

The Carleton Sentinel.

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WHOLE No. 3048

The Stamps of 1847.

THE POSTAGE STAMPS AND THE SILVER STAMPS.

In the year 1847, during Com. Johnston's administration as Postmaster General, was issued the first postage stamp of the United States—the beginning of the great postal system of today. In the same year under the skillful eye of the original ROGERS BROTHERS was produced the first ELECTRO-PLATED SILVERWARE—the beginning of the famous

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C. P. R. TELEGRAPH

Issuer of Marriage Licenses.

THE TALE OF THE LOST BIBLE, OR WHAT HAPPENED TO SIMMS.

The trial of the protest against the return of Hon Wendell P Jones as member for Carleton in the Legislature took place Tuesday and Wednesday at the Court House, before His Honor Judge Barker. James R H Simms, the petitioner, was represented by A B Connell K C. The Solicitor General appeared in court attired in faultless costume, wore a jaunty air and seemed quite confident of a favorable outcome. His interests were looked after by Attorney General Pugsley and F B Carvell, M P. After the formal reading of the documents in connection with the case, the Attorney General took exception to the jurisdiction of the court. The learned counsel for the respondent quoted the law in support of his contention that the act restricts the filing of a protest except in the case of offences arising out of bribery and corruption. The Attorney held that the New Brunswick Elections Act made no provision for the trial of cases such as the present. Mr Connell in reply disagreed with Dr Pugsley's contention. His Honor noted the objection of the Attorney General, and allowed the hearing of evidence.

JAMES R. H. SIMMS.

The witness was Mr Simms, the petitioner, who described himself as a barrister at law, residing and practicing at Bath. Examined by Mr Connell he said he tried to be a candidate at the election of a member for the Assembly to fill the vacancy caused by the acceptance by Mr Jones of an office of emolument under the crown. Mr Simms told the story of his trip to and experience at the Court House substantially as the same appeared in the local newspapers last winter. During the course of his examination considerable amusement was felt by those present at the quaint manner in which the witness described the chain of events leading up to the sheriff's refusal of his nomination paper. In the course of his cross-examination by Mr Carvell the witness seemed in a rather unenviable predicament.

Cross examined by Mr Carvell, witness said he had decided to become a candidate on the Monday preceding the day of nomination. Among others J R Tracy, W A Harris,

E F Shaw, B Frank Smith, J K Flemming, A B Connell, J N W Winslow, J C Hartley and George E Balmain had assured him of their votes and support. B F Smith had not suggested the idea to him. Witness had written to the president of the conservative association, offering his services. When Smith was shown this letter he telephoned for Simms to come down to see him. Witness denied that Smith gave him the deposit. Smith promised to do all he could to elect witness, and gave him great encouragement. On the afternoon of Thursday preceding election witness saw J K Flemming who told him he would both vote and work for him. Flemming's words were "I will do everything I can for you." Saw Hartley and the others Wednesday night in town. All encouraged him. They did not sign his paper, because they had no time. Night before election had talk with Winslow and Connell. Saw A G Bailey Saturday morning. He occurred in Simms' view. Did not ask Bailey to support him. Did not hear that any conservatives in town refused to sign his paper. Remembered meeting W Fisher Saturday morning. Had no recollection of any conversation respecting a proposition. Did not remember saying if Jones would agree to terms would not run. Did not tell Foster he had a proposition. Had a proposition to submit to Jones. Had opportunity but did not present it. As soon as the witness felt the situation was his he intended to run. Had to watch the sheriff count the money. Watched the money very closely. Would not deny he searched Leighton's pocket. Charged Leighton with stealing the money. When he came out of barrister's room was determined to run. When sheriff counted the money second time did not see Jones and Leighton. Believed they were somewhere near. Sheriff did not refuse at first to count the money. Made reference to friendship of his father and sheriff. Asked sheriff on that account to render justice. Thought the sheriff had no old grudge against him. Had respect for the sheriff once but it had lessened. Believed the sheriff at one time was concerned in leaving Simms' name off the list. Thought sheriff honest in business matters but crooked politically. Had heard that sheriff drank liquor and played cards but did not believe it. Believed sheriff refused his paper through no personal spite. Gave paper and

money to sheriff. Leighton was walking around all morning and was the first man to object to reception of his nomination paper. Reason sheriff gave was that there was not time to give a receipt. Sheriff had an angry frown on his brow when witness walked into court house. Did not shake his fist in sheriff's face. Charged sheriff with setting his watch ahead. Sheriff told witness that was a lie. The statement made by B F Smith in the legislature was not true. Witness saw the report of same in papers but did correct it, as he did not wish to do so. Gave substance of statement to J N W Winslow. Witness declared to this document at Mr Semple's, after striking out one line. Witness admitted to telling Deputy Sheriff Foster on nomination day that his mind was not fully made up as to running. Also admitted to Frank Thornton that he did not know as to whether he would run or not. Also told Sheriff Foster that the election would be a good advertisement for him (Simms). Did not know who referred to almanac at day of nomination. Believed Foster knew the location of the lost Bible. Would not swear that it was either Foster or Boyer who said the almanac would do in place of the Bible.

