

The Union Advocate.

A WEEKLY JOURNAL.

W. & J. ANSLAW,
VOL. XV.—No. 15.

Our Country, with its United Interests.
Newcastle, N. B., Wednesday, February 1, 1882.

EDITORS & PROPRIETORS,
WHOLE No. 743.

WAVERLY HOTEL,
NEWCASTLE, N. B.
THIS House has lately been refurbished, and every possible arrangement made to ensure the comfort of travellers.
LIVERY STABLES, WITH GOOD OUTFIT, ON THE PREMISES.
ALEX. STEWART,
Proprietor.
Late of Waverly House, St. John's.
Newcastle, Dec. 3, 1873.

UNITED STATES HOTEL,
NEWCASTLE, N. B.
THIS HOTEL is very pleasantly situated, and has recently been fitted up in first class style, in close proximity to the C. & N. Railway Station, and the wants of travellers will be attended to promptly.
Meals prepared at any hour. Oysters served up in every style at short notice.
JOHN FAY, PROPRIETOR.
Newcastle, Oct. 8, 1877.

CANADA HOUSE,
CHATHAM, N. B.
WM. JOHNSTON, Proprietor.
CONSIDERABLE outlay has been made on this house to make it a first class Hotel, and travellers will find it a desirable temporary residence both as regards location and comfort. It is situated within two minutes walk of the public landing. The proprietor returns thanks to the public for the encouragement given him in the past, and will endeavor by courtesy and attention to merit the same in the future.
Good Stabling on the Premises.
May 18th, 1878.

NORTHERN HOUSE,
CAMPBELLTON, N. B.
The Subscriber is prepared to accommodate the travelling public on most liberal terms, and no pains will be spared to make them comfortable.
The commanding view which this House affords of the splendid Restigouche river and adjacent mountains, renders it one of the most attractive Hotels in the North.
GOOD SALT WATER BATHING can be had in the vicinity at any time.
R. DAWSON,
Proprietor.
Campbellton, January 8, 1882.

ROYAL HOTEL,
45 King Street,
ST. JOHN, N. B.
THIS SPLENDID HOTEL, the finest in the Maritime Provinces, is now open for the reception of Guests, who will find here a comfortable and well-ventilated room, and a most attentive and well-qualified staff. The Building has been thoroughly refitted, re-painted and decorated, and furnished throughout with new and elegant Furniture.
The Proprietor, who has been so long connected with the Hotel business in St. John, has contended himself with his experience and the suggestions of the most successful Hoteliers of the continent, and has endeavored to make the Hotel contain all the latest and most convenient.
THOS. F. RAYMOND,
St. John May 11, 1881.

BOARDS WANTED
Having fitted up and refurbished the building in New Brunswick, owned by C. E. McKean, we are prepared to accommodate a number of boards on reasonable terms.
JOHN & W. MCKEAN,
Newcastle, N. B., June 14th, 1881.

SAMUEL THOMSON,
Barrister and Attorney-at-Law,
Solicitor in Bankruptcy,
NOTARY PUBLIC & C.
LOANS Negotiated, Claims Promptly Collected, and Professional Business in all its branches, executed with accuracy and despatch.
OFFICE—PUBLIC BUILDINGS AND CASTLE STREET.
NEWCASTLE, MIRAMICHI, N. B.
July 17, 1878.

Law and Collection Offices
ADAMS & LAWLOR,
Barristers and Attorneys at Law,
Solicitors in Bankruptcy
Conveyancers, Notaries Public, &c.
Real Estate, & Fire Insurance Agents.
OFFICE—PUBLIC BUILDINGS AND CASTLE STREET.
NEWCASTLE, MIRAMICHI, N. B.
July 19th, 1878.

