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The Kingston Daily News.

THE RATHBUN COMPANY
Are selling the best Pine-Lumber at $8.50 per M. and the best Cedar Shingles at $1.50 per M that have been offered in Kingston for years. Doors, Sashes, Newells, etc., all correspondingly cheap. Foot of Queen street, Kingston.
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VOL. XXXVI. KINGSTON, CANADA, TUESDAY, APRIL 12, 1887. NO. 173.

THE VERY LATEST NEWS.

CAUGHT FROM THE WIRES AND CONDENSED FOR BUSY READERS.

France has offered to mediate between England and Hayti.

Fifteen persons have been burned to death in Kansas by prairie fires.

The new Italian ministry is strongly in favor of an alliance with Germany.

L'Electeur, of Quebec, appeared this morning as a daily morning paper.

Easter Monday was observed in Paris yesterday for the first time since 1789.

The new ecclesiastical bill will be bitterly opposed in the German reichstag.

A bill will be introduced in the Italian parliament to provide for the payment of salaries to deputies.

Mrs. Lizzie Herbert, aged 35 years, has been lying in a trance at Joliet, Ills., for three months.

The British army and navy veterans who live in Hamilton have decided to take part in the jubilee celebration.

Mr. L. N. Benjamin, advocate, of Montreal, died yesterday of consumption. He was gazetted Q. C. the same day.

Cattle from New York state will not be allowed to enter Vermont on account of the prevalence in New York of pleuro-pneumonia.

Rev. Mr. Ainot, of Quebec, has resigned the rectorship of St. Matthew's, Quebec, to accept a professorship at Lennoxville.

Floods on the Central Hudson have caused an unknown amount of damage. All trains are being sent by Utica *via* the West Shore.

Mr. Blaine, who is ill at Fort Gibson, Indian territory, was much improved this morning. He will be able to travel in a few days.

A fire at Spring Gardenborough, Pa., yesterday, destroyed 21 frame houses, rendering 35 families homeless. The loss amounted to $30,000.

It is reported in St. Petersburg that M. DeGiers has resigned the foreign portfolio in consequence of M. Katkoff having resumed his attacks.

Mr. Michael Davitt's Irish admirers have presented Mrs Davitt with a furnished cottage in the neighborhood of Dublin as a wedding present.

Four hundred and eighty Russian officers have arrived at Odessa for transportation to the convict colony at Saghalien for attempts on the czar's life.

David Hoffman, convicted of wrecking the Missouri Pacific train at Dunbar, last January, was sentenced at Nebraska city, Neb., yesterday to be hanged on July 22nd.

Some of the seamen who sailed on the yacht Coronet complain that Mr. Bush did not reward them for the part they took in gaining the victory and fed them on stale food.

War has been declared between the stove founders' defense association and the moulders' national union. Probably every stove foundry in the United States will soon be closed.

Yesterday afternoon Oliver Graham, the 12 year old son of John Graham, of Blenheim, Ont., while at a sugar bush, fell into a kettle of boiling sap and was dangerously burned.

A New York despatch says the funeral services of John T. Raymond, the dead actor, will be held in "The little church around the corner." Prominent actors and managers will act as pall-bearers.

Mr. Lemieux has introduced a bill into the Quebec legislature providing that oath be taken in courts of justice on a crucifix and the book of the evangelists. A penalty of $50 is charged for each day the sheriff fails to place the crucifix in the court.

Thomas Granger, who lives near Brussels, Ont., assaulted John McLennan last Thursday and in the scuffle which ensued, fell and injured his neck so he was paralyzed immediately. A coroner's jury brought in a verdict freeing McLennan from all blame.

The London *Daily News* says the Hyde park demonstration shows that the workingmen of London have returned to a hearty co-operation with the liberal party. The *Telegraph* says that further consideration would convince them that the government is not trying to tyrannize over anybody, but is trying to emancipate honest farmers and tradesmen from a subtle and cowardly tyranny.

HONORING MR. CHAPLEAU.

All United Around the Grand Old Chieftain.

Montreal, April 12—Measured by the standard of magnificence and attendance, the banquet tendered last night to Mr. Chapleau by the conservative association of this city was a pronounced success. The scene in the dining hall of the Windsor at half past eight o'clock was most brilliant. Every one of the five hundred seats was occupied by men prominent in affairs of business and state. Sir Hector Langevin was present, and occupied the first seat to the left of the chairman. Mr. Chapleau himself was in fine form. He wore about his neck the cardinal ribbon and insignia of the legion of honor. In front of him was a large and beautiful wreath of flowers, and above his head was an artistic design having a life-size painting of himself in the centre, Sir Hector Langevin, Sir Adolphe Caron and Sir Charles Tupper wore the regalia of their knighthood. Other members of the cabinet present were Messrs. White and Thompson. In addition to these there were a considerable number of members of parliament.

Mr. Chapleau was received with an outburst of cheering which was long continued and renewed time and again. He spoke, both in French and in English, at some length, reviewing the Riel agitation, exposing Mercier and the *rouges*, and referring to the labor, Irish and fisheries questions.

Sir Hector followed, in response to a toast of "The parliament of Canada" and was enthusiastically received. In the course of his remarks he declared there was no dissention in the cabinet and that all were "united around the grand old chieftain." This remark brought the whole company to their feet. Sir Charles Tupper made a good speech. At an early hour this morning the banquet was still in progress.

Protest against Mr. Blake.

The *Mail's* Ottawa correspondent says: "A protest against Mr. Blake's return in West Durham was not unexpected here. Local conservatives attributed the protest against the premier's election in Kingston to a piece of—to use Artemus Ward's phrase—"pure cussedness," done solely for the purpose of making the government's majority one less on a division. It was therefore expected that the conservative party would get even by protesting against Mr. Blake, and they have done it. The premier and the leader of the opposition will most likely have to represent two constituencies each all the session."

White and grey cottons, shirtings at 10 per cent. less than mill prices at R. McFaul's.

THE KEEN AXE OF ECONOMY.

