

SOME MISCONCEPTIONS OF CRIMINAL LAW

An interesting Address Before the Kiwanis Club by Judge H. A. Lavell.

His Honor Judge H. A. Lavell was the speaker at the meeting of the Kiwanis Club on Monday at noon at the Frontenac Hotel and his address was a continuation of one he had given some time ago on "Some Misconceptions of Criminal Law."

In opening his remarks, Judge Lavell pointed out that there was a popular misconception of the meaning of crime. Theft, murder and such like were considered crimes but to exceed the speed limit, to drink too freely and too often of lemon extract, to fish in forbidden places at forbidden times, etc., was not criminal.

The speaker pointed out another misconception of law and that was that people had a right, under the British Crown, to be tried by jury. Judge Lavell declared that this was not so and said that there were crimes that were not indictable but were tried by jury and there were crimes that were indictable that were not tried by a jury.

Judge Lavell referred to circumstantial evidence and stated that this was one of the strongest forms of evidence that there was. There were three kinds of evidence (1) the evidence of eye-witnesses, (2) confession, (3) circumstantial.

Referring to confessions, the speaker stated that one would think that this form of evidence would be the very strongest possible to secure but such was not always the case for it had been known for accused persons to confess things out of a desire for notoriety while at other times confessions had been made to shield others.

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MOST OLD FOLKS REQUIRE A HEART AND NERVE TONIC

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In law that is popularly believed by many to be in actual existence but is not, that a person accused of an offence is innocent until proven guilty. What really is the case is that an accused is assumed innocent but very often the onus was shifted from the prosecution to the defence. In some cases of accidents, negligence must be proved in a general sense before a defence is put up. Take the case of a man accused, under the O.T.A., of selling liquor, for example. All the Crown has to do is to show that this man had the liquor and then the onus was shifted to the defendant and it was up to him to show that he did not have it for sale.

Forms of Evidence. Judge Lavell referred to circumstantial evidence and stated that this was one of the strongest forms of evidence that there was. There were three kinds of evidence (1) the evidence of eye-witnesses, (2) confession, (3) circumstantial.

The speaker took these up in detail and in referring to evidence of eye-witnesses he stressed the fact that most crimes were committed when there was no one around because no one, who intended to commit a crime was in the habit of inviting anyone around to see it done. And again, Judge Lavell pointed out, eye-witnesses were very often contradictory, some of them lying, others being non-observant. In the case of an automobile, eye-witnesses of the same accident have very often told entirely opposite stories.

Referring to confessions, the speaker stated that one would think that this form of evidence would be the very strongest possible to secure but such was not always the case for it had been known for accused persons to confess things out of a desire for notoriety while at other times confessions had been made to shield others. Sometimes a mental kink was responsible for a confession when an accused man had led himself to believe he had committed a certain crime. Sometimes honest mistakes were responsible for confessions being made that were not true. He pointed out a case where three men had been accused of mur-

der. One of them had confessed and all three were sentenced to be executed, but before the time for the execution arrived, the man whom they believed they had murdered, was still living. Confessions were not absolutely reliable, Judge Lavell said.

Circumstantial evidence, either directly or indirectly was sometimes the strongest possible and sometimes the most reliable. It was a well known principle, however, that in cases of circumstantial evidence juries were warned.

The speaker returned to a point about confessions and pointed out that no confession could be given in evidence unless it had been freely and voluntarily given without promises, threats or hints and the Crown must show that nothing was done to induce a man to make a confession. Where a person did give a confession, it was necessary for the official to whom the confession was made to say that anything said in the confession might be used against the accused.

The speaker took up another point in connection with popular misconceptions of law. Many believed that a witness did not have to answer any question that would incriminate him. Judge Lavell said that no witness could be excused from an answer but an objection may be made or otherwise the evidence could be used against the accused.

Another point raised by Judge Lavell was that of the evidence of a wife. A wife's evidence was not always compelling but it was in some cases. "A man may be insane when he commits a crime," said the judge, "but he must be so insane as to not appreciate the nature and quality of his act and he must be made to understand that he has done wrong. I am in sympathy with the movement to determine the insanity of accused persons. Dr. Ryan urges that experts should be appointed to look into this. This would take the responsibility of the jury and would do away with expert alienists shielding wealthy persons accused of crime."

The applause accorded the speaker for his very fine talk was enthusiastic and a hearty vote of thanks was moved by Kiwanian Melkiejohn and seconded by Kiwanian Fair.

Club Business.

A letter was read by Secretary Macnee from the governor of the Ontario-Quebec district concerning the district meeting at Toronto next Wednesday. It was decided that President William Moore should attend the meeting.

The boost for the day was put on by Arnot Minnes and a handsome robe was won by Kiwanian Harry Sargent.

Two new members, M. C. Dunn and Fred Graves, were enthusiastically received into the club.

COMMITTEE REPORTS AT THE CITY COUNCIL

Temporary Appropriations Were Made to the Various Committees.

Reports of various committees were adopted at a meeting of the city council on Monday night. Mayor Thomas B. Angrove was in the chair, and all the members of the council were present. Ald. Joseph Nash, elected by acclamation in St. Lawrence ward, took his seat, and at the opening of the meeting, Mayor Angrove administered the declaration of office to the new member of council.