L. J. TWEEDIE,
ATTORNEY & BARRISTER
SOLICITOR AT LAW,
NOTARY PUBLIC,
CONVEYANCER, &c.,
CHATHAM, N. B.
Always in stock, Flour of various grades, Cornmeal, Oatmeal, Tea, Sugar, Molasses, Tobacco, Cigars, and a variety of goods, which will be sold low at wholesale.
CONSIGNMENTS received and disposed of promptly.
AUCTIONS attended to throughout the County.
Richie, 10, April 7, 1881.

A. H. JOHNSON,
BARRISTER AT LAW,
Solicitor, Notary Public,
&c., &c.,
CHATHAM, N. B.
July 10, 1877.
R. B. ADAMS,
Attorney-at-Law,
Notary Public, &c.
OFFICE OF STAIRS, NOONAN'S BUILDING,
Water Street, Chatham.
July 21-1877.

JOHN McALISTER,
Barrister & Attorney-at-Law,
NOTARY PUBLIC,
Conveyancer, &c.,
CAMPBELLTON, N. B.
May 5, 1879.
J. J. FORREST,
Attorney-at-Law,
CONVEYANCER, &c.
Collecting promptly attended to.
OFFICE—Chubb's Corner, St. John, N. B.
April 27, 1881.

SEELY & McMILLAN,
BARRISTERS, & C.,
7 PRINCE WILLIAM STREET.
St. John, N. B.
Geo. B. Seely. T. H. McMILLAN.
1819-ly

DR. McDONALD,
PHYSICIAN AND SURGEON.
OFFICE AND RESIDENCE
In DESMOND'S BUILDING—
LOWER WATER STREET,
CHATHAM, N. B.
CHATHAM, June 29, 1881.

R. McLEARN, M. D.,
PHYSICIAN & SURGEON,
Graduate of University Medical College, New York.
OFFICE—That recently occupied by Dr. McDonald.
Newcastle, July 12, 1880.

DR. H. A. FISH,
Physician and Surgeon.
Office—Residence of James Fish, Esq.
Hours 10 to 12, 1 to 4, & 6 to 9.
Newcastle, March 1, 1881.

H. LUNAN, B. A., M. D.,
GRADUATE OF UNIVERSITY OF MONTREAL COLLEGE, MONTREAL.
SUCCESSION TO DR. BALCOM.
OFFICE AT MR. ROBERT SINCLAIR'S RESIDENCE,
CAMPBELLTON, N. B.
October 15, 1881.

O. H. THOMAS & CO.,
WHOLESALE MANUFACTURERS OF
GENTS' NECK WEAR,
Custom Shirt Makers and
Mens' Furnishers,
Keep always on hand a large assortment of
White Dress Shirts and
Fancy Regatta Shirts,
With or without Collars attached, Collars, Cuffs, Braces, Scarfs, Bowts, Ties, &c., and all the latest styles of Collars and Cuffs.
With or without Collars attached, Collars, Cuffs, Braces, Scarfs, Bowts, Ties, &c., and all the latest styles of Collars and Cuffs.
THOS. F. RAYMOND,
St. John May 11, 1881.

UNDERCLOTHING,
and everything pertaining to the Furnishing Trade. Also a full line of
Collared Collars and Cuffs.
No one should be without them. They are water proof, perspiration proof, and durable.
SHIRTS MADE TO ORDER IN THE LATEST STYLES. NO MISFITS.—
C. H. THOMAS & CO.,
mar-30-ly Queen St., Fredericton, N. B.

WIRAMICHI MARBLE WORKS,
WATER ST.—CHATHAM.
WILLIAM LAWLER,
Importer of Marble & Manufacturer of MONUMENTS, TABLES, HEADSTONES, MANTELS, TABLE TOPS, &c.
A GOOD STOCK ALWAYS ON HAND.
GRANITE MONUMENTS made to order; CAPS and SILLS for windows supplied at short notice. FURNISHING Work in all its branches attended to, and satisfaction given.
January 24, 1878.

