

THE DAILY EXAMINER  
OCTOBER 20, 1882.

Dr. Robertson's Petition against Sheriff McCormack.

JUDGMENT was given to-day in the King's County Election case in the matter of the petition of Dr. Robertson against Sheriff McCormack. Judge Hensley dismissed Dr. Robertson's petition and ordered it to be quashed with costs. Mr. E. J. Hodgson appeared for Sheriff McCormack, and Mr. F. Peters for Dr. Robertson.

Crushed again! The Doctor's fate would be a fitting moral to the fable of the boy who grasped at too much and lost all.

King's County Election Petition.

The Patriot has an article on the King's County Election Dodge, with reference to the conduct of Dr. Robertson *alias* the Artful Dodger.

"How did the writer," says our contemporary, "know what Dr. Robertson and his solicitor wished? He cannot read men's hearts; all that he had to form his opinion upon was their acts."

This is true. Every word of it is true. We do not pretend to possess the power of reading men's hearts, least of all Dr. Robertson's heart. And it is upon the acts of the Artful Dodger and his solicitor alone that we formed our opinion.

Dr. Robertson's own affidavit, on file in the Prothonotary's office, on the face of it shows quite sufficient evidence to justify our opinion.

After relating the delivery of the Petition to Mr. McDonald's servant man, Dr. Robertson proceeds to say:—

"5. That the said Augustus Colin McDonald did not return from Charlottetown till some two or three days after I had so left the copy petition for him, and I was afraid if I followed him to Charlottetown to serve him, I would miss him, and that if I waited to serve him personally till his return, that the time for service would elapse and that I would not be able to serve him at all."

This tells the whole story. If the service on the servant man was good, why did Dr. Robertson want to follow Mr. McDonald to Charlottetown? What made him "afraid" that he would miss him? If this anxiety, this fear that he might not be able to serve Mr. McDonald personally had come upon him before he delivered the petition, then we can understand how it came to pass that he then gave the document to the servant man as the best thing he could do. The truth is the Artful Dodger knew that the delivery to the servant man was no service, hence his "fear" of "missing" Mr. McDonald and his anxiety to "serve him personally."

The Patriot tells us that Dr. Robertson's "mistake" (?) "was a very natural one. To leave a legal document at a man's place of business or at his residence is in most cases a legal service." This is utter unmitigated nonsense as the Editor of the Patriot and Dr. Robertson will discover if they will but consult the least intelligent County Court Bailiff to be found in the Province.

Mr. Davies does not help his client much. He tells us that "that the Petition had been returned to my office, with a memorandum of service of copy upon A. C. McDonald endorsed upon it." This certificate is in the following words: "Served on A. C. McDonald, Esq., 30th August, 1882, between seven and eight o'clock, p. m.—J. E. Robertson," and is endorsed on the Petition in Dr. Robertson's own handwriting. The certificate is false—false from beginning to end. In order to keep up the miserable sham of this mock service it was necessary to make it appear that his solicitor had been misled and Dr. Robertson did not shrink from this meanness.

When the Patriot talks about Mr. McDonald attempting "to gain a seat in the House of Commons," it is difficult to understand what it means. Mr. McDonald has "attempted" nothing. He has filed no petition; he has appealed to no tribunal. His attitude is simply passive—watching with an amused complacency the awkward bungling of his learned opponent. But of this we are very certain, that when he does act, the result will be much more effective than the miserable fiasco over which Messrs. Davies and Robertson are now shedding crocodile tears.

Judge Rigby's Order.

THE PATRIOT says that THE EXAMINER's statement that Judge Rigby made an order extending the time for the service of the King's County (Nova Scotia) election petition and upon reconsideration reviewed his decision and setting aside his order, is incorrect. THE EXAMINER, it says, "offers no proof of its assertion, and we have not the means at hand of verifying it."

We offered no proof because we imagined our contemporary was sufficiently well informed as to what took place in the neighboring Province to have read, or at least heard of the Judges decision. It seems we were in error; and we hasten to place before him the means of "verifying" our assertion.

Below we give the text of Judge Rigby's decision.

