

THE GROUNDS OF APPEAL

IN THE CASE OF MARY BASIL VS. ARCHBISHOP SPRATT.

Defendants' Solicitor Charges That the Trial Judge Submitted Evidence That Was Irrelevant and Embarrassing.

The grounds of appeal given by T. J. Rigney, solicitor for the defendants in the case of Sister Mary Basil vs. Archbishop Spratt and others, from the judgment pronounced by Justice Britton on the 8th of December, are as follows:

That there was no evidence to connect the defendants, M. J. Spratt, the Roman Catholic episcopal corporation of the diocese of Kingston, and Dr. Daniel Phelan with the acts alleged in the plaintiff's statement of claim.

That there was no evidence to connect the Sisters of Charity of the

House of Providence with the acts alleged by the plaintiff and the defendant Mary Francis Regis, had no authority to act on behalf of the defendants, the Sisters of Charity of the House of Providence, in authorizing the said acts, and the plaintiff's action against the above named defendants should be dismissed with costs.

That the damages awarded were excessive and unwarranted by the evidence.

In the alternative, the defendants complain that under the circumstances it was impossible to obtain a fair trial of the action before a jury, for the following reasons:

(a) That a jury could not distinguish the evidence which was applicable to one defendant as distinct from another, and the learned trial judge failed to properly point out to them and distinguish between the evidence which was applicable to one as distinguished from those portions of the evidence which were applicable to others.

(b) That the plaintiff's statement of

claim was embarrassing and irrelevant, and the publication of the same in full in the local papers prejudiced the defendants in obtaining fair trial of the action, and the action should have been disposed of without a jury.

(c) That the demonstrations in the court room were prejudicial to a fair trial of the action against the defendants, and the publications in the local papers during the course of the trial warranted the learned trial judge in striking out the jury notice, and that the learned trial judge improperly submitted evidence which was irrelevant and embarrassing and which must have prejudiced the defendants in the eyes of the jury and prevented a fair trial of the action.

New Fountain Pens.

Let us show you our new self-filler Fountain Pens, equipped with safety cap, from \$2.50. The best on the market. Nibs guaranteed to please you, all in holly boxes, at Uglow's.

Read the second section of today's Whig.

INCIDENTS OF THE DAY

LOCAL NOTES AND ITEMS OF GENERAL INTEREST.

Happenings in the City and Vicinity —What the Merchants Offer to the Readers of the Whig.

Ring up \$45 for sweet cider. The pupils of Victoria school contributed this week \$153.51 for the Halifax relief fund.

W. Swain, piano tuner, 100 Clergy street west. Orders left at McAuley's, or phone 564.

The tribunal sitting at the City Hall has granted exemption to a number of C.F.R. employees.

A choice box of Xmas chocolates will make "your girl" happy. Get it at Hoag's.

Three returned-soldiers have been given work as clerks in the post office during the Christmas rush.

What about that bottle of choice perfume you want? You can get it from Hoag's.

Mrs. Kelley and Miss Gladys Miller, Kingston, were in Napanee this week at the burial service of Master Fred Miller, formerly of Napanee.

A kodak or camera will be a suitable present for your son, daughter or sweetheart. See them at Hoag's.

Thanks to the Weather Man, the Islanders were able to cross the ice Saturday morning for the Christmas market.

Now is the time to have your piano tuned. We carry two expert tuners and will assure entire satisfaction. C. W. Lindsay, Ltd.

For an infraction of the Ontario Temperance Act, William Teeple was fined \$400 and costs or three months in jail.

Magistrate Farrell, and Charles Lasher was remanded.

We will rent you a piano, and at end of six months if you feel like purchasing instrument we will allow the 6 months' rental on purchase price, and arrange easy terms on balance. C. W. Lindsay, Ltd.

Joseph Bowles will leave for Brantford, his native city, tomorrow, where he will spend Christmas with friends, Kitchener and Toronto will also be visited before returning.

