

THE DAILY EXAMINER.

JUNE 18, 1891.

An Important Case.

JUDGE ALLEY delivered, yesterday, an elaborate judgment in a case important alike to physicians and patients. The facts of the case are, in brief, that while in the house of William Seller, at Mount Stewart, John Coffin, of this city, fell ill and obtained the professional services of Dr. Toombs. It transpired in the course of time that the disease was typhoid fever. But Seller was not informed of this fact and took no precautions against the spread of the disease—in fact he was told that Coffin had liver and stomach complaint—the consequence being that several of his family "took the fever." Seller thereupon sued the doctor for damages. The doctor contended that he was not under any duty to tell Seller the nature of Coffin's complaint, and therefore incurred no liability for negligence; that the statement he made to Seller was true at the time he made it; and that no contract existed between him and Seller he was not obliged to inform Seller of the change in Coffin's complaint.

Judge Alley's decision was based upon the rule of law that whenever one person is by circumstances placed in such a position with regard to another that everyone of ordinary sense who did think would at once recognize that if he did not use ordinary care and skill in his own conduct with regard to those circumstances he would cause danger or injury to the person or property of the other, a duty arises to use ordinary care and skill to avoid such danger.

Applying this principle to the case, Judge Alley said that while Coffin was sick as a visitor in the plaintiff's house and the defendant was attending him, the plaintiff and defendant had equal rights to go in and out of the house. The plaintiff had the right, as owner of the house, to oppose the right of the defendant to enter there if he saw fit; and hence, a duty was cast upon the defendant to exercise care towards the plaintiff in the discharge of his duty towards his patient. A medical man should use more than ordinary care. The law demands greater care when a person has no profession to have skill, and when the law deems it for the public good to demand a greater amount of care. As to the contention that Dr. Toombs' statement that Coffin had liver and stomach complaint was true at the time it was made, Judge Alley quoted the law as follows:—"If a person make a representation to another with a reasonable belief in its truth, but afterwards discover it to be false, and after discovering his error suffer the other party to continue in error and to act upon the faith of the representation, it, from the time of the discovery of the truth, becomes a fraudulent misrepresentation, although it was not so originally."

The principles here laid down were supported by reference to a large number of legal authorities. Judge Alley has, evidently, given the case a great deal of attention and care, as well as legal knowledge and acumen; and the soundness of his decision against the doctor will, we think, be admitted by all.

A gentleman from the country, speaking of Sir John Macdonald, said: "He consolidated Canada, and built the Canadian Pacific Railway,—and the Patriot is not done abusing him yet!"

Mr. Bell seems to imagine that the Opposition played false when they proposed supporters of the Government for the office of Sergeant-at-Arms, instead of the Government favorite, Mr. James F. White. Mr. Bell is mistaken, as he will probably discover ere long.

New Books.

Those who like to read of thrilling adventures will be pleased to hear of the publication of a book entitled "Indian Horrors," by Henry Davenport Northrop, D. W. It contains most interesting accounts of the numerous Indian wars that have taken place in the United States, and startling descriptions of the Indian atrocities which have ever been associated with the name of the noble red man. Quite a large portion of the book is given to a history of the last Indian outbreak, which ended in the death of the turbulent chief Sitting Bull. The habits and customs of the Indians from the discovery of America down to the present day are fully described and much valuable information is given. The book is well written, and adventure after adventure is related in a manner that keeps the reader deeply interested. It is profusely illustrated. As a book for boys, "Indian Horrors" will, without doubt, be very popular. It is published by the Earle Publishing House, St. John, N. B.

"An Old Maid's Love" is a delightfully told story of Dutch life, which we cannot better recommend than by advising all to read. Published by John Lovell & Son, Montreal. For sale at the Bazaar Store—30 cts.

Personal.

