

IMPORTANT JUDGMENTS

Many Handed Down by the Full Bench on Friday—
Dominion Officials can be Taxed—The Seery Case

The Supreme court met Friday afternoon and delivered a large number of judgments, several of which were of considerable importance. Justice Gregory, who was ill when the cases were argued last term, took no part in the judgments. White also took no part in the judgments.

The St. John Assessment case was among those disposed of and the court unanimously decided that the salaries of Dominion officials are liable to taxation for municipal purposes.

The following cases were disposed of:

The King vs. Forbes, ex parte Harrington—This case arose out of a St. John street quarrel, for which the defendant was arrested and convicted before Judge Forbes. The court refused to grant a rule nisi to quash the conviction.

The King vs. O'Brien, ex parte Chamberlain (2 cases)—These were applications from Gloucester county to quash two convictions under the Liquor License Act, the defendant having been convicted for second and "third offence," and "levy" and third offences. The court unanimously granted an order quashing the conviction for a second offence, and amended the conviction in the other case by striking out the words "distress."

Whittaker vs. Goggin—Judgment for defendant to amend on payment of costs within twenty days.

McGaw vs. Fisk—New trial refused. This was an action for false imprisonment, arising out of the sale of a carriage to a minor.

Everett vs. Everett—Rule to set aside non-suit and enter verdict for plaintiff refused.

Rundle et al vs. McNeill—Rule for new trial refused.

Moran vs. O'Regan—This was an action for slander, tried in St. John, and resulted in a verdict for plaintiff. Court refused to grant defendant a new trial, Judge Hannington dissenting. One of the points raised by M. G. Teed, defendant's counsel, was that the plaintiff had challenged a juror because he was upwards of sixty years of age. He claimed that it was a case for an exemption, but not for a challenge. Chief Justice Barker, who delivered the judgment of the court, took the ground that the fact of a juror being sixty years of age was proper ground for a challenge. The court also held that the publication of the alleged slanderous remarks by dictation to a stenographer was not a privileged publication.

THE SEERY CASE.
Executors of the late F. J. Seery, M. D., vs. Federal Life Assurance Company—Only the Chief Justice and Justices Hanington and Landry took part in this case. The court refused the defendant company a new trial, the chief justice dissenting. This case has been pending for nearly five years and has been tried three times in the York Circuit Court. The death of a juror before the first trial had been

finished made a second trial necessary which resulted in a verdict for the plaintiff. This was set aside on appeal and at the third trial in June last the plaintiffs again secured a verdict for full amount of policy and interest, totaling about \$1200. The defense set up was that Dr. Seery had, on August 1902, when taking out a warrant for the renewal of his policy, misrepresented the condition of his health and concealed material facts in relation to his habits. Judge Barker dissented from the court's judgment on the ground that the verdict was not in accord with evidence. M. G. Teed, K. C. and P. J. Hughes, argued the case for the plaintiff and H. A. Powell, K. C., and R. B. Hanson for the defendant.

The Colonial Investment Company vs. Demerchant, rule refused.

Dooley vs. City of St. John, rule to set aside, nonsuit.

Sleeth vs. City of St. John, and Gordon vs. City of St. John. The court decided that there should be a new trial and ordered both cases sent back to Judge McLeod for a hearing at St. John on February 11th.

The King vs. City of St. John, ex parte Abbott—This is the St. John assessment case and the court unanimously discharged the rule. The judgment was delivered by Judge Barker and was based on the recent decision of Privy Council in an Australian case. His Honor held that under that decision salaries of Dominion officials were liable for taxation regardless of what Canadian Courts had previously decided.

Payson vs. Equity Fire Insurance Company—Rule absolute to enter verdict for defendant, Judge Landry dissenting.

Farrell vs. Manchester—Appeal dismissed with costs.

Gallant, appellant, and O'Leary respondent. Appeal dismissed with costs.

The King vs. James Manchester on complaint of chamberlain of St. John—Court unanimously quashed conviction.

The King vs. Kelly—Court discharged the rule on the ground that question is entirely one of fact, certiorari does not lie, as the jurisdiction of magistrates was not involved.

The King vs. Davis ex parte Van-Buskirk, (2 cases)—Rule discharged.

