

Liberal-Conservative COMMITTEE ROOMS. MARKET HOUSE The Campaign.

Convention in St. John.

A Winning Ticket.

Good News From Nova Scotia.

St. John, Feb. 10. The Liberal-Conservative Convention here last night nominated Hon. E. McLeod for the city and Mr. Skinner, M. P., for the county.

Delayed By Storm.

KANSAS, Feb. 10. Several trains on the Union Pacific are delayed on account of a big snow storm in the Cheyenne section.

A General Meeting Called.

LONDON, Feb. 10. Lord Salisbury has summoned a general meeting of the Conservative leaders throughout Great Britain for early in March.

Snow Storm in St. John.

ST. JOHN, Feb. 10. There is a heavy snow storm prevailing here.

Local and Other Items.

POLITICAL MEETING in Market Hall to night.

The Stanley left Pictou for Georgetown yesterday, but was obliged to return.

CHICAGO HORSEMAN.—A few copies of the Christmas number at the Diamond Bookstore.

LADIES that have not bought their white goods are requested to attend the great white goods sale now going on at Beer Bros.

PICTORIAL.—The latest issue of the Dominion Oddfellow contains an excellent picture of Grand Representative Bremner, of this city.

THE EMPIRE.—Subscriptions are received at the Diamond Bookstore for this, the greatest of all Canadian papers. Only one dollar per year.

I. O. O. F.—Regular session of Port la Joie Encampment will be held to-morrow (Wednesday) evening at 8 o'clock. Important business.

THE YOUNG CANADIAN.—This new and exceedingly interesting paper—16 pages—is at the Diamond Bookstore. It should be in every home.

NOTICE.—Rev. Mr. Sutherland of Zion Church will give the address at the special service in the Upper Methodist Church to-night at 7.30 o'clock.

ST. PETER'S CHURCH.—Ash Wednesday Services: Holy Communion 8 and 11 a. m.; Matins and Communion Service, 10.15 a. m.; Evensong and Sermon, 7.30 p. m.

MARKET HALL.—A meeting of Liberal Conservative Electors will be held in the Market Hall this evening at 8 o'clock. The candidates and others will address the meeting.

INTERESTING MEETINGS.—Mr. McPhee, an evangelist student of Acadia, is expected to assist at a meeting this evening in the new Baptist Church at 7.30. A good time is anticipated and a cordial invitation is extended to all. Rev. Mr. Cahill is expected to speak on Wednesday evening.

THE NEW BAPTIST CHURCH.—The series of meetings which were conducted last week in connection with the Baptist church with so much interest and success, will be continued every evening this week. A correspondent writes: "Our new church is comfortable, and we extend a hearty welcome to all prospects and bright for good results."

WON'T DO IT AGAIN.—A smart little boy in Utica is—or was, rather—ambitious to be a letter carrier. A few days ago he secretly secured a bundle of old love letters that his mother had treasured since her courtship days, and distributed them from house to house throughout the neighborhood. The sequel is not related, but the probability is that this bright youth has no further aspiration in the letter-carrier line.

HOCKEY.—The hockey match at the Hillsborough Rink to-morrow night promises to be a great success. A large number of tickets have already been sold. The club had a two-hour practice on Saturday night, East against West, and judging by the points made two goals each and a draw, the coming match will be a very exciting game. Mr. Galbraith and his popular band have kindly consented to give some of their choice selections. Admittance only ten cents; for the benefit of the P. E. I. Hospital.

CHARITY BALL.—The Charity Ball at the Hotel D'vies last night was a decided success. We understand that the proceeds are to be divided among the different city churches for distribution to the deserving poor. It was predicted by some that the piano would be loud enough for such a very large room, but such was not the case. The magnificent Newcombe recently purchased from Mr. Eadie by Mr. Davies filled the large and adjoining rooms, the instrument and the player, Mr. Fred. E. Morris, won the admiration of all.

City Council Meeting.

The first regular monthly meeting of the City Council as at present constituted, was held last evening. There was a full attendance of members, and the auditorium was thronged with spectators.

After preliminary business, a memorial from Captain Egan saying that his wrist had been fractured as the result of a fall occasioned by a defective sidewalk, and asking that he be remunerated for loss of time and expenses incurred, was referred to the Recorder.

A memorial from the City School Board informed the Council that the Board's estimated expenditure for the current year was \$9,355.50. Referred to the Finance Committee.

In connection with the foregoing memorial, the sum of \$1,000 was voted the Board to meet present expenses.

A letter from Stewart & McNeill, attorneys for the W. C. T. U., set forth that unless the amount of the claim of that body for moneys expended by them in enforcing the Scott Act be paid within two days legal proceedings would be taken against the corporation.

The usual standing committees and fire wardens were then appointed.

John Darrach was appointed City Assessor in the place of Wm. Ladner, deceased.

