

TO SUBSCRIBERS

Owing to the neglect of many of our Subscribers to pay their subscriptions, we have found it necessary to adopt the rule of hereafter rigidly adhering to our published terms, viz, to make the price of the ADVANCE \$2 a year to those who do not prepay their subscriptions.

We therefore, give notice that from the 1st January next all who are in arrears will be required to settle at the rate of \$2 per year.

Subscribers who are now in arrears will pay before 1st January—be settled with at the advance rate of \$1.50.

Miramichi and the North Shore, etc.

MR. NICOL makes a reasonable suggestion. See his advt.

CHRISTMAS GROCERIES.—Mr. Alex. McKinnon's Xmas Advertisement reached us too late for publication. He has special attractions to offer.

BRAITREE.—A peddler was arrested in Derby on Sunday and brought to Newcastle to jail, on suspicion that he was Thompson, the Braitree murderer. He has since been liberated.

THE JACKSON TRIAL.—We are indebted to Mr. Analov of the Advocate and Mr. P. Davis, official Court stenographer, for most of the report of the above trial in today's ADVANCE.

INSURED AT ONCE.—Mr. Walter C. Winslow has been authorized by the British America Assurance Company to accept all classes of fire risks, issue policies and make endorsements, without delay or reference to the head office.

VERY SAD.—Mrs. George Keefe did not long survive her husband, who lost his life in the fire in Dorchester penitentiary last Monday night. She was partially suffocated at the same time, and remained so long in the burning building before being discovered that there was very little hope that she would recover. All that medical skill could do was done, but without avail, and on Sunday death relieved the sufferer.

GOING WEST.—Mr. W. A. Kerr, a graduate of the Provincial University and a law student with Messrs. Weldon & McLean, will leave in a few days for the far west. Mr. Kerr has only been in St. John a little more than a year and during that time he has made many friends who will regret his departure. He has been connected with a number of societies and organizations and is all of them has made himself quite popular. He is at present head of the Young People's Association of St. Andrew's Church, and at a meeting at Rev. Mr. Macneil's residence on Thursday evening, he bade good-bye to the members. As a long distance runner he has won several prizes in St. John and he has on several occasions done good work on the cinder path.—Globe

WILL ESCAPE PUNISHMENT.—The case against the Italian, charged with shooting at a companion near Metapedia, and who was confined in the jail at New Carlisle, Que., is likely to collapse owing to the absence of two very important witnesses. A few days ago the wounded Italian recovered sufficiently to move about, and soon afterwards moved with his son to the United States. The sheriff of Rimouski county, Que., in which the shooting took place, had been advised of the man's intended departure, but his telegram asking that he be detained as a witness was received about five minutes after the departure of the train. There being no important witnesses to testify against the Italian who is in custody, he will probably escape with little or no punishment for his murderous act.

CHRISTMAS SERVICES IN ST. MARY'S AND ST. PAUL'S.—Tuesday being Christmas Day the usual services will be held in St. Mary's and St. Paul's Churches, viz: at a Christmas Eve Service at St. Mary's on Monday at 7.30 p.m., and a midnight celebration of the Holy Eucharist at 12 o'clock, after which the Te Deum will be sung in honour of the adorable Redeemer, 3rd, a celebration of the Holy Eucharist at St. Paul's on Christmas morning at 8 o'clock, 4th Morning Prayer, Holy Eucharist and Sermon at St. Paul's on Christmas morning at 11 o'clock. Before this service the children of the Sunday School will sing Christmas Carols. 5th, Evening Prayer with Sermon at St. Paul's on Christmas afternoon at 3 o'clock. The offerings will be in aid of the sick and needy. The decoration of St. Mary's Chapel is now in progress.

Notice and Warning.

Subscribers will please note that our object in placing the date at which their subscriptions expire on the colored address slips, which they always see pasted at the top of 1st page, is in order to inform them of the time at which it is their duty to pay their subscriptions. Finding most of them indifferent in the matter, we are, at times, obliged to send them their bills, which ought not to be necessary, when the position in which their accounts stand are made known to them each week as regularly as they receive the paper.

As they put us to the trouble of making up their bills and paying postage thereon to them far too many pay no attention thereto, but continue to receive and read the paper, without apparently realizing that they are treating the publisher very shabbily.

