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Miramichi Advance.

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

Two Elections.

by over four hundred majority, demon

strates that popular sentiment is with

the Liberals in that part of Ontario,

at all events.

The new Government scored two decisive victories on Tuesday. One of these was in the Ontario constituency of North Grey, the other in Queens and Sunbury, in this Province. Hon. Mr. Paterson was the candidate in North Grey, which was represented by a Conservative until the general election in June, when it was won by Mr. Clarke, Liberal, by a majority of thirty-two. That gentleman, however, Excellency delivered the following: died, and Mr. Paterson, having accepted a seat in Mr. Laurier's cabinet, decided to offer for North Grey, although he was personally a stranger to its people, having long represented South Brant, where he was defeated on 23rd June. Many feared that being a non-resident and tresh from defeat in the general election he would stand a poor chance for success in North Grev. especially as the Conservatives have been affirming of late that Ontario is tion to any measures beyond the passage of quite solid against Laurier. The fact, however, that Mr. Paterson has won

A victory in which New Brunswickers are more interested, however, is that won by Hon. A. G. Blair, the Minister of Railways, in Queens and Sunbury. That constituency elected Mr. G. G. King, a Liberal, on 23rd June, by a majority of 181. Mr. King HARRIS desired to re-open the constituency, so that Mr. Blair might run for it, and did so by accepting a postmastership this session of parliament. FANCY TABLE MOLASSES in a small place in Ontario, which vacated his seat. It was generally expected that the Conservatives would not oppose Mr. Blair's return. His pre-eminence as a tried public man the fact that he is acknowledged as the ablest political leader in New Brunswick, and that many of our best men regardless of party, have long desired to see him in the larger political arena at Ottawa-to say nothing of the ad CARPET vantage of the Province being represented by so able a minister in the Dominion Cabinet-justified the expectation that he would be returned unopposed. Hon. Mr. Foster, however, as the Conservative leader of New at 65c to 1,10c Brunswick, determined otherwise and counselled a contest. Mr. Wilmot. who formerly represented Sunbury and was defeated by Mr. King in the united counties in June, was induced to oppose Mr. Blair, and the Conservatives flooded the constituency money, which they obtained not only in St. John, York, and elsewhere, but also from Ottawa and other large centres. Mr. Foster and his friends stumped the constituency and were, of course, met by Mr. Blair and his forces. Three or four days before the election Mr. Foster found that he had made a big mistake, and left the field of battle 10r Ottawa, where he has already won the reputation of being a failure as a leader. Mr. Blair's decisive victory of six hundred and seventy-eight votes, is a well-deserved one. It is another cf the many rebukes that the people of

> THE HERALD had an article last Friday a sanitarial leader for its party. spelled the word "senitorial" doubtless, meant well. A good people mean well, but they don't know. Perhaps the Herald is one of them. hope its sanitary aspirations will be

his native province have given to his

opponents, who have pursued him in

n. life with a vindictiveness which seems

1. to be only intensified by the successive

defeats they have sustained at his

hands. He goes to Ottawa the

stronger for having passed through the

fight that was unnecessarily forced

in winning which he had the best

wishes of all loyal New Brunswickers,

and for the victory

every step of his promotion in public

The Advance's Ottawa Letter.

OTTAWA, 24th Aug. -The first session of the eighth Parliament of the Dominion was opened on Wednesday and Thursday with the usual ceremonies and with rather more than the usual eclat, so far as the attendance on both days in the House of Commons and Senate was concerned. On Wednesday the proceedings were merely preliminary. Sharp twelve o'clock the swearing in of the members was commenced in the Commons Chamber by the Clerk of th House, Dr. Bourinot, the assistant clerk Mr. Rouleau, and Mr. Chapleau Clerk of the Crown in Chancery. The members were sworn in batches of four or five, in fact as many as could get their fingers of the Bible at the same time, and immed iately afterwards signed the roll of the House on which the Oath is engrossed The oath is very simple, being merely,-"I solemnly promise to bear true and faithful allegiance to Her Majesty Queer Victoria. So help me God." The members were then summoned to the Senate chamber where the Deputy Governor, Sir Henry Strong dismissed them to elect a Speaker and promised that, if they would come back on Thursday at three o'clock His Excellency would inform them why Parliament had been summoned. The Commons then returned to their chamber and on motion of Hou. Mr. Laurier seconded by Sir Richard Gartwright, Mr. J. D. Edgar member for West Ontario

On Thursday the real formal opening | Territories. took place, when His Excellency the Governor-General came down in state with a mounted escort furnished by the Princess Louise Dragoon Guards and was received by a guard of honor from the Governor-General's foot guards. The usual salute was fired from Nepean Point | return giving the names of all persons by the Ottawa Field Battery and music dismissed, superanuated or resigned from of the witnesses said he got liquor there was furnished by the Guards Band. the permanent or temporary service since on 1st April. The defendant, Murray, Thursday was a magnificent day and being Ottawa's civic holiday a greater number of people were at liberty, added to which several excursion trains were prohibit the importation and immigration "sell any intoxicating liquor to Stewart | "and tried to put me out of the yard, and run into the city, all of which, added to of foreigners and aliens under contract or "on the 1st of April, nor did any person the fact that it was the opening of a new

many years. Inside the building the cerned with the defence of Canada. throng was immense, every part of the floor and galleries of the Senate being | Edgar the newly elected Speaker enterfilled, while the galleries of the Commons | trined the members and press in

