NAMES OF CORRESPONDENTS OF 'FREE SPEECH' READ IN COURT

At Preliminary Examination of C. Bruce McDougall Yesterday Counsel for the Prosecution Gave Particulars of Papers Seized in Moncton--Hearing Adjourned Until Monday.

Good progress with the preliminary examination of C. Bruce McDougall, charged with publishing defamatory libel in Free Speech was made in the police court yesterday, and after two lengthy sessions, adjourment was made until Monday at 11 o'clock.

A feature of the proceedings was a disclosure of the names of correspondents for the paper in a number of provincial and Nova Scotia towns, by placing in evidence the papers seized by Chief Rideout at McDougall's residence at Moncton.

One witness told of successful efforts to get possession of correspondence between McDougall and the Advocate Publishing Co., of Newcastle, relating to the printing of the paper. This witness, W. J. McNeill, secretary-treasurer of the printing company also gave the information that Free Speech had been printed as usual this week and that a man known to him as Bismarck, but whom he believed to be a brother of C. B. McDougall, had been in communication with him regarding the issue of the paper.

In the letters read in court there was very little of local interest. Miss "Molly Holly" evidently a fictitious name was signed to some North End notes, and one little scrap was signed by a youth named Johnson. Outside of these no names of St. John correspondents were were revealed, though Sussex, Chatham, Bathurst, Moncton and a number of Nova Scotia and P. E. I. towns were all represented by correspondents who were named.

Mr. A. J. B. Mellish of Charlottetown and Mr. J. C. Sherren of Moncton appeared for C. Bruce McDougall Mr. J. B. M. Baxter and Dr. A. W. MacRae conducted the prosecution.

When the case was resumed in the morning, Mr. Mellish counsel for McDougall said that before proceeding he wished to call attention to comments in the press which might influence jurors of his client when sent up for trial. He referred to His Honor Judge Forbes having dwelt on the point in the reports of the Mirissis case.

The Magistrate stated that the reporting of evidence was allowed, but comment was not permitted and the press must be governed accordingly.

Wm. J. McNeill was the first witness ot take the stand. Before giving his evidence he made a formal objection to avoid incriminating himself in the course of his testimony.

Where Paper was Printed.

Replying to Mr. Baxter he said he lived in Newcastle, Northumberland, and for the last two years, had been a mechanic and foreman of the Union Advocate. From 4th Nov., 1907, to 3rd May, 1908, he was foreman for Anslow Bros and since 1908 until 2nd of August, foreman for the Advocate Publishing Co., limited. He was elected secretary-treasurer on that date. He worked mostly on job printing. He had transacted business by letter with C. B. McDougall. He had met the defendant and had talked with him in Moncton and Newcastle. Witness first saw the accused in Moncton on the railway station platform, but could not remember if he had an agreement. He intended to see accused; nobody sent him. The first time he saw him he did not go to see him. He could not say he saw him first in Moncton or Newcastle. He went to Moncton to see another party and not to meet the defendant. McDougall wanted him to print a paper for him. Witness did not know defendant by sight; he was pointed out to him. Nothing of importance passed between them.

Introduced Himself.

Witness introduced himself to accused saying: "You are Mr. McDougall, and I am W. J. McNeill." He could say what day, but he made an appointment with accused and met him at the Brunswick Hotel. Defendant asked him to print a paper for him called Free Speech. The company were at that time printing the paper. The first issue the company printed was on the 25th July, 1908. It was about six weeks after the first issue that he met accused. Witness made the agreement to print the paper. H. H. Stuart and Harry B. Anslow also made the agreement. The first talk witness had with accused was about making Free Speech an eight-page paper. Defendant asked what the price would be, and witness doubled the then existing price, which was $30 for 2,500 copies. Witness went to Moncton a second time to meet accused. That was before the first of January of the present year. He went to Moncton on other business and saw McDougall who gave him some money, which was due. Witness received money in an envelope, sometimes by express orders and sometimes by postal orders. He had no trouble financially with accused. The number of copies had increased to 7,500.

