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### RCAF ENTERTAINS MEDICAL MEN

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### SUM-HI NOTES

This week at S.H.S. the student's council subscription campaign came to a close. The campaign was very successful with over \$800 taken in, netting a profit of \$350. For the school grade VII-A was the classroom bringing in the most subscriptions and for their work they will receive all the ice-cream they can eat (this we gotta see). At the rate of a point for each dollar a pupil is eligible for prizes valued according to the point total. A trophy for the highest salesman will be awarded to Garth MacFarlane. The trophy for the best salesgirl was won by Eileen MacCausland. Our thanks go to the people who subscribed to magazines through the school children, and thus gave us a helping hand to earn much needed money.

The Hi-Y girls and boys returned from their week-end trip to Moncton Sunday afternoon by bus. We learned a lot about Hi-Y procedure by attending a meeting in a well organized Hi-Y group such as Moncton has. Thursday evening the three presidents, Cecelia Darby, Elizabeth Nicholson and James Norton each told at the weekly meeting of the Y's men of their activities in Moncton, including a dance at which they were guests.

At the girls' beta meeting a vote was taken on the subject of Hi-Y sweaters, colors and crests. It was decided to order emerald green and white v-neck pullover sweaters with Hi-Y insignia on them. The girls' chapter decided on light green and white as their official colors, and will order the sweaters and crests in these colors.

Thursday afternoon at the Capt. bowling alleys Buzz Nicholson bowled the girls' high three and high single, 208 and 487. Don Gay took the high three and high single in the boys' division. His totals were 265 and 583. The highest team scores were: Ron Mullins' team—2763; Stan Gay's—2591; Gordon Huestis'—2422.

All high school students are invited to the Sadie Hawkins Day dance to be held in the high school library Friday night at 9 o'clock.

Ice-cream was sold by the Red Cross Council this past week at recess. The sale will continue next week and we hope it will continue to be as successful as it has been to date.

### BURLINGTON

Mrs. Preston Woodside, accompanied by her infant son, Preston Ernest, returned from Summerside to her home in Margate on November 16.

The condition of Mr. Alfred Mayhew, who is patient in the Prince County Hospital, Summerside, remains much the same.

Mr. and Mrs. Halsey Profit entertained at a reception for their daughter, Mrs. Marion MacKay, on her return from a honeymoon trip, when members of the immediate families were guests. During the evening friends called to extend good wishes.

On November 16 Mr. and Mrs. Halsey Profit opened their home service. Abnormally mild winters have kept the situation from becoming serious. It seems likely, however, that with so many of our home conveniences now depending on electric power, an old-fashioned winter with a steady succession of storms might bring a formidable crisis in the affairs of our householders. A stitch in time, etc.

Mr. and Mrs. David Barlow, Summerside, spent the weekend at the home of Mr. and Mrs. Hector Leard Lower Bedeque.

Mr. and Mrs. Roy Campbell, accompanied by Mr. and Mrs. Harold Campbell and son Brian spent the weekend in Moncton, N.B.

Mrs. Arnold Hill and family spent the past few days visiting at the home of her parents Mr. and Mrs. Ira Fraser, North Bedeque.

Mr. and Mrs. Lorne Reeves, North Bedeque, accompanied by Mrs. Norman Reeves, North Bedeque, and Mr. and Mrs. Walter Reeves, Lower Freetown, are visiting with relatives and friends in Boston, U.S.A.

Mr. and Mrs. Leslie Hooper, and daughter, Leona, Central Bedeque, are visiting with relatives in Long Island, U.S.A.

Mr. and Mrs. Edgar Harris of Springfield were visitors to O'Leary recently.

Mr. Nelson Dennis and daughter, Bessie, O'Leary, motored to Summerside to visit Mrs. Dennis who is a patient in the Prince County Hospital, Summerside.

Mr. and Mrs. Arthur Harris were recent visitors to Alberton where they visited with their son-in-law and daughter, Mr. and Mrs. Harold Ashley.

Mr. and Mrs. Donald MacIsaac of Dunblane were recent visitors to the home of Mr. and Mrs. Albert MacKenzie in Springfield West, C.P.

### POULTRY

Large quantity of poultry wanted. Buying live poultry every day. Truck loading every Wednesday. Highest market prices. Free Pick-up Service. MRS. S. R. PENDLETON Phone 65-5

### CRAPAUD THEATRE

FRIDAY - SATURDAY - 8:15 "Magnificent Obsession" JANE WYMAN, ROCK HUDSON A Truly Great Picture From The Story By Lloyd C. Douglas.