Honorable Gentlemen of the Senate: Gentlemen of the House of Commons : The necessity of making provision for the public service has compelled me to summon you together at this somewhat inconvenient

It is impossible to lay before you, at this session, the public accounts for the past year; or, indeed any of the reports usually submitted to Parliament. Under these circumstances and in view the fact that you will be required to reassemble early in the ensuing year, it does

The operation of the tariff will be made recess, with a view to the preparation of such a measure as may, without doing

the burdens of the people.

Immediate steps will be taken to effect a settlement of the Manitoba school question, parliament next assembles this important controversy will have been adjusted satis-

Gentlemen of the House of Commons: The estimates for the current year will b laid before you forthwith. Honorable Gentlemen of the Senate:

Gentlemen of the House of Commons I hope that when you will have given the necessary attention to the consideration of the year's supplies, I may be able to relieve subject, says: "I would like to have your

On returning to the Commons, to what had taken place in the Senate, forma by Mr. Laurier to declare the right of the House to proceed to legislation before considering the Queen's speech.

The proceedings of the Commons after the return from the Senate were purely formal and only occupied a few minutes, the House adjourning before four o'clock The usual bill "Respecting the administration of Oaths of Office" was introduced by the leader of the government, as it has been introduced by every past leader of the government at the opening of every session of parliament since Confederation, and the bill will never be heard of again, as has been the fate of its predecessors. This custom of introducing a bill before the Speaker announces that he has been to the Senate and that His Excellency has been pleased to deliver a "most gracious speech" of which "for greater accuracy" he has "secured a copy, is one of the survivals of ancient practice in the days when it was thought necessary for the Commons to assert its independence of the Crown by showing that it could initiate legislation before proceeding to consider the speech from the throne. After that little formality the Speaker announced that the speech had been delivered and the usual formal appointed, such committee consisting of Hon. Mr. Laurier, Sir Charles Tupper Sir Richard Cartwright, Sir Adolphe Caron, and Hon. L. H. Davies. The committee to supervise the debates of the

being that of Mr. Bergeron. Friday's session of the House was very short, lasting less than twenty minutes; but even in that short time two interesting questions were touched on. The grst was with reference to the correspordence between the late Premier and His Excellency with respect to the resignation of the government. Mr. Laurier announ ced that he had obtained His Excellency's consent to lay the correspondence on the table, and it would be brought down as soon as the debate on the address was

House was then appointed, the only new

name added on the Conservative side

This, Sir Charles Tupper said, would not be satisfactory, as the speech, which was to be discussed contained matters which could not be very well dealt with The by the House unless the correspondence

was brought down. The other subject to which Mr. Laurier's attention was called just before the adjornment of the House, was the interview with him which was published in the Chicago Record a few days ago, and reproduced in a number of Canadian papers, in which he declared his desire for closer trade relations with the United States, etc. The interview was read by Mr. Haggart and Mr. Laurier admitted

that it was substantially correct. DURATION OF THE SESSION. Although it is proposed on the government side that the session shall be a short one, a good deal is heard on the other side of an intention to adopt the tactics pursued at last spring's session of obstructing the work of Parliament. The Conservatives say that before they will allow supplies to be voted they will require Mr. Laurier to define his party's policy on the Manitoba Schools and Tariff questions. Then, they intend to make a row over the issue of governor-general's warrants on the advice of the new ministry after, as it is asserted, a like request of the old ministry was not complied with by the Governor-General. Other subjects with which the outs threaten the ins include preferential trade with Great Britain, Mr. Laurier's alleged pro-American policy, the fast Atlantic service and other matters which present the elements out of which political froth, fog and dust may

Mr. Tarte is industriously at work asked for would be placed on a tray or cutting off heads in the Public Works pan, and shoved through the hole, and

Mr. Davin gives notice that he will reintroduce his resolution of last year, that | that the person getting the liquor, while was elected Speaker. The House then it is expedient to apply \$20,000 for es- he could converse with the party inside. tablishing creameries in the Northwest could not see him or her, and therefore

> Mr. Cameron gives notice that he will government during the present session to repeal the Franchise Act or otherwise

Hon. John Haggart will move for a all of them testified that they did not July 11th, and also of all persons appoint-

