Miramichi Advance.

CHATHAM, N. B., - - AUGUST 20, 1896.

Hon. A. G. Blair in Queens and Sunbury.

Papers in New Brunswick which do not care to attack Hon. A. G. Blair, the new Minister of Railways, on their own responsibility, but quote the Fredericton Gleaner as authority against him, are hardly to be commended for their candor. The Gleaner, as every newspaper man in New Brunswick knows, has, for years, pursued Mr. Blair with a vindictiveness that has employed every method of attack and stopped at no bar of misrepresentation or malicious invention. To quote it against him and assume that its statements in reference to him are true, is to resort to the meanest kind of stabbing. Party warfrare becomes disreputable when carried on by such tactics and no cleanly-conducted journal will engage in it. We read the following the other day in a local paper:—"It is stated by the Gleaner that Mr. "G. G. King pledged himself, at a "meeting of Liberal candidates in St. "John not to resign in favor of Mr. "Blair in case of that gentleman's "selection by Mr. Laurier; that the "Liberal Association of Queens protested against the elevation of Mr. "Blair to the Cabinet, and that some "of the strongest Liberals in the con"stituency were opposed to Mr. King's "resigning."

Those who know Mr. G. G. King will not believe that he made any such pledge as that stated, in view of the fact that he has vacated his seat in Mr. Blair's favor; nor is there any evidence that the Liberal Association of Queens protested against the elevation of Mr. Blair to the Dominion Cabinet. The Liberal Association of Queens probably expressed its desire to see Mr. Blair retained as Premier of the Province and one of the local representatives of the County, rather than have him leave them and run for Albert as a Dominion minister, as it was once thought he would do. The Liberals of the united counties of Queens and Sunbury, however, are quite in accord with Mr. King's action in making a vacancy in that constituency, so that Mr. Blair, as Minister of Railways and Canals, may represent it, which all loyal New Brunswickers, regardless of party, hope he will do, notwithstanding the efforts being made by Mr. Foster and his friends to defeat him. The ministry to which Mr. Foster belonged, has been beaten at the polls and, in the nature of things, the party it represented cannot hope to regain power for some time to come. It should, therefore, be the aim of the people interested to secure the services of their ablest men in the new government, and they should sturdily refuse to be parties to weakening the new ministry merely to gratify a desire for revenge on the part of gentlemen, however able, who have lost their offices, as Mr. Foster has done his. It is no disparagement of Mr. Foster to say that Mr. Blair is recognized as the ablest public man in New Brunswick, and as his party is to rule Canada for some time to come, the interests of the country are clearly not the motive that inspires Mr. Foster in opposing him as a member of the new cabinet. The opposition that Mr. Foster and his special organ, the Gleaner, are giving to Mr. Blair, being based on selfish and partizan considerations, and against the interests of the constituency Mr. Blair is running for, as well as those of the country at large, it ought not to succeed. It will, we believe, fail, and in its failure cause thoughtful people to analyse Mr. Foster's motives in promoting it, while such analysis cannot but demonstrate the fact that even an ex-finance minister may be capable of doing very small things.

At Ottawa.

The Governor-General who was fishing the Restigouche Salmon Club's big pool just above the railway bridge on Saturday last, was expected to arrive in Ottawa on Tuesday. The preliminary proceedings at the opening of Parliament yesterday did not, as is usual on such occasions, call for his presence. The deputy governor, Sir H. Strong, was to preside. The Speaker, being elected, will present himself to the Governor-General to-day and Parliament will be opened with the customary speech from the throne this afternoon.

The Silver Candidate.

Mr. Bryan, the democratic candidate for President of the United States, made a journey to New York last week for the purpose of formally accepting the nomination of his party. He took the unusual course of stopping at railway stations all along the route and making little speeches to the assembled crowds. At New York, where the ratification took place, the absence of the strongest and safest men of the party from participation in the proceedings was a noticeable feature. There was, however, a very large attendance at Madison Square Garden, where the great public meeting was held, but Mr. Bryan, who had gained a great reputation as an orator, and was expected to sustain it by his ratification speech, simply read a treatise giving the alleged views of his party and himself on the questions involved in the campaign, and rendered his appearance, of which so much was expected, a disappointment. His candidacy being based on a financial heresy, it seems to be a foregone conclusion that he will lead his party to defeat.

The Charges Against Police Magistrate McCulley.

The interest manifested in the investigation of the charges preferred last year against Police Magistrate McCulley of Chatham, and the general public desire to know what the report of Commissioner Gilbert thereon was, has induced us to obtain a copy of the document as soon as it could be procured for publication. It is a very voluminious paper, and when those who are interested in the subject have read it, with a desire to form an unbiased judgment, we think they will be impressed with the absolute fairness and freedom from prejudice with which Mr. Gilbert has dealt with the whole matter. We print only about one half of the report this week, as the whole of it would occupy about all the space in the paper that is usually devoted to reading matter; the other half being deferred until next week. It begins on the first page.

