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and Pure
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Business

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wisely and well.
our service complete,
have you inspect care-
in greatly increasing
varieties must neces-

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re-ordering. Among
varieties in which early
choice in selection.

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street

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Safeties.
\$1.00
50c. pkg
\$5.00 to \$7.50
\$1.00 dozen
50c. and \$1.00
\$5.00 to \$7.50
\$1.00 dozen

ONS, LTD.

GOODS

three things:
leather Goods
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the Waterman and

for the soldier—can be
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Purses,
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In handsome
Xmas Boxes
from the Crane
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have these boxes
put up to suit
all tastes.

An excellent
gift for a lady.

Prices to suit all

Co. Ltd.

Street



Makes Sensible Christmas Presents

This year more than ever useful and serviceable presents will predominate. Our stores are now crowded with footwear for all and every purpose—Dress, House, Walking and sporting.

Women's Department—The newest and latest creations of the shoemaker's art from such well known makers as "Dorothy Dodd," "Bell," "Grosvenor" and other high grade concerns.

Men's Department—No other concern in the province can provide such an immense range of real good footwear. The Waterbury & Rising "Special" stands for all that is new, stylish and popular in Men's footwear.



Acetylene Lighting

Most Beautiful of Artificial Lights
No improvement adds to a well arranged store or modern dwelling as that of a good lighting system. Acetylene is the ideal light for Church, Store or Residence. Hundreds of our "Scientific" systems are in use in the most exacting homes and stores. No matches required when fitted with our latest burners. Push a Button or Pull a Rod and you have the most of Artificial Lights. We carry a large stock of Chandeliers, Shades, etc., and can quote low prices for complete systems.

P. Campbell & Co., 73 Prince Wm. St.



PERSONAL.
Miss Harriet Vanwart of the North End has returned home after a month's visit to Boston.



Superlative Quality plus the money-back guarantee

WHEN KING COLE TEA first issued its protective guarantee to the purchaser, three years ago, offering to refund the whole of the purchase money for any package of KING COLE returned, there was a very good reason for this radical departure from usual sales methods. We greatly desired a very general trial of KING COLE TEA. Our faith in its quality was unbounded, for we knew the constant care given to its preparation, but we realized the possible doubt the public might have of a TEA then comparatively new, and so we decided to assume the risk of every trial, and pay back the full purchase price of every package of KING COLE that failed to please. No stronger surety of our good faith could be offered, and we felt confident because of the quality of KING COLE TEA that practically every trial would bring us a permanent customer.

Things have turned out just as we expected. Not one package has been returned. We have never had a request for "Money Back,"—we have never heard of a complaint of "King Cole" quality, while "King Cole" sales have been growing steadily larger year by year.

Only exceptional quality could have made such a record, and to-day with more confidence than ever, we invite you to give this tea a test.

The "Money Back" offer is still open; every package is sold on that understanding. What better assurance of Tea value could you have, and what better encouragement to buy your first package of KING COLE TEA?



G. E. BARBOUR CO.
LIMITED
ST. JOHN, N. B.

MAKING READY FOR SOLDIERS IN WEST SIDE

Workmen now preparing
quarters for troops in Im-
migration Building and
Martello Hotel.

At the meeting of the citizens' recruiting committee held yesterday afternoon, E. L. Rising presiding, A. M. Belding reported that recruiting meetings would be held in the Temperance Hall, St. James street, on Friday and Saturday nights. Captain L. P. D. Tilley reported that sixteen carpenters were at work in getting the immigration building ready for accommodating 542 men and the Martello Hotel for 120. He said it was expected that the work would be completed by Saturday, and that men of the 140th Battalion would probably occupy both these buildings. It was reported that Lieut.-Col. DeRoosiers, of the headquarters staff, had opened an office in the old Nova Scotia Bank building, Prince William street, with the object of keeping in touch with the recruiting situation during the winter.

Announcement was made that the difficulty respecting accommodating troops at West St. John had been practically overcome. Some trouble had arisen over the use of the large immigration hall over No. 4 warehouse. Part of this has been given over for the use of returned soldiers, and the remainder is being fitted up for winter quarters for the troops. The C. P. R. authorities had pointed out that accommodation must be maintained for passengers at this port and that in order to deal with this service space must be available for ticket agents and others, and they ask for the use of that part of the hall formerly reserved for ticket offices.

Further announcement was made that recruiting at Fredericton Junction would begin tonight and that Major Guthrie would be present to give an address. A committee was appointed to arrange for meetings next week in the Mill street rooms. This committee consists of George Kimball, F. W. Roche and John Russell. The committee was appointed to arrange for a moving picture programme in the interest of recruiting.

J. D. McKenna, who was present, spoke on invitation as to recruiting in Kings county. He said he had canvassed the county thoroughly and that from September 17 to the first week in November from 150 to 200 recruits had signed on.

THE STANDARD WINS POINT IN E. S. CARTER'S LIBEL SUIT

Mr. Justice McKewen decides that notice of intended action had not been served as required by Libel Law and Orders Writ and proceedings set aside—Decision in case of Aide vs. City of St. John.