Mr. Taylor gives notice of a bill to agreement to perform labor in Canada. Parliament under the first Liberal Administration in eighteen years, tended to attract a crowd, and there is no doubt attract a crowd attract a crowd

that there was a larger gathering on Canada, its organization, arming, equip-Parliament Hill than has been seen for ment, clothing and all other matters con-After his election on Wednesday Mr. This lease was put in evidence and the

following is a copy-memorandum of lease were also packed, which is very unusual Speaker's apartments, both sides of the for opening day, when the crowd is House being fully represented. Sir generally confined to the Senate side of | Charles Tupper, in a very neat speech, the building. On His Excellency taking proposed the health of the new Speaker, his seat on the "Throne" in the Senate of whose eminent fitness for the honor-Chamber, the Commons were summoned able position he spoke as heartily as he and Mr. Edgar having announced his had previously on the floor of the House. election as speaker and being assured on Mr. Edgar made a short but pretty reply. behalf of His - Excellency by the Speaker | in which he hoped that the pleasant feelof the Senate, Hon. Mr. Pelletier, that | ings which had been shown at the comthe Commons should have all their rights | mencement of his term would continue to and privileges secure to them. His the end, and promised that he would endeavor to perform his duty in a perfectly fair and impartial manner. Mr. Elgar, who by the way, is a native of the Province of Quebec, being bern in the County of Megantic, gives promise of making an excellent Speaker, and created a very favorable impression in the House by replying in French to the formal speech | this present demise peaceable and quietly accepting the office of Speaker, which he to yield up possession of the said room,

had just made in English. Imports of the Dominion for July amounted to \$10 270,272, compared with not appear expedient to invite your atten- \$8,554,490, during July 1895, an increase of \$1,715,782. The duty collected shows an increase of \$58,216 for the month, the subject of careful enquiry during the namely from \$1,513,966 to \$1,572,182; while in exports the increase was from injustice to any interest, materially lighten \$12,427,376 in July 1895 to \$12,842,402 in 1896, or \$415,026. The total trade betterment for the month is therefore and I have every confidence that when \$2,130,808 as compared with the first month of the previous fiscal year.

The Question of Military Titles. [Ca nadian Military Gazette.]

The following correspondence speaks for tself. A well-known commanding officer, writing General Gascoigne on the above

you from the duty of further attendance at opinion about a matter that is of some importance to the officers of the militia. It is as to whether we, militia officers, should be at all times known by our militia rank and the usual bill was introduced pro is this: Our commission from the Queen or her representative is practically the same as those of the permanent force or the regular army. We are liable at all times to be called out for service, and at all times the responsibility for thousands of dollars' worth of stores rests upon us. Also, if we are called out, no business of any sort can relieve us of being obliged to go, and we are liable for service if attacked either in or out of our country. On the other hand we are, when not on militery duty, engaged in our professions or business, and in consequence of this we bear a dual cognomen; at least this is the practice which prevails, and on reflection it this is the predicament: Most of us only call ourselves by our rank when on duty or at some military function, and with the same idea use two sets of visiting cards, one with plain Mr. So and So, for private and social use, and another with Captain or Major So and So, for calling on military personages or on superior officers, and to have to discriminate continually for fear of appearing presumptuous or appearing to force our rank on civilian society is neither a proper or pleasant position. Personally I am indifferent as to whether or not I am called by my rank on civilian occasions. as it would neither add to or diminish my position or amusements, but the dual individuality seems a weak and undignified common jail

position. I am not aware that any intimaissued by authority as to which practice should prevail It would be pleasanter if all the militia officers in Canada stood in an assured position, one way or the other, so that we might all understand our position definitely. We ourselves are the only soldiers Canada has; but I don't think that the trouble and responsipility we bear is understood by the civilian portion of the

General Gascoigne, in reply, says: "I have no hesitation in replying to your letter. I consider that not only are militia officers justified in using their rank on all occasions, but I go further and hold that not to do so would be to imply that the value of the distinction was not held by them in great esteem. In Canada there is but one military body to-day-the militiaand I hold, therefore, that in every way officers are bound to be designated by their military rank.'

(Continued from 1st page.) charges Against Police Magistrate McCulley of Chatham.

Report Thereon of Commissioner G. G. Gilbert.

Why Mr. McCulley's counsel put these

the hole above the counter was so small on person inside. This partition had been built by the defendant prior to the 1st of March 1892. It was proved that in this har room between the dates a number of persons had asked for, got, and paid for intoxicating liquor, the way it was managed was, the party wanting the liquor would tell to a person on the other side of the partition the liquor which he wanted, a glass containing the liquor the party getting the liquor would put the

money on the pan and in that way paid for the liquor, but it was so arranged was not able to identify the person from whom he got the liquor, or who he paid for it, There were a number of witnesses called for the prosecution, all of whom testified that between the dates they obtained and paid for liquor in this bar room, in the manner above indicated. but of course they could not, or at least know the persons from whom they got the liquor they got and paid for. One

