

Supreme Court—Prince County.

*Henry E. Wright vs. Michael Kilbride*—This was an action brought by the plaintiff who is an Attorney of the Supreme Court, to recover the amount of a bill of costs, and being undefended, a verdict for \$66.33, was found for him.

*Merchants Bank of Halifax vs. Malcolm McKinnon, an absent debtor.* Verdict for \$669.11, Hodgson for plaintiffs.

*Alexander Strong vs. John Trainor an absent debtor.*—Verdict for \$246.72, Hodgson for plaintiff.

*The Queen on the prosecution of John Henry Graves vs. Philip Smith.*—Indictment for larceny. The Grand Jury found a true bill, and the prisoner on being arraigned, pleaded guilty.

*The Queen on the prosecution of Arabella Graves vs. Philip Smith.*—Indictment for larceny. The Grand Jury found a true bill, and the prisoner on being arraigned, pleaded guilty.

*Thomas Kelly vs. Thomas B. Hall.*—Judgment confessed for \$100.

The Grand Jury again brought a presentment against the Railway Station in Summerside, and were then discharged.

*Hugh Ramsay vs. John D. Reid, James A. Reid, Albert L. Anderson and Wm. Burrows.*—This case was called on for trial Tuesday morning. It is an action for false imprisonment, and has been in court nearly three years.

The facts as proved in evidence are as follows: The defendants, who are one of the leading mercantile firms in Summerside, recovered a judgment in October, 1877, in the Supreme Court against the plaintiff, for \$293.52, and that judgment remaining unsatisfied they issued execution against the plaintiff, under which he was arrested and committed to Prince County Jail.

The present plaintiff then brought this action to recover damages for his imprisonment, and the defendants justified under the above execution. This plea the plaintiff answered by saying that the execution was void, inasmuch as it was sealed and delivered by the Prothonotary to Mr. James W. Howe, the defendant's Attorney in the original suit, in blank, without having any date, the names of the parties, or in fact any thing whatever, and that these particulars were afterwards filled in by Mr. Howe, and then delivered to the Sheriff of Prince County; and also that no *praecipe* (that is an order for the writ) was ever filed with the Prothonotary, by reason whereof the execution was void.

The defendants objected to these answers, alleging that it was perfectly legal for the Prothonotary to seal and deliver executions in blank, and that the filing of a *praecipe* was not essential to its validity. This question being purely legal, was argued at length before the full Court in Michaelmas Term, 1878, and the Court having taken time to consider, decided that the Execution, if issued in blank, was absolutely void, and in any case that the *praecipe* was necessary before it could legally issue. From this judgment the defendants appealed to the Supreme Court at Ottawa, but before it could be heard an act was passed by the Dominion Parliament prohibiting appeals of this kind, and the appeal was dismissed without having the soundness of the judgment of our Supreme Court tested. The effect of this judgment was that if on the trial of the cause the jury found that the Execution had been issued in blank, as above, and without a *praecipe* having been first filed with the Prothonotary, a verdict must be found for the plaintiff, and it was to try these questions that the jury were impanelled on Tuesday.

Some difficulty was experienced in getting a jury; and as a consequence, there was some sharp shooting between the counsel on both sides. The evidence for the plaintiff was all in by eleven o'clock Wednesday morning. As the defendants declined to call any evidence, the plaintiff's counsel contended that as they did not address the jury, the defendants had no right to. Judge Peters ruled that the defendants' having called no evidence were entitled to the general reply. Mr. Palmer then addressed the jury on behalf of the plaintiff for about forty minutes, and was followed by Mr. Hodgson for the defendants for about the same time.

Judge Peter's charge to the Jury was short but to the point. He said they had only two questions to try—1st, was the Execution issued in blank? and 2nd, had a *praecipe* been filed? That they had nothing to do with the damages, as the right to recover them was taken away by an Act passed last session. He cautioned the jury to pay very little attention to the addresses of the counsel on either side, as they had brought in a great deal of matter that had really nothing to do with the questions at issue, and which was liable to mislead them. His charge leaned strongly in favor of the plaintiff's contention that the execution had been issued in blank; that it had been issued without a *praecipe* was admitted by defendants, and he said that the evidence was almost irresistible in sustaining the plaintiff's contention that the writ had been so issued. He commented strongly on the fact that Mr. Howe, the attorney who issued the execution, and who knew all about it, was present in court during the whole trial, and was not called by the defendants to contradict the plaintiff's testimony, and said that the presumption of law was that he could not do so.

