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LEIGHTON WINS THE CASE.

A JURY FINDS THAT J. S. LEIGHTON, JR., HAS NOT G. W. DAVIS' MONEY.

A Great Deal of Interest Manifested in the Case.—Mr. Gregory Conducts the Plaintiff's Case, and the Attorney General Defends.—Conflicting Testimony.

A great deal of interest was displayed in the civil case of Kibby vs. Leighton, which was opened at the circuit court on Friday last.

The story of the case is about thus. Mr. Geo. W. Davis of Woodstock, a man of somewhat erratic habits, shortly before his death in the latter part of the summer of 1893, sent for Mr. John S. Leighton, jr., and told that he wanted his will drawn up. Mr. Leighton went at the call of Mr. Davis, and according to his evidence given in court, the latter said that he wanted his business fixed up, as he was going away. "He asked me," said Mr. Leighton, "if I could make a will, I said I could but that he had better go to a lawyer. Mr. Davis replied 'I would not trust a Woodstock lawyer.'" (This remark caused a quite audible titter in court.)

After some further talk on the subject it appears from the evidence that Mr. Leighton did draw up a will, and that in fact he drew up three or four wills, as Mr. Davis, after each was presented to him, would conclude to alter it. Mr. Davis then gave Mr. Leighton power of attorney to draw certain sums of money from banks in which it was deposited. For this purpose Mr. Leighton had to go to St. John. He drew \$1134.74 from the Bank of British North America, and \$685.52 from the Bank of Montreal. Mr. Leighton then gave Mr. Davis a receipt from him to that effect. Shortly afterwards, within a few days, Davis died. When the will was probated and the various heirs made known, Mr. Leighton paid over the sum of \$685.52, less 15 for his expenses, for services rendered Davis, and for the St. John trip. The principal heiress was Mrs. Mary Ann Kibby, sister of the deceased. It appears that the sum of \$1130.00 odd was not to be paid after the death of Mr. Davis.

Mrs. Kibby entered a civil action against John S. Leighton, jr., for the sum mentioned, and engaged Mr. Geo. F. Gregory, Q. C., to champion her case. The Attorney General appeared on behalf of the defendant. The plaintiff entered a *prima facie* case, and the defence put witnesses on to show that Leighton had paid the money over to Davis and got his receipt.

For the defence John S. Leighton the defendant was examined at some length. He gave testimony along the line of the narrative of the case given above, and said that when he paid the money to Mr. Davis the latter took the bills which were made up in chief of two \$500 and one \$100 bills and wrapped them up in some pieces of paper and that was the last that he saw of them. Alfred W. Fields witnessed the signing of the Mr. Davis will. In St. John, he had no difficulty with his power of attorney in getting the first sum of \$1134.74; but on account of some mistake in the deposit receipt he could not at first get the other sum of \$685.54, and the manager of the bank said he would have to furnish a new power of attorney. Mr. Barnhill of St. John, who went with him to the bank for the purpose of identification, made some arrangement under which he (Mr. Leighton) would have to fill a new power of attorney with the bank before he could pay over the money to Mr. Davis. When he got home he looked for Mr. A. W. Fields, but could not find him, and in the meantime a message by Mr. David Jones, came to him from Mr. Davis requesting him to go to his place at once. Mr. Davis insisted on Mr. Jones retiring while he talked with Mr. Leighton. Here the latter paid the money \$1134.74 to Mr. Davis, and explained to him the course he would have to take to get the other sum. He made arrangements with Mr. Fields to go Thursday night, 24th Aug., and get a new power of attorney. Mr. Fields did not keep his engagement to go on Friday night, while waiting for Mr. Fields on the Wilbur house steps, Mr. W. T. Drysdale came along, and said: "Mr. Davis wants to see you." Witness said, "I am going right now. I am waiting for Mr. Fields to go over and witness a paper. Mr. Drysdale said, 'Can't I witness it?' Witness replied that he could. Going over to Davis' Mr. Drysdale wanted to know amount of money, and what Davis was going to do with it. Witness said he was going to a hospital, and his brother Robert was going with him. Drysdale said it would not do let him go away with Robert, for Robert would steal the whole pot. Drysdale

witnessed the second power of attorney. Mr. Davis died before he gave the necessary powers and after his death, he (Mr. Leighton) paid the \$685.54 to Mrs. Mary Kibby, the plaintiff.

