

MRS. FITZRANDOLPH WINS DIVORCE CASE

Jury Brought in Verdict Last Night After Being Out More Than Two Hours—Unanimously for Defendant on Five Counts—Divided Five to Two on Two Others and Six to Two on Another—Judge Crocket's Remarks re Press.

The jury in the divorce action of Charles FitzRandolph vs. Elizabeth FitzRandolph, brought in a verdict in favor of the defendant wife shortly after seven o'clock last night, after being out upwards of two hours. Eight questions were put by Judge Crocket to be answered by the jury. To five of them the answer of the jury was unanimously in the negative, to one in the negative six to one, and to two in the negative five to two.

After the verdict had been made known Dr. J. B. M. Baxter, K. C., for the defendant, moved for dismissal of the libel, and it was dismissed by His Honor Judge Crocket. For the plaintiff, Mr. M. G. Teed, K. C., said that he did not yet know whether he would move for a new trial.

After the case had been concluded, Judge Crocket said that he would take the opportunity to make reference to the reports of the FitzRandolph divorce case which had appeared in certain newspapers of the province while the case was being heard. Comment on the case had been made and opinions expressed in gross violation of the rules and regulations of the court, and he did not hesitate in saying that if such occurred again in connection with any case heard before him, he would cite the persons responsible for contempt of court. He considered it a most deplorable thing for public morals that reports of such cases should be published.

First Jury Divorce Trial. was the first case to be tried by a jury in the New Brunswick Divorce Court.

Court. The original trial of the case before Judge Crocket by the ordinary procedure of the Divorce Court, resulted in a divorce decree being ordered to issue in favor of the plaintiff. An appeal was taken on certain points, and the appeal sustained by the Supreme Court of New Brunswick, and a new trial was ordered. For the defence Dr. Baxter applied for a trial by jury as permitted under the law, although recourse to such mode of trial never had been taken previously.

Eight Questions and Answers.

Judge Crocket put eight questions before the jury in a charge which was generally considered to be not in favor of the defendant. The jury retired some minutes before five o'clock and soon returned to ask for instructions with regard to the particular incidents referred to by questions Nos. 5 and 6, and also as to whether or not a unanimous verdict had to be given on all the questions.

The judge explained the questions and said that after a lapse of two hours five jurymen could bring in a verdict. The eight questions and the answers as given through Foreman Gordon G. Grant were as follows:

1. Did defendant commit adultery with Walter J. Irvine at the Golf Club House on the evening of August 31st, 1917? No.
2. Did defendant commit adultery with C. Frank Worrell at the Golf Club House on the evening of August 31st, 1917? No.
3. Did defendant commit adultery with C. Frank Worrell at defendant's residence on the morning of September 1st, 1917? No.
4. Did defendant commit adultery with Hugh Bruce at the Prince William Apartments in July or August, 1916? No.
5. Did defendant commit adultery with Edgar H. Fairweather at the FitzRandolph residence on September 30th, 1916? 5 No, 2 Yes.
6. Did defendant commit adultery with Edgar H. Fairweather at the FitzRandolph house in March and April, 1917? No.
7. Did defendant carry on adulterous intercourse with Matthew J. Butler at divers times and divers places during 1916 and 1917? 5 No, 2 Yes.
8. Did defendant commit adultery with Matthew J. Butler at McAdam Junction in July, 1917? 6 No, 1 Yes.

Personnel of Jury

The personnel of the jury which was selected on July 3rd the opening day of the trial after a number of challenges, was as follows: Gordon C. Grant, Shogomoc, foreman; Lemon Stone, W. Bruce Dayton, Devon; Herbert V. Gunter, Harold M. Young, Fredericton; Avery Morehouse, Zealand; William D. Hagerman, Douglas.

The afternoon session of the court began with Mr. Teed completing his address to the jury. This was followed by the charge of Judge Crocket.

M. G. Teed, K. C.

Mr. Teed said that evidence had been given for which it is reasonable to believe that adultery had been committed with the five co-respondents. Circumstances attending the instances had been admitted to a great extent by the defendant. It was customary to deny adultery on the witness stand. In his opinion witnesses had perjured themselves to shield the defendant.