Will Prove McDougall Editor.

Objection was made by Mr. Mellish to the mode of questioning by Mr. Baxter on the ground that the question was whether defendant published the paper at the time of the libel.

Mr. Baxter said that one feature on the case would be the absolute proof that McDougall was the editor of the paper.

Mr. Mellish asked to have the examination limited.

Continuing, witness said he arranged by letter to C. B. McDougall, Moncton. He wrote the address on the envelope. He received copy for the paper from C. B. McDougall and talked the subject matter with him afterwards. At times the letters would be signed and sometimes not. He did not preserve the letters. Copy was also destroyel, when the paper was printed.

Correspondence Produced.

Mr. Baxter produced some correspondence which was seized last week in Moncton. On being shown to witness, he said that he could not identify the writing because all correspondence from St. John was always typewritten. From other places he had seen the correspondence in writing.

Objection was again raised by counsel for the defence that the evidence was entirely irrelevant to the information laid.

The magistrate said if Mr. Baxter could produce evidence before him upon which the crown officers could lay a foundation for a prosecution, a charge would be laid against the publishers of this paper in every county of the province.

This announcement was received with applause by the spectators.

Further Information To Be Laid.

The magistrate also said that information would be laid against the defendant in Albert county today.

The magistrate continued his examination of the witness, who said a man named "Herbert somebody" signed correspondence from Campbellton. Witness instructed his help not to print anything unless signed by C. B. McDougall. Accused paid him three visits, two of which were paid in the last two months. When McDougall came he brought copy with him, but could not say what issue that particular copy appeared in. McDougall, witness said, was in Newcastle within a month. The last issue of the paper was last Thursday.

Mr. Baxter showed witness a copy of the last issue, the items of which were received last Tuesday. The date of this issue was 21st August.

Showing witness some items, Mr. Baxter asked if they were in typewriting. Witness replied that they were all typewritten.

The paper was offered in evidence, subject to objection by the defence.

Another Issue Printed.

In reply to a question, witness said there was an issue this week. Prior to the issue of Aug. 21, witness had a conversation on Wednesday or Thursday with some one over the 'phone. The voice was the same as he had heard many times over the 'phone. Witness said that he had no doubt that it was McDougall's voice, and that he wanted the papers down Thursday night.

A man who said his name was McDougall came after the correspondence on Sunday. Witness gave the correspondence. He saw this man in Moncton. Another issue of 4,000 copies was printed last night.

Witness said there were several weeks of 7,500 copies. For every copy of the 7,500 a cent was agreed upon.

Mr. Baxter had the witness stand aside for a few minutes, as C. M. Lingley, who was to give evidnce was needed in the county court.

Printed 2000 Envelopes.

Mr. Lingley testified that he printed 2,000 envelopes for Mirissis on which was stamped "C. B. McDougall, Moncton."

Mr. Baxter produced an envelope which was identified by witness as one of the envelopes printed by him, on which was marked "Editor of Free Speech, P. O. 336, Moncton, N. B.

Mr. McNeill, resuming, said he had the latest copy of Free Speech. He never saw W. C. Loggie; he heard that he was in existence across the line.

Under cross-examination by Mr. Mellish, witness said that the name C. B. McDougall was not signed, and it was possible that manuscript would be printed without McDougall's knowledge. Witness said McDougall warned him in Newcastle to be careful of correspondence from St. John and other places, as correspondents might try to get something objectionable in.

This ended the witness' cross-examination and the court adjourned until the afternoon.

Afternoon Session.

Gordon McKinnon was the first witness called for the prosecution in the afternoon. Mr. McKinnon stated that he was a barber in the Dufferin Hotel. He formerly lived in Moncton, and knew the prisoner, C. Bruce McDougall. He had had conversation with him while in Moncton, and knew his voice.

On Friday following the arrest of the Greeks, Mirissis and Aliotis, he was summoned to the long distance telephone and a voice, which he recognized as McDougall's, informed him that he was shipping a thousand copies of Free Speech to witness and asked him to place them in his store where people could obtain them. Witness told him not to ship them to him as he would not accept them under any condition.

