

OUR CLAIM

—IS THAT—

Sovereign Flavoring Extracts

Are unexcelled for great Strength, Purity and Perfect Flavor.

Our Proof

1st.—Our Customers say so.
2nd.—Our sales are increasing.
3rd.—Consumers specify the Sovereign brand.

Know the best and get them.
Ask for Sovereign Brand.
Manufactured by
SIMSON BROS. & CO.
Halifax, N. S.



Gaiters and Leggings

should now claim your attention. Low shoes are dangerous this cold, damp weather unless your ankles are protected. A few prices will speak lower than words.
Ladies' low Gaiters from 32c.
Ladies' 8 button Gaiters, 43c.
Ladies' Button Gaiters, better quality, 60c.
Ladies' 9 button Gaiters, leather bound, 70c.
Ladies' 10 button Corduroy Gaiters, 65c.
Men's Gaiters, 75c and \$1.10.
Child's Corduroy Leggings only 75c.

ALLEY & CO.,

THE SHOEBISTS.

Pies

Cream pies, 12c and 15c each
Cocoanut pies, 15c and 20c each
Lemon Pies, 10c each
Apple Pies, 10c each
Blueberry Pies, 10c each

All Fresh To-day

Telephone 98.

D. STEWART
ECLIPSE BAKERY
Bakes Best Bread.

VISITORS TO THE EXHIBITION

can spend a pleasant time looking at my new and attractive display of

Watches, Clocks, Rings

It is a wise buyer who knows that the best place to buy is at this store. The quality the best, the price a moderate and fair one. We shall be pleased to have you visit our store.

W. W. WELLNER,
Jeweler

PROVINCIAL EXHIBITION.

Maritime Breeders Association

A meeting of this Association, composed of the leading breeders of the Maritime Provinces, will be held on the Exhibition Grounds, on Thursday, the 23rd inst., at 10 o'clock, a. m.

BENJ. ROGERS,
President.
A. B. WARBURTON,
Secretary.

sept 15—

THE WEBSTER-CUMMISKEY CASE.

Stipendiary Magistrate Palmer's Decision as Rendered by Him Yesterday.

William Webster vs. James H. Cummiskey.

This is a case of assault wherein William Webster, of Fort Augustus, is complainant, and James H. Cummiskey, of the same place, is defendant. The information is laid and action brought under section 262 of the Criminal Code which relates to an assault occasioning actual bodily harm. A good many witnesses have been examined and some contradictory evidence given. It is not my intention, for reasons which will be obvious, in this judgment to take up or to dwell upon the testimony of any individual witness. It is sufficient for me to say that from the testimony given on the part of the prosecution I am satisfied that an assault was committed by the defendant upon the complainant on the day and at the place mentioned in the charge; and while the defendant himself and several witnesses gave evidence of more or less provocation I do not consider the same was of such a character or strong enough to justify the assault committed. It is true that the evidence of the defendant, as well as that of Dr. McLeod, goes to show that Mr. Cummiskey was himself struck by Webster and received some severe injuries; but I am satisfied, from the evidence on this point, that this was done in the nature of self-defence and the defendant brought it largely upon himself. Now, with regard to the disposal of this case: Under ordinary circumstances had the matter been left to my adjudication, I should have long before this decided the matter and given judgment on the case, but by a notice served upon me at the commencement of this investigation by Mr. Stewart, complainant's counsel, I was therein informed by the complainant that he objected to my summarily hearing and determining the charge laid in the summons or of hearing and determining any assault which the evidence might disclose against the said defendant. This notice is given under section 864 of the Code, part of which is new, viz., that which gives the aggrieved the right of objecting to having a case of assault tried summarily; and I may here say, this is the first notice I have ever received under the section referred to. The section referred to reads as follows:—

"Whenever any person unlawfully assaults or beats any other person any justice may summarily hear and determine the charge unless at the time of entering upon the investigation the person aggrieved or the person accused objects thereto."

