

The Daily Mail

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ADMINISTERING JUSTICE

It may safely be said that there is no public service which should be more efficient than the administration of justice. Wise laws, prudently and fearlessly administered, are the guarantee of the safety of life and property and the preservation of reputation in any land. That land which is without wise laws cannot prosper and that country in which the administration of the laws is prostituted to bad or unworthy ends cannot long continue as the home of prosperous, happy people. For these reasons large expenditures are tolerated in many lands in connection with the administration of the laws. This administration may cost the people dear but if the outlays are properly made none but short-sighted persons or persons lacking in true patriotism will be critical of them.

But in the administration of justice excessive expenditures are no more to be excused than are excessive outlays made in connection with other public services. Needless expenditures in one case are no more justifiable than needless expenditures in any other case. Where officers are charged with the performance of certain duties in connection with the administration of justice and are paid for that performance, the hiring of other men and the paying of other men to carry out those duties is entirely without justification. That the practice of making needless expenditures may have been followed in some time past provides no legitimate excuse for a repetition of an unjustifiable method. The administration of justice in New Brunswick is one of the functions of the provincial administration. Two members of the cabinet are charged with the conduct of the legal business of the province. They are charged with the conduct of criminal prosecutions and with the work of dealing with matters affecting the civil rights of the province. For this work they are paid nearly \$4,000 in addition to their travelling expenses; indemnity, mileage, etc.—and The Mail has before pointed out that in the case of members of the present government, the item of "travelling expenses" is no inconsiderable one.

In the provincial election campaign of 1908, it was declared again and again by members of the present government and by their supporters that if Mr. Hazen became premier, the law officers of the crown would conduct all the legal business of the province, that other lawyers would not be employed to do work for which the crown officers were paid. Mr. Hazen had even placed himself on record in earlier public speeches as believing that there should be no Solicitor General, that the Attorney General should conduct all the legal business of the crown, and that the government should, by abolishing the office of Solicitor General, save \$1,700 or more to the people of the province. When the people called Mr. Hazen to the premiership, he showed that he had undergone a change of heart in regard to the Solicitor Generalship, and thus it was that Hon. Mr. McLeod became a member of the provincial cabinet, and Mr. J. K. Pinder's years of service in the Conservative cause went unrecognized. Premier Hazen's recantation of his former belief is costing the people \$1,200 a year directly. How much it is costing indirectly is a matter for estimate.

More than this, Premier Hazen and his followers have shown that they were not sincere when they declared in 1903 that if in power that would see that the legal business of the province was transacted by the law

officers of the crown. In 1908 over a score of lawyers were employed by the government to do work which it had been declared would be done by the officer paid for attending to that work. Mr. B. L. Gerow, of St. John, was less fortunate than were some friends of the government. All he seems to have been paid in the fiscal year 1909 under "Criminal Prosecutions," was \$30. Mr. W. F. Kerston of Victoria County, fared a little better. His services cost the people an even \$100. Mr. J. C. Hartley, who is not unknown to fame as a former Conservative candidate in Carleton County, was paid \$174. Mr. T. J. Carter, one of the faithful Conservative "stumpers" who sought unsuccessfully to keep Premier Hazen from losing his third by-election when St. John County was last opened, left Messrs. Gerow and Hartley far in the rear. Mr. Carter was paid \$372 for services in connection with Victoria County prosecutions. Up in Madawaska County, Mr. M. D. Cormier was paid some \$75 for the work he did. Mr. W. A. Mott, one of those defeated Conservative candidates, received about \$160 for the criminal prosecutions in which he acted for the crown. Recorder Baxter, the St. John lawyer, who drafted that triumph of road legislation, the Hazen Highway Act, was another Conservative legal man called upon to attend a criminal prosecution. He was paid \$175 for his services in connection with one case. Mr. C. L. Hamington, who was Mr. F. W. Sumner's opponent in the contest for the federal Conservative nomination in Westmorland County, in the fall of 1908, was also called upon to do work for the crown under the head of "Criminal Prosecutions." Messrs. Powell, Bennett and Trites—the Powell being the \$8,100 Gleaner's friend—were requisitioned by the Hazen government in connection with the administration of justice. Mr. A. B. Wilnot, the lawyer who is at the head of Premier Hazen's "joke" Immigration Department, was paid something more than \$100 for his legal services in connection with "Miscellaneous Administration of Justice." Messrs. Fowler and Jonah, and Mr. W. B. Jonah and Mr. G. W. Fowler of the same firm, had considerable work to do for the crown in the administration of justice, and, of course, were paid for what they did. The firm was paid \$165, Mr. Jonah \$226.73, and his partner \$63. These lawyers named above, with several others, were paid a total of \$1,913 for the work they did in connection with the "Criminal Prosecutions." The total paid them under the other head of "Miscellaneous Administration of Justice" was much smaller. What was paid lawyers for services in connection with other departments of provincial affairs need not be set forth here, though it may be said in passing that the total amount so paid was not inconsiderable.