In the Circuit Court yesterday afternoon, Judge McKewen delivered the following judgment upon the application on the part of the defendant to stay the action of Edward S. Carter against The Standard, Limited:—
The plaintiff is suing The Standard Limited for libel and the cause is now on the order of the St. John Circuit Court ready for trial. Upon the application of Hon. Mr. Justice McKewen, I issued a summons returnable before me on the 30th ultimo, calling on the plaintiff to show cause why the suit should not be stayed on the ground that no notice of the intended action had been given to defendant as required by the Libel Act. On return thereof Mr. Carvell, K. C. and Mr. Hughes, for plaintiff, maintained that the statute has been fully complied with and that notice has been duly and properly served.

On the 9th day of August, 1915, a notice of action was given to Mr. A. W. Thorne, one of the reporters of the staff of The Standard newspaper, a journal published daily by the defendant, and in the columns of which the articles complained of appeared. There is no question as to the sufficiency of the notice in form, nor as to the time it was served, but it is claimed that giving the notice to Mr. Thorne does not constitute service upon the defendant, and that there has been no service upon the defendant at all, because the place where the notice was delivered to Mr. Thorne was not the office of defendant. Section 4 of the Libel Act, C.S. N.B., 1903, ch. 136, says:—
"No action shall lie for a libel contained in any newspaper or other printed matter, unless notice in writing, distinctly specifying the language complained of, for at least five clear days in the case of a daily newspaper, and for at least fourteen clear days in the case of a weekly or other newspaper, in order to give the defendant an opportunity to publish a full apology for such libel. The notice mentioned in this section may be served in any manner as an ordinary summons."

Service of process upon a corporation is regulated by Rule 6 of Order 9 of the Supreme Court rules, where it is provided that service shall be good
"If made upon the mayor, warden, president or other head officer, or on the cashier, treasurer, manager, secretary, clerk or agent of such corporation, etc."
In my view a reporter of a daily newspaper is neither a clerk nor an agent of the corporation which publishes such paper in the sense contemplated by the Libel Act, and the sufficiency of the service in the present case cannot be upheld from that standpoint.

But plaintiff also claims that the service is good and sufficient by reason of a provision of The New Brunswick Joint Stock Companies Act, ch. 85, C. S. N. B., 1903, which regulates the mode in which service is to be made upon companies incorporated under its authority, as in the case of the present defendant. Two sections of that Act are involved in considering this phase of the matter.—Section 79 of the Act says:—
"The Company shall at all times have an office in the locality in which their chief place of business shall be, which shall be the legal domicile of the Company in New Brunswick, and notice of the selection of that office and of any change therein, shall be advertised in the Royal Gazette, etc."

And Section 80 provides that:—
"Any summons, notice, order or other process or document required to be served upon the Company, may be served by leaving the same at the office so advertised as aforesaid, with any grown person in the employ of the Company, or on the president or secretary of the Company, etc."

The effect of these two sections is to permit service of process, etc., upon any grown person in the Company's employ, provided such person is at the time of service at the office of the Company; but service upon such person made elsewhere than at the Company's office would not be effective, unless, of course, he were an officer upon whom service can be made anywhere—and I think the question as to the validity of the service in dispute here must depend on whether Mr. Thorne was at the office of the company at the time he was served. It is manifest that he was a grown person in the defendant's employ, and it is also clear, to me at least, that he is not such an officer or clerk of the Company as could be served with process at any place he might happen to be.

From the affidavit used on the application it appears that at the time he was served, Mr. Thorne was in a room on the fourth floor of the building occupied by the defendant, which room is used as a library for the newspaper. The third floor of the building is occupied by persons employed in typesetting and in other mechanical work connected with the issue of the Daily Standard, and on the second floor is the business office occupied by the manager and his staff, with some of whom Mr. Thorne has any connection except to receive his pay. The plaintiff argues that the entire building must be considered as the office of the defendant, or, at the very least, that the part thereof where Mr. Thorne was, at the time he received the notice, constituted a part of defendant's office to all intents and purposes and within the wording of the act, and if plaintiff is right in such contention, his service is good and sufficient. On the other hand, it is claimed for the defendant that the office means the business office and not the whole building nor any part of it, except what is in actual occupation for office work where the manager and his staff conduct the company's business.

In giving a meaning to the term "office" I think it is proper to construe it in accordance with the ordinary popular use of such word, and to my mind there can be no mistake as to its significance. A man who comes into a building and asks to be shown to the office is never misunderstood. Each employee knows where his superior wants to go and whither to direct him. A person going to the defendant's office, if acquainted with the building, would never find his way to the library or to the composing room, but would seek the place occupied by the manager and his staff, and it is there, in my opinion, that the notice in this case should have been served under the circumstances. The section in question makes easy the way of the party seeking to effect service, once he finds his way to the office. Any grown person there is liable to be served, provided he is in the company's employ, and such service is good. But the very breadth of the expression "any grown person" seems to me to make it imperative to strictly construe the words which indicate the locality in which such person must be at the time of the service. To hold that such service in any part of the building outside of the actual office is sufficient compliance with the act would, I think, lead to consequences never contemplated. If the office be the whole building, then it would be sufficient to serve the notice on the man who tends the furnace, or upon the night watchman if in the building; and if the term "office" can be construed to mean two floors above the actual office, it should by parity of reasoning include two floors below, which, in this case, is the basement. There are business and manufacturing establishments in the city covering acres of land, in my judgment it would not be right to hold that a document necessary to be served upon a person at the office of such establishment, was properly served by delivering it to a workman while employed some distance from the office, and who may never so near the office in his daily work and who might be wholly unaware of the effect and importance of such paper. The only proper and safe way to construe the statute, in my judgment, is to confine the meaning of the term "office" to what is ordinarily meant by that expression, i.e., the place whence the central management emanates and where the manager and his staff do their work.