Isaac Clarke, Esq., and Mrs. Clarke, of Cape Travers, are visiting Charlottetown. W. Heard, Esq., has gone to New Brunswick, and will be absent for a few weeks. He is accompanied by Mrs. Heard, and will attend the Methodist Conference. We notice in the list of the Canadian visitors registered at the office of the High Commissioner in London, the names of Judge, Mr. and Miss Hensley, of this Province. Judge Hensley's address in England is 61 Elgin Crescent, Notting Hill. The Canadian team for the Baley meeting leaves Montreal by the Sarnia, on June 25th, under the command of Major Weston, of Halifax, Nova Scotia. Lieut.-Colonel Roberts has again very kindly placed the Cambridge University range at the disposal of the team prior to the assembly on Binsley Common.

PROVINCIAL LEGISLATURE.

HOUSE OF ASSEMBLY.

AMENDMENT OF THE ADDRESS.

WEDNESDAY, June 17.

AFTERNOON SESSION.

Hon. Mr. Farquharson renewed the debate on the draft address, and was followed by Mr. Rogers, who reminded the House of the heavy taxation levied upon the farmers by the Davies Government; Mr. Bell, who descended upon the merits and demerits of both parties in the Legislature; Mr. Shaw, who chaffed Mr. Bell on his "lost" position, paid an eloquent tribute to the memory of the late Hon. H. L. Macdonald, spoke of the victory of Messrs. McLean and McDonald in King's County, criticized the reprehensible conduct of the Government in withholding the public accounts—keeping the country in the dark, and defended the late Administration in respect to its financial management, and its policy in respect to exhibitions and the stock farm, and vigorously attacked the Leader of the Government and Mr. H. C. Macdonald for their inconsistency as shown in the fact that there is nothing in the speech from the throne respecting the important matter of Southport ferry; Mr. Warburton, who spoke about exhibitions and the stock farm.

The House then went into committee of the whole, Mr. Underhay in the chair. After some time, progress was reported.

THURSDAY, June 18.

After some routine business, and the acceptance of the tender of John Coombs to print the debates of the House, as well as the Journal, the House went into committee on the draft address.

The Leader of the Opposition explained the position taken by the delegates of the late Government in respect to the tunnel, and again expressed his regret that the financial policy of the late government had not been formulated, and submitted the following resolution in amendment of the seventh paragraph of the address:—"While we thank Your Honor for the assurance that the public accounts will be laid before us, and that measures will be adopted for the settlement of any present indebtedness which may appear, we learn with anxiety that no step is proposed or suggested for supplementing the ordinary income of the Province, so as in future to keep the expenditure within the revenue."

Hon. Mr. Sinclair said that the financial policy of the Government would be developed in time, and contended that the memorial of the delegates suggested the idea of foregoing our claim to the tunnel in consideration of \$47,527 a year.

Mr. Bentley wanted to know when the Dominion Government had denied our claims, or when the late Government had neglected to press them?

Hon. Mr. McLean contended that he should accept no consideration in lieu of the tunnel.

Mr. Rogers showed that it was not intended by the late Government to forego the tunnel or any other public work in consideration of \$47,527, and charged the Commissioner of Public Works and the hon. member for Crapaud with making false and dishonest statements to the country in this regard.

Mr. McLean and Mr. Warburton replied, contending that their interpretation of it was correct.

Mr. Shaw quoted the delegate's memorial showing that, on account of the amount of cost in the construction of canals and railways in excess of the amount authorized in 1873, the Province was entitled to an increase of subsidy of \$47,827, which is the interest at 4 per cent. of \$1,888,186 which is—after deducting the capital expended on the P. E. Island Railway and the increased grant of \$20,000 per year—our proportion of \$90,312,937 expended in excess of the amount authorized in 1873. He was proceeding to show that the acceptance of \$47,527 per year, as by memorial, would not invalidate our claims for compensation for non-fulfillment of the terms of union up to the present time when the hour of adjournment arrived.

LETTERS TO THE EDITOR.

The Medical Bill.

