

**THE WOODSTOCK DISPATCH.**

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Editors and Proprietors

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**"WHICH COUNTRY YE ARE."**

Old forms and phrases hang around our court room, and having stayed so long, are apt to remain. Nor would it be wise to dispense with them and introduce the modern formulas, if, indeed, there is such a thing. Oyez, Oyez, Oyez, although most of the bearers do not understand just what the crier is about, when he shouts it, impresses the ear, and is much more dignified than its English equivalent. Then, the public often admires what he does not know.

A peculiar custom in the more serious criminal trials, is the bidding of the juror and prisoner to look at each other. When a juror has been agreed upon by the court, the clerk says, in a loud voice, "Prisoner, look at the juror, juror look at the prisoner." This is, undoubtedly a very old custom, and is not without significance. The oath of a juror in such cases may not be known to all our readers. It is as follows: "You shall well and truly try and a true deliverance make between our Sovereign Lady the Queen and the prisoner at the bar, and a true verdict give, according to the evidence, So Help you, God."

When the jurors are all sworn, the prisoner is told to "hearken to the evidence." The jury are informed that the prisoner on his arraignment has pleaded not guilty, and has "put himself on God and his country, which country ye are." Whatever opinions we may hold of the use of grand juries (and they who hold for their abolition have yet to present very strong arguments) and whatever one may think of the use of juries to try civil causes, when one is on trial for a serious crime, trial by jury is indeed his right and protection. A prisoner must be tried by his peers. He throws himself on his country, and for the purposes of the trial, the jury represent the country.

Every care is taken in the selection of a jury, as has been shown here recently. The right of a challenge for cause, by which two triers are to declare on oath and after hearing the evidence, if the juror's mind be unprejudiced or no, and the right to challenge peremptorily, give the prisoner a fair opportunity of getting an impartial trial. In the Canovan case some seventy petit jurors were summoned. Sixty were available for the purposes of selection.

The Crown set aside seventeen. These were not absolutely objected to, but would be called on, if the panel were exhausted. The defence challenged eighteen. Twelve men were selected. So, to get twelve good men, forty-seven names were called, and there were thirteen not called.

A new point has arisen since the days of universal newspaper reading. Can a man's mind be unbiassed who has read the reports of a preliminary trial? If he has formed an opinion from the reports, is he so prejudiced that fuller evidence will not change his opinion? To get intelligent persons, utterly unacquainted with the case, would mean summoning them from outside the province or even the dominion. Yet the prisoner's counsel is wise in trying to sound the trend of every mind. For it is a matter of life and death for his client.

A serious problem, which may yet become embarrassing, is the natural inclination of many good men, to avoid their duties as jurymen particularly in the most serious cases. Alas! duty is seldom pleasant, but it cannot, for this reason be shirked. It will be an evil day when the better of our fellows, avoid the jury panel, as they appear to already avoid the legislatures. To be sure they may be compelled to serve, but no lover of freedom wishes the country to get in such a strait that the jury shall appear in court, handcuffed under the care of a sheriff and a posse of constables.

Worse still, even, would be a jury, bound not by iron chains, but by fear or favour, to prostitute justice.

**CATARRH CAN BE CURED.**

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**CANOVAN MURDER TRIAL.**

Great interest was shown in the trial of Annie L. Canovan, of the Gore, Glassville, charged with the murder of her sister Minnie Tucker.

The crown did not present any indictment against Mrs. Tucker.

The case really opened on Wednesday morning, the prisoner having been arraigned, and pleaded not guilty the evening before. In the quaint formula as addressed by the clerk of the court she threw herself, "on God and her country, which country ye are." The latter clause part of the sentence refers to the jury.

