

## SUPREME COURT.

### A Number of Important Judgments Handed Down.

### NEW TRIAL REFUSED IN SWIM VS SWIM.

### Court Orders Release of a Prisoner From Dorchester Penitentiary.

The supreme court met at 9.30 o'clock this morning and delivered the following judgments:

**King vs. Frederick Benner**—The defendant in this case was convicted before Police Magistrate of Moncton on the charge of assault and sentenced by him to three years imprisonment in the Dorchester penitentiary. An application was made for a writ of habeas corpus on the ground that the magistrate had no jurisdiction. The chief justice in delivering judgment, said that the Dominion statutes gave power to the police magistrate of a town or city to try certain cases and imposed a penalty not exceeding three years imprisonment, but as Magistrate Kay, was a police magistrate for the county of Westmorland and not any city or town, he was without jurisdiction in such cases. The court accordingly directed Judge Landry to order the discharge of the prisoner.

**William Swim vs. Henry Swim, Frank Swim and Alonzo M. Kelly.** The judgment of the court was delivered by Judge Hannington, refusing the application of the plaintiff for a trial. The parties to this suit reside at Doaktown and the case was tried last fall before Chief Justice Tuck and a jury at the York Circuit Court. The defendants Swim acknowledged judgment, but the case was fought out by Kelly, and a verdict returned in his favor. Kelly, it appears, was at one time in partnership with Harry and Frank Swim. The plaintiff, William Swim, had some financial transactions with the firm and brought suit to recover a balance of \$700 due him on two promissory notes. It was shown that the Swims assumed all liabilities of the firm on Kelly's retirement, and therefore he was not responsible for any portion of the amount due the plaintiff. A new trial was asked for on the ground that there had been an improper admission of evidence at the trial. J. H. Barry, K. C., argued the case for the plaintiff and A. J. Gregory for the defendant, Kelly.

**John M. Smith vs Dominion of Canada Guarantee Company**—rule absolute for new trial.

The following common motions were made:

**The King vs. J. Gordon Forbes**—A. J. Gregory moves that rule absolute for certiorari to quash, be enlarged until next term and that stay be continued. Granted.

**Ex parte Richard Kelly**—O. S. Crockett moves to make absolute a rule nisi for a quo warranto against Albert McCoy. Rule absolute.

The case of **Mayes vs. Connolly** is now being argued. G. V. McInerney and T. A. Currey, K. C.'s, are moving for a reduction in the amount of damages awarded the plaintiff at the trial before Judge Gregory at the St. John circuit court. The attorney general and J. B. M. Baxter contra. It is likely that the business of the term will be finished this evening.

**McMonagle vs. Campbell**—rule discharged with costs.

### FOR SOUTH AFRICA.

### Every Attention Paid to Lady Teachers Who Leave St. John To-morrow—Salaries a Month in Advance.

The twenty Canadian lady teachers, including New Brunswick's six, who leave St. John tomorrow for South Africa, are being treated with every consideration by the authorities. Not only are they given the best of rooms on the ship, says the Telegraph, but tickets were sent to them for the rail journey from their nearest home station to St. John, as well as Pullman car accommodation, and in each case, also, was sent a cheque to cover the cost of medical examination, meals and other expenses en route. Besides this a month's salary in advance is paid each teacher before sailing. The arrangements for the transportation have been looked after by F. Colson, accountant of the department of the secretary of state at Ottawa, who is an old newspaper man, having been for a number of years on the Montreal Gazette.

In conversation with Mr. Colson yesterday, he said the advance salary was paid the teachers yesterday afternoon, when they met him at the Royal hotel. Speak-

ing of the arrangements for the trip across, he said the dominion government's part of the programme ends when the teachers sail from England for the Cape. They will be quartered at government expense at Liverpool and London and when they leave for the Cape will be the guests of the imperial government. While in London they will select an educational equipment, which will consist of certain text books and manuals. This equipment will be, as far as possible, similar to the Canadian school supplies, as the idea is that their educational work in the refugee camps will be on the same general lines as in Canada.

Where the teachers will be located after reaching South Africa is not definitely known, but their work will take them principally into the Transvaal and Orange River Colony. As far as can be, the teachers from each province will be grouped and given positions which will enable them to live together. Their term of engagement is one year, with the option of making a new engagement at end of that time. The salary is £100 sterling and all expenses paid. When their term expires, they will be furnished with free transportation to their homes.