Northumberland's "Liberal" Jonahs.

The Liberal Herald appears to think that the object of party organization consists in "a judicious dispensation of the patronage." It has also made the wonderfully sapient discovery that the Liberals of Northumberland need a leader. It puts the matter very plainly, saying:—"The Liberals of North"umberland County should take "immediate steps to secure a local "leader, a man who may be relied upon "to cooperate with the Liberals of the "County to build up the party by a "judicious dispensation of the patron"age."

A number of years ago, the Liberals of the County had the good fortune to be under efficient leadership, through a regular organization, and the class with whom greed for office—"patronage" as the Herald calls it—was a paramount consideration, were kept in order in the ranks, instead of being permitted to dominate the party. The idea of the leaders of those days was not that they held their positions for the purpose of "dispensing the patronage," or squabbling over a few offices, but that they might keep the organization in touch with the leaders of the party in other parts of the country, and assist in maintaining good government in Canada, as well as such control of Dominion matters locally as would meet with the approval and command the confidence and respect of the people of the County. Unfortunately, in 1887, the leader of the party, Mr. Blake, induced us to accept Mr. Mitchell as a candidate, and that gentleman brought with him into the County organization a number of his old followers who, after being long accustomed to defeat, appeared to have become intoxicated by the success in which the Liberals permitted them to participate on that occasion. With Mr. Mitchell once more elected, they imagined they could do without the men who had infused into the campaign the vitality and prestige by which the election was won. These outsiders, therefore, in order to prevent the choice thereafter by the party of any candidate other than Mr. Mitchell, immediately undertook to control it by means of their peculiar methods, ignoring the rules which had formerly governed it, and, in the end, broke up the Liberal Association of Northumberland, after they had caused many of the best members of the party to hold aloof from it—a course which self-respect compelled them to take.

The history of the Liberal party, so called, in Northumberland, since that time has been that of an organization dominated and bound hand and foot by these henchmen of Peter Mitchell, and to them and their schemes for keeping him afloat as a Dominion candidate, is to be attributed the fact that the party, which was once potent and victorious, is now noted only for the wretched series of blunders which have characterised its management, and the record of unbroken defeats made by it since it came under Mitchell domination.

It is, therefore, not a matter of surprise that the organ of these gentlemen is found confessing, at last, that they want a leader. Everybody else has known that all along. The trouble with them is that no leader worthy of the name will consent to put himself at their head, simply because it is manifest to experienced observers that followers who can be depended on are few indeed in the party, which also lacks the elements of success. The men of the County who are accustomed to win elections, and who once helped to achieve success for it, now hold aloof and will continue to do so as long as the party is a mere machine to be turned to the advantage of Mr. Mitchell and the little coterie, who know no politics but Mitchellism and will recognise no candidate who is not of their choosing.

The Herald, after giving the cold shoulder to Mr. Burchill, turns to Mr. Hutchison, with whom, it appears, the inner circle or "Club" has been negotiating for the leadership, but it is not at all likely that Mr. Hutchison, should he consent to accept the position, will allow the childs play that has characterised the party to continue. He will probably insist on taking the control absolutely out of hands that have proved themselves too weak for it and, then, it will be his turn to find himself treated with the same Punic faith as others have been who have learned to avoid those who would make him ruler over them for their own purposes. Besides, what have these gentlemen to offer? What acquisitions have they secured to their ranks and what guarantee can they give that any candidate they put up will not get the usual beating at the hands of those they have flouted and insulted? To compensate for recent losses, they can, we believe, point to one or two converts from amongst those who styled themselves independants in the recent Dominion election, but the policy of encouraging the admission of such material at the present juncture goes far to demonstrate what the Herald admits, that the party needs a leader. When a leader appears he will probably want to consult the men who formerly carried the Liberal banner to victory in the County, and when that time comes he will learn that those who have wrecked the party must be thrown overboard. It is said some of them are now busily engaged in looking for office and have thrown the party to the dogs, because they depend on Mr. Mitchell securing a "judicious dispensation of the patronage" to that extent. It would be a pity to weaken public confidence in the new administration by incurring the risk which the bestowal of any important office in such quarters would involve, but the real Liberals of the County would, no doubt, be willing to sacrifice a fishery-wardenship or some other position of that class as a medium of unloading one or two who have proved Jonahs of the first magnitude to the Liberal party of Northumberland. After that, the old party might possibly be put on its feet again. It can never be done, however, so long as the Jonahs are retained, for efficient and experienced politicians know that party success is impossible while such persons occupy places in the party which should be filled by its best and wisest men.

Time Works Changes.

