EMMERSON LIBEL SUIT HEARING OVER

(Continued from page 1.)

set up the editorials. It would be different operators on different days. The witness caused some laughter by explaining that his office was upstairs, and he knew nothing of what went on elsewhere.

Some discussion followed between counsel as to what other witnesses in the Gleaner office could be called, as the paper was then going to press.

J. H. Crocket, the defendant, suggested that H. L. Coulthard, the foreman of the press room, should be sent for, as he could prove what the prosecution required. After some further discussion, Hon. Mr. Pugsley asked his honor to adjourn the court until the morning, as he had another engagement.

Mr. Hazen opposed the suggestion, on the ground that the witnesses for the defense would be detained another day.

Mr. Barry intimated that the prosecution would probably finish in the morning.

The court then adjourned until 10 a. m. tomorrow.

Fredericton, May 30—All the evidence was concluded this afternoon in the preliminary examination of James H. Crocket on the criminal charge for defamatory libel preferred by Hon. H. R. Emmerson. Mr. Emmerson's own straightforward account of the hotel incident in Montreal was the principal feature of the session. The additional testimony of John Lloyd, night clerk of St. Lawrence Hall, Montreal, and of Harry Dean, the night porter, was taken, and his honor, Col. John L. Marsh adjourned the court until 11 o'clock on Monday, when he will give his decision as to committing the defendant for trial.

It is generally believed here that Mr. Crocket will be committed, in which case he will be tried before his honor Judge Landry, at the next term of the Supreme Court which will be opened in Fredericton, June 18. It is probable that on that occasion additional witnesses will be called.

The council chamber where the examination was held was crowded at both the morning and afternoon sessions. In addition to the witnesses present, within the rail round the centre of the court, George Skeffington, ex-detective of the I. C. R., occupied a seat next the defendant.

Morning Session.

There was a great crowd of spectators present when the Emmerson-Crocket libel case was resumed by the police magistrate this morning and the interest in the proceedings was intense. Mr. Emmerson was on the stand the greater part of the forenoon and admitted being at the St. Lawrence Hall on June 10th last in company with Mrs. George C. Allen, of Moncton, and Mrs. Beuthnier, of Quebec. He denied most emphatically that he was ejected from the St. Lawrence Hall or any other hotel. The ladies, he said, had quarrelled with the porter, and at their request he accompanied them to another hotel. He was subjected to a lengthy cross examination, and when he left the stand the prosecution rested its case.

Herbert Coulthard, foreman of the Gleaner was the first witness called and swore that the libellous article had been written by Mr. Crocket.

Mr. Emmerson Testifies.

Hon. Mr. Emmerson was called to the stand at this morning's session. He told about a trip to Montreal from Ottawa in the month of June, 1906. He went to the St. Lawrence Hall at 7.30 in the evening to look for Mr. Peters, a friend. In glancing over the register he noticed the name of the wife of a constituent and a friend of hers. He went to their room, and not having had his supper, invited them out to a restaurant with him. They had their supper together at the Oxford restaurant and he afterwards returned to the hotel with them. Their room was in the front of the hotel and his was in the extreme rear of the building. After bidding them good bye he returned to his room, smoked for a short time, and then went to bed and asleep. He did not know how long he had been asleep before he heard a knock at his door and, opening it, found the ladies. He first dressed himself and then admitted them. One of them was very much agitated and stated that they had been insulted by a porter, and were bound to leave the hotel. He tried to quiet her, but did not have much success. Her lady friend, whom he had known since girlhood, was not anxious to leave at that hour. He inquired into the trouble and learned from one of the porters that there was no occasion for the lady to leave. The porter partly apologized for the conduct of another porter. He finally told the ladies that if they were determined to leave he would accompany them, as he could not see them go out at that hour. He engaged a carriage and gave one of the ladies money to pay his bill. They finally left the hotel in a carriage and went elsewhere.

Witness got up the next morning and being joined at the Windsor street station by Hon. Mr. Lemieux, returned with him to Ottawa. He attended a meeting of the cabinet soon after his arrival, and in the afternoon was in his place in the house.

Women of Good Repute.

The witness went on to say that one of the ladies he had met in Montreal was a friend of his own and his wife's family and he had known her since girlhood. She was a woman of irreproachable character and moved in good society. The other lady he had met casually the year before at Moncton in company with his friend. He had not afterwards seen very much of her.

When he read in the libel about women of ill repute, he had no idea that it referred to the two ladies whom he had met at the hotel in Montreal. So far as he knew they were both women of the highest respectability.