The Mail does not say that the lawyers mentioned above did not give good service. No doubt they did, for they are all lawyers of more or less experience and ability. But the point to be noticed is that the amount paid out for the administration of justice in 1909 was far in excess of the salaries of the Attorney General and that other law minister whose office the premier had declared unnecessary, the Solicitor. Party lawyers were given a considerable part of the work which the ministers had declared should all be done by the salaried law officers. If such a practice was wrong three years ago, it is wrong today. And the farmers and the laboring men and the professional men, from whose pockets comes the money with which provincial bills are paid, will agree in condemnation of the practice.

There should be some sincerity and consistency on the part of public men. The practices which they condemn opponents for countenancing should not be followed by them when the opportunity offers. And surely, ministers who are paid \$3,800 for attending to the legal business of a comparatively small province like New Brunswick, should not be in need of the assistance of other lawyers at a cost to the people of several thousands of dollars in conducting that business. The Hazen government has not strengthened itself with the people by its course in reference to this legal business.

Solicitor General McLeod, in his evidence in the Crockett criminal libel suit, tried his best to make it appear that Mr. G. B. Fraser, the respected

MISS LAWSON, MISSING WITNESS WENT TO BOSTON

L. J. Lister in Evidence States That She Left for St. John on Way to United States—R. B. Hanson Gives Interesting Evidence of James H. Crockett's Knowledge of Alleged Denial by G. B. Fraser—Magistrate Will Decide on Monday.

On Monday morning Police Magistrate Marsh will decide whether or not the case against James H. Crockett, managing director of the Gleaner, who is charged with criminal libel on the information of R. W. McLellan, will be sent to a higher court for trial. Evidence in the case was completed yesterday. Miss Nellie Lawson, who was stenographer at the Gleaner office until December 6th, and who has been subpoenaed as a witness, did not appear in court yesterday as her whereabouts are unknown. Mr. A. J. Gregory, K. C., counsel for the complainant asked for further adjournment in order to get this witness. The magistrate declined to adjourn for that reason, stating that he believed the witness to be outside the province. The sudden disappearance of Miss Lawson had some light thrown upon it by L. J. Lister, press man of the Gleaner, at whose house the missing witness boarded. Lister swore that Miss Lawson had left Fredericton on the night of December 6th for St. John and was then on her way to Boston. It is rather significant that the witness left Fredericton the night before the examination in the libel case began. The witness stated further that Miss Lawson was to be married on December 22nd. It was ascertained by the prosecution and stated in court by Mr. Gregory, however, that at Miss Lawson's home in Carleton County, nothing was known of either her whereabouts or of an intended marriage.

That the defendant knew of the substance of the alleged defamatory article before it was published was shown by the evidence of R. B. Hanson, who swore that on that day between noon and one o'clock, the afternoon, James H.

registrar of probates for Northumberland County, had not given a correct version of the conversation which the two held over the telephone in reference to Mr. R. W. McLellan's telegram. It might be explained here that Mr. Fraser is not a political partizan, he is not a business associate of the complainant in the case, he has no axe to grind in the matter whatever, and therefore, it will be difficult to make reasonable men believe that he swore to anything that was not true.

"What has the Hazen government done for the farmers?" asks a contemporary. Well, they brought a crippled up old skate of a horse into the province from Kentucky and palmed it off on two York County farmers, who eventually found out that they had been buncoed and refused to pay for it. Finally the government was compelled to take the animal off their hands.

Vice President Giles, in his evidence in the Crockett libel suit, made it clear that he is in no way responsible for the editorial utterances of The Gleaner. In other words, he is completely vindicated himself.