When the ADVANCE was engaged, two years ago, in the work of effecting reform in the Chatham Post Office service, its efforts were discouraged by the World, the columns of which were occupied with elaborate defences of the neglectful postmaster and his doings. Subsequent events of a personal kind having dissolved the alliance between the editor of the World and the late postmaster, that paper, referring to the vacancies now existing in both the Chatham and Newcastle offices says:—

"We hope fitness for performing the duties will be kept in view. Anybody will be an improvement on what the public has had to put up with in the post offices, but we hope the appointing power will not be content with less than the best men for the positions."

If the World had been as candid two years ago as it is now, the ADVANCE would have had less difficulty than it then experienced in recovering for the Chatham public rights which the late well-paid postmaster undertook to deprive them of. The World appears to have become honest "in a moment of weakness."

When the hair begins to fall out or turn gray, the scalp needs doctoring, and we know of no better specific than Hall's Vegetable Sicilian Hair Renewer.

And, now, it is "A Club"

There appears to be a good deal of friction just now amongst the more active individuals calling themselves the Liberal party of Northumberlandand. It is said that brotherly love has not continued since the 23rd of June as it should have done. The Mitchell element is accused of wanting all the spoils, and as the quantity of the latter has not come up to expectations all around, hunger and disappointment have led to hostilities, and the Sampsons, Gregories, Abrams and Balthasars are biting their thumbs at one another. They had an "executive committee," which was supposed to control, if not create patronage, and that body is said to have met at times, in sections. Even the leaders divided into knots of rights and lefts, and planned concerning the offices, and when the whole body had formal meetings it was found that matters in relation to the offices were pretty well arranged beforehand, the Mitchell faction being ahead of the Liberals every time.

The Chatham postmastership was a great bone of contention amongst these gentlemen. The President of the County Association wanted it, but he had the disability of being one of the old Liberal stock that had fought and beaten Mr. Mitchell when the latter was a Tory, so he had to take a back seat to make room for Mr. Watt—Mr. Mitchell's nephew—who joined the Liberals some nine years ago, when Mr. Mitchell was accepted as the candidate of the party. The president, who was shoved aside for Mr. Watt by "the executive," was, however, not to be left comfortless, so one of the gentlemen who always has a finger in "arranging the arrangements" intimated that another position even more desirable than the Chatham postmastership would, no doubt, soon be vacant and Mr. Kerr would stand a good chance to be appointed to that, whereupon, another "big toad in the puddle" sturdily asserted that he intended to take that office himself.

It can be readily understood that unity and fraternity could not prevail in absolute perfection where such manifest divergences existed in relation to the spoils, and it is not, therefore, to be wondered at that the old and unworkable organization has been abandoned and a resort had to new machinery for influencing forces by which patronage is supposed to be controlled. The word, "Association," appears to have become a mockery, in view of the divergent elements and interests that were developed by the machinations of the practically defunct executive. Something more forcible and effective was required—something that would present an idea of newness to the rank and fyle, who have attended the meetings as lay figures and helped to make up in numbers for what was lacking in vital strength and, at the same time, appear to the powers at Ottawa as an evidence of party virility and vigor. New names were wanted to take the place of those who had found that long service in the cause was only a disability when party rewards were to be distributed. A new title, too, must be had if the Ottawa citadel was to be successfully stormed and power and patronage captured. To realise these ends, the old organization and its more troublesome members were relegated to a back seat and a few who were in the secret, together with more who were not, assembled in Chatham on Wednesday evening of last week and formed "A Liberal Club," composed of forty-two gentlemen headed by Mr. W. C. Winslow, who is understood to have been, for some time, chafing over the fact that others had been placed above him in the management of the party's affairs in the County. It is observed that several prominent converts from the conservative ranks are enrolled in Mr. Winslow's new organization, and it is also noticed that names of very prominent liberals who have heretofore acted with that gentleman in party matters are not on the published roll, while it is understood that some of them, like the great Achilles, are sulking in their tents. A cynical Liberal, who has taken his repeated doses of defeat with these active patronage-seekers remarked on Saturday that it was refreshing to hear the town leaders talk to their country cousins of "the great victory we have won" and "the duty of demanding its legitimate rewards at the hands of our Ottawa leaders." When these "remnants" were reminded that they had invariably been defeated since their now warring and childish factions had driven those who used to lead them to victory in the County out of their ranks, they consoled themselves with the idea that if they could not win elections, the smaller they could make the local party now, the surer those who belonged to the new Club would be of the offices soon to be distributed. The situation is certainly a most interesting one, and our seasoned politicians of both parties are viewing the squabble as a passing local amusement, although certain Liberals whose noses have been put out of joint by the new flank movement, have not yet learned to understand and laugh heartily at the performances of their late associates and the peculiar converts they have admitted to their "Club."

(Continued from 1st page.)

The charges Against Police Magistrate McCulley of Chatham.

Report Thereon of Commissioner G. G. Gilbert.

