

GLOBE FREDERICTON.

Published every Saturday morning, at the following rates of subscription:

(TERMS: Payable in Advance.)
 One Year, (Delivered) - \$1.00
 Six Months, - .55
 Three Months, - .30
 Single copies at the office.
 Papers will not be discontinued until all arrearages are paid.

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OFFICE, SHARKEY'S BLOCK, QUEEN ST.

Fredericton Globe

J. MACMUR, Publisher and Proprietor

FREDERICTON, N. B. NOV. 18, 1893

MR. ELLIS HONORED.

"Contempt" was the underlying cause for Mr. J. V. Ellis imprisonment in the York County jail, which ended last Saturday night; but the reception which he met with on his return to his home in St. John on Monday evening last proves that he is not contemned in the eyes of his fellow citizens there. On the contrary, an eye witness of the scene, himself a Tory newspaper editor, declares that "absolutely and without reserve, it was the grandest reception he had ever seen extended to any public man," and he has seen a good many. It is unnecessary for us to enter into a detailed account of the proceedings here. That will be found among our news columns, copied from the St. John "Record," a newspaper whose political opinions are stated to be independent. It is only necessary to remark that the reception accorded Mr. Ellis was the outward expression of a public sympathy for his wrongs and gladness at his return, so hearty, spontaneous and universal as to leave no doubt regarding the public opinion of St. John upon the question of his committal for contempt of court. Ten thousand people welcomed him at the railway depot. Ten thousand throats took up the cheer which greeted his appearance on the street. And thousands upon thousands of the foremost citizens of St. John took part in the triumphant progress from the railway station to his home. Bonfires blazed along the streets. Innumerable torches proclaimed the general rejoicing. Bands played, and every imaginable means of expressing the general joy was employed. The mass meeting at the Institute later on partook rather of the nature of a national triumph than of a demonstration to a newspaper editor. In fine no such celebration has ever been witnessed in St. John.

There are those who believe that the proceedings on Monday night were undertaken and carried out for political purposes. But that this cannot be the fact is proved by the members of both. Had the people understood that in attending Mr. Ellis' reception they were endorsing the liberal party, very many of them, for political reasons would have stayed away. But there was nothing of the kind. The great heart of the public had been stirred with the conviction that Mr. Ellis' imprisonment was in violation of a sacred principle. They felt that their rights had been encroached upon and endangered by the precedent embodied in Mr. Ellis' incarceration. The press had spoken in defence of the public rights, and had been defied and rebuked by the power against which it had lifted up its voice. This was why the public rejoiced, its champion had been set free, and the celebration was nothing more than an endeavour to show Mr. Ellis how much sympathy for him they possessed. We are inclined to believe that the Supreme Court of the province has already begun to recognize that it was in the wrong. No one can read the literature which the subject has called forth, without being convinced that Judge Tuck did wrong in signing the writ prohibiting Judge Steadman holding the recount in the Queens County election case. The able judgment delivered by Judge Fournier of the Supreme Court of Canada, cites such high authorities against Judge Tucks interference, as the Privy Council of England, the Supreme Court of Canada, the Supreme Court of Ontario and the Supreme Court of the United States, all of whom are unanimous in their opinions against judicial interference in election matters, except where the power has been specially delegated to the courts of the Legislature. And when the four courts of the civilized world which are entitled to the most respect from Canadian citizens concur in denouncing a principle, that principle must be legally wrong. But if the principle is wrong

those who uphold and apply the principle are guilty of wrong-doing, and this is exactly what the people believe about Judge Tuck's conduct in connection with the Queens County case. By that conduct those who stole the Queens County seat were enabled to escape with their booty. A wrong upon the people was condoned, and the man who denounced those who contributed to that condonation, was imprisoned, fined and made to pay the costs of his own trial, and without recourse being had to a jury. No wonder the people cheered Mr. Ellis. And it would be still greater wonder if Mr. Ellis be not the last man in Canada to suffer for upholding the rights of the people.

A REASONABLE VIEW.

