

present house on the 24th August, at plaintiff's request. Went into the dining room, heard a grating noise. The factory was going; I could hear it distinctly, and there seemed to be a little tremulous motion, which I supposed proceeded from the factory. The noise was very unpleasant. I went into the first room next the factory; there was the same noise. I noticed the vibration more in the front room than at the back. I then went upstairs into a bedroom next the factory. I heard the same machinery working, and also the same vibration. I thought it greater; I thought I would not sleep in that room if I could get any other place to sleep. I would not like to live in that house with that noise continually.

Robert Young says:—I was in Alley's house about the 10th of August. I was in the room next the factory, on the first floor. The factory was at work. I heard noise of the machinery and felt vibration. There was no trouble to hear it. It was a continuous noise, accompanied with a shaking. I went into the dining-room and felt the same vibratory motion. Then, again, on the 16th August, I was up-stairs in two bedrooms, one next the factory. Heard the noise greater than the first time. I think the plaining machine was going. There was the same kind of noise and vibration. It was very disagreeable. I would not like to use it as a bedroom. It would be very uncomfortable.

The plaintiff's house is a very good one, but I would not like to occupy it if the factory continued working. I have not the least doubt that the noise came from the factory.

Now, these witnesses whose testimony I have quoted—it is well known—are men whose testimony would be fully credited in this community. They testify to what they saw and felt; they could not be deceived; they have, therefore, committed wilful perjury, or the nuisance existed to the full extent complained of in the bill, and their statements are corroborated by many other witnesses who testify to the same effect.

The jury to whom the questions were submitted and who heard all the evidence, was a special, composed of most intelligent and respectable men. The evidence for the defence consisted for the most part of persons who had not been inside the house at all. How, under these circumstances, could any court decline to protect the plaintiff against this violation of his rights?

On the trial of the issues the defendant's counsel complained that the plaintiff had this advantage, viz: that while the plaintiff's witnesses testified to what they observed in the house, he could not take his witnesses there to observe whether the statement of the plaintiff's witnesses were correct. But when the issues were settled the defendant's solicitor applied for leave to inspect and the following was my decision on the application:

"I have looked into the cases respecting Mr. Hodgson's application for an order to permit the defendant and his witnesses to enter the plaintiff's house, to observe the effect of the working of the factory on the house. I was under the impression that a view by the jury might be granted, which seemed to me a shorter and better mode of proceeding but I have satisfied myself that this is not a case in which that course could be taken.

But the Court of Chancery has an inherent power to order the inspection of books, documents, papers and premises, etc., when necessary for attainment of substantial justice.

In *Bennet vs. Whitehaven*, 6 Jur., 528, the Master of the Rolls says: "Whenever it happens that a person has the power of making use of his land to the injury of another, and there is *prima facie* evidence of his doing it, even the contradiction and the real fact can only be ascertained by going on the land for the purpose of inspecting; and that inspection can be done without producing injury to the person whose land is entered upon, I am of opinion that the Court will direct inspection."

The present case differs from any I have met with in this, that here the plaintiff desires to put his machinery in operation and then with his witnesses to enter the plaintiff's house to observe how the working effects it. But the principle laid down by the Master of the Rolls seems equally applicable to this case. The defendant says that the plaintiff complains that the working of my factory injures his enjoyment of his house and he desires permission to enter the plaintiff's house when the machinery is in operation to see if that complaint is well grounded. Nothing can be more reasonable. The question for the jury is whether at the time the plaintiff filed his Bill the factory was a nuisance.

It was suggested yesterday by the plaintiff's counsel that, as the factory is not now in *statu quo* as when the Bill was filed, any experiment made in its altered state would be merely delusive, and not admissible as evidence. Therefore, before I grant inspection I must be satisfied that it is in the same state as when the Bill was filed; and the defendant must, therefore, allow the plaintiff or such person as he wishes in his behalf, to inspect the factory.

There is another point. Some person or persons must be appointed to see that the machinery is working as it ought to be and on such description of materials as it is ordinarily used to manufacture. If the parties cannot agree on a fit person or persons, I must appoint them.

