

Miramichi and the North Shore, etc.

HARDWICKE VILLAGE.—The report of the last entertainment of the Dutch Society of the above place is crowed out this week. It will appear next week.

EASTERN FISH.—The members of St. Michael's R. C. T. A. Society are to give a novel entertainment on Easter Monday evening. The best talent in the organization will be to the fore on this occasion and the programme is really one of the most original and attractive ever offered in Chatham.

MAGIC LANTERN.—We would remind our readers of the St. Andrew's Church entertainment this evening in the Masonic Hall. From past experience of the manner in which the St. Andrews people manage these affairs we have no doubt but that this one will be first rate. The magic lantern is a 1.

THE D. T. R. S., DOUGLASSVILLE, are progressing. We have no report of their last entertainment, but at the previous one a Recitation was given by Miss Sarah E. Irving; Reading by Master Howard Brown; Address by Mr. Frecker and Mr. Geo. Tait of Chatham; Songs by Miss Copp and Miss Josephine King, and choruses by the choir.

NEWCASTLE FIRE CO.—At a meeting of the Newcastle Fire Company held on Monday evening the following officers were elected for the ensuing year:— Captain, J. Morrison; Clerk, J. L. Miller; Treasurer, W. H. Burk; Secretary, W. Fenn; Steward, J. D. Goughan; 1st Pipe, P. Wheeler; 2nd, Hiram Fish; Captain of the hose, R. Fairman; Axmen, D. Quigley and R. L. Malloy.

MCGILL UNIVERSITY.—We extract the following from the Montreal Gazette of 31st inst. "The following gentlemen, 37 in number have fulfilled all the requirements to entitle them to the degree of M. D. C. M., from this University. These exercises consist in examinations, both written and oral, on the following subjects: Principles and practice of surgery; Theory and practice of medicine; Obstetrics, and diseases of women and children; Medical jurisprudence and Hygiene, and also clinical examinations in Medicine and Surgery conducted "at the bedside in the hospital". The Gazette here gives the names and places of residence of those who received their degrees. Among them Halley V. Williston M. A. Newcastle, New Brunswick; also the following gentlemen arranged in the order of merit deserve honorable mention in the final examination:—Messrs. Shaw, Gray, Sutherland and Williston. We understand Dr. Williston has not yet determined where he will enter upon the practice of his profession. We congratulate him on the distinction he has gained.

Entertainment of the Dutch Reformers

On Tuesday evening the Dutch Reformers gave their weekly entertainment in the Masonic Hall. The chair was occupied by J. R. Goggin, Esq., and the meeting was opened by prayer by Mr. R. Gordon.

Addresses were given by Mr. Henderson and Mr. Thos. Green; Songs by Miss Barnes, Miss G. Goggin, Mr. T. P. W. DesBrisay, Mr. Henderson and Masters Harry and Bertie Wyse; A reading by Mr. Tait and Choruses by the Choir. Miss C. Johnson presided at the piano.

The Band.

It appears that the members of the 73rd Battalion Band were not placed in their proper order in one of their late marching. Mr. Templeton, the Bandmaster, having given them from memory. He this week supplies the names in order of instrumentalists as follows:— J. H. Templeton, Bandmaster, Solo Cornet.

W. McFarlane, 1st Cornet. M. Walker, 2nd Cornet. T. F. O'Brien, Solo Euphonium. J. Johnson, 1st Alto. J. Bell, 1st Tenor. Arch. Woods, 2nd Tenor. G. Cairns, 2nd Cornet. Sgt. 2nd Baritone. W. Creighton, Bass. R. Nixon, Solo Drum. W. Woods, Bass Drum. J. Miller, Bass. J. Gilles Trombone. H. Haveland, Cymbals.

St. Michael's Commercial College.

We regret that pressure of matter in our columns obliges us to shorten our report of the annual examination of St. Michael's Commercial College, which took place last week. It commenced on Thursday evening last, and was continued on Friday and Monday evenings. The attendance was by special invitations issued by Bro. Joseph, Principal of the institution, and was large, embracing leading citizens and parents of the pupils.