The witness was never ejected from a hotel in Montreal in his life nor was he ever at a hotel in Montreal with a woman of ill repute. The only time he was ever at an hotel in Montreal with a woman was in 1901. The woman was his wife.

His impression was that he was at the St. Lawrence Hall on a Friday, but he could only fix the day by other circumstances. He had been attending the closing exercises at Acadia College a few days before and left Dorchester on Thursday accompanied by his mother, sister and daughter.. At Moncton he was joined by another lady who accompanied them to Montreal in the private car. At Levis another lady and her mother joined the party. These two ladies and the Moncton lady left at Montreal. The rest of the party went on to Ottawa in the car. He did not know at what hotel the women were to put up when he left them at Montreal and went to Ottawa. It was on the 10th of June that he returned to Montreal.

Cross-examination.

Mr. Hazen, before beginning the cross-examination of the witness, produced the St. Lawrence Hall register and showed Mr. Emmerson his signature which he promptly identified. According to the register he was assigned to room number 137.

His car left Dorchester for Montreal on Thursday. The lady who joined the party at Moncton was Mrs. George C. Allen, wife of the general baggage agent of the I. C. R. He had been in Moncton some days before and both Mr. and Mrs. Allen had asked if Mrs. Allen might accompany him to Montreal in his car and he had granted the request. He did not see Mrs. Allen again until the Thursday night that he started for Ottawa. She asked if there was room in the car for her and he said there was. Mrs. Allen was entitled to an occasional pass as the wife of an officitl. Mrs. Allen told him on the way to Montreal that a friend of hers, Mrs. Beuthnier, was to meet her at Levis. She asked if this lady could get on the car and the witness consented. Mrs. Beuthnier was accompanied by her mother but the latter did not go on to Montreal. Mrs. Beuthnier had visited Mrs. Labillois at Dalhousie and was a friend of his. He could not say that he heard the ladies say while en route to Montreal that they were going to stop at the St. Lawrence Hall.

The three hotels in Montreal where witness usually stopped were the Windsor, Queen and St. Lawrence Hall. He thought he had stopped twice at the St. Lawrence Hall during the past two years. He usually stopped in his car while in that city. It was Joshua Peters of the Record Foundry Company that he went to the St. Lawrence Hall to see. His company had a branch in the west and Mr. Peters made his headquarters in Montreal. Witness did not know that Mr. Peters was in Montreal when he went there.

After he had been assigned a room at the St. Lawrence Hall he looked at the register to see if any acquaintances were there. When he saw the names of Mrs. Allen and Mrs. Beuthnier he went to their room accompanied by a bell boy.

After chatting with the ladies for a time they repaired to a restaurant. It was ten thirty o'clock when they returned to the hotel. As near as he could remember it was midnight when he left the hotel with the ladies. He went to the bath-room to don his clothes when the ladies came to his room.

Went to Albion Hotel.

A porter did not come to the room door while the ladies were there and found the room in darkness. Neither did the porter say that if the noise and disturbance going on in that room did not cease, they would have to leave the hotel. The ladies did not tell the witness in what way the porter had insulted them. The reason the witness gave one of the ladies money to pay his board was that he wanted to finish dressing so that he could leave the hotel with them. He did not know that one of the ladies wore a kimona. Witness was not insulted by any of the employes of the hotel.

It was the Albion Hotel they went to after leaving St. Lawrence Hall. There they were assigned to rooms without registering their names.

Mr. Hazen produced what he claimed was a blue print copy of a page of the register of the Albion Hotel and asked the witness if it contained his signature. The attorney general objected to Mr. Hazen offering the blueprint in evidence without first proving its genuineness. Mr. Hazen said that the document was a blueprint of the register of the Albion Hotel of June 10th, 1906. The attorney general pointed out that the document was not a blueprint, as the names were written upon it. The police magistrate decided not to admit the blue-print as evidence until it had been proven.

Mr. Emmerson said that he thought the Albion was a hotel of good repute. Mrs. Beuthner did not have a pass in June last on the I. C. R. While in Montreal on the occasion in question he practically was in communication only with Mrs. Allen and Mrs. Beuthner. He paid only his own bill at the Albion. Witness said he was in the house of commons at Ottawa on March 26 and heard the speech of Mr. Bourassa on the personal conduct of ministers.

Offers Bourassa's Speech.

