

## CIRCUIT COURT.

(Continued from Seventh Page.)

Mr. Currey, counsel for the defence, began his address to the jury on the opening of the court, on Thursday morning. If the jury gave damages it was entirely in their discretion whether they would give the smallest coin or the amount claimed in the declaration. He claimed that the damages should be of the very smallest amount, and that they should not be exemplary or even substantial. There was no malice and every consideration was shown to the plaintiff. The trustees had been patient in their treatment of her, considering she had paid no taxes for the many years past. He claimed that she had no case for damages whatever. He gave credit to the plaintiff for going out in the world and taking the position she did, but he claimed that it did not lie in her mouth to claim that the property was over-rated, when she could go to one of the most competent business men in the province and secure large sums of money as a mortgage. The property did depreciate, but, the reduction in taxation was made voluntarily by the trustees. She had money and controlled money, but would appropriate none for the payment of taxes. Had the trustees taken this action a year or two before, before the act was repealed there would be no case in court today. He claimed that the trustees showed no sign of anger or malice. They could not have showed her greater consideration if the plaintiff had been of their own flesh and blood. Money had been put up, which if the gaoler had been honest would have been taken and the plaintiff would have gone away. This imprisonment for taxes is not punitive; it was a mode pointed out by the act to collect taxes. When the money was paid she was at liberty to go out. The moment the trustees found there was a mistake in the law of imprisoning plaintiff, they let her out, showing plainly that they had no malice. He claimed that the plaintiff had proved no damages, pecuniary or otherwise. The key of the gaol was never turned on her, she slept in a room that was not locked, she gave music lessons and she was also riding a bicycle, and in addition to that she was doing her business. With reference to business, she said she was going to meet a young lady in New York, which by her incarceration, she was prevented from doing. There was no agreement for pay, and there could be no pecuniary loss, then. He claimed that the plaintiff did not do credit to herself in bringing a suit against the old neighbors in her native place. He did not think the trustees should be mulcted in damages by a technical error, in not being acquainted with a change in the law, that had just been made. Such suits ought not to be encouraged. This question of non-residence was partly a question of law. He could practice 7 years in New York and five years in St. John and have his residence in St. John. A good deal depended on the doctrine known as the animus revertendi, the intention of returning, and the plaintiff had admitted that if the business began to pay her, she might return. Mr. Currie spoke for just one hour.

Mr. Skinner for the plaintiff. His learned friend's plea is to get off with as little damages as possible. He charges the plaintiff in effect with perjury, and then says he has tried to speak with courtesy. His speech was an appeal to passion and not one which should be heard in a court of law. If such principles as his learned friend advised, were to be followed, better leave the administration to mobs, and do away with a court of justice. His client simply asked for justice. Supposing there is no malice you are confined to giving reasonable damages for the injury done. Supposing you were trying a case against the town of Woodstock, and the plea was that the plaintiff was cranky or nervous, would not that plea be laughed out of court. It does not follow that you must prove damages, the law of the land and the law of every civilized land gives damages for an illegal arrest. This imprisonment is not the light thing Mr. Currie tries to make it out. It is the acme of authority to take away a citizen's liberty. The history of the plaintiff's family has been brought under review. He