There are 54 pupils attending the College, 52 of whom are boarders and the studies of these are directed by five teachers in all. The second class was examined on Thursday evening and the first class on Friday and Monday evenings. The programme of the second class examination was as follows:—

Instrumental Music, Peter Haberly, Michael Marz. Sacred Instruction, Reading in English and French, with translation. Song and Chorus, "The Bells," by G. Carrall, Grammar and Rhetoric, M. Carrall. Instrumental Music, M. Carrall. History, "Las Casas to the Spaniards," W. Lawlor. Revision of Canada and England, W. Lawlor. Song and Chorus, "Felix, Felix, Mon Vainqueur," Solo by Peter Haberly. Arithmetic, State and Mental, by Thos. Barden. Recitation, "They Say," by Henry Hall. Song, "Grandfather's Clock," by W. Carrall and R. Carrall. Mensuration, Geometry and Telegraphy, Dialogue, "The Little Brown Jug," by W. Carrall, M. McCormick and Jos. Fitzpatrick.

The examination in Geometry, which was by Mr. Caulfield, was very creditable indeed, one pupil, John Wallace, mastering such problems as the 8th of the 5th book and 28th of the 3rd book, given at hazard. Master Waller's recitation was also much and deservedly praised, but when all did so well it is perhaps not fair to particularize. The instrumental music department was under Mr. Timothy Harrington, who has brought his pupils forward creditably. Messrs. Michael Martin of Chatham, and Wm. Taylor of Shippanan excel in this branch. Mr. Peter Haberly of Bathurst is excellent in vocal music and the vocalists of Messrs. Willie, Richard, Joseph and Charley Carroll of Chatham, and Wm. Allan of Neguac, are noticeable.

Messrs. M. Martin and Frank Desmond of Chatham and Jas. Quinn of St. John excel in Book-keeping and John Wallace, M. A. and Clement McCormack in general Mathematics. Mr. Knight and Robert Allan of Chatham are well up in History. Some finely executed architectural drawings by Mr. M. O'Keefe and Mr. Patrick Murray of Chatham were shown as well as good mechanical drawings by Mr. O'Keefe, Francis Desmond and John Carroll of Chatham had well executed perspective drawings, while James Delaney of Chatham excelled in ornamental drawing. The institution is an efficient one, reflecting great credit on the Christian Brothers and other gentlemen who are its teachers.

The Hogan-Loggie Fishery Case.

The hearing of the Hogan-Loggie fishery case was continued on Monday last, at the Chatham Police Court, before G. A. Blair, Esq., Police Magistrate; Mr. Tweedie appearing for the prosecution and Mr. Carman for the defence.

Joseph McNeill station agent, Chatham Railway, was called by Mr. Tweedie for the prosecution. In response to request by Mr. Tweedie, he referred to his freight book and showed to Messrs. A. & R. Loggie shipped from the Station after 15th Feb'y., fish, as follows:— 19th, 1 car load—20,000 lbs., gross weight, to L. A. D. & Co., Philadelphia. 25th, 1 do., do., gross weight, 20,000 lbs., to same address. 26th, 20 boxes smelts, 850 lbs., to J. F. Fry & Co., Boston. 26th, 18 boxes, 770 lbs., to D. Haley & Co., New York.

Mr. Carman here objects that the prosecution is not for shipping fish at the Station, but for having 2 tons of smelts, Black Brook, and it is not competent for them to go into shipments made before the date of the complaint.

Mr. Tweedie says the complaint is merely that they had bought, sold and had in possession smelts, after the legal season had expired.

Mr. Carman's objection was noted. Witness continued—Shipped by Messrs. Loggie:— 26th, 18 boxes, 760 lbs., to Mull & Eldred, New York.

In reply to Mr. Carman, Witness says he cannot speak from knowledge of having seen these fish, but from having entered them all from bills given by Messrs. Loggie—save those to Messrs. J. F. Fry & Co., which were entered by another person—

Shipments continued— 31st, March, 1 car load, gross wt., 20,000 lbs., ordinary smelts, Philadelphia. 8th, 1 car load, gross wt., 20,000 lbs., to Mull & Eldred, N. Y.

Mr. Tweedie says the Loggie's shipping bill does not show any knowledge of another lot of smelts, but he swears that they told him they owned other parts of other car loads which were in the names of other shippers.

Cross-examined—There are often fish belonging to different parties in one car shipped in one name. Cannot tell whether it was so in the above car loads or not. I had no way of knowing how much belonging to other parties were in these cars; half a dozen owners might have been interested in these cars, as that is the way of shipping. Mr. Andrew Loggie told me one day that he had notified all parties from whom they bought fish to not fish after 15th and that he believed in the small quantity of fish in the cars referred to might have been Loggie's—the rest belonging to others. Mr. Crocker had fish in the cars, but he did not know how many of them in the cars. I remember this because it was the last day of shipping. There might have been many other parties' fish in the cars, Loggie's shipped in all the other cars.