The teachers are greatly pleased with Mr. Colson's indefatigable efforts for their comfort and convenience, and he in turn is well satisfied with the teachers. The provincial educational department selected the New Brunswick teachers, and, said Mr. Colson to The Telegraph, "it would be impossible to have made a better choice. All the teachers are bright, intelligent girls, of good physique and pleasing conversational powers, eminently fitted, to my mind, for the work they have to do."

### TOURIST MATTERS.

### Fredericton Literature Being Distributed in New England.

The Fredericton Tourist Association has arranged for the early distribution of several thousand copies of their tourist pamphlet, throughout the New England states. A number have been placed with the New England Summer Resort Association and the Brooklyn Eagle Information Bureau of New York, and also in the hands of the passenger agents of the Boston and Maine and Maine Central Railways who have kindly consented to distribute them.

The association is arranging to procure at an early date a large number of advertising postal cards of attractive design, which will be placed on sale in the city book stores and other places.

The C.P.R. authorities some months ago promised to improve the car service on the Fredericton branch railway, and the tourist association is now in correspondence with Supt. Osborne on the subject, and are hopeful of having the much needed improvement made before the new summer time table goes into force.

The Brooklyn Daily Eagle of April 14th contained the following notice of the Fredericton Tourist pamphlet:

"A supply of the first summer book of the season was received at the Eagle's Information Bureau Saturday. It is a book on Fredericton, N. B., assisted by its progressive Tourist Association. It is handsomely illustrated and its attractions are interestingly set forth."

### For Sale or To Let.

The one and a half story dwelling house on Aberdeen street, extension, opposite College Athletic Field. Repairs to be made at once and possession given on May 1st. Good barn on premises. Terms moderate. Apply to

A. R. SLIPP, Barrister.

April 15—dtt.

### GASLIGHT CO. STOCK BY TENDER.

The Manager of the Bank of British North America would be glad to receive tenders for the purchase of 50 shares of common stock of the Fredericton Gaslight Company. The highest or any tender not necessarily accepted

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## Union Mutual Life Insurance Co.,

PORTLAND, ME.

Payments to policy holders \$33,710,096.58. Deposit at Ottawa nearly \$1,000,000.00. The following comparative statements show the marked progress made by the company in all departments during the last eight years:

|      | Assets.         | Surplus.       |
|------|-----------------|----------------|
| 1893 | \$6,453,309.56  | \$229,292.86   |
| 1894 | 6,597,336.30    | 359,783.12     |
| 1895 | 6,797,391.05    | 435,113.55     |
| 1896 | 7,039,323.43    | 507,348.19     |
| 1897 | 7,236,555.75    | 548,321.09     |
| 1898 | 7,544,227.02    | 574,224.75     |
| 1899 | 7,991,042.63    | 576,807.50     |
| 1900 | 8,482,038.00    | 586,040.24     |
| 1901 | 9,013,082.63    | 607,932.00     |
|      | Premium Income. | Total Income.  |
| 1893 | \$ 964,201.08   | \$1,261,930.51 |
| 1874 | 989,552.73      | 1,296,145.86   |
| 1895 | 1,040,240.77    | 1,353,713.38   |
| 1896 | 1,107,779.45    | 1,421,686.70   |
| 1897 | 1,182,965.15    | 1,525,630.16   |
| 1898 | 1,278,649.29    | 1,665,430.85   |
| 1899 | 1,444,862.27    | 1,833,919.16   |
| 1900 | 1,575,176.25    | 1,959,882.01   |
| 1901 | 1,735,036.06    | 2,105,141.94   |

|      | Notices of Death. | Amount of Insurance in Force. |
|------|-------------------|-------------------------------|
| 1893 | \$456,000         | \$35,914,417                  |
| 1894 | 452,628           | 36,312,041                    |
| 1895 | 498,969           | 36,932,148                    |
| 1896 | 418,436           | 38,086,849                    |
| 1897 | 604,811           | 39,943,575                    |
| 1898 | 571,316           | 42,222,364                    |
| 1899 | 600,206           | 46,054,820                    |
| 1900 | 594,110           | 50,191,853                    |
| 1901 | 685,472           | 52,945,044                    |

From the foregoing tables it will be observed that more than two and one-half million dollars have been added to the Assets during the period outlined, that the Premium Income has increased seven hundred seventy thousand dollars, that the surplus to policy holders has increased nearly three-fold and that over seventeen million dollars more insurance is now in force than at the beginning of the term designated.

Liberal contracts to good Agents.  
ALBERT J. MACHUM,  
Manager, St. John, N. B.

## Bicycle Repairing WM. P. TAYLOR,

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