He also told McDougall that any person found reading them, let alone selling them was liable to arrest. McDougall replied, "That is all a bluff." Witness also informed him that Free Speech had roasted his employers, and that if he were caught selling them he would be turned out into the street.

Steadman Crandall, postmaster Moncton, was next called. He stated that he knew the prisoner, C. B. McDougall. He did not know W. C. Loggie, but had received mail addressed to him, which he placed in P. O. Box 336. The rent of the box was paid by McDougall. Witness had seen McDougall's handwriting, and would recognize it if he saw it again. When shown a note by the prosecution, signed C. B. McDougall he said that in his opinion the note had been written by McDougall. He knew that McDougall paid the rent of the box, but had never seen him open it.

Ordered to Produce Correspondence.

In reply to Mr. Baxter, witness stated that he had been served with a subpoena, which required him to produce all correspondence addressed to C. B. McDougall, Box 336, or W. C. Loggie. He could not do this as it was contrary to the orders of the Postal Department. He had delivered the mail out of the box after the subpoena had been received, on receipt of a wire from Mr. N. R. Coulter, Post Office Inspector.

Mr. Baxter—"You preferred to obey the orders of the inspector rather than the subpoena of the court?"

The question was objected to and was not answered.

Mr. Baxter raised the point that the Postal Department had interfered in the matter, and was asked by Mr. Sherren if he were trying to make another issue, and if he were talking for the benefit of the newspapers.

Counsel for the defence then asked the witness if he were positive that the signatures were those of McDougall.

On being answered in the affirmative, Mr. Mellish asked if the witness had noticed the difference in the spelling of the name, as in the order referred to the name had been spelled "Macdougall," but in every other case it had been spelled "McDougall."

Mr Baxter stated what the difference was.

Mr. Mellish retorted, "I am not asking you the question, Mr. Baxter."

The Key of the P. O. Box.

Mr. Mellish (to witness)—"You stated in your evidence that McDougall had the key of the P. O. Box; how do you know that?"

Witness—"Because he lost his key about six months ago, and I had a new one made for him."

Mr. Mellish—"Do you ever recall seeing him open the box?"

Witness—"Not, not at this moment."

Mr. Baxter offered in evidence a letter which witness said he believed to have been written by Bruce McDougall. The letter was addressed to "J. W. Colwell, Sussex, N. B." and stated that McDougall was shipping 100 copies of Free Speech to Colwell, and also stated that the police had no power to prevent the sale of it. At the end the letter stated that he would "make it hot for McLeod" It was signed "C. B. McDougall."

Money Orders Produced.

Mr. A. H. Newman, Canadian Express agent at Moncton, was then called. He stated that he knew the prisoner, and had had dealings with him.

Mr. Baxter produced fourteen express money orders, which were endorsed by McDougall.

Witness said he remembered having paid one of them to McDougall, and might have paid them all.

The express books were also produced to prove that McDougall had sent out packages addressed to the Union Cigar Store, St. John. These packages had been sent out on June 4, 11, 18 and 26 and on July 2, 9, 16, 23 and 30. There had been none since that date.

Witness stated that he had some conversation with the prisoner relative to shipping Free Speech. McDougall had come in his office several times and paid the charges.

The next witness was Geo. Rideout, chief of police at Moncton. He stated that he had been a resident of Moncton for two years. He knew McDougall. He did not know another of that name in town. He did not know W. C. Loggie. He had seen McDougall taking mail from box 336. Since the prisoner's arrest he had made a search of his house in Moncton and had found a lot of correspondence. He recognized the packet in court as that which he had found.

Ernest H. Cameron said he was carrier for the Canadian Express Company. He was shown express money orders issued by G. Mirissis and payable to McDougall. He identified the orders as those secured by Mirissis. The latter purchased the orders himself. There were fourteen in all.

Letters From Correspondents.

Chief Rideout, re-called, was shown a letter from New Glasgow, signed "A. F. Fraser," asking the editor to publish some items. The writer expressed his wish to straighten out a few "swell headed guys" in the Nova Scotian town. McDougall's name was mentioned in the letter as editor of Free Speech.

