

PROVINCIAL NEWS.

ST. ANDREWS, July 7.—Algonquin Hotel register shows the following arrivals since last report: Westwood F. Windham, George H. Zivdree, Mrs. W. H. Hastings, Miss Hastings, Miss M. D. Hastings, Boston, Mass.; A. E. Benson, Southbridge, Mass.; Mrs. E. R. Benson, Miss Benson, Montreal, P. Q.; Mrs. R. E. Dudley, New York; James Osborne, and wife, New York; James Osborne, Al. bany, N. Y.; Mrs. B. F. Adams, Miss Ada F. Lockwood, Miss M. F. Lockwood, Boston, Mass. The members of the orchestra for the present season are: Mr. Luke, cello, leader; Miss Belcher, violin, Mrs. J. F. White, pianist. Amongst others there are registered at Kennedy's: Mrs. A. L. Shine and child, Mrs. M. E. Clarke, Miss Duggan, Mrs. S. W. Morrison, Montreal; Mr. and Mrs. R. E. Dudley, New York; Mrs. W. H. Richey, wife of manager of Bank of Montreal, Fredericton; P. A. Thomson, Boston.

John Donahoe, Boston, is the guest of his mother, Mrs. T. B. Donahoe, A. V. Clarke, M. D., New York, is the guest of his mother, Mrs. Nelson Clarke. Mrs. W. Watson, son and daughter, are the guests of Mrs. A. R. Macdonnell, Mrs. McD. and family, Montreal, are in occupation of the Andrews cottage, the Anchorage. Joseph H. Allan, New York, arrived on Thursday and with Mrs. Allan and family are in occupation of the Dr. Parker cottage, "Casa Norma."

The Sunday evening service in All Saints' church for the summer months commencing with last evening, will open at half-past seven. W. E. Mallory has added to his stock of vehicles a handsomely upholstered rubber tired surrey carriage. Fred Worrall, teacher, is at home for the holidays. He intends in the fall to resume his studies at the Washington, D. C., dental college.

Fredrick Sisson, aged fifty-six years, after a protracted illness died on Saturday. He has for the past thirty years been railroaded, first in the employment of the New Brunswick and Canada, next in that of the New Brunswick Co. and latterly with the C. P. R. He was a reliable officer and popular with his fellow employees. He has been a member of St. John's church for a number of years. The engine flag on the fire engine house is at half mast as a tribute of respect. He leaves a widow and one son to mourn the loss of a good husband and indulgent parent.

Elta Dymond, aged 18 years, second daughter of Charles Dymond, formerly of Woodstock, died on Saturday afternoon last at the residence of her parents. During her protracted illness from tuberculosis she was a patient and uncomplicated sufferer.

J. A. Allen, principal of the Grammar School, has gone to Sussex to spend the holidays. Thomas Williamson on Wednesday last shipped and fell off the ice stored in the factory here. He fractured the bone of his right shoulder.

Mrs. G. S. Grimmer returned by C. P. R. on Saturday from a visit to relatives at Oromocto, She was accompanied by her niece, Miss Hazen, of Woodstock.

HAMPTON, Kings Co., July 7.—In the Kings county court, in the criminal trial of Joseph Mercer for aggravated assault on the person of David James Floyd of Salt Springs, the jury disagreed, and Judge Wedderburn carried the case forward to the October term. Mercer being held on his own recognizance.

Tribe v. Isaacs, a civil case, was taken up and continued through Saturday and again occupied the attention of the court today. It is a claim for a consignment of tobacco supplied by one Tribe of Kansas, formerly of Sussex, to the defendant, Abram A. Isaacs of St. John. The plaintiff testified as to the shipment, arrival and demand for payment, which was refused on the ground that it was not up to standard ordered. Mr. Lee, an officer of the Eastern Steamship Co., who produced the manifest of the steamer on which the tobacco was brought to St. John, and testified as to its delivery, to the consignees in bond.

Mr. Geldart of the inland revenue service testified to the arrival of the tobacco and the storage in the bonded warehouse in Mr. Isaacs's factory. Also to showing the tobacco to the father and son—in the presence of Mr. Isaacs. The consignment was in good order, but Mr. Isaacs said it contained more "limsey" than he had ordered. He produced his book of entries showing numbers and weight of packages. James B. Tribe of Kansas, father of plaintiff, gave evidence as to the raising and forwarding of the tobacco in two shipments with way bills forwarded to Mr. Isaacs, as directed. He also explained his position in connection with the case and how he came to act for his son in trying to reach a settlement. He came to St. John, saw Mr. Isaacs and also examined the tobacco in his bonded warehouse.

