POOR COPY

EDERICTON AND VICINITY.

ord of Current Events About Town.

e Court Martial Continued Yesterday—The Evidence.

Salvation Army Band—At The Marysville Rink.

Personal.

Ernest A. McKay, B. A., left for Petitdia yesterday to enter upon his duties as principal of the Superior School at that place.

W. C. R. I. Anniversary Meeting.

he postponed anniversary meeting of the . C. I. will be held in their hall Saturg at 7:30. All the members of the particularly requested to be and to bring their friends with

York County Exhibition Society.

As will be seen in another column application is to be made at the next session of the legislature for the incorporation of the York County Exhibition Society. The bject of incorporation is to enable the sosty to erect buildings for exhibitions, ocal, provincial and dominion, and for other agricultural purposes.

Cost of the Infantry School Corps.

The cost of maintenance of the infantry chool corps during the past year totaled 3,932.71. The corps consumed 45,193 lbs of bread, costing $1,804 12. The grocery bill amounted to $2,370.11. $92.99 is charged for chemicals and drugs. The meat account footed up $3,084.23. $2658.07 is charged for wood, and $300 for water.

An Experienced Cutter.

Mr. James A. Robinson, late cutter with . W. Smith, has left for the west and is ceeded by Mr. George B. May, son of Mr. nes S. May, one of St. John's most fashle tailors. We congratulate Mr. Smith ouring the services of Mr. May, who o doubt be very popular and give the of satisfaction to Mr. Smith's numerous ons.

Successful Envelope Social.

he envelope social held in the vestry of Baptist Church on Friday evening last ely attended, and was a decided A good social time was enjoyed, e sum of eighty dollars was handed ough the envelops. The ladies desire knowledge the kindness of Sir Leonard ley and Mrs. R. A. Wilmot, each of whom t a contribution of five dollars.

"Colonel Quaritch" Finished.

olonel Quaritch" is finished in to-day's . Our next serial will be "Marka," one e most absorbingly interesting stories written, the opening chapters of which ppear in a few days. This, we must , is ahead of anything in the storey ver before published in THE GLEANER, e claim credit for publishing some sting serials. It is full of love, pathos exciting situations. Look out for furnnouncements.

Commutation of the Sentence.

An Ottawa despatch of Tuesday says: Mr. lls, M. P. for Annapolis, has presented a tition to the governor in council praying commutation of the sentence of 15 years prisonment passed on Henry Phillipine, ho is now confined in Dorchester penitentiy for alleged implication in the Tobique shooting affray last August, by which Howes, an American lady, lost her life. ground the petitioners take is that since ial evidence has been forthcoming to that the prisoner was not implicated e occurrence.

Colby College Athletes.

esday evening next the students of llege, Waterville, Me., are to visit on and will give one of their hibitions in the City Hall. They e are said to be unusually inand novel, and no doubt will be ons of drawing a very large house in city. They are making a tour of this uit from Bangor to St. John, giving one hibition in each town. Their number indes some very clever and active athletes, their performances are something that citizens do not witness very often. e the boys a full house on Monday even.

Hugh McCormick and Axel Paulsen.

Axel Paulsen has issued a challenge from polis offering to skate any man in a for any distance from 5 miles up to a track not to exceed 6 laps to the or $250 a side and the entire gate reallowing the loser $50 for expenses s to go less than 400 miles, over that e $75. Hugh McCormick, of St. is very anxious to skate Paulsen, and re is some talk of his friends accepting lsen's challenge on his behalf for a five or mile race at Minneapolis or some other e where a rink of from four to six laps he mile can be had. Paulsen signs his llenge as champion skater of the world, ough McCormick's time at five and ten s stands as the champion records.

The Salvation Army Band.

The Salvation Army Band made their first earance Tuesday night. They headed parade before the "Jubilee" meeting, it did not play while marching. They anled up, however, on Phœnix Square and ve a short concert. Considering the time ey have been at practise their playing was ery good. The band also played several lections at the meeting in the barracks. Capt. Cooper and Mrs. Cooper took rt in the "Jubilee" meeting. The former dressed the audience upon the work of e armyin the different countries of the rld. Capt. Jewer says that over 300 sat wn to the banquet Tuesday night, but withstanding the large number there was ough to repeat the affair last night.