The argument against interferences by the courts of law in matters having to do with electoral contests and their results was very fairly and reasonably put at the Institute meeting in St. John last Monday night by Mr. I. Allen Jack recorder of the city of St. John, and an experienced and able lawyer. Referring to Judge Tuck's interference in the Queen's County case, Mr. Jack said:—
 Mr. Ellis has not been fighting his own battle but the battle of the citizens of St. John and the battle of the citizens of Canada. Mr. Jack then told the method of the government of Great Britain and of the colonies, and said that parliament represents the people, and he wanted to show that in the choice of the members of the parliament a great offence had been committed. An extract was then read from an English report to show that parliament controls its own affairs and that judges have no right to interfere except so far as parliament gives them power to act. No court can exercise more power than is given it by parliament and when Mr. Justice Tuck went into a room and wrote an order he had just as much power to do so as the chairman here to-night or any other private citizen. He acted as a citizen merely and therefore there was no contempt. (Cheers).

There can be no contempt to a person who is usurping authority. (Cheers).
 Mr. Jack then read an extract from the acts of 1891 to show that the parliament of Canada had in that year conferred upon the judges of the Supreme Court of New Brunswick the power to compel the county court judges to hold a recount. Parliament would not likely give power where power already existed nor can you suppose that the New Brunswick Supreme Court formerly had power to prohibit a recount when only now has it secured the power to compel. It has already been shown that there absolutely no contempt, and further, said Mr. Jack "I charge that this matter was prosecuted—perhaps persecuted would be the better word—through the courts, not at the instance of Mr. Justice Tuck, but at the instance of the gentleman who took Mr. King's seat in parliament.

THEY DON'T LIKE IT.

There is trouble in the York County Tory camp. The leaders of the party here are perturbed by a certain little rumor going the rounds to the effect that Mr. G. Fred Fisher the well known barrister intends contesting the county as an independent candidate if an election is brought on by Mr. Temple's elevation to the senate, and the troublesome feature of the rumour is that is apparently true. In what way it is troublesome may be easily understood when we consider that Mr. Fisher has plenty of money, friends and influence; and besides he has a real grievance. His brother Charles was promised a senatorship some years ago, to induce him to withdraw from the last Pictard-Fraser election; and the promise has not been fulfilled. Now, when there is a vacancy in the senate, and a chance for the party to redeem its promise, Mr. Fisher is coolly overlooked; and it is proposed to exalt Mr. Temple to the political Olympus. The Fisher element here has accordingly got its "Irish" up, and means to make it warm for the conservatives at the coming election. The announcement of Mr. Fisher's intention has created consternation amongst the wire pullers. Mr. Temple it is said, has held a personal conference with Mr. Fisher, with what result is not yet known, but it is pretty certain that there will have to be some very decided concessions made before Mr. Fisher can be induced to retire. He will not be duped as his brother was.

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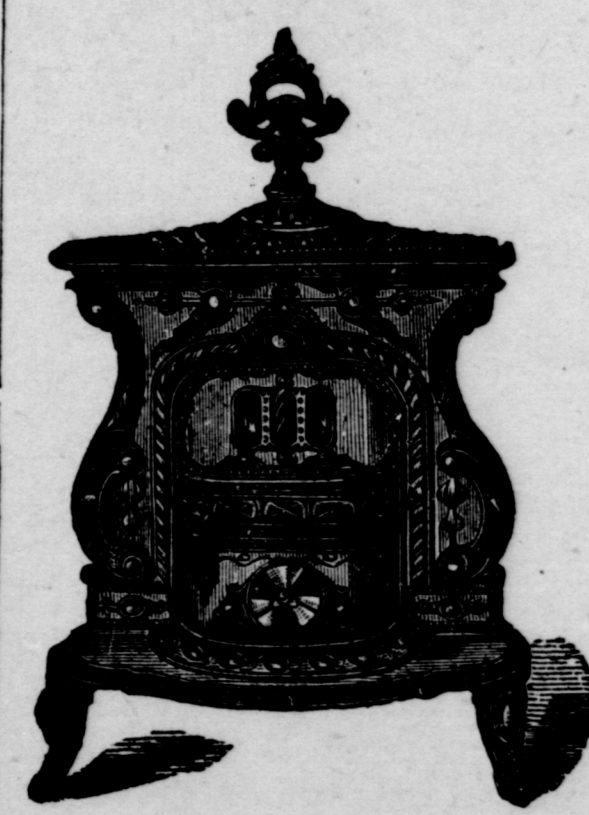
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