There were a number of amusing incidents in the trial, especially when Mr. David Jones gave evidence. Mr. Jones is in his 84th year, and claims to be the oldest man in Woodstock excepting Robert Donaldson. He said: "I knew Mr. Davis for 40 years." Asked if he had ever taken anyone to see Mr. Davis, he said: "I have often taken ministers in there."

"When Mr. Davis told me that he and Mr. Leighton had particular business to transact, and wished me to withdraw, I said it must be very particular business. I have been waiting on you for three months and have seen none of this particular business yet."

"Did he ever tell you about his money?"

"No! he didn't. He was too fond of it to do that."

"Was he talking about his money before he died?"

"He was saying all the time, 'My money, my money,' right up to the time of his death."

Asked if Mr. Davis was able to do anything a few days before he died, Mr. Jones said, "He was playing the fiddle the Saturday before he died."

"One day I went in to see him, and I asked him how he was feeling. He replied that he felt bad. He had not had a bit to eat for two days. I said to him 'That is too bad. If you are going to die, die with your belly full.'"

This remark almost set the court house in a convulsion of laughter, in which the judge could scarcely refrain from joining.

A. P. Barnhill, St. John, stated that he gave Leighton instruction for his own protection, as well as Leighton's, to have a witness, if not, to have Mr. Davis write, "I have read over the above receipt and fully understand the same." This information was not asked for by Mr. Leighton.

Jas. A. Gibson said he was in the record office on Thursday night, 24th August, and that Leighton asked him if he had ever seen a \$500 bill, and showed him a \$500 bill and a receipt for over \$1100. Receipt was signed by Geo. W. Davis. He was positive of the day because he was at a picnic at Nickerson's lake, the day before, and broke his wagon. He knew that was the day, for the day after was the day of Pawnee Bill's circus, and he remembered that.

Albert W. Cole was the first witness called in rebuttal of the defendant's evidence. He was present at Mr. Davis' death. After his death he or Mrs. Kibby opened a parcel wrapped in paper, and found therein \$637. At Mrs. Kibby's request he asked John S. Leighton if he knew of Davis having any money. He replied that he knew of \$20.00, and of that Mr. Davis had paid him \$10.00. He (Leighton) drew out a tin box, opened it and handed out a \$10.00 bill and one cent, saying, "that is all the money I know anything about." He had done some work in the way of caring for the deceased, and when he spoke to Mr. Leighton about his pay, he told him to put in his bill that Mr. Davis had told him that he wanted him (Cole) paid. He asked Leighton if he knew what Mr. Davis had done with his money, and the answer was, "no more than he put it in his pants' pocket." After his death they examined his pockets, but found nothing in them. They were in a very ragged condition, not fit to contain money. The testimony of this witness was followed by that of his wife, who said she had tended on the deceased carrying food to him three times a day for about two months.

When W. T. Drysdale took the stand, near evening, a good deal of interest was manifested as his testimony, it was supposed, would be important. He said, "I knew Mr. Davis intimately for years, and visited him in his last sickness. I visited him on Friday evening, Aug. 25th, hearing he was sick. He sent me for Mr. Leighton, to bring him down to his place. I had been talking about his affairs to Mr. Davis. I walked up to the Wilbur House, went inside, and saw Mr. Leighton standing at the counter. I dropped down in a chair beside Mr. Hunt, agent of the Bank of Nova Scotia, and asked him what the custom was when money was deposited to be drawn at 15 days notice. He said the custom of his bank was always to pay when the depositors wanted their money. Leighton was standing by. Mr. Leighton and I went down to G. W. Davis, and when we got there I stated to Mr. Davis that he could get his money at any time. It would not require 15 days notice. Mr. Leighton said that was so and that if Davis would waive the interest

(CONCLUDED ON FIFTH PAGE.)