Johnston of Newcastle, in the County Northumberland, laborer, of the second part, witnesseth that the said Henry R. Murray for and in consideration of the rent of twenty dollars per month payable on the first day of each and every month during the said term, the first payment to be made on the first day of May next, leases to the said John F. Johnston, the back room on the upper side of the lower fl t of his hotel in the town of Newcastle, and known as the bar room, for the space of one year from the date hereof, together with free ingress and egress through the house, to the said room, and the said John F. Johnston agrees to pay the said rent on the days and times above set forth and at the end or sooner determination of to the said Henry R. Murray in as good repair as he received the room, reasonable wear and tear, accidents by fire and the acts of God alone excepted. W.tuess our hands the day and year first above written. (sig) H. R. MURRAY. (sig) JOHN F. JOHNSTON. (sig) WM. F. COTTIER. The witness also said "Mr. Johnston 'has had all to do with the room rented, "the lease is bona file. I have not soll 'any intoxicating liquor of any kind 'since the 15th March up to the present "time," he also said that he derived no profit from Johnston's business, that all he got was the rent for the room. The

made and entered into this first day of

April in the year of our Lord one thou-

sand eight hundred and ninety-two.

between Henry R. Murray of Newcastle,

in the County of Northumberland, hotel

keeper of the one part, and John F.

bar room had been built the January previous to the trial. There was no doubt in my mind that the defendant suspected that Johnston would sell intoxicating liquor on the premises he leased him, and likely thought that by leasing the room to Johnston, the guests at his hotel, and others, could

obtain liquor without he, the defendant being liable under the Act. for the judgment. If it was true that the lease was bona fide and that Johnston had complete control of the rented premises, (and there was not any evidence to the contrary) and that the defendant derived no profit from the sale of the liquor sold by Johnston. I can not see that the mere fact that the place in which the I quor was sold belonged to the defendant, was a proper reason for convicting him, for having parted with the possession of the premises by lease, he had no power to

Another record (exhibit No. 38) was out in evidence, it was a case against the same Henry Murray, for unlawfully selling intoxicating liquor between 30th

April and 28th May 1892. In this case the evidence of selling liquor through the hole in the partition in the bar room, was same as in previous case, and clearly showed that intoxicating liquor had been sold between the dates. The defence was same as in last case, the lease to Johnston was put in, and defendant swore that he had no control of the premises, and he also swore, that he had not by himself, his servants or agents sold any intoxicating liquor between the dates. The only evidence differing from the last case was, that one of the witnesses who got drinks stated that Johnston told him that he Johnston was running the bar. The magistrate did not give any reason for convicting Murray in his judgment, but convicted him of a third offence, it having been shown that he had been twice before convicted, and sentenced the defendant to two months imprisonment in the

For the same reasons as I have stated in reference to the other Murray case. I think this conviction was erroneous. Another record (exhibit No. 42) was put in evidence by counsel for Mr.

It was a case against John F. Johnston for unlawfuly seiling intoxicating liquors between 15th April and 25th June,

Two witness were called for the prosecution, Edward Sobie and William Mc-Kay, the evidence they gave was amply sufficient to justify the magistrate in convicting. But Sobie, on cross-examination stated. "I gave the same testimony "here against Henry Murray on which "I hear he was fined." McKay on cross examination said. "I gave same "testimony before this court against 'Henry Murray, I gave the same testimony. Sobie was examined too. Murray "was fined." Afterwards in the record find the following entry :- "Both 'counsel agree to take the testimony of 'Henry Murry in regard to the lease of bar room, and the evidence in the "case against Murray wherein Sobie and

"McKay gave evidence shall be incor then the record set out at length the evidence of Murray, Sobie and McKay as given in the last mentioned case, against Henry Murray. It must be evident that Henry Murray was convicted for an offence and John F. Johnston convicted for the same offence. Two convictions and two sets of costs for the same offence. This needs no comment. There was one more record (exhibit No. 31) put in evidence by the counsel for Mr. McCulley. It was a case brought by John Menzies against the same Henry Murray for an assault. It appeared that eight records in evidence I do not see, on 30th June, 1892 Menzies, the County unless it was to shew that in these cases | Scott Act Inspector, went to the premises Mr. McCulley decided rightly. The of Murray, he had with him two search counsel for Mr. McCulley also put in warrants, one to search Murray's property evidence the record of a conviction and the other to seach the property of (exhibit No. 37) against one Henry one Stables, which was adjuining Mur-Murray for unlawfully selling intoxicat- ray's. Menzies went to Murray's first, ing | quor between 15th March and 5th | searched it, and found no liquor there, Murray apparently did not object and It appeared by the evidence that gave him every facility to make the defendant Henry Murray was search. Having finished his search on

the proprietor of the "Union Hotel" Murray's premises, he left and went Newcastle, and had been so for to Stables property adjoining Mursome years. That in this hotel there ray's, there was a board fence bewas a room which had been used as tween the two properties, in which I a bar room, that the room was small take from the evidence, a hele had and there was a counter in it. That been cut at some time, but at that a partition (a board partition) had been time it had been boarded over and closed. run across this room, about the middle of | Menzies found liquor on Stables' premises, the counter, and that just above the knocked off the boards on the dividing counter there was a hole in the partition | fence between Murray and Stab'es' proabout high enough to pass a tumbler or perty and rolled out the casks of liquor flask of liquor through, but the height of he had seized on stables property to Murray's. A crowd

that the person outside could not see the gathered round and were on Murray's property. Murray came out and ordered them off, all went, except Menzies, and on Murray ordering him off Menzies refused to go, Murray then took hold of him and shoved him out, and got the gate shut, then Menzies attempted to force his way in, and then Murray and he got into a clinch, and after what appeared a severe struggle forced Menzies out, which was the assault complained of. There was a conflict in the testimony, and I give it as in the record taken by Mr. McCultey. John Menzies called and sworn.