There was abundant evidence to show conclusively that Mr. Menzies the Inspector for the county had on several occasions obtained from convicted persons in jail, by having them discharged from custody, before they had served their full term, evidence by which he was enabled to convict other parties of violating the Canada Temperance Act. Mr. Menzies, although he was subpoenaed by the complainants and attended, was not called as a witness, and Mr. McCulley was not called by the complainants and did not give evidence on his own behalf, and there was no direct testimony on this point. It appeared however, by the warrant put in evidence (exhibit No. 9) that on the 7th June, 1894, one John Cassidy of Chatham was convicted by Mr. McCulley of violating the Canada Temperance Act, and fined $50 and $10.10 costs, and on the same day was sent to the jail at Newcastle for the term of sixty days, unless the fine and costs were sooner paid. It appeared by the evidence of Cassidy (page 13 of evidence) that after he had been in jail some three weeks, Mr. Menzies the Inspector (having apparently made some arrangement with Cassidy's father) went to the jail at Newcastle, taking with him a note signed by prisoner's father for $60.10 and saw the prisoner Cassidy in jail, and told him that his father had given his note for the amount, and he was to sign it, and that he did sign the note, Menzies telling him that if he would tell where he got the liquor he would get out, afterwards Cassidy said that Menzies came to him a day or two before he brought the note, and told him if he would tell where he got the liquor, he would get out, and he also swore he was released from prison by the Deputy Sheriff, the day he signed the note or the day after. By the evidence of William Irving, the jailor (page 21 of evidence) it appeared that Cassidy was committed to jail on 7th June, 1894, and released on July 3rd, after he had served only 33 days. It also appeared from Irving's evidence that before Cassidy was released, Mr. Menzies and Mr. McCulley came to the jail and Menzies told jailor's wife that Mr. McCulley wanted to see the prisoner Cassidy, she took the keys and let the prisoner out, and that Mr. McCulley and the prisoner Cassidy went into the office in the jail. There was also put in evidence (exhibit No. 12) an affidavit of John Cassidy sworn before Mr. McCulley, at Newcastle, on the 27th June, 1894.

By the evidence of Thomas Murphy (page 19 of evidence) it appeared, that he Murphy, had been convicted of violating the Scott Act, and sent to jail, and after being there 14 or 15 days, he was released on giving Menzies his note for the fine and costs, payable in 2, 4, 6 and 8 months. By the warrant of commitment put in evidence (exhibit No. 10) it appeared that Murphy was committed for sixty days, unless the fine and costs were sooner paid.

By the evidence of Thomas Coughlan, who was in prison for drunkenness (evidence page 8) it appeared, that by agreement between him and Menzies, it was agreed that if he would inform against the person who sold the liquor, Menzies would pay the fine. By the evidence of Menzies given in trial against James Thompson, (exhibit No. 13) this agreement is admitted, but he did not pay the fine, or have Coughlan released, until after Coughlan had given evidence against Thompson. It appeared by the record in Thompson case, that the trial was commenced on 26th May, 1894, and by the affidavit of Coughlan put in evidence in that case, and sworn before Mr. McCulley, it would appear this affidavit was taken in the prison where Coughlan was confined by Mr. McCulley who went there for that purpose.

By the returns of Mr. Menzies to County Council put in evidence (exhibit No. 8,) it appears that no fine was received from either Murphy or John Cassidy. This return was certified to by Mr. McCulley as being correct. So far as this return goes, it was urged by counsel for complainants, that it tends to show that Mr. McCulley knew of the arrangement between these parties and Menzies, and was party to them. It was contended by counsel for Mr. McCulley that the statements in the return as to non payment of fines were in "remarks" column, and might naturally escape Mr. McCulley's attention. It was also claimed by Mr. McCulley's counsel, that Mr. Menzies might have had authority from the County Council to have prisoners under the Scott Act discharged, but there was no evidence offered to show that the County Council ever gave him any authority to release prisoners, or that the County Council had any right to make any such order if they did.

Taking the evidence given as referred to above, and considering that Mr. McCulley could by going on the stand have proved that he was not aware of these bargains between Menzies and prisoners, I think the inference is irresistable, and I therefore find that Mr. Menzies the Scott Act Inspector did make agreements whereby convicted offenders got their discharge without serving out their full time, and that Mr. McCulley was aware of such bargains, and consented thereto, whether the obtaining of evidence in this way should be assented to and approved of by a Magistrate as proper, I make no comment, it is a fact charged and proved.

The seventh charge is, "That your "petitioners are informed and verily "believe, that the said Samuel U. Mc"Culley on or about the month of July "last past refused to entertain or hear an "application made by counsel for one "Boyle, and further refused to permit "counsel to cite authorities in support "of application, said Boyle being then "before the said magistrate taking his "trial for assault."