claimed that Mr. Sharp was in a position to know how his daughter suffered. Because Miss Sharp was a nervous temperament, was it any reason that she should not recover damages for false imprisonment? With regard to the apple business, it appears that at a certain period, the son died, and Miss Sharp was thrown on her resources. She went West and did what she could. The defendants are estopped in saying plaintiff was not a non-resident, for they assessed her as a non-resident. More than that the defendants had security for costs, as it were in their lawyer's bags, as she was a non-resident. When a corporation arrested a person they had to be very careful about the manner in which the arrest was made. The trustees need not have seized her, they had the real estate. It was his opinion that the trustees had a lien on real estate, which would cut mortgages to the extent of two years. The trustees started the law in motion against Miss Sharp. They arrested her and then decided they would take \$60 or \$65 as settlement. The magistrate issues four executions and gives them to the constable. The constable keeps three executions in his pocket and gives her one. Regarding the previous imprisonment, it struck him that the subsequent imprisonment, if illegal, was so much the harder, so much the worse. As to mental distress caused by imprisonment, he had known cases of men, who passed through the bankrupt court with a smile on their faces, and in the eyes of the world without suffering, and yet in two years, the black hair had turned white, all on account of that trial. It is argued that the trustees made a mistake, and that therefore they should be dealt with leniently. At the time the plaintiff was arrested there was no law for her arrest. The affidavit was illegal even if the law was not changed. It belongs to the business of a corporation if they are going to make an arrest, to see that they can do it, legally. There is no defence in this case at all except in the abuse of the plaintiff. As to malice, what about the four executions, in the constable's hand, one of which, only had been served? With regard to Mr. Carvell's action in the matter he cast no reflections upon him. It might be that he tried too much, and that his sympathy was with plaintiff, while his duty called him another way.

His Honor in charging the jury said that if the trustees had been actuated by malice there would be scarcely any limit to the damages. He would not instruct the jury to say that there was malice, but the trustees had made a serious mistake. There was no doubt that it was a false imprisonment if she was a non-resident. It was under the direction of the trustees that the arrest was made, and there would be no doubt that they were liable. The law was changed in 1897, and a provision made, repealing a former provision, that a non-resident could not be arrested. It would be a question for the jury to decide whether Miss Sharp was a non-resident, or not. It seemed to him that it was pretty well established that she had made her residence in Victoria, B. C. Moreover the books of the trustees showed that she was a non-resident since 1894. The process was entirely illegal. You cannot take the body of a non-resident, you must resort to the property. You must judge as if the trustees had sent this lady, without any authority, to gaol. Take it as if your wife or daughter had been the plaintiff. Ignorance of the law is no excuse. Every man is bound to know under the law, what the rights of his neighbor are. Plaintiff was assessed on a large value for a property which became practically valueless. As to the amount of damages that would be reasonable, that would be for the jury. He did not think they would be justified in finding the smallest coin of the realm. What would you think to be reasonable equivalent for the injury she suffered? The question of trespass also came in, and was an element to be considered. He thought the gaoler was quite right to take the money placed on deposit, as a security for Miss Sharp staying in gaol. The question of the plaintiff's health was also to be considered. He did not think punitive damages should be awarded, but reasonable, substantial damages for her imprisonment. The jury retired, and after being out about

two hours returned with a verdict in favor of the plaintiff for \$1.00.

The criminal case the Queen vs. Benj. Stockford, assault, was proceeded with, Stephen B. Appleby representing the crown and J. C. Hartley the prisoner. The jury brought in a verdict of guilty, and the prisoner was sentenced to four months in gaol.

Before the court adjourned counsel for the plaintiff in the Sharp case said, the case against Mr. Anderson would not be proceeded with in this court.

The counsel for the defence expressed a desire to go on with this case and have it over.

Counsel reached an agreement as to the Anderson and Good cases.

The judge said he would not have tried the Anderson case with the present panel of jurors, after what had been done in the face of his direction that the case just tried was not one for nominal damages, but that the jury should find substantial damages.

The following is a summary of the opening made by Mr. Jones at the commencement of the trial:—It would be shown in evidence that the plaintiff formerly resided in the parish but that for the last few years she has been a resident in Victoria, B. C., that she was a non-resident of New Brunswick, that the defendant was a corporation at law, that in 1897 plaintiff came here on a visit, that while here on the 16th Sept. 1897, she was arrested by Mr. McFarlane on an execution issued by Geo. Anderson, J. P., for taxes alleged to be due defendant, that her arrest took place in the Parish of Woodstock on the public road, between the town of Woodstock and Upper Woodstock, that she was put in gaol for 17 days when she was released. She claims that the execution was issued at the instance of defendant, and that she was in prison without any authority at law. It was also contended that a non-resident could not be arrested for non-payment of taxes. The law had been repealed and a new law passed, making the arrest of non-residents, illegal.

Nothing takes out pain and inflammation, reduces swelling, promotes healing like Hagar's Yellow Oil. Price 25c.

