

The Daily Examiner

OCTOBER 25, 1884.

Scott Act Fines.

A DIFFICULTY regarding the disposal of the fines heretofore collected under this Act, has arisen between the Stipendiary Magistrate of Charlottetown and the P. E. Island Branch of the Dominion Temperance Alliance. It appears that previous to the appointment of the Inspectors under the License Act, 1883, the Dominion Alliance prosecuted offenders under the Scott Act in Charlottetown in the name of their Secretary, and, in order to secure the conviction of the parties charged, they employed Mr. F. Peters as their counsel, who in all cases brought by the Alliance, appeared before the Stipendiary Magistrate and conducted the prosecution on their behalf. When the License Act came in force here last winter, the Alliance retired from active prosecution, and left the matter of enforcing the Scott Act in the hands of the Inspector appointed under the License Act. At the time of ceasing operations they counsel Mr. Peters a large amount for counsel fees and professional services, and having no funds on hand to meet this liability, they applied to the City Council for a sufficient sum to pay it, alleging that as the Council had received the fines which had been collected through their energy and Mr. Peters' services, the Council had a right to pay at least the costs of prosecution. We understood at the time that the Council was willing to pay what they deemed a reasonable amount, but what they offered as a "reasonable amount" both the Alliance and Mr. Peters refused to accept, and the result was that an application was made to the Supreme Court of this Island for an order to pay over one-half of the fine imposed on one of the convicted parties. This application, intended as a test case, was heard before the Supreme Court, and that court having heard counsel on both sides as well as for the Dominion and Local Governments, decided that a common informer or prosecutor under the Scott Act in this Island previous to the passing of the License Act, is by law entitled to one half of the fine imposed on the offender. A report of the argument at this hearing appeared at the time in the columns of THE EXAMINER, as also the subsequent decision of the court. This decision, however, was not acquiesced in by the counsel opposing the application, and it would seem as if the supporters of it were not very sanguine of its correctness or soundness because nothing appears to have been done to enforce it until within the last few days when the order of the court to pay over half the fine was served on the Magistrate. The City Council, notwithstanding this order, refuse to pay over the money and, it is said, intend appealing to the Supreme Court of Canada.

The matter stands in this way at present: The Magistrate up to the time of the appointment of the License Inspectors, paid over all fines to the City Council, who have used the money for Civic purposes. The Supreme Court has decided that one half of these fines should have been paid to the prosecutors in the various cases, and an order has been made to that effect. But regarding the other half of the fines, the Judges of the Court were ominously silent and did not decide where they should go—that question was not before them, and they did not go out of their way to settle it.

The Scott Act says nothing regarding the disposal of fines collected under it in Prince Edward Island. The legal gentlemen differ on the point, but the general opinion, and perhaps the weight of authority, appears to be that they belong to the Dominion Government, but should Mr. Justice Peters' decision in the Old Bank case be correct and sustained on the appeal, it may fairly be agreed that the fines go to the Local Government.

The course to be adopted by the City Council would seem to be difficult. That they have no right, as representatives of the city, to pay over to any person money to which he is not lawfully entitled, and which must be replaced by extra taxation, is too clear for argument—it is not even open to discussion. But they have a serious question to consider, and that is: Should they refuse to pay, and should it be ultimately decided that the fines do go to the Dominion Government as claimed, will not that Government, with a judicial decision in their favor, compel them to pay over the whole amount collected and received? In that case they would lose all; while, if they now pay the Alliance what they claim (right or wrong), the probabilities are that the matter will drop, and nothing more be heard of it. But looking at it in another way, another question is suggested: Should the Council pay the Alliance their claim, and the Dominion Government afterwards (which is not unlikely) insist on their right, the City in that event would be out of pocket not only the full fines, but the amount improperly paid the Alliance and Mr. Peters. The whole matter appears fraught with many difficulties, and therefore both parties, who are all citizens, should hesitate before taking any step which ultimately may be the means of depriving the city of a very large sum of money, and imposing on themselves and others a large taxation. The members of the Alliance should bear in mind that before they employed Mr. Peters they should have provided for his payment, and that at the recent Scott Act election both on the platform, and through

the press, they urged in support of the Act that the amount of fines received by the City Council was equal to the license fees collected before it came in force in Charlottetown.