New books for Christmas gifts, all the latest books by the leading writers, at Uglow's.

Pte. Samuel McElary, of Ottawa, who went overseas with the 80th Battalion, has been killed in action. His son, Pte. S. E. McElary, of the 73rd Battery, now in hospital in Kingston, is a son.

New books for Christmas gifts, all the latest books by the leading writers, at Uglow's.

Now is the time to have your piano tuned. We carry two expert tuners and will assure entire satisfaction. C. W. Lindsay, Ltd.

John Woodruff, of Cataract, was a very much surprised man when he reached the market Saturday to find that he was minus a quarter of beef he had in his sleigh. Whether or not it was stolen or fell off his sleigh he does not know.

The "Nativity of Christ," a sacred Christmas cantata by Caleb Simper, will be given in First Congregational church, Sunday evening, Dec. 23rd, after regular service, commencing 8.30 p.m., to accommodate friends from other churches. Silver offering.

The first of a number of trawlers being built to the order of the Department of Naval Service was launched by the Kingston Shipbuilding Company, Saturday morning.

The boat was christened "TR. 19" by Miss Patricia Sowards, daughter of J. F. Sowards, Vice-President of the company.

Prevost, Brock street, has received a large shipment of men's and youths' winter overcoats and suits, which he will sell at very close prices. In his order clothing department he has a full range of cloth overcoats at a very reasonable price and guarantee first class fit.

3,000 Books at 60c. Two large shipments, delayed by the freight situation in the U.S., received in stock to-day at the College Book Store.

THE GREAT WAR VETERANS

LIEUT.-COL. W. G. ANGLIN IS ELECTED TREASURER.

Gifts to Two Returned Soldiers Who Do Not Belong to the Association —The G. W. V. A. Assists All Returned Soldiers.

The Kingston Branch of the G. W. V. A. held their weekly meeting Friday night, and it was largely attended. A letter of appreciation from the mayor of Halifax was read. A motion was carried instructing the secretary to send \$15 to each of two returned soldiers a Christmas present with the view of assisting them. These men do not belong to the G. W. V. A., but are returned soldiers, and the main object of the G. W. V. A. is to assist all returned comrades.

According to the by-laws any officer failing to attend at three consecutive meetings relinquishes his position and a new officer be elected to replace him. Comrade Lieut.-Col. Anglin was elected by acclamation as treasurer.

The secretary was instructed to write letters of appreciation to W. F. Nickle, M.P., and Mayor Hughes for the active part and interest they have taken in the welfare of returned soldiers.

A committee of three was appointed to deal with the by-laws of this branch of the G. W. V. A.

A personal letter from Premier Borden was received by the Great War Veterans' Association thanking them for the support given the Union Government by returned soldiers and their families.

A beautiful wrist watch, engraved, was presented to comrade Street who leaves for Toronto, in appreciation of the service he rendered this branch of the G. W. V. A. during his stay in Kingston.

A motion was carried that Comrade Ryan be tendered a vote of appreciation and support for the letter which was recently published in the local papers.

It was decided that the next general meeting would be held the first Friday of the new year.

See Uglow's Special Book Tables. 500 books at 25c each. 500 books at 35c each. 500 books at 40c each. 1,000 books at 60c each. 200 (special) at \$1.00 each.

The above five carefully selected tables containing the best of the world's popular and standard literature, will make selecting holiday gifts a great pleasure to hundreds of our citizens. Make your selection early. R. Uglow & Co.

