

THE DAILY EXAMINER.

SEPTEMBER 7, 1893.

THE CRIMINAL POWER CONFERRED ON THE COUNTY COURTS.

We agree with our contemporary the Patriot that the legal question raised by the refusal of Judge Hodgson on Monday last to grant an order for bail until the prisoner had first been brought before Judge Reddin, of the King's County Court, is a question well worthy of consideration. The Patriot is quite right in this, that it is of the first importance that justice should be promptly administered in all matters which affect the liberty of the subject. There can be little doubt but that Sir John Thompson and the Dominion Parliament had this cardinal rule in view when the Criminal Code was passed, which amongst other provisions enacted that within twenty-four hours after a person charged with an offence was committed for trial, the sheriff of the county should, in this Province, notify the County Court Judge of such commitment, whereupon it becomes the duty of that Judge to have the prisoner brought before him "with as little delay as possible." It follows that if this provision of the Criminal Code is of any effect at all, no delay can possibly arise which would be prejudicial to the administration of justice. But the question has been raised whether this law of the Dominion Parliament is of any available force until the Provincial House of Assembly of this Island passes an act conferring criminal jurisdiction on the County Courts. No public decision on the question has yet been given. But Mr. Fitzgerald, the Stipendiary Magistrate of the city of Charlottetown, having committed for trial several persons charged with offences, the Sheriff of Queen's County notified the County Court Judge of the fact. That Judge, however, did not act on the notification, presumably on the ground that local legislation conferring criminal jurisdiction on the County Courts was, in his opinion, necessary before the Dominion Parliament, under the powers of the British North American Act, could apply to them the criminal laws. The County Court Judge, not acting on the notices, the prisoners, through their attorneys, applied in one instance to the Chief Justice and in another instance to Mr. Justice Hensley for bail for the next January session of the Supreme Court in Queen's County. The applications were granted and the prisoners bailed, but no decision was given by either the Chief Justice, Judge Hensley or Judge Alley on the question regarding the doubtful provisions of the Criminal Code. In the case of the County Court Judge, he simply ignored the Sheriff's notice; and Chief Justice Sullivan and Judge Hensley merely in their discretion granted the order for bail when asked, and so matters stood until Monday last when an application was made to Judge Hodgson for bail on behalf of a prisoner in King's County Jail. That learned Judge however refused the application on the ground that the prisoner should have been first taken before Judge Reddin and tried immediately, or in case of the prisoner's refusal to be so tried, then bailed until the Supreme Court meets in February next. It will thus be seen that the legal question raised under the Criminal Code is whether the Dominion Parliament has power to assign to the County Courts of this Province, without the assent of the local legislature, the right to try certain criminal cases or whether that Parliament should first have had legislation from the Province constituting the County Courts criminal courts. This question must be settled one way or the other, and in the interest of "prompt" administration of justice should be settled soon. One of these days an unfortunate will be committed for trial who is unable to obtain bondsmen, and who, rather than remain in confinement awaiting trial would desire an immediate hearing before a County Court Judge. Owing, however, to the present legal tangle he will be unable to obtain this trial. Besides it is expedient to know whether local legislation is necessary or not, and nothing short of a legal binding decision from the Supreme Court can decide the point and unravel the tangle. Unfortunately the actions of all the judges have been taken without argument pro or con. The learned Chief Justice and Mr. Justice Hensley heard no argument regarding the validity of the disputed sections of the Criminal Code. They merely granted the order for bail when applied to. Neither was any argument heard before Judge Hodgson, and therefore the three of them are not committed to any view. Indeed, from the report of the application before Mr. Justice Hodgson, it appears that although his attention was called to the point he positively declined to express any opinion on the question; but left it open for Judge Reddin to act as he thinks proper when the Sheriff of King's County gives him the statutory notice, which it appears has not yet been given, and until which Judge Reddin cannot under any circumstance act. We imagine that when the notice is received by Judge Reddin he will fully look into and study with care the many provisions of the British North American Act, amongst which he will, doubtless, find a direct section authorizing the Parliament of Canada to establish courts for the better administration of the laws of Canada. Whether the challenged sections of the Criminal Code which establish and make the judge of the County Court, a court of record, called "The County Court of King's County," is or is not an exercise of this power will be one of the legal questions for his consideration. The Criminal Law is unquestionably a matter exclusively within the jurisdiction of the Dominion Parliament, and it would seem to us an anomaly if, in the face of such a section, Parliament's right to legislate upon or to confer jurisdiction on a court, in relation to the Criminal Law, was contingent on the assent of the Local Legislature. If such be the case, then, the Dominion Criminal Laws could be made a dead letter by the Local Legislatures either withholding or withdrawing the necessary assent.

