

### THE GLEANER.

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### Terms of Advertising.

TRI-WEEKLY EDITION. 

## THURSDAY, NOVEMBER 20, 1884.

## AN ASYLUM FARM.

The necessity for making provision for the care of the incurable insane has occupied the attention of the local Government for some months, and the favorable report in which Asylum Farms are held in the United States and the many excellent arguments, which can be made in their favor, have greatly impressed the local authorities. To further enlarge the buildings at Fairville will not meet the requirements of the Provincial Lunatic Asylum, and if a good farm can be secured at not too great a distance from Fairville and conveniently situated in the matter of railway communications, one should be established. Yesterday the Attorney General, the Provincial some farms in Blissville with a view of ascertaining what chances that locality offered. They found one or more places which would meet the case. The matter is yet undecided; but it is probable that it will form a subject for legislation at the next session of the Legislature. It has generally conceded on all sides that to establish an Asylum Farm would be a very judicious step.

## THE "ADVOCATES" MARE'S

The assertion of the Advocate that THE GLEANER is the organ of the Local Govhappy. There are some clever men in Government, and Mr. Gibson get inspiration from men who can think and act; for by so doing they will make their readers very grateful.

We are glad that our contemporary is town Branch, now that the work is ling out of the record, for we have made no such efforts. However the Advocate had to say something, and when it was telling what was not true about THE GLEANER it necessarily had to let other people alone, and that is something.

stands, according to our worthy contemporary, is as follows: Mr. Snowball, with whom rumor associates Mr. Gibson, has the contract for building the road. The work is well in hand and will be finished ball sets the Advance and Mr. Gibson sets THE GLEANER to work to say they Government against themselves by these means. Mr. Gibson gets the Attorney General, aided and abbetted by THE GLEANER, to stop the work by an injunction. This is the Advocate's mare's nest, out of which it is hatching the funniest brood of notions that ever were given the benefit of printer's ink. If these obstructive tactics have been employed, friend Advocate, does it not demonstrate that your political friends are the worst sold lot of men in New Brunswick? We don't say these tactics have been em ployed. In fact, speaking for such of the that they have not been employed; but its belief that they have been; and this being the case, what must its opinion be of the Newcastle clique of Tories, whose cause it has so warmly and ably espoused?

## NOTES AND COMMENTS.

Sir John Macdonald has been made a G. C. B. Query: Are those hands any cleaner for this new application of the Bath ?"

Lieutenant Governorship of this Province.

viewer that it "went off first rate." Sixty "Law of Nature and Nations" mentions in his "Criminal Law," a high American Nisi Prius the hearing was adjourned.

tickets at \$3.50 is \$210. Truly this is a a case (Bk. 5, ch. 6, p. 205, 3d. Edition by authority, supports this view, and it is s a case of damning with faint praise.