There had been a good deal of correspondence which elicited objections both by the Hon. A. S. White, who appeared with Mr. Hamilton for the defendant, and R. LeB. Tweedie, K. C., who was associated with Geo. W. Fowler, M. P., for the plaintiff. The case is still in progress.

Hampton court, No. 423, I. O. F., paraded in large numbers on Sunday afternoon to the Anglican church at the station, where the Rev. J. E. Gladstone preached a sermon on the "Brotherhood of Man, Based on St. James' definition of 'true and undefiled religion'" in his general epistle. The sermon was practical and thoroughly appropriate to the occasion, containing some excellent counsel and direction as to the extent and character of their benevolent operations. The congregation was large and deeply interested in all the proceedings. The marching in going to and returning from the church was precise and creditable to those in the procession, which was led by the Hampton Cornet band.

McADAM JUNCTION, July 7.—The infant child of Mr. and Mrs. James Boyd was buried yesterday. The ceremony took place from St. George's Church. The service was said by Rev.

M. C. Sharer. A large number of people assembled and marched to the grave.

Mr. and Mrs. D. Tapley and Miss E. F. Hoyt spent Sunday in Houlton. Joseph Tingley has moved from McAdam to Millenocket, where he has been given charge of a section on the B. & A. He and his family will be much missed at McAdam. He sold his property here to Mr. Burrill of Harvey.

A. Morecraft and B. Herd are laying the foundations for new houses. These with the new buildings of the C. P. R. will make ten houses going up this summer.

Miss Ethel Perkins of St. John, north end, is visiting her cousin, Miss Laura Perkins of McAdam. Mrs. Channel, who has been visiting her cousin, Mrs. G. F. Morton, leaves today for Brownville. G. Wise and family are spending their holidays in Houlton. They left on Saturday. Geo. Green and family arrived home from Ottawa, where she has been visiting her sister, Mrs. M. Goodspeed of the customs department.

HOPEWELL HILL, July 6.—It is said that Mrs. Kent of New Ireland, who had a quantity of liquor taken and destroyed by a number of young men of that section, who waylaid the owner's son for the purpose, has decided not to prosecute, and no information is to be laid against the guilty parties. Mrs. Kent had two Scott Act fines registered against her this week, the second being allowed to stand on good behavior.

Miss Mina A. Reade, teacher of elocution at the Truro Normal School, was at her home at Hopewell Cape this week, and left yesterday to attend the summer school at Cottage City, Mass.

Ward Ouhor left on Friday for Nouvelle, Que., to work.

The ship Monrovia, which has been loading at Hopewell Cape, passed out the bay yesterday. Bark W. W. McLaughlin and ship Hangar (formerly the St. John ship Vandalla) also sailed this week with deals for Great Britain.

Miss Fanny Reade has returned from a quite lengthy visit to Moncton and Shediac.

The bark Avoca, Capt. Dernier, has arrived outside the island. The large coal steamer Nora arrived at Hillsboro yesterday. Sch. Susie N. is discharging coal at Grindstone Island light station.

Daniel M. Murray was fined \$4 and costs at the police court yesterday for interfering with Parish Reeve Bishop in the discharge of his duty.

J. J. Downing has erected a new store building at Riverside, opposite his old stand.

E. T. P. Shewin, government engineer, is at the Shepody hotel, Riverside.

A. W. Smithers of the Church of England, returned yesterday from the meeting of the Synod at St. John.

ANDOVER, N. B., July 7.—The Victoria county council met in semi-annual session on the 2nd inst. and transacted considerable business. The small pox situation was considered and the efforts of the board of health to suppress it were sanctioned. The disease is now confined to one house.

Free vaccination was for some time held at the new registry office which was to be a one-story building, was voted to be made a two-story one. One-half of the lower flat was rented to the People's Bank of Halifax for a term of ten years. This bank has established an agency here and has temporary quarters in Mr. Perley's building, opposite the court house.

Mr. Dickenson of Harland has charge of this branch. Fred Hoyt, son of E. H. Hoyt, one of Andover's bright young men, has also a position in the office.

In every town and village may be had the Mica Axle Grease that makes your horses glad.

of electors of Albert Co. in favor of provincial prohibition. The prohibition campaign is to be opened with a series of meetings to be addressed by Rev. Jos. McLeod, D. D., of Fredericton. The places and dates of meetings are as follows: Hillsboro, Saturday, July 19th; Hopewell Cape, Sunday, July 20th; Hopewell Hill, Sunday, July 20th; Albert, Monday, July 21st; Alma, Tuesday, July 22nd; Elgin, Wednesday, July 23rd. As this is the first time that Dr. McLeod has spoken in Albert county, doubtless many will avail themselves of the opportunity of hearing the most able and effective temperance speaker of Canada. The district electoral superintendent has received a number of prominent temperance workers to visit Albert county during the summer, and the voters will have a good opportunity of becoming thoroughly informed on the prohibition question.