Attorney-General White and Stephen B. Appleby appeared for the crown, and Wendell P. Jones for the defence. The prisoner who sat in the dock looked much better than when she was first arrested. She was neatly dressed and appeared quite composed. When the petit jury came to be selected, the crown objected to Everett Hale and David Phillips. Mr. Jones challenged F. G. Burt, Jas. Sloat, F. D. Tweedie. John Emery of Jacksonville was the first juror agreed to by both sides. G. Sterling Peabody of Woodstock was allowed. Herbert Ross of Simonds said he had formed an opinion, and did not think he stood indifferent and was relieved. John Long objected to by defence for cause said he was indifferent but was objected to peremptory by defence. Leonard R. Margison of Centreville was the third juror accepted. H. W. Phillips although he said he was unprejudiced was challenged peremptorily by the defence. John R. Ronald of West Glassville acknowledged that he had expressed an opinion which would prevent his being impartial. The triers found that he stood indifferent, but the defence challenged peremptorily. Jas. Wilson stood aside. J. W. Smalley, East Florenceville, was agreed to. J. S. Merrithew was challenged for cause by the defence, and then peremptorily. J. A. Parker was stood aside by crown. Allan J. McLean, Bristol, was challenged for cause by defence, and afterwards peremptorily. Weldon Mellville, Landsdowne, was stood aside by crown. John Farley, Bristol, challenged by defence peremptorily. James Good, Jacksonville, challenged for cause by the defence said he was unprejudiced, but was challenged peremptorily. Howard Everett, Jacksontown, was the fifth juror agreed upon. Otis Shaw, Simonds, and L. R. Harding, Jacksontown, passed the ordeal without objection. Stanley Harper, Jacksontown, D. Newman Estey, Wicklow, John Campbell, Peeli, D. F. Alexander, Farmerston, were challenged for cause by the defence. All except the latter said they were impartial. Alexander had formed an opinion against the prisoner. He was found incompetent. The others were challenged peremptorily by the defence. D. L. Gray, Hanford Giberson, Michael Bohan, Fraser Dalling, stood aside by crown. G. A. Giberson, Bath, objected to for cause by defence, said he had formed an opinion but did not think it would influence him. He was challenged peremptorily by defence. Edward Carney stood aside by crown. George Good, Jacksonville, was the eighth juror selected. John Colter, Northampton, stood aside by crown. Hazen White, Centreville, made the ninth juror. Archie Ebbett, Simonds, was challenged for cause by the defence. His triers found him all right but the defence challenged peremptorily. John E. Estey, Jacksontown, was the tenth juror agreed upon. Frank Haley, Jas. Kelly, John Keenan stood aside by crown. Rev. Joseph Cahill was challenged for cause by defence. He said he had an opinion but did not think it would influence him. He was challenged peremptorily by the defence. The crown ordered Dudley Munro to stand aside. Julian E. Long, Centreville, was the eleventh juror allowed. Frank G. Wright, Grafton, challenged for cause by the defence, and peremptorily objected to. So was Henry B. Taylor, of East Florenceville. Ed. R. Squires was the twelfth juror selected. It took two hours and a quarter to select the jury.

Mr. White, Solicitor-General, in his address to the jury urged upon them, if they had read accounts of this matter, as probably they had, to banish from their minds any thing they had heard or read, to take the evidence they had before them and decide on that only. He felt that injustice was sometimes done to prisoners, by counsel detailing evidence which was to be presented to them, because it was sometimes difficult to separate the proved from the unproved. It would be only right that the jury should have the evidence, and therefore he would not state more than the outlying facts. The case for the crown was that the prisoner either administered or aided or abetted the administering of the poison to the deceased Minnie Tucker. The accused had been married some few years, and had a child one year and five months old. She was living with her father at the Gore about twelve miles from Bristol. Her husband was living near at hand at a neighbors. Minnie Tucker lived at home with her father, but was frequently away from home. The death occurred on the 26th of January. For some days previous Minnie Tucker had been visiting a neighbor's. She was in good health and spirits, coming home well, previous to the death. Mrs. Tucker, Mr. Tucker and prisoner and her husband were at Mrs. Tucker's that night. The next morning Minnie Tucker died in convulsions. Proceeding the attorney went over the facts about the prisoner buying poison, the unfriendly terms between prisoner and deceased, the threats made by prisoner, about deceased, prisoner's inquiry about the nature of strychnine. The analyst who had examined the stomach would give his evidence as to the contents of that stomach. He laid much stress upon the threats, not made once in a moment of passion, but repeated again and again. He disclaimed the idea that the law was seeking a victim. The prisoner was to have the benefit of any reasonable doubt. It was better the prisoner should go free rather than convict her, if she be innocent.

When the court resumed its session in the afternoon, the large building was filled with spectators. Mary Tucker mother of prisoner and deceased was the first witness called. The

prisoner came to my house the Thursday before the Wednesday of her sister's death. Mrs. Canovan went away from the house on the Saturday saying she was going to Bristol to pay some taxes. It was dark when she came back. Deceased came home on the Tuesday preceding her death, in the evening. She came on snowshoes and was in good spirits. Mr. Canovan was home. He stayed all night. Minnie was main boss. No one else could speak. She got the breakfast next morning. Patrick Canovan did not wait for breakfast. After breakfast Minnie washed some clothes. Mrs. Canovan was taking care of her baby. I went out for some water to the brook. When I came back Minnie was sitting on the chair. She seemed all right. I laid down and almost went to sleep, when I heard a bump, and Mrs. Canovan called. My husband and Mrs. Canovan had hold of Minnie. She dragged my husband down by the neck and said "Oh Father. Annie said to me that Minnie said she was dying. I said I did not see anything to make her die. Deceased had fits. She drew herself up and shut her hands. One time her face was dark. I noticed her have about two fits. I went out and hollered for help, but could make no one hear. When deceased was out of the fit she was quite conscious. I was nearly fifteen minutes, outside, Continued on page four.



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