LETTERS TO THE EDITOR.

"FAIRPLAY'S" REPLY TO "JOCK." I cannot answer your letter, Jock, as it is evidently intended for someone else, whom you in your customary charitable style have chosen to select. I confess to a little indolence, and should hardly think it worth while to reply were it not to lift the burden from the shoulders of some young man whom you now seem fit to accuse. I do not know to whom you refer, but others may, and simple justice compels me to make this statement.

NOTES AND COMMENTS.

The New York Post's London special says: "A remarkable demonstration took place outside of parliament on the 2nd inst. An immense concourse assembled, chiefly Irishmen, and awaited the announcement of the result of the division on the home rule bill. This was greeted with loud cheers and the singing of 'United Ireland.'" When Mr. Gladstone emerged from the House at 1 a. m. and entered his carriage he received a tremendous ovation. The crowds hurraed, waved handkerchiefs and ran beside the carriage during the short drive to Downing street, cheering enthusiastically. Mr. Gladstone looked well. He smilingly acknowledged the greetings.

Professor Thurston, of Cornell University, consulting engineer to the jurors on agricultural and mechanical machinery at the World's Fair, a position similar to the one he held at the centennial, Philadelphia, has informed Mr. Larke, Canadian commissioner, that both in agriculture and general machinery, the Canadian exhibits in their construction and smoothness of running, are equal to anything shown in the exhibition. Professor Thurston further remarks that he fully examined the Canadian exhibit of machinery at Philadelphia in 1876, an examining that exhibit with the present one at Chicago, he has no hesitation in saying that Canada made more progress in manufacturing during the past sixteen years than any other nation represented at Jackson Park. This expression of opinion, coming from one of the highest authorities in the United States, is flattering to Canadians.

We regret exceedingly to learn that Miss Russell has for the present at least closed her school for girls. The building in which this excellent school has been conducted has passed into occupancy of new tenants, who will need the whole building for the purposes of their business. Of this change Miss Russell laments, and she has made arrangements for the satisfactory reopening of the school in proper season, hence her decision to abandon the project for the present. Of this school we have several times spoken in deserved terms of highest praise. On Miss Russell's capabilities there is no doubt, and the success of the school under her charge has been so emphatic that we are led to view the closing with much regret, and cannot but express the hope that she will see her way clear to reopen the school in the near future. With the principal there has been associated a French teacher and Mr. Earle, whose ability is too well-known to call for any further remark from us, except that we trust he will receive the fullest patronage in his music school about to be organized, where he will give instruction in organ and piano and vocal music, with class for sight singing, theory of music and harmony.

RETURNING FROM THE STATES.

Toronto Real Estate Dealers Find an Unusual Demand for Houses.

A late despatch from Toronto says: Real estate dealers state that there is an unusual demand for houses for rent, occasioned by the large number of families returning from the United States during the past three weeks. The average number of families who have been compelled to leave the United States on account of hard times amounts to fifteen daily. The influx continues and reports state that a large number are making preparations to leave Uncle Sam's domain. Local customs authorities state that the number of settlers is increasing daily, bringing with them all household goods, and the streets are taking up the returning immigrants in the city. Tales of suffering are told by these immigrants, who, for the most part are mechanics who took up their abode in the United States a few years ago. They say that it is next to impossible to get the necessities of life so heavily does depression rest upon the working classes. Thousands of men walk around the streets looking for odd jobs so that they may be enabled to buy food for their families. Those who came here state that they will never leave Canada again, no matter what inducements are held out for their services on the other side.