Re-examined by Mr Connell. The proposition Simms wished to make to Mr Jones was that no rum or money should be used in the election.

Cross examined by Dr Pugsley. When he told Foster he did not know whether he would run or not he had in mind the possibility of Boyer's failure to reach the court house in time to make affidavit to the nomination paper. Had planned to unfold his designs respecting the proposition at the time of addressing the electors.

CHARLES T. BOYER

Examined by Mr Connell. Arrived at Court House at 11.48 morning of nomination day. Went down to a house with Simms to get a Bible. When witness again entered Court House the sheriff was counting the money. Simms and the sheriff had an argument. Left Court House about 12.30. Sheriff told witness he was going to run the court according to law.

Cross examined by Dr Pugsley. Saw paper about 9.30 the night before nomination at A B Connell's place. Did not remember that he told John Farley he wondered why they had not asked him to swear to the paper. John Hughes hauled witness up from town nomination day. Could not hear what passed between the sheriff and Simms when the latter asked the sheriff to count the money. Sheriff seemed to be counting the money as fast as the ordinary man would do it. Admitted that he did not know a single one of the names to the nomination paper to be on the electoral lists for 1905. May have told sheriff he did not wish an election anyway.

HARRY GOLDING

Examined by Mr Connell related the circumstances which took place substantially as they have appeared several times in this paper. Nothing new developed in the course of his evidence.

SHERIFF HAYWARD

Examined by Mr Carvell testified that he was returning officer at the election. Had appointed Lewis Milmore election clerk. Same young man acted as clerk for him in the federal election. Drove up to court with Foster and Milmore. Had received W P Jones' nomination paper the day before nomination day. Clerk called sheriff's attention to the fact that court should be opened at ten. Sheriff said he bought his watch about three years ago from H V Dalling. During that time he had compared the watch with Dalling's time which is corrected every morning. On the day of nomination witness compared his watch with Dalling's time and found that they agreed. Since that time frequently compared the two, and found no variation. Sharp at ten witness opened court, read the writ, had the oaths administered and awaited the reception of nominations. Had the Court House Bible in room that day. Swore positively Bible was not on table in Court House when Simms came in. When Simms went out to get a Bible sheriff looked at his watch, when Simms returned witness swore he sat at the barrister's table, not where Boyer and Simms swore he was. Also contradicted Simms' evidence respecting place where Mr Jones was sitting. When Simms walked in after going out to find a Bible, the sheriff pulled out his watch, which indicated three minutes past twelve. Simms had his nomination paper, but no deposit. Said to Simms "you are three minutes too late, I cannot take your

paper. Besides you have no deposit." Simms accused sheriff of putting the watch ahead, shook his fist in sheriff's face and spoke hot words. Witness said to Simms, "You lie." Then Simms tried new tactics. Putting his arm around sheriff's chair, Simms asked the sheriff to take the papers for the sake of his dead father. Witness contradicted Boyer and Simms' evidence when they said the sheriff would not take the paper because there was not time to count the deposit and give a receipt before twelve.

Cross examined by Mr Connell. Did not know who stole the bible. Believed what he saw fit concerning that feature of the case. Knows nothing of the disappearance of the bible. Heard nothing whatever about the loss of the bible while Simms was in the barristers' room telephoning. Did not know how long bible remained in barristers' room. Does not know who took the bible, or who returned it to the Court House. Had a suspicion nomination day in regard to it. Made no inquiries about. Had Simms put in his papers before twelve he would have accepted same. Refused Simms' paper because the law said no nomination paper may be received after twelve. Witness had taken his oath at ten o'clock to go according to law.

Re-examined by Attorney General. Was in no way influenced in his course by the action or statements of any person present. Believed by terms of the law that should he receive any papers after twelve he would be violating his oath. Neither directly nor indirectly was the witness a party to the disappearance of the bible.