When a paper is mailed week after week to a subscriber, and he knows, all the while, that he is shirking the duty of paying for it; and when, after the publisher has been obliged to pay postage to remind him of his neglect he still withholds what is due, simply because he may think the sum is not large enough to pay a collector to go, personally, after, it becomes necessary to resort to more effective and unpleasant methods of collection.

A notice at the top of the first column on this page is particularly addressed to our tardy friends, and as our business interests make prompt collections necessary, we intend, at the beginning of the new year, to charge up all overdue subscription accounts at the uniform rate of \$2 a year and place every one of them in the hands of our attorneys for collection. We prefer to have the relationships between ourselves and our subscribers neat and agreeable, but cannot afford

to send them the ADVANCE every week and pay postage on requests for payment and be entirely ignored, without getting out of patience. When those that are now shirking payment find the lawyers after them, a.d., have to pay at the rate of \$2 a year, with the costs added, they will wish they had been considerate enough to settle at the rate of \$1.50 when they had the opportunity to do so.

Delinquent subscribers are particularly notified that after Jan. 1st, when their accounts are placed out of our hands, they will have to deal with our lawyers, as we do not propose to then interfere with the process of summary collection of the full amounts due, and costs. Every one of them—save those who have other business besides on our books—can inform himself as to what he owes by consulting the pink date-slip on the top margin of the first page.

Circuit Court.

The Special Circuit of the Supreme Court for the trial of Isaac Jackson, Chief Justice J. C. Allen, presiding, resumed, pursuant to adjournment, on Wednesday, 12th inst. at Newcastle. The new panel of jurors summoned the evening before were nearly all in attendance, and the selection of the jury was proceeded with, the jury selected being composed of the following:—John Bots, Duncan Morrison, John Menzies, Thos. Mullins, Wm. Searle, these were the jurymen sworn in on Tuesday when the panel was exhausted, and the remainder were chosen on Wednesday morning, viz:—Chas. Call, John Norton, W. S. Brown, Robert Anderson, Wm. Robinson, Zenas Tingley, W. C. Johnson.

The following Jurymen were absent or objected to as stated:—Patrick Wheeler, excused as he was a Dominion officer, Richard McCullam, challenged by prisoner, Jas. Mowat, not present. James Russell, ordered to stand aside by the crown counsel. John Ford, challenged by prisoner. Donald McGraw, challenged by prisoner, Thos. Flanagan, not present. Geo. Stothart, James Falconer and Chas. Lays were challenged by prisoner. W. C. Johnson, ordered to stand aside by crown. John Rundle and James Hickey, not present. John McCullam, Benjamin Fairay and Francis Bockler were challenged by prisoner. Wm. Lyons, not present. Alex. McFarlane, ordered to stand aside by crown. Alex. Robinson, challenged by crown. The last named jurymen exhausted the panel, one jurymen being required to complete the jury and those ordered to stand aside were recalled in order. James Russell, challenged by the crown. W. C. Johnson, sworn.

The Attorney General then addressed the jury in reference to the case they were about to try, and then proceeded to call the witnesses. Dr. Desmond and Patrick O'Brien were the only witnesses present and the Atty. Genl. asked that Bench Warrants be issued to bring the witnesses to the court. The clerk of the court was directed to prepare the papers which were given to the sheriff to serve. The first witness called was Patrick O'Brien, who being sworn testified in substance as follows: Resided in Nelson. Remembered what occurred on the 25th September. Had been to Chatham and was returning home in the evening. Stopped at Hays' where he had some words with Isaac Jackson. Jackson gave me a message from George Burchill that he wanted to see me particularly, which was not the case. Was at Hays' about half an hour and then went to Burchill's, which was below Hays'. Got into his wagon with his brother and drove to Carroll's. Saw there Mr. Carroll and his wife, Isaac Jackson, Henry Gitcheil and some one else. Did not know him. As soon as I stopped, my brother jumped out of the wagon, and as he did so he said to me "treat Jackson." Getting down on the platform he put his hand on Jackson's shoulder and said "you're my prisoner. I arrest you in the Queen's name" laughing as he said it. Jackson replied—"all right John, I'll go with you." He then invited Jackson in to take a drink and told me to come too, but I declined. I then told Jackson that he had not acted right with me, as Mr. Burchill did not want to see me, and that it was not the first time I had had trouble with him. My brother took hold of Jackson and half turned him round on the platform, his pipe fell from his mouth and broke, which made him angry. I then told him how he had served me in serving a capias on me in Chatham some time ago and I wanted to have it out with him and then make up friends with him. My brother said "you're a queer man to do the like of that." Jackson then attempted to haul off his coat to fight. Henry Gitcheil ordered him away but he said he would not go, he could lick that fellow. I saw my brother move back and kind of dodge when I heard a shot. I saw my brother stagger and then fall. I jumped out of the wagon, went to where Gitcheil and Jackson were and knocked him down and gave him a kick in the ribs. I then went back to my brother where he was, I asked him if he was badly hurt, but he made no reply. I then stooped down, put my cheek to his lips and found he was dead. It was a very short time after the shot was fired that he was dead. Jackson seemed to be in liquor but he handled himself very smart. I had had a glass or two. My brother appeared to me to be sober. I saw him take lager in Chatham.

