# MIRAMICHI ADVANCE, CHATHAM, NEW BRUNSWICK, FEBRUARY. 2, 1893.

was immediately struck on the nose with a

flat-iron by Annie Conway who was standing

She held the iron in her hand when she

bottles, hatchets, stones, hot water and

Tweodie, with the aid of a plan of the shop,

although he adhered to his former state-

ment. Witness did not know there were

other doors to the house than those tried.

did not know that Hill would have broken

the door had he not directed him to do so.

Thought he had heard Hill swear that he

would not have broken the door had he been

alone. Witness took no means of ascertain-

told several people in Chatham, after he got

the warrant, that he was going to raid the

at it, but he did not recollect saying any-

til I received the blow.

Conway's axe.

# UNPRECEDENTED ATTRACTION!

State ottery Company. Louisiana Incorporated by the Legislature for Educational and Charitable purposes, and its franchise made a part of the present State constitution, in 1879, by an overwhelming popular vote.

To Continue Until January 1, 1895.

Its GRAND EXTRAORDINARY DRAWINGS take place Semi-Annually, (June and December,) and its GRAND SINGLE NUMBER DRAWINGS take place in each of the other ten months of the year, and are all drawn in public, at the Academy of Music, New Orleans, La.

FAMED FOR MORE THAN TWENTY YEARS FOR INTEGRITY OF ITS DRAWINGS AND PROMPT PAYMENT OF PRIZES. Attested as fol'ows :

"We do hereby certify that we supervise the arrangements for all the Monthly and Semi-Annual Drawings of The Louisiana State Lottery Company, and in person manage and control the Drawings themselves, and that the same are conducied with honesty, fairness, and in good faith toward all parties, and we authorise the company to use this certificate, with fac-similes of our signatures attached, in its advertisements."

St. Thenungan It Eucle Malabile.

We the understaned Banks and Bankers will pay all Prizes drawn in The Louisiana State Lotteries which may be presented at our counters.

Jno. H. Connor, Pres. State Nat'l Bank. A Baldwin, Pres. New Orleans Nat'l Bk. Carl Kohn, Pres. Union National Bank.

THE MONTHLY \$5 DRAWING WILL TAKE PLACE At the Academy of Music, New Orleans, Tuesday, February 7, 1893. Capital Prize, \$75,000. ing the reputation of Rev. L. G. Stevens, 100.000 Numbers In the Wheel. LIST OF PRIZES \$75,000 is..... I PRIZE OF 10,000 1 PRIZE OF 10,000 is.. .....

Miramichi Advance. CHATHAM, N. B., - . FEBRUARY 2, 1893.

CROWDED OUT :-- Local and other our full report of the County court

proceedings.

Parliament Parliament was opened at Ottawa on Thursday last. Owing to the ab-

sence, through illness, of Hon, Mr. Laurier, leader of the opposition, the moving of the Address in reply to the Speech from the throne was deferred

until Monday. On that day it was moved by Mr. Geo. V. McInerney of A True Bill in the Conway Kent and seconded by Mr. Le Clair of

Terrebonne. We have not vet received a report of Mr. McInernev's speech, but the Ottawa press telegrams refer to it in very complimentary terms. We shall be in a position to place it

before our readers next week. the Address, which was debated until nearly eleven o'clock on Monday night The Judges fair Charge when the vote was taken, the division

being yeas 53, nays 103. "The Ills of Life."

The newspapers are giving attention. just now to several scandals-or worsein circles which render their existence all R. M. Walmsley, Pres. Louisiana Nat. Bk. | the more surprising and painful. The Welton graveyard insurance case in which a Baptist clergyman was so seriously implicated in rascality as to render resignation of his pastorate in Portland St. John, necessary, had just ended and his accomplices gone to the penitentiary, when a very compromising episode involv rector of St. Luke's Church, in the same

he was obliged to resign. The woman in Williston, E. Lee Street. the case was a pretty, but unscrupulous

per net are to be taken there this season, prepared and introduced into parliament the doorway so that it prevented the door plan of the Conway premises, which he made and true is abandoned and where that which struck the blow, while Hill says she threw that the 400 men engaged will make an in 1878 by Sir John Holker, but through average of \$4,000 each all round on their one cause or another it has been postcatch and that the total quantity taken poned from time to time, and now it is

brated trial of Mrs. Maybrick, was one the door.

of the last before him, and we have the

Gladstone for his obduracy in refusing.

as the previous government did, to release

the criminal. If this were the greatest of

Mr. Gladstone's difficulties, we may well

suppose he would not be much disturbed.

In the meantime, through the force and

ability of the Minister of Justice, we

meanor has been in a great measure effac-

ed and, besides, the statute law has made

such extensive additions to the criminal

law, that though the names felony and

misdemeanor are continued, still, in many

cases, it seems to have been a matter of

chaper, or as marking the disposition of

crime of perjury, that may swear away a

misdemeanor, but any one guilty of lar-

cony to the smallest amount and whatever

the necessity, or temptation is guilty of

man's life, liberty or property, is called

instance, that the adious and dangerous sults from falls.

will net \$1,600,000. That may go down thought to be waiting for the opportunity in the Times and World offices and in to be passed through the British Parliamatter is crowded out this week by departmental circles at Octawa, but it ment, In the meantime, the distinguish-

seems to us the biggest fish story we have ed draftsman who, probably, has done read for a long time. We don't believe more toward criminal jurisprudence re-

that luspector Chapman ever made the form than any man of the century, has statement, but that it is one of the Times' passed away-it is thought a martyr to. work and his judicial duties. The cele- struck, but the iron at once came outside of 'usuals."

County Court. Judge Wilkinson on the New

Criminal Code !

Case

Testimony as to the Conway Raid I

**TOO WILLING TO BREAK!** 

Mr. Laurier moved an amendment to Able Addresses by Counsel!

and

The Verdict!

