

THE "MARITIME FARMER,"
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LORAN G. MACNUTT,
Editor and Proprietor

Maritime Farmer.
FREDERICTON, N. B., March 23, 1887.

An Unjustifiable Attack.

The small faction of the Grit party, represented by Mr. Gregory and the *Fredericton Gleaner*, are not satisfied with the result of their persecution of Mr. Temple. Nothing but gore would have met the demands of these people. They are not willing to accept the decision of the Grand Jury, who found no bill against Mr. Temple, on the charge of bribery trumped up against him, and seek to divert the public mind from the complete failure of their diabolical conspiracy, by unfairly and unjustly attacking Attorney General Blair, whom they charge with conniving to clear Mr. Temple, by failing in his duty as law officer of the Crown!

The leading article in Thursday's *Gleaner* was devoted to this despicable course. The *Gleaner* of that day charged Mr. Blair with "bungling" the indictment against Mr. Temple, and announced that the "Liberal party are justly indignant that the prosecution should have so miscarried, and anxiously enquire how it happened." These statements, coming as they did from a newspaper supposed to be friendly to the Attorney General, created a feeling of surprise and indignation in the minds of all honorable men, Conservative and Liberal alike. The public knew that Mr. Blair had done his whole duty in the matter. He had prepared the indictment properly under the law and the information laid by Mr. Gregory's own direction, and yet because the Grand Jury, composed of so respectable men as could be selected in this community, chose to ignore the charge, and vindicate Mr. Temple, Mr. Gregory turns around, and through his organ publishes a mean, an unjustifiable, and a cowardly attack upon the professional, might we not say personal character of the Attorney General. We don't propose to enter into the legal aspect of the question, but we shall say this, that we have the opinion of one of the leading lawyers of this Province, that the indictment as drawn by Mr. Blair, was all that was warranted under the evidence before the magistrate.

In addition to this, we have the opinion of Judge Steadman, the presiding Justice of the Court, that the indictment as drawn by Mr. Blair, was precisely as he (Judge Steadman) would have drawn it himself, under the circumstances. We are willing, however, to accept, without reserve, the professional opinion of the Attorney General, whose admitted legal ability and astuteness entitle him, to and have placed him in the front rank of the Bar in New Brunswick. With these observations, therefore, we may dismiss the charge so unfairly made against the Attorney General by Mr. Gregory in the *Gleaner*, that Mr. Blair "bungled" the indictment.

We direct the attention of our readers to Mr. Blair's letter in the *FARMER* to-day. It is a complete and convincing defence of the position occupied by that gentleman with respect to the bribery case, the *Gleaner*, and Mr. Gregory. Mr. Blair evidently feels that he has been most unjustly assailed, and he will have the sympathy and support of all moderate minded men, regardless of political bias. His communication leaves but little to be said in his defence, so entirely has he been attacked. The public will agree with Mr. Blair, when he expresses surprise that he should be made the target of unwarranted charges levelled at him by Messrs. Gregory and Crockett, two individuals who ought to have been the last to resort to such warfare against him. We hesitate not to say, that a more striking instance of ingratitude, and that is a mild word, than is shown by Mr. Crockett towards the Attorney General, has never before been exhibited in this community. Mr. Blair has made Mr. Crockett whatever he may be, from a business point of view. He has been the latter's benefactor for five years past. He has treated Mr. Crockett more handsomely than any other supporter he possessed. He has bestowed upon him financial favors that run into the thousands of dollars. He has in fact, been the *Gleaner's* main stay, and this is his reward. Mr. Crockett in his reply to the Attorney General's letter, claims, that as the controller of the only "Liberal organ in the county, he only gave expression to the party feeling of disappointment that no bill had been found against Mr. Temple," but did Mr. Crockett stop to enquire who it was that placed him in the position of which he boasts? He does the Liberal party a gross injustice in saddling upon the party, as a whole, the bribery persecution. We should be very slow to believe that Mr. Crockett, Mr. Gregory, Woodward and a few other supporters of the Liberal party, represent the general feeling of that party in the steps they have taken to persecute Mr. Temple and to assail Mr. Blair. If these individuals do voice the sentiments and desires of the Liberal party, then we say, so much the worse for the Liberal party. They can never hope to achieve honorable success in this or any other constituency, by the tactics they have pursued in York during the past few weeks. The natural desire of the people of York for fair play and justice, will

