BUSINESS NOTICE.

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It is sent to any address in Canada, or the United States (Postage prepaid by the publisher) at ONE DOLLAR A YEAR, payable invariably in advance.

Advertisements, other than yearly or by the season are inserted at *eight cents* per line nonpareil, for 1st insertion, and *three cents* per line for each continuation.

Yearly, or season advertisements, are taken at the rate of $5 00 an inch per year. The matter, if space is secured by the year, or season, may be changed under arrangement made therefor with the publisher.

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Editor Miramichi Advance, Chatham, N. B

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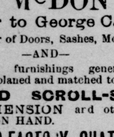
MONUMENTS, HEAD-STONES.  TABLETS & CEMETERY WORK.

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MIRAMICHI ADVANCE

VOL. 22. CHATHAM, NEW BRUNSWICK, AUGUST 27, 1896. D. G. SMITH, EDITOR & PROPRIETOR

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SUMMER 1896.

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6 50 a m lv	2 50 p m	..Fredericton,... 12 15 ar.	4 00 p m
7 00	2 53	.....Gibson,.... 12 12	3 57
7 20	3 00	....Marysville,... 12 00	3 40
8 50	4 07	..Cross Creek,.. 10 47	1 50
10 15	5 05	...Boiestown,... 9 35	12 30
11 15 ar }	{ 5 50 ar	...Doaktown,... 8 50 {	11 15
11 29 lv }	{ 6 05 lv		{ 11 10
12 35 p m	7 10	...Blackville,... 7 40	9 40
1 35 ar }	{ 8 03	..Chatham Jct.. 6 45 {	8 20
2 00 lv }	{ 8 07		{ ar 8 30
	8 20	..... Nelson	7 40
2 40	8 40	....Chatham.... 6 12	7 20
3 00 ar	8 55	.. Loggieville Lv 6 00 am	7 00 a m

FOR IND'TON	INDIANTOWN BRANCH.	FOR ELK'VLE
lv 8.00 a m.....	Blackville	ar 5 00 p m
ar 8.50 '	Indiantown.....	lv 4.15 "

Connecting with I. C. R.

GOING NORTH.

	EXPRESS.	MIXED
lv. Chatham,	3.20 a. m.	1 05 p. m.
Nelson	3.35 "	1.20 "
Ar. Chatham Junc.,	3.50 "	1.40 "
Lv. "	4.12 "	2.20 "
Nelson	4 30 "	2.40 "
Ar. Chatham,	4.50 "	3.00 "

GOING SOUTH.

	EXPRESS.	MIXED
Lv. Chatham,	1.00 a. m.	10.00 a. m
Nelson	1.15	10.20 "
Ar. Chatham Junction,	1.30 "	10.40 "
Lv. " "	1.50 "	11.22 "
Nelson	2.05	11.45 "
Ar. Chatham	2.20 "	12.05 p. m,

The above Table is made up on Eastern standard time.

The trains between Chatham and Fredericton will also stop when signalled at the following flag Stations—Derby Siding, Upper Nelson Boom, Chelmsford, Grey Rapids, Upper Blackville, Blissfield Carrol's, McNamee's, Ludlow, Astle Crossing, Clearwater, Portage Road, Forbes' Siding, Upper Cross Creek, Covered Bridge, Zionville, Durham, Nashwaak, Manzer's Siding, Penniac.

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"19 No Spruce or Pine trees shall be cut by any Licensee under any License, not even for piling, which will not make a log at least 18 feet in length and ten inches at the small end; and if any such shall be cut, the Lumber shall be liable to double stumpage and the License be forfeited"

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Miramichi Advance.

CHATHAM, N. B. - - AUGUST 27, 1896.

[*Continued from last week.*]

The Charges Against Police Magistrate McCulley of Chatham.

Report Thereon of Commissioner G. G. Gilbert.