Northumberland County Court, Hon orable Mr. Justice Wilkinson presiding was opened at the Court House, Newcastle, on Tuesday of last week. The grand jury was composed of :-- Chas. Sargent, foreman, J. W. Davidson, Andrew Marquis, John O'Brien, Alex. G. Dick Wm. A. Hickson, Chas. Gunn. Michael Bannon, John Ferguson, Theophilus DesBrisay, Timothy Crocker, Archibald Cameron, Michael Noonan, Geo. Brown, Jas. Nicol. Jas. O. Fish. Jas. H. Phinney, Danl. Chesman, John part of St. John city, was made public and Robinson, jr., Geo. Burchill, jr., Howard

His Honor, the Judge, in charging the

from being shut as before. Conway was on that (Chursday) morning and the effect is bad and false have begun. In the same way the iron at Menzies. again in the doorway with uplifted axe of the measurements and location of the we see advantage taken of the prevailing zeal discrepencies in the testimony in reference and swore an oath that he would split doors, counter, etc., was such as to throw for the carrying out of the Scott Act, by to the position of the axe, but an agreement. witness' skull if he attempted to enter. doubts upon the correctness of Mr. Menzies' proceedings such as those which led to this outside of Menzies and Hill, that Conway Conway was then standing in the doorway | testimony as to the position in which Annie | trial, in which, instead of a dignified vin- only asked why his door was being broken. close enough to witness to strike him and wit- Conway stood when he received the blow dication of the law, there is presented a and ordered the trespassers away, but made ness said he was going in anyway, when he from the iron, which he s sore was in her spectacle of lawlessness on the part of no attempt to assault them. Why did they

that cannot hand when it struck him. officers. Harry Brobecker, sworn, stated he was on demned by all right-thinking citizens about two feet from him, inside of the shop. the street, and saw the plank ram the door The · of effect the recent and that the door opened only about five of those actively connected with these Scott inches and was immediately slammed and Act proceedings will be to create a revolushut again. Then Menzies and Hill rammed tion of sentiment, by which ratepavers may

Witness further described seeing Mrs. the door open again-about 20 inches-and it turn in a different direction from that taken curious spectacle to-day of a Miss Abigail Conway and her young son, Martin, and was through this that something came and by them of late years. Beware of the Dodge threatening dire vengeance on Mr. another man inside of the shop, which he struck Menzies. Witness did not see Con- fanatic who is carried away by excess of was prevented from entering by flying way or Annie in the door; he saw Conway blind zeal and whose good intentions are come to the door and ask what they were taken advantage of by those who make use breaking it for and warn them to go away. of moral questions for their own purposes ! Cross examination of the witness by Mr. Hill threw a paper towards the step and Avoid fanaticism everywhere-especially in

> said "there's a summons for you, Conway :" the jury-room .-tended to show that Annie Conway could saw Hill fire a revolver and the crowd then Beware! The Israelite of old, who tore The lion in his path—when poor and olind He saw the blessed light of heaven no more, not have stood where witness said she did, scattered away, Hill was not near the door at any time after the breaking: witness Shorn of his noble strangth an I force I to grind in prison, and at last led forth to be heard nothing about a search warrant; A pander to Philistine revely, -Upon the pillars of the temple laid Menzies tried both doors before breaking : His desperate hands, and in its overthrow witness did not see Hill try either door. Destroyed himself an 1 with hun tho e who male A cruel mockery of his sightless woe. --The poor, blind slave, the scoff and jest of all Oa cross-examination by Mr. Thomson Expired, and thousan is perished in the fall ! witness said he was there from the be There is a poor, blind Samson in this and, ginning of the affair, but heard nothing said Shorn of his strength, and boand in bonds of steel Who may, in some grim revel, raise his hand about a warrant, nor did Hill try the door : And shake the pillars of this com no iweal did not hear Menzies ask admittance, though Till the vast temple of our liberties shapeless mass of wreck and rubbish lies. he could not well do so without witness Beware of fanaticism, either in the jury hearing him. Menzies tried the door.

room or at the ballot-box. and let us Conways : cannot remember the exact words The other witnesses for the defence gave carried away by it against the commo Hill or witness used when trying the doors testimony similar io that of Brobecker-all weal. I do not stand here to defend the and before telling Hill to go for a plank. It agreeing that the attempts made by Hill and Conways or anyone else in violating would be about ten minutes from the time Menziea to gain admission, so far as they law. If James Conway was a violater we got to Conways until we battered the saw, consisted in trying the latch or knob o the law he should pay the penalty. door and two or one and a half minutes uneach door-house and shop-and then getting is due to him and to his daughter that they the plank to batter the shop door open. should not be condemned until after the On re-examination by Mr. Thomson wit- None of them heard any demand for admismerits of the whole case are known. sion or anything said about the warrant, or ness said he had a "billey" and a revolver. natural that there should be much interes Dr. Baxter testified to the nature of the saw any attempt made to enter by the gate in this case, when a hue and cry was raised the time whether a particular offence leg- abrasion made by the iron on Mr. Menzie's or the back door. Most of them saw the about it all over the country and even islated against should be called a felony nose. "It was not what we would call a bottles, smoothing iron, etc., thrown out of hundred people in Newcastle knew the raid or a misdemeaner, with the result, as one severe wound," but one such as often re- the door, and saw that Menzies had been was to be made before it took place. struck when he attempted to enter, but none that the way to maintain the dignity of the Adam Hill, constable, gave testimony saw Annie Conway, while all heard James law? Does the sheriff of the County invite agreeing with that of Mr. Menzies, until he Conway ask what Menzies meant by breakthe noise and glamour of a public derelated what took place at the door when ing the door, but heard nothing said in re-

> they first went to it. He said they rapped | ply about the warrant. serve? Is no consideration whatever due to When the evidence was all in, counsel on a person against whom a law process is learned counsel for the defendants having thing about the warrant at the door. At both sides cited a large number of authoriissued? Why should Menzies

There were similar not, then, say something about having cona search-warrant? No witness, for either prosecution or defence, heard anything said conduct respecting the search-warrant when the door was broken open and Conway appeared. Why was he not then informed of it.

