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CHARLOTTETOWN, CANADA, WEDNESDAY JANUARY 9, 1924

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MCLAGHLAN TO SERVE TERM IN PRISON

(Canadian Press.)

HALIFAX, N. S. Jan. 8—James B. McLachlan, deposed secretary of the United Mine Workers of America, District 26, has been denied a new trial by the Supreme Court of Nova Scotia and will be required to serve the sentence of two years imprisonment, passed upon him, following his conviction in October last, on the charge of having published a seditious libel.

McLachlan was tried on three counts, the publication of a seditious libel at Glace Bay, N. S., Thorburn, N. S. and Halifax respectively. He was found guilty on all three counts and sentenced to serve two years in the penitentiary for each, the sentences to run concurrently.

The Supreme Court today, on appeal, set aside the convictions as to Halifax, but affirmed the convictions in the Glace Bay and Thorburn counts.

GERMAN TREACHERY REVEALED

COBLENZ, Jan. 8.—That the German secret society is alleged to be collecting information against the forces of occupation with hostile intent, has been discovered by the French secret service, according to the French. It is known as the "Treuhaud" and professes anti-separationist motives but the French assert that it is carrying on anti-French propaganda from headquarters at Heidelberg.

Instruction Class For Labor Members

(Canadian Press,

LONDON, Jan. 8.—H. B. Lees-Smith former Labor Member, House of Commons for Keighley is arranging classes for new labor members of parliament for instruction as to parliamentary procedure. Inexperienced M. P.'s will be formed into groups and taken through a regular daily curriculum.

Condensed Specials

RATE.—2c per word, net each insertion in this column.

*WANTED—BOY TO WORK AT Queen Hotel. Apply at office. 3i

*FIREMEN, BRAKEMEN, BEGINners $150-$250 monthly (which position?) Write Railway, Box 116. 857-1-ms,8i

*BUY TOMLIN'S BREAD, THERE is a difference. R. N. Tomlin's Bakery, Phone 974. 1wk

*RUMMAGE SALE AT SALVATion Army Jan. 24. Any friends wishing to help if not called on phone 823. 1i

*WANTED—COUNTRY BOY FOR store, state age. Address. "X" Guardian. 772-1-3-5i.

AUCTION SALE THURSDAY JAN. 10th, of the Ch'town Milling Co., property. Don't miss it. 843-1-8-3i.

TWO BUSINESS COLLEGE STUDents can be comfortably accommodated in private home. Write "Z" C.O., Guardian. 842-1-8-3i.

*SMELTS WANTED—SHIP YOUR frozen smelts to the Earle Fisheries Co., Charlottetown. Highest cash price paid. 770-1-3-6i.

*TO LET—SIX ROOMED HOUSE 15 Chestnut Street, also large barn, Grafton Street, suitable for warehouse purposes or stable. Apply this office. 2i

CLEARANCE AUCTION—AT IRA Shaw's, West Cove Head, Wednesday, Jan. 16, one o'clock sharp of farm, stock, crop, implements and household effects. See handbills.—Benj Carter & Son, Auctioneer. 838-1-8-2i

*PRIVATE SALE OF FURNITURE including antique tables, dressers, rugs, chairs, and household articles; also valuable water colors and etchings. Inspection between 2 and 5 p.m. A. A. Pomeroy, 12 Brighton Rd.—1wk,

JUDGMENT GIVEN YESTERDAY RE THE SIMS PACKING CO.

Application to Set Aside an Assignment Under the Bankruptcy Act Was Dismissed by the Chief Justice.

The following judgment was delivered yesterday by the Chief Justice:

In the Supreme Court of Bankruptcy

In the matter of the authorized assignment of the Sims Packing Company, Limited.

Application to set aside assignment.

On the 19th day of December A. D. 1923 the assignment in this matter was duly accepted and filed by the Official Receiver together with a sworn statement of affairs required by the Statute. The instrument purporting to be an assignment under "The Bankruptcy Act" appears to be executed by "The Sims Packing Company Limited" under the seal of the Company verified by the signature of "J. C. Sims, President," and "Gil. Gaudet. Secy."

Immediately after the acceptance of the said assignment the Official Receiver appointed as custodian The Eastern Trust Company which filed the necessary security and entered upon the duties of its office.