The gross weight included the weight of boxes, as boxes pay freight as well as fish. I can't say what the proportions are between fish and boxes.

Mr. Carman here claims that before evidence can go for anything the bills made by Loggies and given to witness for purpose of making entries must be produced.

Mr. Tweedie answers that objection should have been taken before, and as it is customary to have entries made out on bills—merely by word of mouth—the entries made by agent are the proper evidence.

The court ruled the evidence from agent's book admissible. Objection noted. Witness continued—Out of the 40 tons in the cars one half of them might have belonged to other parties; believe the Loggies to bear an excellent character.

Cross-examined—Fish shipped by others might, in part, belong to Loggies, cannot remember what brought up conversation between Loggie and myself about parties' fish, or when being told to not fish after 15th Feb'y.

Mr. Tweedie asked to call Mr. Hogan—because, he said, of remarks made by a local paper—to show he was instructed to look after these fishery matters. After objections which were overruled, Mr. Tweedie called Hogan and said he saw in the MIRAMICHI ADVANCE that it was said he was rendering himself contemptible by his course in this matter. He would like to know if (Hogan) receive instructions to make these complaints.

Mr. Hogan objected to witness answering a question as to the should produce instructions if he had them. Mr. Carman—Did you issue any licenses to A. & R. Loggie? Mr. Tweedie objects to the witness answering, as licenses should be produced. After a time witness said he issued six licenses to Messrs. A. & R. Loggie this winter, and he had, as usual, taken them up at the end of the season.

aware there was no regulation at all relating to the time smelt fishing should stop. He did not care whether Hogan was a fishery officer or clergyman of the Church of Scotland, as any one could prosecute in such a matter. If Hogan seized any property then it would be necessary to prove his commission, but not otherwise. It was enough for him to charge the Loggies; they must prove the law allowed what they had done. He testified that he had proved to the Loggies' own conversation that they knew the fishery season had expired. Mr. Tweedie contended that the law, instead of being so tyrannical as represented was a lenient one, inasmuch as it provided that ignorance of it might be taken as an excuse for its violation. He had proved, sufficiently, that the fishing season had expired on the night of 14th February, and he thought the 19th section dissolved of the objection that the smelt-fishery could not be dealt with under the Act. The Law wisely puts the onus of proving legal possession at an illegal season, just the same as a man found with stolen goods in his possession must show how he got them. Under the prima facie case which he had made out the Loggies must disprove it.

Mr. Carman said that when Hogan swore he laid a complaint as a Fishery Officer he was bound to prove his position and also the regulation. If he (Mr. Carman) contended there were no such regulations the prosecution would break down. It was a question whether Hogan, as a Fishery Overseer had a right to prosecute before a Magistrate as he might make a conviction himself. There must be something under all this prosecution or Hogan would have his instructions and the Gazette in Court.

The Magistrate said he would decide to go on with a hearing of the case of the defence reserving one point raised by Mr. Carman—that relating to the non-production of the Royal Gazette to prove the regulation defining the time when the fishing with bag-nets should cease. He was of opinion that Secs. 11 and 19 of the Act empowered the Department and its officers to deal with the smelt as well as the other fisheries.

The case for the defence was then proceeded with. Thos. Jeffrey testified that he had worked with A. & R. Loggie and was at their place about 15th Feb'y.; saw smelts boxed and loosed—about 35 tons—this was on or about 15th Feb'y.; could not say they got fish after 15th Feb'y. but he was bought and paid for after 15th.

Cross-examined—I don't know when I left Loggies, but remember I was in their place on 15th, because they were taking in the nets on 14th. I left about 2 weeks ago; I will not swear I did not see fish brought into Loggies since 15th February; will not swear I did not see smelts. I was packing fish some days and some nights at other work. I might have helped to unload fish then after 15th—cannot say.

Mr. Tweedie claimed witness was trifling with court and the Magistrate said that was also his opinion. Witness continued—Don't know that I saw Hogan on 28th Feb'y. I must have helped to pack some of the 35 tons that were in the building on 15th, can't swear I saw others come in. John McIntyre testified he was hired to fish for the Loggies; was at their place on Monday 17th Feb'y.; saw 35 or 40 tons of smelts boxed and loosed. He delivered about 6 horse loads on 15th, which were caught before 15th—there would be over 1 ton at least. Loggies nets were all ashore by the 15th—shutty and all.

