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E. A. O'BRIEN & CO.

FOR

SATURDAY, JUNE 22nd Hot Weather Goods

Ladies' Lawn Waists, 55c, 95c. Extra Value.
Ladies' Black Sateen Skirts, 69c each.
Ladies' Cotton Suits at \$3. and \$4. each.
Ladies' Grass Linen Skirts, worth \$2.50 at \$1.75 each.

A BIG CORSET SALE

49c a pair

A Special line of Ladies' Openwork Stockings
color black, price 25c per pair.

Ladies' Long Openwork Gloves at 29c a pair.

Ladies' Undervests, white with or without sleeves,
2 for 15c.

E. A. O'Brien & Co

Twenty Dollars (\$20.00) in Special Prizes to be given at the Fredericton Exhibition by Messrs. W. Atlee Burpee & Co., and George Y. Dibblee, sole agent in Fredericton for

Burpee's Seeds that Grow.

	1st	2nd	3rd
For best peck Uncle Gideon's Quick Lunch Potatoes, \$2.00	\$2.00	\$1.00	50
Best Onions grown from Setts,	2.00	1.00	
Best Danvers Onions grown from seed,	1.00	50	
Best Chantenay Carrots,	1.00	50	
Best Intermediate Carrots,	1.00	50	
Best Egyptian Beets,	1.00	50	
Best Extra Early Cory Corn,	1.00	50	
Finest single bunch mixed Sweet Peas, ass't colors,	2.00	1.00	
Finest Nasturtiums single bunch assorted colors,	2.00	1.00	

Competitors for the above Prizes must have purchased the seeds from Messrs. W. Atlee Burpee & Co., direct, or from their sole agent at Fredericton, George Y. Dibblee.

GEO. Y. DIBBLEE,

PEOPLE'S DRUGGIST - - - - - opp. City Hall.
SOLE AGENT FOR BURPEE'S SEEDS.

*Chestnut
says*

"To-day is not too soon to begin buying at this Drug Store. Every purchase that you make we guarantee to please you. Every article that you buy will give you satisfaction with a Big S."

"THE QUALITY STORE." 572 Queen Street.

Wall Paper

Our new stock of Wall Paper is now all in. Newest Patterns Border same price per roll. See ours before you buy, we can save you money.

BOSTON 5 and 10

Opposite Soldiers' Barracks.

R. G. LEE & Co.



The Wedding Month Is Here.

We are ready with a fine assortment of Wedding and set Rings, and up-to-date jewelry, also a beautiful line of Silverware, Cut Glass, Clocks, etc., suitable for wedding gifts.

F. E. BLACKMER

233 Normal School

Fredericton, N.B.

NOT MUCH PROGRESS.

Emmerson-Crocket Libel Suit May go Over
to Full Bench on Points Raised
by the Crown.

JUDGE LANDRY DISALLOWED CROWN'S DEMURRER. LENGTHY LEGAL ARGUMENT MARKED TODAY'S PROCEEDINGS.

When the case of the King vs. Jas. H. Crocket, charged with criminal libel, was resumed in the circuit court this morning Hon. Dr. Pugsley, senior counsel for the Crown, submitted the following republication and demurrer to the defendant's plea:

The King vs. James H. Crocket.
And the Attorney-General of New Brunswick, who prosecutes for our Lord, the King in this behalf, as to the said second plea of the said Jas. H. Crocket by him above pleaded, saith that the same and the matters therein contained, pleaded and set forth, are not sufficient in law to bar or preclude our said Lord the King from prosecuting the said indictment against him, the said James H. Crocket, and that our said Lord the King is not bound by the law of the land to answer the same; and this he, the said Attorney-General, who prosecutes as aforesaid, is ready to verify, whereof for want of a sufficient plea in this behalf, he the said Attorney-General, prays judgment and that the said James H. Crocket may be convicted of the premises in the said indictment specified.