Another record (exhibit No. 22) of a case against one Frank Graham for unlawfully selling intoxicating liquor was put in. A witness named Bernard swore, at a time within the dates he got drink which was called cider, at defendant's, and it made him drunk. A policeman swore he found Bernard in street drunk a short distance from Graham's. Graham swore that he did not sell intoxicating liquor, but admitted that he sold cider, he sold it just as he got it, and did not when he sold it think it was intoxicating. He was fined $50 and costs. As the witness Bernard swore he got drunk on the cider, it is clear that Graham did sell intoxicating liquor, even if he did not know it, and therefore I find the magistrate justified in convicting him. It might be a case in which if he believed Graham did not know the cider was intoxicating the magistrate might have let the fine stand as a warning, but there is nothing to show that he did not exercise a right judgment in not letting it stand.

Another record (exhibit No. 24) in a Canada Temperance Act case, against one Eliza Howard was put in evidence. In this case the magistrate dismissed the case and very properly. for there was not the slightest evidence to convict.

There were three records (exhibits No. 26, 27, and 28) put in evidence by the complainants. The first was against William Coulson for selling intoxicating liquor contrary to the C. T. Act between 20th Nov. 1894 and 23rd January 1895.

The second, against the said William Coulson for selling intoxicating liquor between 10th of November 1894 and 20th November 1894 and tried 1st February 1895. And the third against same William Coulson for selling intoxicating liquor between 20th November 1894 and 23rd January 1895. In these three cases the evidence was practically the same in each case.

The facts were that a number of gentlemen in Chatham formed themselves into a Club called the 'Chatham Social Club,' the object being to procure premises, furnish them with billiard tables &c., where they could meet one another in a social manner. The Managing Committee purchased liquors for the Club, the Club had a steward (William Coulson) who was a servant of the Club at a weekly salary, part of whose duty was to serve the liquors owned by the Club to the members, and to receive from the parties to whom he served the liquors for the use of the Club a fixed price for the liquor furnished, which money when received went into the funds of the Club, the steward receiving no benefit from the serving of these liquors. The evidence shewed in all the cases that Coulson did between the dates in the several informations mentioned, serve to different members of the Club intoxicating liquors, and did receive money according to the schedule price, and pay it into the Club funds. It was admitted that the Club was a bona fida Club. That they had taken the advice of eminent counsel, and believed that they could divide the liquors they had purchased among the members in the manner, and according to the rules and regulations of the Club without violating the provisions of the Canada Temperance Act. From the records put in, it appeared to me that the cases had been fairly tried by the magistrate, and the whole question came down to a point of law i. e. "Was the "disposing of liquor in this manner "a violation of the Canada Temper-"ance Act?" One of the objections to Mr. McCulley's course in the trial and in his judgment, is stated by Mr. Winslow in his evidence, (page 54 of evidence) is as follows: "Notwithstanding the statement "made by Mr. McCulley at the trial "as to the bona fides of the Club, he gave a written judgment stating the Club was a "device."