SIR,—Your issue of yesterday contained a letter alluding to my criticism of the proposed medical bill. The public is not concerned with the personalities of that letter. The author quoted a certain petition as a proof of my incorrectness about the bill. Now there is no doubt about the present publicity of the petition. The author of the letter is on the wrong track. I had nothing to say about the petition. I wrote about the proposed bill. Now the innocent generalities of the petition give no sufficient clue to a comprehension of the formidable, cunningly devised bill, the only copy of which with considerable trouble, I was able to peruse for about an hour by another man's courtesy. I had to enquire in three offices before I found it. But enough of this. What I ask for on behalf of the public, our individual dignity, and that of the profession is, that we shall not be in a hurry, but shall have the bill published as we had on former occasions. The existing law is only about a year old and there is no need of hurry. When I shall possess a copy of the bill I saw, I will be able to prove my allegations. The bill which is drawn up in the interests of a section, will, if it becomes law, injure the interests of the public by interfering with their freedom of action, and will lower the dignity of the profession by the possible subjection of the best medical men to indignities.

I obtained while in England a copy of the English Medical Laws, and in the light of these, the proposed bill cannot be commended.

We cannot do better than have a bill after the English model. It will be well for our Parliament not to be satisfied with the statements of any one person respecting this bill, but to await the result of the criticisms which the publication of the bill will be sure to elicit. We do not want to imitate the selfish, ignoble laws of some of the neighbouring provinces. The Ontario law is very selfish and away behind the spirit of the present age.

Look at what selfishness has done for Manitoba. According to Dr. Morrison, lately a resident of the Northwest, such illustrious men as Sir Spencer Wells, Sir William Jenner and Mr. Lawson Tait

would be prevented from practising in Manitoba, without first spending a year in the local medical school and then passing an examination before a board of the prairie province local doctors. Just fancy this! There the people might thus be debarred from a great privilege, in order that the local and comparatively incompetent doctors might enjoy a monopoly of the business. I know some of the medical men of this country. I believe them to be men of high spirit. They may err when subjected to improper influences, but when the matter is properly laid before them they will rise to the occasion, and decide in a manner alike honorable to themselves, and beneficial to the public interests.

F. P. TAYLOR.

An Enquiry.

SIR,—Is it possible that Mr. James F. White, who was a few days ago elected Sergeant-at-Arms over the heads of hosts of other applicants, is the same gentleman who, in the case of a recent election, subscribed himself "James F. White, Rumseller"? If so, is it possible that he was proposed for the office by Mr. J. H. Ball, the "great temperance man," and elected by the party which professes to represent the temperance sentiment of this Province?

ENQUIRER. [We do not care to inquire very closely into details concerning the career of the Sergeant-at-Arms. Perhaps the Guardian will afford the information desired by our correspondent.]

Another Complaint.

SIR,—I beg to call attention of the proper authorities to the disgraceful condition of the gutter between the Railway House on Richmond Street and Raley's corner. Talk about garbage in the gutters! Here can be seen genuine filth, not only disgusting to sight and smell, but highly dangerous to health.

TAXPAYER.

June 18, 1891.

MARRIED.

At the Presbyterian Church, Souris, by the Rev J. G. Cameron, on the 17th inst, Henry Havelock McFarlane, of Charlottetown, to Miss Ida Leslie, of Souris West.

At Charlottetown, on March 10th, by the Rev J. Read, Artemus George Boyce, of Lot 43, to Emma Jane Lemon, of Montague Bridge.

Tenders for Steam Heating.

TENDERS will be received by the undersigned until SATURDAY, 27th inst., from persons willing to contract for the erection of Steam Heating Apparatus, low pressure, in the Catholic Church, Vernon River, and to have it completed by the 1st November next.

The following are the approximate dimensions of the Building:— Length of Church.....127 feet. Width of ".....58 " Average Height of Ceilings.....33 " Length of Vestry Room.....21 " Width of ".....25 " Height Ceiling.....13 " Length of Side Chapel.....33 " Width of ".....25 " Height Ceiling.....13 "

ALSO—

Separate Tenders will be received till same date, for Heating the Parochial House at the same place by Hot Water.

The House is a Two-story Brick Building, 44 feet by 30 feet, and 10 feet ceilings, with an attic. But tenderers are expected to ascertain the exact figures for themselves.

The undersigned will not be bound to accept the lowest or any tender.

By order of Church Committee. PATRICK DOYLE, Pastor.