The evidence to support this charge is the testimony of Mr. R. B. Bennett (pages 1 and 2 evidence) Mr. Bennett says:—"I stated I wished to make a "motion for the release of Boyle on the "ground that he was not legally arrested, "the magistrate refused to entertain the "motion." "The court refused to enter"tain the motion, when I proposed citing "authorities in support of motion, he "would not hear the authorities, (I had "them with me) a case in first Hannay's "reports") I then said, if you will not "hear authorities you must put it on the "record, this the magistrate first refused "to do, but after my insisting he did put "it on record, that he refused the motion "and to hear the authorities I proposed "to cite."

The record was put in evidence (exhibit No. 14.) There is not in the record, any minute of such a motion being made, or of the magistrate refusing to hear authorities, or of Mr. Bennett desiring to cite authorities. All the record shews is to my mind that under the evidence Boyle was very properly convicted.

Mr. Bennett having given the evidence he did and this evidence not being contradicted, by Mr. McCulley, I must find that Mr. McCulley did refuse to entertain the motion, and did refuse to hear the authorities, Mr. Bennett proposed to cite, but I must also find from the testimony of witnesses set out in record that the Magistrate was fully justified in refusing the motion for Boyle's discharge.

The eighth charge is:—"That your "petitioners are informed and verily be"lieve that the said Samuel U. McCulley "well knowing that he is under the de"cisions of the Supreme Court, the sole "judge of the sufficiency of the evidence "to convict the person charged with an "offence, spitefully and maliciously con"victs persons charged before him with the "commission of offences, when there is "absolutely no evidence to warrant such "conviction."

The ninth charge is:—"Your petitioners "allege and charge that the said Samuel "U. McCulley is grossly partial in ad"ministering the laws; that he fradulent"ly and colusively acts with certain indi"viduals for his and their pecuniary "advantage; that he charges excessive "costs, that he has placed a premium on "perjury, and given credit to the pur"chased testimony of convicted criminals, "spitefully and maliciously rejecting the "testimony of good citizens, that he de"cides cases brought before him without "regard to the nature of the evidence "adduced, but in accordance with his "personal feelings; that the court over "which he presides has not the respect or "confidence of the community, and that "the said Samuel U. McCulley for these "and other reasons is wholly incompetent "to administer the laws, or perform the "duties and functions of his office."

These two charges are so connected, and the evidence offered to sustain is mainly the same, I have thought it better to consider them together as one charge.

As presented to me in the course of taking the evidence these charges would be tantamount to, that Mr. Menzies the Inspector, Mr. Murray the prosecuting barrister, and Mr. McCulley the magistrate, were working together with a view to their pecuniary advantage in cases under the Canada Temperance Act, and in order to make it more profitable were resorting to improper methods to increase the number of cases and the consequent emoluments, and for such purpose the magistrate would decide against the defendants charged with violating the Act in some cases, without any evidence to warrant the convictions, in other cases, against the preponderating weight of evidence, and in others, on the mere scintilla of evidence.

The case of a charge of violating the Canada Temperance Act against one Bernard McCormick was brought to my attention by the complainants from the records put in evidence, (exhibits No. 20 and 21,) information was laid by Mr. Menzies on 31st May 1893 against Bernard McCormick for selling intoxicating liquors, between the 1st March and 31st May 1893. On the same day information was laid against Mary McCormick for the sale of intoxicating liquors between 1st March and 31st May 1893. These two cases were tried on the same day 8th June 1893, the case against Mary McCormick being tried first, and she was convicted and fined. The evidence to sustain the conviction was ample.

The case against Bernard McCormick was commenced the same day 8th June. The first witness for prosecution was John Brown, he testified that within the dates mentioned, he was at the house of Bernard McCormick and while there, he purchased a flask of liquor from Mary McCormick a sister of Bernard, and paid her for it. On cross examination he said he did not see Bernard McCormick there, and that to the best of his knowledge it was his sister Mary McCormick that runs the business there. The next witness for prosecution was James McDonald, he testified he was at Bernard McCormick's house between the dates mentioned, and bought liquor from Mary McCormick personally. In his cross-examination he said "she runs the shop, I never saw "Bernard McCormick in the shop, I "purchased from Mary McCormick "straight, not as agent of defendant "Bernard McCormick, it is generally "known Mary does the business." On re-examination he said "I can't swear "that she is not the agent of Bernard "McCormick, but it is rumored, that she "is doing the business for herself."

The next witness for prosecution was Benjamin Underhill, he testified that within the dates, at the house of Bernard McCormick he got liquor from Mary McCormick, and paid for it to her. On cross-examination he said "I don't know "hardly who owns the liquor business and "shop, I guess it is Mary, I never bought "any other thing from her, she is report"ed to be doing the business, I believed "I purchased it from Mary McCormick, "not from Bernard, I got credit from "Mary, I pay her." To the court he said "I never treated Bernard McCormick at "this house, I never saw him drunk, he "never treated me, I have seen him there "lots of times, I never saw him in the "room when buying liquor there."