## Trade Unions Are Lawful But Town Can't Bargain

Trade Unions are lawful in Prince Edward Island but the Town of Summerside in the electric light and power department. So ruled Mr. Justice George J. Tweedy in the Supreme Court yesterday.

After the ruling on point of law was handed down, Mr. J. O. C. Campbell, Q.C., who is associated with Mr. Ernest H. Strong, Q.C., for the defendant Town, moved that as the decision effectively disposes of the whole action the court should give judgment accordingly. The Court postponed such action, however, until Mr. W.E. Bentley, Q.C. and Mr. H.F. MacPhee, Q.C. could be heard for the defendant union.

Mr. Justice Tweedy, in the course of his reasons for judgment recalled that on the 31st day of January 1955 a Writ of Summons was issued out of the Supreme Court by the Plaintiff v. the Defendant for

"A Mandamus commanding the Defendant to comply with the provisions of Section 3 of the Trade Union Act and to recognize and bargain collectively with the members of a union of employees of the defendant in its electric light and power department eligible for membership in the plaintiff trade union, the Provincial secretaries being, under the provisions of the said Act, determined that a unit of employees of the defendant's electric light and power department is appropriate for collective bargaining under the said Act, and having also determined that a majority of the employees of the defendant in such unit are members in good standing of the plaintiff trade union, and that a majority of them have selected the plaintiff to be a bargaining agent on their behalf, and having certified the plaintiff as such bargaining agent, of all of which notice was duly given by the plaintiff to the defendant, the defendant having, after receiving such notice, and after having been duly requested by the duly chosen officers of the plaintiff to bargain, neglected and refused to do so."

A Statement of Claim was filed on the 22nd day of February 1955 setting out at great length the claim of the Plaintiff for the Mandamus so requested. To this Statement of Claim the Defendant filed its defence on the 11th day of March 1955. By this defence the Defendant raised certain objections in point of law.

To this Defence the Plaintiff replied on the 30th day of March 1955. The defendant, pursuant to Judge's Order of April 13, 1955, filed a Rejoinder on the 15th day of April 1955.

By agreement between the Plaintiff and the Defendant dated the 7th day of July 1955, it was agreed that the questions of law raised by the Pleadings be heard and determined before the trial of any issues of fact.

At the hearing of these various questions of law raised by the Pleadings, two main objections in point of law were stressed before me, namely:

1. "That Trade Unions are illegal in Prince Edward Island."

2. Even if the Trade Union Act should have any force in Prince Edward Island, it cannot apply to the Defendant in this case because of its special Act of Incorporation, Dealing with point Number 2 first, namely: "That the Trade Union Act cannot apply to the Town of Summerside because of the act of the Legislature of the Province of Prince Edward Island, incorporating the Town of Summerside," namely, Prince Edward Island Statutes, 1903, Cap. 18 and amending Acts.

Mr. Justice Tweedy went in detail into the powers conferred by the Legislature on the Town of Summerside and the way in which they were to be exercised in the matter of employees of the Town.

Such employees hold office during pleasure of the Council and their conditions of employment are regulated by bye-law. Salaries are such as the Town Council may fix by resolution.

On the question of whether the Trade Union Act, which is a general act, repeals the provisions of the Town of Summerside Act, the Judge referred to various authorities on statutory interpretation to the effect that a subsequent general act does not affect a prior special act by implication.

The Judge went on to discuss the question of interpretation, referring to Maxwell on Statutes; the Privy Council decision of Baker, Edgar and the case of Walker v. Hemmatt.

On the question of the relationship of employer and employee in the Town of Summerside, he continued, there is the case of Larking v. Town of Summerside (1928) 4 D.L.R. 84. This was an appeal by the Defendant from a Judgment of Arsenault J., and a jury in the Plaintiff's favour. Hazard, J., delivering the Judgment of the Court of Appeal at p. 843, states as follows:

"The provision in the Act authorizing the council to dismiss an officer or servant is the usual one and most necessary one under any circumstances for corporations to have, but especially so in a case such as the present. When a servant or officer who possesses special qualifications becomes unable from sickness or otherwise to discharge his duties, and it becomes necessary to employ another or others in his place, it is essential power be given to terminate the appointment of the first employed. Upon the rights of the town council to dismiss at pleasure under the provisions of the Act of Incorporation I have no doubt."

