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Miramichi Advance.

CHATHAM, N. B., - SEPTEMBER 5, 1895

[Continued from 1st page.] Court re-assembled pursuant to sworn was

SAM'L THOMSON, ESQ., Q. C., filed by police magistrate McCulley, Chatham for 1892 3 and 4. They clude Scott Act accounts and returns and those of ordinary business of

Mr. Lawlor offers said accounts at returns in evidence, viz,:

> Return Scott Act fines, etc, 1892 as police magistrate, 1892 Scott Act fines, etc., 1893

Witness:-I have no other returns accounts of police magistrate McCulley. I have the Scort Act inspector's accounts

Accounts and returns produced, offered in evidence and objected to by Mr. Murray, who says they are offered only as a ashing device against Mr. Menzies; being merely certified by Mr. McCuiley to enable Mr. Menzies to get his expenses.

almitted, subject to objection. Is it not required by the Summary Convictions Act for convicting magistrates to make quarterly returns to the Clerk of the Peace?

John Cassidy in one case before him, in which several witnesses were examined. Return shown and witness is asked if

How did Mr. McCulley treat you in that case

six or seven in that case who gave evidence, which, in your opinion, would sustain the judgment? I can't say without looking at the

evidence. [Looks at the testimony.] can't answer that question. I was no the judge. Did you not, immediately after the

outrageous one? I did not say that, so far as I rememand Tweedie. After all, however, it is ber; I said it was not right. If I had been judge I would have given judgment its policy, more than the men administering it, by which a government the other way.

Cross examined by Mr. Murray.

anticipate no trouble for the governreward. I don't say whether his judgments are right or wrong; the Supreme court decides that, and sometimes the Supreme Court is wrong.

> Re examined by Mr. Lawlor. Your knowledge of Mr. McCulley's conduct would be gained in that one case you refer to?

I think that was the only case. I wa the facts. Had I been in Mr. McCulley's place I would have given judgment witness the notes, which I did, and he that day or not. the other way. Looking at it without gave me to understand that the notes Did you ask her about Menzies goin The one central and paramount con- prejudice, now, I am of the same opinion,

> laborer, Chatham, sworn:-I have been before the Chatham police magistrate or several occasions for violation of the Scott Act, convicted, and sent to jai ouce. I pleaded guilty; was sent to jail for selling liquor to an Indian; I think it was fall before last. I served out the full time-4 months. I was, at the expiration of the 4 months, put back for sixty days for violation of the Scott Act put in fourteen or fifteen days of that

How did you get out, then? I made an agreement with Mr. Men-

Objected to by Mr. Murray.

sum, or \$14 each. Mr. Wm. Irving witnessed them. I got out of jail immediately after I signed the notes. Men- life zies did not make any allowance for the time I served in jail.

How long were the notes to run?

It was on 1st December '93 I first went up to jail; served 4 mos. and 15 days, and then gave the notes.

Was there any understanding between Menzies and you that you were to give information about violation of the Scot-

had been too long in. What did Menzies say to Irving afte

the notes were signed? I didn't hear him say anything as I

started away. The notes were signed in the office. Since the notes were signed you have been in the employ of Mr. Menzies? No sir, only when he'd come after me

with a paper. Isn't it the fact that you have, either for reward or promise of reward, by or through Mr. Menzies, undertaken to get information for him?

Do you know of any arrangement bereference to the collision between the tween Mr. Menzies and your wife and str. Miramichi and schooner Osceola. A daughter to get information in connection This witness was not cross examined.

of Newcastle, deputy sheriff and keeper jailor for five years past in April: know Thomas Murphy and remember the time he was in my charge in jail. It was a year and a half ago or a little more. was in 4 mouths and, at the end term, another commitment was put in my hands and I detained him for a time longer; I haven't the warrants of commitment, as such warrants are handed to the cil in July and January; sometimes he hands them back to me, after looking them over to check prisoners' board bill. and I hand them to the Secretary-Treasurer. When the fines and costs. for which I hold prisoners on warrants of commitment, are paid, I generally give them to the magistrate who had made out the papers; I hold the papers as vouchers for the board bills. In Scott Act cases, as a rule, I have paid Mr. paid Mr. McColley.

in which the fine and costs were paid to was released. you and the party released? No. I can't.