Vernon River, June 6, 1891—eod wat jour

S. S. "COILA."

From Charlottetown to New York.

THIS Steamer will sail from Charlottetown and intermediate ports for New York on 25th instant, arriving in New York on 29th instant, carrying Lobsters and other freight at reasonable rates.

Through Bills of Lading to England given if required. Apply to D. FARQUHARSON & SON.

Ch'town, June 8, 1891—eod

"Worth its Weight in Gold."

"It is worth its weight in gold to take away that scalding feeling in the throat," is what a young lady recently said of "DYSPEPTICURE." The scalding feeling is Heartburn. No one need suffer a day with it when it is so easily relieved and quickly cured by

"DYSPEPTICURE."

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TEA AND FANCY SALE

—IN THE—

MARKETHALL,

—ON THE—

24th and 25th of June.

A TEA AND FANCY SALE will be held in the Market Hall on the 24th and 25th of June, for the benefit of Notre Dame Convent.

The ladies in charge of the tables intend to leave nothing undone to make it the most successful and enjoyable affair of the season. Tea on the tables from 5.30 p.m. Entrance 10 cts; Tea, 25 cents.

Strawberries, Ice Cream and Refreshments at any hour during the afternoon and evening. Special fares from all stations along the line of railway and on the steamer from Pictou. June 10

P. E. ISLAND RAILWAY

DOMINION DAY.

RETURN TICKETS will be issued at one first-class fare to and from all Stations on this Railway on 30th June, instant, and on Dominion Day, July 1st, good for return up to and on July 6, 1891.

J. UNSWORTH, Superintendent.

Railway Office, Charlottetown, } June 18, 1891. dy pat 6i eod wy prs

P. E. ISLAND RAILWAY.

Saturday Excursions!

COMMENCING on Saturday, 20th June, instant, and on every Saturday until September 26th, 1891, inclusive, Return Tickets will be issued at one first-class fare from all Stations on this Railway to Souris, St. Peter's, Morell, Georgetown, Charlottetown, Hunter River, Cape Traverse, Kensington, Summerside, Alberton and Tignish good for return ONLY ON FOLLOWING MONDAY.

J. UNSWORTH, Superintendent.

Railway Office, Ch'town, } June 17, 1891. all pas 6i

Summer Visitors!

We offer the following reasonable goods Wholesale and Retail:

- 2 kegs PARIS GREEN, 100 lbs HELLEBORE, 100 " INSECT POWDER, 12 gross STICKY FLY PAPER, WILSON'S FLY PADS, DAVIES' FLY PADS.

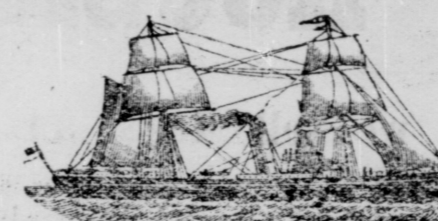
Also—A fine line of Patent Medicines, K. D. C. Ayer's and Hood's Sarsaparilla, Eo's Fruit Salts, etc.

REDDIN BROS.

June 13 2ins eod

Proposed Sailings

OF THE STEAMERS OF THE BLACK DIAMOND LINE.



FROM Montreal for Charlottetown, Sydney and St. John's, Newfoundland:—

- BONAVISTA.....June 26th ".....July 16th ".....August 6th " From Montreal for Charlottetown and Sydney only:— COBAN.....July 2nd ".....15th ".....28th PEAKE BROS. & CO, June 17 Agents.

HARD COAL

Daily Expected.

PER BRIG CASPIAN, direct from Philadelphia,

500 Tons Hard Coal,

In Egg and Chestnut Sizes.

June 13—tf

AUCTION SALE.