# THE MIGNONETTE CASE.

At Exeter Assizes yesterday, says the every one against his own." I can find been perfectly justified in taking the life THE GLEANER extends its best wishes t London Times of the 4th inst., Mr. Hud- no reliable report of this case, and for of the captain, who was on the point of dleston, in charging the Grand Jury on a reasons which I shall refer to presently, killing him, which shows clearly that the very heavy calendar comprising several I cannot consider it an authority binding act of the captain was unjustifiable. It eases of murder and other serious charges, on me. There is an American case, the may be said that the selection of the gave them particular directions on the "Commonwealth v. Holmes," March, boy—as, indeed, Dudley seems to have case of the master and mate of the Mig 1842, which is reported in "1, Wallace said—was better, because his stake in sononette, charged with the murder of a Junr," in which sailors threw passengers ciety, having no children at all, was less boy on board their vessel under the pain- overboard to lighten a boat, and it was than theirs; but if such reasoning is to ful circumstances so well known. The held that the sailors ought to have been be allowed for a moment, Cicero's test is learned Judge said :- The Mignonette, a thrown overboard first, unless they were that under such circumstances of emersmall yacht of 19 tons, was being sent required to work the boat, and that at all gency the man who is to be sacrificed is out to Australia, and the prisoner Dud- events the particular persons to be sacri- to be the man who would be the least ley, a man of exemplary character, great ficed ought to have been decided on by likely to do benefit to the republic, in hoped that he will be able to go further experience, and courage, applied for and ballot, by which, I suppose, they meant by which case Parker, as a young man, New York. obtained the place of master on board of lot. I cannot subscribe to the authority of might be likely to live longer and be of her. She sailed from Southampton for this case. Besides, it would be inapplice more service to the republic than the Sydney on the 19th of May, the crew con- lable to the present, because here the others. Such reasoning must be always sisting of Dudley (the captain), Stephens notion of deciding by lots was rejected. more ingenious than true. Nor can it be (the mate), Brooks (an able-bodied sea- The learned American Judge, in giving urged for a moment that the state of man), and Parker (a boy about 17 or 18). his reasons, said, "That the selected Parker's health, which is alleged to have men (who were crossing the river at the time) They touched at Madeira, crossed the should be by lot, as it would be an appeal been failing in consequence of his drink- he was in an unconscious condition, and it equator, where they fell into very foul to Providence to choose the victims." ing the salt water, would justify it. No was some time before he came to. Mr. E. H. weather, and when about 1,600 miles Such a reason would seem almost to person is permitted, according to the law Allen and Mr. J. Wetmore also took involfrom the Cape of Good Hope, on the 5th verge upon the blasphemous. I cannot of the country, to accelerate the death of untary plunges into the "drink." of July, in a very severe storm, her star- but consider that the taking of human another. Besides, if once this doctrine board quarter was smashed by a huge life by appealing to the doctrine of chauce of necessity is to be admitted, why was sea and her side knocked in. The cap- would really seem to increase the delib- Parker selected rather than any of the tain, Dudley, endeavoured to obtain from eration with which the act has been com- other three? One would have imagined the cabin some means of sustenance to mitted. That American case, however, that his state of health and the misery in Co. Mr. Gregary is an L. L. B. of Harvard put on board the boat, which was lower. was a charge, not a murder, but of man- which he was at the time would have ob- and has made an excellent record as a ed by the rest, but the Mignonette went slaughter, on the ground of the failure, tained for him more consideration at student. He will, no doubt, receive a good down before he was able to obtain more on the part of the prisoners, to discharge their hands. However, it is idle to lose share of business and give satisfaction to his SHARP'S than two lib. tins of turnips. The three the statutory duty of preserving the life one's self in speculations of this descripmen and the boy were left in the boat of a passenger. The question has been tion, I am bound to tell you that if you without anything to drink, and nothing considered by the Criminal Code Bill are satisfied that the boy's death was the fourth day they managed to catch a small turtle, upon which they subsisted for a few days, and this was the only food themselves, and may amuse themselves fiable nor excusable, and the crime is they had up to the 20th day, when the for centuries to come, by speculation as nce took place out of which this to the moral duty of two persons in the a true bill for murder against one or both charge arises. By the 11th or 12th day water struggling for the possession of a of the prisoners. You will, perhaps, be the turtle was entirely consumed, and for plank capable of supporting only one. If good enough to say whether, with refer-

the next eight days they had nothing to ever a case should occur for decision in a ence to the mate Stephens, there is evieat. They had no fresh water, and from court of justice, which is improbable, it dence which will satisfy you that he was time to time only succeeded in catching may be found that the particular circum. abetting or aiding or sanctioning the consome few drops of rain in their oilskin stances render it easy of solution. We duct of Dudley. If so you will find a true coats. Their sufferings seem to have are certainly not prepared to suggest the been dreadful. On the 18th day, having necessity should in every case be a justi. amination on oath he says that the mastbeen seven days without food and five without water, the three men discussed suggest that necessity should in no case the question as to what was to be done if be a defence. We judge it better to this, and that the master according.

This morning, in this city, by the Rev. Wm. Tippett, G. Fred Fisher, Esq. Barrister at Law, to Bessie Eloise daughter of Dr. Charles B. Addison of Brunson, South Carothat one would have to be sacrificed for when, if ever, they arise in practice by the purpose of affording food for the applying the principles of law to the rest. The captain suggested that this circumstances of the particular case." should be decided by the drawing of lots. but it was not agreed to. Indeed, Brooks seems to have sternly dissented from it, this doctrine is one of the curiosities of

and the boy Parker, who was not then the law, and so far as he is aware of is a ill. does not seem to have been consultwilling we should view the railway ob- ed. Captain Dudley, in one of his many vague that if cases raising the question statements, says that on the day before they killed the boy he proposed to Stephens and Brooks that they should which they consider expedient. I do not cast lots who should die for the maintenderive much assistance from either of ance of the others, but they would not the cases, or from the report of the agree to it. Brooks refused, saying that Criminal Code Commissioners, and I am he did not wish to kill anybody, and he therefore obliged to tell you what, in my did not wish anybody to kill him. Dud- judgment, after careful consideration, I ley and Stephens talked over the num- deem to be the law of England. Deliberber of their families; and Dudley suggest- ate homicide can be justifiable or excus-