Leather & Shoe Findings.
THE Subscriber returns thanks to his numerous customers for past favors, and would say to all that he keeps constantly on hand a full supply of the best quality of goods to be had and at lowest rates for cash. Also, S. R. Foster & Son's Nails and Tacks of all sizes, and Clarke & Son's Boot Trees, Lasts, &c. English Tops as well as home made Tops to order, of the best material. Wholesale and Retail. J. J. CHRISTIE & CO.,
No. 68 King St., St. John, N. B.
April 29, 1879.

PETER LOGGIE,
Wood Moulding & Planing
MILL,
Near the Ferry Landing,
CHATHAM.
EVERY DESCRIPTION OF
FINISHING
for House or Ship Work, manufactured to order.
Venetian Blinds, Doors and Sashes,
Pine and Walnut Mouldings,
Jig Sawing and Planing, a Specialty.
Estimates and Specifications furnished on application.
Orders attended to with dispatch.
P. LOGGIE.
Flour and Commission Merchants, Millers and Shippers Agents,
ROBISON'S BLOCK,
MONCTON, N. B.
Orders taken for direct shipments of flour from Mills in our load lots, and drafts made direct on consignees. Flour a specialty. Importers of Wholesale and Retail Dealers in Flour, Meal, Pork, Seeds and Provisions, Paints, Oils, Glass, Nails and General Hardware, Groceries, Crockeryware, &c.
WHOLESALE & RETAIL.
Samples of all kinds of goods sent on application. Every description of country produce taken in exchange.
Aug. 3, 1880.

A. O. SKINNER'S
CARPET WAREHOUSE,
BRUSSELS AND TAPESTRY CARPETS;
Wool and Dutch Carpets;
UNION AND HEMP CARPETS;
OILCLOTHS AND LINOLEUMS;
MATS AND HEARTH RUGS;
MATTINGS OF ALL KINDS;
LACE CURTAINS AND COBBINICES;
HOUSE FURNISHING GOODS.
Orders from the Country promptly attended to.
68 King Street, St. John, N. B.

WILLIAM WYSE,
GENERAL DEALER,
Antiquee & Commission Merchant,
CHATHAM, MIRAMICHI, N. B.
Merchandise and Produce received on Commission.
Liberal Advances made on Consignments.
NO CHARGE FOR STORAGE.
AUCTION SALES, and all Business in connection with the same, attended to promptly.
July 10, 1879.

INTERCOLONIAL RAILWAY.
'81. Winter Arrangement. '82.
ON and after Monday, the 21st November, the train will run daily (Sundays excepted) as follows:
WILL LEAVE NEWCASTLE,
Express for Quebec, 2.55 a. m.
Connecting at Moncton with Express for St. John.
Express for Campbellton, 5.30 p. m.
Express for Halifax and St. John, 1.02 a. m.
The express train from Quebec runs to Halifax and St. John on Sunday morning, and the express train from Halifax and St. John runs to Campbellton on Sunday morning.
D. POTTINGER,
Chief Supt.
Railway Office, Moncton, N. B.,
15th November, 1881.

PROPERTIES FOR SALE.
THE following Properties belonging to the Estate of the late William Masson, of Newcastle, are offered for Sale—
THE LOT AND HOUSE
thereon on the corner of Castle and Henry Street, near the Ferry.
THE WATER LOT,
with buildings thereon, on Castle Street, adjoining the Ferry Slip.
THE LOT,
with House, Barn and Out-buildings thereon, situate on Henry Street, now occupied by Mr. John G. Kestro.
Ten desirable and pleasantly situated
BUILDING LOTS
situate between the residence of A. A. Davidson, Esq., and T. W. Crocker, Esq.
A LOT OF LAND
in rear of the Railway Buildings, consisting of between six and seven acres, in a good state of cultivation.
The above properties are offered for sale on liberal terms. Apply to
WILLIAM MASSON,
Executor of the Estate.
Newcastle, August 10, 1880.

