

THE REVIEW.

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 PUBLISHER AND PROPRIETOR.

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RICHIBUCTO, N. B., MAY 12, 1892.

THE LAW OF EVIDENCE.

Sir John Thompson's bill relating to witnesses and evidence in criminal prosecutions makes some very radical changes in the present law, and will introduce some entirely new features into the administration of justice in Canada. One of the most important of these is the provision that an accused shall hereafter be permitted to give evidence in his own defence. Under the law as it now stands an accused person is incompetent to be sworn, or to give evidence in his own behalf. This is a relic handed down to us from the old common law, which presumed that one who committed a crime would not hesitate to commit perjury to clear himself, and that his testimony for that reason would be valueless. No doubt this is true in a great number of cases. It is equally true there are a great number of civil actions tried in which witnesses do not hesitate to swear to a falsehood with the hope of thereby gaining a verdict. But there are men who through circumstances might be driven to commit a crime, who could not be induced to perjure themselves, just as there are persons interested in civil actions whose testimony would not for a moment be open to question. There are cases, too, in which an accused person could give testimony tending to explain certain other evidence to a jury, and thus assist the jurors in arriving at a correct verdict. There can be no possible objection to allowing an accused this privilege, and the only wonder is that the old law on this subject was not changed long ago. Jurors are, as a general rule, able to form a pretty correct estimate of the credibility of a witness, and through a skillful cross-examination of the accused they will be very apt to get at the truth of the matter and give their verdict accordingly. Many an innocent man would have been cleared had he been permitted to take the witness stand and say a few words in his own defence.

Another change is made in the existing law by the clause compelling the husband or wife of an accused to give evidence on the trial on behalf of either the prosecution or defence. The rule now is that a wife is competent, but not compellable, to give testimony against her husband, and a husband stands in the same position as regards his wife. There are a great many who will doubt the wisdom of changing the law in this respect. There are certainly many objections that could be raised against such a change. Another and more commendable provision of the bill is contained in the clause providing that no witness shall be excused from answering a question on the ground that his answer might criminate him, or make him liable to a prosecution in the civil courts.

There are other provisions dealing with the cross-examination of witnesses, admissions of witnesses, addresses of counsel, judicial notice of statutes, public documents and the swearing of witnesses. The bill is a good one, and will greatly facilitate proceedings on criminal prosecutions.

THE JUDGESHIP AGAIN.

Certain writers to the Westmorland County newspapers appear anxious to have the Acadians believe that Judge Landry was not appointed to the Supreme Court vacancy solely on account of Protestant hostility towards him. A correspondent (supposed to be Senator Poirier) writing from Ottawa to the Bathurst Courier evidently does not share this opinion. The writer asserts as a fact within his own knowledge that Sir John Thompson favored the appointment of Judge Landry. Messrs. Burns and Adams, however, plainly told the Minister of Justice they would not consent to the appointment of Judge Landry, and that if such an appointment were made they would go into opposition. The Courier's correspondent further states that a proposal was made to create another vacancy on the Bench by appointing Chief Justice Allen or Judge King to the Governorship and allowing Mr. Foster to name one of the new judges and Mr. Costigan the other. An agreement to this effect was drawn up by the writer and Mr. John Connor of St. John, carried it to Messrs. Burns and Adams for their signatures. They absolutely refused to sign it unless it contained an express stipulation that Judge Landry would not be one of the appointees. The writer very fairly says that the Protestant members are not to be blamed in this matter, that Judge Landry would now be on the Supreme Court Bench were

it not for the extremely hostile attitude of these two members towards him. This writer is in a much better position to know the facts of the case than the writers in Westmorland who are so anxious to make the public believe that Protestant prejudice stood in the way of Judge Landry's advancement. Judge Landry according to his own statement was once offered a Supreme Court judgeship. He was then of the same religious belief that he is now. If his religion was not then a bar to his elevation, on what grounds can the claim be made that it now stands in his way. His friends do not assert that he is more competent for the position than Mr. Hannington. They asked for the appointment of Judge Landry simply because he was a Catholic and the Catholics were entitled to a representative on the bench. Had the Catholic members from this province been a unit in his favor these grounds might have been deemed sufficient. But we find two of the four Catholic members bitterly opposed to him. In view of this fact the government would scarcely be justified in giving him the appointment as the representative of the Catholics. The truth of the matter is that it was the influence of Messrs. Burns and Adams that destroyed Judge Landry's prospects of promotion, and when certain writers attempt to make the Acadians believe that his religion stood in his way they are doing a great injustice to the Protestants of the country.

LOCAL AND FEDERAL REDISTRIBUTION.