Sir Charles Tupper Using It Upon the Estimates.

OTTAWA, April 11.—Another holiday, public business entirely suspended and private business nearly so. To-night the able-bodied citizen of Ottawa congratulates himself that he has had a good talk, to-morrow he will rise refreshed.

Nearly all of the ministers were out of town to-day. Hon. John Costigan and Mr. McLelan were about the only ones left. Most of them went to the Chapleau banquet at Montreal and some went to Quebec. Mr. Bowell went to Belleville to attend the funeral of Postmaster Reid of that place, who died yesterday. Mr. Foster and Mr. Carling have gone up to South Victoria to assist in the good work there. So, to-day the political jawsmiths here stopped talking politics and went down to the Rideau to see the little river rise up in wrath and enter a vigorous protest against the lateness of the season. The Rideau River is about as big as the Don but uglier. It used to be fairly well behaved, but association with a Grit Government during the years of depression soured its temper and ruined its moral character. Of late years, when things don't suit it in the spring, it bangs around, piles up a lot of ice, floods the country for miles, washes away fences and buildings, and in general conducts itself in a disreputable, not to say infernal, fashion. At such a time the Ottawa citizen who lives within the threatened district takes to the woods, and the rest of the population goes down to see him run and takes great comfort therein. Well, yesterday the Rideau began to get ugly, and though dynamite was plentifully used the water has risen three feet and is very threatening. However, it is hoped the flood will not be very disastrous.

Meanwhile Sir Charles Tupper continues to get in his sledge-hammer work on the outside of the estimates. The Minister of Finance is not cutting down the estimates. Not much. He has got hold of a broad axe with both hands, and is just chopping them to pieces. He says the expenditure has got to come down below the revenue, and the laws of the Medes and Persians are as a bar of soft soap compared to Sir Charles when he says a thing. As the departments did not heed his warning, the Knight of Cumberland has rolled his chopping block and cleaver into the Privy Council room, and is making hash of the departmental estimates in the most approved style.

For instance, there was $30,000 down for an examining warehouse here.

"Don't need an examining warehouse this year," said Sir Charles. And so it goes on, and so Sir Charles will make himself the most popular man in Canada if he continues to hew to the line. It is said that when the estimates of the Department of Public Works got through his hands the paper looked as though it had been struck by lightning, and as for the railways and canals, why, John Henry Pope has been heard to assert that really there ain't nothing to it any more.

The influx of members continues. The most important man to arrive to-day was Judge Coursol of Montreal, his great grey mane flung back angrily, as in reply to a question he said it was too early to say what stand he would take this session. All the same he will support Col. Ouimet for Speaker and vote with the Government on all but North-west questions.

Mr. Cimon, M.P., and Mr. Perry of Prince County, P.E.I., were among the other arrivals, to say nothing of Porter, with Ananias Cameron's scalp at his belt, and Senator Glasier of Fredericton. The Winnipeg contingent, including Senator Schultz, Scarth, Perley and Geo. H. Ham are expected to-morrow. So are the Quebec district senators and members who will come in by special train. The members for East and West Toronto, Mr. John Small and Col. Fred. C. Denison, have both secured quarters at the Russell. So have Sir David Macpherson, Hon. Frank Smith, J. D. Edgar, Geo. Moncrieff and the Hamilton team. They will have distinguished company, among them Sir Adam Archibald, Hon. T. D. Archibald of Cape Breton, Hon. Geo. Kirkpatrick of Kingston, Hon. M. H. Cochrane of Compton, Hon. G. W. Holm of Charlottetown, Hon. J. D. Lewin of St. John, N.B., and Hon. Thos. Ryan of Montreal, besides scores of ordinary members.

There is a quiet rumor going about of certain rats who had forsaken the supposed-to-be-sinking ship who now wish to creep back. In most cases the erring brother is received with open arms and the past forgotten, but there are one or two marked men who would, it is said, give their ears to be forgiven, but who have been excommunicated with bell, book and candle and condemned to continual misery in the dark shades of Gritism.

Mr. N. Murphy is still here, one of his duties in the premises (departmental) will be of interest to Toronto readers. He is charged with a petition from Wm. Kyle, recently convicted of forgery in Toronto, to the Executive praying for clemency. As Hon. Mr. Thompson, the Minister of Justice, is in Montreal to-day the petition will not be presented until to-morrow. The petition, after reciting the facts regarding the trial, goes on to say, "that in the course of his passing sentence His Lordship remarked that when men occupying a social position were convicted of crimes a heavier sentence should be pronounced, and that any diminution of sentence rested with the Executive." In reply to this the petition submits: "That the severity of a sentence depends upon the power of the prisoner to bear it, and that a much shorter term would answer the ends of justice in the case of a man who occupied a social position than in the case of a man who had not been accustomed to the comforts of life." Reference is made to the large and influential petition presented to Mr. Justice Rose, and His Lordship's refusal to entertain the same on the ground that the sentence should follow the conviction, and that mercy was the province of the Executive. The petition referred to, which bears some 2000 names, is annexed. Finally Mr. Kyle prays that in view of the circumstances his sentence may be lessened or entirely remitted. The promptitude with which the petition has been presented, following upon the commitment for trial for perjury of Doyle, one of the principal witnesses against Mr. Kyle, shows the confidence entertained by the friends of the latter of his innocence, and that they will leave no stone unturned to have justice done him.

It is about decided that the Government will adopt measures the coming session to develop the fisheries on the British Columbia coast. A sum will likely be appropriated for the purpose.

It is stated that while the Militia Department has no objection to any battalion turning out on Jubilee Day, the battalion will have to bear the expense. A pay allowance would make too great a hole in the scanty estimates that have escaped Sir Charles' axe.

It is understood that the estimates for the Mounted Police will permit of the erection of new barracks at Prince Albert and Calgary.

The lighthouses in the Gulf have been ordered lighted in view of the opening of the St. Lawrence to navigation.

Mr. Thos. McKay, of the Rebellion Claims Commission, is in the city.