MILL SUPPLIES.
Rubber Belting, 3, 4, 5 and 6 Piles,
HOYT'S CELEBRATED LEATHER BELTING,
Single and Double.
DISSTON and SON'S MILL SAWS,
Lubricating Oils, Steam Fittings, Lacing Leather, Rubber and Steam Packing of all kinds.
ESTEY, ALLWOOD & CO.,
Prince William Street,
St. John, June 22, 1881.

GOLD.
Great changes to make money. Those who always take advantage of the good chances for making money that are offered, generally become wealthy, while those who do not improve such chances remain in poverty. We want many men, women, boys and girls to work for us right in their own localities. Any one can do the work properly from the first start. The business will pay more than ten times ordinary wages. Expensive outfit furnished free. No one who engages fails to make money rapidly. You can devote your whole time to the work, or only your spare moments. Full information and all that is needed sent free. Address BRINSON & CO., Portland, Maine.

Job Printing, plain and in colors, in first class style at this establishment.

Selected Literature.

MISS PEVERILL'S PRIDE.

"I never heard of such impudence," said Agnes Peverill, throwing down the letter which she held, and half crying in her vexation. "How dare he write such things to me? What business has he to love me? He never would have dared write like this if—papa were alive and we had not lost our money."
"You may thank yourself for this," said Grandma Peverill, looking over her spectacles with an air of concern. "You have amused yourself considerably with Harold Helper, to my certain knowledge. When one dances, one must pay the piper."
"I don't understand you, grandma. I certainly never gave him a shadow of encouragement. I have given a shadow for some time that he—what he didn't dream of! that he would dare say as much. Papa's clerk! Why, I've seen him sweeping out the office, and his fingers as ink as Caddy Jellyby's."
"Men are audacious creatures," observed grandma; "but if you know that he didn't exactly hate you, you oughtn't to have accepted him as an escort when you were learning to ride. When your papa brought him home to dine, you needn't have made yourself so attractive, need you? You might have had a headache in your own room, or an invitation out. You needn't have talked pretty nonsense with him by the hour, while your father and I took our after-dinner nap, need you?"
"One can't help flirting a little, you know, grandma."
"What, with one's father's clerk? And no doubt one can't help working him slippers and braiding watch chains either."
"Why, of course, one gives birthday and Christmas gifts to all one's acquaintances, even to old Biddy, the parrot. One doesn't expect them to presume on that however."
"And so you think that Mr. Helper is presuming when he offers you his heart's love and all his worldly prospects? Why so?"
"I think he is presuming, because the Peverills are not of his order, grandmamma. They came over in the Mayflower; they are descended from Lord Peverill; they have graduated at colleges, have enjoyed elegant accomplishments ever since the flood, and have never soiled their hands with the grime of labor; while Mr. Helper's ancestors were illiterate mechanics, who murdered the king's English. Why, his own father was a stone-cutter. I've heard papa say so."
"And supposing that you had been a mechanic, what objection would you have urged?"
"Why, it's not a respectable case, grandmamma—a Peverill's stone-cutter."
"But supposing you were not a Peverill?"
"My imagination is not bold enough for such a flight. You see, I have all the prejudices of my class. I would choose unhappiness sooner than marry beneath me."
"Then I am to understand that you consider yourself superior to Harold Helper. It is some years since he figured as your father's ink-fingered clerk, remember. Since then he has written a book, he has invented a machine, he has lectured to scientists. Wherein does your superiority consist? What have you been doing in the mean time?"
"I have been rubbing papa's gouty toe, and accepting the attention of Miles Bond."
"You mean that I shall probably marry Miles Bond some fine day, if nothing happens?"
"Marry Miles Bond? No! repeated grandmamma, as if she had said that she was going to marry the Khan of Tartary.
"You seem to be astonished, grandmamma."
"Yes—a little. He's a born aristocrat."
"Exactly—there's a pair of us. I shall be entitled to consideration in the beau monde as his wife, don't you see?" For it must be confessed that since Mr. Peverill's death and insolvency the beau monde had looked coldly upon his pretty daughter, in spite of the Peverill coat of arms and the luxuriance of the family.
"Then you do not care a fig for Mr. Helper?" asked grandmamma.
"Is it necessary for me to deny the soft impeachment, when I have almost made up my mind to accept another?"
"When I was a girl—" began the old lady.
"You loved brocade and brocade as well as your granddaddy?"
"But I did not sell myself for it. And so you are really engaged to Miles Bond, and there's no help for it?"
"Well, not really engaged; I won't give my word—at least not yet. You see, grandmamma, one hesitates to rivet the chain, as they say in novels. And then Miles says he will wait; he won't hurry me; he'd rather wait a century in sweet suspense, as he calls it, than to be refused at once. But I suppose it will all end one way."