VAN HORNE INTERVIEWED.

HE SAYS CANADIANS ARE A BROAD-MINDED PEOPLE.

Tariff Legislation will Not Hasten Continental Union.—He Likes the way Justice is Administered in Canada.—The McKinley Bill a Good Lesson for this Country.

Sir Wm. Van Horne, president of the C. P. R. has been in Chicago, where of course he ran across the ubiquitous reporter. In the course of the interview Sir William said:—

"There are no broader-minded people on the face of the earth than Canadians. They are tolerant to a degree, particularly to Americans, whom they receive as their very own. The difference between the people on both sides of the line may seem a bit emphasized collectively, but met individually we are one. I take little stock in the utterance of such orators as Senator Higgins, who was lately invited to address the good folk of Ogdensburg. In fact, there is no antagonism between the two countries when matters are thoroughly understood. Why should there be? There may have been misconceptions socially during and succeeding the civil war, when the extremes of social position found refuge in in Canada. The cultured Southerner and the bounty-jumping and boodling Northerner equally protecting themselves under the aegis of British hospitality, it was natural the Canadian should contrast the latter unfavorably with the former and mentally declare against the immediate dweller to the south of the boundary line. But time has adjusted all this, and our mutual relations are of the most cordial nature, notwithstanding the occasional inflammable speeches that crop out."

"What do you think of continental union as an effect of succeeding variable tariffs in hastening on such an event?" was ventured as a leading question.

"I can't say that tariff legislations are ever going to precipitate such an event, although that they spasmodically affect business on both sides of the line is undeniable. The McKinley Bill taught Canada a wholesome lesson of self-reliance even if it was ungalantly aimed at the poor hen roost and dairy of the farmer's good wife—for you know it's the housewife among the farmers here, as in the United States, who regulates the domestic exchequer. If ever a union comes about as the 'manifest destiny' so much discussed, I think it will be brought by a union of forces to combat a common enemy or a joint issue of some kind unforeseen now. Germany would never have been what she is today had it not been for the late struggle against France, where all petty differences of her national household were smothered and forgotten in the one great aim to defeat what they united in believing a common enemy."

As to the relative differences between Canada and the United States as places of residence, Sir William expressed himself gratified at the manner of administering justice in the former country, assuring peace and security to its inhabitants in their home lives as it does. "There are of course, many of the law's delays and uncertainties there as elsewhere," he said, "and the friends of criminals, for instance, may use or misuse money and influence in their behalf. In the meantime, however, the culprits themselves are not out on writs of one thing or another awaiting developments. They are secure behind the bars. I rather like the desire the Canadian has brought with him from the Old Country to surround the home life with comparative seclusion. The Englishman's home, however small or humble, is 'his castle' and he prefers the little discomforts and labor attendant upon keeping it up to casting his lot with a dozen other families in the more elegant and comfortable apartment house."

Tobacco Defended.

To the Editor of The Dispatch:

Sir,—I think most people will agree with me when I say that the habit of using tobacco is universal in civilized countries, particularly by the people of this American continent, where such a large quantity of tobacco is grown and manufactured. Like a great many other customs and habits given us by civilization, it may be a good or bad habit. I do not consider myself competent to discuss that point. As stated above, the habit is almost universal, and to use a slang phrase, "it goes" with a majority of the people, and is confined to no class. In presence of this fact it is really amusing to read such an article as appeared in the Carleton Sentinel of Oct. 20th, entitled, "A Hard Hit at Smokers." I am afraid the writer is almost too delicate and refined for this vulgar age. Ye gods, just to think of it: They puffed their dirty, stinking smoke in its face when it was on the sidewalk; and dear me, perhaps it did not have its smelling salts with it. And there are actually people in this town so pig-headed and stupid. They say tobacco smoke doesn't stink, but is quite fragrant and pleasant to the senses, and they told it that tobacco smoke was good for its health. I wonder

it did not faint outright at this foul and monstrous assertion. And still lots of these same stupid, pig-headed people before mentioned, will say that a good many of our doctors smoke, and in spite of "B's" verdict to the contrary, are gentlemen. And it is too bad they won't go behind the barn and smoke, to please it. The Board of Health will have to get some barns in order to have them handy and then when it walks on the sidewalk it won't have its fine sensibilities outraged with the molars, craters and volcanoes, etc.