On the 26th day of December 1923, a notice of motion herein was served upon the said J. C. Sims and Gilbert Gaudet, H. L. Palmer, Official Receiver, and C. H. B. Longworth, Manager of The Eastern Trust Company. The notice is signed "J. A. Bentley, Solicitor for the Sims Packing Company, Limited" and the motion is that the said assignment be declared null and void and be set aside and that no further proceedings be had or taken thereunder on the grounds:

1. That the said assignment was not made or executed by The Sims Packing Company Limited.

2. That the seal purporting to be the seal of The Sims Packing Company, Limited, affixed to the said assignment, was not affixed thereto with the authority of The Sims Packing Company, Limited or of the directors or shareholders of the said Company.

3. That the persons who purport to execute the said assignment on behalf of the said The Sims Packing Company, Limited, and who signed their names thereto and purported to affix the seal of the said Company thereto, were not authorized to do so by The Sims Packing Company, Limited, or by the directors or shareholders of the said Company, and had no power or authority to affix the seal of the said Company to the said assignment.

4 That John C. Sims, who signed the said assignment as President of The Sims Packing Company, Limited was not the President of The Sims Packing Company, Limited at the time the said assignment purports to have been made or executed and that Gilbert Gaudet who signed the said assignment as Secretary of the said company was not the Secretary of The Sims Packing Company Limited at the time the said assignment purports to have been executed, and that neither the said John C. Sims nor the said Gilbert Gaudet were authorized to sign or execute the said assignment by The Sims Packing Company Limited or by the directors or shareholders thereof.

The motion came on to be heard before me at Chambers on the 2nd day of January 1924 and the hearing continued up to and on the 5th day of January instant when the decision was reserved.

For convenience the party supporting the assignment will be referred to herein as the "assignor" and the party applying to set it aside as the "applicant."

The assignor took the preliminary objection on the hearing that no provision was made under the Bankruptcy Act for attacking an assignment for invalidity and that the application should therefore be dismissed. I do not think that objection is well founded. It is true that the Bankruptcy Act makes no specific provision for testing the validity of an assignment upon such grounds as are set forth in this application, but the inherent jurisdiction of the Supreme Court is wide enough to embrace all such cases and may properly be invoked in this instance.

On the face of these proceedings The Sims Packing Company, Limited appears both as the assignor in Bankruptcy and as the applicant to set aside what purports to be its own assignment. No precedent for such a mode of proceeding was shown and so far as I am aware it is unprecedented. But the competency of the applicant to proceed in that character and form was not challenged and in the view I take of the case it is not necessary for me to deal with it. I shall therefore assume that the application is regular in form.

Next as to the burden of proof: The assignment comes before me correct and regular on its face. Its effect is not confined to the Sims Packing Company. It involves the interest of all the creditors of the company. These creditors are in the position of outsiders dealing with the Company without notice of any defects in the internal operations of the Company.

On the other hand the applicant must show its title and authority in limine. It comes into Court with no presumption of competence or authority in its favor.

The first, and it may be the determining question, therefore is: Has the applicant established a status in this Court?

It puts in evidence a document purporting to be an authorization for its application, which has been read. It does not purport to be a resolution of a Board of Directors nor to be authorized by any meeting of directors or shareholders; but for the present I shall assume that it confers such authority as could be given by the resolution of the Board of Directors, claimed to have been elected at the meeting of the shareholders of the Company held on the third day of December last.

A short review of the history of the Company will throw some light on the situation of that day.

The Company had been promoted by J. C. Sims and was incorporated by Letters Patent under the Great Seal of this Province, June 1915, for the purpose of carrying on the business of packing meats, etc.

Sims was then, and continued to be, the largest stock holder in the Company. He was a director, President and General Manager, of the Company from its inception until December last. The Company had been prosperous for a number of

(Continued on Page 3)

VENIZELOS NOW OPTIMISTIC RE GREEK UNITY

(Canadian Press)

LONDON, Jan. 8.—Ex-Premier Venizelos of Greece has recovered from the indisposition with which he was seized during the initial session of the new Assembly and seems to be planning to become Foreign Minister in the new cabinet says a despatch to Reuters from Athens today. He is reported to have become optimistic regarding the achievement of unity within the nation.

"Everything" adds the despatch "points to a definite overthrow of the Glucksburg dynasty."

DUBLIN STOCK EXCHANGE STEADY

(Canadian Press.)

DUBLIN, Jan. 8.—The first appearance of Irish Free State loan bonds on the Dublin stock exchange caused extensive and excited dealings. Everybody wanted to buy at the outset and quotations quickly reached 99 or four points higher than the issue price. The market closed steady at the best point touched.