THROWN INTO PRISON.

The Sorry Experience of a Minister in Oklahoma Territory.

The Rev. Dr. G. R. McKinney, a Methodist minister and an evangelist of considerable note, was arrested in Stillwater, Oklahoma Territory, ten days ago by United States Marshal J. O. Stevens and brought to Pittsburg on the charge of representing a government pension agent, but was discharged by United States Commissioner McCandless, it being a case of mistaken identity. The man wanted was Dr. C. H. Woods. Mr. McKinney says he was taken from his home in the middle of the night, with large time granted him to bid his wife and children good-bye, and was thrown into prison with drunken Indians and desperadoes. His wife was sick and he was not permitted to send her any information as to his whereabouts. He is without money to get home, and an effort will be made among the ministers of Pittsburg to raise enough funds to send him back to Stillwater. According to his story his treatment was outrageous, and he threatens to enter suit against the government for damages. Dr. McKinney is well known in New York, Massachusetts, Pennsylvania and many western states.

St. John, N. B., July 17, 1893.

B. A. Fielding, Esq., Manager Equitable Life Assurance Society, Halifax, N. S.

Dear Sir,—I often hear people say that they would like to insure their lives, but cannot afford it. Such persons cannot have seen the results of the twenty year continuation policy of the Equitable Life Assurance Society of New York. Take my policy by way of illustration. I took an Equitable policy for \$2,000 in 1873. I selected the cheapest form of Tontine policy, under which the society agreed to pay \$2,000 at my death, providing I paid an annual premium of \$70.10 for life. But now that the Tontine period of my policy has ended, I can either continue my policy at a much lower cost, or I can draw its cash value and retire from the company. The cash value is \$1,756.60, and as the total amount I have paid in premiums is only \$1,402.00 this cash return is equal to all the premiums I have paid and 2 1/2 per cent. interest besides. Thus my policy, which has been a protection to my wife for twenty years, instead of being an expense is a profitable investment. I take great pleasure in giving this account of my experience with the Equitable. I am not surprised that a company which has been managed so as to secure such returns to the living policyholder under assurance issued on the life form, should transact a larger annual business than any other life assurance company in the world.

Yours truly, M. D. ACSTIS.

There are many things for which the United States Senate may be condemned, but the latest is the constitutional defect by which seven silver states, representing a population of 5,537,725 and an assessed valuation of \$586,967,000, can equal by their votes upon an all-important and national question seven Eastern states with a population of 24,330,814 and an assessed value of \$12,565,458,000.

THE MODERN CURSE.

Modern civilization can boast of grand achievements in every department of art, science and mechanics. We enjoy advantages that were unknown to our progenitors, but we are cursed with certain diseases that never afflicted people of the olden times. Our modern civilization, with its disregard for the laws of health, has brought upon us terrible sufferings. Torturing and agonizing rheumatism is, perhaps, the most dreaded of all the diseases of the present day. In either the acute or chronic form, there is great danger. The first indications of rheumatism call for the immediate use of Paine's Celery Compound. This treatment, commenced in the early stages of the disease, will save much suffering. There is, however, a great hope for even those who have suffered for years from rheumatism. Paine's Celery Compound has cured thousands of men and women who were pronounced incurable by physicians. There is no other medicine to lay under the auspices of Heaven that works so marvellously and faithfully for the rheumatic. Try it, wonderful virtues, dear reader, and you will rejoice.

USE FKODA'S DISCOVERY, the great Blood and Nerve Remedy.

Cottolene A SHORTENING.

Down the street through the busy way A lady passed on marketing day. Who, pausing at a grocery store, Stepped quickly in at the open door. With bated breath and anxious mien She queried: "have you COTTOLENE?"

THE GROCER LEAVING HIS WORK, Interrogated every clerk; But none up to that time had seen An article called "COTTOLENE."

"What is it?" said he to the dame, "That answers to this curious name."

"What is it made of? What's its use? My ignorance you'll please excuse."

"You're not the merchant for my dimes, I see you're quite behind the times."

"For COTTOLENE, I'd have you know, Is now the thing that's all the go."