The defendants must also undertake to pay the persons so appointed such sum or sums as the Court may direct; and also to provide such materials as the persons so appointed may direct for the machinery to operate upon. The defendants never availed themselves of the permission, and therefore have nothing to complain about in this respect.

There was an attempt to set up a prescriptive right gained by reason of noise made by the working of the old block-shop which formerly stood on the site of the present factory. But the evidence showed that the noise from the old block-shop

did not sensibly affect the plaintiff in the enjoyment of the house in which he resided in 1853. Now, the old house stood four feet further from the line between plaintiff's and defendant's land than the present house. The third question, which by the issue was to be submitted to the jury, was "whether the plaintiff's enjoyment of the old house in which he resided in 1853 was sensibly diminished by the working of the defendant's machinery at that time?" This question was, on the trial, withdrawn from the jury—both parties agreeing that it was not. This seems to me to put an end to the question of prescription; for it admits that the nuisance which you would claim a right to continue, never had any existence until your factory was placed close up to the plaintiff's present house.

(Concluded on Monday.)

Charlottetown Brick and Pottery Works.

The Charlottetown Brick and Pottery Works were opened on Thursday last. They are conveniently situated on the Mount Edward Road, one hundred yards from the Railway crossing and about a quarter mile from the city. They consist of three buildings, the first and largest of which contains the engines for running the brick machine and the bone-mill; the second is used as a pottery and the third as a dwelling for the foreman and his workmen.

On our arrival at the Works on Thursday we found that a number of citizens had assembled to witness the opening. All were busily engaged examining the contents of the buildings from the simple potter's wheel to the gigantic mill with which the celebrated fertilizer, bone dust, is made. Among the number present we noticed His Honor Judge Reddin, Robert Shaw, M. P. P., A. Lord, J. R. Brecken, W. C. Bourke, J. J. Davis, Francis Haszard, W. W. Clarke, Chas. Hyndman, P. W. Hyndman, Esqs., and Mr. Hamilton, of the *Patriot*. All were conducted through the premises by Frederick W. Hyndman, the enterprising Manager of the Works, who took a special delight in explaining to those present the working of the different machines. Our first visit was to the pot-tery which is a building 50x20 feet capacity. Here we found the Superintendent, Mr. Oswald Hornsby, (late of the Wellington Pottery, Dartmouth, N. S.) busily engaged at preparing clay for the manufacture of dishes which he was to exhibit at the opening, he having as assistants, two men and a boy, all of whom have large experience in the business. In reply to a question Mr. H. informed us that the clay, on being taken from the pit, is first placed in an iron pugmill. It is there ground and thoroughly mixed. On removal from the mill it is hand-worked until it becomes quite flexible. In this state it is piled in blocks until the potter is ready to mould it into any shape he thinks proper by aid of the potter's wheel. At the request of the manager, this wheel was set in operation and several pots and jars were manufactured in the presence of the gentlemen who were invited to the opening. The clay, after being thoroughly hand-worked, is placed on an iron disk, which revolves quite rapidly. The potter then commenced his work, and as the disk and clay revolves, he ingeniously and deftly forms, without the aid of tools, other than his own fingers, the most splendidly proportioned flower pots, jars, jugs, seed pans, bake pans, butter crocks, milk pots, vases, spittoons, antique vases, etc. The operations were quite interesting to those present, and they regretted that they had not brought their wives, sisters, cousins and aunts to see how wonderfully the potter works. The ware is then dried, a mixture of lead and flint is put on it. When placed in the kiln these ingredients flux and form the glaze which we see on crockery ware. In the pottery there are two wheels at work. With these they are able to turn out per day about four hundred and eighty half gallon pots, and twice as many small ones. In a short time the manager will be able to fill orders in the following lines of pottery, at cheaper rates than they can be imported:—Milk pans, bread pans, bake pans, sewing pans, seed pans, fern pans, cream pots, butter pots, bean pots, flower pots, bulb pots, crocus pots, hanging pots, musk pots, &c. Garden bordering, coping, vases, chimney pots, stove-pipe stones, churns, spittoons, antique vases, ale jugs, gipsy pots and any design of plain or ornamental pottery made to order.