In construing this section it is difficult to understand why the Legislature should confer such a power on the complainant. Under the Revised Criminal Law of Canada before the Code was enacted the defendant or party accused only had the power of objecting to the case being tried summarily; and justly so, because it is only right, if he so desires it, he should have the privilege of his case being sent to a jury; but unless it be that a final hearing and determining of the case by a Magistrate may interfere with the aggrieved's civil rights, I fail to see the purpose of conferring upon a party a power which may often be unjustly and arbitrarily used. But the section is plain and unambiguous; and although it may be reasonably argued that the effect of the statute may be mischievous and perhaps in many instances an absurdity, still when the words of a statute are plain and intelligible it is not for us to look at the effect, that is for the Legislature. We must interpret it according to the plain sense of the words. On this point and as to the literal construction of statutes, I may here quote Maxwell on Statutes, p. 3, which says:—

"When the language is free from doubt it best declares, without more, the intention of the lawgiver and is decisive of it. The Legislature in such a case must be intended to mean what it has plainly expressed and consequently there is no room for construction. The suggested construction would be a departure from the meaning. It matters not what the consequence may be when by the use of clear and unequivocal language capable of only one meaning, anything is enacted by the Legislature, it must be expressed although it may be absurd or mischievous. If the words go beyond what was the intention, effect must nevertheless be given to them. They cannot be construed contrary to their meaning or embracing or excluding cases merely because no good reason appears why they should be excluded or embraced. However unjust, arbitrary or inconvenient the intention conveyed may be, it must receive its full effect."

The Magistrate has no discretion in the matter. His duty is plain. If there is sufficient evidence in his opinion to sustain the charge, he has, in view of the notice given, but one alternative; that is to send the matter to the Supreme Court.

But it has been argued by the counsel for the defendant that this is a case that can be disposed of under the Summary Indictable part of the Criminal Code. Let us see. Under section 783, among a number of charges enumerated therein, which the magistrate may hear and determine in a summary way, subsection (c) reads as follows:

"With having committed an aggravated assault by unlawfully and maliciously inflicting upon any other person either with or without a weapon or instrument any grievous bodily harm, or by unlawfully and maliciously wounding any other person."

And the main section concludes with the following words:—

"The Magistrate may, subject to the provisions hereinafter made, hear and determine the charge in a summary way."

Now it seems to me, under the words "subject to the provisions hereinafter made," the charge of any assault triable under this part of the Code would certainly be

subject to and governed by the notice given under section 864.

I was certainly a good deal in doubt at first about the meaning of the last mentioned section and took some time in hunting for any case bearing upon the construction of same, but could find none. In this case, therefore, having satisfied myself from the evidence given that an assault was committed, and in view of the notice given, I must abstain from any adjudication therein and must deal with the case in the same manner as if I had no authority finally to hear and determine the same; and therefore I shall send the evidence to the Supreme Court and commit the defendant for trial.

LOCAL AND OTHER ITEMS.

A. O. H.—Regular meeting tomorrow afternoon at 3 o'clock.

ST. PETER'S CATHEDRAL.—Morning, preacher Rev. E. Underwood, of St. John's Church, Truro; evening, preacher, the Rev. Canon Vroom, of King's College, Windsor.

GOSPEL MEETING.—Remember the Gospel Meeting in the large upper Hall of the Y. M. C. A. Sunday afternoon at 4 o'clock, conducted by the railway men. Strangers always welcome. Lesson, Hebrews, 2-9. "For every man."

FOR THE EXHIBITION.—Miss Templeton, of this city, has received a fancy cake from Moir & Son, Halifax. The cake is for the refreshment table at the Provincial exhibition, and will be well worth seeing. It is handsomely ornamented and bears appropriate inscriptions.

ST. JOHN EXHIBITION.—The attendance during the first three days this year was 16,339 compared with 7,694 during the first three days of last year's exhibition.

Senator Ferguson's Shropshire sheep have captured three first prizes, three seconds and two thirds.

Frederick Kitson has taken a first prize for standard filly, 2 years old.

ST. PAUL'S CHURCH.—In St. Paul's Church on Sunday morning the sermon will be preached by the Rev. Canon Vroom, of King's College, Windsor, N. S., and in the evening the Rev. Canon Brock will preach on the "English Reformation." All are invited to come and hear this famous sermon on a subject which is much misunderstood in the present day.