An article of high regard; A healthful substitute for lard. Its composition pure and clean; For cooking give me COTTOLENE."

As from his store the lady fled, The grocer gently scratched his head— On his next order, first was seen, "One dozen cases COTTOLENE."

Ask Your Grocer for it. Made only by N. K. FAIRBANK & CO., Wellington and Ann Streets, MONTREAL.

Don't travel Second Class when you can get First Class for nearly the same money. For that reason GO TO BOSTON

via the FAST SHORT LINE—Charlottetown to Pictou via the Navigation Company's steamer on Saturdays evening, Sept. 16, on her trip to the West, and Halifax to Boston via the fast, modern, and equipped Steamer "HALIFAX" and "OLIVETTE" sailing from the Plant Wharf, foot of St. John's Street, THURSDAY and THURSDAY at 8 a. m., and FRIDAY at 10 p. m.

ONLY ONE NIGHT AT SEA, and the privilege of going on board Steamer night before departure without extra charge.

There will be no Steamer from Halifax Thursday, Sept. 14, but the OLIVETTE will sail on Saturday evening, Sept. 16, on her trip of the season. Thereafter the Steamer "HALIFAX" will sail every Wednesday, at 8 a. m., for Boston, and returning from the latter port every Saturday at noon.

For tickets and all information apply to the Charlottetown Navigation Company, Sept.

DUELLING IS NO JOKE. Eighty Per Cent. of Duels in Europe Result in Casualties.

It is a great mistake to imagine that casualties are the exception to European meetings on the field of honor, says the St. Louis Republic. On the contrary, they constitute the rule, their average amounting to as high as 80 per cent. of the duels fought in Germany, Austria, Italy, Russia, Belgium, Holland and Spain, and in France the average is only about 40 per cent. There were 4,000 duels fought during the year 1890, in which 700 men were killed outright, 1,000 sustained dangerous wounds, which in no less than 4,000 of the remaining combatants received minor or serious injuries. That is to say, out of 8,000 principals in 4,000 duels only 1,400 escaped without harm. The average is nearly identical in other countries also named, these figures being based on official records. From this it will be seen except, perhaps, in France, the chances of escaping scathelessly from a duel are relatively very small. Another disagreeable consideration of the "affair of honor," is the knowledge that, instead of getting hurt or killed yourself, you may have the misfortune to inflict a mortal wound upon your adversary, in which case the tribunal of the country will generally sentence you to a term of several months' imprisonment and to pay heavy damages to the relatives of the dead.

Come to supper in the Army this evening and share in the feast of the "Fatted Calves." Supper from 6 to 7.30. An odd time Jubilee afterwards, commencing at 8 o'clock, when songs and choruses in four languages will be sung, also a quartette by junior soldiers' girls. Tickets 25 cents each.

AUCTION! Horses, Carriages and Harness.

The subscriber offers for sale the Dwelling House and Property fronting on South Side of Water Street, now occupied by Dr. Dawson. The frontage on Water Street is about 82 feet.

TERMS—One-third cash and balance secured for term of years on the property at 5 per cent. interest.

BENJ. DAVIES, sept5—tu th sat

Remember

It is the best remedy on earth for the cure of all kinds of rheumatism, is a positive cure for BACK ACHES, SORE THROAT, INDIGESTION, Certain

Membray's

Cure for HEAD ACHES, DIZZINESS, LANGUID FEELING, SALLOW COMPLEXION, IMPURE BLOOD. At all Drug Stores or on receipt of price, charges

Kidney and Liver Cure

prepaid. Price One Dollar a bottle. Membray Medicine Co. of Pittsburgh, Pa. P. O. BOX 100, PITTSBURGH, CANADA.

Try Membray's Kidney and Liver Cure, a Pink Iron Tonic Pill, Large Boxes 25 cts.

MUSIC SCHOOL.