their lives might be saved. Dudley says:— by order of a legally constituted tribunal The way the Indiantown Branch norrow morning I think we had better kill the lad. No vessel appearing on the following morning I made signs to Steph- escaping from justice, resisting their lawens and Brooks that we had better do it, ful apprehension, and other such cases but they seemed to have no heart to do it, so I went to the boy, who was lying at also where homicide is committed for the the bottom of the boat with his arm over prevention of any forcible and strocious his face. I took out my knife-first ofwhat we were about to do, and for the service of their Queen, kill any of rash act that our souls might be saved— the enemies of their Queen and and I said to the boy, 'Richard, your country; and, lastly, where an individual, ime is come.' The boy said, 'What me, acting in the lawful defence of himself Sir?' I said, 'Yes, my boy.' I then put or his property, or in the reasonable apmy knife in there (pointing to the side of prehension of danger to his life, kills anhis neck, opposite to the side over which other. It is obvious that this case falls he had his arm.) The blood spurted out, under none of these heads. The illustraand we caught it in the bailer and we tion found in the writers upon civil law, drank the blood while it was warm, we which is alluded to in "Cicero de Officiis," then stripped the body, cut it open, and and mentioned by Lord Bacon in his

discussing this doctrine, they say:-

And my brother Stephen in his "History of the Criminal Law," observes that subject on which the law of England is so should ever occur; the Judges would practically be able to lay down any rule ed that it would be better that they able only under certain well-recognized should kill the boy Parker in order that heads—cases where men are put to death "If there is no vessel in sight by to- in pursuance of a legal sentence, cases where the killing is in advancement of public justice, as, for instance, criminals enumerated by Blackstone, vol. 4, 48. So crime; again, where men, in the discharge fering a prayer to God to forgive us for of their duty to their country, and in the took out his liver and heart, and we ate "Elements of the Law," and which is

the liver whilst it was warm. Stephens quoted in some legal works as the ground at that time was in the stern of the boat of the doctrine of necessity, is placed by Blackstone under the latter head-of This statement, made by Dudley, is not self-defence. He says, - "Where two substantially varied in any of the numer persons being ship-wrecked, and getting ous statements he has made, nor indeed on the same plank, but finding it not able is it contradicted by the deposition of Stephens or the evidence of Brooks, who is a witness who will be called before your and he who they presented his arrangements in getting up the Bonspiel, composed as follows:—T G Loggie, W K Allen, D L Babbitt, E H Allen, and J is a witness who will be called before you. ed, he who thus preserves his own life at Brooks clearly took no part in the death the expense of another man's is excusable of the boy. Dudley, Stephens, and Brooks from unavoidable necessity and the prin- Province at once, stating that the Bonspiel fed upon the body of Parker for the next ciple of self-defence, since their both re- would likely take place the second or third few days. On the 24th day they were maining on the same weak plank is a week in January. Each club will have the picked up by a German barque, the mutual though innocent attempt upon privilege of sending four rinks. Montezuma, in a fearful state of prostral and endangering of each other's life." tion, and ultimately brought to Falmouth, But Sir William Blackstone, in another Trustees of the Skating Club met and apwhence they were properly committed for part of the same volume, points out that pointed committees to carry out arrangetrial here. It seems clear that the taking under no circumstance can an innocent Edward Higgins was rear away of the boy's life was carefully con- man be slain for the purpose of saving taker with an increase of salary. sidered, and amounted to a case of the life of another who is not his assail- It is proposed to hold several carnivals deliberate homicide. I must tell you ant; and he says, therefore, though a man during the winter. It may be interesting to | | | | | | what I consider to be the law as applicable be violently assaulted, and hath no pos- skaters to know that Tuesday and Friday to this case. It is a matter that has sible means of escaping death but by evenings have been selected for skating and undergone considerable discussion, and it killing an innocent person, this fear and Saturday morning as usual for children. The The name of Benjamin R. Stevenson is has been said that it comes within a class force shall not acquit him of murder, for freely mentioned in connection with the of cases where the killing of another is he ought rather to die himself rhan estate the skating cummunity. excusable on the ground of necessity. I cape by the murder of an innocent; but can find no authority for that proposition "in such a case he is permitted to kill the Mr. Temple's son-in-law's dinner does in the recognized treatises on the criminal assailant, for there the law of nature, and The injunction case against the Indiannot appear to have greatly impressed law, and I know of no such law as the law self-defence, its primary canon, have town Branch stood for argument yesterday; Hon. Mr. Bowell, who informs an inter- of England. Baron Poffendorf, in his made him his own protector." Bishop, but Judge Fraser having been engaged at