Prof. McKeown, of the Geographical Survey, has left for the Pacific Coast, where he will spend the summer in botanical research.

Hector Cameron was here to-day looking stately but glum, and late to-night Hon. Frank Smith came in.

A College Building Burned.

HALIFAX, April 11.—The oldest building in connection with the Baptiste College at Wolfeville was totally destroyed by fire last evening. It was lately used as a boarding house for male students and was formerly the principal college building, built 60 years ago. It was insured for $2500.

LIVERPOOL COTTON MARKET.

Liverpool, April 12.
Cotton—Uplands, 5¼; Orleans, 5 11-16.

MONTREAL EXCHANGE.

Montreal, April 12.
The following is the official report of the Montreal Stock Exchange till noon:

Name.	Asked.	Offered
Bank of Montreal	248	246½
Ontario Bank	118	114½
Banque du Peuple	105	104
Molson's Bank	146	135
Bank of Toronto	212½	209
Banque Jacques Cartier	....	75
Merchants' Bank	121½	120½
Union Bank	92	89
Bank of Commerce	120½	119½
Bank of Commerce (ex-div.)	....	....
Federal Bank	....	....
Canada Pacific Railway	63½	63
Montreal Telegraph Co	95½	94
Montreal Telegraph Co (ex-div.)	....	....
Richelieu & OntarioNav.Co.	63½	63
City Passenger Railroad	275	230
Montreal Gas Company(ex-div)	220½	220
Canada Cotton Company	93	....
Dundas Cotton Company	....	....
North-West Land Co.	63s 6d	60s 0d

The Pierrepont reached Garden island this afternoon at four o'clock.

Rev. Dr. Williams, general superintendent of the methodist church, has left for British Columbia, where he will open the British Columbia conference.

THE SPRING ASSIZES.

THE JUDGE'S CHARGE TO THE JURY.

The Case of J. J. Whitehead v. the Ottawa "Free Press"—The Evidence Taken and the Witnesses Sworn—Other Suits.

The assizes opened on Monday afternoon in the court house, Judge Rose presiding. There was an unusually large attendance of legal luminaries, every seat behind the desks being occupied. The following grand jurors were sworn:—

Thos. Clyde, foreman; Bejamin Allen, Jno. Asslestine, Adam Barr, Jno. B. Bertram, Percy Clark, Thos. Connolly, G. W. Dawson, Francis Gardiner, Delos Grimshaw, Jno. Harkess, A. C. Johnson, Thos. Kilpatrick, Chas. Livingston, C. F. Mained.

THE JUDGE'S CHARGE.

The judge in begining his charge to the jury pointed out that there were only two criminal cases on the docket—one of false pretences and the other of libel. In the former case it would have to be shown that the horse in question was unsound and that defendant knew that it was unsound when he disposed of it, before a "true bill" could be returned against him. With regard to the libel, no man had a right to write anything that would bring another into disgrace or ridicule, but the person about whom such an article had been written had a right to have an investigation. He, the judge, however, had no sympathy with libel suits, because a man who has a good character, and gained it by going in and out among the people, should outlive such articles, which would have no weight with the people who knew him. But there were times when it was desirable that those who chose to bring others into disgrace should be compelled to answer. The power of the press was great and the papers sometimes were circulated largely and came into the hands of those who did not know the person written about, when considerable injury would be done him. The judge then alluded to the words which appeared in the NEWS regarding Harry Shibley and said that if the grand jury considered that they brought plaintiff, (Shibley) into disgrace, they should bring in a true bill against the defendant. The judge next referred to two questions which were before the public—temperance and prison labor. The government, he said, wanted to know what the people desired in temperance legislation, and what would promote temperance. Society was divided as to the best means of promoting temperance, some contending that legislation was necessary and others that it was not. So far as he had observed during the past three years the temperance legislation now on the books was violated with the knowledge of officers of the law. If people desired it, temperance legislation should be enforced, and if bad laws were on the books they should be wiped off, because if they were allowed to remain it brought the law into contempt.

The next matter was the employment of drunks and vagrants in the jails, the maintenance of which cost $70,000 per year, while the revenue was only $400, showing that these people were kept in idleness by the public. It was a fallacy to contend that these people should be maintained in idleness, because, if they worked, their labor would be brought into competition with free labor. If all men were honest, competition would be brisk, and would it be right for one portion of the people to ask the government to withdraw the other portion and maintain them so that the former could make a living? Another thing, keeping people in jail in idleness increased the vagrant population. In one place where he was, vagrants lived in jails all winter and went out in the spring in all their vigor to prey on the public, but, when the municipality decided to make them break stones, few vagrants made their appearance. Some contended that vagrants should be worked to the extent of their strength, and fed just enough to prevent a charge of cruelty being brought in their behalf, and then let loose. Others suggested the use of the tread mill, but he would not advise the jury to entertain such a proposition. In his opinion, it would be proper to make prisoners in the jails work, and charge against their work current wages, and then the production of their labor would not be given an undue advantage over the production of free labor. When the work was sold, the wages could be deducted from the sum realized by the sale of the goods and handed to the suffering families of the prisoners. In the Kingston jail 17 out of 19 prisoners in it were drunks and vagrants, so that the people in this vicinity did their share towards maintaining this class of people.

The case of Peters v. Whalen, one of seduction, was allowed to stand over till next court, by consent, to allow the parties interested to settle.

In John Stewart's case v. M. Sullivan, the plaintiff handed two documents to the judge and requested his honor to read them. Nothing further was done in the case.

Reeves vs. Thompson—This was an action to recover possession of a small piece of land in rear of the respective premises of the parties to the action. Mrs Moyle was owner of the premises in dispute as well as of the adjacent premises now in possession of the parties, and in 1880 she sold to plaintiff the lot on Brock street the description of which included the disputed parcel. Thompson however was in possession of it then, along with other land fronting on King street and Mrs Moyle, in order to prevent his being disturbed, procured a lease from Reeve's to continue as long as Thompson continued her tenant of the King street property. Thompson, it is admitted, was tenant from year to year. Reeve's in the fall of 1886 demanded possession which Thompson declined to give up and thereupon this action was brought. The principal ground of defence was that no proper notice was given putting an end to his tenancy before action. The case was tried by the judge without a jury and after argument his lordship took the case under consideration. T. L. Snook, R. T. Walkem, Q C, for plaintiff, Jno. Machar and T. H. McGuire, Q C, for defendant.