Mr. Hazen read the report of Mr. Bourassa's speech from Hansard and Mr. Emmerson said it was about what was said. Mr. Hazen offered the copy of Hansard in evidence to show that the matter was under public discussion before the alleged libel was published and thus was relative to the case.

Mr. Pugsley claimed that the speech of Mr. Bourassa was not relative to the case and if allowed in evidence would make a loop hole for much more to come in. There were, he said, many ready to put a party out of power by putting their personal standings in a bad light, but it remained for Mr. Crocket to publish this slanderous article.

Mr. Hazen further contended that the copy of Hansard should be admitted on the ground that it was wanted to show that the matter had been under public discussion before being published and that it was of public interest.

His honor admitted the copy of Hansard as evidence subject to the objection.

Quotations from speeches in the same discussion by Mr. Fowler, of Kings, and Sir Wilfrid Laurier were then read to Mr. Emmerson.

There was some discussion between counsel as to members of parilament discussing the moral standing of members, and then Mr. Hazen continued on his plan to show the incredibility of witness by asking as to whether Mr. Emmerson had ever seen in the Toronto World a cartoon of four members of the government sitting in the stocks, stating to the court that the idea was to show that Mr. Emmerson did know that he was the one accused of being ejected from a hotel.

Mr. Pugsley objected to this matter being taken up, as irrelevant.

Mr. Hazen, in support of his contention, expressed surprise that in a case where a man was being tried for a criminal charge that the attorney general should make such an objection, and said that he could not quite understand the position of the attorney general today—whether he was appearing as counsel for the crown or Mr. Emmerson. Mr. Hazen claimed that Mr. Crocket, being liable to penalties, should be given the proper latitude to prove his innocence.

Mr. Pugsley claimed that he was doing nothing more than properly looking after his client. He then read over several times the alleged libel, which he characterized as a slanderous article, and wanted to known how on earth articles printed in different papers throughout the country were relevant to the small part of the editorial which appeared in the Gleaner, the charge being that Mr. Crocket caused it to be published and that it was libellous.

Mr. Hazen felt that it was bad taste and bad judgment for the leader of the bar of the province to get up in the court and make a political speech such as he had made. His (Hazen's) desire was to use the evidence he was asking for to show concerning the credibility of the witness. Mr. Emmerson had admitted that he was in a hotel in Montreal with women. By means of the cartoon, besides showing the credibility of the witness, it was also proposed to show that public discussion on the matter had taken place.

O. S. Crocket, for the defence, also pressed for the admission of this evidence, stating that Mr. Emmerson had said that he had no idea upon earth who the parliamentary charges referred to, and in this connection it was decided to take up the credibility of the witness. If Mr. Emmerson had seen the Toronto World's cartoon they could argue on that point.

Ruled Out.

The following question was then put by Mr. Hazen: "I ask you, Mr. Emmerson, was your attention drawn to a cartoon in the Toronto World of March 1st, entitled 'In the Stocks,' and do you know who the ministers of the crown there represented are?"

The magistrate ruled out the question.

The St. John Sun's report of Mr. Emmerson's speech at Moncton,where he was reported to have said that he left St. Lawrence Hall with ladies, was read, and Mr. Emmerson said it was a correct report.

"Most unqualifiedly," said Mr. Emmerson, "when Mr. Bourassa made the statement of a minister being at a hotel with women of ill-repute, I could not conjecture who was referred to, and I never associated the fact of my having been there with the ladies referred to."

"I never knew or heard talk about Ottawa or Montreal," continued Mr. Emmerson, "that I was accused of such things and if I had I would have"—the balance of the sentence could not be heard.

Mr. Hazen then quoted farther from the speech of Mr. Bourassa regarding property of the crown being used for certain purposes, and Mr. Emmerson told of hearing the speech.

Continuing, Mr. Emmerson said that he left the Albion Hotel in Montreal early on the morning following when he had gone there with Mrs. Allen and Mrs. Beuthner, and that he did not see them before leaving the hotel. When Mrs. Beuthner travelled from Quebec to Montreal in his car she did so as his guest, and had no pass or ticket. Mrs. Allen, he said, was a daughter of a man who had for forty years been confidential clerk to the witness' father.

Prosecution Closes.

Re-examined by Mr. Pugsley, Mr. Emmerson said that so far as he knew Mrs. Allen was a woman of untainted character, and so far as he knew Mrs. Beuthner was also a woman of good character. Regarding going to the Albion Hotel, Mr. Emmerson said that he did not think that the register clerk was in the hotel office when they entered. Nothing of impropriety happened between him and the women. He sent the women down to pay his bill as a matter of convenience, and left the St. Lawrence Hall as a matter of gallantry, but perhaps it had not been the right thing for him to do.

