

## SUPREME COURT IN SESSION THIS WEEK

### Two Adjoined Criminal Cases and Four Civil Suits on the Docket

The adjourned session of the May sitting of the Supreme Court was opened on Tuesday morning, Justice Chandler presiding.

The following Grand Jurymen were present:  
D. J. Buckley, F. E. Neale, Peter Archer, Daniel P. MacLachlan, Everett Parker, James Lamont, G. Percy Burchill, Alex. Mackay, Edward Dalton. Three of these called were absent.

**Criminal Docket:**  
King vs. Rice, charged with death of little Edith Nelson of Boiestown, who was run over and killed by an automobile run by defendant last August. Attorney-General Hon. J. P. Byrne for the Crown; Hon. R. Murray for defence.

King vs. Levesque, charged with setting fire to St. Thomas College, Chatham, on October 17th last. Attorney-General Hon. J. P. Byrne for the Crown; A. T. LeBlanc, M. L. A., for defence.

**Civil Docket:**  
MacArthur vs. G. G. Stothart; E. P. Williston for Plaintiff; A. A. Davidson for Defence.  
Baker and others vs. Adams and others; Dr. Wallace for Plaintiff, E. A. Riley for defence.

Marrison W. and Mary Patterson vs. Lee J. Loggie; A. A. Davidson for Plaintiff, Hon. R. Murray for defence.

D. Morrison vs. John Ferguson, E. P. Williston for Plaintiff; A. A. Davidson contra.

The following Petit Jury was chosen after the Defence had peremptorily challenged twelve and the Crown Counsel four:  
Neil O'Brien, Ernest Harper, Percy Russell, Harry A. Taylor, Walter Amy and Thos. Bayle, Jr., Newcastle; Harold E. Strang and Walter Neagles, Chatham; William Johnston, Chatham Head; William McGrath, Nelson; and Mark Flynn, Glencoe.

The following were challenged by the Defence:  
F. E. Locke, Jas. W. Davidson, Wm. P. Stables, H. J. Kethro, Ernest Mullin, Edward Barry, John G. Kethro, Joseph H. O'Beirne, Philip Barry, John Lawlor, Wm. Moran, Stanislaus Hickey.

Following were stood aside by the Prosecution:  
Andrew McCabe and L. Comfort, because they were on the last jury that tried the case; Stafford London and N. T. LeBlanc.

The Atty. General after addressing the jury asked to have the deposition of Rev. Father Roche read before the jury.

Mr. LeBlanc claimed the right to have also the testimony given last fall by two witnesses for the defence also read in court, if the stenographer should be able to get here in time, those two witnesses being now in the States.

The deposition was held over till it could be seen whether last fall's stenographer (Mr. Leonard) should arrive.

Charles Blouin, Lewis, 16 years next Nov. New college is in Chatham. Was student there Sept and October 1916. Knew Etienne Levesque, met him the first time there. Rev. Father Roche was the Rector. Knew nothing before the fire. Had notice of it the night it occurred. A priest came and woke them and told them to go out. After they were woken up witness went out alone. Seemed to be 1.15 a. m. Not certain what day of the week. He looked at a little boy's watch. Witness had some conversation the day after the fire. Levesque was there. It seemed to witness that Levesque told him he would make them believe he (Levesque) set the fire. Then he spoke with others, and Levesque winked at him and said he (Levesque) set the fire.

He was in the morning after the fire, he thought—after breakfast, about 7.30. Witness was in the yard with Levesque. Levesque and Landry were behind and witness and Levesque went to see them. They said that if the fire had gone on they would all have gone home. Did not remember what else was said. Levesque did not tell him anything else that he remembered.

Do you remember whether or not Levesque said it was too bad the cold was on his hands? Observed to be cold on his hands.

Question asked, subject to objection.

Answer—"I do not remember how many fires had the college?"

Answer—"It seems to me that I was told there was another fire."

Witness did not remember date of the other fire. Saw smoke of first fire—saw no flame.