The Fredericton Gleaner calls attention to the fact that the newspapers in this province now kicking most vigorously against the Dominion government's redistribution bill are the very newspapers which last winter supported Mr. Blair in his refusal to read just the local representation of the province. They quite agreed with Mr. Blair then, when he considered it imprudent to change the boundary lines of any of the local constituencies, or to increase or diminish the number of members in the Assembly. Now, in their opinion the Dominion government has committed an unpardonable wrong in refusing to read just the federal representation of the province. A short time after the census returns had been published, Mr. Blair visited Kent County in the interest of his candidate, Mr. Leger, and stumped the county from one end to the other. In every parish he informed the electors that Kent was not fairly represented in the Provincial Assembly, and that it was his intention at the next session of the legislature to introduce legislation giving the county an additional member. His right hand man, Mr. Labilios, told the French electors that the attorney-general was a true friend to the Acadians, that his great desire was to see them fairly represented in the legislature, and that at the next session Kent and Gloucester would each be given additional representation. The government candidate was elected, and the people of this county naturally expected Mr. Blair to redeem his promise. The government, however, made no move in this direction, and Mr. Phinney was forced to call its attention to the subject. He reminded the attorney-general of his promise, and asked that Kent be given an additional member. Dr. Atkinson asked the same on behalf of Carleton County. Mr. Blair, notwithstanding his promise to the people of Kent, declined to entertain these requests, and called upon his supporters to vote against any such proposal. The opposition then asked that a general redistribution bill be introduced, based on the principle of representation by population. This proposal was also voted down by the government. The local representation of New Brunswick is far more unequally apportioned than is its Dominion representation. There are many more reasons why a local redistribution bill should be passed than why the existing boundaries of our Dominion constituencies should be changed. Yet not one of the newspapers that are now so vigorously denouncing the Dominion government for not carving up the province into constituencies according to population, had a word to say in support of the opposition members in their efforts to have our local representation readjusted. The distribution of the Dominion seats in this province is no doubt very unfairly arranged. The Liberal newspapers are undoubtedly correct in saying that representation by population is the true principle. This principle, however, applies to our local as well as to Dominion representation, and one naturally asks why these journals did not happen to entertain this view last winter, when the question of readjustment of local seats was under discussion at Fredericton. Everyone must admit that the counties of Kent, Carleton and Gloucester are each entitled to at least one additional member in the local House. Kent, with a larger population than Charlotte, has but two members, while Charlotte has four. Sunbury, with about one fifth as many people as Kent, has the same number of representatives. How, then, can the Liberal press in this province, with any show of consistency, condemn the Dominion government in this matter, and at the same time support Mr. Blair, who, in direct violation of his promise to the people of this county refuses to give Kent a fair and equitable representation in the provincial legislature.

A Man of the Old Guard.

A history of the press of St. John would be incomplete without more than passing reference to the name of Livingstone. Several brothers of the family have been prominently identified with the daily and weekly papers of the past, and some of the most successful of the existing dailies are at this day monuments of the Livingstone work in journalism. The brothers best known are John and Gordon Livingstone, the former of whom now resides in the North West, while the latter resides at Harcourt, Kent county.

Gordon Livingstone is a Westmorland boy, and was born at Shediac, August, 12, 1844. He was educated at Madras school, Shediac, and came to St. John at the age of 21. The Telegraph, at that time was issued tri-weekly, for the day of daily papers in St. John had not yet come. Mr. Livingstone was engaged as reporter and accountant, and did good work in both capacities. He remained with the Telegraph until 1869, after which he was engaged for a time on the Morning Journal, owned and edited by Rev. Wm. Elder. This paper and the Telegraph were amalgamated the following year and made a daily under the somewhat lengthy name of The St. John Daily Telegraph and Morning Journal. At a later period the latter half of the title was dropped.

The first Guide of St. John worthy of the name was that issued by Mr. Livingstone in 1869-70. It was a handy little volume, well arranged and containing much information in brief compass. In point of concise and clear description and system of arrangement, it has not been surpassed by later and more ambitious attempts of others. Livingstone's pocket plan of the city was also a very convenient article for strangers and citizens alike.

The St. John Advertiser, a paper published by Mr. Livingstone in 1870-71 was a very spicy sheet. It was very outspoken on the political and other questions of the day, and devoted special attention to the Intercolonial Railway management.

In 1873, John Livingstone became owner of the Moncton Times. Gordon Livingstone helped to make the Times lively until 1874, when he became editor and manager of the Sackville Borderer, a paper into which he infused new life, making it one of the best country weeklies in New Brunswick. Severing his connection with the Borderer in 1876, he took a position in the office of the collector of customs at Richibucto, remaining there for 13 years. Of late he has conducted a general agency business at Harcourt, Kent county.

Mr. Livingstone represented the important parish of Richibucto for six years, and in the last year of his service was unanimously chosen to the position of warden of the municipality. He has twice been offered nominations as a candidate for the local legislature, and has declined the honor both times.

In politics, Mr. Livingstone belongs to the old school of liberals and was strongly opposed to the confederation scheme. Socially, he is everywhere known as "one of the boys," whose frank and open nature has made him many friends, and no enemies who are worth regarding as such. As a writer he wields a facile pen and is very concise in his style. He can be very caustic when occasion requires and fears nobody when he has anything to say, nor does he express any opinions which he is not prepared to discuss to a conclusion. —Progress.

Rev. Wm. Hollishead.

Pastor of the Presbyterian church of Sparta, N. J., voluntarily writes strongly in favor of Hood's Sarsaparilla. He says: "Nothing I know of will cleanse the blood, stimulate the liver or clean the stomach like this remedy. I know of scores and scores who have been helped or benefited by it."

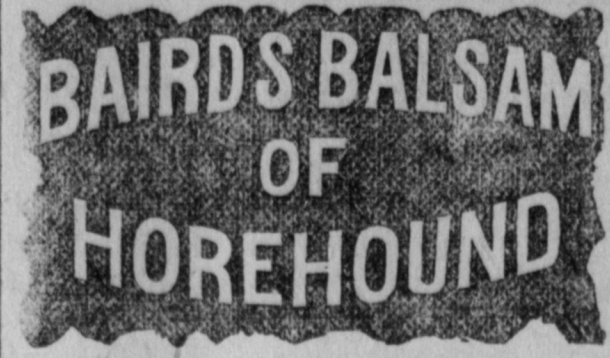
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