The connection which Mr. Peters had with the Record foundry was explained by Mr. Emmerson, who said that he had made the trip to Montreal to see him and that Mr. Peters lived in the St. Lawrence Hall, but was out of town.

Mr. Emmerson said that he had never been ejected from any place alone or with women. When leaving Montreal, Mr. Emmerson said that Mrs. Allen and Mrs. Beuthner went to the station and asked for a pass for Mrs. Beuthner to use in transportation back to Quebec, but he could not give it there as he had none with him.

Mr. Emmerson was then allowed to leave the stand and it was announced that the case for the prosecution was finished.

A few moments later Mr. Emmerson was recalled and went on the stand once more, and Mr. Pugsley read to him a portion of the speech of Sir Wilfrid Laurier in the "wine, women and graft" debate. Mr. Emmerson said that Hansard had a fair report.

This completed the case for the prosecution.

Col. Marsh then called upon Mr. Crocket to stand up.

Counsel had a brief conference, and Mr. Crocket dispensed with the reading of the depositions.

His Honor asked Mr. Crocket if he had anything to say.

Mr. Hazen, speaking for Mr. Crocket, said that Mr. Crocket admitted writing and having published the article on March 27. He said that he was further instructed to say the statements were true at the time that he wrote them, Mr. Crocket had reasonable grounds for believing them to be true, that they were relevant to the public interests, that they were published in the public interests, and that they had been the subject for discussion in New Brunswick and outside of New Brunswick previous to the time that they were published.

The defence then opened their case, it being 12.30 o'clock.

Defence Witness.

George H. Smith, of Montreal, accountant for the estate of Henry Hogan, was the first witness called.

Mr. McLeod produced the hotel register of the St. Lawrence Hall, including the pages for June last, and asked to have the register admitted as evidence.

A wordy war lasted for some time, Mr. McLeod accusing Mr. Pugsley of trying to browbeat him and trying to run the whole court. Mr. Pugsley claimed that Mr. McLeod was acting in an extraordinary manner.

Col. Marsh decided to admit as evidence the portion of register with the names of Hon. Henry R. Emmerson, Mrs. George C. Allen, of Moncton, and Mrs. A. Beuthner, of Quebec.

At a few minutes after 1 o'clock the court adjourned until 2.30 p. m.

The Afternoon Session.

A large crowd was again present when the hearing was resumed in the afternoon.

John Lloyd was the first witness called for the defence. In reply to Mr. McLeod, the witness said he resided in Montreal and was night clerk at St. Lawrence Hall. He had been employed at the hotel thirty-six years, for the first three years as night porter and afterwards as night clerk. He was on duty between June 8 and 10, 1906.

A book was shown to the witness and identified by him as the hotel register used on those dates. His attention was directed by counsel to the signatures of Mrs. Allen and Mrs. Beuthnier and Mr. Emmerson, and he testified that the ladies had been allotted room No. 9 on the night of June 9 and that Mr. Emmerson occupied room No. 137 on the night of June 10. He explained that room No. 9 was in the front part of the hotel overlooking St. James street, and that room 137 was in a different part, a considerable distance away, and that it was necessary to cross a bridge separating two portions of the hotel to get to it.

Mr. McLeod—"Do you remember the evening of June 10?"

The witness—"Yes."

"At what hour did you go on duty?"

"Eleven o'clock."

"Was there any unusual occurrence that night?"

The witness said a noise was reported to him.

Hon. Mr. Pugsley submitted the witness must only testify to facts within his own knowledge and not repeat a conversation with a third party unless Mr. Emmerson was present.

Mr. McLeod, resuming—"What happened next?"

The witness—"I was sitting reading the paper in the office about 1.20 a. m. when the night watchman, who had been going his rounds came and reported that"—

Hon. Mr. Pugsley stopped the witness and submitted a statement by the watchman was not evidence.

Mr. McLeod, addressing his honor, contended that the essence of the case for the prosecution was the charge that Mr. Emmerson was ejected from the hotel with women of ill repute and he proposed to prove that the reports came to the night clerk and he gave orders for the parties to be ejected.

Hon. Mr. Pugsley replied that there was a complete answer to his learned friend. The man who ejected the party was the proper person to testify. It would be, he submitted, unfair to Mr. Emmerson to take any statement made to a third party when he was not present.