Q.—Was the second fire on a Sunday?

Ans.—I do not remember any more.

Q.—Have you met Mr. LeBlanc since the last trial?

Ans.—No.

Mr. LeBlanc spoke very strongly about the aspersion which the Attorney-General, he alleged, had cast upon his character by the last question, which, he claimed, intimated that he (LeBlanc) was suspected of having tampered with a witness.

Mr. LeBlanc cross-examined the witness:

Witness said he had not spoken to Mr. LeBlanc since last trial.

Witness had heard of fires in Caraque and Bathurst colleges.

Did you hear that Levesque burned Caraque College?

Objected to by Crown.

Mr. LeBlanc said that it had been falsely stated in the press that Levesque had burned Caraque College while, in fact, Levesque was not at Caraque at the time, but 300 miles away.

Do you believe Levesque set the fire? Ruled out by Judge.

Witness said that the only time Levesque mentioned the fire was the time that Levesque said to him that witness and Levesque should make believe that he (Levesque) set the fire.

Landry said (he thought) when he heard Levesque say he set the fire:

"That is a good one."

Witness left St. Thomas College not very long after the fire, because they were doubting it was he and others had set the fire. He (witness) had been called before Father Roche in the matter. He knew Willie Lyons who had given evidence, thought he belonged to the U.S. A.

Witness was in seventh grade. Levesque was 18 or 19 years old. Was not intimate friend of Levesque, because latter was bigger than he.

Most of the boys smoked cigarettes. This was against the rule, at the time.

All who could smoke pipes might do so with permission of their parents.

When the boys smoked cigarettes they would hid. It was nearly always in the basement that they hid to smoke cigarettes. As soon as masters came around the boys would throw away their cigarettes, and some of them would throw away even lighted cigarettes. Witness had smoked two or three cigarettes himself.

The other witnesses—Joseph Levesque and Clovis Landry, subpoenaed by the Crown, were not present. Personal service in Quebec city by Deputy Sheriff Irving being proved in case of Levesque, an order was issued for his attendance, and Court adjourned till 10 a. m. next day.

Court reopened at 10 a. m.

Two witnesses for the Crown—Joseph Levesque and Clovis Landry—had been in court Tuesday morning but absent Tuesday afternoon, were still absent, it appeared that they were present Tuesday forenoon.

They were registered at the Hotel Miramichi, which they left shortly after dinner Tuesday. They had not been heard from since, the Chatham authorities not being able to locate them there. The Attorney General said that this was a very serious matter, happily rare, in this province. It seemed a prima facie case of the witnesses having been tampered with. He would, therefore, ask that the case be adjourned and the jury discharged and the prisoner admitted to bail.

The judge directed that steps be taken on to prove default of witness Clovis Landry; as had been proved in the case of Joseph Levesque. He agreed with the Attorney General, discharged the jury from this case, and directed that steps be taken to apprehend the witnesses either in this province or Quebec and compel their attendance in this case.

Joseph Levesque had been paid his travelling expenses to Newcastle. Deputy Sheriff Irving had handed up to the Crown the deposition of Clovis Landry to the Attorney General.

Joseph Levesque was subpoenaed to appear in court on Tuesday.

## APPEAL FOR PEACE FROM POPE BENEDICT

### Peace Proposals Delivered to All Warring Nations on Tuesday

A Rome Despatch on Tuesday says: Peace proposals made by Pope Benedict have been delivered to all the belligerent governments. The Pope suggests restoration of Belgium, Serbia and Roumania and peaceful solution of the problems of Alsace-Lorraine, Trente, Trieste and Poland, according to reports received from Vatican sources. It is expected the proposals will be published today by the Vatican.

