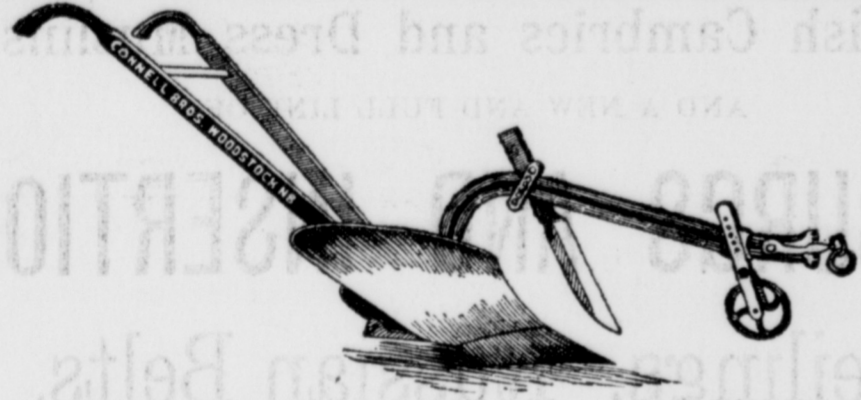


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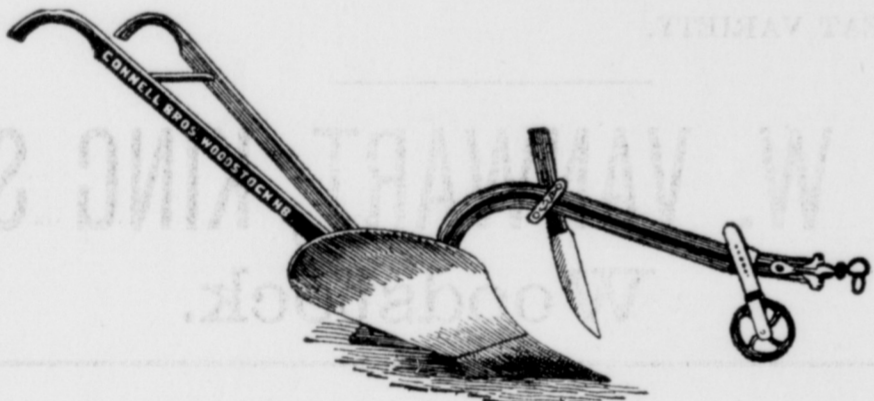
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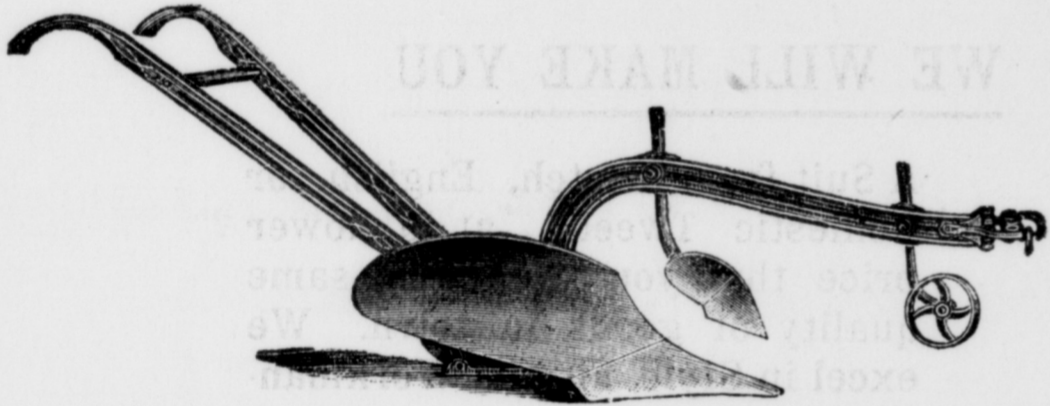
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CANOVAN MURDER TRIAL.

(Continued From Third Page.)

calling. After deceased had the fits she said "My God! will nobody come that I can tell them that I did it with my own hands." I do not remember saying "Here, Minnie, I did not do anything to you." Annie went for her husband, and met him coming. Deceased died as if in a sleep. My husband, prisoner, her husband and myself were present when she died. She died about noon. Mrs. Canovan and I washed the body. Deceased looked pleasant and nice. I saw her in the morning take a powder out of a canister, put it into a cup, put it on the stove and took it. What I saw her put in was enough to kill anyone. I warned her and she told me to mind my own business. I think Mrs. Canovan threw the cup into the fire, to get it out of the way of the baby.