I AM instructed by the Trustees and Executors of the last Will and Testament of Patrick Higgins, late of Charlottetown, Royalty, deceased, to sell by Public Auction, at the premises undermentioned,

On Monday, 22nd day of June, inst.,

AT 11 O'CLOCK, A. M.,

All that tract, piece or parcel of land, situate, lying and being in the Common of Charlottetown, in Queen's County, in the Province of Prince Edward Island, bounded and described as follows, that is to say:—Commencing on the west side of a proposed road at the distance of six chains and three links north from the Upper Brighton Road at the division line between Plots Numbers One and Two; thence northwardly four chains and forty-two links to the shore of the North River; thence following the various courses of said shore south-westwardly and south-eastwardly to the said division line between Plots Number One and Two; thence eastwardly along the same four chains and fifty-three links to the said proposed road and place of commencement, containing two acres of land, a little more or less, and is marked Plots Numbers Two and Three on the plan of the estate of Russell George Freeland, registered in the office of the Registrar of Deeds and Keeper of Plans in Charlottetown.

Also—All that tract, piece or parcel of land, situate, lying and being in the Common of Charlottetown, in Queen's County, in the said Island, bounded as follows, that is to say:—Commencing on the west side of a proposed road at the distance of five chains and forty-five links north from the Upper Brighton Road, being the north east angle of George Bremner's tract of land thence northwardly three chains and eight links to Plot Number Four; thence northwardly three chains and thirty-two links to a proposed road, thence along the same eastwardly three chains and eight links to the first-mentioned proposed road, thence along the west side of the same three chains and twenty-three links to the place of commencement, containing one acre of land, a little more or less, and is marked Plot Number Twelve on said plan. Apply to THOMAS DOYLE, at John McIver's, Prince Street, June 15, 1891.

TERMS—Twenty-five per cent. of the purchase money to be paid at the time of sale, and the balance on delivery of deed. For further particulars apply at the office of J. T. Meilish, Solicitor. F. H. HORNE, Auctioneer.

June 15, 1891.

FOR SALE.—A Double Tenement House and Land on Sidney Street, near Wesleyan Church (between Prince and Hillsborough Streets). Size of land 43x80 feet; house 32x7 feet. Apply to THOMAS DOYLE, at John McIver's, Prince Street, June 15—1w 2aw

REDPATH CONCERT COMPANY

Lyceum, Monday, 22nd inst.

ONE NIGHT ONLY.

Pianist—Mr. John Francis Gilder. Humorous Recitals—Mr. Edward K. Hood. Whistling Soloist—Miss Ella M. Chamberlain. Violinist—Miss Edith Christie.

ONE NIGHT ONLY.

POPULAR PRICES:

Reserved Seats, - - - 35 Cents. Admission, - - - 25 "

Tickets may be procured at the Diamond Bookstore, Hazard & Moore's, Madia's Drug Store, Apothecaries' Hall, W. R. Watson's, A. S. Johnson's and F. De C. Davies'.

The Programme will Appear in a Few Days.

EGGS!

FARMERS AND FARMERS' WIVES,

BRING YOUR EGGS DIRECT TO

BEER & GOFF'S STORES,

WHERE YOU WILL GET

The Highest Price in Cash for Them,

Or One Cent a Dozen Extra if you take Goods in Exchange.

Our Goods will be found to be first-class in quality, and in price as low as the lowest. We will take your Eggs from you right along all summer, so that you need not take them into the market at all, but bring them direct to our Store.

BEER & COFF,

June 18—eod & wky

Queen and King Square Stores.

BUSINESS MEN!

Before placing your orders with any Upper Canada houses, for Office Stationery and Printing of all kinds, get our prices. We guarantee them lower every time, and our workmanship equal to any in the Dominion.

HASZARD & MOORE,

Ch'town, June 17, 1891—3i

BROWN'S BLOCK.

SEASONABLE.

HELLIBORE—To rid Bushes of Caterpillars. INSECT POWDER—Guaranteed Pure.

MOTH BALLS—The Cheapest and Best Moth Destroyer known. Largely used by Merchants, Dealers in Cloth and Furs, and by Housekeepers. The Balls placed between folds of Garments, etc., or in Wardrobes prevent destruction of Clothing, &c., by Moths. Price 5 cents per dozen; 10 cents for Box of 36.

PARIS GREEN, for destroying Potato Bugs.

FOR SALE AT WATSON'S DRUG STORE.

Charlottetown, June 12, 1891.