Despatches from Washington say that an unofficial outline of Pope Benedict's peace propositions received

attempt to prevent free economic action between the belligerents, the Pope points out, would be disastrous therefore, he says, there must be freedom of the seas in all that the term applies. The Pontiff declares that so extensive has been the injury to all the belligerents that there can be no thought now of either indemnity or reparation. In a spirit of conciliation and justice, he says, all the belligerents must submit to accept the losses they have sustained, except in the case of territory, and besides these questions



Pope Benedict XV

include reduction of armaments, freedom of the seas, and provides that there shall be no retaliatory struggle for world commercial supremacy. These are regarded as the foundation stones of the Pope's plans. The Pope's proposals, which already have been delivered to the resident ambassadors and ministers of the warring powers in Rome, are quite long. At best, Pope Benedict's proposals are only suggested as a rough basis for such negotiations and he realized that the details in all their complexity must be worked out patiently and in a spirit of conciliation by the belligerents themselves. It is inconceivable, the Pope holds, that any permanent peace can be maintained unless the various peoples are willing to gather in amity founded upon a recognition of their rights. Any

of indemnity and reparation the Pope declares that there must be no continuation of the war by an economic struggle for supremacy therefore, this refers directly to the so-called Paris economic conference which was followed by the Vienna conference where the effort was made to bind the belligerents on either side, after the war to have practically no commercial relations with their late enemies. Not only must French territory now occupied by Germany be restored to France, he says, but on the other hand, all German colonies which have been occupied by England, Portugal, Belgium and Japan should be returned to Germany. The more difficult question of Italy's Irredentia, the Pope thinks, should be examined in a spirit of conciliation and fairness.

Edith Nelson, saw accused that even driving an automobile with a boy with him. Edith Nelson and a MacMillan boy were playing about the road. Accused came back up the road with car. Third time he went by he had the boy still with him and several others, about 7.15. Just after he passed the house this time he noticed car turn towards sidewalk, and heard people shout. Car then turned into the street, went on 40 or 50 yards and then stopped. Witness then went out from the verandah down the road, and saw Edith Nelson by side of the road.

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## Genuine Bargains in Sewing Machines

We have four Sewing Machines of a lot we received before prices got as high as they are to-day. We are anxious to have the good quality of these Machines more generally known and will sell these four, one of each kind, at the following prices:

"SPECIAL"	(Good Value at \$27.00)	for \$20.00
"STANDARD"	(Good Value at 30.00)	" 23.00
"VIBRATOR"	(Good Value at 35.00)	" 27.00
"ROTARY"	(Good Value at 45.00)	" 35.00

ALL GUARANTEED FOR TEN YEARS

## D. W. STOTHART'S

### John D. McAuley Has Passed Away

Well Known Hotel Man Died on Friday Morning After Short Illness

The death of Mr. John D. McAuley, one of Newcastle's best respected, and the North Shore's best known citizens occurred on Friday morning about five o'clock after a short illness.

Deceased who was seventy-one years and six months of age, contracted a cold at the fire that recently damaged the barn on his property and bronchitis and pneumonia developed, which although he never took to his bed resulted in his death.

The late Mr. McAuley was born at Whiteville, and for a number of years was a successful farmer of that village, later going west, where he married Miss Shackleton, of Iowa State. About eighteen years ago Mr. McAuley purchased The Union Hotel here, and has, but for a short period in 1914-15, conducted that hostelry and in doing so made many friends among the travelling public to whom the news of his death will come as a great shock.

As a sound business man, an ardent temperance supporter, he was keenly interested in the affairs that tend to make Newcastle a better place in which to live, and his efforts for good won for him many friends among the townspeople.

Besides his widow three sons and six daughters are left to mourn the loss of a kind husband and loving father. They are Bertha (Mrs. John McDougall) Roxbury, Mass.; Stella (Mrs. Robert Norris) Fall River, Mass.; Margaret (Mrs. Alfred Bower) Amherst, N. S.; Lucy (Mrs. Charles McCulloch) Lower Onslow, N. S.; Annie (Mrs. Wm. Borton) Moncton; Miss Nina, Dorchester, Mass.; Oran G. McAuley, I. C. R. engineer, Moncton; Murray, Fall River, Mass., and Master Frank at home. One sister, Mrs. Jane Whitney of Bangor, Me., also survive.