The King vs. Kay ex parte Melanson—Conviction quashed.

Goggin, appellant and Whittaker, respondent—Appeal dismissed with costs.

Hamstead Steamship Company, appellants vs. Vaughan Electric Company, defendant—Appeal dismissed with costs.

The total number of judgments delivered was twenty-six, largest number handed down in one day for many years.

In case of King vs. Kay ex parte Melanson an order was made protecting the magistrate from an action, on motion of J. D. Phinney, K. C.

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At mid-day Saturday the fire was first discovered, smoke being seen emerging from a ventilator. The first officer rushed to the bridge, where Captain Lewis was, to tell him of the fire, when almost immediately a terrific explosion occurred, blowing off all the hatches in the forward part of the ship and destroying half the bridge. The captain was thrown to the deck, badly injured, and blinded by the flames. The wheelman was driven away from his post. A boat was immediately lowered, but was smashed and its crew of fifteen, including the third officer, were drowned.

For thirty-six hours the crew fought the flames, but with small success. The foremast melted and fell, throwing a stowaway who was hidden in the "crow's nest" into the flames, which had by this time, burned through the forward deck. There were nine stowaways on the ship, and all were caught in the forward holds and burned to death without a chance of rescue. All the rescued members of the crew were cared for on the Cymric, and, although many of them are badly burned, it is thought all will recover.

First Hobo—Yes, I told dat lady dat I was once a Senator. She actually believed it.

Second Hobo—Great Hobos! In what way do you resemble a senator?

First Hobo—Oh! I told her 2 or 3 after dinner stories. Dey were so stale she said I must be a senator.

LICENSE VS. SCOTT ACT

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To the Editor of the Herald:

I was glad to see that a working man has been calling the attention of your readers to the unfair character of the Canada Temperance Act which enables a rich man to obtain as much liquor as he needs and prevents the poor man from obtaining a glass of beer. Many people from England have been accustomed to drink a glass of beer occasionally and they do not like to live in a country where that privilege is refused them. Let the people of Fredericton vote down the Scott Act and then everyone will see the superiority of the license system.

ANOTHER WORKING MAN.

The liquor license law provides that No person shall sell liquor unless licensed.

An inspector shall be appointed by the lieutenant governor who shall inspect all premises seeking a license. (Sec. 5 & 6.) And unless said inspector reports that the premises are satisfactory, and that he knows the proprietor to be of good character and repute, a license shall not be granted to him (Sec. 11).

No liquor shall be sold on licensed premises from 10 at night until 6 each morning, and from 7 on Saturday night until 6 Monday morning, (Sec. 48) under a penalty of \$50 for first offence, \$100 for second offence and \$200 and forfeiture of license for third offence. If the sale is on Sunday between 6 in the morning and 12 at night the license is immediately forfeited upon any conviction. If a light is seen burning on the premises during prohibited hours, this shall be sufficient proof of a sale to warrant a conviction. If any person licensed to sell liquor permits drunkenness or disorderly conduct to take place on his premises, or supplies liquor to any drunken person or suffers persons of bad character to meet upon his premises, he is liable to a fine of from \$10 to \$50.

Any person holding a license who sells liquor to a person under 21 years of age, is liable to a fine of from \$10 to \$20.

Any person interested may apply to the police magistrate for an order forbidding the sale of liquor to any person who wastes his means or endangers the happiness of his family by drinking liquor, and any person then supplying to or procuring liquor for such drunkard shall be liable to a fine of from \$25 to \$50. (Sec. 109)

Any person may inform a policeman to investigate and prosecute. (Sec. 113).

English Spavin Liniment removes all hard, soft or calloused lumps and blemishes from horses, blood spavin, ringbone, sweeney, stifles, sprains, sore and swollen throat, coughs, etc. Save \$50 by use of one bottle. Warranted the most wonderful Blemish Cure ever known.

Littlde boy, said a gentleman, why do you carry that umbrella over your head? It is not raining.

Nope.

And the sun is not shining.

Nope.

Well, why, then, do you carry it?

Cause when it rains pa wants it, and when the sun shines ma wants it, and it's only when it's this kind of weather that I can ever get any use of it. See?