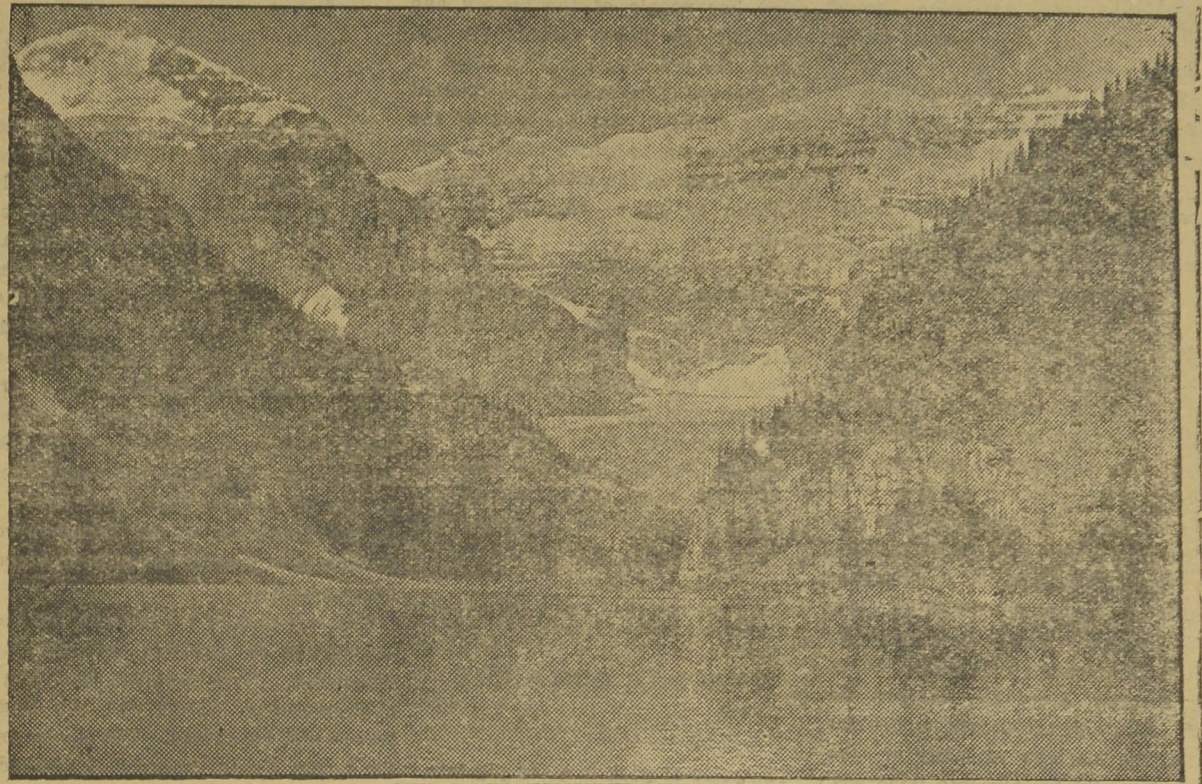
Judge Crocket's Charge

Judge Crocket directed that the jury must decide whether or not adultery had been committed with any of the five men named. Direct proof of adultery was not necessary but reliance could be placed on circumstantial evidence.

With regard to the Fredericton Golf Club incident the circumstances and human nature must be considered. It would not be improbable to assume adultery had taken place. They must consider if either Irvine or Worrell had given improbable evidence. He believed the explanation could not be true. Character of parties would aid the jury in reaching a decision. Was there adultery with either man at the clubhouse? Was there with Worrell at the house?

In regard to the Fairweather incidents the circumstances must be

Lake Louise and the Rockies



Lake Louise.