stamp with the mark of their unmistakable displeasure, all such efforts as have been made to bull doze and coerce this constituency. Mr. Gregory will find, and his organ will find, that the people want more justice and less law. He has been taught that trickery and conspiracy will not triumph in York over the honest desire of the electorate, and he ought to take the lesson to heart. Mr. Blair's course, as we have said, is to be commended by all fair minded men, and we venture the assertion, that his letter will be read with pleasure by the level headed supporters of both political parties throughout this County. He has a right to rebel with indignation, the unworthy insinuation that he failed in his duty, that Mr. Temple might escape, and he will be commended for his scathing exposure of the treatment accorded to him by Messrs. Gregory and Crockett. His position requires no elaborate defence at our hands, neither does Mr. Crockett's reply to the Attorney General's letter, merit a rejoinder at this stage. However Mr. Crockett's reference to what he terms the "frequent and lengthy interviews" between Mr. Blair and the editor of the *FARMER* will bear a word of comment. We enjoin Mr. Crockett not to unnecessarily worry himself on this point. Because he has seen fit to abuse the confidence reposed in him by Mr. Blair, he need feel no uneasiness, that the relations existing between Mr. Blair and the editor of the *FARMER* whatever they may be, will be disturbed by any remark of the *Gleaner*.

Montreal Gazette:—"Another Liberal bribery charge has met utter collapse, this time in York, N. B., where Mr. Temple, M. P., was the victim of a gross outrage, being, with one of his relatives, subjected to the indignity of an arrest, and put to the inconvenience and loss of time, at a critical moment in the campaign, necessitated by the magisterial investigation. The evidence there adduced was of the weakest character, and when laid before the grand jury was thrown out as insufficient to justify the return of a true bill. Mr. Temple is thus legally cleared of an accusation that the electors showed they did not believe when they gave him a majority of over four hundred votes."

Our Hon. C. P. Brown is apparently making matters lively in the Manitoba Government. We noted last week his withdrawal from the Norquay Government. A Winnipeg despatch says:—"There is a good deal of excitement in local political circles. Hon. C. P. Brown, who resigned his position as Provincial Secretary in the Norquay Cabinet, has, it is said, secured the allegiance of enough members to hold the balance of power. It is said the Opposition have agreed to support him in overthrowing Mr. Norquay when the House meets, and Mr. Brown will form a Government."

Chatham World:—"The Maritime Bank, if the real cause of its collapse has been stated correctly, was ruined by the undue confidence which its pious Director reposed in the honor of a pious borrower. It was not in his heart to suspect the man of dishonesty who came to him with a tract in his pocket and a claim to being one of the elect on his lips. He shovelled out the thousands to him, with no security but his religious professions, until the loan was nearly double the capital of the bank."

Mr. T. R. Black, M. P. P., from Cumberland, a supporter of the Local Grit Government of Nova Scotia, threw a bombshell into the Assembly the other day, when he said, that he believed, "when members were taking the oath of allegiance to Her Majesty, Queen Victoria, the oath should be supplemented by swearing allegiance to our country—the Dominion of Canada." This was pretty rough on Mr. McColl, the annexationist member for Pictou.

Good luck to Judge E. L. Wetmore, His hosts of friends in Fredericton regret his departure but rejoice in his success. He will preside over the judicial district represented in Parliament by Mr. W. Dell Perley. Sunbury and York will take a full hand in making and administering the laws in the North West.

In the Nova Scotia Assembly, Friday, twenty-four hours after he had taken the oath of allegiance to Her Majesty the Queen, Jeffrey McColl, the Grit M. P. P., for Pictou, declared that "he was not only a repealer, but an annexationist."

The Legislature is putting in good work these days, and will probably prorogue the latter part of next week. The estimates are through, and the Government measures are well advanced. There is quite a large amount of private business.