A Letter of Appreciation. The following letter is from a gentleman who had been treated in the Kingston General Hospital, and has been one of its warmest friends ever since:

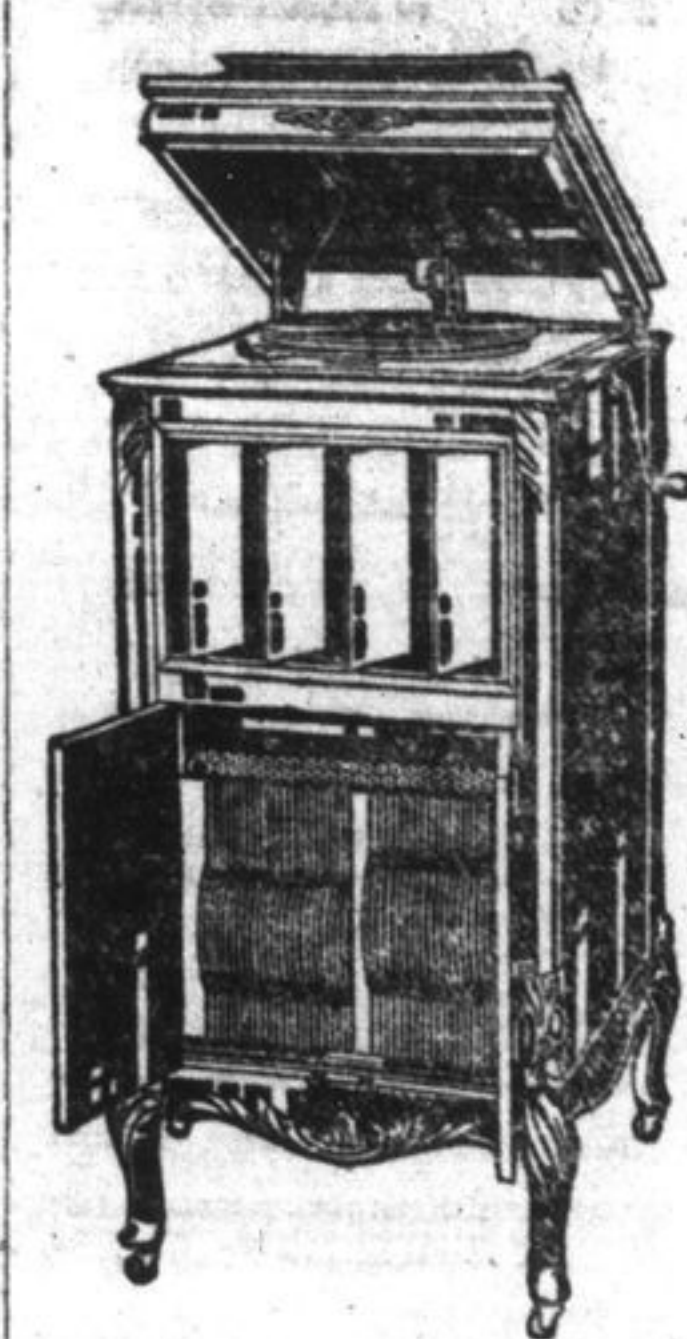
"Please find enclosed a cheque for \$25 as a donation to your maintenance fund for the hospital. As a citizen, I feel very proud of our hospital, and the good work it is doing, and I hope this position is sufficiently shared by the citizens in general so that your financial requirements for the current year will be fully met. I am yours, very truly,

The Official Returns. On Saturday morning J. B. Walkum, returning officer, made his official return as follows: Nickle, 4,451; Richardson, 1,674; majority for Nickle, 2,777; spoiled ballots, 30.

Had No Complaints. After fitting on thousands of square feet of the Barrett specification roofing in the last season we did not have one complaint during the late thaw. If you have any roofing trouble bring them to us, we will solve them for you. Simmons Bros., sole agents for the genuine Barrett specification roof.

A box of choice cigars makes a suitable Xmas present. Get them at Hoag's.

On Approval



means just that:

You can't always decide as conveniently here as at your home which instrument and which records (if any) will suit you.

We make the matter easy by sending a complete

COLUMBIA GRAFONOLA

outfit wherever you say, so you can take your time about it.