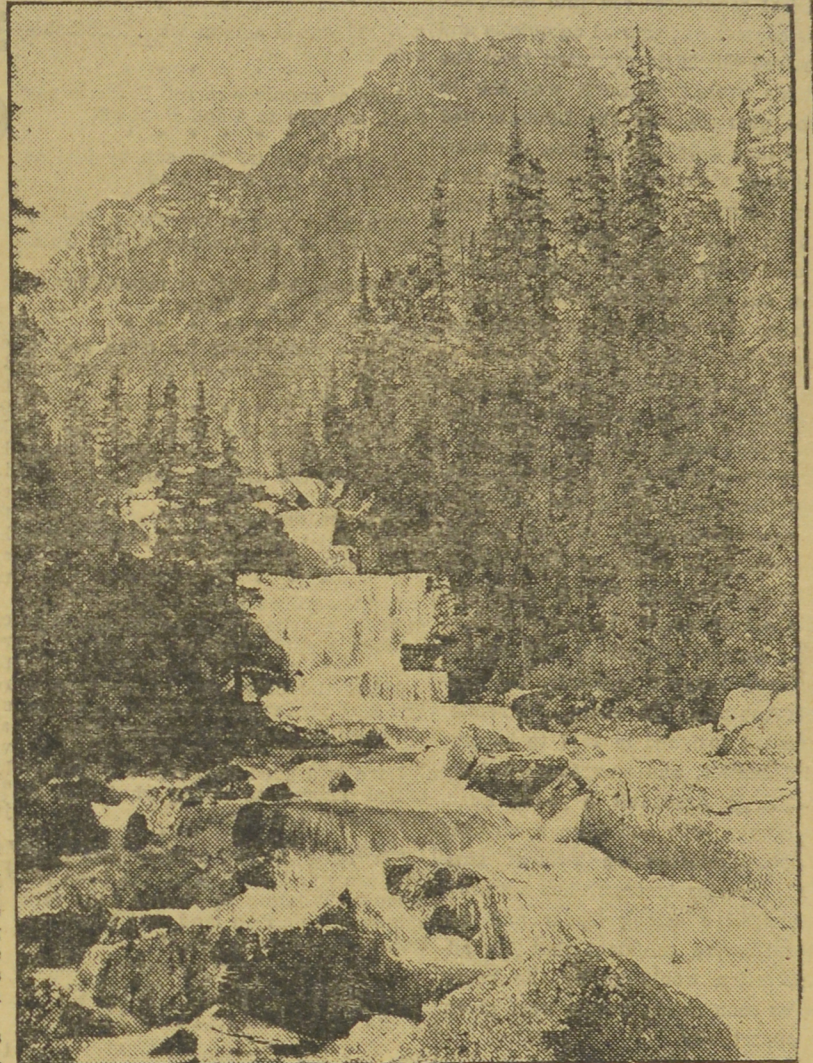
To the ancients all roads led to Rome, and it was the ambition of young and old to behold the "Eternal City" and its wonders. Now however, one might say it is the ambition of every Canadian to behold the "Eternal Snows", and as the Appian way led to Rome, so the great iron road, the Canadian Pacific Railway, leads to the Rocky Mountains. Canadians have a wide field to pick and choose from in the matter of places to spend holidays, but the West has an attraction all its own.

Lake Louise is one of the many beauty spots in the Rocky Mountains, and a trip West is not considered complete without a stop-off there. Lake Louise is one of the Lakes in the Clouds (the others being Lake Agnes and Mirror Lake) and at one time its existence was only known to the Indians. Now however, thanks to the enterprise of the C.P.R., it is visited by thousands of tourists yearly, the railway passing through at this point, and a palatial hotel, the Chateau, having been erected on the lakefront, affording ample accommodation.

Stepping off the train at Laggan the tourist boards an electric car, which runs up the gradient to the lake, the trip only occupying twenty minutes. The drive is a most delightful one, the car, being open on both sides, affords an uninterrupted view of the wonderful scenery with the minimum of exertion. The Bow River is crossed by a pretty little bridge, and in the early morning sunshine the waters sparkle like opal fires, tossing furiously in eddies as the river forces its way down the valley.

Arriving at Lake Louise one feels transported into another atmosphere, if not to another world; feelings of wonder, awe, and admiration grip the mind, compelling a reverential silence. The lake itself is small, but a perfect gem, lying at the base of the Victoria Glacier from which it is fed, its waters being pure turquoise in colour, that deep turquoise so difficult to describe. Behind the lake Mt. Lefroy towers like a giant to the heavens, reaching an altitude of over 10,000 feet—one huge mass of dazzling snow and ice, resembling the Matterhorn in Switzerland. Mt. Aberdeen and the Victoria Glacier form a background unsurpassed for grandeur.

The surrounding country suggests an Alpine valley. Ranges of snow-clad mountains stretch as far as the eye can reach, while the air is filled



Giants' Steps near Lake Louise, Canadian Pacific Rockies.

with the scent of the pines. Flowers of brilliant colour bloom everywhere.

Facilities can be obtained at the Chateau to escort parties going to Moraine Lake and the Valley of the Ten Peaks by automobile or carriage; ponies can also be hired to take tourists to Lake Agnes and Mirror Lake.

On the way to Moraine Lake a splendid view of Mt. Temple is obtained. This mountain is one of the highest peaks in the Rockies, rising to an altitude of 11,000 feet. Its sides resemble walls of ice, and its crest is covered with snow. At this point a fine view of the Bow

Valley is obtained from a height of 11,000 ft, the river looking like a slender silver thread down in the valley. Still other beauty spots are the Giants' Steps and Paradise Valley, where the opalescent waters come thundering down from the sublime heights above, forcing their way through the mountains to the distant valley.

Moraine Lake is soon reached, and the tourist is allowed half an hour to rest before the return journey, enabling him to enjoy the magnificent scenery. Moraine Lake lies at the base of the Ten Peaks, a chain of mountains all over 10,000 feet high, covered with snow.