R. Bert Galbraith and L. B. Miller were appointed auditors at a salary of \$75 each.

The tender of Mr. McLeod, for wood for the poor, was accepted, it being the lowest.

Dennis Doyle was appointed police sergeant in the place of John Harris, resigned.

Councillor Crabbe moved that the whole amount of the claim of the W. C. T. U. for moneys expended by them in enforcing the Scott Act be paid. The total amount claimed is \$399.86.

Councillor Morris, chairman of the committee to whom the claim had been referred to obtain legal advice thereon, submitted two opinions, one from City Recorder Fitzgerald, the other from Mr. E. J. Hodgson, J. C. The Recorder's opinion is as follows:—

I am asked to give an answer to the two following questions:—

1. Is the city liable for the whole or for any part of the demand made on them by the Women's Christian Temperance Union?

2. Could they collect in a court of law the whole or any part of the said amount demanded?

The demand made by the W. C. T. U. is for a repayment to them of moneys expended in prosecuting offenders against the Canada Temperance Act.

As you are aware all fines recovered under the C. T. Act are by virtue of order of His Excellency the Governor General in Council, bearing date the 15th Nov., 1886, paid to the Treasurer of this city for the purposes of the said act.

The order, it appears to me, puts the Civic Corporation in the position of trustees of the fund thus raised, "for the purposes of the Act," or in other words, for use in its enforcement.

Now, though I am of opinion that under this order the City Council have the widest possible control over these funds, and could undoubtedly, and with perfect legality, pay to the W. C. T. U. all or any portion of their demand, it does not follow that any court of law, or even of equity, would or could interfere and compel them to pay these funds out to any particular person or in any particular way.

The Corporation, if they are such trustees as I suppose them to be, are such without definite directions, and with full discretionary powers, and to them would apply the usual well-known principles of law regulating the execution of such discretionary trusts.

These are simple that no court will interfere in the exercise of such discretion unless such exercise is infected with fraud or misbehaviour, or when the trustees refuse to act at all.

The questions put to me are such that they cannot be answered with a simple yes or no, and at the same time in any degree define the legal position of the corporation.

It is not a question of liability or collection in a court of law.

It is rather (1) can the corporation legally pay the claim; (2) if they refuse can they be forced to do so?

The first I have already answered. They can.

The second depends on a variety of circumstances, information whereof is not given me, and consequently I cannot answer it except generally, viz., that I am of opinion that the custodians of the C. T. Act funds are compellable by the proper courts to exercise the trust reposed in them, but that when there is an execution of the trust the courts do not interfere as to its mode either by way of restriction or direction unless fraud or misbehaviour is shown.

Here is Mr. Hodgson's opinion:—

A committee of the City Council has asked my opinion as to the liability of the City of Charlottetown for a claim made by the Women's Christian Temperance Union for money expended by them in prosecutions under the Canada Temperance Act.

I understand that the fines collected under that Statute, have, pursuant to an order of the Privy Council, been paid to the City Clerk, to be applied by the City Council towards the enforcement of the Act, and that it is out of the fines so paid in that those ladies claim to be paid.

I have examined the items of their account, and find that it is made up of charges:—

(1) For salary as a private prosecutor.

(2) Professional charges of a firm of solicitors.

(3) Costs incurred in unsuccessful prosecutions.

I understand that the employment of a private prosecutor and the incurring of the charges under the heads b and c were without the knowledge of the Council.

After the passing of the order of the Privy Council above referred to, the City authorities appointed their Marshal Prosecutor under the Canada Temperance Act.

I am of opinion that the order of the Privy Council necessarily carried with it full authority to the City Council to exercise control over the expenditure of the fund in such way and manner as they saw fit in enforcing the provisions of the Act.

I think it was the duty of these ladies to have applied to the Prosecutor appointed by the city, to lay before him the evidence they proposed to adduce in each particular case, and if he refused to act it would then have been time enough for them to appoint their prosecutor and institute proceedings. It does not appear that they adopted any such course, nor do I believe it is suggested that if they had made such application, the Marshal would have refused or neglected to perform his duty.

initiated proceedings, and subpoenaed witnesses on his own responsibility. I do not think that the Government would pay, or ought to be asked to pay, the expenses so incurred.

It seems to me a dangerous principle to recognize that a body of persons, however respectable, and however conscientious their motives, may pass by the recognized officials duly appointed to enforce the law, appoint officials of their own, and without any control, incur expenditure which might have been avoided, and then demand a liquidation of their claim out of a trust fund held by the city.

Upon the same principle, the enforcement of all the City bye-laws, or most of them, might be usurped by a body of persons responsible to no one but themselves.