The judgment referred to is set out in one of the records as follows: "In this case a disposal of "intoxicating liquors by defendant "has been shewn by the evidence "to have taken place, and as it "appeared to the court, is an unlaw-"ful disposal. The defendant was "placed upon his defence. The evi-"dence shows that a large number "(somewhere about 240) of persons "have associated themselves into "what they call the 'Chatham "Social Club," and have certain "written bye-laws and constitutions "for the government of the same. "The Club is not incorporated by "law. The Club occupies rooms in "Chatham, in the County of North-"umberland, in which rooms, are "provided means of amusement and "social intercourse, and intox-"icating liquors are also provid-"ed. These intoxicating liquors "are served by the defendant, who "is a paid servant or steward of the "Club, to the members of the Club, "and a certain price is paid to the "steward by such members as call "for liquor. The fee to be paid in "order to become a member of the "Club was originally one dollar, but "it has been increased from time to "time until it is now ten dollars, "for residents of the County and "five dollars for non-residents of "the County. The constitution, "bye laws, rules, &c., of this Club "have been placed in evidence by "the defence. The disposal of in-"toxicating liquor by the defendant "is admitted by the defence, as is "also the receipt of money by the "defendant for such liquor, but it "is contended by the defence, that "defendant is not amenable to the "provisions of the Canada Temper-"ance Act, holding that the Club is "a bona fide club and the intoxica-"ting liquor being disposed of, only "to members, that it does not con-"stitute a sale even if money did "pass for such liquor. In support "of this contention the defence cites "an English case. "Graff vs Evans" "which case is also cited in a joint "opinion of Messrs. Blair and Pugs-"ley, and which opinion has been "placed in evidence by the defence. "Sec. 98 of the C. T. Act enacts "'That no person within such "'county or city, by himself, his "'clerk, servant or agent, shall "'expose or keep for sale or direct-"'ly or indirectly, on any pretence "'or upon any device, sell or bar-"'ter or in consideranion of the "'sale of any other property, give "'to any other person any intoxi-"'cating liquor.' And also speci-"fies the persons who may legally "sell or dispose of intoxicating "liquors under the Act. Sec. 112 "of same Act shows that if a trans-"action in the nature of a sale or "barter, or other unlawful disposal "actually took place a conviction "may follow. In deciding this case "it will be necessary to consider if "a sale or a transaction in the na-"ture of a sale actually took place, "and while the English case re-"ferred to might appear to be "against such presumption, it "must be remembered that in the "words of Judge Field who gave "judgment in that case: 'It is to "be observed' he says 'that the "'provisions we have to construe "'is to be found for the first "'time in this Act, provisions in "'respect to the 'sale' of intoxicat-"'ing liquor occur often in similar "'legislation, but by sec. 3 a new "'and distinct offence is created. "'The section must be constructed "'by looking at the language used, "'and taking a large view of the "'objects of the legislation.' There "appears also by the same case that "some distinction is made as to the "sale by retail and wholesale, which "affects the liability of the party "as it is also stated by Judge "Field. The enactment is limited "'to 'sales' of intoxicating liquors, "'and only seems aimed at sales "'by retail traders, because the "'wholesale trader is not touched.' "In that case the sale was of two "bottles one of whisky and one "of ale which were carried off the "premises. That under our old "license law would have been a "wholesale transaction, but we "have not the English Act to refer "to. In taking a 'large view' of "the objects of the legislation "which evolved the Canada Tem-"perance Act, and according to my "opinion of the true intent and "meaning of the Act, which is "imperative in prohibiting the "traffic in intoxicating liquors, I "believe that sales of intoxicating "liquor were made by the defend-"ant, and money received by him "for such intoxicating liquor. One "section of the constitution of the "'Chatham Social Club' which is "in evidence reads as follows: 'No "liquor shall be sold in larger "quantities than a glass, and shall "be consumed upon the Club prem-"ises,' which is presumptive evi-"dence that it was intended to "keep liquors for sale. It is claim-"ed by the defence that the Club "is a bona fide Club. Now by "referring to the book of constitu-"tions which is in evidence, it is "seen that fully one-half of the "names attached are those of non-"residents of the county, many "being transient visitors, commer-"cial travellers, tourists and sea "captains, having residence in "United States, Ontario, Prince "Edward Island and Great Britain. "All these persons each have to "pay a fee in order to participate "in the privileges of the Club, and "as all these privileges as far as "shewn, except the single one "of obtaining intoxicating liquor, "can be procured at other "places in Chatham without "having to pay any fee for the "privilege, the only conclusion I can "arrive at is, that the Club is a "'device' or means by which the "provisions of the C. T. Act are "violated, and that the defendant "in his capacity as steward of the "Club did so violate the Act. No "provision is made in the 'C T. "Act' for the disposal of intoxicat-"ing liquor though the medium of "any association of persons, who "may choose to form a club and "make rules for its guidance, and "if such a condition of affairs were "permissible, the 'C. T. Act' would "become a dead letter upon the "statute book, as the most persist-"ant violators could combine in a "general movement to establish so "called 'Clubs' all over counties in "which the Act is in force. In the "English Club case, to which refer-"ence is made, it would appear that "the Club was incorporated, while "the Chatham Social Club is not. "It may be that some special privil-"ege accrued to a Club incorporat-"ed in England by which intoxicat-"ing liquors could be dispensed in "such a manner as not to constitute "a sale. In my opinion in the "Chatham Social Club the pay-"ment of the initiation fee assured "the party the right to order, pro-"cure, and pay for intoxicating "liquor in the Club rooms, and "when he paid for it, he paid "for the shares of the remaining "members in the liquor so supplied "him, it is only fair to the Club to "say however that there was ap-"parently no secrecy in the manner "of conducting their business."