But to drop nonsense. There are lots of people incapable, perhaps, of giving a legal opinion in this vulgar 19th century, who might think it strange how any person claiming the attainments of a gentleman could make himself conspicuous by criticizing the habits manners or personal appearance of his townsmen and neighbors, either on the sidewalk, in the smoking car or any other place. As a matter of fact I have listened to good, honest, manly, Christian talk in the smoking car and the men who talked did not seem to me to be doing anything that was unbecoming to them as clergymen and gentlemen and they smoked too, and they looked clean, and the smoke smelled real nice to me, but of course I am not in possession of B's fine sensibilities. It may be a terrible thing to occupy the pulpit and smoking car alternately but not more so than the bankrupt court and the magistrate's office. But then the magistrate's office whatever its environments must have a purifying and refining effect on people. And I have no doubt but that any person entering there will come out a first-class bang-up Christian gentleman and entirely pure. To conclude I think B. has a very ingenious and smooth way of telling a man who smokes to go to that hot place where the majority of people decline to reside. M.

Musings.

Something ought to be done in these burglarizing days and nights for the protection of our constabulary. Burglars have not as a rule had the advantages of a scholastic education, and they have evidently not read up the latest books of etiquette, or they would not put our constables to the trouble of travelling many miles to arrest them, but would capitulate as soon as they found a warrant had been taken out for their arrest. Our burglars have evidently not read Chesterfield or they would not draw a revolver on a constable sent to arrest them. It is rumored that the clergymen of the town are getting uneasy, as one of them fancied he heard a burglar in the vicinity of his sermon drawer last week. If sermons are to be stolen why should not burglars have the monopoly? * * *

The innumerable band of old maids, who have looked under their beds every night for the last half century, looking for the coming man, will no doubt be encouraged by the excellent good luck of that young lady of Presque Isle, who last week had her long and patient search rewarded, and saw the legs of the long expected individual stretched out at full length under her virtuous couch. Girls are so apt to be discouraged by hope deferred, but if they will only persevere they may all have the good fortune of their Presque Isle sister.

Woodstock Markets.

It is tiresome to have to quote hay at \$6 a ton from week to week, but that is what one must do. It absolutely refuses to vary in price. Oats flutter between 28 and 30c. Potatoes bring from 70 to 75c. Beets \$1. Carrots 65c. Turnips 50c. Cabbage 3 to 5c. each. Buckwheat meal \$1.25 a cwt. Beans \$1.50 to \$1.75. These are the yellow eye beans, about the only variety grown in any quantity in Carleton county. The small white beans used in this vicinity are almost entirely imported from other provinces. Squash, 1 to 1½c. a lb. Chickens 40 to 50c. a pair. Pork 6c. Geese 40 to 50c. each. Lard 10 to 12c. Butter 18c. Eggs are very scarce and the market will willingly absorb a large number at 14 to 16c. a dozen.

A Pleasant Wedding.

BUTTE, Oct. 17.—Anthony H. Headley and Miss Emma L. Slipp of New Brunswick were united in marriage at the home of S. L. Churchill, 409 West Granite street, at 7.30 o'clock this morning, Rev. W. Rollins, D. D., officiating. Mr. Headley is one of Montana's substantial citizens and a prosperous mine owner, and his bride is a refined, accomplished and noble lady, whom to know is to esteem and love. After the ceremony the invited guests were driven to Butte hotel, where a breakfast was served. Mr. and Mrs. Headley took the 9.55 train westbound for Puget sound, where, after visiting the principal points of interest, they will repair to their home in Los Angeles. Mr. and Mrs. Headley leave Butte amid the well wishes of a host of friends.—*Anaconda Standard.* The bride is a daughter of Mr. Leonard Slipp of Lower Woodstock.