great deal to pay in these hard times for Kennet, A. D. 1717) where seven English- the more important, as he refers to the the satisfaction of having a guest say "it men tossed in the main ocean without American case to which I have before al- Esq., Barrister-at-Law was married at the went off first rate," especially when meat or drink killed one of their number luded. It is impossible to say that the most of it comes out of a few persons' on whom the lot fell, and who had, as he act of Dudley and Stephens was an act of pockets, but what about enthusiasm? what says, the courage not to be dissatisfied, self-defence. Parker, at the bottom of about the representative men? What assuaging in some measure with his body the boat, was not endangering their lives Katie R. Hall, of St. John. The bride wore about the faith in the N. P. What about their intolerable and almost famished by any act of his; the boat could hold a brown cloth dress with plush trimmings all the other things that Tories love to condition who, when they at last came to them all, and the motive for killing him and ottaman rep wraps, hat and gloves to talk about? Nothing, absolutely nothing. shore, the Judges absolved of the crime was not for the purpose of lightening the match; ornaments gold and diamonds, the

mark that the affair "went off first rate" were English sailors, he does not say which they could do when dead, but not garnet silk dress, light grey hat and gloves is all the Minister has to say. Truly this where the case was tried nor of what while living. What really imperilled nation were the Judges. Ziegler upon their lives was not the presence of Park-After partaking of a sumptuous breakfast Grotius, giving this relation, is of opinion er, but the absence of food and drink. It the happy pair left by the 9.30 train on their that "the men were all guilty of a great could not be doubted for a moment that bridal trip and will visit Bangor, Portland sin for conspiring against the life of one if Parker was possessed of a weapon of and Boston, and returning will go east as far of the company, and (if it should happen) defence—say a revolver—he would have as Halifax, N. S.

> case of deliberate homicide, neither justi- being a native of South Carolina. murder; and you, therefore, ought to find bill against him. In his statutory ex-

cour came, and to have considered leave such questions to be dealt with ly killed the lad. Unless you disbelieve him, therefore, you will find a I may say that Captain Dudley seems to Brooks a witness supplies also evidence taken place on the high seas; and being a case of British subjects, is one which. were placed in this frightful position. have only in this preliminary stage to tell you what the law is, but if you should feel yourselves bound to find the bill, be placed in a form for further consideration if it become necessary. I think I the cases I have mentioned in Puffendorf R. R. Ties, Lumber, Laths, and in the American reports, and the report of the Criminal Law Commissioners. The matter may then be carefully argued and if there is any such doctrine as that suggested the prisoners will have the benefit of it. If there is not, it will enable them, ander the peculiar circumstances of this melancholy case, to appeal to the mercy of the Crown, in which, in which, by the Constitution of this country (as a great lawyer points out), is vested the power of pardoning particular objects of

A very enthusiastic meeting of the Fred-

erieton Curling Club was held at their rink last night. Seven new members were admitted. The Bonspiel committee reported that they had decided to ask the clubs of the Province to compete for the Coleman Cup

After the Curling meeting was over the

Indiantown Branch Injunction

At 8 o'clock this morning G. Fred Fisher, Addison of Brunsen, S. C., by the Rev. Mr Tippet. The groomsman was Mr. Arthur A compliment to the bill of fare and a re- of murder. Although he says the men boat, but for the purpose of eating him, gift of the groom. The bridesmaid wore a to match, ornaments silver.

under a severe throat affection. He will be

Mr. John McAdam, M. P. P., was in the city yesterday. He left for home to-day.

Mr. Frank B. Gregory, Attorney at Law

In Honor of the Bride

ley, or Dudley and Stephens, this is a Addison wedding this morning, the fair bride Change of Ownership.

and Lumber Company has been transferred to the New Brunswick Railway Company.

tion have decided not to visit this City.

Just Received:

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WE SELL

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compassion and softening the law in cases of peculiar hardship. Bills were found against the prisoners. FRENCH MAPLE GEMS.

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South. He is now at Mr. Samuel Thorne's WILEY'S

Beginning Business.

The real estate of the New Brunswick Land

We understand that the Holiness Conven

Marriages

it is quite true that the course taken by LONDON LAYERS VALINCIES. John M. Wiley, CROP OF 1884.

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F erericton, Nov. 1, 1884.

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