reside in the parish of Northesk in the "County of Northumberland, 1 am In-"spector under the Canada Temperance "Act for this County of Northumber-"land. I know the defendant Henry "Murray, He resides in Newcastle, in "the County of Northumberland. He is 'a hotel keeper. I was about his premises "on the 30th day of June last, I was "standing by a gate near his house. Mr. "Henry Murray came from the vicinity of the door of his kitchen, he made a frun at me, and caught me by the whiskers, with his left hand, and drew "his other hand and said he would smash 'my face. His fist was shut, and he "drew his fist in an attitude of striking. when put on his defence, swore as follows: 'He took a good hold of my whishers. 'where property was, except what I made. 'strike Menzies, his fist was shut, did not lear lid not sell Russel on 80th March fand took some of them out, he took "There was a hole cut in the wall, it was 'hear him say anything. I did not hear "last any liquor, nor did any person with them out by holding on to me and twist. I "nailed " and boarded. It was about 3 "him say anything to Mr. Menzies when he "my knowledge or authority. I did not ing, he ran me back against the wall, "feet square. It was Stables' ice-house "came over to Menzies. I heard someone "by some help did succeed in putting me "property, it was all on Stables side of the "about a cask in the yard went out. I "by some help did succeed in putting me "line. I knocked the place out from the "went out and at the gate saw Murray and "went out and at the gate saw Murray and " with my authority or knowledge sell it. "out. He pulled part of my beard out. "inside. I did not ask Murray's permission "Menzies in a clinch. "I was not in occupation of the room "He did not strike me with his right "to put the stuff on his property. I had no "Cross-examined by Mr. Tweedie.

"put in.) This is Johnston's signature | 'This was the first of the trouble bethis paper, it is a lase, I 'tween him and me. I had not assault-"have nothing whatever to do with "ed him in any way. This was in the "this room, since this lease was made." | "Town of Newcastle, County of North-"umberland, that this took place. I am

"the informant in this matter." Cross-examined by Mr. Tweedie :- "1 "have told all I know about this assault "case. Murray clinched me without any "provocation. It was in his yard. He did "not order me out. I had rolled some stuff "into his yard, no one gave me authority to "put anything in his yard I had a search 'warrant for his premises, I have not now "got the search warrant. To the best of 'my knowledge the search warrant gave me "authority to search on Stables' property "and put it on Murray's. That is the way "I look at it. I did put the property "found on Stables' property on Murray's "property, and I think I had a right to do "so. I mentioned two search warrants, one "for Stables, and one for Murray's.

"Did you state in this court at any time 'during this trial that you had a search 'warrant for Murray's and one for Stables' "Witness answers, yes. I stated that to 'vou, in the cross-examination. You did 'ask me about Stables in the cross-exami-"nation, you did ask me about Murray's "search warrant. In your cross-examination 'of me, I spoke of two search warrants, and the two search warrants were those of "Stables and Murray. I swear to this. "Did you ever mention the Stables search

"I did mention it and the Murray search warrant. It was my impression that I "had a right to roll property from Stables" 'property on to Murray's, from my reading "of either of these warrants. I as a reason "able man came to this conclusion. Under "either warrant I think I could gather such 'impression. I swear to this as a reasonable "man. It is my impression that I could 'under the warrant roll property off Mur-'ray's property on to Stables' or from 'Stables' on to Murray's property. I have 'had considerable experience in search warrants, and I am familiar with the wording of search warrants. I think I 'could put property off one place on to "another, and put property that I had seized. I had concluded my search on witness stated that the partition in the "Murray's premises before the assault, 'nothing more was done under the Murray "search warrant by me at any time, "I had left Murray's premises after the 'execution of the warrant against him, and 'went upon Stables' property with a search 'warrant. Murray did not interfere with "me in any way during the time I was searching his premises. I made a general "search of his premises, and then left his "premises, after I had made all the search The magistrate in his judgment con- "I made. I had made the search on Mur-"rolled property from Stables' premises on "to Murray's, I considered I had a right to do so. I took possession of part of "Murray's yard, when I was executing the Stables warrant. I had nothing more to "do under the Murray search warrant, "Murray found no fault with me. for 'rolling the casks onto his property, the 'vard, I did not ask Murray to allow me to place the stuff in his yard. I have 'an idea that a man's property can be pro-"tected. I considered I had sufficient "authority under Stables' search warrant "to roll the property on Murray's property. "because it was the easiest way to get possession of it, and to get it out, and that I had a right to get it out the easiest way