The first part of his judgment decides the question whether giving the petition to the Prothonotary on the street was a "presentation" within the meaning of the Act. After deciding that it was, he proceeds:—

"On the grounds upon which the order made by me on the 16th of August last for

extending the time for service of the petition etc., and the service made thereunder were attacked, is that "the said order was improperly granted and without sufficient cause shown." This ground, it seems to me, must prevail, unless the affidavits of the petitioner and Sheriff upon which the order was granted, establish the existence, during the period within which the papers could have originally been served of "special circumstances or difficulty in effecting service," by which service was prevented. It appears from the affidavits that the petition was presented at the office of the Clerk on Saturday, the 5th of August, and handed to the Sheriff to be served on the 8th day of the same month; and that subsequently to the latter date diligent enquiries had been made for the respondent, but that he could not be found nor his whereabouts ascertained and that personal service could not in consequence be effected. The affidavits are silent in reference to the period which elapsed between the day of the presentation and the delivery to the Sheriff for service. If the papers had been delivered to him for service on the Monday non constat but that they could have been served within the five days. I do not think it was sufficient to show "special circumstances or difficulty in effecting service" on and after the 8th of August, more than on and after the 10th of August; nor do I see why if those affidavits are sufficient, an order for extension might not with equal reason be upheld, where the papers had only been handed to the Sheriff on the last day on which they could be served; or even after the time had elapsed, and no reference made in the affidavits on which it was granted as to the intervening time. For these reasons I am of opinion that the order of the 16th August and the service thereunder must be set aside and the order nisi, to that extent, made absolute with costs.

The Blatch Case.

The following judgment was yesterday given by His Honor the Stipendiary Magistrate in the above case:—

The prisoner in this case is arrested on suspicion, not on positive oath. Evidence has been given of a variety of suspicious circumstances, supposed to connect him with the crime, and evidence has been given of one substantial circumstance, viz., the prisoner's possession of one of the stolen notes. I have heard, also, such witnesses as were produced by the accused to prove an alibi. First, what is the evidence of this possession? The witness, Messervey, identified the note in evidence, positively, as one of the stolen notes, and I think his evidence of identification sufficiently strong to require me to accept that fact as proven. The witness E. W. Dawson after a lengthened examination, in substance says, "my impression" is that I had only one twenty dollar Greenback, and that I got it from the prisoner, because I remember distinctly getting a twenty dollar bill from him, and I do not remember one from anyone else. "I might have had another twenty dollar bill, but I do not remember having it." He admits having a considerable sum of money, including Greenbacks (the amounts whereof he could not speak positively) on his person, when the prisoner paid him this note, with other moneys, and that both these moneys were in one package in his pocket, and, while admitting that he can in no way identify the note in evidence, he says that his impression was at the time, and now is, that the note the prisoner paid him was, either a treasury or a silver dollar note for twenty dollars. The note in evidence identified by Messervey is neither—it is an American National Bank note for twenty dollars. If this can be called proof of prisoner's possession of the note in evidence, it depends entirely on the memory of the last witness that he received no other American twenty dollar note; a memory which, if you add to it the second remembrance of the witness, that the note received from prisoner was a silver dollar or treasury note, negatives its identity with the note in evidence. I do not intend detailing the evidence given of suspicious circumstances; it appears to me somewhat to have the characteristics of its class, which though useful in some instances, when pointing to positive testimony, is almost uniformly based upon a supposition of the guilt of some individual, and useless in most cases, except to supply a mental justification for such suspicion. At any rate, I have to deal with facts, not with suspicions. I am not going into the evidence given of the alibi, nor of the evidence given in contradiction of the prosecutor's witnesses. In no sense will I assume to try this case. The question before me is, is there sufficient evidence to put the accused on his trial with a reasonable prospect of his conviction? I do not think that there is. This prosecution is dependent on the identity of this note. The evidence given in support of such identification is very unsatisfactory, and, from the information to the evidence of the last witness, I have no one positive oath connecting the accused with the crime charged. I, therefore, discharge him from arrest under the information laid in this matter.

Grand Division Meeting.