RICHIBUCTO, July 7.—Dr. Colter, inspector of post offices, was in town on Thursday. He is spending a few days at the fishing grounds at Kouchibouctou.

Mrs. Geo. V. McInerney, who has been visiting her brother, R. O'Leary, returned to her home in St. John on Friday.

The four year old daughter of Daniel McDonald, Elgin, died here today. The funeral took place yesterday afternoon.

No new cases of smallpox have been reported from the infected district for about twelve days. There have been twenty cases in all.

SALINA, July 8.—A heavy thunder storm prevailed here last evening accompanied by a big gale of wind. It was the most severe storm of the season.

Mr. and Mrs. Isaac Pearson of Passamaquoddy, who lately moved to Passamaquoddy, were visited by a party of friends last week from Salina, Titusville, Barneville and Passamaquoddy. A very enjoyable evening was spent. Vocal and instrumental music was a feature of the evening. Mr. Pearson is going to P. E. Island in the interest of the Daily Sun. After partaking of a delicious lunch served by Mr. and Mrs. Pearson the party dispersed to their respective homes.

Mrs. Robert Hanlin is able to be up again.

The Rev. Mr. Woodside of Golden Grove spent a couple of days in Salina, the guest of Rev. Geo. S. Mitchell.

HOPEWELL HILL, July 8.—Albert county Orangemen will celebrate the Twelfth at Albert Mines. The new Orange band will furnish music, and excursion trains will run.

Joseph Milton of this place had one bone of his right forearm broken yesterday while working with a drill at

the new breakwater at the Cape. Dr. Carwash attended to the injury.

The steamer Ovidda arrived at Hopewell Cape yesterday to load deals.

Mr. and Mrs. Harris Callin of Malboro' visited relatives here this week. They propose spending the summer in this county and at Moncton.

BATH, N. B., July 9.—Solemn mass requiem was sung in St. John the Evangelist church, Johnville, at nine o'clock this morning. Rev. W. F. Chapman (Woodstock) celebrant, with Rev. F. L. Carney (Fredericton), A. Poirier (St. John) and M. Murphy (Debec) in the sanctuary. As Bishop Casey and the priests entered the church the choir sang sweetly selections from Stabat Mater.

At the end of the service Bishop Casey gave the final absolution.

Afterwards his lordship preached an eloquent sermon, referring to the priesthood, and paid an eloquent tribute to the character of Father Murray. He spoke of the excellent manner in which deceased discharged the duties of his sacred office at Memramcook, the North Shore, Woodstock and Johnville. "We are here," he continued, "to offer this mass for the repose of his soul and to do honor to the memory of a faithful priest. Cherish his memory as one who devoted a sacred life to the priesthood, and in your prayers to the throne of the Almighty remember your beloved pastor, whose body is here below."

After the sermon the procession started from the sanctuary to the burying ground, a short distance down the road. The cross bearer was followed by priests and bishop. John Donnelly, P. Bradley, K. Brophy (Woodstock), John Kelly, Hugh McGuire and Peter McLaughlin, Johnville, carried the remains. The entire congregation then left in. As the procession left the church the choir sang Jerusalem, My Happy Home. On the way to the grave the bright purple of the prelate glistening in the warm sun, the scene was one long to be remembered.

HAMPTON, Kings Co., July 9.—The case of Tribe v. Isaacs was resumed this morning before Judge Wedderburn in the Kings county court. Mr. Tweedie announced the close of the plaintiff's case. A. S. White, K. C., moved for non-suit, on the grounds that the writ does not contain any sufficient count that any account had been rendered for goods sold and delivered; that the plaintiff had not sworn that the goods were sold and delivered; and that there had not been any acceptance of the goods under the terms of the dominion statute. He quoted a case of similar character in the English courts, Curtis v. Fugh, Geo. W. Fowler, in reply, called attention to a more recent case, Morton v. Tibbet, where the character of acceptance was more clearly stated, which did not bear out the contention of Mr. White as to acceptance under the statute of frauds. In this case the goods were ordered, baled, shipped, received by defendant, who paid the freight and put the goods in the custom warehouse. His own premises, thereby precluding the plaintiff from the right of ownership in the goods. As to the wording of the writ, it is in the usual form and can form no grounds for a non-suit.