The picture illustrates the \$145 Columbia model. Its appearance is dignified and artistic; the shapely cabinet is mounted on casters, and in all the details of finish, this is an exemplary sample of what the best Canadian craftsmanship can produce. It is equipped with the Columbia Individual Record Selector, the last word in the many exclusive features possessed by all Columbia Grafonolas. Other models as low as \$24.

C. W. LINDSAY Limited, 121 Princess Street.



Mayoralty Announcement

Ladies and Gentlemen:

At the request of a large number of citizens, who have waited upon me and presented to me a numerously signed petition requesting me to offer myself for Mayor for a second term, and having had this petition reinforced by an almost unanimous request from my colleagues in the City Council, who have been associated with me during the last year, and who have asked that I stand again, I have consented to accede to their request. I do this with some reluctance as I have always felt that the honors should go around, and in addition, as my retention of the office will mean that for another year I shall be obliged, as in the past year, to sacrifice my personal and private business interests. But at a time like this, when the call of duty comes, I feel like many other citizens who have responded to that call, that if I can be of service, I should set aside my personal preferences or desires and respond whole heartedly to the call. It is in this spirit, therefore, and in no desire for mere office, that I answer the call, and offer myself again as a candidate for the mayoralty for 1918. If elected I shall "carry on" as in the past year, endeavoring always to do my duty fairly and efficiently and honestly.

J. M. HUGHES.

Carrie Jacobs-Bond New Numbers. There's a Cottage in God's Garden, The Soul of You, A Little Bit of Honey and Betty's Music Box. 40c each. The four for \$1.25. Special, at the College Book Store.

Miss Maggie Sampson, an aged maiden lady living alone in a woodland cabin near Normandale, Ont., lost her way in a snowstorm and perished.

The publication of the Ladies' World, a monthly magazine with a circulation of 600,000 copies, will be suspended with the January, 1918, issue for the duration of the war.

There is now only forty-five majority against Hon. Frank Oliver in Edmonton, with 34 polls to hear from.

Mr. and Mrs. R. C. Struthers, Brockville, are visiting in Kingston.

Last Word To Christmas Buyers of Useful Gifts

You Can Save Time and Money By Shopping Here. We Have Just What You Want at the Right Prices.

NOVELTY UMBRELLAS, the newest thing in this line.

FANCY BLOUSES, voile and silk, from 98c to \$6.50

SILK UNDERSKIRTS, all shades to clear, \$3.50; other lines at special prices.

HANDKERCHIEFS, all prices from 5c up, in Christmas boxes.

COLLARS, a dainty gift in organdy, corduroy, pique, and crepe, from 25c up to \$2.25.

BOUDOIR CAPS, every price from 19c to \$2.50.

CAMISOLES, in silks and crepe de chene, in a variety of colors and prices.

TEA APRONS, from 25c up.

SCARFS, see our wool scarfs at 98c, \$1.50 and \$1.98.

FURS, a few very fine fur sets to clear at sacrifice prices.

COME IN AND LOOK AROUND

Mendels

Kingston's Exclusive Ladies' Wear Store. 136 Princess Street. Opposite Randolph Hotel

Have You

Considered what a pleasure the gift of a pair of glasses will be to father, mother, brother or sister? You can give them on Christmas and we will examine the eyes and make the proper lenses after the holiday. Open evenings

R. J. RODGER

"Where the Clock is on the Walk." 132 Princess St.

We have a fine line of Portable Lamps at reasonable prices. Call and look them over.

Halliday Electric Co.
Cor. Princess and King Streets.

Hearty Thanks from Kingston General Hospital

To Those Who Have Already Sent in Their Timely Christmas Gifts

But Much More is Needed

The expenses this year will be many thousands more than last year. We mention coal, milk, eggs, butter, meat and drugs; but these are only a few of the items; everything used in surgery or medicine or food, is much higher and still going up. We look to the generous people of Kingston for a noble response to our strong appeal.

Please send in promptly, to

Miss Hunter, Gen. Secretary, Who Will Acknowledge by Mail