(Signed) WILLIAM PUGSLEY,
Counsel with His Majesty the King

Matters of law intended to be argued in support of demurrer:

(1) The article complained of and set forth in the indictment states that the said Henry R. Emmerson had been ejected from more than one hotel, while the plea refers only to one occasion at the St. Lawrence Hall.

(2) The plea does not show with sufficient certainty the matters intended to be set up as a defence in that.

(a) It does not sufficiently specify the date or circumstances of the alleged ejecting of the said Henry R. Emmerson from the said hotel, nor by whom, or for what reason the alleged ejecting took place.

(b) It does not set forth or show in what respect the two women mentioned in the said plea were of ill-repute.

(c) It does not set forth or show when, where or under what circumstances the said Henry R. Emmerson had been keeping company with the two women mentioned therein.

(3) While the indictment charges that the article complained of was written in the sense of imputing that the said Henry R. Emmerson was improperly associating with women of ill-repute, the plea contains no allegation to that effect, nor does it allege any improper relations between the said Henry R. Emmerson and the said two women, neither does it deny the innuendo, nor confess and attempt to justify it.

(4) That the plea does not set forth or show any sufficient fact or facts by reason of which it was for the public good that the articles complained of in the said indictment should be published in the said "Daily Gleaner" newspaper as charged in the indictment, or that such publication was for the public good within the meaning of the statute allowing a defendant to plead the truth of a libel as a justification in certain cases.

(b) Upon the facts set forth in the said plea the court should hold as matter of law that it was not for the public benefit that the defendant published said defamatory matter at the time and in the manner in which it was so published.

(c) Even if it were true that the personal morals and conduct of members of the government of Canada as well as those of private members of parliament were and are matters of public interest, parliament is the proper guardian of the honor of its members, and is the proper place in which to make and to investigate charges against its members in respect to their private conduct, if such charges are deemed of sufficient gravity to effect the public deservings of the member so charged. So far from its being for the public good, it is likely to result in public injury and impair the usefulness of parliament to have the private life and conduct of the members of the government and other members of parliament, and which are not in any way connected with the discharge of their public duties, discussed and debated in the public press.

(d) The said plea does not allege that any allegations of improper conduct were made against the said Henry R. Emmerson in parliament, nor does it allege that any imputations were made in parliament against the personal morals and conduct of any member of the government. The mere fact that there was some discussion in parliament and in the press, which so far as appears by the plea, might be by one member and by one newspaper, would not make what would otherwise be a defamatory libel, any less so, and would not afford any justification for its publication in the "Daily Gleaner" newspaper as charged. While a newspaper may properly comment on facts stated in parliament, the mere circumstance of a discussion taking place in parliament upon a particular subject would not justify a newspaper in making allegations of fact of a defamatory nature not stated in such discussion.

(e) The said plea in giving as a reason for publishing the words complained of, that the said Henry R. Emmerson was a member of the government of Canada, and one of the advisors of the governor-general, shows the defendant to be guilty of a seditious libel under section 132 of the Criminal Code, and it is not and cannot be for the public benefit to publish a seditious libel. To such a libel the allegation in the plea affords no justification or defence.

(5) That even if it be admitted to be advisable and proper in the public interest and for the public benefit that facts of a disgraceful and degrading character in the lives of the ministers of the crown should be made known and published so that the government of Canada might be purged of men whose personal characters render them undesirable ministers of the crown, as alleged in the said plea, it was not and is not for the public benefit that defamatory matter of the nature of that charged in the indictment should be published in a newspaper which for personal or malicious motives might see fit to publish the same. Such publication can be justified only if made to the governor-general or parliament, with whom rests the authority to continue the minister as the adviser of the representative of the Sovereign or to dispense with his services.

(6) The said plea is bad.

(a) In not setting forth any facts sufficient in law to justify the publication of the libel complained of.

(b) In not alleging that it was for the public good that the defamatory matter charged in the indictment should be published as alleged in the indictment.

(Signed) WILLIAM PUGSLEY,
Counsel with His Majesty.

Dated June 20, A. D. 1907.

Mr. Hazen said he had not received a copy of the demurrer until this morning, and would therefore be justified in asking time to prepare his argument, but he was ready to go on.

