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HERMAN H. PITTS,
Publisher and Proprietor

New Brunswick Reporter.

SATURDAY, APRIL 14 1888.

A notice of motion has been given by Hon. Mr. Thompson in the House of Commons to increase the salaries of the judges of the Dominion \$1000 more. The general opinion we believe will be that the judges earn their present salaries much more easily than any other body of men.

The great strikes in the Western States collapsed the first of the week. As usual the working men were obliged to succumb to the power of capital. As a result many working men have been reduced to terrible straits, and much misery has prevailed. A better condition of things will soon come about after the men get at work again.

It is generally conceded that the letter written by Millman and left for publication is very unsatisfactory. In it he does not say as to his guilt or innocence. He does not say anything of the poor girl who came to her death so horribly, or the sorrow-stricken family. The general impression cannot be otherwise than that if not the cause of the girl's death that he was deeply implicated.

It is confidently expected that there will be an unusual rush of immigrants to Canada this year of a superior class, and that will come with sufficient capital, and a knowledge of farming such as to make them valuable addition to our population. It is to be hoped that our local government is making some move towards bringing the advantages of this province before Europeans. New Brunswick is far a head of many of the places that will make strenuous efforts to induce immigrants to settle.

The Contempt of Court case tried this week before the Supreme Court was of more than ordinary interest to both the legal fraternity and the press. It is generally conceded that the press should have every opportunity of showing up wrong and wrong-doing where the same prevades, whether it be on the bench or on the throne, but of course there is a possibility of carrying this license too far. The judges appear to have been anxious to give Mr. Hawke every opportunity to place himself right, not only with those aggrieved, but the public generally.

The Future of Fredericton.

Circumstances have largely assisted in making the possibilities for our city great. What nature and position has done must now be supported by the citizens, and there is no knowing where the progress of the city may not reach. In the way of booming our city we are far behind our American neighbors, particularly those of the Southern and Western States, and while they boom their towns and cities without any real tangible advantage in connection with them, we have so many advantages that this city should be in a few years over double its present population, and a very hive of industry. Already we are an important railway centre, but when the various lines, that are now in course of building are completed we will be a very 'hub.' No less than six lines of railway will enter the city next year, with a possibility of a seventh within a few years. So that our readers may see the importance of the situation we will briefly give these lines.

The Fredericton Branch, from St. John and F'ton Junction.

The Short Line which will cross the country from Harvey or thereabouts and which will be completed next year.

The St. John Valley, which the resolution of Attorney General Blair in the Assembly, guarantees the building of within a short time.

The New Brunswick Railway which will be opened up from Riviere-du-Loupe to Gibson, this summer, and which now traverses the country daily for Edmundston.

The Northern & Western with its daily train from Chatham and Newcastle.

The Central which will connect Moncton with this city, and form a completion of the Short Line, and which will have a further branch connection with the Inter-colonial at Norton.

Then the seventh line, which is being

earnestly advocated by the Sunbury County members is that from this city along the river to Westfield tapping the N. B. R.

Surely with all these advantages there must be something in store for the people and there is, if there is not a going to sleep on the part of those who have capital, and who can just now invest it to good advantage in some industry that will produce something. As it is now the people are living off each other largely. There is not sufficient in the way of producing mediums. It is not more merchants, or clerks, or city officers, or street loafers we want but more people to engage in manufacturing industries.

Then too, every railway entering the city must increase the value of real estate; every year the real estate of the city should be becoming more valuable. Already there is a great dearth of dwelling houses, particularly for those in fair circumstances. It will pay well for capitalists to quietly sit down and figure out that there will be a still greater boom in real estate before long and that investments in this way is sure to pay good dividends. The approaching season is confidently looked forward to as likely to be one of extraordinary development in the way of new buildings. This will give employment to a number of carpenters, masons and labourers, and the wages, owing to the scarcity of men will be good. We feel that the people of this city have everything to be encouraged at. The darkest hours have come and gone, and we are now coming into the bright light of prosperity, and a word of advice to all—*Let us now and from this out begin to boom our city.*

Contempt of Court.

JOHN T. HAWKE BEFORE THE BAR.

When the Supreme Court opened on Wednesday morning the full bench were present, with an unusual large number of visitors in attendance.