Cross-examined—I fished off Bartigue with 6 of Loggie's nets. Had no license, as I was hired by the Loggies. Had about 3 tons smelts on 15th, which I delivered on 15th; did not deliver any other fish to Loggies, since 15th. Did not fish since 15th; don't know of others fishing for Loggies. I stopped fishing on 15th because it was the lawful time to stop.

Geo. Smith, testified—Loggies were fishing smelts this winter. Loggies got all my fish; I had about six tons of smelts, some after 15th, which were caught before 15th, they got about a ton from me after the 15th. I did not fish after the 14th. They would have had to pay for these fish whether they took them or not, as they had arranged to take all my fish.

John Doyle, testified, I was catching smelts this winter and delivering them to Loggies after 15th; they were caught before 14th, under licence. The nets were owned by John Morrison and I fished them on the 14th.

Mr. Tweedie said he did not object to the Loggies being called, although he might do so under the law. Mr. Carman said he thought there was ample evidence, without that of the Loggies, to show prosecution had no case. The Magistrate thought it would be more satisfactory to have the evidence of the Loggies.

Mr. Carman said he would not call any more witnesses and the court adjourned until 2.30. After dinner Mr. Carman said he had omitted to mention he intended to call and would now call him.

Amos Perley, Overseer of the district from east end of Beaubien's Island to Miramichi Bay, and now under suspension, testified, that he was Overseer until 15th March last. He had issued smelt nets licenses in his district, and he was Mr. Carman—Did you issue any licenses to A. & R. Loggie?

Mr. Tweedie objects to the witness answering, as licenses should be produced. After a time witness said he issued six licenses to Messrs. A. & R. Loggie this winter, and he had, as usual, taken them up at the end of the season.

Cross-examined—License extended to 15th February. I have issued these licenses for 2 years—before that the nets were simply registered; there might have been a little illegal fishing after 15th. I captured some nets which were fishing illegally. I reported to the Department that there was considerable illegal fishing in all districts.

This closed the case for the defence and Mr. Carman addressed the Court. He claimed that all the smelts seen by Hogan and all that were shown to have been shipped from the station in their name were accounted for legally and properly, even without taking into account the fact that Loggies might have owned but a very small part of the 40 tons and 1530 lbs. gross weight shown to have been shipped, or the proportion of weight which should have been deducted for boxes. He thought it would have been proper for Hogan to have gone to the Loggies and stated his business fairly, instead of first going into their fish house and seeing the fish and then going to their office and asking whether they had any smelts on hand. When he did go thus to their office he found that they made no attempt to conceal anything, but were plain and aboveboard with him. It was true the law gave the power to Hogan to act as he had done but that kind of thing was to be the regular practice, dealers might as well stop their business and our fishermen take their nets from the water. At any rate dealers would have to see that they did not have a fish on hand after the day the fishing season closed.

The prosecution should have shown how many Loggies' fish were in the cars sworn to by Mr. McNeill, especially after that witness had shown that it was the practice for different dealers to ship in one car. The weight of the boxes in the cars should also be deducted and it would probably be found that not many of Loggies' fish were in those cars, after all. Mr. Carman argued the points already stated in connection with his application for a dismissal of the case, and also claimed his

clients were cleared upon the evidence as to the facts. It was not right for a Fishery Officer to go beyond his duty— In discharging this duty he ought to do it as a gentleman. He would not say that Hogan had prosecuted these parties because they did not sail in the same port boat with him, but it was proper to enquire why the Loggies were singled out among all other fishermen and dealers. It had been stated by Mr. Perley that there was considerable illegal fishing, yet that officer had not troubled the Loggies, because he knew they had taken their nets off the ice the day the fishing season expired and he had their licences. Mr. Loggie also gave Hogan liberty to go and see the fish they had and appeared to act all through like a man who had nothing to conceal in his business. If it had come to this that because a Fishery Officer saw fish in a man's possession he was to pounce down upon him and put him to trouble, without enquiring as to the man's mode of doing business, and in a hasty and unseemly manner, fishermen had better leave off following their calling—that was so long as Hogan was retained as a Fishery Officer. Why! he had gone down, a stranger in the district and seeing a fish posted off to Chatham and laid a complaint! It was possible he had two objects in view. He would get one half of the penalty if he could succeed in getting one imposed, and the chance of bringing up this prosecution, the names of others whom he might proceed against. Hogan had evidently not done his duty as he should do it.