"And what will you answer to Harold Helper?"
"Heaven only knows. It will not do to tell a man who offers one his heart that he ought to have known better."
"Nor that you will not marry him because his father was a stone-cutter?"
Mr. Helper accepted his refusal however, with a good grace. He merely assured her that her happiness would always be dearer to him than his own.
"That's the letter of a gentleman," said grandma, "if his father was forty times a stone-cutter."
"Papa!" said Miss Agnes, tearing into fragments; but, curiously enough, gathered them together as soon as Mrs. Peverill's back was turned, as if they were sweet to her as scattered rose leaves. Perhaps she was thinking of the days when Mr. Helper was her father's clerk, and had taught her chess of winter evenings—days when she was not so worldly-minded, and more romantic, and didn't guess the worth of position and long descent. Perhaps she regretfully remembered the spring mornings when they pushed through the woods for wild flowers and ferns, when he made a quaint album for her of pressed sea-weeds—she had hid it away somewhere now.
"It would never do," she said, half aloud, answering some unspoken thought. "I should always be hanging for family and money. One must give up something; it may as well be love as anything. Oh, if my father had only been a stone-cutter, too!"
Grandma Peverill met Mr. Helper in the street later. "I hope you don't mean to desert us," said she, "because that foolish child of an Agnes doesn't know when her bread is well buttered. Remember, it's a woman's privilege to change her mind. If you neglect us."
"You shut your life from happier chance," as the poet says. Nobody knows what my happen."
"But I hear that Miss Peverill has encouraged Mr. Bond," said Harold, happily.
"And you're going to stand aloof and let that little Miles Bond walk over you? Now let me tell you that I mean to make you and Miles executors of my will; so I'd like to keep on friendly terms with you—don't you see?"
"Thank you; but ain't we friends, near or apart?"
"This said that absence conquers love," she laughed; "and haven't you heard of the virtues that reside in propriety? If Agnes sees Miles every day, and you once in six weeks, which do you think she will be most likely to love best?"
"It is not likely that she will ever love me, whatever happens."
"Who said she would never love you? Aren't you worth forty Miles Bonds?"
"Certainly not in Miss Peverill's regard."
"Prithee, what do you know of her regard, Sir Paineheart?"
"Very little, to be sure."
"He either fears his fate too much, Or his deserts are small, That does not put it to the touch, To gain or lose it all."
"Haven't I put my fate to the touch, Mrs. Peverill, and haven't I found that my deserts are miserably small?"
"Dear me! I see that you don't know that women blow twenty ways of a morning. Who knows but what she is crying her pretty eyes out this minute, and wishing with all her silly heart that she had it to do over again?"
"Miles knows," laughed Harold.
"Come and see who knows best. An old woman's advice isn't to be sneezed at. I refused my first lover myself, because I thought he'd come back and serve me into it, but he never did. Tossed me right, too."
"And Harold did as he was told. He made himself intimate at the Peverill's as of old. He was there in season and out of season. He bore with the caprices of Agnes and the condescensions of his rival. He was often left to the tender mercies of Grandma Peverill while Agnes and Miles made the garden or the river chase with their songs. He came and went like a shadow. When Agnes chose to listen, he let loose his enthusiasm; when she gave him the cold shoulder, he accepted it without a murmur—as if one should be grateful for any gift of her—a fall fell upon the old lady's unfeeling kindness. One day, however, even Grandma Peverill failed him. She was suddenly from a dose, and asked, "Is it really love?" glancing after the two, peering each other with roses in the garden.
"It looks like it," gasped Harold.
"Time will prove—time, that unlocks all secrets and discloses all impostures. Miles is of the earth, earthy. He loves life society and grandfathers and coats of arms. It is a crime in his eyes to be born without a silver spoon in one's month.
But what is love made for, If it is not the same? Through joy and through sorrow, Through glory and through shame?"
Then she fell into a doze again. The shadows draped themselves about her; a star came out and issued to look into the window; and a lute bird tilted on a spray near by, and made a sudden gush of music through the place; the murmur of laughing voices came again toward them on the breeze. But Harold listened alone, for Grandma Peverill was already far away.