The United States Presidency.

In a few days—Tuesday, November 4th—the United States Presidential Election will take place. Both of the great parties are claiming a victory in advance. Ohio, in her State election on the 14th inst., went Republican on the lowest candidate voted for, by 12,000 plurality, and 21,000 on members of Congress. This was a change in favor of the Republicans of 25,000 to 30,000 votes from last year, as Mr. Hoadley, the Democratic Governor, was then elected by 12,000 plurality. The result of the Ohio election has dated the Republicans, and they confidently claim the whole of the Northern States, and hope to carry some of the Southern States also. Probably considerable of these claims or hopes are but campaign bluster. The great fight will be in New York State, with its 36 electors. If the Republicans carry New York they can afford to lose some of the smaller States and still elect Blaine, and on the other hand the Democrats must carry New York to succeed, and also one or more of the other Northern States.

To begin with, the Democrats have a decided advantage. It is almost certain that Cleveland will get the whole solid Southern electoral vote, 153. The Democrats will need only 48 more votes to elect their man. If they carry New York with 36 electoral votes, and Indiana with its 15, Cleveland will of course be elected. The New York Herald, however, claims the following States as sure for Cleveland:—

Alabama,	10	Mississippi,	9
Arkansas,	7	Missouri,	16
California,	8	Nevada,	3
Connecticut,	6	New Jersey,	9
Delaware,	3	New York,	36
Florida,	4	North Carolina,	11
Georgia,	12	South Carolina,	9
Illinois,	15	Tennessee,	12
Indiana,	13	Texas,	13
Kentucky,	8	Virginia,	12
Louisiana,	8	West Virginia,	6
Maryland,	8		
			230

This would leave for Mr. Blaine, the Republican candidate:—

Colorado,	3	Nebraska,	5
Illinois,	22	New Hampshire,	4
Iowa,	13	Ohio,	23
Kansas,	9	Oregon,	3
Maine,	6	Pennsylvania,	30
Massachusetts,	14	Rhode Island,	4
Michigan,	13	Vermont,	4
Minnesota,	7	Wisconsin,	11
			171

The Electoral College, it will be seen by these figures, numbers 401. In 1880, at Garfield's election, the College numbered 369; Garfield, the Republican candidate, received 214 votes, while General Hancock, Democrat, only had 155. At this election 201 votes will elect.

As we have already said, New York is to be the great battle ground of the election. In the other States the Independent Republican bolt has not evinced much strength, but in New York it is expected to be large, and thereby reduce the regular Republican vote. The Prohibition candidate, St. John, will also, it is expected, draw largely from the Republican ranks. On the other hand, Blaine will get a respectable Irish vote, heretofore Democratic. Gen. Butler, as the People's Candidate, will draw largely from the Democratic vote, so that many Republicans think that the whole will make matters about even, and that they will carry the State for Blaine as they did for Garfield, but many put their plurality at 40,000 to 50,000. Garfield's plurality was 21,000. The figures we have given may be of interest to our readers, as the result reaches them, and they will be enabled to tell who were the best prophets, or the most accurate and reliable predictors.

As some of the readers of THE EXAMINER may not understand the meaning of the term and functions of the Electoral College, we will explain the matter as concisely as possible. The framers of the United States Constitution determined that, while all offices in the land might be open to all persons, no matter of what nationality, if they become citizens, only native born citizens should be eligible to offices of President and Vice-President. Leaving all other offices to be filled by the direct voice of the people, it was thought best to remove the high office of President from the scramble of a popular vote, and the fathers devised the Electoral College system. It was provided that the College should consist in number equal to the whole number of members of Congress and United States Senators combined. Thus each State was, and is, entitled to as many electors as they have members of Congress and Senators. New York, for instance, has thirty-four members of Congress and two Senators, she being the largest State in the Union. Delaware, the smallest State, has one member of Congress and two Senators, and is entitled to three electors. It was intended that the Electoral College, supposed to be selected from the best and most intelligent of the nation, should of themselves select and elect the best men suitable to fill the offices of President and Vice-President. Very soon the plan failed as to its general intent. The letter of the law was retained, but the spirit was ignored. Instead of the electors choosing a President and Vice-President, candidates for these offices are nominated at party conventions, and the electors are now only month-pieces of party, pledged to vote for their party candidates.