ALL HAVE FEVER.—A sad story comes from Lakeville, Kings county, where a whole family of eleven, including both mother and father, are stricken down with typhoid fever. Mrs. M. G. DeWolf, of this town, has received an urgent letter from a sympathizer of the family earnestly calling for volunteers to assist in nursing the stricken family. People are afraid to enter the house and the whole burden devolves upon a few faithful friends. Halifax Herald.

SALVATION ARMY NOTES.—Commissioner Eva Booth will arrive in Charlottetown on Tuesday evening, the 21st, by the Princess from Pictou. Wednesday will be spent in attending to business matters. In the evening there will be a torchlight procession and open air meeting on market square at 7.15, and in the Brick Church a grand welcome meeting at 8 p. m.

The Harvest Festival, which was postponed on account of the sad loss of Adjutant and Mrs. McGillivray's child, will be continued on Monday and Tuesday evenings next. Ice cream and refreshments served each evening. Quite a lot of goods are on hand yet.

There will be no fixed admission at Commissioner Eva Booth's meeting on Wednesday next, as announced on some handbills, but a silver collection will be taken at the door.

Particular Jackets for particular ladies, at Paton's.

BORN.
At Eldon, on Sept. 9th, to Mr. and Mrs. W. H. Lantz, a daughter.

MARRIED.
In Brockton, June 30th, by Rev. Walter J. Morris, Augustus E. Dickinson, of Brockton, to Phoebe McLeod, of Lot 16.
At St. Peter's church, St. Peter's, on the 31st ult., John Phelan, to Hannah Larkin, of St. Peter's.

At St. James' church, Egmont Bay, on the 31st ult., by Rev. S. Boudreau, Isadore Gallant to Ursule Gallant, daughter of Norbert Gallant.
At the residence of Donald Forbes, Montague Bridge, Sept. 8th, by Rev. J. W. Kerstead, James W. Jackson to Roselia Jenkins, both of Murray River.

DIED.
At Chrysoptom, of consumption, on Monday, Sept. 6th, Miss Mary Denise, daughter of Mark F. Arsenault, aged 16 years and 3 months.

Fell asleep in Jesus at the residence of her son-in-law, Henry Taylor, at Rice Point, on the 14th September, 1897, Ann McDougall, relict of the late Colin McEachern, Canoe Cove, in the 74th year of her age.

Prince Edward Island Illustrated is for sale at all the Bookstores. Price 25c.

Oysters at Victoria Cafe, by quart, and on the shell. Delivered to any part of city.—John P. Joy.

**New English Goods,
New Jackets & Capes,
NEW FELT HATS FOR LADIES,
New Dress goods.**

Our new Mantle Department is groaning under the tremendous assortment of new Sacques and Capes—Ladies it will pay you to see those goods before you make any purchase in that line.

**New Overcoats,
New Reefers,
New Ulsters,
New Suits.**

As our half price sale last season cleared out our entire stock of Overcoats, Ulsters and Reefers, we have nothing but fresh new goods to offer you this fall and we are in a position to give you prices on Clothing that cannot be duplicated in atoreny others

PROWSE BROTHERS.
The Wonderful Cheap Men

Saturday
We will make our first fall display of
PRETTY TRIFLES

for personal wear. Novelties worth seeing and worth buying.
BEER BROS

Definitions
If any article bought from us is not just what we say it is, bring it back and it will be all right, or else you get your money back. That's what we mean when we say "every one guaranteed."
Just now we want to get clear of a large number of
COMBS
and are giving genuine bargains in order to do it.
Johnson & Johnson
Graduates in Pharmacy.

Notice To Contractors
TENDERS for re-roofing and building additions, to St. Patrick's Church FORT AUGUSTUS, will be received until noon on FRIDAY the 24th inst.
Plans may be seen from Saturday the 18th inst. at the office of W. C. Harris Jr Architect Charlottetown.
Tenders to be addressed to the undersigned.
REV. ALLAN McDONALD,
Fort Augustus.

sep 17 td