Mr. Carman claimed that if there was any doubt in the mind of the court his clients were entitled to the benefit of it, though he thought the fish in their possession were properly accounted for and no doubt of the fact remained, and as the matter was one involving a penalty, the law should not be strained to secure a conviction.

Mr. Tweedie, in addressing the Court, said he would refer only to a few points, as he was suffering from a cold. Counsel for the defence was laboring under a misconception of the law applicable to the case. The presumption of the law were against the defendants. For instance, it was not to be presumed that the shippers had fish in the cars proved by McNeill, but if such was the fact, the defence was called upon to prove it. Why were not the Loggies called? They had been in Court; they could prove a good deal in their own favor if they had been doing everything fairly and right. There seemed to be a great feeling manifested in the case and animus was charged upon the prosecution. So far as he was concerned this was incorrect. Opposite counsel asked why did Mr. Hogan not bring suits against others. That was all in good time yet; a commencement must be made somewhere and Hogan had acted rightly in beginning with a large concern like the Loggies, and not with some poor man, as opposite counsel seemed to think he ought to have done.

Mr. Carman, in his closing remarks, thought the witness who had testified, that he had seen smelts boxed and loosed, was not to be presumed that the shippers had fish in the cars proved by McNeill, but if such was the fact, the defence was called upon to prove it. Why were not the Loggies called? They had been in Court; they could prove a good deal in their own favor if they had been doing everything fairly and right. There seemed to be a great feeling manifested in the case and animus was charged upon the prosecution. So far as he was concerned this was incorrect. Opposite counsel asked why did Mr. Hogan not bring suits against others. That was all in good time yet; a commencement must be made somewhere and Hogan had acted rightly in beginning with a large concern like the Loggies, and not with some poor man, as opposite counsel seemed to think he ought to have done.

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he believed he was disposed to trifle with his oath. Even if all the smelts claimed to have been legally caught were shipped there would still be some tons to be accounted for. The Loggies must, when they did not go forward and clear themselves—when they neglected to come forward as witnesses—take the responsibility of their course; they must place the onus of their position on Hogan and hide behind him from the consequences of their own wrong. Why were they not brought forward? It must be because they dare not show that 30 tons and 7 cwt. of smelts were accounted for as being rightly in Loggie's possession, while they had shipped over 40 tons. It was a little singular, too, that Loggies had not made the required entries of their shipments at the Custom House up to the time this suit was commenced, though requested to do so several times.

Mr. Carman objected to Mr. Tweedie referring to matters not in evidence. Mr. Tweedie went on to say he had dealt leniently with the defendants and that he could have brought evidence which would have brought their illegal work home to them beyond the chance of their escape. He was not anxious that the full penalty of the law should be imposed, but he was anxious that as the case had been proved and as the interests involved were large the law should be upheld. The Loggies were in no worse position than the man in whose possession stolen goods were found. They might have been really so, but they did not do so. Notwithstanding the feeling that had arisen he believed the court would do justice, although His Honor might be as sorry as he (Mr. Tweedie) was to see the Loggies in their present position. He had been attacked by the ADVANCE for the manner in which he had treated a witness but perhaps the Editor did not mean all that.

He concluded by expressing the belief that the judgment of the court would be according to the law and evidence. Mr. Blair in opening his remarks said he knew nothing about any political feeling, for although he had political opinions, and, perhaps, strong ones, he always remembered that, as a Magistrate, he was sworn to do justice, and he endeavored to direct his mind of all prejudice. He thought Mr. Tweedie had not gone beyond the ordinary course of a witness and also that the language of the ADVANCE complained of was stronger than that which had been. There was one weak point in the defence and that was Mr. Carman's claim that when McNeill said it was the custom for a good many shippers to ship in one car, which went away in the name of one consignee, it was to be taken as evidence that other fish besides Loggies' were in the cars of which evidence had been given. It was open to Messrs. A. & R. Loggie to prove that other parties had fish in those cars, but as they had chosen not to do so, the presumption was the whole of the fish were theirs. He thought Mr. Tweedie had done well in the Loggies have been better pleased could the evidence have been clearer by going under the law might be claimed, but he thought it was a very necessary law, and he did not know how the great interests involved could be protected without such a measure. He did not want to reflect on the witness Jeffrey, but he certainly left an impression on his (Mr. Blair's) mind that he had something to conceal. He would look over the evidence carefully, and if he found the defendants had properly accounted for the fish shown to be in their possession, he would give them the benefit of it, but if otherwise he would decide accordingly. He closed by stating that he would give his decision on Friday (to-morrow) at 10, a.m.

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