Mr. Mellish objected to the reading of the letters on the grounds of irrellevancy.

Other Correspondence Produced.

Albert H. Bruce wrote from Fortescue, C. B., enclosing news notes.

Joseph A. McDonald wrote from Port Hood enclosing notes in which, he said, there was no "real harm."

Alex. Moran of Canterbury, Station, N. B., asked to have his money refunded for a paid subscription when Free Speech was denied the use of the mails.

A. D. McPhee, "P.M." wrote from Georgetown, P. E. Island, promising to send some "spicy" news.

"Miss Molly Holly, Main Street."

Some North End notes were contributed by "Miss Molly Holly," who gave her street address as 395 Main street.

Mr. Baxter said no one of this name lived at that address.

An item concerning a ball game was sent by one Johnson from 76 Brooks street.

J. A. Legere, of Moncton, A. R. Duck of Charlottetown, and L. D. Jones of Charlottetown, approved of the policy of the paper and the latter sent some news.

Wm. Heffernan, of Sussex, sent some very original notes from Sussex.

W. M. Campbell sent news from Inverness, largely of a sporting nature.

Thomas B. Arseneau, a Chatham correspondent, warned the editor not to print any "hits" on the writer, and promised to give all the news that was going.

John D. Cameron agreed to send weekly notes from Sydney Mines.

A. S. Fraser, New Glasgow, enclosed correspondence which was not found.

J. R. Henderson, of North Sydney, thought the paper the best which ever struck the town and sent some news.

A. D. Miller, of Bathurst, and Wm. D. Stewart, of New Glasgow, also sent out news "in confidence."

O. Morrison mailed notes from Port Hood, N. S.

Alex. McAdam, of North Sydney, said he was a constant reader and a "good spouter" and would be willing to give news.

H. Rudland sent items from New Glasgow in March.

This completed the reading of the letters.

Chief Rideout testified that he had found a large number of envelopes similar to those which Mr. Lingley had sworn to printing.

Cartoon Of Magistrate Kay.

Wm. J. McNeill, of Newcastle, recalled, said he had received several telegrams from Mr. McDougall. The subject matter was copy for Free Speech. He remembered printing a cartoon of Magistrate Kay on July 31. The cut came by mail. He could not say if the accompanying story was sent by mail or wire. The copy was destroyed. This was not unusual in newspaper practice.

He gave letters containing the original agreement with McDougall to a man who gave his name as McDougall, and who said he wanted the letters to use for the prosecution. He had seen the man before and he was known to him as Bismarck. This occurred on Sunday evennig last. He was told the papers would be used to assist the prosecution.

Continued on Page Five.

MIRISSIS FOUND GUILTY WITH RECOMMENDATION TO MERCY

Trial of Vendor of "Free Speech" Concluded in County Court Yesterday---Will Be Sentenced This Morning --- Interesting Features During Hearing---Juror Reprimanded.

At five minutes to six yesterday afternoon the jury in the case of the King vs. George Mirissis, indicted in the County Court for selling Free Speech, an alleged obscene publication, through Mr. Isaac Northrup, the foreman, found the prisoner guilty with a strong recommendation for mercy. Mirissis heard the verdict without exhibiting any outward signs of emotion. He will be sentenced this morning at 10 o'clock.

In yesterday's proceedings there were some features of lively interest. When the Court opened at 10 o'clock Attorney General Hazen created a sensation when he charged Sanford W. Scammell, a juror, with a violation of Judge Forbes' warning by discussing the case outside on Thursday evening with Mr. J. M. Trueman. In the end the matter was adjusted by Mr. Scammell assuring the Court that notwithstanding what had occurred, he could and would give a verdict according to the evidence. During the discussion of the incident between His Honor, Attorney General Hazen and Mr. Scammell, Mr. Mullin, counsel for the prisoner, objected several times to the conversation and was told by the judge that it was none of his business and to sit down.