Cross examined by Mr. Tweedie.—Went to Chatham the evening before. His brother was not with him. It was on Monday. Left Chatham at 2 or 3 o'clock. Was in a great hurry to get home. It was 7 miles from Chatham to Gitcheil's and we got there about 5 o'clock.—It might have been drawing pretty well on to 6.

Question.—Will you explain how it was that you took three or four hours to get to Gitcheil's?

Answer.—Was at Hays', Burchill's store and at the mill. Was over half an hour at the mill talking to John Burchill. Was in the mill about fifteen minutes, and about an hour in the store and mill. It was almost impossible to tell how long he was there.

Question.—Had you any stops between Chatham and Hays'?

Answer.—Stopped at Mrs. Kelly's. Stayed about ten minutes. It was about a mile from Chatham. Had a drink there. I drank gun and I think my brother did too. Had only one drink there. I had a drink of lager a few minutes before I left Chatham, at Mrs. Butler's. His brother was not with him. He met his brother in front of St. Paul's store. His brother was at Mrs. Pine's. I got a drink there. I saw him go up to drink there and think he took lager. I took whiskey once or twice. Will swear I did not have it six times.

Question.—Will you swear you did not have it five times?

Answer.—I will, I think I had three drinks there. Had lager at Mills'. Took nothing stronger. Had a glass of whiskey at Hays'. Think my brother

was at Butler's but did not see him take anything. Do not know whether he took anything, but heard him asked to take something. I was perfectly sober. Had only one drink at Mrs. Hays'. Don't know how many John had. My horse was slow and I was in a hurry. I went to Gitcheil's because I wanted to see Carroll.

Question.—How was it that Jackson was the first man you addressed when you wanted to see Carroll?

Answer.—Jackson first spoke to them, asking John to take a drink and said Pat you come too.

Question.—What reply did you make?

Answer.—I told him I did not want to drink with him or speak to him as he had told me lies.

Question.—Had you a grudge against Jackson?

Yes, I didn't like him.

Question.—Had you not a grudge against Jackson for a couple of years, and did you not take every occasion to bring up the grudge in the prisoner's presence, and did you not threaten you would give him a beating and did you not tell King and others so?

Answer.—I do not remember, but I might have said it to King. I do not know which way Jackson went about Hays'. Jackson did not respond abruptly to John when he pretended to arrest him. I told Jackson I was cross enough with him to hit him.

Question.—Did you not see your brother lay hands upon Jackson?

Answer.—He did not know. Jackson had his hands upon my brother. He did not hear Jackson tell John "to be careful" when his pipe fell from his mouth. I saw Mrs. Carroll speak to my brother but could not remember what she said or what my brother said to her. He saw his brother raise his foot to Jackson. He was a short distance away. Only saw him lift his foot once. Did not see him strike Jackson. After he made the kick he stepped back and dodged behind Gitcheil. Gitcheil was between the prisoner and deceased when the shot was fired. He had never made this statement of dodging behind Gitcheil before.

Question.—Then this was an after thought?

Answer.—Yes. The last time my brother walked towards Gitcheil I did not see anything in his hand. Could not swear he had nothing. My brother was trying to get away from Jackson.

After walking two steps did he not return and face Jackson?

Answer.—No sir.

Question.—Then how did he get shot in the breast?