The first case called was ex-parte attorney general v. John T. Hawke, editor of the Moncton Transcript. The defendant was called on to show cause against a rule nisi for contempt. At this point Mr. Justice Fraser left the bench. Mr. Hawke appeared before the bar in person to show cause in his own behalf. After apologizing for his ignorance of legal lore and court customs he submitted three propositions why the rule should be discharged: 1st, the application for the rule was made too late in point of time; 2nd, there was no contempt—the articles were not intended to bring Judge Fraser into contempt, they were truthful in detail and were demanded in the interest of the judiciary as well as of the public; 3rd, even were they contempt of court, which he denied, and if, by any strained insistence upon the letter of the court rules, contempt, that under the peculiar circumstances of the case their being connected with the struggle of political parties, it is impossible for this court to make the rule absolute. He wished to explain his opinion as a journalist as to what constituted contempt of court. If he came here today and said and did things to bring this honorable court into contempt and to obstruct the progress of the business he felt that the court would be justified in libelling him for contempt, but the case in question is far different. In this case there were no comments on any case *sub judice*. Decision had been given and a great wrong to his mind had been done. As a public journalist it was his duty to criticise. It was an established fact that any charge for contempt should be made at once, at least, as soon as possible. But in this case before any action had been taken, if Mr. Justice Fraser had been done a great injury and the dignity of the bench insulted, why did not the plaintiffs speedily and promptly move in the matter? Why did they allow five months to elapse before calling on him to show cause here to-day? On the other hand Judge Fraser had been allowed to lie at this time under a serious charge and the dignity of the court has long suffered when a speedy remedy was at hand. To substantiate his first proposition Mr. Hawke cited several cases of a similar nature. In dealing with the second proposition Mr. Hawke read the several articles complained of to the court and commented upon them. He showed the different steps in the case from beginning to end, and cited the circumstances which led to the publication of the articles, and showed that the circumstances were peculiarly aggravating and exasperating to all connected with the Westmorland petition. Whether rightly or wrongly it was the custom of the press throughout Canada to discuss election cases with greater freedom and acrimony than ordinary criminal cases. Such articles had a certain influence with laymen which might be used to advantage for party purposes. The judges should be above such influence. In his articles he had never said a word against the judgment of the court in regard to the dismis-

sal of the petition. As far as he knew he thought it was strictly correct, but he agreed with the minority decision of the bench that as the technical defect was no fault of Mr. Emmerson's but of one of the judges a more liberal view should be taken. In reference to the article in which Mr. Judge Fraser had been compared to Poobah, Mr. Hawke showed that the word was not generally used by the press to reflect upon the character of the party to whom it referred, but was used as a strong illustration to represent men who were not always consistent in their judgments. He read articles from several papers, both liberal and conservative, in proof. He referred to the manner in which Justice Fraser had explained his conduct to the court in Westmorland and the trivial way in which he (Fraser) had regarded the matter. Such statements and actions by a judge on the bench tended to bring the court into far greater contempt than any articles that could be written by the editor of any paper. It made a most unfavorable and painful impression upon himself who, had been brought up in boyhood to look upon the Judges as examples of honesty, integrity and dignity, to hear a judge make such explanations of very strange conduct, and see him intoxicated upon the bench. He cited several authorities to substantiate his third point. He showed how greater privileges had been accorded to critics of public men and institutions, and made a strong appeal for the freedom of the press. He objected to being tried not by his peers but by those who were literally his accusers. Mr. Hawke made a strong case, put his points well and cited his authorities like an old barrister, and on the whole made a most favorable impression upon the listeners. The Attorney General sustains the rule.

He said the authorities cited by Mr. Hawke would not apply, because a term had not elapsed between the publication of the articles and the making of the motion for rule nisi. The application might have been made earlier in Hilary term, but in that case the rule would have been made returnable in this term and therefore no time had been lost. It was not necessary to argue that the intention of the articles was to impute mercenary motives to the judge, because it was sufficient if their effect was to hold the court or any member of it up to public ridicule. He took up various portions of the articles, commenting upon them, showing that the consequent effect would be to interfere with the fair administration of justice and for this reason they fairly amounted to a contempt of court, which the judges could not properly overlook. He said no one would regret it more than he to see anything done that would interfere with the liberty of the press, but, while a large degree of latitude should be granted, it should not be allowed to degenerate into a license.

On Thursday morning judgment was given in the case. Allen, C. J., read judgment making rule absolute for attachment for contempt. Wetmore J., agrees with Allen C. J., making rule absolute; King, J., delivers judgment agreeing in most points with Allen C. J., Tuck agrees with Allen C. J., Fraser no part.

Chief Justice—Mr. Hawke, the court does not wish to put you to any inconvenience. What do you propose doing?

Mr. Hawke—I have nothing to say save that I simply came here yesterday to maintain the liberty of the press. I believe the decision of the court to day is an infringement of that liberty.

Chief Justice—Then you do not propose to do anything.

Mr. Hawke—No; I am determined to pursue such a course as will best affirm the principle I seek to maintain.

On the Gallows.

A NON-COMMITTAL LETTER.