Mr. Burchill was elected to the Assembly in Northumberland last Wednesday. The vote stood, Burchill 1166; Morrissey 1072; Gillespie 290.

Lt.-Col. Ogimet, M. P., for Laval, Quebec, is mentioned for the speakership of the Commons.

The Salvation Army is growing in popular favor in Fredericton.

The effects of the Maritime Bank failure are disastrous and far reaching.

We find the following startling telegram in the *Montreal Star*:—"A stormy dispute between the Assembly and Legislative Council of New Brunswick, is in progress. The Assembly wants to abolish the Council, and the Council declines to be abolished. Members of the Council say that if either House is to be swept away it ought to be the elective branch. The Hon. Mr. Jones, a former Minister, said the best legislation in Canada came from New Brunswick, and the worst from the single chamber Legislature of Ontario. On the other hand, a member of the Council said the best legislation in Canada came from the double house and the last resort of dead deats."

Parnell will oppose any Irish land purchase bill based upon the existing judicial rents which, it is generally admitted, are at least 25 per cent. too high.

The License Bill.

The Liquor License Bill foreshadowed in the Governor's Speech, has been introduced in the Assembly by the Hon. Attorney General, and has received some discussion from the members of that body. The bill provides for only two kinds of licenses, tavern and wholesale. A tavern must contain in cities and towns, six bedrooms besides those used for the family. In the country only three beds are required, but in all cases there must be attached to the tavern, stabling for six horses besides the proprietor's. These restrictive provisions may be relaxed by the Council of the Municipality, in respect to ten licenses in each city, and five in each town. Tavern keepers may not sell liquor to be consumed off the premises. No tavern may communicate by inside entrance with any store. Every person who keeps a tavern must expose conspicuously over the door in large letters the words "Licensed to sell spirits, and fermented liquors," and shall keep a lamp fixed over his door until the hour of closing. Only one bar shall be kept in one tavern. No liquor may be sold between seven o'clock Saturday evening and six Monday morning, except at hotels to be used at meals, and none after eleven at night. Tavern keepers who sell liquor to a drunken person or allow drunken persons to drink on the premises, are liable to a fine of fifty dollars. Selling to minors except a fine of twenty dollars. Wholesale licenses permit the sale of quantities larger than a pint to be consumed off the premises. Holders of wholesale licenses who sell to unlicensed liquor dealers for purpose of resale incur a penalty of \$50, and cannot recover the price of the liquor.

The number of tavern licenses allowed in cities and towns, one for each two hundred and fifty of the first thousand, and one for each five hundred over one thousand in population. In parishes the number allowed is one for every four hundred up to twelve hundred, and for each full thousand above that population. But one tavern license may be granted in any parish however small the number of inhabitants.

Licenses are obtained by petition of the applicant to the Municipal or City Council as the case may be. To obtain a license in a city or incorporated town, one-third of the ratepayers in the ward are required to certify to the applicant's fitness, and to the desirability on public grounds to have the license granted. In parishes the signatures of two-thirds of the ratepayers are required. Objections may be filed against the application on certain grounds, publicity having been given to the fact that such application is made, and to all important particulars. The chief inspector shall then hold an investigation. The Municipal or City Council, as the case may be, decide on all applications. The Council has power to reduce the number of licenses to be granted in the district. No license can be granted in case two-thirds of the ratepayers petition against it, "on grounds herebefore set forth," and among the grounds given is "that the licensing is not required in the neighborhood." License money and fines received for license and penalties are to form the license fund of the district, and are to be applied to the payment of the salary of inspectors and used for other expenses connected with the enforcement of the law. Inspectors are to be nominated by the Council immediately after the passing of the bill, such nomination being subject to the approval of the Government. Inspectors hold office during good behavior, and may only be removed for cause shown and by vote of the Council. The Council also fixes the salary of the inspector.

No licensed tavern keeper shall be qualified to hold a place in the commission of the peace, or be elected to serve in the Council, or hold any office in the appointment of the Council, or be trustee of schools, and any person applying for license shall be held to have forfeited such offices.