Mr. Murray -- The Mrs. Pratt case? Witness: I have a slight recollection of that, but can't say; I can't say who paid it. My books will not show the cases in which the money was paid to me,

Although you can't remember such

and Thomas Murphy? notes; was not present when Cassidy was | Winslow. released; I am not clear or any other case; my book would show the time served by prisoners; can't give any other instance without the books.

You have heard Murphy's testimony by counsel. about the notes. Is that correct? It is correct.

By what authority did you release Thomas Murphy when the fine and costs were not paid as per the warrant of commitment? I considered, at the time, that the notes

were just the same as the money and l released him on those grounds. Mr Menzies said it was satisfactory, and to let him go; 1 don't remember Mr. Menzies saying, on that occasion, that he would make it all right with the magis-

If a man is committed and he offers his notes, would you release him? I wouldn't, on my own responsibility. Do you remember that it was on

warrant of commitment from Mr. MCul ley, police magistrate of Chatham, that you held Murphy? Yes, I think so ? And you released him because Mr. Men-

zies told vou to?

o keep the notes.

Yes, on his giving the notes. I considered it the same as his giving the Did it, or did it not occur to you,

when Menzies said the notes were good enough, that he should give you the monev No. I thought it was all right for him

What had Mr. Menzies to do with the Thos. Murphy commitment, or with the suit he was confined on?-Speak on your own knowledge.

Well, he was the informant-the Scott Act Inspector. How would that give him any right to take notes in the case ?

All I know is, he asked me to tring Murphy into the office and I know he drew out the notes and he asked me to that day; she cannot tell whether it was were in settlement of the fine and released back afterwards and having him released ing these notes, it released him from jail. Menzies came back after that and had I cannot give any other instance in which him released. a prisoner gave notes in that way.

Can you name any other instance in your experience in which anyone but Menzies went in that way to jail, took prisoners' notes and had them released? Yes-one or two cases-in which John Hayes, of Nelson, went to the itil and took a man's note who was in jail and asked me to release them. It was i cases of debt due Hayes. The were all civil cases; one case was that o an Indian and the other a Frenchman. Murt. Carrol of Nelson had George Grotto in for debt and Grotto was re leased on notes given in the same way. Can you give any instance of such re-

lease in criminal matters? No. I can't remember any. Isn't it the fact, that you knew that Mr. Menzies and Mr. McCulley ran about all the Scott Act business of the County together, and Menzies acted for

Objected to by Mr. Murray. Di

Did Menzies ever pay you anything in Witness: I don't know of ever receiv-

ing a dollar from Mr. Menzies in my Do you know of Mr. McCalley visiting

the jul and having conversation with prisoners in custody there? Not of my own knowledge. Are there any entries in your books or

papers showing Mr. McCulley ever went there and had anything to do with prisoners there? Not of my own knowledge.

Did it come to your knowledge through your deputy or any person acting for you, that Mr. McCulley had visited the jail to see prisoners? Objected to by Mr. Murray; the Com'r

says it will be allowed only if pressed. Mr. Lawior presses the question. Witness: I can produce the jail books. My wife acts for me in my absence. The Com'r: Do you know anything

from your wife that took place between her and Mr. McCulley? I do. She told me-Objected to by Mr. Murray.

The Com'r. Don't make any statement. Witness here stated, in reply to a request to bring his wife to court, that she was in delicate health-troubled with heart disease and that it might be dangerous to bring her here and subject her to the excitement of the court.

Mr. Murray stated that he knew there be back again and could get it paid back. was something that Mrs. Irving could state, but he would like to know what

Investigation of Charges against allowed, as the other parties may be call- he might have some erroneous idea of ed if necessary.