His Honor also created a stir when he said that as soon as the Court had adjourned he was going to deal with the Sun newspaper for committing a contempt of Court by commenting on the case before a verdict was arrived at.

Postmaster Edward Sears was the first witness for the Crown yesterday morning and told of warning the accused that he was doing wrong in selling Free Speech.

Attorney General Hazen sprang a surprise when he introduced in evidence letters on Mirissis' letter head, written at his dictation. In these letters he said that he was deducting certain amounts to pay the correspondent.

In the afternoon Mr. Mullin presented a lengthy legal argument to the Court in his motion to have certain evidence struck from the record. His motion was disallowed.

Morning Session.

When the hearing opened in the morning the Attorney General said: "Before the Court resumes this morning I desire to report to Your Honor that notwithstanding the warning given the jury, I am informed by the Chief of Police, who has it on creditable authority, that Mr. Juror Scammell discussed the case in a street car last night and said that he believed the prisoner innocent."

His Honor—Now, Mr. Scammell, what have you to say. I ——

Mr. Mullin—I object.

His Honor—Sit down, sir. It is none of your business.

Mr. Mullin—I object.

His Honor spoke strongly to Mr. S. W. Scammell, who admitted he had discussed the case.

The Attorney General informed the Court that he received the most positive information.

Mr. Scammell said he could not remember stating an opinion.

His Honor objected to opinions of the case being expressed in the Sun newspaper. He offered to discharge the jury. It was no wonder the jury, he said, would feel at liberty to discuss the case when such stuff was printed.

"Let me say," he continued, "that before the Court adjourns, I'll deal with both the Sun and the reporter."

At Mr. Hazen's request and against Mr. Mullins objection, Mr. Scammell was asked if he could arrive at a verdict according to the evidence and disregard the opinion which he had expressed.

Mr. Scammell—Yes, sir, I can.

Mr. Hazen—If Your Honor will permit me, I will retire and think the matter over.

Judge and Counsel.

After being absent for a few minutes Mr. Hazen announced that he would proceed, although reluctantly.

Mr. Mullin objected and His Honor told him this did not concern him, as it was purely a crown matter.

Mr. Mullin—I wish my objections added.

His Honor to the court reporter—Do not note these objections. If you have strike them out.

Edward Sears, postmaster, was then called by the crown. Mr. Sears said that in consequence of receiving letter from the Postmaster General, placing Free Speech under a ban, he had a friendly talk with Mirissis and endeavored to get him to drop the paper.

Q.—What did he say to you?

Ans.—He said it was all right.

Witness told prisoner that the paper was bad and warned him that he might get in trouble if he kept on selling it. Mirissis claimed that he made $80 per month from selling Free Speech.

During the examination of witness Mr. Mullin objected to the postmaster's method of answering questions. He was overruled.

A Citizen's Duty.

Under cross-examination Mr. Sears said that the believed he was doing Mirissis a friendly turn in warning him. Also that he believed it was every citizen's duty to assist in stopping the circulation of Free Speech.

This concluded the crown's case and at the request of Mr. Mullin the court adjourned for ten minutes to allow him to consult the prisoner.

Mr. Mullin then outlined the case for the defence. He said that the defendant would be called on his own behalf. He continued that it was incumbent upon the crown to prove guilty knowledge, which was the gist of the offence and that the crown had not proved guilty knowledge. He termed Free Speech a filthy, vile sheet.

Mirissis Gives Evidence.

Mirissis was then sworn and had to be assisted to the witness box. Mr. Mullin informed the court that he had been ill for two days.

Examined by Mr. Mullin, witness gave his age as twenty-one. He had been four years in St. John.

Q.—When you came out here could you speak English?

Ans.—No.

Continuing witness said that he handled Free Speech from June 4 to July 31. He repeated the conversation he had with Officer Lucas on the occasion of the latter's visit to the Greek's store on the night of July 31. He contradicted Lucas with regard to the warning Lucas says he gave him about the immoral or obscene character of the paper.

Witness—I swear ten times the paper I know not was bad. I don't know about "moral." I said to him "what is moral." I thought he said "murder."