Tuesday Morning.

The court opened this morning at 9:30 o'clock, and the first case called was that of J. J. Whitehead v. the proprietor of the Ottawa *Free Press*, whom he was suing for libel, claiming damages to the extent of $5,000. The article complained of referred to Mr. Whitehead's action as returning officer in the recent election, when he wrote the names of four voters, on the backs of their ballots, some of them being blind and others unable to write. The article, which appeared recently in the NEWS, closed with the words "trickery sometimes over-reaches itself," and it is these words which, it is claimed, contain the libel. About half an hour was spent in selecting a jury, pronounced grits and tories being challenged freely and compelled to retire. The challenging caused considerable amusement in court.

Mr. McIntyre, who, with Messrs. Walkem & Walkem, appeared for the plaintiff, addressed the jury at length, explaining the case and pointing out that after the election Mr. Whitehead counted the ballots alluded to for Mr. Gunn, but that in the recount they were thrown out by Judge Price, thus increasing Sir John's majority to 17. The counsel then read the article, which is as follows:

"Is it any wonder that Mr. Gunn was defeated at Kingston, when, by a strange circumstance, the deputy returning officer took the trouble to write the names of the voters upon a number of ballots marked for Mr. Gunn. It is needless to say that no such trouble was taken by the deputy returning officer with the ballots marked for Sir John Macdonald. There is a satisfaction, however, in knowing that the tory returning officer, by marking these ballots and so destroying them, in all probability annulled the entire election. Trickery sometimes overreaches itself."

The counsel next pointed out that the returning officer took an oath previous to the election that he would act fairly in the contest, consequently the above article was tantamount to charging plaintiff with perjury. The article was a defamatory libel. Regarding the statement that Mr. Whitehead did not take the trouble to mark Sir John's ballots as he did those four for Mr. Gunn it might be stated, though it would appear strange, that every supporter of Sir John Macdonald in No. 17 Victoria ward was able to read and write, consequently Mr. Whitehead was not required to mark their ballots for them. None of them were illiterate men. He did not wish to reflect upon any voters when he said this, but merely to show that Mr. Whitehead had not been prejudiced in his action.

The counsel then read extracts from the defendants claim, in which he says that the alleged libel was printed and published by defendant as a public journalist and that the said article was a fair and *bona fide* comment upon a public matter of public and national interest, and was printed and published *bona fide* and without notice, or for the benefit of the public and not otherwise, and without any malicious motive or intent. The counsel claimed that such a contention was entirely wrong and misleading, and then he stated that no doubt there were politics in the matter. It was satisfactory to see men of both sides of politics on the jury, but he would ask them to obliterate politics from their minds in dealing with the question. If the jury were satisfied that the *Free Press* published the article in question, they should find for the plaintiff; after which the court would decide as to its libellous character.

THE EVIDENCE.

The first witness was James Johnson, editor of the Ottawa *Citizen*, who said that he believed C W Mitchell was the proprietor of the *Free Press*, although he could not swear to that effect. He based his statement on what he saw in the paper and his general knowledge. He was brought to Kingston to give evidence against his wish.

E. J. B. Pense said the *Whig* exchanged with the *Free Press*. He had not seen the libellous article in the *Press*, but he knew that it had appeared in the *Whig* the next day. He did not clip the article from the *Press*. He thought Mr. Meek did.

John Macdonald, of the NEWS, testified that over six years ago he was a compositor on the *Free Press*, and understood that Mr. Mitchell was then proprietor.

Dr. Smythe, who was at the recount, said that Sir John's representative there requested that the ballots in question be counted for Mr. Gunn.

J. J. Whitehead was the next to testify. He said that in the ballot box there were no attestation papers; consequently he asked Dr. Henderson, the returning officer, what he would do in case men could not write. He understood the latter to say that he was to mark the ballots on the back. He marked four ballot's in good faith and he counted them for Mr. Gunn. If there had been no recount the ballots would never have been heard of. There was no doubt that the article hurt him, because members of his family were abroad and some of them in business.

To Mr. Whiting—I held the ballots up, after I marked them, before the scrutineers and they did not object. I never did such a thing before in all my experience, but I thought I was carrying out instructions. Mr. Roach marked his own ballot.

Mr. Whiting read that clause in the act which stated that no ballot should be marked so that the voter could be identified, and asked witness if he was familiar with it, and he said that he was not. Witness said that A. Simmons, scrutineer for Mr. Gunn, was creating mischief continually, but Mr. Brooks, the other scrutineer for the same side, was very quiet.

Mr. Whiting—This article appeared in a Kingston paper, and you have not brought an action against the proprietor?

Witness—I have good reasons for not having done so. The proprietor's wife and mine are closely related.

Mr. Whiting—Then it was for family reasons that you did not sue him?

Witness said "Yes."

Mr. Whiting—Have you been injured by the article. Witness—Yes; since March my business has amounted to nothing.

Mr. Whiting—Did it ever amount to more. Witness—It amounted to $40,000 in a year.

Mr. Whiting—That was in old times? Witness—No, recently.

Mr. Whiting—That was an accident then? Witness—The same kind of an accident as occurs in your office.

Alfred Simmons said that he had to wrangle all day with Whitehead to make him do his duty. Sir John's scrutineers were placed on Whitehead's right hand side, and consequently they could see how every man voted as the returning officer folded the ballot. Witness objected. He also objected to the ballots being marked on the back, when Whitehead said "I know my business." One Francis had his ballot marked for him, but it was not marked on the back.