At the Marysville Rink.

espite the stormy weather Tuesday night ok five of Mr. Geo. I. Gunter's teams twelve horses, to convey the F. C. B. lub, their friends and the Fredericton band to the Marysville rink. The r numbered over one hundred in all. njoyable time was passed at the rink es the party a large number were presom Marysville. The ice was in grand tion. The Fredericton brass band had the music. Their selections were ent, and nothing but words of praise heard on all sides for their playing. eresting feature of the evening was a r a box of cigars. The contestants rewer and Boyer, both of Marysville, ter winning. The distance was one d was made in the remarkable time 45.

All for a Bottle of Gin.

The examination on the charge against rivate Nason of the Infantry School Corps for the larceny of a bottle of gin was continued before the court martial yesterday morning. Mr. McManus, who appeared for the prisoner, raised the objection that the charge sheet contained no offence, and had not been served as required by the Army Act. This appears to be the case, as it is understood the prisoner has been in custody r twenty-one days, and it was only on Tuesday he received a copy of the charge. Three witnesses were examined. Witness outiller testified, that he saw prisoner oming out of the pantry, where liquor is ored, and upon search found a bottle of n in his possession. He identified the tle by the corner of the label being ghtly torn off. The court agreed upon r judgment, but sentence will not be ed until were received from Ottawa, ying their decision. In the meantime nt is held in custody

BITS OF NEWS.

Gathered and Condensed for the Readers of the "Gleaner."

The city assessors were sworn in yesterday.

Fancy dress carnival in C. C. Gill's rink to-morrow night.

The general annual meeting of the stockholders of the Peoples Bank is called for Monday, 27th inst.

The W. C. T. U., at a meeting yesterday afternoon, decided to contribute towards the Scott Act prosecution fund.

The case against the five Douglas boys for encumbering the highway road, was dismissed by the police magistrate this morning.

During the year 1888 there were 11 elections for repeal of the Scott Act, and in every instance except one the act was defeated.

At Mill Branch, Kent county, on the 6th inst., there departed this life Jane, relict of the late George Irving, in the 103rd year of her age.

The annual session of the York District Lodge, I. O. G. T., is being held in the lodge room in Fisher's building this afternoon. There is a good attendance of delegates.

THE TABLES WERE TURNED.

An Interesting Trial Before Justice Purdie—Sol. Russell, Plaintiff, Pleads His Own Case, and Draws off to Hit the Defendant.

There was an interesting trial before Justice Purdie in his office on Regent street yesterday morning, and those who missed it missed some fun. The case was that of Sol. Russell vs. Arthur Sewell, of Moncton, manufacturer and patentee of the Morning Glory medicine. The action was brought by the plaintiff to recover constable's fees for serving summonses on several persons in York Co. against whom the defendant had entered suits in Justice Brown's court some months ago. It seems that Mr. Sewell got Justice Brown to issue something like fifty summonses, and made an arrangement with G. W Dykeman, constable, for serving them. The written arrangement was that the constable should deliver the summonses on the understanding that he was only to receive pay for the summonses in the suits that proved successful. Sol. Russell, unfortunately it turned out, became mixed up in the affair in this way, it appears. He was going through a section of country where some of the persons, for whom summonses were issued, resided and before starting out, went to Constable Dykeman and told him that he would take some of the documents with him if he liked. Constable Dykeman gave him seven or eight of them to serve under the terms of the agreement, that a constable's fees would only be paid in the suits that resulted in a verdict for Sewell. Russell served the summonses, but only two of the suits resulted successfully. Justice Brown, under Mr Sewell's instruction, paid Russell the fees for the service of the two summonses, amounting to $7. This, however, did not seem to satisfy him, so he drew up a bill of particulars amounting to $21.10 for the service of the other summonses, and began suit against Sewell. The action was entered in Justice Purdie's court. Soon after Mr. Sewell arrived from Moncton, about ten days ago, he was placed under arrest on a capias about ten o'clock in the evening, and a lawyer had to be got out of bed and brought up town to go his bail.