To the Judge—You could hardly tell Minnie and the prisoner apart. Minnie said to me that she would not be dying if she had not taken the stuff in the canister, no one would ever see her having a child living. She had some white stuff in a paper. I asked her what she was going to do with that. She said she was going to put it in the cup, with the stuff out of the canister.

The Judge upbraided the prisoner with not having told this at the coroner's or magistrate's examination.

To Mr. Jones—While deceased had the fits she did not scream with pain.

I don't know that Maggie Vicar and Patrick Canovan were engaged, only hearsay. The Saturday before Minnie got the canister, I noticed Canovan and the dead girl in an embarrassing situation. I asked them if they had no shame.

The Judge warned the counsel for the defence against relying too much on this witness.

Witness continuing said Minnie said she would poison herself before she would have another child.

To the Attorney-General witness said that at the magistrate's examination she said she saw nothing with Minnie but the brown powder.

James Tucker, father of prisoner and deceased said that no one would be apt to take Minnie for Annie, who had a pair of eyes in her head. On the morning of Minnie's death, I came in and found her drawing her arms up and down and foaming at the mouth. She was turning a little black in the face. I knew of Mrs. Canovan going to Bristol the Saturday before Minnie's death.

To Mr. Jones, witness said that his wife, the previous witness had been subject to what was called the short trance. I knew of intimate relations between Patrick Canovan and deceased, and know that prisoner was jealous of deceased.

Having disposed of the testimony of old James and Mary Tucker, the next stage was the medical evidence. Dr. Cummins, who held the inquest was placed on the stand. After giving his account of the inquest, he was put through a very thorough technical examination by Mr. Jones, the prisoner's counsel. Rigor mortis was supposed to come on very soon after death, sooner than in the case of death from accident or other ordinary causes. In the case of a large dose of strychnine the shortest time in which death would occur would be from five to twenty minutes. Two or three grains would be a large dose. The time between the taking of the dose and the appearing of the symptoms would vary. After the preliminary examination witness took the stomach to St. John to Mr. Best, and gave it into Mr. Best's hands. To the best of his knowledge they were the organs that were taken from Minnie Tucker's body at the post mortem. On his way to the inquest he stopped at Edward Carroll's house. Martin Vicar, who was there said that his daughter, Mrs. Carroll, had a story to tell about the affair. He heard what she had to say. Witness attended Minnie Tucker when she had her first child. She had a hard time. After the preliminary examination he examined the body took out other organs and took them to St. John to Mr. Best. To the Attorney General, I did not see anything in the condition of the body of Minnie Tucker, inconsistent with strychnine poisoning. At the close of this witness's evidence the Judge remarked that there were three important points, (1) Did deceased, Minnie Tucker, on the morning of the 26th January take strychnine (2) did it cause her death (3) who administered it.

Jas. Tucker, recalled, said that while Minnie Tucker was out of the house he saw a tin pint standing on the stove. This was not the vessel in which Minnie was mixing that she said was ginger. He did not see prisoner do anything with the tin cup. He did not tell old man Carroll that Annie put anything in the cup.

Dr. Ross, of Florenceville, who made the post mortem on the body of the deceased, Minnie Tucker, the next witness, was under a long examination. Summarized, he said that the symptoms found in this case were consistent with death from strychnine poisoning, but was not prepared to say that they were inconsistent with death from some other cause.

When Patrick Canovan, husband of the prisoner was called, Mr. Jones objected quoting the Canada Evidence Act, and claiming that the calling of a prisoner's husband lay with the defence, only, otherwise a following proviso that no comment should be made by Judge or Crown counsel on failure of defence to call such witness would not have been inserted.

The Attorney-General in his reply spoke of the injustice of the law and of its needing amendment. In this particular case where Mrs. Tucker had sworn that she saw Canovan give deceased a box containing the powder referred to, it could not be the intention of the legislature to prevent contradictory evidence. Therefore, the most absurd construction possible should not be put on the law if another could be found. The judge decided not to take this witness's evidence until tomorrow.