The electors meet before a certain day at the different and respective capitals and these cast their votes for President and Vice-President, and records of the votes are sent to Washington, prepared after certain prescribed forms.

Many attempts have been made to change the system, but the smaller States are jealous of their larger sisters, and resist changes, as in many ways the smaller States are in a measure placed on an equality with the larger by the present system of conducting Presidential elections. If any candidate should fail to receive a majority of the electoral votes, the election of President and Vice-President would go to the House of Representatives, and as the vote there for these high offices is by States, the smallest State is equal to the largest—the one or two hundred thousand of Delaware or Rhode Island would have as much power in electing as the four or five millions of New York. If Presidents were elected by a direct vote of the people, the few of the smaller States would be overwhelmed by the many of the larger, and hence the ingenuity of the statesmen of the United States is being exercised to devise measures to change and improve the present method of electing Presidents, which may be acceptable to the smaller States.

Before the Snow Flies.

A QUESTION of paramount interest to the itinerants of Charlottetown, is the safe condition of the sidewalks and, the City Fathers, must not be surprised, nor "get mad" if those who have to SLUMP IT over the ankle-twister along the streets, present their case to the gentlemen on wheels, with some firmness of speech. The very first care of the father of a family, is the safety of the children, and the City Fathers should take the little illustration to heart, and "mend their ways" before the snow flies. Cases are continually cropping up, of injury from the causes of street dilapidation, and much suffering has to be endured in consequence. One case, obliged the lady (the present week) to keep her bed for two days, one of her ankles not allowing her its use. Another, is a (probably) permanent lameness. Another, a fall that furnished a good crop of bruises. Another, that ended in a regular spin. Were all the cases collected, it would make the very stones (or rather plank) cry out. Perhaps, as has been suggested, the sidewalks are left in their trappy condition in the interest of temperance and the Scott Act, to prevent by their sober terrors, the dangers of "tanglefoot"; but whatever the reasons may be, whether ignorance, laziness or retribution, it is a species of municipal cruelty, of which Charlottetown ought to be ashamed, and the City Fathers induced (by protest if necessary) to remedy before the snow flies.

—During the Scott Act trials yesterday, the carelessness, stupidity, or spleen of the Inspector in preparing the prosecutions, was condemned in strong terms by His Honor the Stipendiary Magistrate and the Counsel for the Defense. Indeed, the Inspector's action in summoning as witness citizens who have not used intoxicants for years and whose only object in visiting premises where liquors are supposed to be sold could be legitimate business, is worthy of not only the censure of the court, but all who have a true sense of right. We hope the Inspector will in future give more attention to his work, and save respectable citizens the indignity of being summoned to appear as Scott Act witnesses. We notice that the *Parrot* has ably assisted the Inspector. It has, for what purpose we know not, paraded the names of the witnesses before the public without explanation or comment. Such action cannot maturely aid the temperance cause or the enforcing of the law.

Our Advertisers.

A. McNeill holds an auction sale of apples, tea, etc., on Monday, at half-past ten.

Carvell Bros. expect a consignment of Pearline, which they will sell low on arrival.

Wm. Dodd advertises a sale of lumber, shingles, etc., on Lord's Wharf, next Monday, at 3 o'clock.

H. W. Vinnicombe, Piano Tuner, etc., announces that he is prepared to attend to all orders in his line of business.

The Duncan property, situate on the corner of Prince and Water Streets, will be sold at auction on the 4th November next.

The services in connection with the anniversary of the opening of St. James' Church, take place to-morrow. A Social Reunion of the members will be held on Monday evening.