Island Missionary at Bantang, China

(Canadian Press)

ST. LOUIS, Jan. 8.—A statement issued by the United Christian Missionary Society today discloses that a Canadian Missionary is among those stationed at Bantang China, where bandits are reported to have been active. He is R. A. MacLeod, a native of Prince Edward Island, who with his wife and three children has been stationed at Bantang for some time. Officials of the society said they did not believe any missionaries had been molested.

NON SUIT IN CONTRACT CASE

The Suit was for Work Done on Church at Kelly's Cross

In the Supreme Court yesterday judgment for the defendant was given by Mr. Justice Arsenault in the following case:—

Bernard F. Creamer vs. The Roman Catholic Episcopal Corporation of the Diocese of Charlottetown.

Following was the judgment:—

The declaration of this action is on the Common indebitatus Count. The pleas are, 1st, Never indebted 2nd, Payment.

The facts are these: In the early part of 1915, tenders were called for the rebuilding of the church at Kelly's Cross, a Roman Catholic Parish in Queen's County, whose Parish Priest was then and still is the Reverend Thomas Curran. The contract for the rebuilding was awarded to the plaintiff. A contract was drawn up dated 31st March, 1915, purporting to be made between the plaintiff of the one part and "the priest in charge and the building committee of the Parish of Kelly's Cross of the other part," but as a matter of fact this was only signed by the plaintiff and Thomas Curran, Pastor of Kelly's Cross Parish, the building committee owing to some disagreement, refusing to sign. On the refusal of the Committee to sign, the plaintiff said he did not care whether they signed or not as he was looking to the Bishop for payment.

The work was entered upon and proceeded to a certain point that year and was continued in 1916. There were no inspectors appointed, but the Parish Priest, Rev. Thomas Curran, acted in that capacity and the work was done under his supervision, certain changes being made in the specifications.

The plaintiff claims that one or two days before he finished the work of building, Mr. Hunter, the architect, came and that he and Hunter walked around the building inside and out and that he did not find any fault with it, nor did he point out anything that he, Creamer, was to do. This was in the summer of 1916. Further, that on the day he was leaving after his alleged completion of the building, he and Father Curran were talking on the piazza of the Parochial House and that Father Curran said, "Now Creamer, I have no money to give you today" and that he, Creamer, said, "I want some money" to which Father Curran said, "I have none to give you, but according as I get it I will give it to you and what I am not able to pay, I will give you interest on it." and that he, Father Curran, sent

Continued on Page 3

T. A. CRERAR

Former leader of the Progressive party, who may be called into Premier King's cabinet. It may lead the way for a rapprochment of Liberals and Western Progressives.

GERMAN FINANCES RECOVERING

(Canadian Press.)

BERLIN, Jan. 8.—Germany's finances as reported in the statistics of the Ministry of Finance covering the last ten days of December continue to reflect a state of convalescence which fills official quarters and editorial analysts with pride and hope.

him money on two occasions after this. This evidence is not contradicted.

On this statement of the case, the plaintiff claims for the balance due him on the contract and on some extras.

At the close of the plaintiff's case, Mr. Johnston, K. C., on behalf of the defendant, moved for a non suit on four grounds:

1&2. That the action, if any, is founded on a written contract under seal to which the defendant is not a party and the plaintiff should have brought his action on that contract.

3. That this is for money payable for the building of a church and there is no evidence that the land on which the church is built belongs to the defendant and there

Continued on Page 3

BRITISH PARLIAMENT HAS ENTERED FATEFUL SESSION

MAY BE LABOR CHANCELLOR

Philip Snowdon, who may be Chancellor of the Exchequer, if Labor is called to form a government in Britain.

CANADIAN SCHOONER AS RUM-RUNNER

(Canadian Press.)

GALVESTON, Tex., Jan. 8.—The Muriel E. Winters, captured by the United States coast-guard forces outside the three mile limit on Sunday on suspicion of being a rum-runner, is a Canadian vessel it was disclosed by the officials here this afternoon. She is registered at Lunenburg, N. S., and the owner is said by the officials to be Samuel Shaw of Dartmouth, N. S. and chartered by H. E. M. Johnson of Nashu.

The Captain and engineer are American citizens and the crew are West Indians.

Split in Ranks of Labor Party is Rumored

(British United Press)

LONDON, Jan. 8.—The parliamentary session which political experts predict will be one of the most fateful in the modern history of Great Britain got under way this afternoon when the newly elected members of the House of Commons took their seats. The critical nature of the session was evidenced by the large number of members arriving early to claim seats.

LONDON, Jan. 8.—Rumors persist of a split already in the Labor party between the moderate elements supporting MacDonald and the Radical "Clyde Brigade" who were a thorn in the flesh of the party leaders during the last session and who today demand swift movement along socialistic lines disregarding entirely the advantage of party unity at this critical time.