possible, don't think I had a right to right to get it out the easiest way possible. 'particularly because it was Murray's 'property that I put it there, I would "have put it on McLaggin's property under "similar circumstances. I was done rolling "the casks out when he assaulted. I never "attempted to open Murray's gates. "attempted to prevent George Shannon from snutting Murray's gates. It was 'under the authority I got from Stables' 'search warrant that I tried to prevent "ed that I had authority under that "search warrant to prevent any one shut "ting the gates. I did preventing him, he shut "gates. Murray "the gates after they were shut, "I did not open them after he forbid "me, I did not get the liquor out "Murray did not order me out, but he "shoved me out. He did not tell me not to "put the stuff in his yard. I think Hill "and Sobie and Murray and Shannon were "there, there was a great crowd outside the "yard, quite a number of people saw what "took place. I resisted all I could. I did "not attempt to come in again. I don't "know Murray's idea at this time, it was 'after I had gone away from Murray's and gone to Stables' and rolled the stuff on to Murray's place, and he then tried to put me off. He did not hit me, I tried to stay there, and if Murray had no help he could "not have put me off. He fastenen the "gate when he got me out he did not

"complained of, there was no more struggle "after I got out, "Re-examined by Mr. Murray. I meant 'the liquor seized under the search warrant "was what I considered I had a right to

'roll on to Murray's premises. "When you answered Mr. Tweedie, that you considered that under the search warrants you had a right to remove pro perty you seized, do you mean that you could have removed the property over into Donald Morrison's store or yard with "out permission from Mr. Morrison? "Under those circumstances, yes, If I had "a search warrant for the seizure of liquors 'Do you know Mr. Sadler's store in Chat. ham? (Objected to by Mr. Tweedie, "allowed.) I know it as the Muirhead store. "Do you think that under a search warrant "you would have a right to remove liquors 'seized from Stables' or Murray's place "in Newcastle and place them in Mr. "Sadler's store or premises in Chatham. "without his permission? (Objected to by "Mr. Tweeeie, allowed.) If I had occasion "I think I would have a right, I don't 'consider I would have a right.

"Did you mean to say in answer to Mr Tweedie's question, that you had that "right? (Objected to by Mr. Tweedie, "allowed.) Under those considerations, I "think I had that right. What kind of a "place did you find the I quor in at Stables" "(Objected to by Mr. Tweedie, allowed.) I "was a square place inside the line fence. "(Mr. Tweedie claims the right to 'cross-examine on this subject, magistrate (reserves decision on this point) Court stands adjourned by the magistret until Monday morning at 10 a. m.
"Aug. 8th case resumed at 10.30 a.m.

"Mr. Murray for the prosecution, and Mr. "Mr. Menzies, the place where liquor was found was about 5 or 6 square, a little longer than wide perhaps, about 8 feet high, covered over with boards plank and sawdust over it. Where "was the entrance to it? (objected to by "Mr. T., allowed) There was a hole cu "in the side but it was nailed up. That "was the only entrance I saw to it, It was in the wall between Stable. 'Murray's. It was a board wall. It was "the wall of a building and was a fence "which constituted the wall. I saw no "other way of taking these liquors out. "It was about half an hour after I had "searched Murray's premises that the assault 'took place. Constable Hill had the search "warrants, they were not either of them in imy possession. Murray forbid me to "open the gate after the scuffle took place "between him and me. The gate was closed "after the scuffle, it had been open befere.

"Did Mc. Murray object to you putting

"the liquor in his yard? (objected to by

"Mr. Tweedie, allowed) witness answers

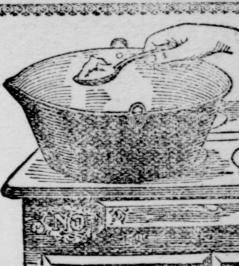
ino Not all the growd about the gate

"could see what took place at the time of "In answer to Mr. Tweedie you said "that Murray used no more force than was necessary to put you out of the gate. "Did your answer refer to the whole of "the scuffle between you from first to "last? (Objected to by Mr. T. allowed) "witness answers no. It referred to the "time when they were getting the gates "closed, it did not refer to the time when "he took hold of me first and threatened

"Re-examined by Mr. T. as to the

premises of Stables. I left Murray's

remises before I went on to Stables'. "building from Stables'. I removed the "covering and got in and found



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"that they were the search warrants re-"Cross-examined by Mr. Murray. It was 'a part of Stables ice-house. "William F. Smallwood called and sworn.

"I reside in Newcastle, County of North-"umberland. I am crier of the court, and "work on farm. I remember the 30th day of "June last I was in the vicinity of Henry "Murray's premises. I was in the barber "shop. I went over near Murray's, I saw "Mr. Menzies. Mr. Murray and he had "hold of each other when I first saw them "They were pulling and tugging at each "other. Murray had Menzies by the beard "and throat, and another man was shoving "the gate and at the same time shoving "them too. That was all I saw them do. "Menzies came out and asked me to assist "him, but I said I could not see anything "to do. Murray raised his hand, but I did "not see him strike. I think his fist was "shut. It was at the time he had Menzies

by the beard and throat. "Cross-examined by Mr. Tweedie. "don't know who grabbed first, I think "Menzies had Murray by the breast, with "one hand, and trying to release his beard "with the other hand. They were strugg-"ling, Menzies seemed to be resisting. Can't