MR. EARLE'S engagement as Musical Instructor at Miss Russell's School having terminated by the closing of that institution, he has decided to continue the Musical Department in rooms in a central position. Instruction will be given in Piano, Organ and Vocal Music, all pupils having the privilege of attending private classes in Harmony, Sight Singing and Theory of Music. There is also in contemplation the formation of a Glee Club for Ladies and Gentlemen. The first term begins THURSDAY, 14th inst. Terms on application. d.w. t. sept7

CONCERT AND BASKET SOCIAL.

Opening of Winslow Food Hall

A Grand Concert and Basket Social will be held in the New Hall, Winslow, on MONDAY EVENING, 14th inst., beginning at 7.30. Admission free. sept7—tu th sat

TELEGRAPHIC.

SPECIAL DESPATCHES TO THE EXAMINER.

A Sad Fatality.

HALIFAX, Sept. 7.

A party of five hunters at Rawdon started on Monday. That night they sat round camp fire telling best stories. Two hours after they had retired to rest, John Woods got up to replenish the fire. John Constance, his cousin, awakened up a few minutes later, thought the noise made by Woods was that of a fox. He seized his rifle and fired. Search revealed the dead body of Woods, the victim of Constance's bullet.

Racing at St. Stephen.

ST. STEPHEN, Sept. 7.

The free-for-all race here to-day was not completed on account of darkness. A. L. Sipp's Brazilian took two heats, with Carvell's Speculation second, while Speculation has one heat with Brazilian second.

Senator Ferguson's Appointment.

OTTAWA, Sept. 7.

An order-in-council, calling Hon. Donald Ferguson to the Senate in place of the Hon. Senator Montgomery, has been signed by the Administrator.

Banquet to Lord Aberdeen.

LONDON, Sept. 7.

Lord Aberdeen is to be banquetted to-morrow by the Mayor of Liverpool, on the eve of his departure for Canada.

A DEVIL OR A SEA MONSTER.

But it Turned Out to be a Barrel of Charret that was Washed on the Ship Samaritan's Deck.

Capt. Dexter, of Messrs. Wm. Thomson & Co's iron ship Samaritan, tells a curious tale of the sea in a letter to that firm from Anjer. The Samaritan is bound from New York to Shanghai, and on the passage as far as Anjer experienced heavy weather. In one gale the ship was thrown on her beam ends, and when her lee rail was under water something happened which rivals any incident of the briny sea the novelists have yet given to the public. Capt. Dexter tells of it as follows: "When the gale was moderating one of the men came running aft to me with his sheath knife in his hand. He was much excited and with sly glances forward intimated that there was a devil or a sea monster on deck. I hastened forward and what I saw certainly did look like the devil himself. We got a rope about that which had been cast on our deck to stop it from knocking things to pieces and found it to be a cask of most excellent claret. It had been a long time in the water by the look of the cask, which was almost entirely covered with large clams and oyster-shell crabs. We have both the barrel and claret to substantiate this story. I gave a bucketful of the wine to the sailors, and so good did they think it that they soon forgot all about the gale, which our good ship weathered only because of her staunchness and seaworthiness."

The Mohammedan Paradise.

The Mohammedan paradise is a fairy-land. To enter it the believer must pass seven bridges, each of which he must answer questions relating to his past life. Having crossed the bridges he enters the entrance. There are thirteen doors. The first act is to take a bath, which gives to the body great brilliancy. This ablution of delight is built of bricks of gold and silver held together by a mortar of musk. Spring is eternal. Four oceans soothe the senses—one of water, one of milk, one of honey, one of wine. Waves of perfume envelop them so powerful to be noticeable every five hundred days' march away. Lastly come the castles of the hours—seventy castles with seventy rooms, containing everything that is powerful to be noticeable every five hundred days' march away. Lastly come the castles of the hours—seventy castles with seventy rooms, containing everything that is powerful to be noticeable every five hundred days' march away. Lastly come the castles of the hours—seventy castles with seventy rooms, containing everything that is powerful to be noticeable every five hundred days' march away.

MARRIED.

On Tuesday, Aug. 29th, at Nonesuch, by the Rev. Gregory McDonald, Patrick Kelly, Albany, Lot 27, Mrs. Louisa Conolly, Maple Plains, Lot 27.

LOCAL NOTICES.