Chatham. consented to witness saving what his wife

Mr. Lawlor : Dil your wife tell you about Mr. McCulley visiting the jail and

conversing with prisoners? ying in the stream off Chatham. All she did say was that Mr. Menzies and Mr. McCulley came there. Mr. Menzies, or Mr. McCulley said Mr. Mc-Culley was there to take a prisoner's affidavit. She said the prisoner was John Cassidy. She said she let them into the office and took the prisoner out and put him into the office with Menzies and Mc-County Auditor for the meetings of Coun- Culley. She didn't say how long they

> Have you had Cassidy in jal more than I don't think so. I had him only in

was released ? I can't say, of my own knowledge; I was not there that day and I don't know-though I won't be certain-that Menzies something; I don't remember I was there the day Cassidy was released. ever paying Mr. McCulley anything; I It seems to me I was. It was Mr. Mencan't remember the cases in which I have | zies, I think-though I am not clearwho had him released. I think Frank Can you remember a Sectt Act case Cassidy, his father, was there when he

> When a prisoner is released by you do you make any memorandum on the com-

I make the entry on the book, or my

Mr. Lawlor here asked that the returns placed in the hands of the Court be fyled for I pass it over. My books are the jail so that they may be examined by counsel, record. I cannot, from memory, name and he also asked for an adjournment any persons who paid fines and costs to until to-morrow, to enable counsel to ex-

Mr. Murray objects; as the case should cases, can you remember Scott Act cases go right along; he also objects to the in which payments were made and the papers being examined, save in presence parties released before expiry of their of the commissioner as some of them might be missing, and Mr. McCulley blamed for their disappearance. He said Can you recall any o hers save Cassidy that kind of thing happened in the H.I.-Menzies case in Newcastle. He subse-I was present when Thomas Murphy quently said he would not be afraid to was released-when Mr. Menzies took the trust the papers with Messrs. Lawlor and

> The commissioner finally said he would adjourn the hearing until to-morrow at ten and come in the afternoon and give the papers out one by one for examination

Court re assembled on Friday forenoon, pursuant to adjournment. WILLIAM IRVING (continued.)

Witness exhibits jail record (reads) "John Cassidy June 7, 1894-Scott Act fine, term 60 days-released July 3rd. Exhibits also warrant of Cassidy commitment. Exhibits admitted and fyled.

Record (Witness reads) "Thomas Murphy, committed March 31st, 1894 -- Scott Act fine -60 days-no days in prison, 15, released 15th April. Settled." Murphy warrant of commitment also exhibited: admitted and fyled. Mr. Lawlor: Have you had

further conversation with your wife in reference to the release of Cassidy?

Did she give you any more informa-

Nothing at all -Yes, my wife told me that Menzies said Mr. McCulley wanted to see the prisoner, Cassidy; she took the keys and went down-stairs. Mr. Mc-Culley was down-stairs when she went dawn. All she can remember was Mr. McCulley bidding her the time of day. She then opened the door leading into the cell corridor and told the prisoner, Cassidy, to come out into the office; that Mr. McCulley wanted to see him. They went into the office in the jail. She stayed outside of the office door until they were through. She didn't hear any conversation that took place. One of the two said they were through with the

Cross examined by Mr. Murray. Was he released that day? According to the paper he was released

She thinks, but is not positive, that

Do you recollect any instances of W. S. | -once Brown, as inspector, taking parties' notes for Scott Act fines and letting them out

Objected to by Mr. Lawlor, as Brown's doing a wrong would not justify Menzies I recollect of settlements by Mr. Brown

As near as I can remember, they were in favor of Mr. Menzies. The Com'r : In either the Murphy or Cassidy cases had you either written or

verbal orders from Mr. McCulley to dis charge the prisoners from custody?

You did it on Menzies' directions? Mr. Lawlor: Had you any directions

from the sheriff to release the prisoners?

I had not. aworn: I am master of the barque Prinds Oscar of Norway; was in port of Newcastle

Did he give you the warrants? No, he said he was going to give them to

Do you know whether the policemen got the warrants or not? I don't know, How long were you in port after you got the warrants?

when I got the warrants. Did you speak to the police magistrate after that ? No, but I got an account from him through the acting consu', Mr. Call.

came to you through Mr. Call. [Paper offered in evidence and admitted] It is dated 22nd. June 1894.