"how it began or how it finished "John Sobie called and sworn. I reside "in the parish of Northesk, "of Northumberland, I remember the "30th day of June last, I was in the 'vicinity of Murray's hotel, inside the yard, 'I am a constable, I was not assisting constable Hill in searching buildings. I saw Menzies when he went over to the gate at Murray's, Menzies was there in Murray's 'yard, Murray was in the kitchen, he came 'out of back kitchen, at that time, I had "charge of some property there. Murray 'walked over to Menzies and took hold of "him. I did not hear him say anything to "him. I was 20 or 25 feet from them, perhaps a little more, there was nothing to prevent me hearing if Murray had spoken in an ordinary tone of voice, He grabbed 'Menzies by the whiskers, Menzies wears a heavy beard. Murray tried to put him 'out. He shoved him to get him out. I 'saw Murray jum Menzies in the gate, with "the assistance of another man, Can't say "if he pulled at his beard. There are two "gates, one was partly closed at that time. 'and the other one was open. I did not see "follow me up. This is the assault I "Murray strike at him, but I saw him "with his hand raised, and his fist shut." "Cross-examined by Mr. Tweedie. I did 'not hear Murray order Menzies out, I "heard Murray order a crowd out of yard, as

"Menzies was there in yard. He took hold of Menzies after he ordered the crowd out. 'Menzies got caught between the gates. I saw Mengies come into Murray's premises, then leave and come back again. "did not see Menzies break Stables. I saw "the property taken out of Stables and put "on Murray's yard. Murray did not take "hold of Menzies when he was first in.

Menzies did with his other hand, "Re examined by Mr. Mur ay. came over to the crowd in the yard and "said 'get out' but did not name any man. "Mr. Menzies was then getting out the miautes come out of the door of kitchen. and take hold of Menzies without saying a word to him. There was a dozen or more 'men in the yard, when Murray ordered "them out. I saw Mr. Menzies hold on to the gate in the attempt to get him out. "Joseph Sobie called and sworn, I reside "in Northesk County of Northumberland, 'was in the vicinity of Murray's hotel "premises in Newcastle aforesaid. I saw "an altercation between Jurray the de-"fendant and Menzies, I saw people run-

"I was in Newcastle on 30th June last. "Menzies come out of Murray's and go bottles in them, someone tried to close the "gate of the yard. Murray had ordered was being closed by some man, the one in a kind of a clinch, as I would call it, one hand, the other gate was partly shut, 'Menzies had his shoulder against it I "had hold of gate with one hand, Murray was struggling with him to get him away from the gate, Menzies was struggling "to keep it open. I could not say I saw "Murray in the act of taking hold of him, "he did not handle Menzies gently, he "by that, and trying to get him away from

"Cross-examined by Mr. Tweedie. Menzies "tried to get in when he was out, and tried "to stay in, when he was in, they were both "doing their best.

"Re-examined by Mr. Murray. Murray is about six feet two in height. Menzies "had the gate by one hand. I think he had Murray by the arm, that Murray had hold of him by the beard. "By the court. Mr. Menzies is a pretty "big man, he is not much short of six feet,

"and a powerful man. "Phineas Simm, called and sworn. I reside "in Northesk, County of Northumberland. "I was in Newcastle on 30th June, I saw "the trouble there between Mr. Menzies "and Murray. I was in Murray's yard part "Menzies went to the gate, Murray went "from the kitchen door and caught Menzies "by the beard. It would be about 10 or "the liquor there. I tried to get it out | "16 feet from door of kitchen to gate. He "through the premises of Stables and could | "hauled him through the gate by the beard. "not. There was no entrance to this place | "I saw Murray draw back his hand as if to "that I searched, and in which I found the "say to 'get out of the yard' and a crowd "1243, not allowed.)

"ordered us out, think it was Murray. I 'saw Murray take, hold of Menzies at the "gate, Murray went towards the crowd 'who were at the place the liquor was. "believe Menzies resisted all he could, and "did not want to go out.

"Re-examined by Mr. Murray. Menzies "struggled to stay in the yard. He had "hold of Murray. He had Murray by the "hand that was holding his beard, don't "know how his other hand was employed. Case closed for the prosecution.

"Mr. Tweedie applies for a dismissal of "the information, on the ground that "Menzies was a trespasser, and that no "search warrant was produced in evidence, "that he had executed the warrant, if he "had any. Mr. Murray addresses the "court, claiming a conviction, that as an "assault was committed and that more force "was used to Menzies than should be. Mr.

"Tweedie again addresses the court and "contends that Menzies was there illegally. "Magistrate decides not to dismiss, and "will hear evidence for the defence. Court adjourned until 2.30 p. m. "Henry Murray called and sworp. I am "the defendant in this case. I have heard "the evidence given by Mr. Menzies with "reference to the assault committed on the "tell how they were parted. Menzies was | "30th of June. I saw Menzies on that day, "bleeding when he came out. I dont know | "30th June. It was about 2 o'clock in the "afternoon at my hotel in Newcastle; he "showed me no papers. He came right in "and walked right into the room where "Johnston was, and said he wanted to see "what is here. He searched round this "room of Johnston's and other parts of the "hotel. He left my premises after search-"ing, and went over to the premises of "George Stables. I have nothing to do "with Stables' premises, they adjoin mine. "He found nothing on my premises. I saw "him go into Stables. I didn't hear him "say he had finished his search in my place.