MONETON BIGAMISTS PUNISHED.—In the Superior Criminal Court at Boston, on Tuesday, George T. Clark and Mary Kennedy pleaded guilty to adultery, and were sentenced to one year each in the house of correction. These parties went from Moncton, N. B., about a year ago, where they left a wife and husband, respectively. Clark, who is quite a young man, and a carpenter, appealed to the court for leniency in the matter of sentence. Mrs. Clark, a sharp featured woman, was on hand to see that George was properly punished so far as she could influence the court on this point.

The first freight train went over the completed part of the Cape Tormentine Railway on Wednesday last. The rails are now laid to Midgie.

AUTOGRAPH and Photograph Albums from 5 cents up to ten dollars at the Diamond Bookstore.

The Universe for 50 cents at the Diamond Bookstore, 89 Queen Street.

Fall and Winter Goods.

The London House Ready-made Department is Showing a Large Stock of

YOUTH'S OVERCOATS, ULSTERS, REEFING JACKETS.

Men and Boys' WOOL UNDERCLOTHING, all Qualities and Prices.

Flannel Shirts, Men's Knit Top Shirts, Cardigan Jackets, Ladies' Fur-lined Circulars, LADIES' CLOTH ULSTERS, ASTRACAN JACKETS.

LADIES' CLOTH SACQUES, FUR CAPS AND MITTS.

A LARGE STOCK OF BLANKETS,

MEN'S FUR COATS, COON, BUFFALO AND DOG.

BUFFALO ROBES, JAPANESE AND WOLF ROBES, HORSE RUGS, RAILWAY WRAPPERS, &c., &c.

WE INVITE ATTENTION TO THE ABOVE, AS THEY ARE MARKED LOW FOR CASH.

GEO. DAVIES & CO.

Charlottetown, Oct. 16, 1884.

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.—and wky

A WORD TO THE WISE. COAL. COAL.

WE have completed our importations of Jobbing Papers, and are prepared to furnish Note and Letter Headings, Bill Heads, &c., well printed, cheap and prompt.

Be in time! Send your orders now to the

EXAMINER PUBLISHING CO.,

Water Street, Oct. 24, 1884.

NOTICE.

DR. BENNET

WILL BE

IN CHARLOTTETOWN,

AT THE

"RANKIN HOUSE,"

ON THE 28th AND 29th.

Ch'town, Oct. 18, 1884.

City of Charlottetown.

TENDERS.

SEALED TENDERS will be received at the Mayor's Office, until noon of Saturday, the 1st day of November next, from parties willing to contract to Light the Streets of the City of Charlottetown, for the term of 5 years or more.

The Council do not bind themselves to accept the lowest or any Tender.

By order,

A. H. MACPHERSON,

City Clerk.

Ch'town, Oct. 15, 1884.—ts.

FLOUR. FLOUR.

125 bbls. CHOICE PATENT,
375 bbls. SUPERIOR EXTRA,

for prompt delivery at Charlottetown or Summerside

20 bbls. No. 1 PILOT BREAD,
10 bbls. THIN FAMILY,

FOR SALE BY

J. A. CHIPMAN & CO.,

Corner Pownal and Water Streets,
Ch'town, Sep 5.

FANCY SALE.

THE members of St. Peter's Church Sewing Society intend holding a Fancy Sale on the

16TH DECEMBER NEXT,

of which further notice will be given.

M. M. J. HODGSON,

President.

Ch'town, Aug 9—law sat

Bedeque and Narrows Oysters.

HAVING secured the services of Mr. Joseph Carmody, the Subscriber is prepared to furnish OYSTERS by the barrel, gallon, quart, pint, stew, raw, fry, and half-shell a specialty.

Parties requiring Oysters must leave their orders during the forenoon.

Prices:—Forty cents per Imperial quart.

P. P. GILLIS,

Uxbridge House,
Charlottetown, Sept. 30th, 1884. Im

LUMBER, SHINGLES, &c.

TO be sold by Auction, on Monday next, 27th inst, at 3 o'clock, on Lord's Wharf, 32,000 feet Seasoned Pine Boards, 25,000 do Spruce do, 40,000 Pine Shingles, 20,000 feet E. fuse Deals.