The funeral took place at three o'clock on Monday afternoon. Services were conducted at the house and grave by Rev. J. J. MacCurdy assisted by Rev. S. F. McArthur, R. D. Rankin, and the Presbyterian choir which sang two favorite hymns of deceased "Abide With Me" and "For ever with the Lord." A large number of citizens turned out to pay the last respects to deceased who was laid to rest in The Miramichi Cemetery.

The pall-bearers were Messrs. Edward Nelson and John Williamson, C. E. Fish, E. O'Donnell, S. B. Miller and Wm. Stymest.

The floral offerings were many and beautiful, and included the following:

Broken Circle—Children  
Spray—Grand-children  
Harp—Mrs. Allan Menzies  
Cut Flowers—Mrs. Ed. Menzies  
Cut Flowers—Mrs. Arthur Patzke

### TOO MANY CHILDREN EMPLOYED

John Kenny of St. John, Factory Inspector, was in town yesterday looking over the mills and factories. Mr. Kenny finds that the Child Labor Act is being violated in many of the towns he has visited, and that an unusually large number of boys from age to thirteen years of age are being employed. Many of these have been turned from their work by the inspector. There is a penalty of \$200 for employing children under 14 years of age, and parents are liable to a similar penalty. Mr. Kenny finds that storekeepers have intelligently complied with the law, in regard to providing seats for their female employees, but he found some clerks are not being turned from their work.

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### Former Miramichi People Pass Away

A Lake Charles, Louisiana paper, of July 11th, ult., says:

"Last night at 10.40 o'clock at the family residence at 2101 Shell Beach Drive, occurred the death of Captain Thomas Lamont, Captain Lamont had been ill for some time and his death was not unexpected, as the friends of the family knew he could not recover."

"Thomas Lamont was born 76 years and four months ago in New Brunswick, near St. John, and came to the United States during his early manhood. He came to Lake Charles in 1883, being employed by the North American Land & Timber Co. He had charge of the shipyards and reclamation work done in those days by this company and in that way was one of the pioneers in settling up and reclaiming this section of South west Louisiana."

"The residence on the corner of Broad and Common street, which was the home of the late Mrs. Sophie Cavanne, was built by Mr. Lamont, and was for many years the family residence of the Lamonts. The family has been identified with the building up of the community and the activities promoting the growth and development of Lake Charles, were shared by the captain and members of his family."

"Two children, Fred Lamont, who is in the employ of the North American Land & Timber company, and Miss Lela Lamont, survive the captain."

"The funeral took place this afternoon from the family residence at 3 o'clock, the interment taking place at Orange Grove cemetery."

The late Thomas Lamont was born at Douglastown, N. B., and was the brother of the late Councillor H. H. Lamont. The following brothers and sisters survive: Andrew, Silverton, Colo.; Matthew, Tucson, Arizona; Mrs. George Henderson, Douglastown; Mrs. A. A. Scott, Douglastown; Miss Christina, Douglastown, and Mrs. Wm. Carter, Boston.

### MRS. ROBERT FLEMING

The Oconto (Wis.) Reporter, of Aug. 2nd says:  
Mrs. Margaret Jane Fleming, wife of Robert M. Fleming, passed away at 5.30 Wednesday morning, after having been a patient sufferer with a complication of diseases for the last two years.

Margaret Jane Flett was born in Nelson, New Brunswick, December 27, 1855, and was married December 20, 1880, in her native town to Robert M. Fleming. Later they lived in Manistee, Mich., and Marinette and in the fall of 1903 moved to Oconto. She is survived by her husband and one daughter, Clara (Mrs. Percy Williams) another daughter, Miss Ethel, having preceded her to the great beyond April 10, 1915. She is also survived by one brother, Robert, of Douglastown, N. B., and two sisters, Miss Susana Flett and Mrs. Silas Williams of Nelson, the former sister, Miss Flett being with her at the time of her death.