Q.—Did Lucas ever warn you that you would be arrested if you continued selling Free Speech.

Ans.—No.

Witness denied that he ever had any conversation with Officer Hughes.

Legal Advice From the Boys.

Q.—Did you ever get legal advice?

Ans.—Only from the boys.

His Honor—The postmaster gave you advice.

Witness said that he asked one policeman why he was not warned that he was violating the law. The accused said that he told the boys that he was willing to "go by the rules of the city."

Witness denied that he ever wrote to Moncton to have Officer Marshall's or James O'Brien's name kept out of the paper. He denied that he ever acted in the capacity of correspondent. Referring to the evidence given by Walter H. Golding, witness said that when he showed the paragraph about Mr. Golding to him, Golding replied: Oh, that was written by the chap in the Happy Half Hour. Witness said that he received many anonymous paragraphs with the request to forward them to Free Speech.

Q.—What did you do with it?

Ans.—I got someone to read and when I find who is it I tear it up.

Mirissis denied that he ever told Mr. Golding that he sent news to Moncton.

Q.—Did you have anything to do with this paragraph about Mr. Golding?

Ans.—No.

Witness flatly contradicted Dunlop's evidence.

His Honor—You may not be able to speak English but you can draw inferences.

Witness said that he did not threaten to roast anyone in Free Speech.

Mr. Mullin produced the Golding receipt and asked witness to explain the matter.

Witness said he would dictate it to someone and then made a copy.

Cross-Examination.

Cross-examined by Mr. Hazen.

Q.—Who was the person who wrote this bill?

Ans.—I don't remember.

Witness denied that he could read and write Greek.

Q.—Who is this man Roy?

Ans.—An insurance man.

Q.—What insurance office?

Ans.—I don't know.

Q.—Would you know his last name if you heard it?

Ans.—No.

Q.—What profit would you make on Free Speech?

Ans.—One cent to newsboys, two from the store.

Witness said that he got Charles M. Lingley, a printer, to print envelopes marked C. B. McDougall, editor Free Speech, Moncton, N. B., Box 336.

Q.—Then you were not telling the truth when you said these envelopes would be sent from Moncton?

Ans.—Yes.

Q.—Who wrote letters besides Roy and McNultie?

Ans.—I don't know the names.

Mr. Hazen produced a letter written on behalf of Mirissis. The letter was written on the accused's letter head. He admitted owning the letter head, but claimed he could not read it.

Pay For the Correspondent.

Mr. Hazen read the letter subject of Mr. Mullin's objection. After speaking about the number of papers sold and the money remitted the letter continued: "I deduct $8 to pay the correspondent. I have no news but will send it later."

Witness (in a loud voice)—"No, I never said it. Let me see it."

Mr. Hazen read another letter, dated July 7, '09, in which was written: "I deduct $3 for correspondence, also $7 for a cartoon cut." This letter was written on Mirissis' letterhead and signed, "George Mirissis." The cut was was a cartoon of Mayor and Sheriff Willet, of Moncton.

Witness denied that he ever said anything about correspondents in his letters. The two letters he said were written by different persons. Witness could not remember who wrote the last mentioned letter.

Wrote of His Arrest.

A third letter, dated Aug. 17, '09. The letter was written to McDougall and signed by "George." It and one of the others were both in the same handwriting. This last letter was a warning to McDougall of his arrest, and said that he heard Baxter and MacRae were going to make trouble. It also thanked McDougall for his encouragement.

Mr. Hazen—Where are the replies from McDougall.

Ans.—In my store.

The letters were put in evidence, subject to Mr. Mullin's objection.

Mirissis contradicted both Officers Crawford and Hughes' evidence, also the evidence of Walter Golding and the evidence of James Dunlop, witness emphatically denied.

Afterwards witness, when shown the cartoon of Mayor Willet, denied that it was the one he paid for.

Q.—Did you not tell James O'Brien that you had got legal advice to the effect that you could shoot any one who would interfere with him in selling Free Speech?

Ans.—No.