Quite a large number of citizens were on hand to witness the "doings" at the first night session of the "city fathers" for 1925.

In addition to Mayor Angrove, there were present, Aids, Boyd, Chown, Craig, Driscoll, Dunphy, Holder, John W. Johnston, Joyce, J. E. Johnston, Kidd, Kent, Lester, Milne, McCartney, Nash, O'Connor, Peters, Price, Reid, Shea and Wood.

Finance Committee's Report.

The report of the finance committee was adopted as follows:

"That the application of Ald. Chown, for leave of absence from January 16th, to travel abroad for three months, be granted.

"That the application of the nurses' alumnae of the Kingston General Hospital, to hold their annual "Violet Day" on Easter Saturday, April 11th, be granted.

"That William Casey be appointed a member of the library board.

"That the report of the Teachers' Institute be filed.

"That the communication from the Hospital for Sick Children, Toronto, be filed.

"That council approve of granting a license to the Rockport Navigation Company to operate their ferry between Kingston and Cape Vincent, N.Y., under the schedule submitted.

"That the refunds of taxes passed by the Court of Revision be paid.

"That the following be the temporary appropriations: Board of Works, \$2,000; Fire and Light, \$1,500; City Property and Markets, \$500; City Health, \$2,000; Contingencies and printing, \$1,000; unemployment, \$1,500; police \$2,000; industries, \$300; parks, \$400; harbor improvement, \$500.

"That the harbor improvement committee of last year be re-appointed; that this committee act in conjunction with a committee from the Board of Trade, and that the expenses of this committee be paid by the corporation.

"That the Mayor, Ald. Kent and the City Treasurer be a committee

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On the floor Pattern No. 405, a part like design in blue and white.

Winners of Congoleum Title Writing Contest

To all participants in the Congoleum Title Writing Contest the judges extend their sincere thanks. So excellent were the thousands of entries that choosing the prize-winning titles was particularly difficult and the following were selected only after prolonged consideration:

First Prize—\$500 He stood within the threshold, expecting a reproach; but mother smiled and whispered, "Cheer up, it's nothing!" Donald MacKinnon, Murphy Side Road, Samia, Ont.

Second Prize—\$200 Dirty boots, dripping umbrellas, Sore mamma, lucky fellas! Soiling wife, slips no mud! Home Sweet Home, Gold-Seal Rug. Mrs. Marley Howell, St. George, Ont.

Third Prize—\$100 Our hostess steers that puddle. With serene and smiling face, She loses Gold-Seal Congoleum Will never show a trace. Mrs. A. L. Gergie, 141 Glendale Ave., Toronto, Ont.

Fourth to Eleventh Prizes—\$25 each John Douglas, 4 Carling Ave., Toronto, Ont. Alfred Niess, 3658-77th Ave., Edmonton, Alta. Mrs. A. G. Clary, Ingleton, Ont. Mrs. J. A. McMahon, Duntroon, Ont. Mrs. F. Duck, 2834-16th Ave. E., Vancouver B.C. J. S. Craig, 2804 Foul Bay Road, Victoria, B.C. Madama Cayman St. Broin, 1044 Boulevard St. Montreal, Que. J. Lepage, New Westminster, B.C.

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Headless little feet that love to tramp through snow and splash in puddles, that seem to pick up dirt wherever they go—bring no worries to the mistress of this kitchen.

For there's a Gold-Seal Congoleum Rug on the floor and she knows it can be cleaned in a moment. Just a few strokes with a damp mop and the cheerful pattern will be as bright and spotless as new.

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with authority to purchase debentures with the monies in the sinking fund, and to sell city debentures to be issued this year on the best terms available, subject to the approval of finance committee. "That the Mayor be authorized to appoint deputations to attend Convention, and that the expenses in connection with their attendance be paid by the corporation. "That the Mayor and city treasurer be authorized to adjust the insurance on corporation property. "That 150 copies of the Rules of Order of Council be printed in pamphlet form. Board of Works. The report of the board of works was adopted as follows: "That the chairman be authorized to make purchases up to, but not exceeding \$100. "That Calvin Jackson be appointed chimney viewer. "That the chairman and city en-

gineer communicate with the Ontario Government, in regard to assistance for paving Division street. "That the city engineer be authorized to open up Lansdowne street, and that another stone quarry be opened there. The following recommendations of the parks committee were adopted: "That the chairman be authorized to make purchases up to, but not exceeding \$50. "That the chairman be authorized to purchase trees, shrubs, bulbs, plants, etc. for 1925. "That a cement walk be put down in Victoria Park, from Mack and Albert streets to Frontenac and Brock streets, and another from Redan street to the middle of Frontenac Park. The report of the health committee, "That the chairman be authorized to make purchases up to 17 men's and three officers' uniforms." The report of the Industries Committee asked that the chairman be given the power to make expenditures up to \$25. The report was adopted. The following communications were referred to committee: Ontario Municipal Association, re membership. Union of Canadian Municipalities, re membership. Mrs. V. W. Basher, Esq. of the Salvation Army, re juvenile court. Department of Public Works, re licensing the steamer Warble. A letter was received from the family of the late James H. Metcalfe, acknowledging resolution of condolence. On one local line of railway in North Carolina stoney competition is stated to have cut the average number of passengers carried daily from 70 to 27.

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