See also at page 846 where Hazard, J., states as follows: "An appointment is not a contract. The defendant had an absolute power of dismissal under the statute which they might exercise without assigning cause and without previous notice. There is no hardship under such a provision, for every officer of such a corporation on accepting office is properly assumed to know the conditions attached to the appointment. It is a necessary provision in the case of municipal corporations to enable them to perform their duties to the public satisfaction. If they were bound to assign cause and give a period of notice of dismissal it might lead to the breaking down of a service of which the continuance is essential to the public."

"I am of the opinion," said Mr. Justice Tweedy, "that the Trade Union Act" does not and cannot apply to the employees of the Town of Summerside in the electric light and power department, and I so find.

TRADE UNION STATUS Now, turning my attention to point Number 1, "That Trade Unions are illegal in Prince Edward Island."

Although for the purposes of this case it is unnecessary for me to make a finding, yet because of the exhaustive arguments advanced by counsel both for the Plaintiff and the Defendant, I feel I should not ignore same without making some comment.

A very interesting statement of the law with regard to trade unions is set out in the case of Hilton v. Ebersley, English Reports 119 at p. 781.

Mr. Justice Tweedy quoted from that judgment to indicate that com-

binations of employers or employees to raise or lower wages were at Common Law considered to be in restraint of trade and illegal. This, at least, was the law in England exactly 100 years ago.

In England, however, there has been considerable Labour Legislation enacted but this, of course, would not apply to the Province of Prince Edward Island unless so enacted by this Province.

It is generally accepted, therefore, that at the time of the passing of the Trade Union Act in Prince Edward Island, Trade Unions as they are known to-day were illegal at Common or Statute Law in Prince Edward Island.

In the light of this state of the law then it is necessary to examine the Trade Union Act of Prince Edward Island. The Revised Statutes of Prince Edward Island, 1951, Chapter 164.

By Section 1 (c) of this Act: "Trade Union" means any lawful association, union or organization of employees, whether employed by one employer or by more than one employer, which is formed for the purpose of advancing in a lawful manner the interest of such employees in respect of their employment."

It is the word "lawful" in the first and third lines of the definition that requires an explanation in view of the premises and the law re Trade Unions in Prince Edward Island at the time of the passing of the Act in 1945.

As was said by Lord Esher, M.R., in the case of Sharpe v. Wakefield and others, XXII Q.B.D., 239 and 241, "It is clear that very large interests are involved in the decision of this case, and that it is one that demands great care, but in the end I feel bound to construe the Acts of Parliament on which our decision turns according to the ordinary rules of construction."

After asking the question, "Now what is the rule of construction to be applied?" Lord Esher continued, at p. 242, "It is, that the words of a statute must be construed as they would have been the day after the Statute was passed, unless some subsequent statute has declared that some other construction is to be adopted or has altered the previous statute."

In the interpretation of words in a statute "it is a rule as to the limitation of the meaning of general words used in a statute, that they are to be, if possible, construed so as not to alter the common law. It must be remembered that it is a sound rule to construe a statute in conformity with the common law rather than against it, except where or in so far as the statute is plainly intended to alter the course of the common law." Craies on Statute Law - Fifth Edition, p. 175.

LEGISLATORS KNEW Now, I take it for granted that the members of the Legislature of this Province knew the law at the time they were considering this

"CAMEO" KENSINGTON Fri.-Sat. 7:15-9:15; Matinee 2:30 Saturday. Gene Autry in "INDIAN TERRITORY" with Gail Davis, Kirby Grant. Also Serial and News.

"ROYAL" BORDEN "DOCTOR IN THE HOUSE" Good comedy for the whole family. Friday 8:30; Saturday 2:30, 7:15 & 9:15. Bank drawing Saturday.

"SHE WORE A YELLOW RIBBON" Starring John Wayne and Joanne Dru.

COMING MON. - TUES. - WED. In CinemaScope "Strange Lady In Town" With Greer Garson and Dana Andrews

## Western Guardian

RAYMOND GRANT, Optometrist, will be in his O'Leary office on Saturday.

CHRISTMAS GIFT problems are solved now by portraits taken at the Read Studio.

WE WILL be seeing you around the corner on Spring Street. Noonan's Barber Shop. Expert barbers.

NORTH-TRYON Presbyterian Church Service Nov. 27 11 a.m. Church School 12:15. Miss Mary A. MacKenzie, Deaconess.

SHERBROOKE hall, Wednesday, November 30, 8:30. Smilin' Bill MacCormick show and East Prince Junior Farmers variety concert.

CHRISTMAS BAZAAR - Home looking sale at the Top Hat Restaurant, Kensington, Saturday, November 26th, 7:00 p.m. Sponsored by St. Mark's Church Guild.