## Shippers Union.

At a meeting of the Shippers' Union held at Woodstock on Wednesday, 12th inst., the following resolution was unanimously adopted:—

WHEREAS, The Union was formed some time ago for the purpose of raising the standard of Carleton County oats in the markets, and recognizing the fact that a large per cent of the oats being shipped are uncleaned and unsaleable and much below the standard weight, and that we are of the opinion that if the same oats were cleaned and the light oats and fowl seed were blown out, the same oats would command a better price and would reach the standard weight and would therefore sell at a better price in the different markets, and would compete with Ontario oats far better than at the present way of shipping dirty oats to the markets; therefore be it.

RESOLVED, That in future we make a distinction of at least 5 cents in favor of recleaned oats that will weigh 32 lbs or more.

Signed—D M Smith, C L Tilley, John T G Carr, C W Taylor, J K Flemming, H H McCain, B F Smith, James McIsaac, Chas Gallagher, E D R Phillips, John Bohan, F E McNally.

JAMES MCISAAC, Secretary.  
East Florenceville, Oct. 15th., '98.

## Those Tired Kidneys

Dr. Chase's Kidney-Liver Pills help tired kidneys to do what they must do if you are to be a healthy man or woman.

## Battle of Khartum.

Official approval of the new service bullet has been received at Woolwich Arsenal from the military authorities in Egypt. It was found to be superior to the Lee-Metford in dealing with the rush of hordes of fanatics, whilst its destructive powers were more deadly in their results. No report has been received of the new Lyddice shell which would have had a more effectual trial if the Khalifa's army had not come out of Omdurman. Since the receipt of the report of the satisfactory working of the new service bullet an order has been issued for a number of Maxim machine guns to be constructed with 303 barrels suitable for the new bullet.

In a letter to his friends at Heywood, dated September 5, from Khartum, Private J. Carruthers, E. Company, 2nd Lancashire Fusiliers, who took part in the battle of Omdurman, writes:—"Dear Father and Mother, —I am very glad to tell you I came out of the battle all right. And it was a battle too. It was nothing but pure butchery, the way we killed them. There were 30,000 of them killed besides a lot wounded. It was horrible to see them and it made me sick. About 60,000 attacked us, and their yells sent the fear of God through me. I was a little bit frightened at first, but I was all right in about a minute and then I got settled down to it. And then we did give it to them. They were four to our one, but we sifted them. We had a good 5½ hours' fighting, and it was terribly hot, and we had no water. We kept on chasing them over the desert. Then at night we marched into Omdurman, just opposite to Khartum, and slept there. Next day we went and held a burial service over Gordon's grave, and we fetched two big guns from there. There were only 106 killed and wounded of British troops. I got hit twice with spent bullets, but they did not hurt me. It was a grand battle. We were in the thick of it all the time."—London Times.

Pleasant as a Caramel.—Dr. Von Stan's Pineapple Tablets are not a nauseous compound—but pleasant pellets that dissolve on the tongue like a lump of sugar, just as simple, just as harmless, but a potent aid to digestion and the prevention of all the ailments in the stomach's category of troubles. Act directly on the digestive organs. Relieve in one day. 35 cents. Sold by Garden Bros.

Do you really believe ignorance is bliss? She—I don't know. You seem to be happy.

## PERSONAL.

A. H. S. Parlee, Montreal, is at the Carlisle. Mrs. Z. H. Peters, left for Boston on Monday. B. H. Smith and wife went to Boston on Monday.

Arthur J. Evans, of Garden Bros. is at St. Stephen.

C. W. Parlee and wife, Landsdown, were at the Carlisle over Sunday.

Mrs. B. F. Estey left on Saturday for Boston to visit her daughter in Boston.

Col. D. McLeod Vince & Mrs. Vince, left on Monday for a pleasure trip to Boston.

Lt. Col. Wilson, of Quebec, was at the Carlisle on Monday. He was inspecting the Battery.

Mrs. John S. Leighton returned Saturday last, after a pleasant visit to friends in Charlotte Co.