[Paper produced] Is that the paper that

Com'r. says it was paid and it makes no difference whether he paid under protest or not, as it was paid. Allowed, however. I paid the money and Mr. Call said I could pay it under protest and I said would pay it, and if it was wrong I would

Cross examined by Mr. Murray: Objected to by Mr. Murray and dis- Mr. Irving's version of it would be, lest to a paper, or information, when I went to

Mr. McCulley. My ship was lying at Ritchie's mill all the time I was here. Wasn't she nearly ready for sea when you

went to the magistrate? Pretty near. Where were the men supposed to be? On board of a Nova Scotia schooner,

Didn't you tell Mr. McCalley the sailors were over near Lamont's mill, and were going to go on board the schooner that day? Some people told me they saw them over there somewhere and that they were going on board the schooner that night. I was in a hurry to get the warrant into the policemen's hands, for I thought the men were going away. I saw the policemen on the street and told them about the warrants and went down to get the boat. I don't know who delivered the warrants to the policemen. The policemen went with me in the boat. It was ten o'clock at night. or after. It was in the forenoon that I

applied for the warrants. Didn't Mr. McCulley say he would do all

He said he would make out the warrants and I could see the policemen.

Yes, I paid them \$5 apiece-2 of them, went to Newcastle early in the morning : didn't go to McCulley's office to pay him : came back to Chatham before I sailed ; don't recollect whether I had settled Mr. Mc-Culley's bill with Mr. Call before that. I think I did, but can't recollect. It was in Mr. Call's office I settled the bill; it was the same time as I cleared at consul's. I suppose you thought you would speak

off without paying him ? The Com'r stops this question as un-

Re examined by Mr. Lawlor. This was about 4 o'clock in the morning. When I paid the policemen in Watts', I would have gone across to pay Mr. Mc

not when I paid the policemen. To Mr. Murray: I didn't go to see Mr. McCulley this time in port, to get a reduction of his bill. I intended to ask for reduction when I come down this morning.

Culley if I hadn't already paid Mr. Call for

PHILIP GALLEY. of Newcastle, laborer, sworn: I have seen Mr. McCulley and Mr. Menzies ; was prosecuted last summer, by Mr. Menzies for violation of the Scott Act and tried before Mr. McColley. I was fined and put in the cell in default of payment. I was afterwards called as a witness in a Scott Act case in Newcastle. I was held as a witness against George McKay here in the lockup in Chatham. It was after the fine was mposed on me that I was held here in the lockup to give evidence against Mr. McKay.

The Com'r : How long? Five days. Were you arrested in your own case in the first instance and brought down to Chatham !

leard the names of the witnesses I pleaded How long after you had pleaded guilty was it you were put in the cell as a witness against McKay? Right away.

Menzies : I asked him how long he was going to keep me there and he said he was going to keep me as a witness against McKay.

I got no papers as a witness in the McKay Did Mr. McCulley say anything to you

No. He gave the orders to put me jail. I can't say whether he was present when I was put in the cell. I didn't give testimony against McKay; he settled it. Mr. Menzies then told one of the policemen

to let me go. I was let go. Witness here stood aside and JOHN CASSIDY of Chatham was recalled and said: I was visited by Mr. McCulley when I was in jail

Mr. Menzies. In what matter was it you gave him the affidavit?

I told him where I got the liquor-from Wm. Rigley How long was it after Mr. Menzies said to you you would get out if you would tell

where you got the liquor? I think it was the same day; I don't think Mr. McCulley was in the building at might have told me again. What he said was, if I would tell who gave me the tion. liquor I would get out. It was two or three pights after that that Mr. McCulley

What did Mr. Menzies say to you on the day the affidavit was made? He told me to give my affidavit and I would get out soon.

Did you and Mr. McCulley have any conversation there? Did he have a paper already written out?

How long was it after you made the affidavit that you were released? A couple of days, I think. Can you tell me whether Riglay was arrested before you were released?

Weren't you asked, in this examination before, whether you had signed any papers for Mr. McCulley ? I don't remember. Will you swear that the story you tell

He wasn't arrested.

I'll swear that what I have told is the How long after you were released was it before you were in the company of Mr.

McCulley ? evidence and fyled.]