It is rumored that Garry Herrmann the Kentucky racer, has been attached to the Provincial Hospital for the Treatment of Nervous Diseases. Perhaps the government might find a purchaser for him there.

Crockett had told him that G. B. Fraser had denied that he had sent a telegram to R. W. McLellan, but not to say anything about it until the paper appeared.

The evidence of Hon. H. F. McLeod was at variance with that given by G. B. Fraser of Chatham.

When asked concerning his conversation with G. B. Fraser, of Chatham, concerning telegrams exchanged between him and James H. Crockett, witness said that he had called Fraser up at Crockett's instigation. Witness had now no doubt that Mr. Fraser sent the reply to Mr. McLellan's telegram. Witness, however, did not use the word "letter" in his conversation with Mr. Fraser. He had informed James H. Crockett of what Fraser had said and had also told others.

G. B. Fraser, when on the stand some days ago, stated that he gave a direct answer in the affirmative when asked by H. F. McLeod if he had sent a telegram to R. W. McLellan, and was afterwards confused by reference to a "letter" which had appeared in the Gleaner.

C. H. Giles, vice-president of the Gleaner Limited, who was also on the stand yesterday displayed the same lack of acquaintance with arrangements at the Gleaner office which has been shown by members of its staff. The importance of Mr. Giles' position makes it the more remarkable that he should be kept in ignorance of conditions and arrangements at the Gleaner office.

There was the usual large attendance of spectators yesterday. C. H. Giles and Hon. H. F. McLeod were the first witnesses.

R. B. HANSON

Mr. R. B. Hanson when called stated that in the afternoon of the day of publication of the alleged libellous article between twelve and one o'clock James H. Crockett had told him that he had received information that Fraser had not sent the telegram to Mr. McLellan. Crockett asked witness to say nothing about the matter, however, until the paper came out.

To Mr. Baxter—Witness did not know that Mr. Crockett had written the article in question.

L. J. LISTER

L. J. Lister, pressman for the Gleaner was called. He swore that Miss Nellie Lawson, stenographer at the Gleaner office had boarded with his family. He last saw her on December 6th. He was told that she had gone to St. John on her way to Boston. Inquiries concerning her whereabouts were made at his house. Witness knew she was going to leave the Gleaner, but did not think she was going to leave so quick. (Laughter.) Witness had never advised her to leave. She had told him that she had given notice of leaving the Gleaner. Miss Lawson was to be married next Thursday.

ASKS FOR ADJOURNMENT

Mr. Gregory informed His Honor that a subpoena for Miss Nellie Lawson had been issued. He had been informed that at the young lady's home her people know nothing about her whereabouts or of her intended marriage. He had received information that the young man to whom it was thought she was to be married had said that he was not to be married to her. Inquiry at St. John had elicited no information of her whereabouts. He thought it only fair that further time be allowed for the production of the witness.

Mr. Baxter protested against any further adjournment and His Honor stated that he would decide concern-

Dec. 13, 1910

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ing the case on Monday, when the stenographer's report would be completed.

Counsel then presented argument.

MR. BAXTER

Mr. Baxter for the defence said that present information would not be suggested by evidence. A libel was supposed to be published publisher knowing it to be false. Mr. McLeod's evidence showed that it was not published, publisher knowing it to be false. Mr. Baxter also argued that forgery of a telegram was not a punishable offense according to the code as it was not in violation of the right of someone else. The counsel also argued that it had not been proven that James H. Crockett had written the article.

MR. GREGORY

In rebuttal Mr. Gregory remarked that his learned friend was employing an argument which was somewhat misplaced. His arguments might be presented to a jury. His Honor however was presiding magistrate, who was to decide whether or not the case should be tried by a jury. Circumstantial evidence was frequently taken as sufficient to cause a case to be sent to a jury.

Touching on the technical points Mr. Gregory said the code did not state a telegram could not be forged. Defamatory matter calculated to injure Mr. McLellan had been published. Continuing Mr. Gregory said that the question of the defendant knowing the libel to be false or true was one to be decided by a higher court. Mr. McLellan had sworn that he had communicated his conversation with G. B. Fraser to the defendant but he did not tell him that the complainant was guilty of forgery. (Continued on page five)

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