The thirty-fourth annual session of the Grand Division of P. E. Island assembled on Wednesday, at Freetown, G. W. Bentley, G. W. Patriarch, presiding. Twenty-four new members were initiated. The reports of the G. W. Patriarch, Grand Scribe and Grand Treasurer gave a very flattering account of the condition of the order on the Island at the present time. The new staff of Grand Officers were elected and installed as follows:—

G. W. P.—James Carruthers, Bedouque. G. W. A.—Isaac Hayden, Clifton. G. Scribe—J. J. Chappell, Charlottetown. G. Treas.—D. W. Henderson, North Wiltshire.

The session for the year will be held as follows:—January, Margate; April, Charlottetown; July, Crapaud; October, North Wiltshire. The following were elected representatives to the National Division, which meets at Ocean Grove, New Jersey, in July, 1883, namely:—Charles Young, Rev. Dr. Fitzgerald, J. B. Cooper, J. W. Morrison, William Sanderson, J. P. Tanton, G. W. Millner, William Laird, George Smith, J. J. Chappelle, D. McLean, David Rogers, G. W. Bentley, James Carruthers, Benj. Williams, John Jury, W. F. Morris, J. W. Wadman, Wm. Campbell, Henry Smith, A. B. Dickson, J. C. McKenzie, Jesse Burns, Isaac Hayden, John Scott.

The public meeting was a grand success. The new G. W. P. occupied the chair. Addresses were delivered by D. Rogers, W. Neill Simpson, H. H. Pollard, J. J. Chappelle, Rev. J. B. Woodland, G. W. Bentley, and Rev. Mr. Lavers. Recitations were well rendered by L. A. Fowler, Thomas Ellis, D. W. Henderson and Maggie Smith. A very efficient choir added much to the evening's enjoyment.

G. W. PATRIARCH'S REPORT.

To the Grand Division of P. E. I.

WORTHY MEMBERS,—It is with much pleasure we again meet you at our Annual Session.

The year through which we have just passed has been one of great interest to the Temperance cause. Through many changes in the outer world, the Order of the Sons of Temperance has steadily progressed until it has now passed the fortieth year of its existence and has arrived at mature manhood.

In reviewing the past year, we have no reason to be discouraged; but we find much to stimulate us to greater diligence in making known the principals of the cause in which we are engaged.

The favourable decision of the Privy Council in the matter of the Canada Temperance Act has been a great boon to this Province, and we are pleased to be able to say that, in some parts of the Island, its effect has been most beneficial, we regret however, that in some places the result has not been what was anticipated.

In regard to the Order of the Sons of Temperance, we are happy to be able to report favourably. During the year five new divisions have been organized, viz.:—Beacon Light, Milton Star, Shamrock, Wellington, and Shining Light. These five divisions now report a membership of —, which has been quite an accession to our ranks. We have now some thirty divisions in successful operation, with a membership of —.

We have also quite recently organized a section of the Cadets of Temperance, at Kensington, with a membership of 26, and we are of opinion that a little more attention to this part of our work, of bringing the young into our ranks and educating them in the principles of Temperance, would do an incalculable amount of good.

During the year I have visited a large number of our divisions, and have generally found them working well and efficiently, and I am led to the conviction that were all our members to work with a little more energy, our Order would be greatly increased.

Many of our divisions do not provide themselves with the proper regalia of the Order, or if they have them do not use them. We have also found a few who do not give as much heed to the proper carrying out of our regulations and rules of order as might be. A little more attention to these matters would have a good effect.

As you are aware, at our last session in Souris, a delegation was present from the Order of Good Templars, asking for an amalgamation of their Order on this Island with the Sons of Temperance, and a resolution was agreed to that this lodge should be supplied with the necessary charts, books, &c., free of cost to form them into divisions of the Sons of Temperance; and I have to report that during the quarter one of their lodges has applied to the proper officers, and been duly organized.

An effort has been made by the enemies of the Canada Temperance Act to bring on an election in Prince County for the purpose of having the Act set aside. We trust that all true friends of temperance will nobly stand by the right in this trying time and sustain the present law.