The magistrate having put him on his defence, Bernard McCormick was sworn and testified as follow:—"I am defendant in "the suit, I reside at Blackville in the "county of Northumberland, I am farmer "and lumberman, I own the house I live "in, my mother and two sisters and two "brothers reside with me in the same house, "there is a shop in the house kept by Mary "McCormick my sister, she keeps shop by "my permission, I am not interested in the "shop business, she deals in tea, sugar, "soap, cigars and things like that, I derive "no profit from it at all, I have not sold "any liquor by myself, servant or agent "within the past four months, I am not "interested or implicated in the sale of any "liquor spoken of by witnesses here to-day, "my sister asked me for permission to do "business."

On cross-examination he said "Mary "McCormick buys the goods for the shop, "I have not bought any for it, I never "bought anything for her nor carried any "for her, it is a shop close to the house, not "fixed to the house, she can sell any place she "wishes, I have got some liquor from her "myself, I got it in the shop and house, I "did not pay her anything for it, I never "made any proviso as to the sale of liquor, "I could not say I did not see her sell "liquor, but I have got it, I have heard "them ask for liquor and have seen her "serve it, she keeps canned goods, I am "satisfied that I got liquor myself from her, "but have no idea what other people got, "she has had the privilege for over two "years, she pays rent just as she wishes, "she has paid me $30.00, she gave it to me "without asking, she lives in my house, and "eats at my table and pays me no board, "I have not sold any liquor within that "time. I might have sold some at the time "of the riot at Blackville, it is more than "two years since I sold liquor, have sold "none since making the arrangement with "Mary."

The Magistrate on this evidence giving his judgment as follows:—

"Magistrate finds the defendant in this "case guilty of the offence as charged, hold"ing that as the sale of liquor has been prov"ed to have taken place in his house, he is "responsible as proprietor for the sale of "intoxicating liquor".

There was no positive proof that sale of liquor for which Mary McCormick was convicted was not the same sale as Bernard McCormick was convicted for, but the fact of both complaints being laid on the same day and for offence within the same period, the case tried the same day and of Benjamin Underhill being witness in both cases, left the impression on me, that the offences were one and the same, but this is merely an impression.

In the Cassidy case, Cassidy was tried on 7th June 1884 for selling liquor in violation of the Canada Temperance Act, between 6th March and 6th June, on the trial a number of witnesses testified that they had given Cassidy money to go and buy liquor for them, and that he went away and after a time came back and brought them the liquor. Cassidy when put on his defence admitted that he got the liquor for these parties, but also swore that he bought the liquor from another party, did not sell it himself, and had no interest in the sale. On this evidence Mr. McCully found Cassidy guilty, and fined him $50 and $10.10 costs, and in default 60 days imprisonment in common jail unless sooner paid, and in giving judgment (as appears by record exhibit No 30) says—"Magistrate in giving "judgment says he believes that the unlawful "sale or disposal of intoxicating liquor has "been clearly proved that the court must "consider defendant as the principal in the "matter and from the previous knowledge "of defendant the court attaches no weight "to his *testimony on oath* and the prisoner "is sent to jail." After the prisoner had served a few days, over half his term, Menzies made an arrangement with Cassidy that he would be discharged if he would tell where he got the liquor from, He informs on one Rigley, Mr. McCulley goes to Newcastle to the jail and takes his affidavit, Cassidy is discharged, and Rigley arrested. This looks like two cases on the one offence. How Mr. McCulley could on the affidavit of a party whom he had convicted of a crime on the ground that he attached no weight to his "testimony on oath", arrest another party for apparently the same offence, I do not understand, and Mr. McCulley did not come forward to explain, I can only set forth the facts as they came out in evidence.

The record in a case against James Thompson who keeps a hotel, for violating the Canada Temperance Act, was put in evidence by the complainants, in this case, Coughlan who had been convicted for being drunk and was in prison, gave information to Mr. Menzies, on which, information was laid, and Thompson arrested, Coughlan testified that he went to Thompson's house and asked him for a glass of liquor, that Thompson told him to wait awhile, that after his waiting a few minutes, Thompson came down stairs and went into the kitchen and brought out a glass of gin without any bottle, just the liquor in the glass, that he drank it, and put ten cents on the table and he saw Thompson pick it up, Thompson when put on his defence swore that Coughlan came to his house and asked him for a glass of liquor, that he told Coughlan he had no liquor for sale, that Coughlan told him he was all broke up, and sick, that he told him he had no liquor for sale but if he felt that bad he would give him a mouthful, and he gave him a taste of rye whiskey, that he did not charge Coughlan anything for it, that Coughlan did not pay for it, and that Coughlan did not put ten cents on the table, and that he did not get any pay directly or indirectly from Coughlan, he also swore that he did not keep liquor for sale, and that he had not sold liquor to any one between the dates mentioned in the information. Archibald Thompson, a 14 year old son of Thompson's testified—that he was in the room all the time Coughlan was in, and that Coughlan did not put 10 cents on the table, but he said it was gin not rye whiskey his father gave Coughlan. There was a conversation between Coughlan and Thompson in the lock up. On the stand Coughlan swore one way about this conversation, and Thompson directly contrary. A policeman was called, and his testimony corroborated Coughlan's evidence about this conversation and directly contradicted Thompson. The Magistrate Mr. McCulley convicted Thompson and fined him, giving as his reason, that as Thompson had been shown by the evidence of the policeman to have testified falsely he gave no credit to his evidence.