On Tuesday last William Millman suffered the death penalty at Charlottetown, for the murder of Mary Tuplin. The circumstances of the case and the proceedings of the trial have been narrated in full in our paper as they were progressing. On Tuesday morning the closing scene took place:

Shortly before 8 o'clock, all those who had succeeded in obtaining passes from Sheriff Curtis, began to arrive and were admitted to the jail yard to witness the execution. The condemned man rose quite early, after passing a somewhat restless night, and spent the time until 7 o'clock in various devotional exercises. He did not partake of any breakfast. At 7 o'clock he was visited by his spiritual adviser, the Rev. James Simpson. The time then elapsing before the hour of execution was spent in prayer and Christian counsel. A few minutes before 8 o'clock, the Sheriff

ACCOMPANIED BY THE EXECUTIONER and a constable, entered the prisoner's cell and proceeded to release him from the chain which had fastened him to the wall. He was then handcuffed, during which operation he bade good-bye to those

present and sobbed like a child. At 8 o'clock, the solemn procession started from the prisoner's cell. Millman was blindfolded by his own request. The prisoner walked the entire distance (about 50 feet) with a firm but reluctant step until he reached the scaffold where the procession stopped. The condemned man stepped on the 'drop,' and stood firmly while the executioner pinioned his legs above and below the knees with two leather straps. He was neatly dressed in a dark suit, but had no hat on. A considerable portion of his countenance was hidden by the bandage which covered his eyes. He stood steadily while the Sheriff stated the crime for which he (the prisoner) was about to be executed. His mouth was firmly closed but there was

A SLIGHT TREMBLING NOTICEABLE

in the throat and his breathing was quite heavy. The Rev. Mr. Simpson then offered prayer during which the condemned man's lips moved as if following, and at the close the prisoner pronounced in a clear deep voice 'Amen.' The awed spectators stood in subdued silence with uncovered heads, and as the last words of the prayer died away the executioner stepped forward and fitted the black cap down over the head and face of the prisoner who evidenced not the slightest tremor at the awful death with which he stood face to face. In another moment the noose was about his neck. The Rev. James Simpson repeated the Lord's Prayer, and at the conclusion placed one hand upon the condemned man's head and recommended him to the mercy of God. The executioner, who had been standing alongside of the prisoner, then stepped back and touched the lever, when the drop fell and the

PRISONER'S BODY WENT DOWN WITH A THUD

at exactly 8 o'clock and hung motionless in the air between the posts of the scaffold. For about a minute there was no agitation throughout the body, then there were several convulsive movements followed by a violent trembling, which, when concluded, left nothing to the spectators' view but a lifeless form.

After the body had been hanging a short time Dr. Jenkins and Conroy advanced and felt the pulse. At 8.19 $\frac{1}{2}$ they pronounced life extinct. The body was then taken down and the coroner's jury performed their duties and at ten o'clock the body was buried in the People's Cemetery.

The following letters are self explanatory:

ALMA COTTAGE,

Tuesday, 10th April, 1888.

The Editor of the Patriot:

Sir,—At the request of Wm. Millman, who was executed this morning, I visited him in his lonely cell yesterday afternoon when he handed me a sealed envelope, the contents of which he solemnly declared were all true and were written and signed by himself. He gave it into my custody he said because I was uninterested. If he placed it in charge of either the Rev. Mr. Simpson or Mr. Hodgson unkind people would say that 'they had made it all up.' After I am gone, he said, you may open the envelope and publish its contents if you like. In accordance with the deceased boy's permission I transmit you a copy of his written statement for publication in your journal.

T. HEATH HAVILAND.

CHARLOTTETOWN, 7th April, 1888.—I may not be able to say anything at the last hour of my life and I say now what I would if I was able. At my trial there was false swearing and false evidence against me, and because of this I was found guilty and they took my life. It was hard at first to forgive them, but I do forgive them, God knows I do and I pray for them. When I tried to escape I did not mean to hurt Mr. Harvie, it was only to escape I did what I done. I was very sorry for it afterwards and asked his forgiveness and was sorry ever since. I have no fear of dying, but I don't say this boasting. One thing I want to say: I had the best father and mother a boy ever had. I thank Mr. Hodgson very much for all his kindness and goodness to me. I thank all those who were so kind to me. I thank Mr. Simpson so much I can't tell what I owe him. God will reward him some day. One of those days will be known. Oh my God I do look forward to that day. Now there is left me but to die. Oh Lord Jesus Christ to Thee I cling in the hour of death and in the day of judgment dear Saviour deliver me.

(Signed) WILLIAM MILLMAN.

The Three Hottest Days in 1888

In his article on 'Where to Spend the Summer,' in *Scribner's* for April, Gen. Greeley, chief signal officer, makes a prophecy as to the hottest days in the year 1888. The *Detroit Journal*, taking the matter up, has offered a prize of \$500 to the person guessing correctly, before June 1st, what the 3 days will be. Gen. Greeley immediately telegraphed his guess to the paper, in accord with his reasons in *Scribner's* for April.