While we can rejoice in the fact that we have been much favoured by Divine Providence during the past year, and that we have not been called upon to record the death of many of our members, we regret to have to announce the death, quite recently, of our good Brother Wm. C. McKie, D. G. W. P., of Phoenix Division of Souris. At our last session at Souris, Brother McKie was one of our members. His kind and genial face will be missed among his brethren. We trust he has gone to reap the reward of his good deeds.

Brethren and Sisters while we rejoice at our own deliverance, let us remember that the world has claims upon us. Very much remains to be done before our work is fully accomplished and there is something for everyone to do. Officers and members we thank you for your kind assistance and prompt co-operation during the past year, and for your attendance here this day. We trust that the Great Patriarch above, will direct us in all our councils for the advancement of the cause, the cause of all mankind, and it is our earnest prayer that the year which we are now about to enter upon, may be one of unparalleled success to the order. Submitted in L. P. and F. G. W. Bentley, G. W. P. Charlottetown, May 22, '82.

When wanting Flowers, Feathers, Ribbons, Gloves, Hosiery, go to J. B. MACDONALD'S.

Over 1,000 Overcoats, Jackets and Ulsters to choose from. The biggest bargains ever given in this City. J. B. MACDONALD, QUEEN STREET.

Now Opening ex S. S. Victoria, Waldensian and Cedar Grove Ladies' Beaver and Plush Hats, Ladies' Silk Scarfs, Ladies' Jersey Gloves.

Ladies' Alexandra Jackets, Children's Woollen Pelisses, Promenade Scarfs and Squares, Beehive Wools, Cocoon Wools, Ice Wools, Berlin Wools, Moire and Broche Sash Ribbons.

Gentlemen's Lambs' Wool Underclothing, Gentlemen's Merino Underclothing, Gentlemen's Kid Mitts and Gloves.

GEO. DAVIES & CO. Charlottetown, Oct. 5, 1882.

FIRE INSURANCE. QUEEN INSURANCE COMPANY: Head Office—Liverpool, England. AGRICULTURAL INSURANCE CO., Head Office—Watertown, New York.

The undersigned having been appointed General Agents for the above first class British and American Fire Insurance Companies, are prepared to insure all classes of insurable property on as good terms and at as low rates as they can be taken by any Company now solvent and intending to remain so.

Office—South Side of Queen Square, opposite the Post Office, Charlottetown, P. E. Island. DESBRISAY & ANGUS, GENERAL AGENTS.

N. B.—No person is authorized to collect monies for any of the above Companies in this Province without producing a receipt signed by us, and any one paying money to any one without getting such receipt, will do so at their own risk. D. & A.

D. A. BRUCE, MERCHANT TAILOR, Is now offering Cash Buyers the BEST VALUE that can be had in the market, in Broadcloth, Worsted, Scotch and Canadian Tweed Suits.

A magnificent range of GENTS' FURNISHINGS, AMERICAN WHITE & COLORED SHIRTS, Collars, Ties, Underclothing, English and American Hats.

Our Readymade Clothing is Manufactured on the Premises, fashionably cut, well sewed, and having good trimmings, Will be sold as Cheap as Imported. We invite you to inspect our Goods.

D. A. BRUCE, 72 Queen Street.

DRY GOODS! MILLINERY AND CLOTHING. J. B. MACDONALD

Is opening an immense Stock of Goods this Fall. The Public will find his store one of the best stocked in the City. Ladies when buying Dress Materials, Shawls, Mantles, Cloths, and all kinds of woollens, should go straight to J. B. MACDONALD'S.

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APPLES, &c.

BY AUCTION, TO-MORROW (SATURDAY) Oct. 21st. at 11 o'clock, at my Auction Room, 60 Barrels Apples, 1 Cask Onions, 3 Bags Nuts, etc. A. McNEILL, Auctioneer. Oct. 20, 1882.

