

Two School Groups On Parade Program

Two school chorus groups appeared on Schurmans School Parade last Friday...

The other schools who had contestants on the program were Misouche Convent, Hamilton and St. Eleanors.

The always popular Scholastic Quiz brought together two 1 to 3 classroom schools, Travellers Rest and Craquad.

The programme which the Schurmans School Parade will feature for this week is a presentation by the Ellerslie-Biedford school chorus...

READY FOR WORST

AMHERST, N. S.—(CP)—A new piece of equipment here, a salt spreader, has been placed in operation with the purpose of keeping streets free of ice and snow during the winter months.

Magistrate's Court At Summerside

In County Magistrate's Court yesterday morning before Magistrate R. S. Hinton, evidence was continued in the fisheries case...

In an assault case a youth from Freetown disobeyed a summons by failing to appear, and a bench warrant was issued for his arrest.

DIVORCE

Continued from page 1

Court of Divorce. It is necessary to outline its history since the Act of 1833 received the Royal assent.

At that time, the Lieutenant Governor was, in fact, the Colonial Governor of the Island.

By Letters Patent under the Great Seal of the United Kingdom bearing date at Westminster 13th December 1838, Her Majesty granted and declared that there should be thenceforth, within this Island, two distinct and separate courts to be respectively called the Legislative Council and the Executive Council.

The functions of the Court of Divorce were assumed by the new Executive Council and that Court sat intermittently until Confederation. The last recorded case before Confederation is apparently Capel v. Capel in 1864.

After Confederation

From the time of Confederation there were no sessions of the Court of Divorce until May 1946. Since that date, the Court has been holding regular sittings under the chairmanship of the Chief Justice, who has been acting as President of the Court under deputing commissions issued by the Lieutenant Governor.

The machinery of Confederation was apparently such that both the substantive law of divorce and the Court having jurisdiction to administer it continued the same as had previously been in force in the pre-Confederation Colony.

By the amending Act of 1949, the Provincial Legislature sought to confer concurrent jurisdiction in matrimonial causes upon the Supreme Court of the Province. The question in issue on the Reference is whether the Provincial Legislature can validly pass such enactments.

It is admitted by both sides that legislation concerning the substantive law of divorce is exclusively within the jurisdiction of the Parliament of Canada. It is also admitted that the Dominion Parliament has power to set up courts for the administration of any divorce legislation which it may pass, or confer such jurisdiction on existing Provincial Courts.

Legislative Powers

Going at length into the case law on the subject of legislative powers, the Chief Justice noted that the decisions of the British Columbia and Manitoba courts respectively on the question of the power of the Provincial Legislatures to confer appellate jurisdiction in matrimonial causes would apply equally to the conferring of a general jurisdiction to hear matrimonial causes in the first instance.

There is, of course, one distinction to be drawn between the situation in British Columbia and that in Manitoba, namely that the substantive law of divorce in Manitoba was introduced by Dominion enactment after Confederation whereas the British Columbia substantive law (as our own) was a continuation of the law prevailing when British Columbia joined Confederation.

This distinction, if pertinent, strengthens, rather than weakens, the view that the conferring of jurisdiction in divorce matters falls within the administration of justice in this Province.

Manitoba Decisions

The reasoning in the Manitoba decisions is the more cogent, and in the absence of Dominion legislation conferring jurisdiction and regulating procedure in divorce and matrimonial causes, a Provincial Legislature may confer such jurisdiction on a provincially constituted Court, and may regulate the procedure therein.

Legislatures in New Brunswick and Nova Scotia may not, since Confederation, have attempted directly to confer new divorce jurisdiction on the Courts of those Provinces but in 1948 Nova Scotia changed the constitution of the Court for Divorce and Matrimonial Causes from a single judge ordinary to such of the judges of the Supreme Court as the Governor General may from time to time appoint.

The Chief Justice dwelt with the objection of Mr. MacPhee that the powers of the Council were quasi-legislative following the then practice in England of divorce by private act of Parliament, holding that the Court of Divorce does not legislate but decides upon specifically enacted and limited grounds.