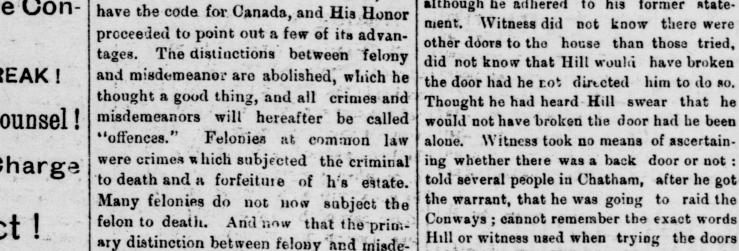
but

But

After going over the evidence very fully Mr Twe-die said that that of Menzies and Hill in its points against the accused, was enurely unsupported and, in many important particulars, contradicted. He contended that the jury must acquit the accused, because the officers did not make a sufficient demand for the opening of the doors, which demand, if made, must be refused before breaking was justified. If such demand was not made, Menzies and Hill were trespassers and might properly be resisted by the owner of the premises and his family, and the jury would have to consider whether the resistance offered was greater than the nature of the trespass justified. The jury were not to consider what might be said by people outside, who did not know the facts as the sworn testimony revealed them and who seemed to have distorted accounts of them given to them. The jury were responsible only to their own consciences and to God for their decision and, no matter what their sympathies might be, they must do their the duty and find according to the evidence. Officers of the law will always be protected when they do right but they must not come to courts of law to be protect.

ed against the consequences of their It i own illegal acts, and their failures of duty. He had confidence that in this case the verdict would be such as to furnish another proof that the law is a terror to evil doers but a praise to them that do well, whether they be officers of the law or private citizens of the country.

Saml. Thomson, Esq., Q. C., Crown prosecutor, began his address to the jury monstration when he has an execution to immediately after dinner. He said the delivered his very able and eloc on behalf of his clients, his duty now was public exhibition of the Conways when he Crown. In doing so he would be brief, for he did not think it necessary to discusa the popularity or unpopularity of the Scott Act-whether the Act was good or had was in Menzies going there at all, for he whether the views entertained by Scott Act or anti-Scott Act people in reference to the Act and its enforcement were right er wrong, or whether such a law is adapted to the social wants and habits of the inhabitants of this northern region. With these questions they had nothing directly to do. His duty was simply, to address method them calmly and dispassionately on the questions involved in the issue of guilty or rather not guilty, which questions would be sub mitted to them by the learned judge. It fact that would be their duty to consider them, and applying the law laid down by His Honor. to the facts as they found them, a true verdict give according to the evidence. His learned friend, however, in his address, referred to the extreme zeal and enthusiasm, not to say fanaticism. exhibited by some of the advocates of the Scott Act, in the support of their cause : and their lack of faith in the proper ad. ministration of the criminal law in this County. He had heard and he believed it. was true, that they are not satisfied with the way in which the sheriff, the prosecuting officer, the justices and the judges of the land perform their duties ; and because those duties are not fulfilled accord ing to their preconceived views of what should be done, everything is wrong, and the result is a miscarriage of justice Speaking for himself, he would say that he he at had been prosecuting officer in this County for upwards of 30 years and he was not aware that, in any one instance, he had failed to perform his duties in that capacity. promptly, without fear, favor, or prejudice. and with a due regard to the interests of not wish to avail yourself of all the protec the Crown, and the rights of the accused: ion the law and a jury of your countrymen and no one had ever said to his face or in his would give you? The warrant was a lawful presence, that he had not, and he could conone, but I hold that, under the authorities fidently appeal to the justices and judges of cited, Menzies had no right to participate in the courts at which he had conducted the proits service, because he was an interested and secutions : and also to the counsel opposing prejudiced party. He makes his living out him for confirmation of the fact that his of these prosecutions and it is to his personal duties, in that respect, had been properly interest to have people like the Conways and well preformed. He wished those convicted, right or wrong. [Here Mr. Tweecritics-whether they were for or against die argued, upon the authorities cited, in the Scott Act-to understand that in this support of this point ] He should, after case, as in all other cases that had, or regiving the information leave the execution of quired, or should require his attention, he the warrant to a disinterested officer. who would perform his duty as prosecuting offi would be more likely to act in a reasonable cer, firmly and impartially, without their manner. Menzies was a trespasser and he orders or assistance, without fear. favor or prejudice, and that no interest, local or eitement and lawlessness and he took good otherwise, in connection with the Scott care to contribute his share of it. H Act should influence him in the discharge of eagernees to get at the Conways in an offenhis duty to the Crown and the public. He sive manner is proved by his offer to go wished them to understand, also, that it with the Sheriff afterwards when that offi would take something more than their miscer was called upon to obtain custody of th representation of facts, and their expression of erroneous preconceived ideas. with regard and efficient officer. very seusibly declined to the performance of his duties to rob him his services, and I tell you that if anyone of that confidence which the successive govwere to assault the Sher ff with a smootheruments of this Province for upwards of ing iron while in the discharge of his duty. thirty years had reposed in him as prosecuting officer. If there should be a miscar. because they all know the fault would not riage of justice, he emphatically refused to be held responsible for it, whether it arose from the errors of justices, the failure of however, who is notorious for the offensive evidence, the perverse verdicts of jurors, or ill-advised and coarse manner in which he any other cause, outside of his duties and carries on his work and in this case no one beyond his control. Addressing himself to the charges against the accused and the questions the jury would have to consider in connection there. with, he argued from the law and evidence Mr. Tweedie next proceeded to argue at that Menzies was at the Conway house for length, from the evidence making the a proper and legal purpose-actingst the points that the mere trying of the house request of constable Hill, in his aid in the and shop doors and the omission to try execution of a perfectly good and legal the back door, through which Hill had warrant. The contention of counsel for entered shortly before and served a sumthe defence that Menzies had no right to mons on Conway, proved the inadequacy take any part in execution the of the warrant. of the demand for entry, and he asked the because he had made the complaint or jury, on their oaths, to say whether such a information on which it was issued. demand for entry was a reasonable one because he was inspector under the Canada under the law or, to the mind of any mau? Temperance Act and, therefore, not a dis-Some might say the back door was closed. interested party, was not good in law, as His Honor would, no doubt, direc. Nor d d it matter whether Menzies' assistance of constable Hill, to whom the warrant had been entrusted, took the form of lead. ing in the execution, or merely following Hill's direction. So long as Hill was present and a consenting party to what Menzies did, the latter's acts had the same protection of law under the warrant as if performed by Hill himself. As to Hill or Menzies, or either of them. having revolvers, "billies" or other weapons for their protection in the due execution of their duties, under the warrant, there was no law to prevent it and they were within the law and their rights as officers in carrying them -and, if need be in using them for their defence. As to the demand for the opening of the doors and the refusal of the demand, the law says that after a sufficient demand and refusal, the officer has a right to break for the purpose of effecting an entrance. In his opinion the evidence of Hill and Meuzies. supported by that of Kelly: made it clear