Mr. Walkem asked witness if he had not sworn that he would do what was fair, and the reply was "Yes." "Well," said the former, "did you object to four ballots being counted because they were destroyed?" Witness—No; why should I? I was there to do the best I could for my candidate.

Mr. Walkem—You knew that four ballots were destroyed, but, when you saw they were to be counted for Mr. Gunn, you did not object? Witness—I did not think I should object; they were cast for my candidate and should have been counted for him.

Mr. Walkem—You want all the justice on one side. Your evidence has shown what kind of a man you are.

J. Brooks, another grit scrutineer, said he thought Whitehead was acting in good faith at the time he marked the ballots, but since he concluded that he was not. He saw him open the ballot of a prominent person, so that it was seen how the vote was cast. He could not swear that Whitehead showed partizanship. Lester Aylesworth, who said he was a reformer, testified that after the recount he said to Whitehead: "So you spoiled some ballots?" and the the latter replied "I know how to fix them." Harry Bates, scrutineer for Sir John, testified that he did not see how electors voted, and that he did not know that the four ballots in question had been marked on their backs.

THE JURY ADDRESSED.

Mr. Whiting alluded to Mr. Whitehead's reputation being weather-beaten, and asked how it could be affected by the little dust, raised by a very moderate article, and which was the result of his disgraceful conduct. It was strange indeed that the only one of the seventeen returning officers was an old veteran who had served for over thirty years. The speaker pointed out that a bill was now before the local legislature, whose object was to protect newspapers from being persecuted and blackmailed. He claimed that public officers should be criticized and that sharply, and said that Mr. Whitehead should be thankful that he was not prosecuted for his irregularities. The paper had not mentioned Mr Whitehead's name; it dealt with a returning officer in Kingston, and there were seventeen of them. He had no doubt that the returning officer's action would prevent him from being re-appointed to the position. He pointed out that if Mr. Gunn had been elected by four, the other side, who knew that the ballots had been destroyed, could have ordered a recount, when the ballots would have been thrown out. If Mr. Whitehead had, even by stupidity, broken the act, the criticism in the paper was not severe. The tendency of the age was to scout such action as that of plaintiff's, whose case was "nothing to lose and something to gain," and the damage to whose reputation was infinitesimal and beneath computation.

Mr. Walkem admitted that a paper had a right to comment, but not to charge the plaintiff with what was tantamount to perjury. The article appeared in the paper the day after the recount, consequently the writer could not have known the particulars of the case. He merely distorted the truth and composed a villainous article. Mr. Whitehead did not care to collect substantial damages, but merely to set himself right before the public and to punish the paper. If papers were allowed to print what they liked about the people, the bowie knife or the pistol bullet would be resorted to, as was done years ago in the southern states.

It was quite clear that Mr. Whitehead made a mistake. Such mistakes were frequently made. If Mr. Whitehead had been actuated by corrupt motives he would not have been silly enough to count the ballots for Mr Gunn. It was claimed that because the article was published in an Ottawa paper it did not injure plaintiff, but it should be remembered that the article was copied by the *Whig* in this city, which went among plaintiff's friends.

The judge said the evidence showed defendant to be proprietor of the paper. The jury should consider: "Is plaintiff meant by the article in the paper?" There was no doubt that the words "trickery overreaches itself" would bring an officer into contempt. The spirit of partizanship was too bitter altogether at present, and he would like to see some means of remedying the existing state of affairs in this respect. During elections great ill-temper was shown and it generally took some time for friendship to be revived. He thought the court was the proper place to settle libel matters and hoped that those concerned would not see fit to take the matter into their own hands. If it were shown that an official were ignorant, comment on ignorance could be used, but nothing further. "The golden rule should govern all our actions," said the judge, and if a man made a blunder was it fair to charge him with "trickery," whatever that meant. The plaintiff said it meant "dishonesty." If he was dishonest then the comment was fair, but if he were not, it was unfair. He reminded the jury that often men were sent to premature graves with broken hearts because their reputations were damaged, and then said that papers, while exposing wrong doing by mistake should not impute dishonest motives. In speaking of damages, he said that while the jury could give what damages they saw fit, he was in favor, when a case was made out, of giving good damages. He closed a charge, which appeared to be in favor of plaintiff, by stating that defendant was not responsible for the publication of the article in Kingston.

The jury then retired.

The defendant denies that the alleged libellous article refers to the plaintiff, and that the words used bear the construction put upon them by plaintiff, but claims that the article is true in substance and in fact, according to the fair and ordinary meaning of the words used.

VERDICT FOR J. J.

The jury after being out three hours in the libel case of J. J. Whitehead vs Ottawa *Free Press*, returned a verdict of $5 and full costs for the plaintiff. The costs will amount to about $170.

MINUTE DESPATCHES.

Brief, Interesting, and From All Parts of the World.

The police have been instructed to break up the "green goods" and "sawdust" swindles in New York at all hazards.

At Highmore, Dakota, on Saturday, the thermometer reached 93 in the shade. A great prairie fire is raging in the vicinity.

A telegram from St. John's Nfld., says that the missing steamer Eagle arrived there at noon on Sunday. All on board are well. She has 2 000 seals.

The privy council has proclaimed Limerick and other ports under the peace preservation act, prohibiting the importation of arms and ammunition.

The medical faculty of McGill have demanded a *post mortem* examination of the body of Albert Hamer, the graduate who mysteriously disappeared and whose body was found on Sunday.

At Dunmanaway, county Cork, on Saturday, a farmer and his wife resisted eviction for eight hours, hurling stones and other missiles at the police. The attempt to evict them was finally abandoned.

The general strike of the plumbers of New York city for the enforcement of an apprenticeship system in the trade has at last been declared off. The struggle was begun on September 1, 1886.

At a meeting yesterday of the protestant ministerial association of Montreal a motion was passed recommending the advisability of establishing a protestant hospital for the insane to commemorate the queen's jubilee.

The Gloucester fishermen are greatly angered at the tone of President Cleveland's reply to the American fishery union representations anent the retaliatory act. They believe the reply will delight Canadians rather than Americans.