Mr. McLeod retorted that earlier in the day the attorney general had promised to facilitate the trial as far as possible.

Hon. Mr. Pugsley replied that it was his intention to do so by admitting every statement of fact.

His honor having sustained the objection the examination was resumed.

Mr. McLeod—"You have said the watchman came down about 1.30. Who was the night porter?"

Witness—"Mr. Harry Dean."

"Before he reported had you received any other report?"

"Yes."

"What was the complaint?"

Hon. Mr. Pugsley objected. Objection sustained.

"Who brought the first report?"

"Joseph Chapman, the other night porter."

"Did both refer to the same matter?"

Hon. Mr. Pugsley objected and suggested counsel should prove by the evidence of Dean what took place.

Mr. Hazen submitted that the question was eminently proper.

Mr. McLeod to the witness—"Did the report refer to conduct in room 137?"

Hon. Mr. Pugsley again objected.

Mr. McLeod claimed that it had hitherto been the practice in that court for his honor to admit evidence subject to an objection. He submitted every word spoken to Mr. Lloyd was admissable.

Hon. Mr. Pugsley—"I have never yet learned that remarks made by one man to another could be taken as evidence against a third party. You have witnesses here to tell what was done."

Mr. Crocket contended that Mr. Emmerson had been permitted to testify to reports made by Mrs. Allen and and Mrs. Beuthnier.

After some further discussion his honor sustained the objection,adding that it should be easy for counsel for the defence to take the right course and put the other witnesses on the stand to tell what they knew.

Mr. McLeod to the witness—"You said the watchman made reports referring to room 137—"

Hon. Mr. Pugsley, warmly—"The witness made no such statement. You can't help your case in that way."

Mr. McLeod to the witness—"Did you give any instructions?"

"Yes."

"What were they?"

Hon. Mr. Pugsley—"I object."

Mr. McLeod accused the attorney general of not carrying out his promise to facilitate the trial.

Hon. Mr. Pugsley—"I will facilitate getting all the evidence, but I don't propose that you shall get in evidence which is not evidence."

Mr. Crocket was about to make some remarks when he was reminded by his honor that he had spoken on the question before.

Mr. Crocket—"This is another question, and if I spoke on it before I propose to speak again."

His honor sustained the attorney general's objection.

Mr. Crocket—"That is a most extraordinary ruling."

His Honor—"It might be in your judgment."

Mr. Crocket—"I am surprised that the attorney general should propound such a ridiculous proposition, and that your honor should support it."

Hon. Mr. Pugsley—"I have too much respect for your honor and for myself to answer such an impertinent observation."

Mr. Crocket—"I protest against the attorney general taking charge of this court."

His Honor—"He has not done so yet. There are some gentlemen of the law who would like to."

Mr. McLeod—"They are not as successful as the attorney general."

The examination was then resumed.

Mr. McLeod to the witness—"In consequence of the instructions given to Mr. Dean, what did he do?"

"He went back."

"What occurred next?"

"A tall lady came down, one of the occupants of room No. 9."

"How was she clad?"

"I forget."

"Was she dressed for the street?"

"Oh, no."

"What did she do?"

"She was very cross and went away again to her room. I could not make out what she said."

"What happened next?"

"She came back and asked for the bill. She paid the bill for the lady and herself in No. 9."

"Did she pay for anyone else?"

"The gentleman in No. 137."

"Did she ask for both?"

"Yes. She said she wanted them right away."

"Before she turned back what was said?"

The attorney-general objected as Mr. Emmerson was not present. Objection sustained.

"What happened next?"

"The porter went up and brought the baggage down and the three drove away in a cab."

"What hour was this?"

"Nearly 2 o'clock Sunday morning."

"Has Mr. Emmerson been in the habit of stopping at St. Lawrence Hall?"

"I have not seen him there for about fifteen years. He used to go there years ago. He may have been there in the day time, I don't know. I did not see him the night he was there. I did not see any of the party go out, as they went out another way. They paid their money; that was all I cared about."

Cross-examined by the attorney-general—"You would not undertake, Mr. Lloyd, to remember the names of one-thousandth part of the guests at the hotel during the last ten years?"

"No."

Mr. Hazen objected that counsel was leading the witness.

The attorney-general reminded his learned friend that some latitude was permitted in cross-examination. He resumed:

"When the lady came down she seemed very cross about something?"

"Yes."

"After she went back how long before she returned and paid?"

"About ten minutes."

"How far was Mr. Emmerson's room from that of the ladies?"

"About 200 yards."