Mrs. Fleming was a member of the Ladies of the Maccoches of Manistee, Mich., and of Oconto chapter Order of the Eastern Star, whose members will attend the funeral in a body.

The funeral will be held from her late home on Main street, at 2.30 to-morrow afternoon. Rev. Wright and Bowden officiating, and her remains borne to their last resting place in Evergreen cemetery by the following pallbearers, J. A. Remsey, Al. Klies, F. P. Ferguson, A. B. Burdick, G. H. Armstrongs and George Glyn.

### KATHERINE R. HOLTON

(Belmont Courier)  
Katherine R. Holton, widow of the late Charles Holton, of Trappe road, Waverley, Mass., died after a short illness, in her 71st year, at Belmont

### A Chatham Family Again Beveaved

Second Victim of the War From Among the Sons of Geo. B. Fraser

Gunner MacDougal Fraser, youngest son of Geo. B. Fraser of Chatham, was killed in France or Flanders, July 23rd ult. His brother, Lieut. Archibald Fraser, was killed in action Nov. 1st, 1916.

The late Gunner Fraser had been wounded some time ago, but had recovered and gone back to the front. He enlisted from the U. N. B., and was 21 years of age. He is survived by his father and step mother, Mr. and Mrs. Geo. B. Fraser, four sisters, Mrs. Gordon Logie of Peterborough, Ont., Miss Dorothy of the Royal Victoria Hospital, Montreal and Misses Marion and Edna at home; and two brothers, Roderick of Renfrew, Ont., and Lieut. Brydson Fraser, who after a year and a half's service at the front with the Winnipeg Highlanders, was recalled to Canada and is now engaged in military work in the West.

The deceased was highly popular both at home and in Fredericton, and is deeply mourned by many, while the sympathy of the whole community goes out to the family bereaved twice in the present war.

### N. H., last Saturday. Mrs. Holton

has been a resident of Waverley over 20 years and has been a very active member of the Congregational church and also of the Ladies' Aid Society. She was a past Chaplain of the Belmont Chapter O. E. S., and before taking up her home in Waverley, was Deputy Superintendent of the Women's prison at Sherborn. The deceased had a large circle of friends here, and her death is a great shock to the many who were associated with her in the many committees of which she was a member. She is survived by two daughters, Miss Grace B. Holton of Moraine street, and Mrs. William Churchill of Salem, one son, Cheney J. Holton, of Moraine street. The funeral services were held at the Congregational church last Monday at 3 p. m. The Rev. C. A. Bidwell officiating. Interment was in the family lot in Belmont Cemetery, Mass. U. S. A.

Note—Deceased was a native of the Miramichi. She was a sister of the late John B. Robertson of Nelson, and an aunt of Mrs. Donald McTavish of North Esk Boom. She visited Newcastle and Nelson friends last summer.

### OBITUARY

#### J. HENRY DURICK

Mr. J. Henry Durick died on Monday afternoon at the home of his sister, Miss Mary Durick, 183 Main street, St. John, following a lingering illness. Mr. Durick was a lumber surveyor and for the last five years had made his home at St. Martins. The deceased was the son of the late Thomas and Mary Durick. Besides his wife and seven small children he leaves two sisters and three brothers—Mary, Margaret, Thomas P., Leo of North End, and William L. Newcastle.

### MID-WEEK MARKET

There was a fairly good market at Fredericton yesterday morning. The prices quoted are as follows: Carrots, beets, onions and cabbage, 5 cents bunch; new potatoes, 50 cents peck; green peas, 25c quart; green beans, 25 cents peck; fowls, 80 cents each; veal, 12 to 14 cents; live pigs \$3.50 each, eggs, 38 cents dozen; butter, 37 cents lb.; blueberries, 15 cents box; blackberries, and raspberries, 18 cents box, cucumbers, 7 cents each.