Nothing more. Witness was not cross-examined. PHILIP GALLEY, RECALLED. Mr. Lawlor: You say Mr. Menzies

And were you at once released?

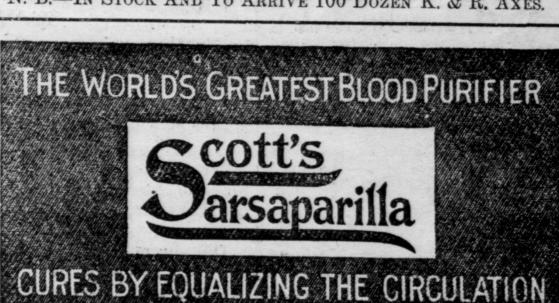
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The Commissioner:-We have this fact. that Mr. Menzies goes up and makes an arrangement with this man and Mr. Mc-Culley afterwards goes up, and it shows they are acting together, I don't say whether wrongly or not. I therefore admit

the testimony. Witness: I had an arrangement with Mr.

I was to get out if I told on the other parties. The parties were mentioned, Simon Treadwell and Geordie McKay. Was that the whole of the agreement? I was not to render any other service for

Have you been asked to pay the fine since Did you pay anything on account of the

Menzies. For that I was to be let clear.

Cross-examined by Mr. Murray. I am a poor man, have no property; was never in the liquor business; I used to attend to my work; cever had a glass of liquor inside of my own door; Am a married man;

If you had gone to jail that time what support would your wife and children have None, I would have no means of keeping them; my eldest child is 9 years of age.

In talking with Mr. Menzies did you not tell him that and plead with him about your wife and children? Wasn't it part of the arrangement that

you were not to handle liquor any more? And that the fine was to stand against you for your behaviour in that respect? No sir. It was not.

Didn't Mr. Menzies tell you the fine would not be enforced against you if No, he said I was to quit selling liquor, and so I did.

Didn't you aak to be detained at the lockup rather than be sent to jail, till Mc-Kay's trial was over? I don't remember that. Didn't you say you did't want to go to

Yes sir. Didn't you say you wanted to remain in the lockup and not go to jail? I didn't want to come down here at all. After your trial was over, did you not

stay there willingly in the cell?

I don't remember ever making any arrangement like that. D.d't you tell me that? I don't remember doing so. I remember you saying, if I was sent to Newcastle I'd have to be brought back to give evidence,

in the lockup here. detained in the lockup after your convic-I didn't.

You're not complaining now about it?

Adjourned until 2,30. FRIDAY AFTERNOON.

Court ressembled at 2.30

JOHN CASSIDY. of Newcastle, constable, sworn: I was brought before Police Magistrate McCulley on 24th Nov 1893, charged with violating the Canada Temperance Act. Samuel Thomson, Esq, was my counsel. I was present at the trial.

gave testimony against me. Geo Black, Francis Ruth, Alfred C. Allen, Thomas Keating, Geo O'Hearn and myself were witnesses for my defence. Geo Black is a to sober and decent man : I never knew him to take a glass of liquor in my life; Francis Ruth, a pedler, is also a decent man. Thomas Keating is a decent man alsosometimes he will get drunk. James Russell, who gave evidence for the prosecution is put down in the community as a crank, and not of sound mind. I think you would take him for a crank the first time you would meet him. James Black was also called as a witness. He is a respectable man. Geo O'Hearn works in Hickson's I have not spoken to him since I was mill, and is a decent man. Alfred C. Allen, released. [Affidavit made by witness in the who also testified, is a decent man-a

> Do you remember Allen making answers which Magistrate McCulley would not put on the record?

McCulley said, "Witness, mind what you're charge? saying, you're on your oath." Mr. Murray said, "Witness what do you mean by saying you can get drunk on a soda biscuit ?" Russell said, "Mrs. Cassidy said I would."

amount some little time after. Cross-examined by Mr. Murray. I can't say I've an extra good memory. yet I remember the testimony about the

soda biscuit-it was so ridiculous.

Was that the answer given directly to the question: How many glasses of liquor does it take to make a man drunk? It was.