The inspector is compelled to institute prosecutions where he has reason to believe that the law has been violated. Proceedings may be taken before a Police or Stipendiary Magistrate in towns or cities or before two justices elsewhere. For selling without license the first fine is fifty dollars, the second eighty, subsequent offences eighty dollars and three months' jail. Provision is made whereby in case it is shown to the satisfaction of the court that any person by excessive drinking greatly injures his health, wastes his money, or endangers the peace of his family, further selling of liquor to that person may be forbidden under severe penalties. The legal representatives of any person who comes to his death by any accident occasioned by intoxication, may recover damages up to a thousand dollars from the licensed or unlicensed party who sells him the liquor. Appeal is allowed from the judgment of the Magistrate or Justice of the Peace to the County Court of the district. Notice of appeal must be given within five days after conviction. The judge may hear additional evidence, and may quash, affirm or amend the conviction. No conviction so affirmed or amended, can be quashed for want of form, or removed to superior courts by certiorari. No original conviction from which no appeal has been taken can be removed by certiorari except for want of jurisdiction.

Every Municipality in which the Scott Act is in force, has authority to appoint one or more inspectors. For every default in the discharge of duty these inspectors are to be fined fifty dollars. Their salaries are to be paid out of the funds of the Municipality, in monthly instalments, not to exceed five hundred dollars per annum. The Municipality is to indemnify them for all necessary costs incurred in prosecuting complaints which are dismissed, or in cases where the conviction is quashed, provided the judge certifies that the inspector had reasonable grounds for making complaint.

INSPIRED YOUR ATTACK UPON ME
I suggest, it is an elementary principle of law, that in misdemeanors, of which this is the nature, the person prosecuting must bring a criminal case, is himself liable as a principal. I quote Wharton, a recognized legal authority, out of four authorities which might be cited and this is his language:—"Where the agent acts directly under the principal's commands in misdemeanors, the act may be charged to have been done by the principal himself without reference to an agent."

This is the common law, and it is stated law also, as declared in express terms by the Criminal Act, 31st Vic., Chap. 72, Section 8. This indictment then being properly and legally sufficient, then, right or wrong, do you impugn my official integrity or attack my knowledge of the law in this case? You say that the Judge of the County Court, in his charge to the Grand Jury, pronounced the indictment insufficient. If it were clear that he did so, a friend would have presented his objection. He would have remembered that judges are not always right, and that it was just possible the law officer of the Crown, who had given consideration to the case, might be in the wrong. He would have remembered that he had given consideration thereto, might be wrong. But I have the permission of His Honor Judge Steadman to quote the charge he made in this case, in this way, that he threw no doubt upon the correctness of the indictment as applied to Woodward's evidence, but instructed the Grand Jury to find against the defendant, and then we are rushing up to the summit. We stand on the "Great Divide"—5,300 feet above sea-level—between the two great oceans. Mr. E., by a gesture, points out a small river (called Bath creek, I think) issuing from a lake near the track. I look, and lo! the water flowing eastward towards the Atlantic side, turns in a moment and the Divide is passed, and pours westward down the Pacific slope! Another moment and a strange silence has fallen around us. With steam shut off and brake down, the 60-ton engine, by its own weight impetus alone, glides into the pass of Kicking Horse river, and begins a descent of 2,000 feet in the space of half a mile. They stand in the hot sunshine, and shade their eyes as the stately engine moves on. "It is an awful thing to do!" I hear a voice say, "it is little good to have forward; and for a moment I feel a thrill that is very like fear; but it is gone at once, and I can think of nothing but the novelty, the excitement, and the fun of this mad ride in the clouds, and the beauty of the scenery, and the magnificent mountains before and around me, their lofty peaks smiling down on us, and sever a frown on their grand faces. The engine goes on, sure, swift, and then we are rushing up to the summit. We stand on the "Great Divide"—5,300 feet above sea-level—between the two great oceans. Mr. E., by a gesture, points out a small river (called Bath creek, I think) issuing from a lake near the track. I look, and lo! the water flowing eastward towards the Atlantic side, turns in a moment and the Divide is passed, and pours westward down the Pacific slope! 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