"I next saw him in my yard. I saw him "coming in, he came through the alley-way "between the two buildings. There is a "gate or two gates in alley-way. He "brought a junk of a slab or edging with "him, the first thing I saw he was standing "around some kegs, there was a crowd "there. I saw one of the kegs rolled out of "Stables'. I think it was Hill who rolled it "out. I did not give Menzies or Hill or "any other person authority to roll any pro-"perty from Stables' premises on to mine "nor was I requested to do so. I can't say ! "saw anyone break the premises between me "and Stables, George Shannon was acting "clerk for Johnston, and asked me if he could "close the gates, I know he was acting for "Johns on for three or four days, when John "ston was laid up. I said he could, so I "went out, the crowd was gathering, and "Shannon had hold of one gate and Menzies "was against one of the gates, and would "not let them be closed, so I went out and "ordered all hands out, they all went but "Menzies, he said he would not go, I told "him to leave these premises, they were "mine. I took hold of him quite easy and "shoved him out. He came back again, ! "Menzies did not take hold of him in the | "just shoved him out easy, using no more "yard. He had hold of Murray by the force than was necessary. I caught him 'liquor, after Murray said that, he went | "I did not strike him nor mark his face. "away, and I then saw him in two or three I "He said he was bound to get in, I did not

"tried to get in at the gate, I caught him "partly by the throat, and partly by "not use any more force than was necessary "the last time. I held him a little while, "attempt to assault him any more than was "necessary to put him out, Cross-examined "by Mr. Murray. I was in the yard out-"side of the kitchen door when I ordered "all hands out of the yard, right amongst "the crowd I said : "Get out of this, this "is my property, I am going to close the "gate." I said this to the crowd first. "Menzies was against the gate when I said "this. It was after Shannon went to shut "the gate that I said to get out of this. "Menzies was not at that time rolling kegs "or handling boxes. The kitchen door is 'ning and went up to Murray's. I saw "about 20 feet from the gates. I swear "Menzies heard me give the order, because "into Stables'. Some time after I saw him | "he told me that he would not go out, that "go into Murray's yard with a piece of "is why I know he heard it. The crowd "deal in his hand, saw Menzies take away "was then going out and I went to him "some pieces of wood, and saw the property | "and told him to go. I was in the middle "r iled out, it was casks, boxes, cases with | "of the crowd when I first ordered them "out, and will not swear that Menzies "heard me at that time, it was intended 'us out before that, and I went out and "for him too. Menzies was side on to me, "stood on the sidewalk. Menzies said not "The crowd went out and I followed them, "to close the gates, and ran to the gate that "and went up to Menzies and told him to "go out, I wanted to close the gate, he 'gate was closed and the man whom I 'said he would'nt go out, I shoved him don't know tried to close the other, when 'out, I put my hand on his back and "I next looked, Murray and Menzies were "shoved him out face first, he tried to run "in again, I was closing the gate and ! 'Murray had Menzes by the beard with "caught him by the whiskers, I did not "catch him awful easy. I caught him by "the arm and beated and put him out. think, trying to keep it open, think he 'did not pull his beard hard, I don't think "I pulled any of it out. I told him if he "did'at keep clear I would break his old "head, I may have raised my fist. I under-"take to swear that I put Menzies out "before I caught him by the beard. He "pulled me, caught me by the coat, with "handled him pretty roughly, he had his | "the right hand I think. I would not let go beard in his hand and was twitching him 'his beard, I forget if he asked me to let "go his beard. I did not handle him as "the gate, I can't say if Murray raised his gently as I would a lamb, he was handled "as gently as he handled me, I did not "say that it was a good thing that they had got the stuff "that they and the stuff would be "pitched over the wharf, a man told me "that, but I did hos boast of it, I may have "said that a man told me so. They al "went out but Menzies and Sobie, whe

"ordered them out, Sobie stayed in 'yard, he went in the back door and out of "the front, when I ordered him out. They "were all out when I caught Menzies, "except Sobie, I swear there were "not four or five in the yard when I got "Menzies out, no one was there but Sobie. "Shannon nor I did not take hold of Sobie saw no one take hold of Sobie "I spoke easy when I ordered the crowd out. "I was not angry at that time, not until the "second time when Menzies tried to get in, "I spoke in an ordinary tone, when I order-"ed Menzies out of the yard, a person 5 or

'6 yards away could hear me. "Did you not after the gates were closed "go back to Sobie and with the assistance of others pick Sobie up and carry him into "the kitchen (objected to by Mr. Tweedie on "the ground that it is not revelent to the "issue, quoting Taylor on Ev. Sec. 1292. P.

"Re-examined by Mr. Tweedie. Menzies "did all he could apparently to resist me, I "did not hurt him any more than was "necessary to get him out.