It was contended by plaintiff's counsel that the question of the sufficiency of the service of this notice and as to whether defendant was served with such notice is for the jury, and consequently the action should not be sum-

marily stayed or dismissed in an application of this kind. I agree that in many conceivable cases the question of notice is for the jury, but when the facts are all admitted and the whole question is "what is the legal effect or result of such facts?" then if it appears that no notice at all was given, the defendant is entitled to claim the benefit of the statute until such notice is given and the action should not be allowed to proceed, for the act unequivocally says that "no action shall lie until such notice is given." If such suit cannot be brought, I think it is open to a Judge of the court to exercise his prerogative to supervise and supersede actions which are contrary to law. The reasoning of the present Chief Justice in the case of The Empire Cream Separator Co. vs. The Maritime Dairy Co., seems to me applicable here: see above case reported in 38 N.B.R., at p. 313, judgment of Mr. Justice McLeod. The present application is to stay the action, but in my view the proper order would be to set aside the writ and all proceedings in this action on the part of the plaintiff be set aside.

The Attorney General asked for the costs of the application, which were granted to the defendant.

Aide vs. The City of St. John.
Aide vs. the City of St. John was the only jury case on the docket remaining for trial. The plaintiff sued the city for an alleged assault committed upon her by the caretaker of the city's water works at Spruce Lake. It appeared from the opening of plaintiff's counsel that the plaintiff claimed a right of way to certain property situated on the north shore of the lake, and that she attempted to go to it by what she claimed was an old highway called the Queen's Road, across which the city had put a gate. The defendant denied that there was any assault, but before any evidence was taken an agreement was come to by which the city purchased the plaintiff's property and this action and some other proceedings which have been pending for several years are dropped, each side paying their own costs.

F. R. Taylor, K.C., plaintiff's attorney, J. B. M. Baxter, K.C., for defendant.

The court then adjourned until this morning at eleven o'clock when it is probable that some disposition will be made of the prisoners who have been convicted at this court.

Satisfaction guaranteed with BRAY'S LEV'S FLAVORING EXTRACTS.

CARD OF THANKS.

The family of the late Cudlip Miller desire to give expression to their appreciation of the numerous marks of kindness and sympathy shown to them in their great bereavement, and especially wish to thank the donors of the beautiful floral gifts and also the local Lodge of Foresters for the marks of esteem and affection shown to their departed brother and his family.



GILLETT'S LYE

EATS
DIRT

MADE IN CANADA

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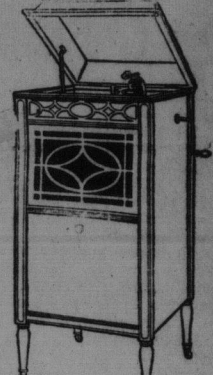
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departed brother and his family.

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Insist on Jas. W. Foley & Co.'s Rockingham
Tea Pots, Stoneware and Flower Pots.
All Crockery Dealers

Fireside Christmas Concerts

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in Your Home



Think of the pleasure and privilege it would be to crown the Christmas festivities with fire-side musicales by the most noted artists, the greatest bands and orchestras, the world over—to hear them, at their best, in your own favorite selections, with all the warmth and beauty of expression, the exquisite tone phrasing of the original renderings, reproduced by Edison's marvellous musical masterpiece, the NEW EDISON DIAMOND DISC PHONOGRAPH which is delighting thousands of music lovers in every part of the civilized world.

After years of patient experimenting, Mr. Edison has, at last, placed the Phonograph far above talking-machine level, thus giving to the world A PERFECT MUSICAL INSTRUMENT, by means of the wonderful Diamond Stylus (doing away with the changing of needles) which brings out all the overtones on which music must depend for its sweetness. The

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reproduces vocal music exactly as it comes from the throat of the singer, with all the tenderness and sympathy, and instrumental selections just as originally produced.

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Market Square and King Street



Big Drawing!

This is the last month before the big drawing which takes place Dec. 31—15. Now is the time to get your teeth and incidentally get a free opportunity to win a big trip or \$100 in gold.

Consultation free.
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527 Main St.—245 Union St.
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Tel. Main, 683.
Open nine a.m. until nine p.m.

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The kind you loved to eat when you went to grandma's will be the kind you'll have for Christmas if you use

La TOUR FLOUR

The all-round household flour, made from the choicest Manitoba hard spring wheat; Nut-wheat and full of nutriment.

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