Mrs. Edward Carroll, jun., related a conversation that she had with the prisoner, who was jealous of deceased and who said she would put her out, of the way if she had to hang for it the next day, if she did not leave her husband alone. Prisoner also asked her

about strychnine. Prisoner had some powder which she said had been sent to her. She said she was making her people believe that she was in the family way. To Mr. Jones—Pat Canovan and I kept company, a long time before he married Mrs. Canovan. To the Judge—prisoner and deceased did not look at all alike.

Mrs. Caroline Brewer, of West Glassville, said deceased used to make her home with her for the past few years. She was in good spirits and well when she left my house on Tuesday before her death. I never knew of her taking powder.

Dr. Somerville testified to the prisoner coming to his office and buying strychnine, saying she wanted it to kill foxes which were destroying her hens. To the Judge—The prisoner in the dock is the person who bought the poison.

When the court met on Friday morning, the Attorney-General said that in view of Mr. Jones' protest he would not call Patrick Canovan husband of deceased. Mr. Jones said he must still protest, and the judge remarked that it would be well to leave this point for some other court to decide.

Mary Vicars said she heard prisoner accuse deceased of going around with married men. Prisoner told witness that if deceased went around with Canovan she would not live to see spring. Prisoner also spoke about a powder she had. She said she would do it up in a different way if it were poison and send it back to her sister for the cramps. If Minnie then took it, she could not blame her (prisoner). Prisoner asked me to say nothing about this. Prisoner said that deceased sent her the powder.

Fred Delong, Bristol, testified that he saw the prisoner in Bristol the Saturday before the death of Minnie Tucker. He had a conversation with her.

David S. Jones, magistrate, Bristol, knew the prisoner, and saw her at his office the Saturday before Minnie's death.

There was a stir of excitement in court when the crown announced that they would call Mr. Best the expert analyst who examined the stomach of the deceased girl W. F. Best said he was a chemist of fifteen years standing. I received two vessels from Dr. Cummins, coroner.

Mr. Jones objected to this witness on the ground that evidence was not produced that the vessels in which the organs were placed were perfectly clean. He asked for a reserved case on this, but the judge would not agree to it, noting his objections.

W. F. Best's evidence in brief:—The contents of the stomach were of a light brown colour, with some white particles mixed through. There was also in the stomach, one extended worm about ten inches long, dead. I counted six small pieces of meat partly digested. I made an examination whether there was any poison. I cut the stomach from one end to the other and emptied the contents into a clear glass jar, with a wide mouth. I then examined these contents with a lens. I also examined the tissues, inside, in the walls of the stomach. I picked out several pieces of material from the stomach that I thought might show anything. I found there was organic matter in them, but no kind of poison. I found one piece of a tea leaf. The order of the stomach was quite ordinary. I tested the contents of the stomach for volatile poisons, such as phosphorus and acohol, finding none. After that I began the examination of the stomach and part of the contents. I did not take the whole stomach, only part, about one half of the stomach and one half of the contents. That was carried on several days before completed. I used Stephenson's modification of Stass' process, recognized as the very best process in use. Finally when I got the process complete I found a small residue of the stomach containing 5 1000 (about 3-16 of a grain) of a gramme, which I tested and proved to be strychnine. I examined the powder in the tin cylinder, and I found it did not contain strychnine, nor any metallic poison. After examining the powder I went on with the liver and took part of it that had not been cut in any way. I submitted that to the same process as before. I examined also by Dragendoff's method, considered the best German authority on forensic analysis. After I had brought that process to an end I found a small amount of crystalline residue by Dragendoff's method, and got the reaction for strychnine. I submitted the whole organs to analysis and after sometime I got a certain amount of material which I gradually transferred from one vessel to another till I got it all into a watch glass. I found a residue of a gramme 45-1000 or nearly one grain of strychnine. It could not have been nux vomica or else I would have found brucine.

The case for the crown was closed with the completion of Mr. Best's evidence.

Mr. W. P. Jones opened for the defence after the noon adjournment. He proposed to show that the deceased, Minnie Tucker did not die from strychnine poisoning, and that if strychnine was found it was administered after her death, in a way he would point out afterwards.