Power of Legislature. If no court were possessed of statutory power to administer the substantive law of Divorce, jurisdiction would, according to the principle laid down by Lord Hale in Board v. Board (1919), 43 D.L.R. 13, presumably be vested in the King's Courts of Justice. The

King's Supreme Court of Judicature is therefore an appropriate court to receive divorce jurisdiction and the Provincial Legislature has the power to confer such jurisdiction in the absence of Dominion legislation in the same field.

The Chief Justice concluded: 'The only authority of the Dominion Parliament to establish courts is under B.N.A. Act 101, and that power exists only in respect to the administration of the laws of Canada. Our law of divorce is a law of only Provincial application, and has its origin in a pre-Confederation colonial statute. It is therefore open to doubt whether the Dominion could constitute a court, or confer jurisdiction on an existing court, for the purpose of administering such a law.

ILKSEY, England.—(CP)—An apartment in this Yorkshire town was offered rent free. The catch is that it's on a hill with no bus service, and tenants are expected to carry out domestic duties at a nearby hostel.

ILKSEY, England.—(CP)—An apartment in this Yorkshire town was offered rent free. The catch is that it's on a hill with no bus service, and tenants are expected to carry out domestic duties at a nearby hostel.

ILKSEY, England.—(CP)—An apartment in this Yorkshire town was offered rent free. The catch is that it's on a hill with no bus service, and tenants are expected to carry out domestic duties at a nearby hostel.

ILKSEY, England.—(CP)—An apartment in this Yorkshire town was offered rent free. The catch is that it's on a hill with no bus service, and tenants are expected to carry out domestic duties at a nearby hostel.

NOTICE

In our endeavour for improvement at The Cameo Theatre, we have, for your entertainment installed a new Sound System.

Manager of The Cameo Theatre, Kensington, P. E. I.

WESTERN GUARDIAN

COMPETENT Complete Insurance Service. W. Boyd Bearsto Kensington.

UNLOADING car of coal Tuesday and Wednesday. Ralph MacCaull, Carleton.

LADIES' SAMPLE DRESSES. Cloth and Station Wagon Coats, Housecoats, blouses, Sweaters, Nylons, always the lowest prices. M. L. Frank MacKenzie, Summerside.

JOINT MEETING — A joint meeting of the Evening Circle and Young Ladies Guild of the Summerside Presbyterian Church was held on Monday evening in the Hall. Mrs. B. D. Coffin presided over the Worship Service of the W.M.S. which opened with the singing of a Christmas carol.

WEDNESDAY and Thursday 7:15-9:15. The Real Korean Story! Hits hard at your heart!

THE STEEL HELMET! Starring Robert Hutton, Steve Brodie, James Edwards.

THE STORY OF WHAT HAPPENED AT 8:30 P.M. ALL OVER THE WORLD!...

THE NEXT VOICE YOU HEAR... an M-C-M picture!

JAMES WHITMORE - NANCY DAVIS. Written by CHARLES SCHNEE. Starring by GEORGE SUMNER ALBRE.

ALSO LATEST NEWS OF THE DAY

PLAYING THURSDAY ONLY 'THE MAGNIFICENT YANKEE' With Louis Calhern

REGENT Today 3:30-7:15-9:15 Thursday 7:15 & 9:15

THE AIR FORCE SECRET STORY... that's never been told before! TARGET UNKNOWN

KING COLE COFFEE Your Favourite Blend

Wanted AT OUR NEW PLANT Thousands of Pounds CHICKEN and FOWL, Live or Dressed. Paying Highest Market Prices. JENKINS BROS. LTD. Summerside

REO THEATRE BORDEN Presents 'MY DREAM IS YOURS' Color by Technicolor Starring Jack Carson, Doris Day and Lee Bowman, with Adolphe Menjou, Eve Arden, and S. Z. Sakall. Showing Tuesday and Wednesday, Dec. 11th and 12th, 7:15 and 9:15 P.M.