"For all you know, Mr. Emmerson may have been in the hotel scores of times?"

"I never took notice of it."

"Did the party go out by the usual way?"

"Yes, they went out by the only way open at that hour in the morning."

"How many night porters were there?"

"Two."

"How long was Mr. Dean there?"

"About two years. He is not there now."

Re-examined by Mr. Hazen—"Have you seen Dean lately?"

"Only when I came down on the train with him to Fredericton."

"Have you seen Chapman?"

"No, I understand he has left Montreal. I don't know where he is."

"It was your duty to preserve order in the hotel?"

"Yes."

"If disorder was reported, what would you do?"

"I would order the parties out if they would not behave."

"Were you called upon that night to give orders?"

The attorney-general objected and another argument followed. Mr. Crocket stated that the defence did not allege any offence had been committed in the hotel, but that the parties had been ordered out. The objection was sustained.

Mr. Hazen, to the witness—"Did you give instructions that unless the noise ceased they should be ordered out?"

Hon. Mr. Pugsley objected, and suggested that the proper course was to have the porters there to give evidence why the parties were ordered out. The objection was sustained. After some further argument between counsel, the witness was set aside.

Harry Dean, one of the night porters at the hotel, was sworn. In reply to Mr. McLeod he said he had been in Montreal about four years. Previous to that he had been in a good many places, including Egypt and India. He was an Englishman and had been an electric lineman before going to Montreal. He was engaged as night porter at the St. Lawrence Hall on the nights the parties stayed there.

Mr. McLeod—"During the early part of the evening in question did you see Mr. Emmerson in the hotel?"

The witness—"Yes, I saw him walking about between 7 and 9 o'clock."

"Did you know him before?"

"No; he was pointed out to me. He occupied room 137."

"When you made your first round at 12 o'clock did you see anything unusual?"

"Going up the St. James street side, passing the parlor door, I saw two women crossing the parlor and going in the direction of Mr. Emmerson's room."

"Did you see anything else?"

"Passing No. 9 I found the door a little open and as it was late I shut the door. There was no one there when I closed it."

"Did you see anything further during that round?"

"No."

"When was your next round?"

"At 1.30."

"Did you observe anything?"

"I heard an unusual noise, loud talking and laughter."

"How far away from you?"

"About twenty yards. I was coming down the stairs."

"Did you approach in the direction of the sound?"

"Yes."

"What was the number of the room?"

"137."

"Was the door open or shut?"

"It was shut."

"Did you hear voices?"

"Yes, I recollect I heard ladies and a gentleman's voice."

"What did you do?"

"I waited, listening: then I tapped on the door. It was not answered immediately. Not for two or three minutes."

"Did you hear anything?"

"I heard someone moving about."

"Who came to the door?"

"A tall woman."

"Was it locked?"

"I will not swear it was."

"Was the room lighted?"

"It was dark, but there was a light somewhere in the back."

"What did you say?"

"I said they must not make so much noise."

"What did the lady do—shut the door in your face?"

Hon. Mr. Pugsley objected to counsel suggesting an answer to the witness.

Mr. McLeod—"Oh, very well. What did she do?"

"She closed the door."

"In your face?"

"No. I don't think it was, exactly. I was going away." (General laughter).

"What did you do next?"

"I went down and reported to the night clerk."

"What instructions did Mr. Lloyd give you?"

Hon. Mr. Pugsley objected. After some argument Mr. Pugsley suggested the witness might be asked what he did in consequence of what was said.

Mr. McLeod—"In consequence of what was said, what did you do?"

"I went up again and knocked at the door."

"Who opened it?"

"The same lady, the tall one."

"How was the room."

"It was lit up."

"Did you deliver your instructions?"

Hon. Mr. Pugsley objected.

Mr. McLeod—"What did you say?"

"I told them to make less noise or get out of the hotel."

"Having delivered your message, what did you do?"

"I went back to the office."

"Did you see anything else?"

"I was half way down when I turned and saw the lady following me, and the gentleman going across the other way."

"What time was that?"

"About 1.40."

"When next did you see either or both the ladies?"

"I saw one talking to Mr. Lloyd and I saw both leaving the hotel, and Mr. Emmerson also."

"When was that?"

"About ten or fifteen minutes afterwards."

Cross-examined by the attorney-general—"Where were you before you went to St. Lawrence Hall?"

"I was in other hotels."

"When you first saw the inside of No. 137 did you see a light in the bathroom?"

"I will not swear I did. I saw some light reflected, as if it came from the bathroom."