2 PRIZES OF 2,500 are	83
5 PRIZES OF 1,000 are	-
25 PRIZES OF 300 are	
100 PRIZES OF 200 are	2
200 PRIZES OF 100 are	20
300 PRIZES OF 60 are	1
500 PRIZES OF 40 are	20
APPROXIMATION PRIZES.	
100 Prizes of \$100 are	11
100 do 60 are	
100 do 40 are	- 1
TERMINAL PRIZES.	
	819
999 Prizes of 20 are	1
	_
3,434 Prizes, amounting to \$2	265
PRICE OF TICKETS.	100.03
Whole Tickets at \$5; Two-Fifths \$	2;
One-Fifth \$1; One-Tenth 50c;	
One-Twentieth 25c.	-
010-1 wondout 200.	
Club Rates, 11 Whole Tickets or their equival	-
fractions for \$50.	iei
nactions for 400.	
SPECIAL RATES TO AGENTS.	
SFECIAL NAILS IU AGENIS.	

IMPORTANT. SEND MONEY BY EXPRESS AT OUR EXPENSE IN SUMS NOT LESS THAN FIVE DOLLARS. on which we will pay all charges, and we prepay Ex-press Charges on Tickets and Lists of Prizes forwarded to correspondents. Address PAUL CONRAD, New Orleans, La.

## Give full address and make signature plain. Congress having lately passed laws prohibiting the use of the mails to ALL Lotteries, we use the Express Companies in answering correspondents and sending Lists of Prizes.

The official Lists of Prizes will be sent on application to all Local Agents, after every drawing, in any quantity, by Express, FREE OF COST

ATTENTION .-- The present charter of The Louisians State Lottery Company which is part of the Constitution of the State, and by decision of the Supreme court of U. S. is an inviolable contract between the State and the Lottery Company will remain in force UNTIL 1895.

In buying a Louisiana State Lottery Ticket, see th the ticket is dated at New Orleans; that the Pri drawn to its number is payable in New Orleans; t the Ticket is signed by PAUL CONRAD, President: t it is endorsed with the signatures of Generals G. T. BEAUREGARD, J. A. EARLY, and W. L. CABELL, having also the guarantee of four National Bank through their Presidents, to pay any prize present

There are so many inferior and dishonest schem on the market for the sale of which vendors receiv ons, that buyers must see to it and protect themselves by insisting on havin LOUISIANA STATE LOTTERY TICKETS an none others, if they want the advertsed chance

SALESMAN Wanted -Salary and expenses paid. BROWN BROS. Co., Nurserymen, Toronto, Onf

# Pulp Wood & Logs Wanted. makes in the pulpit and has printed in

The Pulp Company, Chatham, will pay \$2.75 per cord for good, clean, sound spruce in  $4\frac{1}{2}$  or 9 foot lengths and not less than 6 inches in diameter, delivered in their mill yard. They are also prepared to make contracts for logs to be delivered at Chatham during the season. Porticulars on application.

MARITIME SULPHITE FIBRE Co. Ltd. 1-19

death of an adopted daughter of Mr. H T. Stevens, of the Moncton Times, who died suddenly nearly a month ago, and 00 was quietly buried. The body has, how ever, since been disinterred and an i quest is in progress. Ugly stories of cruel beating by Mrs. Stevens are being develop-

member of his church

5.000

ed, and marks on the body give color to them. It is a very damaging business. the best, and its effect may be to soften the proverbial asperity of Mr. Stevens paper towards his opponents, who have.

t in so frequently suffered from his cold-blood ed way of assailing them. AGENTS WANTED EVERYWHERE

> congregations, have given him an undesirable notoriety. The charges against him.

shall be given to the court for trial. character, and it seems almost incredible which responsibility now greatly rests on that there can be any truth in them. The trial should be an ocen one and the proceedings known to the public, who will be

tablish Mr. Crisp's innocence.

### Changing His Ground.

the purpsse-the rule now being that We were a little surprised to observe in vesterday's World a letter from Rev. Neil McKay in which he abandons his

pulpit statements of September last, in which he charged us with "dishonesty" and making "monstrous misstatements". and now says he merely argued on that occasion that the money paid by the rumsellers under the license system into the

municipal treasury was taken indirectly branch is so plain that it requires no comout of the pockets of ratepavers. We ment. "The Queen's counsel, your would have had no difficulty in agreeing fellows' and your own you shall keep with him had that been his statement

sermon 28 will · A · man who did.

evade and deny the statements which he protective requirement is not always obthe press, as Mr. McKay now does.

and imagine people will believe him because he is a clergyman, has a poor opicion of public intelligence. Mr. McKay intimates that he has been able

and rabid as he appears to be in print,

worse appear the better reasoning, is that

he is neither so good nor so manly a man

as we had here; ofore taken him to be

The Bass Fishery.