We next turned to the brick machine, which is situated in the rear of the bone mill. It was manufactured by Messrs. Bullnur & Shepherd, Montreal, and is pronounced to be a very excellent machine. It was in active operation when we arrived—making at the rate of 13,000 brick per day. It is a vast improvement on the old way of making brick, when a good day's work for a moulder and two attendants would be two thousand per day. The mill is in charge of Mr. Benjamin Godfrey, a man of wide experience in the business in this and other Provinces. Mr. Godfrey has under his charge at the work in the brickyard, eight men and six boys, all of whom are kept busy while the machine is in operation. The brick so far manufactured are pronounced by critical judges to be excellent. They will be sold very cheap and will, no doubt, command a very ready sale.

We were next conducted to the bone mill, and received a short explanation of the manner in which it operates. The mill has not been running for the past few weeks—the season being now over. We learn that over twenty-five tons of this superior manure was manufactured the present season. It has been anxiously sought after by our farmers, who are only beginning to know its real merits as a fertilizer. The Manager of the works anticipates that a large quantity of the bone manure will be sold next fall and spring, as farmers who have already used it will be convinced that it is invaluable as a fertilizer.

The lot on which the works are situated is eight acres in size. A short distance from the surface is a layer of superior brick clay, from four to six feet deep. Under this is a layer of sand and sandstone. Beneath the sandstone is a layer of fine red clay, which is used for pottery purposes. The thickness of the layer has not yet been discovered, but in digging a well a short distance from the lot a layer of the same clay was found to be thirty feet thick. This being the case, there is every facility to carry on the brick and pottery making business at Mount Edward on a most extensive scale.

The promoters of this industry deserve the praise of the community for their pluck and enterprise. It is to be hoped they will be liberally patronized; and that before twelve months rolls by the industry will take a deep root and under the wing of the N. P., grow well and assume large proportions.

In conclusion, let us give our railway authorities a hint. Brick are now being manufactured at the Works at the rate of 10,000 per day. These will, no doubt, be purchased by builders in all parts of the Island. Then, would it not be an injustice to make the manager of the Works cart them to the city for re-shipment by train, when a siding could be built at small cost, one hundred yards from the works. By building a siding here the Dominion Government will assist a growing industry. Let it now do so.

Special Notices.

CHOICE family flour just received at BEER & GOFF'S.—j2 6i

FLOUR, Cornmeal and Beans, wholesale and retail, at the FISH MARKET.—j3

LADIES' New Silk Jackets and Dolmans, at the London House. [m31

NEW MANTLING—Cocoa and China—at the London House. [m31

CABBAGE and Tomato Plants for sale at the "Agricultural Store."—R. MAY. [j2 3i

CLARK'S DIAMOND DUST POLISH.—Unrivalled for cleaning Gold, Silver and Nickel ware. Enquire for it.

NEW PRINTS at very low prices, at the London House. [m31

TO ARRIVE, 2 doz. Lacrosse Sticks for men. W. E. DAWSON & Co.

LATEST Nos. of Seaside Library now on sale at BRIMMER BROS. [m31 1w

BOYS' LINEN SUITS, \$1.25, at the London House. [m31

VALUABLE Household Furniture.

I AM instructed by FENTON T. NEWBERY, Esq., to sell at AUCTION, at his residence, Pownall Street, on WEDNESDAY, 16th inst., at 11 o'clock, the following handsome and valuable Household Furniture:—

1 Hallett & Davis, Square Piano, 7 oct. (very fine instrument), 1 large Mirror, 13 ft., gilt frame, Handsome Brussels Carpet & Rugs, Lace Curtains & Fringes, Drawing Room Set in Walnut & Bronze, Brown Repp, Walnut Easy Chairs, Walnut Spring Rocker, Mahog. Card Table, Wal. Centre & Side Tables, Wal. Whatnot, Handsome Wal. Side Board, (marble top), Steel Engravings, Oil Chromos, Ex. Dining Table, Set Wal. & Repp seat Dining Chairs, China Tea & Breakfast sets, 1 Dinner set, Glass-ware, Bronze & Brass Gasaliers, 1 Gas Drop Light "Mercury," Fire Irons, &c., Wal. Hat and Umbrella Stand, with Mirror, Hall Table & Chairs, Butter stand & Tray, 2 Hall Stoves (Argand Base burners), Oil Cloth, Brussels Stair Carpet & Rods, 1 Wal. Bedroom suit, 1 Ash & Wal. Trimmed Bed-room suit, 1 Mahog. & H. C. Settee, Iron & Painted Bedsteads, Mattresses, Bureaus, Wash stands, Toilet ware & Glasses, 1 Health lift, &c., 1 American Range Stove with hot water Boiler, 1 Diamond Cook, Kitchen Tables and Dresser, Dish Covers, Cooking Utensils, &c.