"Whom did you see?"

"I saw one lady first, and then the other lady."

"Any gentleman?"

"No."

"Did you hear Mr. Emmerson swear that he let the ladies in and returned to the bathroom?"

"I could not say where he was."

"How close to 12 o'clock was it that you saw the ladies crossing the parlor?"

"12.03."

"Are there any lavatories in that direction?"

"Yes."

"Could you identify the ladies?"

"I could identify one lady, the tall one. She crossed the parlor and paid the bill."

"How far away were you when you saw the ladies crossing the parlor?"

"About ten yards. I saw their backs."

"And that was the only reason that you think it was the same lady—the tall one—that you saw at the door?"

"Yes."

"How far open was the door of No. 9?"

"A few inches."

"On the second occasion when you said they would have to make less noise or get out, you did not order them out?"

"No."

"You say when you were leaving the gentleman went across the parlor. Then they did not go together?"

"The lady followed me down."

"Lloyd said the lady came down twice. Did you see Mr. Emmerson on the first occasion?"

"No, the second occasion."

"Was this lady in the office twice?"

"I will not swear she was."

"Well, you saw her coming to the office on the first occasion, and you saw her at the office on the second occasion; is that right?"

"You are trying to tie me up all right. I am trying to give you what happened as plain as I can."

Counsel and witness then went over the same ground again. Finally the witness was understood to say the lady went to the office twice, that she paid the bill on the second occasion, that Mr. Emmerson crossed the parlor before she paid the bill, and that when she went down twenty minutes earlier it was before Mr. Emmerson crossed the parlor.

In reply to a further question, the witness said the lady who paid the bill might have crossed the parlor while the baggage was being taken down.

Re-examined by Mr. Hazen, the witness said he had not seen Chapman since July.

Mr. Hazen—"Did you hear anything of the ladies being insulted in the hotel that night?"

The witness—"No."

"Did you ever see them before?"

"No."

Mr. Hazen objected to the attorney-general putting further questions in cross-examination.

Hon. Mr. Pugsley replied that he wished to make things a little clearer, and asked the witness if, he could explain why the lady went down to the clerk.

The witness—"I suppose she got mad at me telling them to make less noise."

Mr. Hazen informed his honor that the defense did not propose to call any more witnesses at that stage.

Counsel for the prosecution then retired, and returning after a short interval, Hon. Mr. Pugsley said they would not submit further evidence.

His honor said he understood from the court stenographer the evidence would be transcribed by Monday. He would adjourn until 11 a. m. on that day, when he would give his decision.

ENGINEERS WON I. C. R. CONTEST

Drivers John Stewart and J. W. Nairn Representatives on Provident Fund

Moncton, N. B., May 29—John Stewart, locomotive engineer, Moncton, and J. W. Nairn, locomotive engineer, Truro, are the representatives elected by I. C. R. employes on the provident fund board.

The voting began a week ago last Monday and continued one week. The work of counting the ballots began in the general offices here last Monday and was concluded tonight. Considerable interest was taken in the result, which was made known late this evening.

J. W. Nairn leads the poll with 2,054, leading his colleague on the board by nearly 500. Mr. Stewart was more than 300 ahead of J. A. Theberge, station agent at Bathurst, who was third on the list.

CAPT. BERRY DEAD

Sailed Out of St. John for Years—Passed Away in Nova Scotia.

At the time Mrs. Simpson Berry reported she was robbed of about $200 worth of jewelry in her house in Orange street, about three weeks ago, her husband was seriously ill and the robbery occurred on the eve of the departure of the couple to Clementsport (N. S.), the native place of Captain Berry, where he desired to end his days.

A few days after the robbery, as no developments arose, Captain and Mrs. Berry went away,and Wednesday Mrs.McMackin, Mrs. Berry's mother, received a telegram from her daughter saying that Captain Berry had passed away.

Captain Berry had made St. John his home for many years, but being master of a sailing vessel, he was much from home. He was about forty-five years of age, and had been ill for about a year and suffered from consumption. He was a skilled seaman, and a man of good habits and honorable character.

He is survived by his wife and two little girls, Marion and Greta, who are staying with their grandmother in Orange street. His mother and a large family of brothers and sisters also survive. The body of Captain Berry will be buried at Clementsport and his widow will return to St. John and take up her residence with her mother.

Many of the articles stolen from Mrs. Berry were presents from her husband, and served as memories of his life work; and she said at the time that it was for this reason that she felt the loss of the valuables so keenly.