The jury, after four hours' absence, found that the execution had been issued in blank, but that no *praecipe* had been filed for it.

The Judge thereupon ordered a verdict for ten cents damages to be entered for the plaintiff.

There are a large number of law points reserved to be argued before the full court.

F. Peters and Charles Palmer, Q. C., for the plaintiff; L. H. Davies and E. J. Hodgson, Q. C., for the defendant.

A Fact Worth Knowing.

Are you suffering with Consumption, Coughs, Severe Colds settled on the Breast, Pneumonia, or any disease of the Throat and Lungs? If so, go to your Druggist and get a bottle of Boschee's German Syrup. This medicine has lately been introduced from Germany, and is selling on its own merits. The people are going wild over our country are writing us of its wonderful cures among their customers. 2,400,000 samples have been given away free charge. If you wish to try its superior virtue get a Sample Bottle for 10 cents. Large size bottle 75 cents. Three doses will relieve any case. Try it.

NEWS BY TELEGRAPH.

EUROPEAN.

DUBLIN, Oct. 5.

A large number of men visited farm houses near Mullingar, the capital of the County West Meath, in search of arms.

A largely attended land meeting was held Sunday at Nobhill, in the County Leitrim.

Arms are largely bought and freely imported in many quarters. The manager of one of the establishments in Dublin states he has sold 1,400 rifles within a short period. In Belfast blunderbuss breech loaders are advertised for sale for fifteen shillings, and in small country towns, especially in the West, there is a brisk trade in Sniders.

A process server was murdered in Ireland on Friday. One arrest has been made so far in connection with the crime.

LONDON, Oct. 5.

Parnell addressed a meeting of 10,000 persons at Kilkenny on Saturday. Nine members of Parliament and fifty Catholic priests were present. Parnell announced that as soon as sufficient information was collected the Land League would organize a great strike against paying rent on estate of every rack-renting landlord.

UNITED STATES.

CHICAGO, Oct. 5.

A contract has been awarded for a monument to Geo. B. Armstrong, founder of the railway mail service. The memorial, which is erected by the clerks in the service, will be a New England granite pedestal surmounted by a standard metal bronze bust five feet high.

NEW YORK, Oct. 5.

The British bark *Troingate* has been seized by U. S. Marshal Harlow on the suit of the owners of the steamship *Anglia* for \$205,000 damages by the sinking of the *Anglia* at sea by collision with the *Troingate*.

NEW HAVEN, Conn., Oct. 5.

Of 142 towns heard from 75 were carried by Republican, 55 by Democrats and 12 evenly divided. There are but few changes from last year. Democrats claim a gain in aggregate. Local issues predominated in most towns and the result has little significance politically.

Special Notices.

A FEW tubs good Butter wanted at the Family Grocery.—R. K. BRACE. 005

CHOICE QUINCE just received and for sale cheap by W. F. CARTER. 4i—oct2

BRUCE & MCKENZIE are showing a fine assortment of English and American Felt Hats. Must be sold. 4f—oct2

A LARGE assortment of Hyacinth Glasses at the "Agricultural Store."—R. MAY. oct1—3i

NEW Millinery, handsome flowers, feathers, trimmings, silks, ribbons, hats, &c., at W. A. WEEKS & Co's. tsm

If you want your stoves, and stove-pipe fitted up, leave your orders, with C. F. HARRIS at City Tin Store, upper Queen st., and they will be promptly attended to. (sept 22, tf.)

SWEEP Brier Cigarettes with crystal mouth-pieces, at RUBIN & HART'S. [se18

THE cheapest and best Note paper, Envelopes, Velvet Photograph frames, Toys and Dolls of every description at the Agricultural Store.—R. MAY. (sep. 21, tf)

THE people all say they never saw such nice Boots as Boreham has. s25 1m oaw

SMOKE Rubies, for a mild and cheap smoke, from RUBIN & HART. [se 18

THE best fine cut smoking tobacco in the Province is "Prince Arthur," and only sold at RUBIN & HART'S. [se 18

CHEW Mail Line Navy from RUBIN & HART'S. [se 18

NEW Mantles, Paletots, Dolmans and Ulsters, London made, in a great variety of styles and prices, Just opened at W. A. WEEKS & Co's. sep 29 wfm

MARRIED.

At St. Joseph's Church, Boston, on the 28th ult., by Rev. Father Wheeler, MR. FRANK DOUGAN, to MISS SARAH A. MCCARTHY, both of this city.