Also, 1 Ladies' Park Phaeton (New York build), 1 Reversible Seat Wagon (by "Sargeant," Boston), 1 Jaunting Sleigh, 1 Box Sleigh, 1 Water Cart, 1 set Silver Mounted Driving Harness, 1 set Black Mounted Driving Harness, 1 Cow, and Stable appointments, &c.

WILLIAM DODD, Auctioneer.

Ch'town, June 5, '80.

Positive and Unreserved Sale.

HANDSOME Building and Paddock Lots.

I WILL sell at AUCTION, on the grounds, on MONDAY, 14th inst., at 12 o'clock, commencing at Lot No. 51, as per plan,—

Thirty-four very handsome Building and Paddock Lots, on the Lower St. Peter's Road, being part of the "Strawberry Hill Property," and reaching to the shore of the Hillsborough River. These Lots are from one to two acres in extent, and comprise some of the finest Lots on the Estate, and are offered for positive and unreserved sale. Remember, these Lots are close to the City, free from City Taxes, and will be sold without any reserve.

TERMS AT SALE. WILLIAM DODD, Auctioneer.

June 5, 1880.

Final Warning.

ALL PERSONS indebted to the undersigned, who have not paid their accounts which were DUE and rendered TWELVE MONTHS AGO—will please take notice that PAYMENT must be made IMMEDIATELY. All accounts remaining unpaid on the 15th inst., will be SUEd for without further notice. Remember, this is positively the Last Warning.

HENRY A. HARVIE.

June 5, 1880.

Pails. Pails.

100 DOZEN TWO-HOOP PAIRS, just landed ex S. S. "M. A. Starr." Will be sold low.

WILLIAM DODD, Queen Square.

June 5, 1880—3i

83.

QUEEN STREET, CHARLOTTETOWN.

Wall Papers, Floor Oil Cloths, Tapestry, Scotch & Other

CARPETS, Cretonnes, &c.

(A particularly nice line.)

Table Damasks, Sheetings, Counterpanes, Toilet Covers, and Anties.

Black and Colored Cashmeres, Persian, Botany and other Cords,

FANCY DRESS GOODS,

From 8 cts. Upwards.

Black French Merinos, Paramattas and Baratheas,

CRAPE,

Hats, Bonnets, Silks, Satins, Feathers, Flowers, Veiling Lace, &c.

GENTS' READYMADE CLOTHING!

Linders and Drawers, Fancy Shirts, &c., Socks from 10 cts. Upwards, Neckties, Scarfs, &c.

TREMAINE & METCALF,

83 QUEEN STREET.

Ch'town, May 19, 1880.

PINAFORE, PINAFORE, PINAFORE!

—BY THE—

Louise Leighton Opera Co.,

ACKNOWLEDGED by the Press and Public to be the best which has ever visited the Province. With complete cast of characters, full and strong Chorus, new Scenery and handsome Costumes.

DON'T FAIL TO SEE

The Sisters, The Cousins, The Aunts, The Middy, The Sailors, The Marines, 3 NIGHTS ONLY,

Saturday, Monday & Tuesday Next.

Reserved Seats at W. R. Watson's.

This Company introduces a new feature at the opening of the Second Act, which is acknowledged by all to be a very great addition to the Opera. One of the fine effects is the Solo by the Middy (Master Willie) and Chorus by the full Company, receiving encore after encore every evening.