The record in a case under "C. T. A., against Mary Murphy (exhibit No. 13) was put in. It appeared that one Boyle went to her house with some others, he testified that he bought liquor from Mrs. Murphy and paid her for it, the evidence given for defence, given by one Frederick Chambers went to show that Boyle brought liquor to the house and also said he did not see Boyle pay Mrs. Murphy for it, similiar testimony was given by Miss Crafft who was visiting Mrs. Murphy and in the house at the time, Ellen Lovely a daughter of Mrs. Murphy also gave similar testimony, but went further on being cross-examined by counsel for prosecution, she said "I swear positive that my mother had no liquor in the "house." Mrs. Murphy herself did not go on the stand and give evidence. From the record it appeared she tried her case herself and had no counsel. The impression left on my mind from reading the evidence is, that Boyle took the liquor there, but as he swore positively he bought the liquor from Mrs. Murphy and she did not go on the stand and deny it, I cannot find that the magistrate was not justified in convicting her.

The record in another case under the Canada Temperance Act (exhibit No. 16) against Robert Armstrong for unlawfully selling intoxicating liquor was put in evidence.

Mr. Armstrong the defendant is one of the complainants in this investigation, and is a liquor vendor at Newcastle. In this case three witnesses William A. Park, James Mitchell and William W. McLellan were called as witnesses for the prosecution, each and every one of these witnesses testified that within the times mentioned in the information, they had been several times in the place of business of defendant in Newcastle, and on each occasion they had one or more drinks of intoxicating liquor, they all swore that they never paid for any of the liquor that they drank, and never saw any one else pay for it, that the defendant always treated, and received no pay and one of them Mr. McLellan said that he once offered to pay Mr. Armstrong, but he refused to take any pay. After this evidence had been given the counsel for defendant Mr. Lawlor moved to dismiss the case.

The magistrate Mr. McCulley upon the motion of the prosecuting counsel Mr. Murray, refused to dismiss the case, and directed the defendant to be put on his defence, then counsel for defence applied for adjournment to enable him to get defendant (who appears not to have been present) to put him on his defence, after much contention the case was adjourned, when the court again met counsel for defence brought up a number of legal questions which were discussed, after this discussion the magistrate called on counsel for defence to call his witnesses, who said he had no witnesses to call, the magistrate then adjourned the case for several days to consider. When the court met after adjournment, the counsel for the defence made other legal objections, after discussion on these objections, the case was again adjourned several days. The court met on day appointed, and after some discussion the court adjourned for another day. When the court again met, counsel for defence applied to have the defendant placed on his defence. The entry on record is as follows:—"Mr. Lawlor "applies to have defendant now placed upon "his defence, admitting that he had formerly "declined to call witnesses at a former hear"ing of the case, but asking it as a matter "of privilege." This application being, opposed. The magistrate refused to allow defendant to be called, and declined to hear any further evidence, and fined defendant $50. and costs $10.10.

Unless the giving to a person liquor to drink in a man's own place of business, without taking pay, however improper it may be considered for a liquor vender to do so, shall be held to be a sale, and I know of no decision to that effect, I must, under the evidence given, find that the defendant was convicted without the slightest evidence to ground such conviction on. There is no doubt it was entirely in the discretion of the magistrate under the circumstences, at that stage of the case either to allow or refuse to permit Mr. Lawlor to call the defendant. Whether such discretion was judicially exercised or not is another question, if the desire was to obtain full knowledge of all the facts.

The record (exhibit No. 17) of a case tried against one Margaret Conway for the sale of intoxicating liquor to an Indian, was put in evidence by complainants. The Indian (Michael Pombell) stated in his evidence that he got a bottle of whiskey from Mrs. Conway and paid her sixty cents for it. On cross-examination he stated that he was only in Mrs. Conway's house once that day, at about four o'clock and that he had no drink that day before he went to Mrs. Conway's, and on re-examination he said it was the liquor he got from Mrs. Conway made him drunk. On being questioned by Mr. Lawlor he said, he was in twice, that first time he sold some oysters to a girl and went for them and brought them back, and that it was about 10 minutes after he delivered the oysters he went away with the whiskey.