The St. Petersburg *Nova Vermya* says the Russian government proposes to apply the passport tax, not only on natives going abroad, but also to foreigners residing in the empire or engaged in Russian commerce or manufacture.

At a meeting of the Montreal branch of the Irish national league a committee was appointed to draw up resolutions against coercion in Ireland, to be presented to the federal and provincial parliaments. It was also decided to start an anti coercion fund.

The United States is looking around for a cruiser to send to Hayti to protect American interests in the event of trouble with Great Britain. It is said that the island of Tortugas was offered to the British government in settlement of her claim three years. The government of Hayti has recently borrowed 15,000,000 francs in Paris. If England wants a Haytian island, French creditors will probably have something to say.

GENERAL WALTER L. BRAGG.

The Distinguished Representative of Alabama on the Interstate Commission.

General Walter L. Bragg, of Alabama, who was selected by President Cleveland to serve as one of the interstate commerce commissioners for a term of two years, is a native of Alabama, having been born in that state in the year of 1838, but he went west and became a resident of Arkansas from 1843 until 1861, going southward again after this. Walter Bragg was educated at Harvard college and is a graduate of the Cambridge law school. He was chairman of the Alabama state democratic committees from 1871 to 1875 a member of the national democratic commission from Alabama in 1876 and the democratic elector at large from Alabama in 1880. General Bragg has been urged to accept the nomination for governor and judge of the state supreme court but declined. He served as president of the Alabama state railway commission from 1881 to 1884. His printed opinions and decisions as president of the board have taken a high stand among the railway commissioners of many states. One of the many radical steps taken by him in this connection was in compelling the railway companies in Alabama to provide first class accommodations for the first-class fares, and this the commission insisted upon with the general approval, in the end, of the people. Some of General Bragg's acts as president of the state commission aroused the antagonism of the corporation, and when it became known that he was spoken of as one of the national board of commissioners a strong pressure was brought to bear upon the president against his selection. The president, however, sent to Alabama for the printed records of the state commission, and after examining them carefully satisfied himself that he was the right man for the place.

DIVISION COURT.

The Cases Disposed of By Judge Price This Morning—sent to Jail.

A. Dunbar v. Jas Harmer—For $67.80, money lent. In absence of plaintiff judgment for defendant.

P. McDermott and E. Revels for $11 for rent. Adjourned.

Robertson Bros v. O L. Potter—Judgement for plaintiff for $61 75.

W. Emmerson v. J. A. McKinnon—Suit for the price of a family bible, $16 50. Judgment for plaintiff for $7.

Jno. Grey sued Jno. Hazlett for $26 95. Adjourned.

E Riley v. Jno. Waddell—A note of $67 20. Judgment for plaintiff for full amount and costs.

The Toronto B. & M. Co. v. A. Dunbar v. N. Switzer, garnishee—Balance of judgment for $41. Adjourned.

A. Nicoll v. F. W. Merriman v. C. Myles garnishee—A note of $22.90. Judgment for plaintiff and for garnishee.

John McDonald v. D. A. Cays and F. V. Murdock V. W. Murray, garnishee—Balance on note of $61 33. Judgment for plaintiff and for garnishee.

The six following writs of attachment against P. Quigley were adjourned to the judge's chambers on Monday next: J. Richardson & Sons, $136 07; M. Spoor, $122 75; E. Bryceland, $137 31; E. Chown, $48 04; D. Fraser, $144.80. P. Doyle, $140.35.

A judgment for $166.00 was given for D. J. Dawson against John Quigley.

A sailor was sent to jail for ten days on a judgment summons, for refusing to pay D. Hagerty his board bill.

AUCTION SALE
—OF—
HOUSEHOLD FURNITURE,
Brussels and Tapestry Carpets, etc.

I HAVE received instructions from MR. ISAAC NOBLE to sell at his residence, Ontario street, near West, on WEDNESDAY, April 13th, all of his household effects, consisting of handsome parlor set in brocatelle, fancy and other tables, fine Brussels and tapestry carpets, pictures, fancy chairs, hanging lamps, cane dining chairs, extension dining table, sideboard, curtains and poles, marble top and other bed-room sets, toilet set, bureaus, mattrasses, spring mattrasses, hall coal stove, oil cloth, hat rack, crockery, cutlery, glassware, lounges, rockers, washstands, stair carpet, two fine black walnut wardrobes, clocks, cook stove, kitchen utensils, etc.
Sale at 10:30. Terms cash.
J. E. HUTCHESON, Auctioneer.
April 7.

AUCTION SALE
—OF—
VALUABLE CITY PROPERTY

THERE will be offered for sale on the premises, corner of Barrie and Yonge streets, in the City of Kingston, on THURSDAY, the 14th day of April, instant, at 12 o'clock, noon, all that parcel of land and premises, part of lot number twenty-four in the first concession of the Township of Kingston, now in the City of Kingston, running along Barrie street about thirty feet and about one hundred and thirty feet along Yonge street, being the property belonging to the estate of the late Martha Funston.
The proposed widening of Yonge street and the position of this property on Barrie street make it a most desirable property for purchasers.
There are on the premises a double rough-cast building on Barrie street and two frame tenements on Yonge street.
Terms and conditions made known at time of sale. For further particulars, apply to
ROBERT SHAW, Vendors' Solicitor. J. E. HUTCHESON, Auctioneer.
April 6.

AUCTION SALE
—OF—
Household Furniture, Melodeon, Carpets, &c.

I HAVE instructions from Mrs Pless to sell at her residence 242 Gordon street, on FRIDAY APRIL 15th all of her household effects, consisting of one fine melodeon by Prince, easy and other chairs, what not, centre table, extension dining table, rockers, tapestry and other carpets, curtains two fine sets of horns, sideboard, clocks, lamps, bedsteads, washstands, stair carpets, toilet sets, lot of good bedding, mattrasses, coal stove, cook stove, kitchen utensils, etc.
Sale at 10:30 a.m. Terms cash.
J. E. HUTCHESON, Auctioneer.
April 12.