Did Mrs. Cassiday make that remark She might have. I have been deputy sherriff of this county, a constable and a policeman; have attended a good many

Have nt you often heard witness s make such remarks, speaking sarcastically? I don't think I ever did. I don't remember what took place after Mr. McCulley cautioned Russell about his testimony.

I cannot recollect at what stage of the proceedings it was that Russell gave this evidence, concerning which he was caution-

ed. I think Mr. Murray's re-examination was confined to that point. FRANCIS CASSIDY. of Chatham, conmercial traveller, sworn : John Cassidy, who gave evidence on Wed-

State the circumstances under which it was given. Objected to. Mr. McCulley had nothing to do with it. It was a private transaction between Mr. Menzies and myself, and took place in my

What transaction or conversation had you None whatever, or in any other way. Have you ever seen that note since you

It probably is. Where was it payable? I can't say; can't say whether it was payable at Mr. McCulley's office, or not. I got notice from Mr. Murray that it was due?

That note's in circulation yet then?

ROBERT H. ARMSTRONG amined by Mr. Winslow. while testimony was being given. The witnesses subpoenaed by the prosecution were James Mitchell, of Newcastle, brother of Hon. Peter Mitchell, formerly Sheriff of the County and afterwards government in spector of Lights; W. W. McLellan, track master, I. C. R. and W. A. Park, Newcastle, Collector of Customs. Those were,

You were convicted, were you not, on the evidence given by the gentlemen referred

You are the R. H. Armstrong who signed the charges now under investigation?

In one portion of the charges it is stated that "the said Samuel U. McCulley, well knowing that he is, under the decisions of

Objected to by Mr. Murray. The Com'r: -On what grounds?

Mr Murray: - Because the question is too general. The witness should be asked to,

Odd Fellows' Hall, St. John, N. B.

To be, or not to be The ADVANCE expressed the view,

about a month ago, that the political situation in the Province-with practically nine Assembly seats vacantsuggested the holding of a general, rather than bye-elections. We observe that there are conflicting rumors afloat as to which it shall be, and it is intimated in some of the papers that Premier Blair has said there will be no general election before another session of the Assembly is held. The statement, however, is not authenticated, nor do we believe it can be. It is probable that Mr. Blair has been non committal and evasive, as one would expect him to be. in reference to matter not yet determined in Council, and concerning which there is, TUESDAYS, THURSDAYS and SATURDAYS doubt, a difference of opinion amongst the members of the Executive. There are constitutional reasons against partial filling of seats that are practically vacant, and English precedent, as well as good politics and sound policy

suggest a general Assembly election, and

we believe there will be one before

November, notwithstanding the eva-

siveness of our friends of the Executive.

The question of a local election is, of course, discussed all around, in view the rumors prevailing on the subject, and there seems to be very little said to encourage opposition to the government in Northumberland. We hear of some objections to the personality of certain government supporters, but it is not based on any lucid opposition to the Government's policy; and whether there will or will not be changes in "the COOKING, HALL AND PARLOR STOYFS ticket"-whether it will or will not comprise the four gentlemen who have so unitedly and efficiently represented Northumberland in the present house and that immediately before it-there can be no successful advocacy of any candidate, or set of candidates who will seek to place our interests in any other hands but those of the Blair administration. The reason is because such candidates must necessarily espouse, endorse and represent the cause, tactics and policy of the gentlemen led by Messrs. Stockton and Pitts, who are hardly to be thought of as leaders fit to supplant Messrs Blair Mitchell

The Case of the Chatham Police Magistrate.

ment, in this county, at least.

ought to be judged, and as we have both

a good policy and good men, we may

Those of us who had an idea that the investigation of the charges made in the petition submitted to the Governorin-Council by Mr. Armstrong of Newcastle and Mr. Tingley, of Chatham, would occupy only two or three days, have been undeceived by the facts. The Commissioner worked patiently from Tuesday until Saturday evening after six o'clock, and the fact that the defendants' counsel fairly vided the afternoon with Dr. Pugslev in his cross-examination of the last witness, and said he would probably want an hour or two more to finish with him, alone, indicates not only his view of the gravity of the enquiry and its developments, but the prospect that it will perhaps occupy as many