SHIPPING INTELLIGENCE.

Halifax, Oct. 4.—Ar schr Mary A. Smith, of LaHavre, bound for P. E. Island.

Oct. 5.—Sld S. S. Edgar Stuart, for P. E. Island.

Pictou, Sept. 30.—Cld bark Hilda, O'Brien, Liverpool.

Philadelphia, Oct. 2.—Cld sch Edmund Burns, for Charlottetown.

Port Mulgrave, Oct. 4.—Ar schr Princess Alice and Blooming Dale, St. John's for P. E. I.; Cepola, Summerside, for Barbades; Margaret Ann, Pictou, for Lockport; Ellen, Pictou, togs for Railway.

Sld Oct. 3, brig Vestas, for P. E. I.

Passed South, tern schr Georgie Shepard.

Bristol, Sept. 18.—The Isabel, of Charlottetown, arrived here from Igonish, N. S. (deals) had lost decklead, Sept. 16.

HOTEL ARRIVALS.

OSBORNE HOUSE.

Oct. 6.—Malcolm Matheson, Bradalbane; Fred W Hyndman, Waterville; Mrs Stevens, Halifax, N S; Montague Stevens, Orwell; J McGregor, Newton; A McLeod, Alberton; A J McCallum, Bedeque; Capt. R W Cunningham, Antigonish.

ROCKLIN HOUSE.

Oct 6—Miss Penny, Souris; Jacob Lefurgey, Cape Traverse; Wm Laird, New Glasgow; Capt Peter Murchison, Point Prim; John M Dixon and wife, do; Thos Taylor, Mt Stewart; Miss Laird, New Glasgow; E C Goodin, Bate Verte; E F Noland, Toronto; Joseph Valley, Hants, N S; Rev A McBean, Halifax; Amos McWilliams, West Cape.

MACLEAN & MARTIN ATTORNEYS-AT-LAW,

Newson's Building, Opp. Post Office, Charlottetown, P. E. I.

A. A. McLEAN. D. C. MARTIN. June 18, 1879.—ex2aw

THE

QUALITY OF MY CRACKERS AND BISCUITS IS

UNIVERSALLY ACKNOWLEDGED TO BE THE BEST IN THE MARKET,

INASMUCH AS THEY ARE ALWAYS FRESH,

RECEIVING THE GREATEST CARE AND ATTENTION IN THE MAKING OF THEM, AND WARRANTED TO

KEEP FOR ANY LENGTH OF TIME.

TRY THE FOLLOWING KINDS:

BOSTON CRACKER, QUEEN DROPS,

ITALIAN FINGERS, COCOANUT JUMBLES,

SULTANIA LEMON, CARRAWAY TOPS,

CRACKNELLS, ICED ARROWROOT,

UNION MIXED, SUGAR JUMBLES,

ITALIAN RATIFIES, VICTORIA SNAPS,

TEA BISCUITS, GINGER SNAPS.

JOHN QUIRK,

City Steam Bakery, Prince Street.

THE IMPROVED SEMI-CIRCULAR ADJUSTABLE HIP CORSET!

The Latest Novelty.

THE

Ne Plus Ultra

—FOR—

Comfort, Ease and Elegance cannot be equalled.

EVERLASTING WEAR.



The Queen of Bone Stiffened

CORSETS

Pretty, Attractive,

—AND—

ECONOMICAL.

ADMIRIED BY ALL.

TRY ONE.

SOLD BY

J. B. MACDONALD, Queen Street.

Sept. 20, 1880.

ESTABLISHED 1825.

CANADA CORDAGE FACTORY.

JOHN A. CONVERSE, MONTREAL.

MANUFACTURER OF CORDAGE of Every Description, including all sizes Manilla Rope, Tanned Manilla Hawsers, Lobster Marlin, Tanned Hemp Rope, Houseline Hambroline, &c., &c., equal in quality to the best American. Prices on application. Jan. 7, 1880.

CHANGE OF TIME

Leaving Charlottetown FOR PICTOU.

NOTICE is hereby given that on and after MONDAY, the 4th day of OCTOBER NEXT, the Steamers

St. Lawrence and Princess of Wales Will leave Steam Navigation Co's Wharf at Five o'clock in the morning, instead of at 7.30 as during the summer months.

By order, F. W. HALES, Secretary Steam Nav. Co'y. Ch'town, Sept. 28, '80—tf pat ne her 2i

GREAT SALE OF Exhibition Apples!

