

Ask \$100,000 From City Council For New Addition to Hospital

Present Equipment Termed Antiquated And Insufficient

Request Made by Board of Trustees of Victoria Public Hospital; Also Request City to Back \$250,000 Bond Issue; New Structure to Cost \$330,000

Stating that the accommodation and equipment at the Victoria Public Hospital is antiquated and insufficient, the Board of Trustees of that institution, through spokesmen Luke S. Morrison and W. G. Clark, M.P., asked the City Council to guarantee a bond issue of \$250,000 for the purpose of building a new addition onto the hospital, and otherwise adding to the present inadequate facilities, and further, to provide \$100,000 to be used for the same purpose. The request, stated by Deputy Mayor Ray T. Forbes to be one of the largest financial requests ever received by the City Council, was made at last night's regular monthly session of the Council meeting as a committee of the whole.

To Cost \$330,000

The new addition, it has been estimated by architects employed by the board, will cost in the vicinity of \$330,000, part of which, it is expected the Countess of York, Sunbury and Queens will provide. It was stated that greater maternity and semi-private accommodation is especially needed. The matter was left to the finance committee to discuss with the hospital board at a later date.

Other matters were discussed, and a grant of \$400 was made to the Children's Aid Society to enable that body to continue its good work for the remainder of the year. On motion of Ald. B. R. Ross it was decided to support to the utmost extent the decisions of the Town Planning Commission, and to order all applications for building permits pass through the hands of the commission.

Mrs. H. V. B. Bridges, 737 George Street, appeared before the Council to make a personal appeal to have the deep gutter in front of her home made uniform with the depth of the gutter across the street and at other points along the street. She stated that she had written to His Worship the Mayor, the roadmaster, and Ald. David McCaughy, chairman of the Roads and Streets Committee, but that no action had been taken. Deputy Mayor Ray T. Forbes supported the statement of Ald. McCaughy that the matter will be taken care of immediately.

"A large portion of the accommodation of the hospital is antiquated especially that in the old building, and the overcrowding of late has been a very serious matter," stated Luke S. Morrison, speaking for the Board of Trustees of the Victoria Public Hospital, which appeared before the meeting.

"We have looked into the matter of increasing the accommodation," he continued, "and we have appeared before you this evening to ask for financial assistance in this work."

The total cost of the proposed addition, he said, would be about \$330,000.

Ask City for \$100,000

The board asked the city to guarantee a bond issue of \$250,000, the city to look after the principal and interest of \$100,000 worth of these bonds.

The board feels very strongly that the extension is needed, he said. It is planned to provide about 104 beds, besides the 27 at present in the Fraser building. The old frame building contains about 50 additional beds, he said.

It is hoped that assistance will be received from other quarters also, he stated.

On question of Ald. F. S. Mundie, Mr. Morrison stated that the board has received no pledge of financial support from the York County Council as yet.

W. G. Clark, M.P., stated that he has realized for some time the overcrowded conditions at the hospital,

and he stressed the importance of keeping hospital service and equipment to date. "It is impossible to give the best service now in the old building," he said.

Board Will Provide Balance

If the city will provide \$100,000, the board will undertake to provide the balance, he stated. The main difficulty he said, is that there are not enough private rooms for those seeking hospital attention.

On question by Deputy Mayor Forbes, Mr. Morrison stated that the board wished the Council to handle the bond issue and dispose of it at the most favorable rate, because it was realized that the board could not sell its own bonds.

More maternity and more semi-private accommodation especially is needed. He stated that the cost per bed in the proposed new addition will be approximately one-fifth the cost per bed of the Fraser building.

Ald. McCaughy expressed great surprise at the large amount of money requested, and intimated that the new building might be constructed for considerably less.

Immediate Action Needed

Mr. Morrison invited the Aldermen to visit the hospital and see the bad conditions which exist, stating that they can see for themselves that immediate drastic action is necessary. The public is demanding greater hospitalization facilities than ever before, stated Dr. Arthur VanWart, member of the board, in explaining the necessity of greater accommodation.

A letter from G. W. Babbitt, Toronto, owner of the field separating the end of Union Street from University Avenue, was read, requesting that the city buy the lot, thus enabling the extension of Union Street. It was referred to committee on motion by Ald. B. R. Ross, seconded by Ald. Murray Hagerman.

A letter from Montague Snyder, Brandon, was received, in which the writer asked the city to send photographs and a writeup of the city or province for publication in souvenir tourist pamphlets.