Contrary to the general report MacDonald will not accept the office of Foreign Secretary but will give that position to J. H. Thomas. Lord Parmoor will likely be the next Lord Chancellor and Lord Haldane is generally accepted to be Minister of Education.

MacDonald and other Labor leaders are refusing all interviews but a full exposition of the intentions of Labor will be revealed tonight in the great victory celebration at Albert Hall when the Labor multitudes from all over the kingdom will gather to celebrate their approaching triumph.

NO CRIMINAL DOCKET AT THE SUPREME COURT

Grand Jury Reported Very Favorably Upon Condition of Public Institutions—More Bars For Jail Windows Recommended—Absence of Criminal Cases Commented Upon by Chief Justice

The Hilary Term of the Supreme Court for Queen's County opened yesterday morning with His Lordship the Chief Justice and Associate Judges on the Bench. An unusual feature and one which received favorable comment from His Lordship was the absence of any criminal cases on the docket. In accordance with the custom usual on such occasions his Lordship was presented with a pair of white gloves.

The Grand Jurors were sworn and after receiving their charge retired to inspect the public institutions. At 5 p. m. they returned with the following report:—

Grand Jury's Report

To the Hon. John A. Mathieson, Chief Justice, and Associate Judges May it please your Lordships:

The Grand Jury empanelled for the present session of Queen's County Supreme Court view with satisfaction the report made by his Lordship, the Chief Justice, that there are no criminal cases for trial at this Court. So far as the Grand Jury is aware (and this is borne out by the remarks of the Chief Justice) it has been a long time since a session was held in Queens County without a criminal case. It is a matter of supreme satisfaction to the Grand Jury and the people to find that law and order have been so effectively maintained.

The Grand Jury further view with satisfaction the signs of peace and tranquility obvious on all sides at the present time and hope it may long continue.

The Grand Jury visited the Jail and found the premises clean and tidy and the sanitary arrangements satisfactory. It is recommended that more bars be added to some of the windows and all windows be protected by heavy close screen wire to prevent communication between the prisoners and the outside world.

The Grand Jury also visited Falconwood Asylum and after a thorough inspection of every department found it in perfect condition throughout. The food appeared to be of the best quality. The building is over-crowded as there are now 307 patients, whereas the building was designed for only 240. It is recommended that increased accommodation be provided as the number of patients increase yearly by some ten or twelve. Additional fire escapes are also necessary.

The Infirmary was kept in excellent condition and provides a very comfortable home for the poor aged people housed there.

The Sanatorium was also visited and the same efficiency noted.

The Medical Superintendent and staff are to be highly commended for the general splendid condition throughout.

GEO. J. ROGERS,
For self and fellows.

In discharging the Grand Jury his Lordship commended the manner in which they had performed their duties and assured them that the report would be given due consideration.

Following were the Grand Jury:—George J. Rogers, (Foreman,) Charlottetown; Joseph Webster, Dunstaffnage; Edward F. Acorn, Charlottetown; Roderick McKinnon, Alexandra; Artemas Coffin, Glenroy; Hedley V. Weeks, Charlottetown; William Peardon, Charlottetown; John Timmons, Mount Stewart; J. Walter Jones, Bunbury; Bruce McLeod, Granville; J. A. S. Bayer, Charlottetown; S. A. McLeod, Charlottetown; George D. DeBlois, Charlottetown; Henry Court, Charlottetown; Patrick Brothers, Vernon River; John A. MacDonald, Charlottetown; John Andrews, East Royalty; Leonard Court, Donaldston; James Miller, French Fort; Moses Byrne, North River; Frederick Hughes, Bedford; Theophilus Ling, Wheatley River; Joseph Ryan, Charlottetown.

The Court adjourned until 11 a. m. Monday next.

Morning Session

In addressing the Grand Jury at the morning session his Lordship the Chief Justice said that this was the first time since his advent to the judgeship that the symbol of a docket free from crime had been laid on his desk in this Court. This was a most fortunate opening for a New Year and he hoped that the position which this

Continued on Page 3

MONTHLY MEETING Y. M. C. A.

The regular monthly meeting of the Charlottetown Y. M. C. A. took place last evening in the Board Room with the President Mr. J. A. Clark in the chair. Others present Were Messrs J. D. Jenkins, R. H. Jenkins, A. C. Duchemin, W. A. Stewart, J. A. McMillan, D. F. Bethune and R. A. Pendelton.