The following is what the "Western Chronicle," of Kentville, says: "We may boldly assert that the Louise Leighton Opera Co. of New York, played to the largest audience and with the best performance ever seen in Kentville. Our greatest anticipations were more than realized."

The Opera will be given with all the realistic effects ever seen in any New York Theatre, with the following carefully selected cast, headed by MISS LOUISE LEIGHTON, who, having sung the role of Josephine some three hundred times in all the principal cities of the United States and Canada, is the accepted star in that part; and Mr. T. Wilnot Eckert, who made his debut at the same time, has achieved universal favor. Mr. Eckert is the original Ralph Rackstraw in this country; the singing and acting of Mr. Pyke, as Captain Corcoran, has not been excelled. The Company altogether forming one of the strongest Opera Companies now travelling.

Ch'town, June 3, 1880.

Very Valuable Properties.

AT AUCTION, on MONDAY, 14th inst., at 11 1/2 o'clock, at the Blacksmith's Forge of PRINCE LACEY, Water St., the following very valuable Properties:—

1st. A Building Lot on the north side of Water Street, between Queen and Pownall Streets, fronting 41 feet on Water Street and running back 80 feet, together with the Buildings thereon. This Lot has also a right of way of 10 feet in width from King Street.

2nd. A Building Lot on King Street immediately in rear of the above, fronting 42 feet on King Street and running back 80 feet, with a right of way to the rear from King Street 10 feet wide.

3rd. A Building Lot on the south side of Dorchester Street, between Queen and Great George Streets, fronting 25 feet on Dorchester Street and running back 80 feet, with a right of way of 6 feet adjoining the eastern boundary the full depth of the lot. Terms at sale.

WILLIAM DODD, Auctioneer.

June 2, '80—w s tu

Wants, Lost, Found, &c.

Advertisements under this heading, in space not exceeding half an inch, will be inserted for Ten Cents per day.

WANTED—On Eastern Extension, N. S., Stonecutters, Masons, Laborers, and Teams to haul stone. Liberal wages given. J. K. & W. C. McDONALD.

June 5, 1880.—3m

Rooms to Let.—A Suite of Rooms over my Auction Rooms, suitable for Offices. WILLIAM DODD, Queen Square.

HOUSE TO LET—A comfortable Dwelling House on King Street, containing nine rooms and kitchen, and with good yard and cellar. Rent moderate. Immediate possession given. Apply to WILLIAM DODD. [j 5 2i

LOST—On Saturday evening 22nd ult., on the Malpeque Road, between Seven-mile House and Charlottetown, a Carpet Bag containing Brushes, Combs, Towels, Sponges, Overdraws, etc., trotting fits for horses. The finder will be rewarded by leaving the same at J. D. McLeod's, or with the owner—JAMES M. SQUAREBRIDGE. [j 1

WANTED—A few permanent Boarders. Apply at Mrs. J. R. McKENZIE'S, King's Square, next door to the residence of Mark Butcher, Esq. [ma 31 6i pd

Pasture to Let—At 'Kensington' and 'Belvidere,' cheap. Apply to ISAAC GOSKIN, Edward Street. [ma 25 ft

HOUSE TO LET—At Head of Prince Street, containing eleven rooms; also a Tenement House containing seven rooms. Apply to Miss GREGG, Upper Prince Street. [ma 22 2w pd

TO LET—A New HOUSE on Weymouth Street, nearly opposite E. J. Hodgson's. Apply at this office. [ma 22

TO LET—Shop and Dwelling House, with a large Cellar and Warehouse, in a good business stand for general groceries. Will also sell Shop and Dwelling Furniture if required. Apply to JOHN McEACHERN, Dry Goods Store; or on the premises to JOHN McDONALD, Grafton Street. [ma 21 ft

TO LET—A pleasantly situated Dwelling House, with stable and garden, directly opposite the "Dundas Esplanade," West Sidney street. For further particulars apply on the premises. [ma 12

TO LET—A large HOUSE on King's Square, with Stables, &c. Apply Glass Box 124, Post Office. [m 3

TWO HOUSES TO LET—One containing 6 rooms, the other 5 rooms; situated on Spring Park Road and Long Street. Rent moderate. Apply on the premises to JAMES McLEOD. [ap 20