It appears to me after having read the evidence, that in this judgment, the magistrate has fairly stated the facts, and has clearly and strongly set out his reasons for arriving at the conclusion he did. Perhaps in using the word "Device" he was unwise, and unwise, because unnecessary, for all that was necessary to say was that the dispensing of the liquor in the manner as it was done in the Club was a sale contrary to the provisions of the Canada Temperance Act. If, as stated by Mr. Winslow in his evidence, the magistrate intimated during the course of the trial that the Club was a bona fide Club, then to my mind the using of the word "Device" was at least unfortunate and calculated to prejudice. The words bona fide, in the sense they appeared to have been used, would mean that the members of the Club thought that by the formation of a Club in the manner they did, they could dispense liquor among themselves without violating the letter or spirit of the Canada Temperance Act. But Device would mean that the members of the Club thought they could inaugurate a scheme by which they could violate the Act without rendering themselves liable to the penalties. But this to my mind is a small matter, for if the Club really thought that they were not violating the Act, yet if they did so (even if unintentionally) the conviction was right.

Another fault found with the magistrate was, when the defendant in one of these Coulson cases applied for a copy of the proceedings, he was furnished with a paper which was not an accurate copy. The complainants produced and put in evidence the copy of the evidence (exhibit No. 27) which the magistrate had returned to the court, which they had procured from the files of the court, but a few days afterwards I was called to return this copy to the clerk as one of the judges wanted it; this was before I had a chance to compare it with the record put in evidence Therefore, the only evidence I have on this point is the evidence given during the investigation by Mr. Winslow (pages 59 and 60 of evidence.

Another objection was that the magistrate would not consent to the statement of a special case to go before the court, and have it determine the law points, and let the case stand in the meantime. It appeared by the evidence that the magistrate was willing to do so, but the prosecuting counsel would not consent to such statement of case. The magistrate had no power to order a special case, and therefore no blame can attach to him.

After the close of the case for complainants, the counsel for Mr. McCulley put in evidence 12 records of cases tried before Mr. McCulley, and I had to examine these.

One was a case against one Michael Hickey (exhibit No. 32) for violating the Canada Temperance Act. In this case the magistrate convicted the defendant, and I think very properly, as there was ample evidence of the sale of whisky, and no defence offered.

Another case (exhibit No 33) was one against Catherine Fitzpatrick for violating the Canada Temperance Act. There was no direct testimony of a sale, but the circumstantial evidence was very strong, and as the defendant did not go on the stand to deny the sale, I think the magistrate had good reason for convicting.

Exhibit No. 34 was the record of a case against the same Catherine Fitzpatrick, for violating the Canada Temperance Act. In this case there was direct testimony that the defendant sold intoxicating liquor between the dates Her counsel contended that as she was a married woman, and was living with her husband and under his control, that she was selling for him, but as he offered no evidence, and she did not go on the stand, I cannot see any reason why the magistrate should not have convicted her. Exhibit No. 35 was the record of a case against one Rebecca Kane for keeping intoxicating liquor for sale in violation of the C. T. Act. The evidence was, that Mr. Menzies the Inspector went with a constable to Mrs Kane's house with a search warrant, to search for liquor, about seven of the clock in the morning, found Mrs. Kane in bed, and that as they entered a young man was coming down stairs, on seeing them he turned back, and immediately after the constable saw something fall past the window into the yard, that on examination it was found to be a broken jug, that part of bottom of jug was not broken and it contained Rye whisky, they found no liquor in the house. Menzies said he saw stalls as he called them, in one was empty glasses in another some empty bottles, and that Mrs. Kane told him the house was hers. On this evidence the defendant was convicted, the woman did not come on the stand and swear she did not keep liquor for sale.