'O' Co., 14th P.W.O.R.

Orders by Lieutenant Frank Strange, Commanding:
The Company will parade for the discussion of the Company's finances and drill at the Drill Shed this (Wednesday) evening, April 13th, at 7:30 o'clock sharp. By order,
N. F. FRASER, Sec'y Finance Committee.
April 12.

NEW GOODS
—AT—
Murray & Taylor's.

We have just received the following new, rich and elegant goods
Beaded Panels, Beaded Fronts, New Buttons, New Braids.
Fine Black Silk Flouncings, all widths.
Very Rich Chinelle Fringes.
All Silk Maribout Trimmings.
All the above suitable for Ladies Dress, Wrap and Jacket Trimmings, also
TWO HUNDRED PIECES OF PRINT
To add to our already very complete stock.
Everybody invited to inspect our very large and complete stock. Prices always the lowest at
MURRAY & TAYLOR'S, 176 PRINCESS ST.

NOTICE.

SEALED TENDERS, addressed to the undersigned, and endorsed "Tender for Indian Supplies," will be received at this office up to noon of SATURDAY, 30th April, 1887, for the delivery of Indian Supplies during the fiscal year ending 30th June, 1888, consisting of Flour, Bacon, Groceries, Ammunition, Twine, Oxen, Cows, Bulls, Agricultural Implements, Tools, &c., duty paid, at various points in Manitoba and the North-West Territories.

Forms of tender, containing full particulars relative to the Supplies required, dates of delivery, &c., may be had by applying to the undersigned, or to the Indian Commissioner at Regina, or to the Indian Office, Winnipeg.

Parties may tender for each description of goods (or for any portion of each description of goods) separately or for all the goods called for in the Schedules, and the Department reserves to itself the right to reject the whole or any part of a tender.

Each tender must be accompanied by an accepted cheque on a Canadian bank in favor of the Superintendent-General of Indian Affairs for at least five per cent. of the amount of the tender, which will be forfeited if the party tendering declines to enter into a contract based on such tender when called upon to do so, or if he fails to complete the work contracted for. If the tender be not accepted, the cheque will be returned.

Tenderers must make up in the Money columns in the Schedule the total money value of the goods they offer to supply, or their tender will not be entertained.

Each tender must, in addition to the signature of the tenderer, be signed by two sureties acceptable to the Department, for the proper performance of the contract.

When implements of a particular make are mentioned, it is because the articles so designated suit the Department for the purpose required better than others; in such cases the competition between tenderers must, of course, be in the transportation to the place of delivery.

In all cases where transportation may be only partial by rail, contractors must make proper arrangements for supplies to be forwarded at once from railway stations to their destination in the Government Warehouse at the point of delivery.

Tenders will please note carefully the following conditions—

1. Supplies will not be paid for until the Department has been assured of the satisfactory delivery of each article for which payment is claimed.

2. No tender for supplies of a description different to that given in the index will be considered, and supplies which are found, on delivery, to be of a kind or quality different to those described, will be rejected by the agents of the Department; and the contractor and his sureties will be held responsible for any loss entailed on the Department through failure to deliver in accordance with terms of contract.

3. It must be distinctly understood that supplies are to be delivered at the various points for the prices named in the tender; that no additional charge for packing or any other account will be entertained, and that an invoice must accompany each separate delivery of supplies. An invoice for each separate delivery must also be sent to the Department of Indian Affairs at Ottawa, and one to the Indian Commissioner at Regina, if the supplies are for the North-West Territories. When the supplies are for points in the Manitoba Superintendency the triplicate invoice should be sent to E. McColl, Winnipeg.

4. Prices must be given for articles to be delivered at each point of delivery named in the Schedule for each article for which a tender is submitted, and not an average price for each article at all points of delivery; no tender based on a system of averages will be considered.

5. Tenderers should understand that they must bear the cost, not only of sending their samples to the Department of Indian Affairs but also freight charges incurred in returning such samples to the tenderer.

6. When supplies are to be delivered "equal to sample," tenderers should understand that the sample is to be seen either at the Department of Indian Affairs, at the office of the Indian Commissioner at Regina, at the office of the Inspector in charge at Winnipeg, or at any one of the undermentioned Indian Agencies.

MANITOBA.

Agent.	Agency.
H. Martineau	The Narrows, Lake Manitoba.
F. Ogletree	Portage la Prairie.
A. M. Muckle	St. Peter's.
R. J. N. Pither	Fort Francis.
Geo. McPherson	Assabaskasing.
John McIntyre	Savanne.
J. Reader	Grand Rapids.
A. MacKay	Beren's River

NORTH-WEST TERRITORIES.

Agent.	Agency.
J. A. Markle	Birtle.
J. J. Campbell	Moose Mountain.
A. McDonald	Crooked Lakes.
W. S. Grant	Assiniboine Reserve.
P. J. Williams	File Hills.
J. B. Lash	Muscowpetung's Reserve.
H. Keith	Touchwood Hills.
J. M. Rae	Prince Albert.
J. A. MacKay	Battleford.
G. G. Mann	Onion Lake.
J. A. Mitchell	Victoria.
W. Anderson	Edmonton.
S. B. Lucas	Peace Hills.
W. Pocklington	Blood Reserve.
M. Begg	Blackfoot Crossing.
W. C. de Balinhard	Sarcee Reserve.

And that no attention will be paid to a sample of any article which may accompany a tender, if a standard sample of such article is on view at the Department of Indian Affairs or any one of its Offices or Agencies aforesaid.

7. These Schedules must not be mutilated—they must be returned to the Department entire even if the supply of one article only is tendered for—and tenderers should in the covering letter accompanying their tender, name the pages of the Schedule on which are the articles for which they have tendered.

The lowest or any tender not necessarily accepted.

L. VANKOUGHNET,
Deputy of the Superintendent-General of Indian Affairs.
Department of Indian Affairs,
Ottawa, February, 1887.