The shot was fired over Gitcheil's shoulder. Henry Gitcheil, after giving evidence of the meeting of prisoner and deceased said that on hearing a noise or scuffle between them in the road just opposite his place he ran over, saw prisoner point pistol at deceased and heard shot, the two being about three feet apart. Didn't think the shot was fired over his (witness') shoulder. Prisoner staggered and fell and witness got something for him to lie on. He said, "Jackson you're done for me, it will be dreadful news for my poor mother."

Cross-examination witness said he saw no weapon but the revolver. O'Brien might have had one. Didn't see Jackson take off his coat; witness' wife and he ran over together to where the men were. Mrs. Gitcheil, wife of the last witness, testified that just before the shooting, realizing there was trouble between the two men, she ran from her own door to where they were quarrelling. Just as she got behind them heard report and saw flash. Saw only the two men in the immediate vicinity. Did not see her husband there and thought he was mistaken when he said he was present.

Matthew Carroll, sworn.—He was present on the occasion when the prisoner and deceased met. Deceased and his brother drove up in a wagon and he was on the platform of his house when they arrived. Gitcheil was also there in his company. Deceased jumped out of the wagon, came to Jackson, put his hand on his shoulder and said "you are my prisoner in the Queen's name," Jackson said "all right John, I will go with you." Witness did not hear anything said about a drink. Heard Pat O'Brien use angry words to the prisoner, who walked away from Pat and began talking to deceased. Deceased and Jackson did not appear angry at the time. Afterwards they got into a kind of clinch and he, witness, told them not to get into any trouble there. I saw the deceased catch a hold of Jackson and knock the pipe out of his mouth, which fell to the ground, Jackson stooped and picked it up. My wife told Jackson's son to take him away. Jackson then sang out "he could handle that fellow," and was in the act of taking his coat off when his son interfered and took his father down the road a piece. That was the last I saw.

The Attorney General in cross-examination asked "Do you think any of the whole crowd was sober?"

Answer.—"I know I was sober myself."

On re-examination Mr. Tweedie asked what character John O'Brien bore.

Answer.—He had always heard of O'Brien as a quarrelsome man.

Susan A Carroll, sworn.—The evidence of this witness elicited nothing further than was given by other witnesses. Dr. Desmond testified as to the cause of death, which was caused by injury inflicted by a bullet, which had entered between the third rib on the right side, and after inflicting other injuries, which he enumerated, lodged in the muscles of the back.

Anthony Jackson sworn.—Was a son of the prisoner, was at Nelson working for Mr. Gitcheil on the 25th September. Had been working on Mr. Gitcheil's farm, and found the O'Brien's there when he went to Gitcheil's to get his tea. He had his tea and then went with his father. Heard O'Brien and father talking but did not know what they were talking about. He saw John O'Brien raise his hand and knock the pipe out of his father's mouth. In reference to what Pat O'Brien had said about his brother as being a capias on him, his father swore with an oath that he would kick the face off him. His father said "let bygones be bygones," when John told him to go to hell. After the pipe had been knocked out of his father's mouth some one sang out to him to take his father off.

Did your father make any threat?

No. My father walked along the platform and then stepped off into the road and took about three steps into the road. After O'Brien was coming down the road, John O'Brien came within a short distance he lifted his foot and kicked my father and struck him on the face. I was about ten feet off. I saw no one else. Saw no pistol fired but heard the report. I distinctly swear that I saw my father

struck and kicked at by O'Brien. He never knew his father to have a pistol before.

Cross examination.—He turned round as the blow was struck by O'Brien. When O'Brien came up he saw him raise his hand and strike him in the face, and killed him twice on the stomach. John O'Brien after striking and kicking his father turned and walked a few steps and then came back and made another kick at him, when the shot was fired. Father told him to be careful when he made the first kick at him.

When the pistol shot was fired you were behind your father and you could not see whether O'Brien had any weapon in his hand?

No. I saw Henry Gitcheil after the shot was fired; he was sitting on his platform. Father's face was bruised and a lot of his beard torn out. I took my father into Mr. Gitcheil's to get the blood washed off his face and hands. Father bore the mark of the blow on his face. I was perfectly sober. Just a few minutes elapsed between the time the pipe was knocked out of father's mouth and the final scuffle.

The testimony of this witness was somewhat weakened in re-examination and the fact was elicited that he made statements at the preliminary hearing contradictory to those now made.