THE CENTRAL Bedeque United Baptist Church Services Sunday 11 a.m. Sunday School 10:15. Rev. Charles A. Britten, Minister.

FREE CHURCH of Scotland, services Nov. 27. Summerside 11:00 a.m.; DeSable 3:00 p.m.; Cape Traverse 7:30 p.m. Rev. Clement Graham, Minister.

REMEMBER your date at Red Cross Blood Donor Clinic in St. Mary's Hall, Summerside, Monday, Dec. 5th, between 3 and 5 and 7 and 9. 400 donors urgently required.

FUNDAMENTAL BAPTIST Church, Central Bedeque. Services for Sunday, Nov. 27. Morning worship 10:45 a.m., Sunday school 12:00 noon, evening service 7:30 p.m. Rev. Ralph Feeley, Minister.

BEDEQUE Pastoral Charge, The United Church of Canada. Services for Sunday, November 27th: 11 a.m. - Bedeque; 3 p.m. - Borden; 7:30 p.m. - Albany. Rev. G. A. Cowper-Smith, Minister.

LEAVES ON HOLIDAY - Miss Marina Doyle, Department of Fisheries, Summerside left by plane on Friday for a two week holiday in Boston, Mass. Where she will be the guest of her cousin, Mrs. Edward Collins.

UNITED CHURCH of Canada, Kensington, Sunday, Nov. 27th. Sunday school 10:00 a.m., morning worship 11:00 a.m., evening worship 7:30 p.m. Laymen service, Men's Association Choir. Summerfield service 2:30 p.m. Rev. Lewis M. Murray, B.A., M.D., minister.

CORRECTION - In Tuesday's account of the meeting of the Central Presbyterian Y. P. U. of the United Church of Canada, held at Tryon, the name of Shirley Cameron, rather than Catherine Craig should have appeared as being one of those who conducted the evening worship service.

ANGLICAN CHURCH of Canada, services for the New London Parish on Nov. 27th, the 1st Sunday in Advent. Rector, Rev. W. Eric Inghram, St. Mark's Sunday school 10 a.m., morning prayer 11 a.m.; St. Thomas' French River, evening prayer, 2:30 p.m.; St. Stephen's, Burlington, evening prayer 7:30 p.m. Advent tells us to prepare for the coming of Christ. Be in church for Divine Worship.

FUNERAL AT MT. CARMEL - The funeral of the late Mrs. Joseph V. Arsenault, Mt. Carmel was held yesterday from her late residence to Mt. Carmel Church where Requiem High Mass was celebrated by Rev. J. F. Boute at 9:00 o'clock. Rev. Nazaire Polier was deacon and Rev. Emmanuel Richard was sub-deacon. Pall bearers were: Stanley Richard, Fred Richard, Oliver Gallant, Alva Arsenault, Ben V. Arsenault, Leger Derasp. Interment was in the church cemetery.

MORE READERS LONDON (CP) - Wandsworth district libraries report a record number of books borrowed in the past six months - 1,552,359.

## Burglars Enter Feed Warehouse

Yesterday noon, while the manager Mr. Edward Caseley was at dinner, the feed warehouse of the P.E.I. Fur Pool Ltd. on Water Street was broken into and a small quantity of money taken. Entry was gained by forcing the rear door. The intruders then removed the cash register from the front office to the rear and forced it open. Mr. Caseley had however, removed the receipts from the drawer and left only a small amount of change in the register. This is the fourth time in the past year that the warehouse has been broken into.

COLOR FILM, flashbulbs, slide viewers, darkroom equipment, photo-colors, camera cases, The Read Studio and Camera Shop.

WRIST WATCHES, signet rings, ladies' handbags, electric shavers, silver flatware, Moose Jewellers, Summerside-O'Leary.

MAGISTRATE'S COURT - Two parties from Tignish were each fined \$10.00 and costs in county magistrate's court Summerside yesterday, after they pleaded guilty to creating a disturbance in a public place by fighting. Magistrate R. S. Hinton, Q.C. presided. A man from Springhill paid \$100.00 and costs for driving a motor vehicle while his ability was impaired, while two parties from Coleman were each fined \$20.00 and costs for possession of liquor other than in residence. S.

SLIGHT IMPROVEMENT - The condition of Reginald Gallant, 18, of Mt. Carmel, who was seriously injured Wednesday while working on a potato boat at the Railway Wharf Summerside was reported last night as being slightly improved, although there has been little change. The youth has been unconscious since Wednesday morning when he fell 20 feet into the hold of the ship on which he was helping in the loading of potatoes, striking his head on a steel beam.