Q.—Did you not tell him that you had a revolver in your cash register?

Ans.—No.

Mr. Mullin called Thomas Kickham and John Donnolly, who were not in Court.

Mr. Mullin consented to having the evidence of Thomas Kickham read, which was done.

At this juncture Donnolly came into court and after Mr. Kickham's evidence was read John Donnolly was sworn.

Wrote Letters for Mirissis.

Witness said he resided on Moore street and was a clerk in Caples' cigar store, Main street. He said he knew Mirissis in a business way.

Q.—Did you ever write any letters for him?

Ans.—Yes. About last February. I told him I would write all the letters for him. I wrote the last letter for him last month. I would make out their returns and do all their business.

Witness denied that he wrote any letters to Free Speech or to C. B. McDougall. He was shown the letters sent to McDougall, but said he knew nothing about them.

The Attorney General called James O'Brien in rebuttal.

Mr. O'Brien said he knew Mirissis well and had conversation with him about Free Speech.

Mr. Mullin—I object to this evidence. The statute provides that the time and place of the alleged conversation must be called to the attention of the witness. This was not done and I submit Mr. O'Brien is thereby precluded from giving evidence.

The Court adjourned at this point, and the argument was deferred until the afternoon session.

Afternoon Session.

When the court met at 3 o'clock, Attorney General Hazen argued that there was nothing in the statute to show that the crown had to designate the time and place when cross examining witness as to what he said to a third party.

Mr. Mullin having taken this objection in the morning agreed with Mr. Hazen, but objected to Jas. O'Brien giving rebuttal evidence on other grounds.

This arose over the accused denying that he said to Mr. O'Brien that he had consulted a lawyer who told him to shoot anyone who attempted to interfere with the sale of Free Speech.

In the end His Honor would not allow O'Brien's evidence.

The Attorney General did not press to have him sworn.

This closed the case for the defence and Mr. Mullin before addressing the jury moved to have the evidence of the witnesses whose names did not appear on the back of the indictment (only the names of Firmin and Lucas appear on the back of this paper) struck out on the ground that notice had not been given him as required by law. He cited several English authorities in support of his argument.

Attorney General Hazen argued that the authorities cited were conflicting.

His Honor disallowed the motion.

Speech For Defence.

Mr. Mullin then delivered an able address to the jury, going into every phase of the case. His address was practically the same as given at the first trial only he went into details in a more thorough manner. Speaking about his own "roast" in the Free Speech, the learned counsel for the defence said: "But I have friends who were more than zealous in looking after my professional reputation." This provoked some laughter from the audience which was suppressed by His Honor. Mr. Mullin also termed the Free Speech "a vile sheet."

The Attorney General in a brief but eloquent address reviewed the case and asked the jury not to be swayed by the "sympathy plea."

His Honor briefly charged the jury. In pointing out the evidence he intimated there was sufficient evidence to warrant conviction.

The jury then retired and brought in a verdict of guilty as previously stated.

Mirissis will be sentenced this morning. The case against Aliotis, his partner, will go over until the next session of the court.

Meeting Postponed.

The meeting of the council of the Board of Trade was postponed yesterday morning until next week. The delegates to the Maritime convention at Charlottetown will make a report at the meeting. The withdrawal of the local board from the Maritime union will be the chief topic for discussion at the meeting.

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The City of St. John Invites Sealed Tenders

for the placing of piles at the approaches to the West side dock of the Steam Ferry in the Harbor of the City of Saint John, according to plans and specifications to be seen in the Office of the City Engineer, City Hall, Prince William Street.

Tenders endorsed "Tender for Piling, Carleton Ferry," will be received by the Common Clerk until noon of FRIDAY, 3rd September next, and none will be accepted unless on form supplied by the City Engineer.

A certified bank check or cash deposit equal to five per cent. of the estimated value of the work will be required to accompany each tender.

The City does not bind itself to accept the lowest or any tender.

A. P. MACINTYRE, City Comptroller.

WILLIAM MURDOCH, City Engineer.

City Hall, St. John, August 26th, 1909.