The line between the Parish of New Maryland and the City of Fredericton was surveyed and the Council was asked to pay half the cost in a letter from parish officials.

\$400 Grant

A letter from Dr. W. C. Kierstead, dean of the Arts Faculty of the University of New Brunswick, was read, in which Dr. Kierstead thanked the Council for past assistance, and asked for an additional grant of \$400 to the Children's Aid Society. The grant was made on motion of Ald. Ross seconded by Ald. Hagerman.

The Town Planning Commission then asked the Council to stand behind the Commission in its decision upon building applications, and to prosecute violators of the N. B. Town Planning Act, 1936.

Phillips Convicted on First Bigamy Charge

Jury Disagrees 8 to 4 Over Guilt of Accused In 2nd Bigamy Charge

Crown Prosecutor A. R. Murray to Confer With Attorney-General's Dept. Over Procedure to be Followed as Result of Disagreement

After six full hours spent in deliberation on the case of the Crown vs. Wilfred Phillips on two counts of bigamy, Hiram Manuel, foreman of the petit jury, last night brought in a verdict of "not guilty" on the first count of the indictment and stating that the jury failed to agree on the last count. He stated to the court that eight men were in favor of acquittal, while four held

It was not stated last evening what the prosecution proposes to do, and when the second count will be tried again. Asked his intentions by the Court, the Crown Prosecutor stated that he wished to confer with the department of the Attorney-General before proceeding. The accused was released on his own recognizance of \$3000, to appear when wanted in court, upon petition of C. L. Dougherty, defence counsel.

The following jury tried the Phillips case: Hiram Manuel, Hawkshaw; Robert Hay, Canterbury; Fred W. Leslie, Fredericton; Roy Merrill, Marysville; Edgar Schriver, Pinder; Guy Davidson, Lower Southampton; James Robbins, Cross Creek; Fred McBain, Taymouth; Marshall MacLaggan, Nashwaak Bridge; Fred Bennett, Cross Creek; and Allen Gray, Prince William.

The jury returned to the Court at approximately 11 o'clock and asked for further instruction. Spokesman Hiram Manuel stated that the jury wanted the decree of divorce of Hildred I. MacLean from the accused, and also the decree of Myrtle R. Kelly.

His Lordship stated that there was no decree in evidence but stated "The evidence you have before you about that decree is that of Hildred I. MacLean of having obtained a divorce decree in Caribou, Maine. There is no evidence of a decree of Myrtle R. Kelly from the accused."

W. J. West for the defence reminded His Lordship of the decree of Myrtle R. Kelly from her first husband, Charles Bell.

His Lordship told the jury that the evidence on this decree was that of Myrtle Kelly that she had received a decree in Maine on the grounds of adultery.

Foreman Manuel then asked what legal effect the omission of names of witnesses on the marriage certificate of the accused and Myrtle R. Kelly would be.

His Lordship replied that they had the evidence of Rev. Mr. Kirschebaum that the marriage was conducted according to the ordination of God and the Laws of Maine.

"If you believed this evidence," he said, "which states that the ceremony complies with the laws of Maine, from the fact that there were no witnesses signed, it would be evidence that no witnesses are required in that state, and the marriage was a valid one."

W. J. West, in his address to the jury emphasized several technical points concerning the marriages and the divorce of Hildred I. MacLean from the accused.

Particular emphasis was placed on the confusion which arose from the fact that Joseph E. Wilson had not been gazetted as having authority to solemnize marriages at the time he married the two, Hildred I. MacLean and the accused. He also brought up the second marriage and the question of its validity on the grounds that the certificate was not signed by witnesses. He stated that the court did not know whether witnesses were required in Maine or not and for that reason had to give the benefit of the doubt to the accused.

He also submitted that the divorce of Hildred I. MacLean was valid, and concerning the matter of domicile, contended that the prosecution had failed to prove the domicile of the accused at the time of the divorce, and that he on this point also, must receive the benefit of the doubt.

Speaking for a little more than an hour, His Lordship reviewed the evidence which was brought into court during the trial and especially explained several points having great bearing on the case.

He first dealt with the first charge, that being that the accused committed an act of bigamy when he married Mabel K. MacDonald, being already married to Hildred I. MacLean.

Was Marriage Valid?