A few weeks later Miles Bond and Mr. Helper were engaged looking over the private papers of the late Mrs. Peverill, as her executors. That modest portion of her fortune which her son's speculations had left intact she had bequeathed to Agnes. Presently Miles had raised his eyes from the paper he had been inspecting. "A rascally piece of business," he growled, between his teeth. Should he quietly light his cigar with the paper, bury its contents in oblivion and marry Agnes, and go on his way rejoicing? No; perish the thought! A Bond, of the Bonds of Bondholder, who could trace their lineage to the Conqueror! A thousand times no! He made a desperate resolve, and passed the sheet to Harold. It was merely a letter from the late Mrs. Peverill, setting forth a certain family matter, which she had deemed it wise that they should know, not as executors, but as lovers.

"Of course this will not affect your interest," said Harold, filing the paper away, quite at his ease.
"It might not," sneered Miles. "If I were not a Bond, with family credit to sustain."
"And yet," said the other, "Shakespeare tells us that
"Love is not love, which alters
When it alteration finds."
"Shakespeare be hanged!" quoth the quoniam lover.
The following week, when Mr. Helper dropped in to pay his respects to Agnes, he found her watering her bed of mignonettes and pansies.
"Oh," she said, presently, and half shyly, "the oddest thing has happened! I must tell somebody! How dear grandmamma would laugh if she were here, and it served me right! I received a note yesterday (you could hardly call it a billet-doux, though it was from Miles), and what do you think? He says in it—there, turn your eyes away, don't look at me so while I tell you—he begs me to release him from an engagement which, upon close examination of his heart—under the microscope, I suppose, he finds himself unable to fulfill! Now you must know that there never was an engagement at all between us; he just teased my soul out of me to marry him, and I promised. Only think of it! A Peverill, a descendant of one Rupert Peverill, who figured in the Crusades, jilted by Miles Bond! It might be that grandmamma's jointure disappointed the poor youth. Motto: Never appoint as your executor the man whom you wish to marry your heir."
"You don't seem to take the affair much to heart," said Harold.
"Because my heart wasn't much concerned in it."
"What under heaven were you thinking of, then?"
"I was thinking whether or no you—you had changed your mind, sir; whether you would ever again dare—"
"I dare do all that again become a lover," asserted Harold, inclining to the level of her lips. "Will you reconsider the question I asked you a year ago, darling?"
And Agnes reconsidered.

Mrs. Helper had been married a year, and better, when it occurred to her, in an idle moment, to overhaul Grandma Peverill's papers, now that they were her own possessions; and when she heard Harold calling her, and when she went slowly out to meet him, with one of them crushed in her soft hands.
"What have you there, darling," he asked.
"And you knew it all the while!" she answered, irrelevantly; "you knew it was not a Peverill, descended from the Crusader; you knew I had been adopted from a foreign foundling asylum! And yet you loved me and yet you married me, Agnes Nobody!"
Mrs. Helper began to cry, and allowed herself to be caught in the arms of a stone-cutter's son, and found comfort in it.