An Ottawa despatch of 26th ult. says

with Hon. Mr. Costigan, acting minister

urged compliance with the petition from

the Northumberland county council and

the fishermen of Miramichi, that the sea-

son for bass fishing be extended so as to

promised to give the matter his instant.

attention. It is a peculiar fact that above

Beaubair's Island, where the Miramichi

divides into two rivers, bass are only to

be found in the Northwest branch. not a

single fish having ever been taken in the

[Plenty of bass have been taken in the

Southwest Miramichi, although there is no

regular winter fishery there, as there is in

of marine and fisheries, in which h

"Mr. Adams had an interview to-day

to injure Mr. Smith in his business, and jury had immediately divulged, not only Chatham, N. B. he gloats over the notion that he is also working out his "political extinction."

grand jury expressed his pleasure meeting so full and respectable a grand Moncton is just now excited over jury. He thought it was a great help to the criminal jurisprudence that we could have a grand jury assembled from different parts of the County-"from the body of the County"--of influential men, representing the wealth, intelligence and general interests of the County, entertaining variety of opinions in regard to subjects likely to arise, men of all parties-of dif-

ferent views of religion, politics, moral questions and of subjects in general, assembled together under a generous sense of duty and with one common, patriotic purpose of aiding, as far as may be, in

the administration of the criminal law. As we go to press, the trial of Rev. R He hoped it would be long before we S. Crisp is just beginning at Fredericton. should be deprived of the help thus af-This is another gentleman whose recklessness in attacking others, and peculiar con- forded, and explained that without a duct with certain members of some of his grand jury in some form, it would be necessary for the court, the clerk or other crown officer, appointed by the court or in the present instance, are of the gravest the crown to determine what matters

the jury. He thought such a new departure would be giving the court, the glad if the result shall be such as to esclerk or newly appointed officer an undue

where there is any question of fact, the judge presents the B.ll to the jury and

the nature of the oath taken by grand jurors as full and pointed and admirably comprehensive for the purpose. "You shall diligently inquire and true present-

ment make of all such matters and things as shall be given you in charge." This

secret." Attention, he thought might referred the well be directed to this clause, as he fearstead of attacking the ADVANCE he

ed that either from want of attention to the words, or worse, careless indifference as to its requirement, this reasonable and

served. It had come to his knowledge in more than one case of interest and excitement within his criminal jurisdiction. that some member or members of the

the numbers voting for or against the

falony. Heretofore, on the trial of all charges the shop dcor, having rapped several times called "felony" the jury was required to be and hearing movements of feet inside, he kept together in the charge of one or more sang out and said. "We want admittance constables, whatever the length of the and have a search warrant." Said this loud trial and whatever the character of the enough for those inside to hear, but got no offence, with the chance of a conviction. admittance. Menzies did not knock at this being set aside for want of strict observdoor, nor did witness hear Menzies sav any. ance of the rule, whereas if the charge thing to the persons inside. Witness then were called a misdemeanor. whatever the went and got the plank, leaving Menzies at enormity of the offence, this was not rethe door and he, therefore, could not say quired what Menzies may have said when he was

after the plank, which eccupied about two Now, by the code, the jury are not reminutes' time. quired to be kept separate for any offence

Witness described the breaking in, about less than murder. As regards other the same way as Menzies had done and also charges it is left to the discretion of the the appearance of James and Annie Conway judge, and all crimes, whatever the enorand said that the blade of the axe was somemity, will now be called offences, while where about the middle of the door-about the extent of the prisoner's privileges of the height of Conway's head.

challenging jurors (which is not less than Describing the situation and events after heretofore) will not depend on the mere the second breaking, "witness said Conway name of the offence, but its enormity and was still there with the axe and said "The the gradation of punishments. first man who puts his head in here, I will A code is an attempt further, to meet split him down." Menzies said, "Come on the popular view which finds expression boys, we will go in !" Did not go in as in "Why cannot laws be made plain and bowie-knives and flat-irons prevented and simple ?" In the nature of things this de witness saw Annie throw a flat iror., which mand cannot always be met, but the code struck Menzies. She might have been two or four feet from him at the time. The iron soon to be in, force attempts to meet it struck Menzies on the nose and he backed by giving the plainest definitions of th out and after that there was no chance of

several offences possible, and in the cases and uncomfortable responsibility at getting in on account of the bottles, hatchets, where it still seems in defining offences to a hammer, hot water and other things times, and he believed the present mode use somewhat technical terms and words which came out of the shop door. Witness was, in every respect, the best suited for of doubtful or different meanings, such as

didn't know who threw them. The hatches "malicious," "with intent to main," to went close by Menzies' head. The bottles "do bodily harm," "to kill," and such like came every way ; the hot water struck witterms, it is the policy of the code-indeed | ness, they pass upon it. He then referred to

of all codes--to define and as far as poss-Witness did not try the back door before ible make plain. It was, of course, quite breaking and did not know whether it was impossible to refer to these matters fully shuc or open at the time.

and particularly but only in a general Under cross-examination witness said way, but he had no doubt the new code magistrate McCulley furnished Menzies would be found a great improvement and with the "billy." On a former occasion convenience and in time by use and the witness served a paper at the Conway teachings of experience, become more per house ; on that occasion he first went to the front door and found it fastened and then fect. Even the facility of being able went to the back door, which he found open. readily to refer to any section or enact. Witness thought he said to Conway, after ment by number, instead of being obliged breaking open door second time, that he had to inspect a whole page is of itself a great a search-warrant: would not swear he did convenience.

say he had a search warrant-did not pro His Honor next proceeded to refer to duce the warrant : think Conway said to the one criminal case before the courtget off his premises : did not hear Conway of the Queen on the information of John ask Menzies by what right he was there. Menzies vs. Jas. Conway and Annie Con-Conway did not attempt to strike Menzies. way, for assault and obstructing the com-What witness did was under instructions plainant in the performance of his duty from Menzies. The gate was shut : do not when assisting Constable Hill in executknow that it was fastened : did not try it. ing a search warrant. His Honor fully James Kelly swore that when he got in front of the house, after going down behind charged the grand jury as to their duties.

ties from the law books bearing on the duties, privileges, etc., of officers engaged in went to search their premises? Why should to address the jury on behalf of the executing warrants. We are obliged, for he tell the people about the warrant and want of space, to omit these, but the gist of practically invite them to come and see the them is referred to in the address of counsel Conways humiliated ? The first false step and His Honor's charge.