CAPITOL Summerside Playing Today (Wednesday) Only 7:15-9:15

MILLAR'S STORE KENSINGTON P.E.I. One Week Of Specials & Clearance Lines. DEC. 12th. to DEC. 19th.

Ladies' Winter COATS—Sizes 11½ to 19½. Reg. \$42.00 to \$49.50—Clearing \$35.00 Ladies' HANDBAGS—Colors grey, wine, navy, brown, black. Reg. \$5.95—Special \$4.75 20% Discount on all Ladies' and Children's Sweaters Penguin Sock YARN—4 oz. skein ..... 95c Quilt PATCHES, 1 lb. \$1.20, or 2 lbs. .... \$2.30 2 Only—Men's SUITS—Sizes 38 and 40. Regular \$65.00—Clearing \$40.00 20% Discount on all Men's Station Wagon Coats, Parkas and Jackets.

20% Discount on all Boys' Parkas and Jackets. 2 Only—Men's Sheepskin Lined COATS—Sizes 36 and 38—Special \$16.00 Assortment of Women's Leather FLIGHT BOOTS—Sizes 6, 7, 8. Reg. \$10.50 and \$12.50—Clearing at \$8.50 SKATES—Clearing at Reduced Prices Women's sizes 3, 4, 5—Clearing ..... \$7.95 Men's Sizes 6, 11—Clearing ..... \$9.50 Boys' sizes 5—Clearing ..... \$7.95 Youths' Sizes 11, 12, 13—Clearing ..... \$5.95 Misses' Sizes 12, 13, 1—Clearing ..... \$6.95 Special Discount on all Toys, Christmas Cards and Christmas Decorations as we are clearing them out.

NOW IN STOCK FOR CHRISTMAS GIFTS Ladies' Nylon Hose, Slips, Nightgowns, Pyjamas, Panties, Head Squares and Blouses; Ladies' and Children's Wool Gloves; Men's Ties, Socks, Belts, Braces, Arm Bands, Garters, Gloves, Sweaters, Caps & Hats; Men's and Women's Flight Boots.

FOOTWEAR—For All The Family. Prices Right for the Quality. MILLAR'S STORE KENSINGTON P.E.I.

Change of Address R. C. A. F. RECRUITING UNIT Now Located In The JOURNAL BUILDING SUMMERSIDE, P. E. I. Phone 3223 ENLIST TODAY — ROYAL CANADIAN AIR FORCE

Elizabeth Arden Inspirations for Santa 'TWINKLE TOES'... a pair of jingling pixie felt booties... Elizabeth Arden's creamier, longer-lasting lipstick... AND a jewel-topped Perfumair filled with wonderful 'Blue Grass' or 'My Love' perfume... \$5.00 ENMAN DRUG CO. 'SERVICE TO THE SICK' We Deliver — Mail Order Dept. Dial 2626 SUMMERSIDE

GIFTS For Men TOP-BELTS... BELTS — Alligator pattern belts with chrome buckles. 1.50 to 2.00 Steerhide belts with assorted buckles. Price 2.50 TOP—LEFT... SHIRTS — Fine broadcloth shirts with his favorite collar style. Button and French cuffs. Prices range from 3.95 to 6.95 LEFT... TIES — A large assortment of plain, all-over patterns, polka dots, paisleys, etc. Price range from 1.00 to 2.00 CENTER... SPORT SHIRTS — In plain and patterns. Large choice of colors. Price 2.98 to 4.50 RIGHT... JEWELLERY — Cuff links and tie clasp sets, boxed. Price 2.50 to 3.50 Hundreds of gifts for men, including Gloves, Hosiery, Braces, Sweaters, Jackets — at popular prices. SMALLMATT'S NEVER TOO BUSY TO SERVE YOU

BIG RAILWAYS Australia has a total of 27,076 miles of government or state railways. OWBRIDGE'S TONIC COUGHS - COLDS