ALBION R. FOSTER

Examined by Mr Carvell swore that he was present on nomination day. His evidence was substantially the same as that given by the Sheriff. Contradicted Simms' evidence respecting the latter's statement that the bible was on the clerk's table. Simms told witness he had a proposition to make to Mr Jones, and if it should be accepted, no election would be necessary. Witness swore positively that he made no reference whatever to an almanac.

In the course of a lengthy cross examination by Mr Connell there were no further developments. The counsel for the petitioner made a dead set on this witness and strove particularly hard to bother him in cross examination but was unable to shake the evidence of the deputy. At the conclusion of Mr Foster's evidence, Mr Connell put County Secretary J C Hartley on the stand to prove that those who signed Mr Simms' nomination paper were duly registered on the electoral lists for the year 1905.

JOHN HUGHES.

At the opening of Court Wednesday morning the first witness was John Hughes, coachman, of Woodstock, who testified that he drove Chas T Boyer from town to Court House on the day of nomination. Witness admitted that the horse he used on that occasion was not a flyer. When witness came in that day the Solicitor was sitting by the south window. Witness was present when Simms offered his paper. Witness flatly contradicted Simms' story about where the sheriff sat that day. Witness heard Mr Jones say he (Jones) would rather have the sheriff accept Simms' papers even if it were not legal to do so. Witness heard Leighton demand the close of the Court for the reception of nominations before Simms came in with his paper. On cross examination by Mr Connell witness was sure this request by Leighton was made before Simms came in.

WILLIAMSON FISHER.

Williamson Fisher called by Mr Carvell, related a conversation with Simms early on the morning of nomination in which the latter said if Jones were to agree to a certain proposition there need be no election. Witness did not ask Simms any particulars.

LEWIS MILMORE

Deposed that he was a student at law and was engaged by the sheriff to act as election clerk. Was sworn as clerk in the barristers' room. Identified bible in Court as the one used on that occasion. Was certain bible was in barristers' room after Simms arrived. Sheriff's watch was three minutes faster than that carried by witness. When Simms came in it was after three minutes past twelve by witness' watch. Contradicted Simms' story that sheriff handed paper to witness. Witness heard Hon Mr Jones tell the sheriff that he would rather have Simms run. Cross examined by Mr Connell witness contradicted Simms' story that he handed money and paper simul-

aneously to sheriff. Witness knew nothing of the disappearance of the bible.

HON. W. F. JONES.

Hon W P Jones took the stand in his own behalf. Deposed that he was a candidate in the election under review. That day arrived at Court House sometime after opening of court. When he arrived went into Barristers' Room and used the book in making affidavit to a couple of papers. Nothing was mentioned in any way to the disappearance of bible. When Simms entered Court House with papers sworn to it was two minutes past twelve by the watch carried by witness. During altercation between Simms and the Sheriff the witness took no part in the controversy. When Simms came in the sheriff was sitting inside the rail near the barristers' table. Sheriff said to Simms "I cannot take any papers. You are too late." Simms begged the sheriff to take the paper and pulled out his deposit. Simms threw the paper on the table. Simms did not submit his proposition to witness.

Cross-examined by Mr Connell, witness said John S Leighton jr was not acting for witness on nomination day. Leighton had no authority from witness. Witness had no definite knowledge as to who stole the bible and had nothing directly or indirectly to do with its disappearance. Witness did not make any examination of Simms' paper. It was never in the hands of witness at all.

Examined by the Attorney General, Hon Mr Jones said during all the controversy he was sitting near the

south window. Witness contradicted Simms' statement that he (Jones) examined the paper. Apart from securing signatures to nomination paper, John S Leighton jr was in no way agent for witness.

Again examined by Mr Connell, witness said he and Leighton had no conversation relating to Simms' paper while in the Court House after twelve on the day of nomination. This closed the case for the respondent.

Mr Connell re-called Chas T Boyer who gave evidence identifying signatures to Simms' nomination paper. Witness swore he did not steal the bible.

Cross-examined by Dr Pugsley witness said he was perfectly sober nomination day and the day before. Would not deny that he was one of the leaders in this county for the conservative party. Came to town at the direction of Mr Simms.

J R H Simms, re-called by Mr Connell, contradicted Sheriff Hayward's testimony respecting the dear dead father business.

After some consultation between the various parties the judge adjourned the court until Friday, September the eighth, when argument will be heard and the decision given.

TOWN COUNCIL.

At the Town Council meeting held Monday evening there was little important business transacted. The feature was the appointment of a committee consisting of Couns. Henderson, Leighton and Nicholson to investigate certain charges against John Tattersall, chief of the Fire Department.

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WOODSTOCK, N. B.