Addressing the jury for the defence Mr. was a partizan and not a man going merely Tweedie said :under a sense of duty to aid in executing

This case is important because of many the warrant in a proper and reasonable way, occurrences directly and indirectly connect- but he went like a Malay pirate, armed with ed with it, and important, for the reason a revolver, the police magistrate also torust. that many of the public are watching the ing a "billy" in his hand, -in a headstrong trial of it with an interest that does not and brutal manner best calculated to inoften attach to cases of assault. It arises vite opposition and repulse. That out of the administration of the Scott Act. and manner of his going were so called, which has been in operation in this nature of a challenge to fight County for ten or eleven years and concernthan an invitation to submit to the law. ing which there is a great diversity of The officers seemed to ignore the opinion amongst the people, as to whether it they were entrusted with the execution of s a good and effective measure in the the most obnoxious process known to direction of moral reform or not. There are, law, and which authorised them to invade on the one hand, a good many people who the privacy of a citizen's house. They asold that no class of persons should have sumed at once the right to break in without it in their power to prescribe what othera making the demand for entry which the law should eat, or drick, or wear and that to do requires. They went to two front doors, to is to compel citizens to submit to a kind but ignored the two rear doors most used of dictation that is an improper attempt to by the family and friends and through one curtail human liberty. Men all the world of which Hill himself had gone only a short over, in civilized countries, take this view. time before and served a paper on James and they are amongst the most influential Conway. A process giving such powers to and intelligent of the race, and it will hardly search a man's house as are conferred by a be denied that they have the right to hold search warrant, should be executed with this opinion and act upon it in every conreason and delicacy, and not in a spirit of stitutional way and are not, in consequence. rowdvism and brutality. There was no evito be looked upon and treated as criminals. dence at the time and none had been offered as it is too much the fashion for a class who on this trial to show that there was a gill of hold different views to treat them. In liquor on the premises, yet this search warevery British country, including Canada, as rant was sworn out by Menzies and he him well as in the United States, there is a feelself led in the public raid in which ing amongst a large class that even the matempted at once to execute it in a manner jority, in forcing such laws upon their felthe most humiliating to the accused. Who low-subjects, are attacking them in their of you, gentlemen of the jury, will say that liberties as citizens, and that no such laws you sanction such a proceeding; and if such a should be enacted. raid were made on your premises, would you

On the other hand, there are good men and women who believe that drinking, in any degree, is a curse humanity, and they very effectively point to the waste of money, of time and character hat too often accompanies indulgence in strong drink. They point to the ruined ospects and blighted lives of men who have gone down to drunkard's graves, and say that although the liberty of the subject s involved in the enforcement of probibitory measures, it is better that liberty should be ncroached upon, because the encroachment a necessitated on great moral grounds. Then, there are those whose sympathies

are with temperance reform, and who would ted like one. He went prep

## Tenders for Repairs. sake that he is really not as uncharitable

and that as he grows older he will realise Tenders for repairs necessary on the boilers, engine and machinery of the steamers Miramichi and Nelson, according to specification to be seen at the office of the Secretary, will be received at the office of Secretary up to noon of 19th inst, that the lesson we have taught him in this controversy is for his good. Our only regret, in view of his efforts to make the

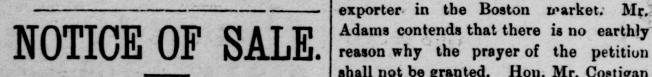
GEO. STOTHART. Sec. to Miramichi Steam Navigation Co. Chatham, Jan. 11, 1893.



The subscriber has made arrange-ments with the Canada Eastern Rail-way Company by which wheat, bar-ley, corn or buckwheat grain to be ground will be conveyed from differ-returned at following rates:

Between Chatham and Doaktown. 61c each wa ... Blackville

include the month of February. Bass are The grain will be tak mill and returned free of charge and receive promp worth thirteen cents a pound on the and realize four cents per pound to the HARVIE DOAK.



TO Ignatius Redmond, of the Parish of Chatham. the County of Northumberland and Province New Brunswick, farmer, and Cecily Redmond, wife, and to all others whom it may concern

Notice is hereby given that by virtue of a Power of Sale contained in a certain Indeuture of Mortgage of Sale contained in a certain Indeuture of Mortgage bearing date the Twenty Second day of June, in the year of our Lord One Thousand, Eight Hundred and Eighty Five and made between the said Ignatius Redmond, of Chatham, in the County of Northum-berland, farmer, of the one part and Harriet Jane Irvine of the same place, widow, of the second part : which mortgage was duly recorded in the Records of the County of Northumberland, on the Third day of October, A. D. 1885, in Volume 64 of the County Records page 28 and 20 and is numbered 24 in the other.' rds pages 38 and 39, and is numbered 34 in sai There will in pursuance of the said Power of Sale and for the purpose of satisfying the moneys secured by the said Indenture of Mortgage, default having beenmade in payment thereof, be sold at Public Auction on Monday, the First day of May next, in front of the Post Office, Chatham, the Northwest. May next, in front of the Post Office, Chatham, in said County, at 12 o'clock noon, the lands and premises in said Indenture mentioned and described as follows, namely:—"All and singular that certain "piece or parcel of land and premises situate, lying "and being on the west side of the Great Road "(leading from Chatham to Richibacto) in the said "Parish of Chatham, bounded as follows, to wit:— "On the east by the said Great Road leading from "Chatham to Richibacto, on the north by lands ED. "Chatham to Richibucto, on the north by lands "formerly owned by the late George Cripps. On the west by lands now occupied by George Searle, and "severally and containing six acres more or less," Together with all and singular the buildings and

all and

Bill, but even the names of the parties so and we regret that want of space compels voting, and in ten minutes' time, he was hope for the reverend gentlemaa's own us to omit report of his remarks. told, these particulars have been town