ALL EUROPE IS DISTURBED.

THE CZAR'S APPROACHING DEATH AND CAPRIVI'S RESIGNATION.

Russia Has Been Held in Check by the Peaceful Policy of her Dying Ruler—Why Did the German Chancellor Resign—What will Come Next.

There are several events in the political world of Europe, which point to a rupture of the peaceful relations which have held sway since the France-German war in 1870.

In the first place, the Czar of Russia is on his death bed. In most countries the death of a ruler does not seem to be a matter of such vast consequence as to cause widespread consternation. But Russia is an enigma, different, entirely, from any other nation in the world. The Czar is an absolute monarch. His word is law. If he says peace it is peace; if he declares for war the dogs of war are set loose. The idea of the divine right of kings has held sway in Russia and the Russian subject never disputes the finding of his serene majesty the Czar of all the Russias. It is said by those who are in a position to judge that the present Czar has been all his life in favor of peace, and that his influence in that direction has hitherto kept the smouldering fire of international jealousy from breaking out into destructive flames. Now, that he is about passing to that country where there is peace, students of the European situation are wondering what the result may be.

It is impossible to say what will be the policy of the new Czar, but there seems to be a very general opinion that he will not be able to hold in check the sleuth hounds of war, as the present ruler has been able to do.

By this time, probably, the Czarevitch has joined his fortunes with Prince Alex of Hesse-Darmstadt. This young lady appears to have been somewhat averse to the marriage. She had been brought up in the Evangelical faith, but when it became advisable for her to marry a future czar, it also became a matter of "court" necessity that she should change her religious sentiments. Consequently a priest of the Greek church was entrusted with the delicate task of making a prompt conversion. The small matter of religious conviction would never be allowed to interfere when a matter affecting the great Russian empire was at stake. Advice says that the Princess failed to be converted for a length of time, and particularly objected to the process of anathemizing her former faith, but the last reports are to the effect that she gave way, and is now become a fit and proper personage, ecclesiastically as well as physically, to be the mother of a future Czar.

Another event of great importance in European affairs, is the resignation of Chancellor Von Caprivi, who, it will be remembered succeeded Bismarck, as the great man, next the Emperor in the German Empire. This may or may not be significant, but it plainly shows that there is 'something up' in the great power which occupies the very heart of Europe.

Add to these two significant events, in two of the leading powers of Europe, the fact of the Japan-Chinese war, which can hardly fail, if it continue, to involve some of the European powers, and it is a matter of small wonder that statesmen are scanning the political horizon with anxious gaze, and are counting the chances of an early outbreak of the great war, which it is felt, is bound to come sooner or later.

Caprivi Resigns.

BERLIN, Oct. 29.—A great stir was caused in informed quarters this afternoon by the receipt of a telegram from Cologne giving the substance of an article in the semi-official Cologne Gazette which stated that Chancellor Von Caprivi and Count Botho Seu Eulenberg, president of the Prussian council of ministers, had resigned. It is known that for some time past there has been considerable tension between the chancellor and Count Seu Eulenberg, owing to the chancellor's views in regard to the measures to be submitted to the reichstag for the repression of socialism. The chancellor is in favor of pursuing a moderate policy, while Count Seu Eulenberg advised an adoption of radical measures. It was said that at the recent meeting of the Prussian council, held to consider the question of the repressive measures, a majority of ministers supported Chancellor Von Caprivi's views, but whether this is true or not is greatly a matter of conjecture. There is no doubt of Caprivi's resignation. He has been chancellor for four years and a half, having been previously head of the admiralty for six years. Prince Von Hohenlohe Schillingfurst has accepted the appointment as German Chancellor and also the portfolio of president of the Russian council of ministers.