On Thursday morning the Attorney General stated the case for the Crown was closed. Mr. Tweedie then opened for the defence. He proposed to prove that the character of the deceased was that of a quarrelsome man when in liquor but later on he would have an opportunity of commenting on the evidence presented.

John Shireff, sworn.—Was sheriff of the County of Northumberland. The prisoner delivered himself up to me at my house. I had no warrant for his arrest. He seemed to be in a very weak and debilitated state and kept his hand on his side. His face was black and blue, with some sores on one side and the other. When he came to my house that I offered him a glass of water. He looked very weak and debilitated to what he did a few days before. He was quiet in jail. Had employed him on several occasions on obstinate work and always found him obedient to instructions, and I had every confidence in him in his desire to carry out any instructions I had given him.

Cross examination.—Did I understand you to say the prisoner had delivered himself up?

I had suggested to his friends that he had better give himself up. I did not go to his home, but to where he was staying. I drove prisoner's wife to his brother's house where she wished to confer with friends. I offered them my horse and wagon for them to go where he was and if he came out he could come to my house.

Re-examination.—I had no warrant for his arrest.

Mr. Tweedie. Then you had no authority to arrest him.

His Honor here stated that the Sheriff certainly had authority although he had no warrant.

Geo. Burchill, sworn.—He knew the deceased by sight.

Question by Mr. Tweedie.—What was his reputation.

His Honor overruled the objection so far as his reputation of being quarrelsome was concerned.

He had not enough knowledge of the deceased to know whether he was quarrelsome or not, but he had heard so.

Cross-examination.—Had seen Jackson several times before that day. On one occasion he had spoken about the rates of P. O'Brien and applied for an execution against him. Did not give it to him.

John Niven, sworn.—Was Stipendiary magistrate. Knew John O'Brien, the deceased.

What was his general reputation?

He had heard that he was quarrelsome, but could not say of his own knowledge. He had a reputation pretty quiet man except when he was in liquor.

Dr. J. S. Benson, sworn.—Was a physician, resided in Chatham. Remember the 25th September. Made an examination of Jackson.

Question.—Will you tell me what injuries he had received?

Objected to by Attorney General, the evidence having shown that P. O'Brien had assaulted him. Objection overruled.

He found the prisoner's right eye black and blue, an abrasion on his right temple, and bruises and pains in other places. Knew John O'Brien. He was a powerful man, a much more powerful man than Jackson. A kick in the stomach was very dangerous and might be cause of death. This closed the case for the defence.

The Atty. Genl. proposed to add additional evidence as to the blows given by P. O'Brien, and that Jackson was struck in the face and kicked in the ribs after the shot was fired. He wished now to introduce this testimony.

Mr. Tweedie objected. Such evidence could not now be brought in to contradict his own witness, and it was too late now for previous witness to strengthen their own case by further swearing.

His Honor stated that after Anthony Jackson's evidence had been given the prosecution could have recalled P. O'Brien as to where he struck the prisoner, but he had some doubts about allowing such a course at this time.

Mr. Tweedie then addressed the jury. He called attention to the axiom that a prisoner was held innocent until proved guilty, but in general the contrary was the case in a criminal case, and if the men became prejudiced in one way or another. The evidence taken at the coroner's inquest had been published and scattered broadcast, and he considered it unfortunate that the jury should be so prejudiced. The evidence was ex parte, without the presence of the prisoner, and it had a disastrous effect on the prisoner's case. The persons who had given the evidence were thus enabled to study it over and keep the statements made in their minds so that when they came to give their evidence later on they had a valuable guide which would prevent their contradicting their former evidence. In the case of the evidence of the prisoner's son it was not so. His evidence was not called for at the inquest, the evidence taken at the preliminary examination before Justice Mason was not published and he had but his memory to depend upon which placed him at a disadvantage in comparison with other witnesses. He believed the jury was composed of men who would bring in a verdict according to the evidence and he had confidence that they would bring in a verdict conscientiously, dealing with the case fairly as twelve men sworn to do their duty. He would also wish them to remember that if they had any doubts as to the guilt of the prisoner he was anxious to see them acquitted, and if they did not do their duty in so solemn and serious a case they were traitors to their God and country. It was their duty to sift out the evidence and take therefrom only what would prevent their contradicting their former evidence. In the case of the evidence of the prisoner's son it was not so. 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