U. N. B. ALUMNI WILL RALLY TO ASSISTANCE OF OTHER ALMA MATER

Fredericton, N. B., May 29—President B. C. Foster presided at the annual meeting of the Alumni Society of the university held this evening, and others present included Dr. W. C. Crocket, Havelock Coy, Rev. A. A. Rideout, P. J. Hughes, C. W. Hall, J. D. Phinney, John Palmer, A. B. Maggs, H. H. Hagerman, Dr. H. S. Bridges, J. E. Page, W. S. Carter, G. W. Mersereau, J. F. Jennings, H. V. B. Bridges, Chancellor Jones, L. W. Bailey, Prof. Raymond, and J. W. Hill.

The following were elected to membership: Walter Clark, H. F. McLeod, E. W. McCready, Rev. A. W. Teed, R. B. Rossborough, S. W. Kain, J. W. Howe, J. T. Jenkins, D. K. Hazen and Miss Hazen Allen.

All the members of this year's graduating class have promised to join the society.

Waldo C. Machum was announced as the winner of the society's gold medal for the best Latin essay, and the Brydone Jack memorial scholarship goes to Miss Cora McFarlane. This means that all the prizes this year with one exception were carried off by girls.

It was decided to grant two scholarships of $50 annually, each to deserving students living in the province.

A resolution of condolence on the death of the late Chancellor Harrison was adopted.

The election of officers for the ensuing year resulted as follows: President, B. C. Foster; first vice-president, W. S. Carter; second vice-president, Dr. W. C. Crocket; third vice-president, A. S. McFarlane, secretary-treasurer; council, H. H. Hagerman, Dr. Kierstead, Dr. H. S. Bridges, Dr. Atherton, J. F. Jennings, J. D. Hazen, A. B. Maggs.

On account of wet weather and heavy track, the annual sports of the university students this afternoon were not largely attended. Although most of the events were well contested, there were no records broken.

G. Fred. Baird, of Andover, proved to be the best all-round athlete and won the championship. Stanley Bridges, of St. John, also made a good showing. The prizes were presented at the close by Chancellor Jones. Following is the summary:

100 yards dash—Bridges, Wood, Day; time, 11 1-2 seconds.

Putting shot—Baird, Wetmore, Gillies; distance, 34 feet 10 1-2 inches.

Running broad jump—Baird, Bridges, Wood; distance, 20 feet. Bridges cleared 19 feet 3 inches.

High school 220 yards dash—Eddington, Moncton; Philips, Rothesay; Wetmore, P. N. S.; time, 27 seconds.

220 yards dash—Bridges, Wood, H. MacLean; time, 25 1-4 seconds.

Hammer throw—A. McLean, MacDonald, Hayward; distance, 81 feet 4 1-2 inches.

Running high jump—Brooks, Baird, McLean; distance, 4 feet 10 inches.

440 yards run—Bridges, McLean, McGrath; time, 58 1-4 seconds.

Hop, step and jump—Woods, Baird, Brooks; distance, 41 feet.

High school running broad jump—Teed, Rothesay; Eddington, Moncton: Wetmore, P. N. S.; distance, 18 feet 11-2 inches.

Mile run—Currie, Orchard, McLean; time, 5 minutes 10 1-2 seconds.

120 yard hurdles—Wood, Baird, McLean; time, 19 seconds.

WERE QUIETLY MARRIED.

Rather quietly the marriage of Ralph P. Bell, of Halifax, and Miss Marguerite Deinstadt, daughter of Rev. T. J. Deinstadt, of Fairville, took place Tuesday evening in Amherst. Mr. Bell graduated this year at Mt. Allison University and is a son of A. M. Bell, a leading hardware merchant, of Halifax. Miss Deinstadt graduated last year from the conservatory of music at Sackville, and in the course of college life the young people met and an attachment was formed which culminated in marriage.

The bride had gone to Sackville to attend the closing exercises of the university and her parents were very much surprised to hear of the wedding Wednesday, although the marriage was to be some time this year.

W. C. Archibald, expert orchardist, is superintending the setting out of about 1,000 apple trees for J. S. Gibbon in his summer residence park at Riverside,Kings county.

CAPITALIZED AT $500,000,000

United States Syndicate Plans to Build Railroad Connecting North and South America.

Phoenix, Ar., May 29—Articles of incorporation of the "United States Syndicate," the capital stock of which is $500,000,000, were filed yesterday. The purpose of the company is to build a railroad to connect North and South America.