"Love is not love, which alters
When it alteration finds,"
said Harold.
"And I may be the daughter of a cobbler, of a pauper, or worse," she sobbed.
"You are my wife, and I love you."
"Then I would rather be your wife than the daughter of a king," she said, smiling through her tears.
Mr. Helper had forgotten to burn the letter which Grandma Peverill had written to her executors, and so pride had a fall.

Miscellaneous.
Guilty.
Closing Scenes of The Guiteau Trial.
A SUMMARY OF JUDGE COX'S CHARGE TO THE JURY.
THE VERDICT OF "GUILTY!"—THE PRISONER DEEPLY MOVED.
The following report of the closing proceedings of the Guiteau trial is from the Bangor Whig—

JUDGE COX'S CHARGE.
Judge Cox at 3.15 p. m. proceeded to deliver his charge to the jury. He commenced by saying that the Constitution provides in all criminal prosecutions that the accused shall enjoy the right of a speedy and public trial, by an impartial jury, in the state or district where the crime shall be committed; that he shall be informed of the cause and nature of the accusation against him; that he shall be confronted with the witnesses against him; that he shall have compulsory process to obtain witnesses in his favor and that he shall have the assistance of counsel in his defence.
Those provisions were made for the protection of the innocent from injustice and oppression, and it was only by their faithful observance that guilt or innocence could be fairly ascertained. Every accused person was presumed to be innocent till the accusation was proved. With what difficulty and trouble the law had been administered in the present case the jurors had been daily witnesses. It was, however, a consolation to think that not one of these sacred guarantees of the Constitution had been broken in the case of the accused.
At last the long chapter of proof was ended, the task of the advocate was done, and it now rested with the jury to determine the issue between public justice and the prisoner at the bar. No one could feel more keenly than himself the great responsibility of his duties, and he felt he could only discharge them by close adherence to the law as laid down by its highest authorities. Before proceeding further he wished to

NOTICE AN INCIDENT
The prisoner had frequently taken occasion to proclaim that public opinion as evinced by the press and correspondence could not have been prevented except by the process of gagging the prisoner. Any suggestion that the jury could be influenced by such lawless chattering of the prisoner would have seemed to him absurd, and he should have felt he was insulting the intelligence of the jury if he had warned them not to regard it. The counsel for the prosecution had felt it necessary, however, in his final argument, to interpose a contradiction to such statements, and an exception had been taken on the part of the accused to the form in which that effort was made.
For the sole purpose of purging the record of any objectionable matter, he should simply say that anything which had been said on either side in reference to public sentiment, or to newspaper opinion, was not to be regarded by the jury.

THE INDICTMENT CHARGED
the defendant with having murdered Jas. A. Garfield, and it was the duty of the Court to explain the nature of the crime charged. Murder was committed where a person of sound mind and discretion unlawfully killed a reasonable being in the peace of the United States with malice aforethought.
It had to be proved first that death was caused by the act of the accused, and further that it was caused with malice aforethought. That did not had to prove any ill will or hatred on the part of the accused toward the deceased. Whenever a homicide was shown to have been committed without lawful authority, and with deliberate intent, it was sufficiently proved to have been done with malice aforethought; and malice was not disproved by showing that the accused had no personal ill feeling to the deceased and that he killed him from other motives, as for instance, robbery, or through mistaking him for another, or, as claimed in this case, "to produce a public benefit."
If it could be shown that the killing occurred in the heat of passion or under provocation, then it would appear that there was no premeditated attempt, and that would reduce the crime to manslaughter. It was hardly necessary, however, to say that there was