The defendant, Mrs. Conway being sworn stated that she saw the Indian at her house, a little after five in the evening, that the Indian asked her for a bottle of whiskey. That she told him she did not have it, and he then asked her to try and get him a bottle, that she gave him a bottle of lemon sour and he drank it, that the lemon sour is not intoxicating, that he appeared to have plenty of drink when he came in, she also said that she did not sell the Indian whiskey on that day, and that she had no whiskey in the house that day, and that she did not know of any liquor being in her house that day, nor of any one in the house selling liquor that day.

Isabella Reynolds, a servant with Mrs. Conway stated that the Indian (who was in court when she gave her evidence) came to Mrs. Conway's about 10 o'clock in the morning and sold a basket of oysters to Mr. Patrick McInnes who was in the house when the Indian came, that the Indian stayed in the house that time about 15 minutes, that he did not ask for drink at that time and that he was sober when he came and sober when he went away, she also stated that the Indian came back about five o'clock in the evening, that she was in the hall and heard the Indian ask Mrs. Conway for a bottle of whiskey, that Mrs. Conway told him she had none, nor kept none, and that he was half drunk when he came to the house in the evening, that Mrs. Conway did not come down stairs until after the Indian had been there the first time and gone away, and that there was not to her knowledge any liquor in the house on that day and that she had charge when Mrs. Conway was not down stairs and she thought if there had been any liquor in the house she would have known it.

Patrick McInnes swore that he was at Mrs. Conway's that day, that the first time he saw the Indian at Mrs. Conway's he bought a basket of oysters from him, that at that time the Indian stayed about 15 minutes and then went away, that at that time the Indian was sober, the witness said he was at Mrs. Conway's nearly all day, that the Indian came back between 5 and 6 o'clock in the evening, and that he was three quarters drunk at that time, that he, McInnes, had no conversation with the Indian when he last came to the house, for the Indian came in the kitchen where he was sitting and went through to the front hall, and that he was sitting in such a position that he could not see the Indian after he left the kitchen, but he did not know whether Mrs. Conway did or did not sell liquor to the Indian, but he did swear that he himself asked Mrs. Conway for liquor, and that she refused him saying she had none, that this was about ten minutes before the Indian came in the last time.

There was a discrepancy between the testimony of this witness and that given by Isabella Reynolds, as to the time the Indian came to the house the first time, she stating he came about 10 o'clock and this witness stating it was between one and two o'clock, but both agreed that it was before Mrs. Conway came down stairs.

Anthony Forrest the policeman who arrested the Indian for being drunk in the street, swore that he first saw him about 12 o'clock of that day and that he was half drunk then.

If the evidence of the policeman is true, it must be clear that the Indian swore falsely, for he could not be half drunk at 12 o'clock on liquor he bought from Mrs. Conway 4 or 5 hours afterwards.

The Indian having sworn that he got drunk on liquor got from Mrs. Conway, at as late as 4 o'clock, Mrs. Conway, Miss Reynolds and Mr. McInnes having stated that the Indian was half drunk when he came back in the evening, and Mrs. Conway having sworn that she did not sell him the whiskey, and that she had no liquor in the house that day, and being largely corroborated in that particular by Miss Reynolds, I think and find, that the weight of evidence was so largely in favor of the defendant, that the magistrate should not have convicted her.

There were records of two cases brought against Zenas Tingley before Mr. McCulley for selling intoxicating liquor in violation of Canada Temperance Act, put in evidence by complainants (exhibits 18 & 19) Mr. Tingley lives in Chatham keeps a barber shop and also a billiard saloon, and sells cigars, tobacco, beer, candy and cigarettes. He is also one of the complainants in this investigation.

The first case brought against him was, for the unlawful sale of intoxicating liquor at Chatham, between the 1st day of March and 31st day of May 1894. It appeared by the evidence that in the month of May one George Thompson bought from defendant a case of what was called "Salvador" beer, and that he sold the larger part of this beer to Mr. Menzies the County Inspector, Mr. Menzies testified that he gave 2 bottles of this beer to Mr. McKenzie, a druggist to have it tested for alcohol. Mr. McKenzie testified that he tested these bottles and found four and one tenth per cent of alcohol in them.

Mr. Menzies also testified, that one night after he had bought this "Salvador" beer he drank 4 bottles within the space of an hour and did so for the purpose of trying if it would intoxicate him, that it had the desired effect, and that after drinking it he got so much intoxicated that he staggered, and had to go to bed.

The defendant having been put on his defence, admitted that he sold this "Salvador" beer to Thompson, that he had kept it for sale for about 10 months, he said however, that he did not think it was intoxicating, that he had drunk as much as 13 bottles in one day between morning and midnight, that he had sold it to many persons, who drank several bottles at a time, and that they did not show any appearance of it having had any intoxicating effect on