weeks as there were days assigned to it

by public conjecture beforehand. is the necessity of maintaining purity and integrity in the administration of justice-of all laws alike. It is of interest to the public-and, in this case, particularly so to the people of this County-that our minor, but none the less important criminal courts, should be free from the imputation of injustice or corrupt interest. It often happens that stipendiary magistrates have to personally adjudicate upon and decide matters embracing interests as important as those involved in cases determined by our county and circuit courts, and which both judges and juries are required to consider. In matters similiar to those which juries decide in the higher courts, the stipendiary magistrate is the sole judge, and there is no appeal from his judgment. How important, therefore, is it, that

he should be above the slightest

suspicion of bias, the warping of inter-

est, or collusion.

To what, if any extent, the charges involved in the present inquiry have been sustained, it would be improper, at this stage of the proceedings, for us to say. We publish, in full, the testimony and other evidence, as far as it has gone, and while everybody who takes interest enough in the matter to talk about it should read it for themselves, all should suspend judgment until the case on both sides is developed. The complainants have not yet submitted all their testimony, and we have not heard any of that for the defence. When it is all submitted and read the local public at least will not need the action of either the Commissioner or Government to instruct them as to what they should believe in reference to the fitness or otherwise of the gentleman accused for the important public office he holds. For these reasons, therefore, we devote nearly all of the ADVANCE's reading matter space, this week, to the report of testimon y

Marine Inquiry. An Ottawa despatch says that Capt.

in the Chatham Police Magistrate's care.

Smith of the Marine Department is to other people. come to Chatham to hold an inquiry in Quebec despatch says he is to leave there | with the Scott Act? to-day for Chatham.

THURSDAY, FORENOON, AUG. 29.

journment. The first witness called and Newcastle, Clerk of the Peace, secretary. treasurer of Northumberland county, who said: "I have the accounts and returns

as police magistrate, 1893

and returns for 1892-3 and 4. Returns of Inspector Menzies were

I can't tell without referring to the law. I have received no such returns from Mr. McCulley. The fact is, nagistrates do not make these returns. I have been practicing law since 1846: I have had some practice before police magistrate McCulley; was counsel for

the case pointed out was the one in which Witness: I presume that was the case.

Fairly and respectfully, as he always did, and I treated him in the same way. was dissatisfied, however, with his Wasn't there only one witness out

judgment was delivered, say it was

All these returns put in evidence were put before the Municipal Council and passed. I don't recollect having any other cese than the one named before police magistrate McCulley. I cannot say whether he is prejudiced in his magisterial conduct or not : I think he has the courage of his convictions. When he makes up his mind to do a thing he will do it, without fear, favor, affection or

dissatistied with his judgment in it and havn't changed my opinion since. I was advising him in the Barry case. In the other case I was counsel for Cassidy and may have been prejudiced in favor of my client. I did not appeal, because I felt I would not gain, as the supreme court assumes that the magistrate is sole judge of

sideration suggested by such enquiries, for I think the preponderence of evidence him from jail. He said by Murphy signwas in my favor. THOMAS MURPHY.

> Allowed, as the discharge could not be made, save on order of Mr. McCulley .-Where was this agreement made? In the jail, or by the door of it. was in the cell. I had sent for Mr. Menzies a day or two before. Tell us what passed between you. He let me out by my giving my notes of hand (4 of them) and promising to pay them. The notes were for the whole

> Each one was to be paid in 2 monthsin 2, 4, 6, and 8 months.

No, there was no chance then; I

Not for myself, and I can't say for

WILLIAM IRVING. of the County jail, sworn: Have been

were there, or what he said to them; or what time it occurred.

the Scott Act case.

Wasn't that the day on which Cassidy

wife does, by my authority. amine the papers fyled.

FRIDAY FORENOON, AUGUST

Mr. Lawlor: I refer you again to the

prisoner, and she then locked him up.

Did she tell you it was in the evening that Mr. McCulley was there?

in one. Allowed. but I don't recollect whether it was Mr. Lawlor: Can you tell me to whom the Murphy notes were payable?

Not any.

last year. Three of my sailors ran away and I went to Chatham to get Police Magistrate McCulley's services for their arrest. I got warrants for their arrest from Police Magistrate McCulley.