NOTHING OF THAT KIND
in the present case. The jury would have to say either that the defendant was guilty of murder or that he was innocent. In order to constitute the crime of murder the assassin must have a reasonable mind; in technical terms, he must be "of sound mind, memory and discretion." An irresponsibly insane man could not commit murder.
If he was laboring under a disease of the mental faculties to such an extent that he did not know what he was doing, or did not know that it was wrong, then he was wanting in that "sound mind, memory and discretion" that was a part of the definition of murder. In the next place every defendant was presumed innocent till the accusation against him was established by proof. In the next place, notwithstanding this presumption of innocence, it was equally true a defendant was presumed to be sane and to have been so at the time the crime

was committed; that is to say, the Government was
NOT BOUND TO SHOW affirmatively, as a part of its proofs, that the defendant was sane.
As insanity was the exception and as the majority of men are sane, the law presumed the latter to be the condition of every man until some reason was shown to believe to the contrary. The burden was therefore on the defendant, who sets up insanity as an excuse for crime, to produce proofs. In the first instance, to show that presumption was mistaken, so far as it related to the prisoner's crime, there were involved three elements—killing, malice, and responsible mind in the murderer.
After all the instances was before the jury, if the jury while bearing in mind both of these presumptions, that is, that the defendant is innocent till it is proved guilty, and that he is sane till the contrary appears, still entertained what is called "reasonable doubt" on any ground, or as to any of the essential elements of the crime, then the defendant is entitled to the benefit of the doubt and to an acquittal.
It was important to explain to the jury here in the best way that the Court could,

WHAT IS A REASONABLE DOUBT.
He could hardly venture to give an exact definition of the term, for he did not know of any successful attempt to do so. As to questions relating to human affairs, a knowledge of which is derived from testimony, it is impossible to have the same kind of certainty that is created by scientific demonstration. The only certainty that the jury could have as a moral certainty depended on the confidence which the jury had in the integrity of witnesses and in their capacity and opportunity to know the truth.
If, for example, facts, not improbable in themselves, were attested by numerous witnesses, credible and uncontradicted, and who had every opportunity to know the truth, a reasonable or moral certainty would be inspired by that testimony. In such a case doubt would be unreasonable or imaginary or speculative. It ought not to be a doubt as to whether a party might not be innocent in face of strong proof of his guilt, but it must be a sincere doubt whether he has been proved guilty; even where the testimony is contradictory and where so much more credit should be given to one side than the other, the same result might be produced.

On the other hand opposing proofs might be so balanced that the jury might justly doubt on which side, under the circumstances, the truth lay, and in such case the accused party was entitled to the benefit of the doubt. All that a jury could be expected to do was to be
REASONABLY AND MORALLY CERTAIN of the facts which they declared to be their verdict. In illustration of this point Judge Cox quoted the charge of Chief Justice Shaw of Massachusetts in the case of the Commonwealth vs. Webster. With reference to the evidence in this case very little comment is required by the Court, except upon one question, the others being hardly matters of dispute. That the defendant fired at and shot the deceased President was abundantly proved; that the wound was fatal has been testified by the surgeons who were competent to speak and that was uncontradicted; that the homicide was committed with malice and aforethought, if the defendant were capable of criminal intent or malice, could hardly be gainsaid. It was not necessary to prove that any special or express hatred or malice was entertained by the accused towards the deceased. It was sufficient to prove that the act was done by deliberate intent as distinct from an act done under sudden impulse in the heat of blood and without previous malice. Evidence had been exhibited to the jury tending to show that

THE DEFENDANT ADMITTED
in his own handwriting that he had "convinced" the idea of removing the President," as he called it, six weeks before he shot; that he had deliberated upon it and came to a determination to do it, and that about two weeks before he accomplished it he stationed himself at certain points to do the act, but for some reason was prevented. This preparation for it was shown. All these facts came up to the full measure of proof required to establish what the law demanded malice aforethought. The jury would make it difficult in reaching a conclusion as to all the elements that made up the crime charged in the indictment, except it might be as to the one of sound mind, memory and discretion, but that was only a technical expression for a responsible sane man. He now approached
THAT DIFFICULT QUESTION.
We had already said a man who is insane, in the sense that makes him irresponsible, cannot commit crime. The defence of insanity has been so abused as to be brought into discredit. It was the last resort in cases of unquestioned guilt. It has been an excuse for juries to bring in a verdict

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