This then is the case that was before Justice Purdie yesterday morning. The court was opened at ten o'clock. Mr. Wilson was present for the defendant, but Mr. Russel was left to look after himself, his attorney, Mr. McManus, whom he engaged, having been called to the court martial. Mr. Russell applied for an adjournment until the afternoon on the ground that his attorney could not be present. Mr. Wilson read the section of the consolidated statutes, shewing that, before an adjournment could be granted, an affidavit would be required to that effect. The magistrrte said that he would require the affidavit and proceeded to draw it up for the plaintiff, but Mr. Wilson objected. The plaintiff himself then tried with the following result:

"I hereby apply for an adjournment on the ground that my attorney can't be here."

Mr. Wilson objected to swearing the plaintiff to this form of an affidavit, whereupon the latter became enraged. If you won't let the magistrate do it and I can't do it, then you do it yourself," dropped angrily from his lips; but Mr. Wilson politely informed him that he was there in the interests of his client. The magistrate called the case on for trial, and the plaintiff proceeded to conduct his case in person. Justice Brown was first called. "Squire," said the plaintiff, "you gave me them summonses." But Mr. Wilson objected to this form of interrogation. "Object to the devil, don't think you're going to run the whole machine while I round," was the excited plaintiff's answer to the objection. Justice Brown gave a statement of the case from his record book without any further questioning, shewing that he had not given the plaintiff any of the summonses, but that he had paid him $7 for serving summonses given him by Dykeman. The plaintiff then put himself on the stand, and began giving testimony from his memorandum book concerning the service of the summonses, but to this Mr. Wilson objected on the ground that the service should be proved by the memorandum on the summonses themselves, which were in Justice Brown's possession, but which it was too late then (so he made the plaintiff believe) to put in evidence. This was annoying and the witness flung his memorandum book on the magistrate's table, and swore it was evidence. The magistrate took the memorandum down. "That's all," said the plaintiff, "my case is closed." Mr Wilson then pointed out that the plaintiff had not proved, as required by the law, his appointment as constable, and could not therefore collect the fees. Upon this ground, and the ground that no particulars had been proved, a non-suit was granted, with costs against the plaintiff. The latter snatched his hat and drew off to hit Mr. Sewell, who was standing near the door. Mr. Wilson jumped up to lodge a complaint against him for this offence and said that it was his intention to see after him. Sol shoved his hands deep into his pants pockets, says, "see away," and bolted for the street, slamming the door in disgust.

When a reporter was in another magistrate's office in the afternoon, Sol suddenly opened the door and shouted in, almost out of breath, "Will you get a summons out for Sewell?" No," said the magistrate, "get some one else." Sol departed and a few seconds afterwards the door was again opened and a voice shouted, "Was the 'duputy' sheriff in here?" "Who's the 'duputy' sheriff?" retorted the magistrate, "No, he wasn't in." The reporter went on to talk, but was interrupted again by Sol, who entered very hastily again. This time his question was, "Say, who'll go me bail?" "What's up now?" said the justice. "An execution out for costs of that trial, $21.00, and I haven't got the money to pay. Hawthorn has only given me half an hour to get bail." "I don't know who will," said the justice, forgetting to mention himself, and Sol departed. The reporter learned that he succeeded in getting bail soon afterwards, and Sol is now meditating how the tables were turned upon him, and instead of his being in $21.10 he is out just exactly that amount for costs.

New Brunswickers Lumbering in the West.

A correspondent sends us the following from Fleetwood, Mich. At one of A. Porterfield's camps near this place, a load of six logs, weighing about 2,800 lbs, was hauled over a three mile road with a single team, driven by Nelson Reid, formerly of Centreville, Carleton Co. The load was scaled by David McAllister, formerly of Fredericton, and contained 6,147 feet. Three pieces were sawed from one tree and scaled 3,155 feet. A ten log load was also hauled at this camp, which scaled 7,264 feet, hauled on the same road, Mungal Stuart, of Lakeville, Carleton Co., driving the team. This will give some of the New Brunswick lumbermen an idea of how they lumber in Michigan and Wisconsin.

NEW PHASE SCOTT ACT TRIALS.

Mr. Gregory Applies to the Magistrate this Morning

For a Warrant to Bring James Crangle Before the Court.

The Argument in Support of His Application.