Advertisements under this heading charged for at the rate of ten cents per line.

D. A. Bruce is opening a fine stock of fancy groceries and suitings. Prices are away down.

Chamber's new edition of Encyclopedia complete in ten volumes now in stock—Haszard & Moore.

Music.—Miss Amy Moore wishes to make known to her music pupils, and to any other persons of taking lessons, that she will resume teaching on Monday, Sept. 13th, at her residence, Kent Street East. sept4—eod 2w

SHIP NEWS.

Port of Charlottetown.

ENTERED. Sept. 6.—Str Fastnet, Churchill, Halifax; str Polino, Lachance, Montreal; Welcome, Smith, Bouchette.

CLEARED. Sept. 5.—Ranger, McDonald, Pictou; str Fastnet, Churchill, S'ide; Ocean Bride, Smith, Cocagne; Welcome, Smith, Bouchette; str Polino, Lachance, St. John's, N.B.

LIBERAL-CONSERVATIVE CONVENTION.

Upon the requisition of a large body of the Electors of the County of King's County, a meeting of the Delegates representing the different Political Divisions of the Murray Harbor District will be held at Glen William School-house on SATURDAY, 20th September, at 3 o'clock, p. m., to decide as to which of the candidates proposed at the late Convention shall run to represent the property and which the franchise vote, and to confirm said nomination.

JAMES CLOW, Vice-President of Association. Murray Harbor North, Sept. 1, 1893. dy & wy

HAVING LEASED

THE

QUEEN HOTEL,

Halifax, Nova Scotia,

The Lessee takes great pleasure in announcing that the rates are: Upper Floors, two in room, \$1.50 per day. Single Rooms, \$1.75, \$2.00 and \$2.50 per day, according to location.

This great reduction in rates will not in any way impair the present efficiency of the Hotel either as regards the service or cuisine. A single trial will convince any one of the fact.

A. B. SHERATON, Manager.

An Inspection

of our Guernseys will convince anyone of the excellence of this breed of Dairy Cattle. Come and see for yourself.

E. R. Brown

CHARLOTTETOWN

TO-DAY the trial races for the selection of the America's Cup defender against the Valkyrie will open under the auspices of the New York Yacht Club. Not less than three or more than five races will be sailed to test the question of superiority between the rival aspirants for the honor of meeting the British challenger brought over by the Earl of Durrar.

No doubt we can cope successfully with our British rival in American waters, but we have to choose carefully the best material at our disposal, and to that end we are selecting to-day the best fitted for that great race. Where there is a multitude of boats of seemingly equal merit it may be hard to make a choice. But it's the easiest matter to make a choice when you want any CLOTHING, for we have the goods in every shade and color that taste could ask for in Naps, Ricuanas, Meltons, Serges, Scotch Tweeds, Canadian Pantings in endless variety. Yes, and we can build them for you to your heart's content. People to-day want style combined with cheapness. We excel in Stylish Garments. No better evidence of this is needed than the genteel appearance of our customers wherever you see them. Stand on any street corner and you can pick them out without difficulty as they pass by. Have some pride about you and join the great army of our customers.

JOHN T. MCKENZIE,

THE STAR TAILOR.

Charlottetown, September 7, 1893.

35 CASES

NEW FALL GOODS!

Now opening, 35 cases of New Goods, being the first instalment of our Fall purchases. More will follow in a day or two.

These goods are all personally selected in the best English and Scotch markets, all of the latest styles and very best values.

Everything fresh and new—no old stock. We have no time to describe, but it will pay to call and see the goods and get our prices.

MOORE & McLEOD,

Successors to Perkins & Sterns.

Charlottetown, September 7, 1893—tu th sat

Slaughtering -:- Everything!

Boots and Shoes, Readymade Clothing, Cloths, Cottons, &c.

All Must Go Before Removing to Our New Stores!

In order to make a Clean Sweep and not have to move much Stock to our New Stores, the Biggest Bargains you ever got will be given for the next three weeks at

J. B. MACDONALD & CO'S,

Charlottetown, August 13, 1893—tu th sat

WEST SIDE QUEEN STREET.