Dr. Pugsley remarked that Mr. Hazen did not have his plea ready at the opening of the court, and the Crown counsel offered no comment on the matter.

MR. WHITE'S ARGUMENT.

Hon. Mr. White made the opening argument in support of the demurrer. He read from the indictment to show that the Gleaner's article insinuated that Mr. Emmerson had been ejected from more than one hotel in company with women of ill repute, while the plea only stated that he had been ejected from the St. Lawrence Hall. There was some doubt as to what was meant by "women of ill repute." It might mean a woman who was an inmate of a house of prostitution, or it might mean a woman—

Dr. Pugsley—Who plays bridge.

Mr. White—Yes, it might refer to a woman who indulges in a pastime such as bridge. Surely he thought it was the duty of the defence to give a more clear definition of what was implied.

Mr. White also pointed out that the plea did not allege that Mr. Emmerson had been associating with women of ill repute, neither were any facts set forth wherein the publication was for the public good.

After quoting sections 331 and 910 of the criminal code, Mr. White proceeded to argue that the publication was in no way justifiable. Such an article might be for the public good if published in the case of a candidate seeking election, but in the case of a member of parliament, or minister of the Crown, no good purpose could be served in taking that course. He held that if the moral character of its members were discussed on the floors of parliament, that would not justify any newspaper in adding to and magnifying statements not made in the discussion. He pointed out that under the old law, even if a published statement was shown to be true that was no defence in an action for defamatory libel. It was clearly established that in the case of a private citizen it could not be shown that a defamatory article was for the public's benefit. He would admit that in public life we should have men of the very highest character, but the general life of the people themselves should be of the highest character, for "righteousness exalteth a nation."

If a newspaper was to be the judge it could justify the publication of a defamatory libel in the case of a private citizen as well as in the case of a member of parliament.

After citing several authorities in support of his argument, Mr. White said they did not deny the right of the press to criticize the acts of public men, but when they attacked the private life of a public man they went beyond the limits of the law, unless they could show that it was in the public interest. He cited authorities to show that it was a question for the judge to decide whether or not the particular topic discussed was for the public benefit.

It may be true, said the counsel that some member of parliament may have some shortcomings in his private life, but that did not justify a newspaper in attacking and holding him up to ridicule. It is true that what takes place in parliament might be a subject for fair comment by newspapers, but does not justify a newspaper in bringing into the discussion new matters of fact or in enlarging upon what was said in parliament. A newspaper had attacked Mr. Emmerson, and he not wishing to hold office with a charge of this kind hanging over him, had resigned as a minister of the Crown. Suppose that every cabinet minister was attacked in the same way, how could the government of the country be carried on. The law did not allow seditious publications of that nature. He held that parliament was supreme on all matters affecting the conduct of its members.

Mr. White's argument was a very able one from a legal standpoint, and was followed with the closest interest.

MR. BARRY.

Mr. Barry, who followed his colleague, took occasion to point out that that was the first time in the history of the province that a plea of this nature had been entered in a defamatory libel suit. The practice

RATTLING VICTORY.

Fredericton Cricketers put it all Over the
Military in Wednesday's Match.

DEEDES' GREAT RECORD WITH BAT AND BALL.

The Fredericton Cricket Eleven got back at the Royal Regiment in great shape in Wednesday's match, securing more than satisfaction for the defeat sustained at the hands of the military on Saturday last.

Fredericton going first to bat ran up the record of 126, while the military team was disposed of in short order for 24 runs, leaving the civilian eleven 102 runs to the good.

It is only fair to state however, that the regiment was short of two of its best bowlers, Lieut. Dufontaine and Mr. Rawlings, greatly weakening the team.

The game was called on at four o'clock with Fredericton at the bat and they stayed there for more than two hours.