The grand jury having retired and extalk. This he said was grossly wrong amined the witnesses in the Conway case and in every way unwise, because it is found a true bill on all the counts, and so intended as a protection of the jurors reported to the court.

serving, and whether danger arise in this The civil cases referred to in last week's way from voting on a Bill against a des-ADVANCE having been disposed of, that of perado, or odium in voting on an unpoputhe Queen vs James Conway and Annie lar or obnoxious cause, or on a Bill against Conway, for assault on John Menzies was called on Wednesday, Saml. Thomson, Esq., a powerful and influential individual, it Q. C., appearing for the Crown and Hon. L. was only necessary to call attention to this subject to shew how wrong it was in J. Tweedie, Q. C., for the defence.

The witnesses examined for the prosecuitself and how unfair to every member of tion were Messre. John Menzies, J. McG. the jury. The result of the deliberations Baxter, M. D., Adam Hill, James Kelly, P of the jury should be given as a whole Campbell Johnson, Wm. Wyse, John "for or against the Bill," This he felt Shirreff and Alex. Brown; those for the desure the present jury would not misfence were Messrs. Jas. Carter, Harry understand, but appreciate these as gen-Brobecker, Chas. Mills, Geo. Lyons, Thos eral observations. "You shall present Kingston, Ernest Scott, Valentine McGraw. no one for envy, hatred or malice, neither The testimony of these witnesses was shall you leave any one uppresented for voluminous, and as most of it was simply a fear favour or affection, gain, reward, or restatment of facts and circumstances dehope of reward." Nothing can be more tailed in the local press in November last. direct and plain than these words, "But it is not necessary to give it in full detail you shall present all things as they come John Menzies, Scott Act Inspector, swore to your knowledge, according to the best that information was swarn by him before of your understanding." These words police magistrate McCulley of Chatham, will comprehend matters not immediately who issued a warrant thereon on 3rd before the court-such, for instance, as November last to search the premises of representations made by the grand jury James Conway, of Chatham, for liquors

which he (Menzies) had good reason to believe were kept thereon in contravention of the Scott Act. Os that day he handed the warrant to constab'e Adam Hill to have it executed and Hill requested him to assist in its execution. He accompanied Hill to

He then took up the new criminal code

The bass-fishery has been extended compiled and passed through the Legisla throughout February, as asked in the ture by Sir John Thompson, the present netitions, and resolution of Northumber-Minister of Justice, pointing to the result land Council presented by Mr. Adams. as an evidence of his rare ability, great legal learning and untiring industry and

### zeal. A criminal code has been the trend A Great Fish Story. for the last half century at least, and has

should escape than that one innocent person It is no wonder that the inlanders of the occupied the careful attention and legal the shop door and tried to get in, but found it sion by reasonable and peaceable means beshould be condemned. The jury was, there influenced by such considerations as these. Fisheries Department at Ottawa have ab "on the south by lands also occupied by the said "George Searle, which said piece or parcel of land "and premises was conveyed to the said Ignatius "Redmond by Thomas Hart and Johanna Hart. acumen of very distinguished and able fastened, repeated the words he had used at fore, bound to give the accused the benefit fore breaking. If the officers of the law when they are so carried away by faniticism surd ideas in reference to maritime fishmen, beginning with Lord Macaulay, whose the front door three times-the last time of every reasonable doubt in reference to went to the house with a warrant, it was a as to endeavor to punish a lawyer because he eries, when our own newspapers make rare powers were called into requisition the demand made for entrance, for upon Kelly's suggestion-but there was no great hazard that the parties against whom does not refuse his services to any man such statements as that attributed by a more than half a century ago in drafting a sponse. Hill then got a plank and witness that the whole case turned. All the witthe warrant was directed would oppose its accused of an offence against the law, it improvements thereon, and the rights, members, privileges and hereditaments and appurtenances to the same belonging or in any manner appertaining, nesses, save Hill and Menzies, proved that late Moncton Times, to criminal code for India, and which has and Hill used this as a battering ram and Inspector execution; but if they went and committed a 1 challenges attention and can generally be broke the shop door partially open, where- trespass- that is, without a proper warrant, the efforts of those two to inform the inmates Chapman. The Times says that the Inbeen there very successfully and advantraced to the instigation of those who are and the reversion and reversions, remainder of the house that they were present for the remainders, rents, issues and profits thereof &c. of the said Ignatius Redmond and Cecily his wife, of, in, to or upon the said lands and premises and uron James Conway appeared in the doorspector estimates this season's catch of tageously used, probably for 40 years. or without taking proper steps to be adever ready to trade upon the prejudices or way with an uplifted axe, with which he execution of a search warrant, were of the smelts in the Richibucto river at from This work it is thought will add more mitted and broke in, they, and not the inzeal of their fellows and turn them to their most inadequate character. every part thereof. Dated the Thirteenth day of December, A. 40,000 to 50,000 tons, in taking which to his permanent fame than even his rare threatened to split witness down. The axe mates, were responsible for whatever might | own advantage and profit. We have to day was raised above Conway's head. A bottle happen, for the law made it a serious thing the spectacle in this county of three or four Mr. Tweedie next referred the | that a sufficient and reasonable demand was from 300 to 400 men are employed, who literary skill and expert use of words. to hurled out of the partly opened door, to invade the privacy of any man's house, men dividing amongst themselves all the evidence in reference to Annie Conway made and refused. They went to the front J. TWEEDIE, MARY HARRIET LETSON, Sol. for Mortgagee Sole Executrix of the late Harriet Jane Irvine. have 175 nets, and that the price realized Later, it was thought possible and desirwhich was immediately shut. Hill was, at which was his castle and did not permit is money that has gone into the treasury of striking Menzies, showing that only door of the house and knocked and defor the fish is from 21 to 3 cents per able to formulate a code that might be this time, beside witness, one of the to be done, save for good and sufficient the municipality from Scott Act prosecu- Menzies and Hill had sworn it was she manded admission, saying they had a warpound. We observe that the Chatham applicable to England, differing in many policemen was on the opposite side of the cause and strictly in the manner prescribed tions and who have, besides, run the County who assaulted hum, while the plan of the rant. They did the same thing at the shop SMELT SHOOKS World copies the absurd and exaggerated respects, of course, from the Indian code. street and the other on the Conway side, by law, which in this case had been disre- about \$1000 in debt. This could not be shop, as exhibited by Mr. Carter and door. It was not the officers' fault that statement, without note or comment, but, A commission was appointed to draft a about forty feet distant. Witness said to garded by constable Hill, who was entirely done were it not that advantage has explained, proved the impossibility of the those inside did not answer or would not at the risk of a charge of attacking a great Bill, of which Sir James FitzJames Hill, "We will have to break the door and illegally controlled by Menzies. ---- for sale by----been taken of a spirit of over zeal or girl being in the place where Menzies open the doors. The statement of a num-Richibucto industry, we beg to say that Stephens, the late distinguished judge, again," so they got the plank and battered James Carter, the first witness for the fansticism which does not care to stop and swore she was. Besides, Menzies swore ber of witnesses that they did not hear Men-GEO. BURCHILL & SON. we cannot believe that 228 tons of smelts was the leading spirit. A draft code was it open as before, letting the plank fall in defence, was called to prove and explain a reflect and discover where that which is good she had the iron in her hand when she zies or Hill make demands for admission Nelson, 25th Nov