The meeting was opened by devotional exercises lead by Mr. J. A. Clark. The minutes of the last meeting were then read and adopted.

A vote was taken on the constitutional convention proposal No. 2 for a change in the constitution of the Young Men's Christian Association.

Reports from the various committees were then presented and adopted.

Mr. George C. Walker was appointed Assistant Secretary for the balance of the Y. M. C. A. fiscal year.

Letters were read from the National Council, Toronto, in connection with a large meeting to be held for members of the various boards of directors of the Canadian Association.

On motion from the chair the meeting then adjourned.

Full reports of the secretary and various committees will appear in tomorrow's issue.

CANON BARNES SAYS DON'T SELL STOCK

(Canadian Press.)

LONDON, Jan. 8.—An unusual incident occurred in Westminster Abbey at the service last evening when Canon Barnes, in the course of his sermon advised the congregation not to sell their British stocks because of the present political situation. A country with such a fundamental unity as the British people possess, he said, could rejoice in its democratic constitution and the British people had no cause to fear the consequence of political change. Canon Barnes is regarded as one of the finest intellectual lights among English clergy.

NEW DOMINION IMMIGRATION SCHEME

Major Gordon, Brother of J. P. Gordon, City, is Commended

The following appears in the Edmonton Bulletin of December 21st, 1923:—

Directly as a result of the successful manner in which the Edmonton branch of the Soldier Settlement Board arranged both the vexed questions of the Hebridean settlers and the British harvesters an enlarged system of immigration from the old country is to take place next spring, when farm hands from the United Kingdom will be brought here under the aegis of the S. S. B. and placed on farms throughout the Dominion.

Yesterday instructions were received from the Minister of Immigration and Colonization by the local branch of the S. S. B. to at once proceed with a survey of the farm jobs which will be open next spring. Today already some thousand circulars are in the mails addressed to farmers and inviting them to advise the board of their requirements. Having already a list of some three thousand farmers which was compiled for the placing of the British harvesters an immediate start could be made, but this is not being relied upon, and the field supervisors throughout this area will proceed immediately with compiling a list of prospective jobs for the Britishers.

A new department—the Land Settlement board—has been established as part of the S. S. B., and it is expected that this section will be responsible for greatly enlarged immigration schemes in the near future. From the data received here it is apparent that the Minister of Immigration anticipates a large influx of British settlers, and plans for the proper handling of the men have been evolved. In contrast to the haphazard immigration systems of the past, in the present instance nothing is being left to chance, and the scheme is apparently moulded very much on the methods employed by the Edmonton branch of the S. S. B. in handling the Hebrideans and the harvesters.

Continued on Page 3

PROGRESS IN REVOLUTION MOVEMENTS

(Canadian Press.)

MEXICO City, Jan. 8.—The official government reports upon the Mexican Military Situation indicate that revolutionary movements confronting the Obregon government on the east, west and south of Mexico City have not progressed materially since the first rebellious activity broke out just a month ago, while the federal armies are constantly improving in organization and positions and the government is daily strengthening both domestic and international relations.

U.S. Aviators Now Ready For Round Globe Flight

(Canadian Press)

SANDIEGO, Jan. 8.—Details of the round the world flight of four United States army aviators starting from Seattle, April 2, were made public today by Major Henry Harnold, Commander of Rockwell Field.

America is not going to achieve this feat without a picturesque battle. Great Britain and Portugal have been preparing for months for a round the world flight and it is significant that both these countries will attempt a globe air voyage on April 2.

(Canadian Press.)

MONTREAL, Que., Jan. 8.—A special from Ottawa says. "The Railway Commissioi is about ready to bring down its decision with regard to the application of the Maritime Provinces for a reduction in freight rates and it is understood some reduction will be proposed.

Announcements, Coming Events, Meetings, Etc

RATES.—2 cents per word each insertion.

**Catholic Women's League rummage sale Tuesday, Market Hall 1i

**The Crapaud Creamery Co., will hold their Annual Meeting in the Ladies Aid Hall, Crapaud on Tuesday the 15th inst, at 2.30 p.m. All patrons are invited. D. McLean Sec'y. 840-1-8-5i

The Weather, Etc.

TORONTO, Jan. 9— Maritime forecast: moderate west and south west winds; fair and a little mild.

Temperature yesterday: Max. 10 Min. 4.

High tide this afternoon at 1.19 and tomorrow morning at 12.45.

Sun sets this afternoon at 4.55 and rises tomorrow morning at 7.40.

First quarter moon, Sunday, Jany 13th 6.45 p. m..

Summerside tide eighteen minutes later than Charlottetown.