After Powell was disposed of Deedes and Douglas Roberts made a great stand, punishing bowlers Dornier, Etienne and Galloway severely. Before they were separated by Roberts being caught in the slips, they had run the score up to 110. Norton-Taylor joined Deedes and they continued to give the military men a great amount of leather-bunting, scoring many hits to the boundary. Deedes lifted the ball once from the lower wicket clean over the officers' barracks, one of the prettiest hits ever seen on the grounds, and when he was run out had 68 runs to his credit, a record score, the largest made in Fredericton in many years. Norton-Taylor put together by careful play 13 runs before he was caught out, but the other members of the eleven were retired in short order, as the score will show.

The military men were strong at fielding, accepting nearly all chances but their bowling was not up to the standard.

It was 6.30 when the Regiment went to the bat and the game was over shortly after seven, the whole eleven being disposed of for 24 runs, the only man to reach double figures being Alex. Galloway.

Deedes and Norton-Taylor were the

bowlers for Fredericton and the former was very effective, securing seven wickets, and making an enviable record for himself with ball and bat.

Capt. the Hon. Thos. Ashburnham had command of the Fredericton team and Sgt. Galloway captained the military eleven. The umpires were, for Fredericton Mr. R. W. L. Tibbitts, and for the military Mr. Rawlings.

Scorers: for Fredericton, Mr. Jos. Howe Dickson and for the military, Sgt. Aldred.

THE SCORE.

The score was as follows:

FREDERICTON C.C.	
Powell b Dornier	4
D. Roberts c Juteau b Etienne	32
Deedes run out	68
Norton-Taylor c Dornier	13
Etienne	3
T. Roberts b Dornier	1
Oxley b Dornier	1
Sharpe c Duncan b Dornier	1
Belcher c Juteau b Galloway	0
Ashburnham c Galloway b Dornier	1
Roy b Galloway	0
McLeod not out	1
Extras	2
Total	126

R. C. R.	
Juteau c and b Deedes	0
Galloway Jr. b Deedes	11
Duncan run out	0
Dornier run out	0
Galloway Sr. not out	8
Barnett c Oxley b Deedes	2
Etienne b Norton-Taylor	0
Morgan b Deedes	0
Woods b Deedes	3
Addie b Deedes	0
Wilson b Deedes	0
Total	24
Majority for Fredericton	102

was new to the courts of this province, and they had to go outside for authorities to cite in support of their argument. The Crown, he explained in meeting the plea in this way was adopting the only course open to them under the law.

Mr. Barry argued at some length to show that private morals of some members of parliament were not matters of public interest. He had heard it put forward that the private conduct of a member of parliament was a matter only for his own constituency. Of course he wished it understood that he was not taking that ground.

The judge remarked that he thought it was a somewhat narrow view.

Mr. Barry contended that if the private characters of public men were subjects for discussion in the press, they could, under the plea, include members of the local government and the mayor of Fredericton. He pointed out in conclusion that if the defendant's plea was thrown out it would preclude the defence from offering any evidence to justify the libellous article.

MR. HAZEN.

Mr. Hazen in reply admitted that if the court ruled out defendant's plea, it would deprive him of the opportunity of offering evidence in justification of the libel, but pointed out that it would also deprive Mr. Emmerson of the chance to vindicate his character. He intimated that if the court decided against his client, he would ask permission to answer the plea, so that the case might go on.

Mr. Hazen undertook to read the whole of the Gleaner editorial containing the libel, but Dr. Pugsley objected and the court sustained him.

Mr. Hazen argued at some length to show that the private conduct of ministers of the crown was a matter of public interest. He defined a woman of ill-repute as a woman whose reputation was ill and who was shown to have a lack of chastity. It was not necessary for them to define more clearly what was meant by the term. There would be no justification for saying that their plea was bad on that ground.

In support of the contention that the matter was one of public interest, Mr. Hazen cited the cases of Parnell and Dilke, who were deposed from high positions in the parliamentary life of the Old Country on account of their complicity in social scandals. If this case was for Parliament to deal with why was it brought into court by the prosecution. He quoted from a speech by Sir Wilfrid Laurier to show that Parliament was not the proper tri-

(Continued on fifth page.)