Another record (exhibit No. 36) was put in by Mr. McCulley's counsel. It was a case against one Henry R. Murray for keeping liquor for sale. The magistrate dismissed the case, and rightly for the evidence was most conclusive that Murray had no liquor for sale in his house. The record (exhibit No. 39) of a case against Catherine McConnell for unlawfully selling liquor was put in by Mr. McCulley's counsel. The evidence was not very satisfactory, but I think there was sufficient for to put the defendant on her defence, and as she did not appear and give evidence, I think the magistrate was justified in convicting her, which he did.

The record (exhibit No. 40) was put in by Mr. McCulley's counsel. The case was against one William Kelly for unlawful sale of intoxicating liquor. In this case there was evidence of sale of intoxicating liquor in defendant's house by his wife, and the defendant did not go on the stand to shew that she was not his agent, I think he was rightly convicted. Another record (exhibit No. 41) was put in evidence by Mr. McCulley's counsel. It was a case against one George Trace for keeping intoxicating liquor for sale, there was some very small quantity of liquor found in his house by Mr. Menzies, on a search warrant. The wife of defendant testified that this liquor was kept for private use, and not for sale. And the magistrate very properly dismissed the case.

(*Continued on 2nd page.*)

W. H. Ward.

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The Greeks regarded Pindar as the first of their lyric poets, and since their time the judgment has been confirmed.

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This is the title given to *Scotts Emulsion of Cod Liver Oil* by many thousand who have takeit. It not only gives flesh and strength by virtue of its own nutritions properties, but creates an appetite for food. *Use it and try your weight.* Scott's Emulsion is perfectly palatable. Sold by all Druggists, at 50c. and $1.00

The leading pantheistic philosopher was Spinoza. He found God in everything, and deemed that everything was God.

The most skillful military tactician was Napoleon. His victories were won more by skill and tact than by strength.

WHY SUFFER WITH PILES?

Dr. Chase's Ointment Will Cure Them at a Cost of But 60 Cents.

Piles, scrofula, eczematic eruptions, scald head, salt rheum and all other annoying and painful skin diseases can be easily cured by Dr. Chase's Ointment.

"I had protruding piles for ten years," writes H. H. Sutherland, commercial traveller, of Truro, N.S.; "tried many remedies, and had doctors operate. It was no use. Was completely laid up at times. Chase's Ointment was recommended to me by Mr. Brennan, of the Summerside, P.E.I., Journal. I tried it, and one box completely cured me."

Mr. Statia, the editor of the Streetsville, Ont., Review, gives this unsolicited testimonial under date of Nov. 6, 1895: "Half a box of Dr. Chase's Ointment cured my daughter of eczema. That was six months ago, and there has since been no reappearance of the disease."

T. Wallace, blacksmith, of Iroquois, Ont., was troubled with blind itching piles for 20 years. "I tried every remedy that came out in vain," he writes, "until I tried Dr. Chase's Ointment. It was a godsend. One box cured me."

All dealers and Edmanson, Bates & Co., manufacturers, Toronto. Price 60c.

Linseed and turpentine are every mother's household remedy for coughs, colds, throat and lung affections. Dr. Chase has disguised the taste and made the remedy pleasant to take. Large bottle only. 25c.

INTERCOLONIAL RAILWAY

On and after Monday the 22nd June, 1896, the trains of this railway will run daily (Sunday excepted) as follows:

WILL LEAVE CHATHAM JUNCTION.

Through express for St. John, Halifax and Pictou, (Monday excepted)	1,42
Through express for Quebec and Montreal, (Monday excepted)	4.09
Accommodation for Moncton	11,17
Accommodation for Campbellton,	13,53

ALL TRAINS ARE RUN BY EASTERN STANDARD TIME.

D. POTTINGER,
General Manager

Railway Office, Moncton N. B 18th June 1896.