"The first question you must consider there," he said "is whether the first was a valid marriage?" He re-

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minded the jury briefly of the evidence of Hildred I. MacLean and her description of the ceremony, and stated that the ceremony described by Miss MacLean complied with the statutes. He also stated that the defence did not dispute the validity of the form of the ceremony.

He read a section of the statutes stating that a man must be registered to perform marriages in the province before the ceremony is valid. He mentioned the evidence of George M. Byron, King's Printer, the copies of the Royal Gazette, and the records which were produced in evidence. He first spoke of the evidence that the first marriage had been performed by Joseph E. Wilson, the copy of the Gazette authorizing Robert E. Wilson to solemnize marriage, and the evidence of Mr. Byron that he had changed the name of the records from Robert to Joseph, and the copy of the Gazette giving notice of the correction.

He again mentioned Mr. Byron's evidence, stating that the witness said that Joseph E. Wilson was the man who made application for permission to solemnize marriage ceremonies. "My instruction to you, gentlemen," His Lordship charged "is this—If you believe the evidence of Mr. Byron, and accept the evidence of the Royal Gazette, that that is sufficient to validate the authority of Rev. Joseph E. Wilson to perform marriages from the time of the notice giving Robert E. Wilson the authority.

"If I am wrong," he added "there is a higher tribunal to correct me; but for the present, if you believe the evidence, and it is up to you and you alone to decide whether to believe or not, you must find that this first marriage was valid."

Considers Divorce

His Lordship next dealt with the divorce of Hildred I. MacLean from the accused. It is the duty of the Crown, he stated to show that the marriage was subsisting at the time the other one occurred. He referred to the evidence of Miss MacLean on this, and stated that if the divorce was good, then the first marriage was not in effect when the latter took place.

"You must decide whether or not the divorce is good," he stated. He explained the law in connection with divorce, saying that divorces from bona fide courts were accepted but that it depended upon the domicile of the parties in question. To be valid in Canada, a divorce must be granted from a court under whose jurisdiction the parties are domiciled. He explained that residence implied intention to accept the place as a domicile, and it was up to the jury to decide whether the accused was domiciled in Maine where the divorce was granted.

Question of Domicile

He mentioned that the accused was quoted in evidence as showing his home in Canada, and that evidence as given to the effect that his residence and places of employment also were in Canada. "This," stated His Lordship "if you care to believe it, is evidence, although not conclusive, of domicile, and there is sufficient evidence, if you do believe it, that he was domiciled in New Brunswick."

"I shall instruct you further," he said "as a matter of law, if at the time he was divorced from Hildred I. MacLean you find that he was domiciled in New Brunswick, then that divorce is not valid. Whether or not you find this evidence depends on you," His Lordship added.

He also stated that if there was any evidence of the accused ever

having lived in any other country than Canada, he couldn't recall it.

He also instructed the jury that it had to find that the accused was domiciled in New Brunswick to remove the doubt put by the defence, or otherwise would have to find that the divorce is valid.

Ignorance No Defense

In referring to the evidence as to whether or not the accused felt that the divorce was valid, His Lordship reminded the jury that ignorance of the law does not justify the breaking of it.

His Lordship definitely charged the jury that they would have to find that the accused was a British Subject, resident in Canada, and that he did not go to Maine with the intent of going through a marriage ceremony, before they could find him guilty. In this connection he spoke of the evidence of the accused pointing out his birthplace to Myrtle Kelly, and the documents before the court.

In dealing with the second count, he reminded the jury that it depended on the marriage to Mabel K. MacDonald on July 1, 1937. "If you believe the evidence," he stated "you will find ample evidence that the form of marriage complies with the statutes."

On the other hand, if the jury found that the marriage was not valid, either by lack of authority of Joseph E. Wilson or by the invalidity of the divorce, they then must consider the marriage to Myrtle Kelly, he told them. In connection with this, he also stated that if the members of the jury believed the evidence of Myrtle Kelly and the other witnesses, they could then find evidence that the marriage to Myrtle Kelly was valid.

He charged them that the prisoner had the benefit of the doubt, and warned them that the issue was to be considered by them, not from standards of morality or from personal feeling for or against the accused, but solely on the evidence presented in the court.

His Lordship concluded his address at 5:55 p. m. and the jury retired from the court. They filed back into the jury box at 11:55 and the foreman, Hiram Manuel, delivered the verdict.

His Lordship adjourned the court until 11 o'clock this morning when the jury was dismissed and the trial of Kenneth Griffiths on a charge of having care and control of a car while intoxicated got underway.

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