Miss Charlotte E. Hallet, Hartland, has gone to Boston to visit her sister Mrs. Mattie M. Shaw.

Mrs. Lingley, has returned to her home in Westfield after a visit to her daughter Mrs. H. A. Seely.

Mr. and Mrs. C. P. Bull, of Northampton, left on Saturday for Boston where they intend to spend a few weeks. They will visit Newport and Lawrence before their return.

At the Carlisle:—F. R. Phillips, W. Seovil, J. Morrison W. Ellis, N. E. Merritt, Toronto; Dr. N. R. Collier, Jas. Ross Scott, Morrill, Mrs. D. W. Newcombe, C. W. Skinner, L. A. Curry, N. D. Halford, St. John; E. R. True, W. V. Moore, St. Stephen; Mrs. Scholey, the Misses Scholey, Centreville; J. A. Johnson, B. F. McKay, Halifax; Mr. Justice Hannington, Dorchester; W. H. Peterson, Calais; H. F. McFarlane, Fredericton; Mr. Atkinson, Presque Isle; W. J. Spalding, McAdam; Lt. Col. Wilson, Quebec; P. Graham Hartland.

At the Aberdeen:—James Picard, Calais; C. H. Guza, John H. Hamilton, S. Prichard, Toronto; Chester Barlee, Bath; P. Lindow, Presque Isle; J. Gillen, Hartland; J. E. Mowbray, J. E. Burnham, Geo. E. Shea, Frank Carpenter, Houlton; S. Arscott, Benton; M. A. Green, St. Stephen; J. S. McLean, James Miller, J. H. Scribner, St. John; A. B. Games, Bristol; B. McLean, Burr's Corner; Chas. Boyer, Wm. Boyer, Jr., Florenceville; D. Perry Fitzgerald, Centreville; A. W. Phillips, J. A. Dawson, Montreal; John Palmer, Allen McLean, T. Brewer, Fredericton; J. B. Bowser, Victoria; S. Quigley, P. Quigley, Rumford Falls, Me.; E. Williams, Boston; C. McLean, New York; U. H. Harley, Bangor.

## Worth Trying if Sick.

A verified record—1,016 persons cured in one month by Dr. Chase's Family Remedies. All dealers sell and recommend them.

WOODSTOCK, N. B., Oct. 24th, 1898.

MR. T. A. LINDSAY, Agent Temperance and General Life Assurance Co.,

Woodstock, N. B.

DEAR SIR:—Please convey to your Company my sincere thanks for their promptness in settlement of claim—as per policy held by son, Gordon Townsend, deceased.

My claim was sent forward to your Company only a few days ago—and today I received a cheque for the amount in full.

MRS. ROBERT H. TOWNSEND.

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FOR 2 MONTHS ONLY  
SEPT. 1ST TO NOV. 1ST.

This will be the chance of your life.

Full Upper and Lower Sets, including Painless Extracting, Gas or Itdonthurt,.....	\$20.00
Full Upper and Lower, where Teeth are already extracted,.....	\$18.00
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Full Upper or Lower, where Teeth are already extracted,.....	\$10.00

Cement and Silver Fillings only  
50 Cents each.

Painless Extracting with Itdonthurt only 25 Cents.

We use nothing but the very best material and we give a written guarantee for 5 years with every piece of work. We must do good work or we could not afford to do this.

Remember this, that you have six months from the time your teeth are extracted in which to obtain your Artificial Teeth, or you can have them as soon as you please.

These prices are for **CASH ONLY**. We have samples of ten different kinds of teeth all made up ready for your inspection. **TWO MONTHS ONLY.**

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And have you seen our New Fall Styles of

## Boots and Shoes?

FOR ONE LINE WE WILL NAME THE

**AURORA,**

Made by the Sorosis Company, on the Mannish Last for LADIES. We carry this shoe in Button and Polish, and without doubt it is the most Stylish and Comfortable Shoe ever made. Call and see them.

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We sell the **N. Curtis & Co's Fine Shoes for Gents,** and for Style, Comfort and Durability they excel all others.

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**The Only Exclusive Shoe Store in Houlton.**

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