TRINITY Y. P. U. - Trinity Y. P. U. held their regular period in Epworth hall on Wednesday evening when fellowship with other groups was again enjoyed. It was decided to devote half-time solely to badminton and followed by bollebyal etc. A treat of ice cream from one of the members was enjoyed. Previous to the recreation the fall and evangelism group met in a study period led by convener Ernest Murphy. Convener Elmer MacLean and Verna Bryanton then met with their groups for a study period on Thursday night the regular meeting of the executive was held with all members present. Routine business and future plans were discussed. Activities for the Christmas season were left in the hands of a committee headed by Elmer MacLean.

S'yde Dealer Wins Trip To Hawaii Willard MacDonald, owner and manager of Willard MacDonald Ltd., Dodge and Desoto dealer on First Street in Summerside, yesterday received the thrilling news that he was the winner in a national contest sponsored by the Firestone Tire and Rubber Co. of Canada.

For being the top salesman in Canada in the \$30,000-\$75,000 group, Mr. MacDonald was being awarded a two weeks vacation trip to Hawaii, with all expenses paid.

Mr. MacDonald will be accompanied by his wife on this magnificent vacation tour, and they expect to leave during the first week in January and will be returning to Summerside about a month later.

This splendid trip, which would be the dream and desire of every one who has ever heard of the enchanting Hawaiian Islands, is also a signal honor to this Summerside businessman whose salesmanship made him the top dealer in Canada in the competition for which the vacation trip to Hawaii was awarded.

CONGRATULATIONS are extended to Mr. and Mrs. Lester Gay of Knutsford whose marriage took place recently.

Mr. and Mrs. Boyde MacWilliams and daughter of Carleton Lot 6 are spending a couple of weeks with relatives and friends in the United States.

Sympathy is extended to the relatives of the late Oswald Haywood, whose death occurred at the home of Mr. Stanley Dumville in O'Leary on Saturday night.

The marriage of Miss Norma Pate daughter of Mr. and Mrs. Peter Pate, O'Leary, and Cpl. William Ruth of St. James, Quebec, took place in the St. James Anglican Church in St. John's, Quebec, recently.

Mr. and Mrs. Wallace Bryanton and family of Charlottetown, were Sunday visitors to the home of Mr. and Mrs. Roy MacDowall in Knutsford.

Mr. and Mrs. Ginger MacQuarrie of Summerside were visitors to Howland on Sunday, guests of Mr. and Mrs. Bruce Carruthers and Mr. and Mrs. Clayton Carruthers.

Mr. and Mrs. Edgar Harris of Springfield were visitors to O'Leary recently.

Mr. Nelson Dennis and daughter, Bessie, O'Leary, motored to Summerside to visit Mrs. Dennis who is a patient in the Prince County Hospital, Summerside.

Mr. and Mrs. Arthur Harris were recent visitors to Alberton where they visited with their son-in-law and daughter, Mr. and Mrs. Harold Ashley.

Mr. and Mrs. Donald MacIsaac of Dunblane were recent visitors to the home of Mr. and Mrs. Albert MacKenzie in Springfield West, C.P.

Mr. and Mrs. Calvin Hart and family of Summerside were Sunday visitors to relatives in O'Leary and vicinity.

The members of the Mission circle met at the home of Mrs. Shirley Matheson for the regular meeting. Next meeting will be at the home of Mrs. Shirley Ellis.

Mrs. Jack Meggison of Millriver was a visitor to O'Leary recently where she visited her mother, Mrs. Dorcas Gay, at the home of Mr. and Mrs. Bazel Wedlocke.

Mr. and Mrs. Raby Adams of Knutsford spent a few days in Charlottetown recently, guests of their son and daughter-in-law, Mr. and Mrs. Earle Adams.

Mr. Arnold Hierarchy of Moncton, was a visitor for a few days at the home of his father, Mr. John Hierarchy and Mrs. Hierarchy in O'Leary. Mr. Hierarchy has just returned from Newfoundland.

Mr. and Mrs. Nelson Dennis, O'Leary was taken to the Prince County Hospital on Sunday morning, where she will receive treatment and x-rays.

Mr. and Mrs. Earle Jelly and family, Lucy Ann and Swaby, accompanied by Mr. and Mrs. Geo. Jelly, were Sunday visitors to Ellerslie, guests of Mr. and Mrs. James Burrell and family.

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