UNTIL further notice, the Collector's office will be open for receiving taxes from 9:30 a.m. till 12:30 p.m. every lawful day.
By order,
L. MIDDLETON, Collector.
April 9.

MUSIC.

MRS. W. L. BAXTER AND DAUGHTER have returned to Kingston, and are prepared to give instruction on the pianoforte. Miss Maud Baxter will give lessons at the pupils' residence or her own, if preferred. Apply to 163 Princess street. Feb. 10.

DEAFNESS. Its causes and a new and successful CURE at your own home, by one who was deaf twenty-eight years. Treated by most of the noted specialists without benefit. Cured himself in three months, and since then hundreds of others. Full particulars sent on application. T. S. PAGE, No. 41 West 31st street, New York City. Oct. 18

WANTS.

EMPLOYMENT by a young man acquainted with bank bookkeeping and with the duties of secretary. Address "S," NEWS office. References.

A FIRST-CLASS Carriage Blacksmith; also, a good Helper. Apply to J. F. McDERMOTT, King street. April 9.

COOK and Housemaid; good references required. Apply to MRS. JAS. MINNES, Bagot street. April 6.

FOUND.

A SMALL sum of money. Enquire at this office. April 11.

TO RENT.

A STONE HOUSE, containing twelve rooms, with good yard and large stable, conveniently situated; about five minutes' walk from the market; rent, only $11 per month; the landlord to pay the taxes; possession 1st May. Apply to JOSEPH T. A. LANDERYOU, 87 Colborne street. April 6.

THOSE commodious dwellings Nos. 200 and 202 William street, between Clergy and Barrie; rent moderate; possession 1st of May. Apply to ISAAC NOBLE. April 5.

FROM 1st of May, that pleasant brick dwelling, 45 Gore street, near King. Apply to P. SMITH. April 1.

STONE HOUSE, 75 Charles Villa, Union street, off King street. Apply to MR. CHARLES ILLSEY, next door, 81. Possession 1st of May. April .

THAT desirable residence, with gardens attached, on the corner of King and Johnston streets, occupied by Miss Uldersleeve. Also if required, all or portion of furniture to a suitable tenant. Possession in May. Apply on the premises. April 2.

FROM 1st of May, that pleasant brick dwelling, 181 Colborne street, with 75 feet frontage hard and soft water; good yard and stabling; first-class drain. Apply to CLARK W. WRIGHT. March 26.

A STORE, with dwelling and a large work shop attached, suitable for a tinsmith or general business, situated on Wellington street, near Princess. Good business stand. For particulars apply on the premises. S. E. ALLEN, 197 Wellington street. March 21.

THAT desirable House on the corner of Colborne and Sydenham streets, containing nine rooms, with bath-room, hot and cold water, formerly occupied by C. Bermingham, Esq., and at present occupied by Major Fraser. Possession 1st of May next. Apply to J. B. McIVER, 343 King street, or 4 Colborne street. March 24.

WITH possession 1st of May next, the stone and fire-proof warehouse, offices, etc., at foot of south side of Princess street, now occupied by Joseph Franklin and H. Mooers for grain, flour and feed business. First-class shipping facilities by water or rail. Apply to J. M. MACHAR, 343 King street. March 9.

HOUSE on Wellington street, near the Park, containing ten rooms, with bath-room, hot and cold water; at present occupied by Mr. Strange; possession on May 1st. Apply to MRS. DAVIS, corner of Gore and Wellington streets. March 19.

THE PREMISES on Earl street, "Mozart Place," at present occupied by F. McNab, Esq. The house is commodious, in good order, and fitted with modern improvements. Possession 1st of May. Rent moderate. Apply to A. McCORMICK, Princess street. March 15.

FOR SALE.

THE Rough-cast House and Cottage on the south side of Brock street, immediately above Barrie street, known as the Mostyn property. For terms, apply to MRS. McNEILL on the premises. March 16.

THE undersigned offers for sale that desirable house and lot now occupied by him on Earl street. The whole is offered in one block having about one hundred and twenty feet frontage on Earl street, and the upper lot runs through to West street. The buildings on the property are almost new, and the garden is planted with the choicest fruit. For terms apply to THOMAS MOORE, Brock street. July 12.

FOR SALE OR TO LET.

THE new Brick Dwelling House, situated on the south side of Princess street, west of Chatham; contains fifteen rooms, including bath-room and all modern improvements. Apply at the residence of the undersigned. GEORGE NEWLANDS, Princess street. March 16.

KNITTING, PLAIN AND FANCY,

DONE on the shortest notice. Socks, stockings, baseball suits, boys' suits, cardigan jackets, and scarp and all other kinds of work in both wool and cotton. Call and see samples. MRS. JAMES LOWREY, 137 Bay street. April 11.

CARD OF THANKS.

I HEREBY tender my thanks to the North British and Mercantile Insurance Co., through its Agent, Mr. M. Flanagan, for the prompt settlement of my claims in full for losses sustained by the late fire.
THOMAS CUNNINGHAM.
April 12th 1887.

MEDALS AND DIPLOMAS

FOR the Art School will be given out to-morrow by Dr. S. P. May, at the Art School, at 4 p.m. Students and the public interested are invited to be present. April 12.

SELLING OFF.

CLEARING SALE OF
Boots, Shoes, Trunks and Valises
Now going on at
DICK & SON'S,
Princess street.
Premises to be re-built and enlarged. Come and secure a bargain. The whole stock must be sold. April 1.

HORSEY'S HARDWARE HOUSE,
1850, Princess street. 1887.
R. M. HORSEY
Returns sincere thanks for the liberal patronage which he has received in his business during the past thirty-seven years, a continuance of which is respectfully solicited. The business from this date will be continued under the name and style of
R. M. HORSEY & CO.
Kingston, April 2nd, 1887.

Bananas, Pine Apples,
COCOANUTS,
Tomatoes, Oranges, Lemons,
AT THE BAZAAR.
REES BROS., Manufacturing Confectioners.