Dr. Rankin, was the first witness. He had never seen an actual case of poisoning by strychnine. The symptoms of strychnine poisoning are first an oppression, a sense of impending calamity. Suddenly, there is a paroxysm, the body becomes rigid, the head is extended backward, the arms becoming fixed and the legs are extended. He accounted for the head throwing backward by the strength of the muscles of the back. All the muscles being equally active, the muscles of the back would be the most powerful. If death occurred by strychnine these conditions would always be expected to be present. Frothing at the mouth is not usually mentioned as one of the characteristic signs. In a case of strychnine poisoning rigor mortis begins earlier than in other cases, the body passing into such conditions almost at once. He would expect this to be present in every case of strychnine poisoning. He did not think a hemorrhage from the spinal cord would produce a general convulsion, or fits. He could hardly understand a strychnine poisoning case, where the knees were bent. The intellect in such cases was clear. Sufferers generally cry out with pain and experience great agony. A victim could not contract his arms in a paroxysm. The taste of strychnine could be at once noticed. Death is caused in such a case from asphyxia or from sheer exhaustion. There is such a

disease of the kidneys as may cause sudden death attended by convulsions, without the ante mortem symptoms of Bright's disease. To the Judge—In a case of a person dying from acute Bright's disease, an ordinary skillful physician could by a post mortem examination tell that such was the cause of death. Cold and exposure would hasten such a disease and so would a drug given to produce a criminal abortion. To the Judge. If I found on a post mortem on the body of a previously healthy woman, strychnine in the organs, I would have little hesitation in saying death resulted therefrom. The Judge—Knowing what you do of the evidence given here what would you think caused this woman's death.

Dr. Rankin.—If you will excuse me I would prefer not to answer this question. Continuing to the Attorney General.—If strychnine were taken in ginger, the bitterness of the taste could hardly be distinguished. Half a day would be a short time in which a person would die from acclampsia (the acute kidney disease referred to).

Dr. Hand said in cases of strychnine poisoning there might be foaming at the mouth. Face becomes livid head thrown back and body resting on the back of the head and the heels. It is very hard to distinguish the bitter taste of strychnine. In a case of acclampsia which he attended, the patient spoke to me after the second convulsion, but not after the subsequent convulsions preceding death.

This evidence finished the case for the defence.

In addressing the jury Mr. Jones denied that death was the result of strychnine. There were symptoms which nature associated with death from strychnine which were entirely absent. The doctors spoke of the arching of a body, backwards, while in this case the curling up of the body of deceased was testified to. Other symptoms were inconsistent with strychnine poisoning, for instance the apparent absence of rigor mortis when the body of deceased was dressed. He suggested the possibility of a mistaken analysis, and touched upon the carelessness of the doctors in the post mortem examination, as to the vessels in which he placed the organs. In a certain form of Bright's disease in which symptoms were such as with Minnie Tucker, a woman, pregnant, might be carried away very suddenly. There was a possibility of strychnine being inserted after death. With regard to the evidence of Mrs. Vicars and Mrs. Carroll, there was evidently not a friendly feeling between them and the prisoner. The latter kept company with Pat Canovan and afterwards "broke it off."

If it were admitted that Minnie's death resulted from strychnine it was consistent to believe that she took it herself, perhaps thinking it would procure the abortion, which the brown powder she was taking, failed to do.

The court adjourned.

When the court met on Saturday morning, Mr. Jones continued his address. He suggested that it was possible that Minnie Tucker might have got the strychnine from her sweetheart Rowley, with whom it was shown she was sitting up a night near to her death. When Mrs. Carroll told her husband that Mrs. Canovan had made inquiries about strychnine, he remarked "Probably Pat wants it to kill foxes." This suggestion an easy explanation to Mrs. Carroll's husband. We find that Pat Canovan was intimate with Minnie Tucker, he was supplying medicine for her to take. It would be a very serious thing for him if Minnie's child were not destroyed, provided he was likely to be called the father of the child. He might have got the strychnine with the intention to poison the child, and not the mother. Would it not be natural that Pat Canovan should get his wife to get the fox poison? If anything happened the blame would not rest on him but on his wife. Mrs. Tucker said in her evidence that she saw Minnie with a white powder. When Minnie died she said "Oh Pat cursed was the day." There might be a world of meaning in that. It was plain that Canovan urged Mrs. Carroll and Vicars to give evidence against his wife. The jury must remember that a verdict of guilty in this case meant death and nothing else. Mrs. Canovan stated that she could tell the truth.

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