The Scott Act trials assumed a new phase this morning, and one which, apparently, the magistrate and the attorney for the defence were not expecting, for, when Mr. Gregory entered the court room with his bag punched out with a heap of books, and with an exertion lifted it up to the table, they both looked about in wonderment, and the spectators smiled in anticipation of some fun. The magistrate in a few minutes announced that he was ready to resume the Crangle case, while Mr. VanWart eagerly watched Mr. Gregory pulling the law reports, statutes and copies of the Canadian Law Times, etc., from his bag.

Mr. Gregory asked if Mr. VanWart had finished his cross-examination of Wesley Nichol. The magistrate answered that he had not, but Mr. VanWart said that he had intended going on a little further but that his case could now be considered closed.

Mr. Gregory said he desired to call the magistrate's attention to some authorities, upon which he would ask him to issue a warrant to bring Mr. Crangle, the defendant, before the court. His Honor said the defendant was before him by attorney, and, in going on to add something further, was interrupted by Mr. Gregory asking him to reserve his judgment until he had heard his argument. The application was for a warrant against Mr. Crangle to bring him before the court, and that the evidence which had been so far heard, be treated as preliminary to the application for the warrant. He cited from the 17th section of the summary conviction act, which provided that, if a person summoned does not appear at the time named, and it is made to appear to the presiding justice upon oath that the summons was duly served a reasonable time before the day, the justice, upon oath being made before him, substantiating the information to his satisfaction may, as he thinks fit, issue his warrant to apprehend. By that section Mr. Gregory claimed that the magistrate had a right to exercise his discretion. The 42nd section provided that, if both parties appear either personally or by their respective attorneys, the justice shall proceed to hear and determine the case. He submitted that it was held by the Supreme Court of New Brunswick in ex parte Boyes, 24th N. B. reports, page 347, that it was necessary to have the information proved before issuing the warrant, that is, before the magistrate exercised his discretion. In ex parte McDonald and Groves, it was held by a majority of the court with some hesitation and doubt that, in the case of a second offence, the magistrate had power to convict without bringing the defendant personally before him, but following this came the unanimous judgment of the Supreme Court of Nova Scotia that it was necessary that the party should be in court. So that they had a hesitating decision by the majority of our own court that the party need not be present, with the judgment of Justices Wetmore and Weldon, that he should be present, followed by the unanimous judgment of the court of Nova Scotia that it must be so. He submitted that these were abundant reasons why the police magistrate should proceed at once to issue the warrant, inasmuch as there was no doubt whatever as to his right and power to bring the defendant before him. The effect of the trial proceeding as it was, without the presence of the defendant in court, was clear, viz: that though his honor should convict, a rule nisi would at once be obtained to bring the case before the supreme court on the very ground upon which he was making his application for the warrant. He claimed that the argument that would be based upon the 42nd section, that appearance by attorney was sufficient, was subordinate to the 115th section of the C. T. A. which provided that in a prosecution of a third offence the defendant personally should be asked as to whether or not he had been convicted for first and seconded offences, thus showing the necessity of his being present. In the case referred to in the N. B. reports, Justice Wetmore had said that any time during the trial the magistrate had power to summon the defendant before him. The counsel held, in the interest of the administration of law, that the magistrate should at once bring the defendant before him.

Mr. VanWart claimed that in the case of McDonald and Groves, the court held that, when the defendant appeared by attorney, the appearance was good for all purposes. He claimed that the magistrate had no authority to issue a warrant, except when the defendant failed to appear in the first instance, personally or by attorney.

Mr. Gregory claimed that since there was a doubt about the matter, and a possibility, as was seen by the cases cited, of the conviction, if a conviction were obtained, being set aside on no other ground than that the defendant was not in court, that the magistrate should fill the words "if he sees fit" in the 27th section and issue the warrant to provide against this possibility. As four of the judges of the supreme court held, that the conviction, in the case referred to was good without the defendant in court, and two others had held that it was no good because the defendant was not in court, he considered that was in his favor, that the magistrate should fill the words "if he sees fit" in the 27th section and issue the warrant to provide against this possibility. As four of the judges of the supreme court held, that the conviction, in the case referred to was good without the defendant in court, and two others had held that it was no good because the defendant was not in court, he considered that there was a doubt about the matter, and a possibility, as was seen by the cases cited, of the conviction, if a conviction were obtained, being set aside on no other ground than that the defendant was not in court