OPENING TO-DAY, at A. McNEILL'S Auction Room, 11 Queen Street, and continuing DAILY during the week.

300 BARRELS APPLES, Specially Selected last week at the Nova Scotia Exhibition.

Gravensteins, Greenings, Baldwins, and other choice kinds, direct from the best Orchards of Nova Scotia.

The whole lot MUST be sold this week. A. McNEILL, Auctioneer. 11 Queen St., Oct. 4, '80—tf

SUBSCRIBE for the DAILY EXAMINER the Cheapest and most Newy Paper published in the Provinces.

SEPTEMBER.

Tailoring Department KING SQUARE.

WE ARE NOW SHEWING LARGE AND VARIED LINES IN

NEW CANADIAN TWEEDS, Scotch and West of England Tweeds,

Suitings, Overcoatings, Ulster Cloths,

A CHOICE LOT OF Blue & Black Worsteds.

BEER & SONS. Sept. 22, 1880—2w

MUSIC.

MRS. D. McRAE has removed her Class to Terlizick's Building, corner of Queen and Kent streets, where she wishes to continue her course of instruction for the winter. Mrs. McRae feels confident, from her long experience in tuition, that any pupils placed in her charge will obtain thorough and speedy advancement. Ch'town, Oct. 4, '80—6i pd

TENDERS!

TENDERS will be received by this Department at Charlottetown up to the 15th inst., for carrying 250 tons of Acadia Coal from Pictou to Georgetown and deliver the same at the Railway Wharf. Tenders to state the rate per ton. The Tenders are to be forwarded to Ottawa and there opened.

Address to the undersigned and mark on the outside, "Tenders for Carrying Coal."

WILLIAM MITCHELL, Agent of Dept. of Marine, Charlottetown, October 4th, 1880. [istd papers

STOVEPIPE.

THE Subscriber, thankful for past favors, begs leave to announce to the people of both Town and Country, that he is prepared to fill all orders left at his Store, with neatness and despatch.

A splendid assortment of TINWARE constantly on hand. Stoves and Stovepipe fitting up a speciality.

C. F. HARRIS, Upper Queen Street. Ch'town, Sept. 22, '80—4w eod

COAL. COAL.

ROUND AND NUT COAL always on hand. Orders can be left at the office on Lord's Wharf. W. C. HOBKIRK. Sept. 18, 1880.

INSURANCE

AGRICULTURAL

FIRE

Insurance Co'y,

OF WATERTOWN, N. Y.

ORGANIZED 1853.

Net Assets for Protection of Policy Holders, \$1,137,549.73.

Deposited with the Dominion Government for Security of Canadian Policy Holders.

\$100,000.00.

LOSSES PAID TO DATE, OVER \$3,000,000.

Parties desiring Insurance on Private Residences and contents, or Farm property, had better find out rates, etc., of this Time Tried and Fire Tested Insurance Company.

N. B.—Canvassers wanted. ROB. ANGUS, Special Agent for the Maritime Provinces.

JAS. DESBRISAY,

General Agent for P. E. I.

Ch'town, July 31, 1880—3m

FOR SALE!

THREE PASTURE LOTS in the Royalty of Charlottetown, each containing 12 acres, being Nos. 288, 302 and 324. For further particulars apply to

JOHN C. GIDLEY, Mount Edward Road. Sept. 27, '80—1m 3taw pat ar 1m

FIRE! FIRE!

LOOK OUT for OLD ALBION MINES LUT COAL. Best House and Smith Coal. Expected daily at Lord's Wharf.

JAMES BROWN & CO. Sept. 24, 1880.

TO LET.

ONE-HALF of a commodious BRICK HOUSE, containing 9 rooms (with or without coach house and stables) situated on upper Queen Street. Possession given the first October next. For further particulars apply to

ALEX. HORNE, Queen Street. Sept 22, '80—2aw

GOLD MEDAL. PARIS, 1878.

JOSEPH GILLOTT'S STEEL PENS. BY ALL DEALERS THROUGHOUT THE WORLD.

MRS. W. W. IRVING

IS now forming her AUTUMN and WINTER CLASSES in DRAWING and PAINTING, in all their different branches, from Model, Life, &c.

Intending pupils will kindly send in their names as soon as convenient.

Terms, &c., made known on application at her Studio, City Hotel, opposite R. C. Cathedral. Ch'town, Sept. 11, '80—2aw tf