RHEUMATISM ALMOST KILLED HER.

For years Mrs. S. Stahlschmidt of Humberstone, Ont., was a martyr to rheumatism. "I was so stiff and lame I could scarcely walk," she writes. "An attack striking my limbs made walking impossible. Friends and doctors gave prescriptions but I only got relief from Ferrozone. I took twelve boxes and gained from the first. Today I am well, feel stronger, weigh heavier and look the picture of health." Whether muscular or inflammatory, chronic or otherwise, Ferrozone does cure rheumatism and sciatica, 50c. per box at all dealers.

Plans and specification may be seen at the Station Master's Office, Sydney, N. S., and at the Chief Engineer's Office, Moncton, N. B., at which places forms of tender may be obtained.

All the conditions of the specification must be complied with.

D. POTTINGER, General Manager. Railway Office, Moncton, N. B., February 1st, 1908.

Feb. 6, d101.

DR. WOOD'S

Norway Pine Syrup

Contains all the wonderful lung-healing virtues of the Norway Pine tree and cures Coughs, Colds, Bronchitis and all Throat and Lung Trouble.

Do Not Accept Dangerous Substitutes

There is nothing "just as good" as Dr. Wood's. Put up in a yellow wrapper; three pine trees the trade mark; the price is 25 cents

COLD SETTLED ON THE LUNGS

Mrs. Irwin Bennett, Parrsboro, N. S., writes: "I feel it my duty to write a few words in praise of Dr. Wood's Norway Pine Syrup. I took a bad cold, which settled on my lungs, and made it almost impossible to breathe at times. I coughed constantly and could not sleep at nights. A friend told me how Dr. Wood's Norway Pine Syrup had helped her, so I procured some, and before I had taken one bottle my cough was gone and I could lie down and sleep at night."

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THROW AWAY LINIMENTS

Here's the Prescription to Cure Rheumatism.

Liniments only reach the skin and the muscles directly under the skin. Now, liniments can't cure Rheumatism. They simply deaden the nerves for a time. When the effect wears away, the pain returns worse than ever.

If the oowels do not move regularly—if the kidneys are strained or weak—if the skin is dry or harsh—the blood is sure to be filled with impurities or uric acid. This uric acid is changed into uric acid which is the poison that causes rheumatism.

Now, the only possible way to cure Rheumatism is to prevent uric acid from being formed. Logically, the only way to do this is to keep kidneys, bowels and skin in good working order, and prevent the stomach from being too acid. And the only way to do this is to take "Fruit-a-tives."

These marvelous tablets of fruit juices and tonics act directly on the three great eliminating organs—bowels, kidneys and skin—and put them in perfect condition. That is the only secret of their great success in curing rheumatism, sciatica and lumbago. 50c a box—6 for \$2.50. "Fruit-a-tives," Limited, Ottawa.

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Our Sale is in full swing now

This King of Sales only lasts until Feb. 4th. so hurry and buy two and three times as much for a dollar as in any other time of the year



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Skate Grinding

We make a specialty of grinding Skates. We also repair Skates and put them on your Boots.

WM. C. BURTT,

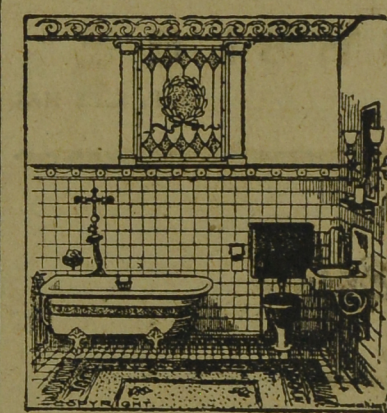
Keys of all kinds FREDERICTON, N. B.

HOW ARE YOUR CLOTHES.

Are they suitable for the coming season? Come in and let me measure you for a New Fall Suit, I have a nice selection of New Goods to show you

You will find the Fit and Style the Latest.

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D. J. Shea, FREDERICTON.

KIDNEY DUTY.—It is the particular function of the kidneys to filter out poisons which pass through them into the blood. When the kidneys are diseased they cannot do their whole duty, and should have the help and strength that South American Kidney Cure will afford in any and all forms of kidney disorder. It relieves in 6 hours.—14.

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