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DAILY HERALD.

SATURDAY, DECEMBER 16, 1905.

MR. CHAMBERLAIN'S ADVOCATE

Mr. Alfred Mosely C. M. G. who is making a tour of Canada, in the interest of Hon. Joseph Chamberlain's fiscal proposals, spoke Wednesday night before the national club at Toronto, and in the course of his observations scored the new Liberal government at Westminster. He said that since his arrival in Canada he looked for political change had taken place in the old country. Many of those gentlemen who had accepted office in the new Cabinet were, it seemed to him, were illustrations of the old, old story of placing square pegs into round holes. Right Hon. Mr. Asquith, a great lawyer, who had been made Chancellor of the Exchequer, would, no doubt, make an excellent Judge on the Bench, but he would like to know who made that gentleman a judge of finance. Mr. Lloyd-George, another solicitor, was placed at the head of the Board of Trade. One thing he could promise them—that when Mr. Chamberlain comes into power—as he surely will—there would be no appointments for incapable younger sons of prominent men, but that the best men would fill the positions. "May that day come quickly in the interests of all concerned," he added, amid applause. The new Cabinet, he feared, was absolutely out of touch with the colonies, which had not much to hope from men who had done their best to squelch and make inoperative that great Colonial Conference which was to meet next June to discuss Imperial affairs.

Hon. Geo. W. Ross, ex-premier of Ontario, in proposing the toast of the empire, welcomed Mr. Mosely, whose services to Canada he recognized, because of the message he brought. Mr. Mosely came to speak for a man who was the greatest Colonial Secretary Britain ever had, and who was now engaged in advocating a great policy for uniting the empire more closely. Canada had been first to offer a preference to Great Britain, and he dwelt upon the great opportunity afforded to Imperial legislators to adopt a policy which would enable her to obtain her food supply from her own kith and kin, instead of depending upon her rivals. He was quite an optimist that the fiscal reform advocated by Mr. Chamberlain would come, and he did not see how it could be hindered. He had been a free-trader, but found that under that policy we had not a market to sell in so profitable to us as the market which our rivals enjoyed. Would not the adoption of Mr. Chamberlain's policy help the people of Great Britain to get their goods into our market, and would it not help Great Britain to get her supply of food from us?

Hon. Geo. E. Foster who followed Mr. Ross, facetiously congratulated the ex-premier upon his accession to the ranks of those who endorsed Mr. Chamberlain's policy. He joined Mr. Ross in expressing the opinion that the British fiscal policy will change, and, though optimistic, declared he was also patient. He feared sometimes that the patience of the colonies would be exhausted and the breaking point would be reached before the goal was attained. The fresh blood of commercial intercourse was needed before there would be the living, moving, vital force in the empire. There is unanimity of opinion in Canada for closer relations between Canada and the empire, and if Canadians are not organizing to advocate preferential trade with Great Britain, it is because with us it is an accomplished fact.

THE SEWERAGE QUESTION

Dr. Peake of Oromocto, chairman of the Sunbury County Board of Health, who was in the city today, says the people of the Parishes of Maugerville, Burton and Lincoln are considerably agitated over the recent action taken by the city council in regard to sewerage. He says that they are particularly interested in Engineer Barbour's proposal to have the sewerage of the city deposited in the river. A great many of the residents of the above named parishes use the river water for domestic purposes, both summer and winter, and are naturally afraid that it will be polluted by sewage, and their only source of supply will be cut off.

Dr. Peake further stated that the matter was one of vital interest to the army of Boom Company employees, who work during the summer months at the lower booms, only five miles below the city. As chairman of the Sunbury Board of Health, Dr. Peake says that it is his intention to procure legal advice and ascertain if it is not possible to compel the city to find some other way of disposing of the sewage.

CHARGED WITH MURDER.

Dr. Preston to Stand Trial at St. John for Causing Death of Edith Clarke.

Dr. E. A. Preston was yesterday sent up for trial by Judge Ritchie at St. John on the charge of murder in connection with the death of Miss Edith F. Clarke. The trial will open Jan. 2, before Chief Justice Tuck.

Howard D. Camp was sworn and for about half an hour occupied the witness box, but refused to answer some questions. Many of the solicitor general's questions were objected to and much time was spent in legal controversy. The evidence of Camp told chiefly about his visits to Miss Clarke's house. He admitted being once in Dr. Preston's office.

Camp testified as follows: "I have lived in the city all my life. My mother is a widow and I have no brothers or sisters."

"Were you acquainted with Edith Clarke?"

"I knew her for five or six years. I was not present when she died but saw her remains. This was the evening after she died, Nov. 20."

"Were there any relations with reference to marriage between you and deceased?"

"The witness declined to answer, and the solicitor general then asked if he had been engaged to marry deceased. He said yes."

"I have known Dr. Preston to see him for about"—the witness was unable to specify any time.

"Ever been in his office?" asked the solicitor general.

"Yes, I have been in his office. I don't recall the last time I was there. I don't remember how many times within the past year I was in the office. When Miss Clarke was sick I called at her house. I don't remember the date of the first time I called, but I saw her on the day before she took to her bed. On that Sunday I saw her for about five minutes at her door. I have seen her the preceding Saturday night, when we walked over to town. It was between 8 and 9 o'clock. I called near that hour for her. We parted at Market Square. It was about 9 o'clock when we parted, and I went in the direction of Germain street. I walked. I don't know the distance from Market Square to Dr. Preston's office. When I reached Germain street I went to the right. I remember seeing Edith on Friday night but I was not in the house. She was not ill at that time as far as I knew. We talked for a short time."

"Did you make arrangements for meeting her the next night?"