WILLIAM TODD,

Auctioneer.

Ch'town, O. T. 25, 1884.

Apples, Tea, &c.

BY Auction, Monday, Oct. 27th, at 10 30 o'clock, at my Auction Room—

50 barrels Choice Winter-keeping Apples, in Baldwin, Russets, Tompkins, Toppins, 10 Half-chests Tea (To close consignment, 1000 Grain Bags

A. McNEILL,

AUCTIONEER.

Ch'town, Oct. 25, 18 4.

Valuable Freehold Property For Sale.

THE property situated at the corner of Prince and Water Streets, formerly owned by Jas. Duncan, Esq., and now occupied by Dr. Hobkirk, will be sold at Public Auction, on the premises,

On TUESDAY the 4th of November Next,

at 12 o'clock.

Twenty-five per cent. of the purchase money will require to be paid at the time of sale, the balance to be paid in thirty days from that date, with 6 per cent. interest.

A plan of the property can be seen at the Liquidators' office.

L. C. OWEN,
BANK OF NOVA SCOTIA,
Per D. C. CHALMERS;
C. C. GARDINER,
Liquidators of the Bank of P. E. Island,
Ch'town, Oct. 25, 1884.—5i Saw pat

Pearline. Pearline.

To Arrive in a Few Days:

50 Boxes Fyle's PEARLINE, direct from manufacturer, to be sold at former prices.

CARVELL BROS.,

Agents.

Ch'town, Oct. 25—4i sa m w sa

H. W. VINNICOMBE,

PIANO TUNER

Pianos Tuned, Re-wired and Regulated.

CHURCH ORGANS

Voiced, Tuned, and Regulated with Care.

CABINET ORGANS

Tuned, Re-tuned and Repaired.

Having nearly twenty years' experience with the construction of English, American and German Pianos, and under the patronage of Government House, the Convent and the leading musical families on the Island, feels sure of giving universal satisfaction.

Mr. V. will engage professionally for public or private concerts the coming season.

Ch'town—C. P. Fletcher's Music Store.
Ch'town, Oct. 25, 1884.

Anniversary Services.

THE Anniversary Services of the opening of St. James' Church will be held on

Sunday Next, the 26th inst.

Rev. Professor Pollock, D. D., of Halifax, will preach at 11 a. m. Rev. E. Whitman, of this city, at 2.30, and Rev. James Carruthers, of Picton, at 6.30 p. m.

A collection towards liquidating the debt of the Church will be taken up at each Sunday service, and likewise at the Social.

A SOCIAL,

In connection with the services, will be held on MONDAY EVENING, the 27th inst., beginning at 7 p. m. The evening's entertainment will consist of Music, Addresses and Refreshments.

Ch'town, Oct. 24, 1884.—2i

TO ARRIVE THIS WEEK:

100 Bbls. PLASTER PARIS; will be sold low while landing. Leave your orders early.

NORTON BROS.

Ch'town, Oct. 24—3i

Opened To-Day,

AT THE

LONDON HOUSE,

LADIES' CASHMERE GLOVES, CHILDREN'S do do, LADIES' BEADED CUFFS, BLACK OSTRICH FEATHERS, Large Lot of FANCY WINGS, LADIES' JERSEYS.

Ch'town, Oct. 23—3i

CARRIAGE FACTORY.

THE Undersigned begs leave to inform the public he has purchased the Carriage Business carried on by McKinnon & Fraser, on Upper Prince Street, opposite new Baptist Church, where he will be pleased to see his old customers, and as many new ones as may favor him with their patronage.

He will keep on hand and build to order, CARRIAGES and SLEIGHS of every description and latest patterns. Road, track and sleigh Sulkeys made to order, at shortest notice, with best American stock.

Special attention will be given to the Repairing of Carriages, Sleighs, &c.

N. B.—ALL WORK GUARANTEED TO GIVE SATISFACTION.

J. J. SEAMAN,

Ch'town, Oct. 18, 1884—3aw ti 31st dec wky