These considerations are based upon the assumption that the City Marshal was ready and willing to perform his duty if the evidence had been laid before him, which was acted on by the private prosecutor, and if this is so, the Women's Christian Temperance Union unnecessarily incurred expenses which would have been avoided. If I understand the order of the Privy Council aright, it is that the City Council should expend the fines, not that they should permit any voluntary organization to expend it for them.

From the best consideration I have been able to give the matter I am of opinion that the City Council is not legally liable for this claim.

EDWARD J. HODGSON, J. C.

Charlottetown, Feb. 9, 1891.

After some discussion a division was taken on Councillor Crabbe's resolution with the following result:—

For—Crabbe, Beer, Hughes, Horne.

Against—Morris, Byrne, Douse, Eden, McCarron, Taylor.

Councillor Morris quoted a statement from the Guardian, to the effect that the Mayor had repeatedly saved money to the city by refusing to sign checks for useless expenditures, and asked His Worship if the Guardian's assertion was correct.

His Worship declined to answer the question to-night without looking into the matter. If he had known the subject was coming up he would have been prepared to give an answer.

Councillor Morris denounced the Guardian's statement as false and slanderous. He thought the Mayor should answer the question to-night.

The Mayor declined being held responsible for the utterances of the Guardian. He said he had often suspended signing checks until he received a satisfactory explanation, but would not say that he ever refused to sign one.

Coun. Morris said he could not remember that His Worship had ever refused to sign a check.

Coun. Eden said that during his experience as a member of the Finance Committee, he knew of but one instance of the Mayor's refusing to sign a check, and that was in the matter of a refund of Water Commissioner's nomination fees to Coun. Douse.

The Mayor said that in that case he refused to sign the check because it was contrary to law.

Coun. McCarron said that the nomination fees paid in last year were not accounted for in the civic report, and asked His Worship if he could throw any light on the matter.

The Mayor said it was a matter between the City Clerk and the Auditors. If anything was wrong, they were responsible. He was not responsible for the city accounts.

A warm and somewhat protracted discussion then took place on the manner in which the city accounts were kept, after which the meeting adjourned.

Personal.

His Honor the Lieutenant Governor and Mrs. Carvell entertained a large party of ladies and gentlemen at dinner last evening.

B. I. S. The monthly meeting of the Benevolent Irish Society will be held on Wednesday evening, the 11th inst., at the Lyceum in England for the 10th inst. By order of the President. 21—feb9

COLT SOLD.—Mr. Edmund Carr, of Oyster Bed Bridge, recently sold a fine colt, sired by Neptune Lee, to a gentleman in Moncton. The colt was six months old and Mr. Carr, we are glad to say, obtained a handsome price for him.

Our National Winter Sports.

GRAND HOCKEY MATCH

—AT THE— Hillsborough Rink,

—ON— WEDNESDAY EVENING, FEB. 11,

In Aid of the Prince Edward Island Hospital.

Game to Commence at Eight, Sharp.

This will be a most exciting game, and everybody should go to see it.

Admission, 10 cents. s m t w—feb5

Y. M. C. A.

ANNUAL MEETING.

THE ADJOURNED ANNUAL MEETING of the Young Men's Christian Association, for the election of officers and transaction of other business, will be held in the Association Hall, at 8 o'clock on THURSDAY EVENING NEXT, 12th February.

A full attendance of all the members is very specially requested.

CHARLES PALMER, President.

R. M. BARRAIT, Secretary.

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WANTS, LOST, FOUND & C.

GREAT CLEARING SALE

OF BOOTS AND SHOES.

Fifteen Thousand Dollars' worth to be sold at a Discount of 20 to 25 per cent. for Cash only.

MEN'S, WOMEN'S AND CHILDREN'S BOOTS, SHOES AND SLIPPERS.

Special Lot of Misses' Fine Kid Boots, from 75 cents to \$1.25—regular prices from \$1.75 to \$2.75. Misses' and Children's Felt Overshoes, 50 cents a pair. Tremendous Bargains all along the line at the

DOMINION BOOT AND SHOE STORE.

JANUARY, 1891.

BEFORE STOCKTAKING,

Great Bargains to Reduce and Clear

DRY GOODS AND CLOTHING!

J. B. MACDONALD'S.

February for Bargains!

PERKINS & STERNS.

Our Bargain Counter will be full of Cheap Goods during this month.

A JOB LOT OF EMBROIDERY.

- 300 Pieces Shirtings and Gingham, 200 Pieces White Cottons, Cheap, 700 Pieces Grey Cottons, 100 Pieces Ticking,

Print Cottons, Cretonnes, Muslins, Pillow Cottons, Sheetings, Table Linen.

BEST VALUE IN THE CITY AT PERKINS & STERNS'.

Charlottetown, February 3, 1891.

SWISS EMBROIDERIES!

One Case Opened To-day!

STANLEY BROTHERS,

BROWN'S BLOCK.

Charlottetown, February 3, 1891—eod & wky