Hon. Mr. White said the case referred to and relied on by Mr. Fowler was only law in the court of Queen's Bench and not in the exchequer and other courts of England. In that case the vendor was estopped from claiming non-acceptance because the sale was by samples. In this goods did not come up as a whole to the stand-

ard of a former shipment, which formed the basis of contract, whereas on inspection and discovery of this fact defendant wrote to plaintiff that he was willing to pay for the nine good at 20 cents and four of flimsy at 4 cents. This plaintiff refused, and defendant thereupon notified him that he would not accept it.

Mr. Tweedie said one point had been overlooked in the consideration of the case of Curtis v. Fugh. There a special brand was contracted for. Here the sale was a balance of crop without any claim as to quality or quantity.

Hon. Mr. White contended that the contract was based on the character of a former shipment, the basis of which was 9 good and 4 flimsy. Defendant claimed that the second shipment showed 8 good and 5 flimsy, and refused to accept on the higher basis.

Judge Wedderburn said that in the different courts there was great difference of opinion as to cases such as the present—questions as to samples, delivery and acceptance. Here there was a contract to sell good tobacco at 20 cents, and flimsy at 5 cents a pound. As to the form of the count in the writ, it was not a good form, but had grown into use and could not be held to be a good ground for granting a non-suit. A contract is admitted on both sides. The sale is claimed by defendant's counsel to have been based on sample.

The place of delivery is the place of inspection. He referred to authorities and read decisions in the local courts. After full consideration he decided that there were certain facts which ought to be settled by a jury apart from his own views in regard to its legal aspect. He therefore would not grant a non-suit unless it was assented to by both parties.

Mr. Tweedie would not assent, and Mr. White went to the jury, reciting the points he intended to prove by the several witnesses.

Abraham Isaacs, the defendant, was sworn, and narrated the circumstances of the purchase, delivery, warehousing, weighing and inspection of the two consignments from plaintiff, together with results, conversations and correspondence. His direct evidence was concluded shortly after 3 p. m., and cross-examination by Mr. Fowler occupied until adjournment. His testimony emphasized that the tobacco was 8 bales of flimsy and 5 of good, as originally adjudged on first inspection and confirmed by actual test. The closer examination of Tuesday in the presence of the jury disclosed the fact that there was in reality 9 bales of flimsy and 4 of good. This examination lasted about 20 minutes, 10 of which were spent in handling the tobacco in the 13 bales. Case was unfinished at adjournment.

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BAPTISTS IN Church Reports—ter Joins Dow Grave Chary Minist Association Declare Shall Withold C Prohibition Ca mittees Ap Session

In the evening an... spoke on behalf of... other affiliated... Horton Academy... ary. He said the... of whom 86 were... academy had 80 stu... lege 128. The prov... of young ladies... well heated and ven... rooms separate fro... ing, with a hospital... in attendance. It... up-to-date equ... includes four teach... gree of M. A., who... and have had year... teaching in the U... elsewhere, and who... proved ability and... a graduate in music... man university, ha... the head of the... and he will be assis... of acknowledge... penses are moderate... Dewolf, A. M., is... of the Horton Academy. Principal H. M. A., offers instr... commercial pursuits... training college... patent teacher. Acadia College ha... professors and give... culture of the... He then discussed... science, which... founded. Baptists... ation by the spirit... faith in Christ an... teachings of the... new life begun in... developed and mad... world by education... This education is... equal, more or less... all the facts of mi... the Christian ideal... when conducted o... basis. The stud... thoughts were... science, the study... reading of history... Christ is mind, an... to have the best... seek. He said it... a necessity to... good to the public... The Southern c... completed its... evening by a well... all the facts of mi... dresses were give... missions.

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THE CURSE TO BE THE BLOOM OF YOU. THE curse of mankind is constipation. Nine-tenths of the ailments we have can be traced to constipation. The bowels are for no other earthly purpose but to cleanse and keep clean and in working order our systems. Constipation is more prevalent among women than men, but it is too common in both. You may imagine you have dyspepsia, or chronic headache, or rheumatism, or heart affections, or bad blood causing eruptions—you may feel dull and ambitionless. Unless your case has been diagnosed and you know otherwise, the chances are your trouble is constipation. Laxa-Cara Tablets, if taken after meals, draw nature into her natural course and keep the bowels regular and in healthy action. Ordinarily a short treatment will prove sufficient. In stubborn cases several boxes may be needed. It is only a question of a short time, however, when the whole intestinal system will be made strong and naturally active. Then Laxa-Cara Tablets should be stopped. They come in small, chocolate-coated form, easy to take and palatable. From the first day you will feel their gentle but sure effect. Price 35 cents a box at your druggist's, or by mail postpaid on receipt of price. FRANK WHEATON SOLE AGENT FOR CANADA. FOLLY VILLAGE, N. S.

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