Menzies and Hill, Hill was in the act of get ting the plank to break the door. He said to Menzies that he had better ask for admittance, when latter said he had done so

twice, but would again, which he did. Heard Conway say "Get out of my house." when the door was broken the second time ;

he had his hand on the axe. which was resting on the floor : saw the flat-iron on the street, but did not see the blow when Menzies received it : saw other things come out -a bottle or two, a dipper, a hammerdon't know who threw them : did not hear anyone say anything about a search warrant either before or after the breaking ; did not see Annie Coaway at all ; did not see James Conway attempt to strike anyone.

P. Campbell Johnson swore he saw Annie Conway strike Menzies with the iron and also saw Mrs. Conway.

In cross examination he did not reconcil this with his sworn statement at the police court six days after the occurrence, in which he said that he saw neither Annie nor Mrs. Conway.

Wm. Wyse, who was present when the occurrences took place, did not hear any demand made by the constable or Menzies for admission : did not see any axe-saw the handle only-heard Conway forbid them to come any further or he would split them down. The whole affair occupied about ten minutes.

Alex. Brown, who was on his way from his house to his place of business and was passing along the street when the difficulty occurred, saw Menzies trying one of the doors and then have hold of a plank, when Mr. DesBrisay-who is a pretty cute old the Conway house for that purpose. did also policemen Kelly and Wood man-said they had better move on, as they of Chatham. It was about 3 p. might see too much, so he moved away. m. of 3rd November when they went to Conway's.

This closed the case of the prosecution They first tried the front door and found it and Mr. Tweedie opened to the jury for the fastened and he. Menzies, said in a loud defence, virtually claiming that even if the tone of voice, "Open the door, I have a warrant was good and the assault upon the teraperance people that, in the practice search-warrant." Hill also said the same Menzies had been committed, as claimed by thing in a loud tone of voice. Hill also the prosecution, it was justified by the tried the door, as he had done, but found it illegal acts of the constables-by the fastened. Witness and Hill next went to inadequacy of their efforts to gain admis-

ke to see the traffic suppressed. that it is worse than useless for enact that intoxicating liquors shall not be sold within a country, the general government of which encourages their importation and manufacture.

Out of the disputes and excitements over Conways, but John Shireff, who is a good the different views entertained in regard to this much-discussed subject a good deal of bad feeling has grown and men have been denounced as the friends of rumsellers on the one hand for expressing their views, every man in town would go to his au while on the other they have been called cranks and fanatics. He, Mr. Tweedie, be his, and there is a general desire to up would be sorry to apply these terms to any hold the law. It is not so with Menzies. of his fellow-citizens, but it must not be forgotten that good people are sometimes carried by excess of zeal into the domain of

fanaticism. None of us are perfect, and who witnessed his anxiety to at once break we do not guard against a natural inclination into the Conway premises could help feeling to believe our own views all right and those that he was the aggressor, trespasser and of our fellows who differ from us all wrong,

law-breaker. we are apt to become fanatical and deny to others that liberty of thought and action which is our boast as British subjects. Men and women have, in the past, been im pelled by fanaticism to commit inhuman crimes and work great wrongs upon each other, even under color of law, but thos times have happily passed. The demon of intolerance, however, is still abroad in the land and it is seen in connection with the maintenance and carrying out of the Scots Act. Advantage is taken of the fanaticism

that seems to have grown up in connection but if he had not been refused when he with the administration of the Act. and i offered to put Mrs. Conway on the stand he the over-zealous support of everything could have proved it was not fastened. H. that is rightly or wrongly brought under had endeavored to get the Crown prosecutor its all over-shadowing protection. Those wh to indict Jas. and Annie Conway separately, have worked for its success are obliged to but he would not. Had they been so in day, because of their sentimentality over the dicted. Mrs. Conway would have been a question, to give their support to many competent witness in Annie's behalf, and things against which their better judgment could have proved what he stated and in protests. In a recent election he had been view of that he would ask was it fair to met with the canvass against him amongst the Conways to break their doors, before making a reasonable effort to get in in the of his profession, he had defended persous usual way? It is a principal of law that it charged with violations of the Scott Act, and is better than ninety-nine guilty persons some of these people witheld their votes rom him on that account. When men are

in regard to the state of public buildings, gaol, court house, public matters, etc. But as the municipality of the County now takes such special care of these in stitutions, the duty of grand jurors in reference to these may be regarded as merely nominal.