
The United States and Canada labour  
federation congress is in session at Chicago.  
There is said to be wide divergence of  
opinion in the British cabinet on the Boer  
problem.  
Portugal has failed in an attempt to con-  
vince Germany of her claims to the Congo.