Dramatic Entertainment. THE "TICKET-OF-LEAVE MAN" BY TOM TAYLOR. Will be performed by the GEORGETOWN DRAMATIC CLUB, On Tuesday, 24th inst. —IN THE— COURT HOUSE, GEORGETOWN. Doors open at 7.30; commence at 8. Reserved Seats, 25 cents; children half price. Oct. 20, '82.—21

TO CONTRACTORS. TENDERS will be received by the under signed until SATURDAY, the 28th inst. for the erection of an addition to the Osborne House. Plans and specifications to be seen at the Osborne House on and after Monday, the 23rd inst. C. V. MCGREGOR. Oct. 20, '82.—fr m we fr pat sa tu th.

LIBERAL-CONSERVATIVE CONVENTION. A CONVENTION of Liberal-Conservative will be held at Brian's Cross, Lot 31, on Wednesday, the 21st day of November next, at 5 o'clock, p. m., for the purpose of selecting a candidate, in the interests of the taxpayers of the District, for the Legislative Council Election now approaching, and any other business affecting the interests of the District. Delegates from the various sections of this large and important Legislative District are respectfully requested to attend. ALEX. C. SHAW, Acting Secy of Com. St. Catherine's, Oct. 20, 1882.

FURNITURE, &c. AT AUCTION. I AM instructed by James M. Sutherland, Esq., Assignee of John H. Cathrae, to sell at Auction, on Saturday Next, 21st instant, at half past ten o'clock, a. m., at "WESTWOOD," all the Household Furniture now in said dwelling, consisting in part of Parlor S. r., 2 B-d Room Sets, Parlor Dining Room and B-d R cm Carpets, Window Curtains, 1 Harmonium, What-not, Hall Carpets, Hall Stove and Pipe, 1 Square Piano, Kitchen Utensils, Crockery, 1 Boze, 2 Wagons Harness, etc., etc. B. W. HIGGS, Auctioneer. Oct. 18 '82. ts

HOUSEHOLD FURNITURE. I AM instructed by Capt. Maxwell, R. N. to sell by Auction at his residence "Westbourne," on Wednesday, 5th inst. at 11 o'clock all his Household Furniture comprising Drawing Room, Dining Room B-droom and Kitchen Furniture. Particulars in handbills. WILLIAM DODD, Auctioneer. Oct. 11, '82.

Grain and Potatoe Sacks. For sale by HORACE HASZARD. Sept. 22, 1882.—1m eod

WANTS, LOST, FOUND, &c. WANTED IMMEDIATELY—A Nurse to go to Stellarton, N. S. Apply to Mrs. A. Lord. [oct 20] WANTED—Four Gentlemen Boarders. Apply to Mrs. Robert Boyd, opposite Pickard's Bakery. [oct 16 wky 21]

A FAMILY, consisting of a young married couple, two children and a young lady, desire to obtain board, &c., in the city for the winter. They require two bed rooms and a sitting room. Persons who can accommodate them will please address N. S., this office, giving locality, terms, &c., on or before Thursday, the 26th inst. [oct. 18, 1882. 5ms]

TO LET—On Hillsborough Street, a house containing eight rooms, in good repair. Possession given immediately, if required. Apply on the premises.—W. L. WELLER. [oct 17 4]

BOARDERS.—Two or three Boarders can be accommodated in a private family, with bedrooms and parlor. Apply at EXAMINER Office. [oct 17 4]

A HOUSE AND PREMISES TO LET. A situated on Richmond Street West. For particulars, apply to JAMES D. MAXON. [oct 18 6t eod]

TO LET—The shop on Queen Street known as the "Italian Warehouse." For particulars apply at the office of Messrs. Palmer & McLeod. [oct 17 2w eod pd]

WANTED immediately at the "Revere House," a Sober respectable young man to attend Steamers and Trains, and to wait table. Reference required. Oct 9 6i law

LOST.—Between Y. M. C. A. rooms and Normal School on Saturday afternoon, about 3 o'clock, a Railway Bag, brown on one side and gray on the other. The finder will be rewarded by leaving the same at the EXAMINER Office. Oct 9

WANTED A Girl for General House-work to go to Moncton, N. B. Liberal wages to a competent person. Apply at the EXAMINER Office. Oct. 9 4f