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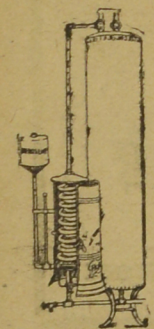
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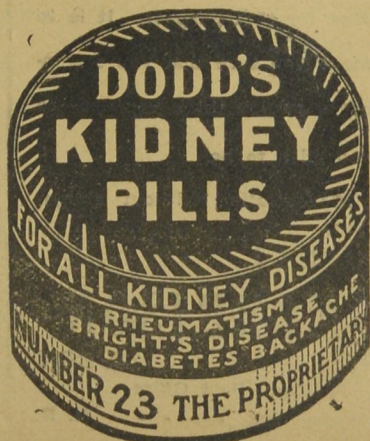
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considered. There were three cases. The jury had seen the manner in which Fairweather had heard and answered the question as to whether he had kissed Mrs. FitzRandolph or been kissed by her.

With regard to another correspondent residing in Montreal there was evidence that the husband had not suspected wrong doing for a long time. That was natural as the husband usually was the last person to hear such a thing. It was the duty of the jury to consider the facts of the incident at McAdam, whether there had been opportunity for adultery. The essential point was the letter found at the house by Miss McCloskey. Had it come into the possession of the defendant? By law it was a presumption that a letter addressed to a person and placed in the mails, would come into the possession of the addressee. If the jury believed that the letter had not reached Mrs. FitzRandolph, he must direct that it be eliminated from the case. If the jury believed that it had reached her hands, it must be considered: Did the jury believe that this letter which Mrs. FitzRandolph agreed was in the handwriting of that gentleman, had been received and opened by some person other than Mrs. FitzRandolph? It had been urged that the interest displayed by this man in the defendant had been paternal and intellectual. The opening form of address was "My Darling, My Betty, My Dearest." did those words indicate interest of that kind? Judging from expressions in that letter was it a reasonable opinion that sexual intercourse had taken place? In connection with the incident at McAdam

Junction it must be remembered that the defendant and this man had written to one another prior to meeting there. The letter was of importance in view of the circumstances at McAdam. The jury also must remember that under decisions in cases of divorce it had been held that actual fact of adultery need not be proven. Inference, opportunity, strong attachment of one person for another and reciprocal feeling all had sufficient weight for a finding.

His Honor said further that he must remind the jurymen that all sympathy for or prejudice against either party must be dismissed from their minds. Much had been stated concerning the conduct of the plaintiff, but that could not be an issue except insofar as it might effect his evidence. Incidents in London had no bearing on the case.

If the jury had any doubt it should find in favor of the defendant, but that did not mean any shadowy doubt conjured up for purposes of sympathy but real doubt.

Dr. Baxter pointed out that discrepancies might be honest mistakes. His Honor said the jury was to decide whether denials as given were true or not. Perjury must not be imputed lightly.

VACATION LETTER.

"Dear Dad," he writes,
"I miss you,"—then
"Your loving son."
"P. S.—Send 10."

Don't look for trouble; let trouble do the searching.

BRIEF BUT USEFUL RECIPES.

Drive Away Aches.—A little quicklime placed in the infested places.

Remove Tar from Cloth.—Rub it well with turpentine till every trace is removed.

Make Leather Waterproof.—Saturate it with castor oil; to stop shoes squaking, drive a peg into the middle of the sole.

Clean the Hair.—Wash well with a mixture of soft water, 1 pint; sal soda 1 ounce; cream tartar ¼ ounce.

Egg Stains on Spoons.—Rub with common salt.

Clean Gloves.—Pour a little benzine into a basin and wash the gloves in it, rubbing and squeezing them until clean. If much soiled, they must be washed again through clean benzine and rinsed in a fresh supply.

Hang in the air to dry.

Clean Hair Brushes.—Dissolve a little soda in warm water and pour in a small amount of ammonia. Hold the brushes with the bristles downward and avoid wetting the back as far as possible; shake until the grease is removed; then rinse in cold water and put in the air to dry.

Remove Mildew from Cloth.—Put a teaspoonful of chloride of lime into a quart of water, strain it twice, then dip the mildewed places in this weak solution and lay in the sun. If not effective the first time repeat.

How to Remove a Rusty Screw.—Apply a red hot iron to the head for applied immediately while the screw is hot.

Cure Mosquito Bites.—Put ten drops of refined carbolic acid into an ounce of rose water; shake well and apply. (If you hold your breath while a mosquito has its bill in you it cannot withdraw it until you breathe again).

Fruit Stains on Hands.—Wash the hands in clear water, dry slightly and while still moist strike a sulphur match and hold your hands around the flame.

To Remove Grease.—Machine grease can be removed from wash goods with rainwater and soap.