"The witness answered that on Saturday night he met deceased by appointment."

"Prior to that Saturday night were you in Dr. Preston's office?"

"Yes, but I can't say how long it was prior to that day. I was at home on Monday following the Sunday when she became ill."

"Were you in Dr. Preston's office that day?"

"This question was objected to. The solicitor general elaborated the points at issue and pointed out that the bottle of ergot upon which Dr. Preston's name appeared, was put up on that day (Monday)."

"Were you in Dr. Preston's office that day?" the solicitor general repeated.

"I refuse to answer the question" "I submit," said Mr. Jones, "that it is a proper question. The witness has a right to answer it."

"The witness was then allowed to stand aside, and the solicitor general announced that he had no further questions to ask the witness."

B. H. Gerow, one of the counsel for Dr. Preston, addressed the court. "Our contention is," he said, "that Dr. Preston shouldn't be committed for trial. It is a well-known principle of law that hearsay evidence is not admissible. Even a dying declaration is hearsay evidence, and is therefore not proper evidence."

"Do you intend to call any witnesses," asked Judge Ritchie.

"No, your honor."

Mr. Gerow then entered into an extended review of the evidence, dealing with the girl's fear that she was going to die.

"The facts," he said, "are that Drs. Roberts and Scammell performed an operation on deceased. It is in evidence that the operation was necessary in order to save her life. It is in evidence that the doctors told her that her life was in danger, but that there was no certainty of death. Your honor was impressed by the evidence of Mrs. Clark, but why did she not tell all she knew at the inquest. Later on she returns with an improved memory."

"Your honor was also impressed by what Miss Reynolds said when she swore that the deceased asked her if she thought she was going to die. All this showed clearly that the girl was in doubt. She was not absolutely sure if she was going to die, Miss Reynolds' examination by the solicitor general revealed the fact that there was doubt in the dead girl's mind. There is also a statement in evidence that ergot is used for a variety of purposes. It is not used for a specific purpose. I know a man who takes it for himself. Dr. Addy has sworn that ergot is used for more than one purpose."

Mr. Gerow then passed on to the statement by deceased, to the effect that an instrument had been used by Dr. Preston. He also referred to what he believed was professional neglect on the part of Dr. Roberts. The physician, he said, as soon as he became aware that deceased was suffering from blood-poisoning, should have operated at once, not deferred the operation for several hours. Every minute was precious. The speaker did not want to be understood as reflecting on Dr. Roberts but he believed that the evidence showed Dr. Roberts had been remiss.

He should have examined the girl more carefully.

"The girl," said Judge Ritchie, belonged to a respectable family. It was not Dr. Roberts' place, when he was called, to take any steps which would have warranted the patient or her family in believing that he suspected the patient had been indiscreet. The doctor diagnosed the case, as far as he went. The post mortem examination showed that his diagnosis had been correct. I don't agree with you, Mr. Gerow, that Dr. Roberts should have examined the patient from tip to toe."

THE SPEECH FOR THE CROWN.

Solicitor General Jones contended that enough evidence had been adduced to justify the court in sending the prisoner up for trial. Judge Ritchie had received as evidence statements that showed the defendant had committed an abortion on deceased by use of an instrument.

The defendant's counsel here objected.

Mr. Jones continued. He said the evidence had shown that \$25 had been charged and in view of all that had been adduced there was sufficient evidence to justify the judge in committing the defendant for trial.

The solicitor general pointed out the importance attached to such points as the bottle of ergot, the prescription in Dr. Preston's writing and other matters.

"It has been insinuated," he went on, that Dr. Roberts was not careful. I thought that Dr. Roberts explained very clearly the reason why it had become necessary for him to wait for a few hours before beginning the operation. I think you will conclude that his explanation was satisfactory. I think he has acted throughout in a careful, painstaking manner. He did what any doctor would have done under the circumstances. Physicians are frequently called on to meet with peculiar conditions and in my opinion Dr. Roberts has acted as any careful honorable practitioner would have acted."

The solicitor general then referred to the statements in connection with the importance of the evidence given by witnesses subsequent to the coroner's inquest.

"People," he said, "are apt to remember more as time goes on. In fact, when a witness is called the second or third time, says something he did not say the first time he was called, it is only an indication that he or she is telling the truth."

Mr. Morrill said that he regretted that Dr. Roberts' name had been so prominently mentioned in the case. The doctor was his personal friend, and he respected him. It was the lawyer's duty to place before the public and the court all the real facts of the case. This, he said, only in respect to Dr. Roberts. "I submit," he went on, "that the charge of murder against my client is not in any way sustained. If the court sends him up I submit that it should not be for murder. There is not a word or tittle or jot of evidence against Dr. Preston. There is no evidence directly or indirectly whatever, except what is called a dying declaration."

COMMITTED FOR TRIAL.

Judge Ritchie said he was to decide whether or not sufficient evidence had come before him to warrant him in sending up the prisoner. He quoted at length from authorities, concerning admissibility of evidence. Hearing Mrs. Clarke, he couldn't but believe that the witness knew deceased was not going to recover, but, nevertheless, she did what she could to cheer her.

Judge Ritchie explained the law further and concluded by formally committing the defendant for trial.

Edgcomb's store will be open to-night and each evening next week for the convenience of Christmas shoppers. The real Old Santa Claus has built a house in the Edgcomb Co's big window and will appear for the first time tonight at eight o'clock.

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December 7th, 1905

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Little red and blue Rocking Chairs 45c 85c, \$1

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Little Rattan Rockers 19c, \$2.10, \$2.50, \$4, \$4.25

Little Morris Chairs \$5.45, \$3.75, \$3.90, \$5.45, \$6.40

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