A few days. My vessel wasn't loaded

Mr. Call demanded this money from you? He did. Did you pay under, protest? objected to

I can't recollect whether I put my name

Did you pay the policemen for their ser.

Witness: I told Mr. Call to write to Mr. McCulley and ask whether his bill was not an overcharge. Mr. Call said he got no answer. I can't say whether it was before or after I left that time. I paid the policemen in Mr. Watt's store; my vessel was in Newcastle at the time. Mr. McCulley wasn't me when I went after the sailors. policemen said, "we want \$5, and if we get the men we want more,' and when I came to pay them they said they had been out all night and wanted \$10-\$5 apiece. When policemen couldn't row and I rowed myself ; they helped me some. We went down the river a piece and saw a boat with the sailors in it and chased them, but they got away, for the policemen were no good to row.

him. I can't say whether I had cleared or

How long were you in before you were About an hour; I was convicted. Menzies old me who was against me and when

Who put you in the cell?

What was the object of his visit? I gave him my affidavit. Who was present with him?

the time. Mr. Menzies was up to twice and I think it was the first time.

No-He asked me questions about the sale of liquors; he didn't say a word about my getting out of iail.

now and that you told before correspond.

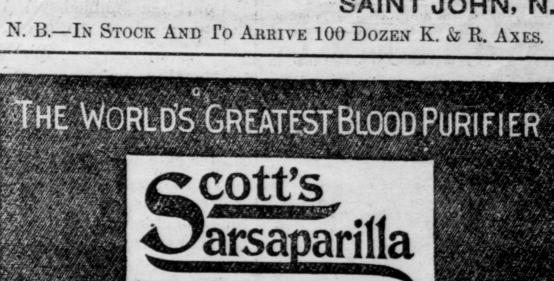
jail against Riglay produced, offered in painter. Mr. Lawlor: Do I understand you now to say that all that passed between you and Mr. McCulley was in respect of what was in the affidavit?

directed your release from the lockup?"

cal, and makes the most delicate and delicious food. 51bs. of Cottolene equals 71/2 1bs. of lard, saving 1/3 the cost. Get the Wellington and Ann Sts., MONTREAL

Coocoocoocoocooco

THEY NEVER LET GO. AND TAKE NO OTHERS.



your release? Objected to by Mr. Murray down, meaning what the witness said about who asked what this had to do with Mr getting drunk on a soda biscuit, I was fined \$50 and costs and paid the

> Will you say it was an answer to the That was the answer he gave.

Re-examined by Mr. Lawlor.

trials, as such,

nesday is my son. I heard his statement about a joint note given by him and me to

with Mr. McCulley in reference to the note.

Mr. Menzies. It was true.

You did not pay it? No, not as yet. How long since was it due? I can't say. It appears to me it was a six months note and drawn about the last of June, 1894. It was payable to Mr. Menzies or order.

What house do you represent? The Union Corset Company, Montreal. but I don't remember saying I'd rather stay of Newcastle, liquor vendor under the Did you make any complaint about being Canada Temperance Act, sworn and ex-About April, 1892, I was charged before Police Magistrate McCulley with violation of the Scott Act and attended the trial

> I think, all the witnesses. Those gentlemen are all prominent and respectable citi-Have you made any complaint on account

What was your fine in 1892? \$50. That was a first offence.

What agreement had you in reference to Mr. McCulley said he would not take that himself, state the instances in support, and

James Russell was the only witness who of the decision rendered in that case?

the Supreme Court, the sole judge of the sufficiency of the evidence to convict the person charged with an offence, spitefully and maliciously convicts persons charged before him with the commission of offences, when there is absolutely no evidence to warrant such conviction." Do you say that the case of the Queen vs. Robert Armstrong in April 1892 to which you have Yes :- Mr. Thomson asked Russell, the referred, and in which you are charged with witness, how many glasses of liquor it would violation of the Canada Temperance Act, take to make him drunk, and he said "Ugh! convicted and fined by Police Magistrate I could get drunk on a soda biscuit. " Mr. McCulley is an instance in support of that