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IN THE SUPREME COURT.

The King vs. Nolan for Murder.

AFTERNOON SESSION.

Nolan's Evidence (Continued)
After recess yesterday Hon. Mr. Warren continued his cross examination of the accused. The witness said in part: "Belle first started to run away last June. I don't know why she used to run away. She did not stay away long the first time, only about 10 minutes. I found her at the bottom of my own land."

Counsel—"How did you know she was running away?"
Witness—"I found a pane of glass broken and Mary said she had thrown

a bottle through it and had then run away."

Afraid of a Beating.
"The only reason I know she ran away is because she threw the bottle through the window. I thought she might not come back till I went away. She was probably afraid that I would beat her."

Counsel—"Do you think now she ran away because she was afraid you would beat her if they told on her?"
Witness—"Yes."

Witness went on. "I did not know whether it was because of me or of

the other children she ran away. The other children might have beaten her. This occurred before she took the \$10 bill. The first time I beat her was after she took the \$10 bill. I do not know why she was afraid that I would beat her. The time she ran away after taking the \$10 bill she was away for about 12 hours. That was before I beat her. I beat her with a strand of rope when she came back. That was the only time I ever beat her. I don't know whether she was afraid of me or not. The child had no reason to be afraid of me. She ran away in June twice, to Mrs. Mason's twice, to Mrs. Prendergast's once and the time she was frosted."

Didn't Know Why Belle Ran Away.
"I counted it running away if she hid."

Witness here enumerated where Belle went on the occasions she ran away. "I am positive" said witness "I never beat Belle except that one time with the rope. I was not digging my potatoes when Belle ran to Mrs. Prendergast's. The ground was barely covered with snow and there was not much frost. I think this happened just before Christmas. I hadn't beaten Belle since June. I don't know why Belle should have run away without boots and stockings after she broke the cup. She didn't tell me she broke the cup. I didn't hear anything about the cup until that night when I heard Gregory and Mary speak of it. I don't know why Belle ran away. Mike Murray's house is a mile from mine. I did not take Belle down to the brook. I am not here to tell you a lie if I can possibly help it. I made no threats when I came out of the woods the last day that Belle ran away."

Counsel—"If you hadn't threatened her why did she run away this time?"
Witness—"I can't account for it."

"I passed the boys at Mrs. Prendergast's. I went past the road to the graveyard before I turned in. I did not go up the graveyard road."

Let Her go Home.
"I saw her crossing a piece of vacant land when I turned back and I ran after her and caught her. I said nothing to her. I picked her up and tucked her under my arm. When I got to the road she got contrary and told me she'd go home if I put her down. So I did as she asked. She only had two pairs of stockings on then. The toes were out of her own but she had a pair of mine over them, also with holes in the toes. It was not a very cold day. It wasn't cold enough for me to have my mitts on but I had them in my pocket and fearing I'd lose them I took them in my hand. I put on one. It would have been a cold day to Belle. I did not smack her over the head with my mitt, only over the shoulder to hurry her home. I wanted to get her off the snow. She would go quicker than if I carried her. If I took her up she would feel colder than if she went on herself. I did think about the cold and the child's feet. I never thought of putting my mitts on her."

Did Not Kick Belle.
"The child could have run all the way with boots on. The child was a thin child but she was strong. I was out of wind when I got her. I drove the child in front of me till we got to the scrape. I did not kick her over it. I only kicked the snow after her. I don't know why I kicked the snow after her. She stumbled after going over the scrape. I heard Joe Mason say she fell. I heard him say that I kicked her. That was false. He must have thought I was kicking the child instead of the snow. She was crying after getting to the bottom of the scrape. I gave her three slaps with the mitt after passing Prendergast's bridge and told her to 'Pull up quick for home.' I only saw one stocking come off on the way home. That came off about 60 or 70 feet from the house. I picked it up and gave it to her as I was not going straight to the house. I went and handed the horse's hoof before Belle ran away. I had my dinner before I attended to the horse."

Cried Because She Felt Bad.
"When we got home Belle went into the house and I went and fixed up the

horse. After doing some other work about I went into the house. I asked Belle what she was doing so near the door. I slapped her with the mitt and told her to go in and stay in. Up to this time I said nothing about the money, nor did I beat her. I slapped her across the shoulder. She cried then. Mike Mason was by the door at the time. He was about 60 feet away. He heard the cry because the child had a loud voice. She cried because she thought hard of being struck. I didn't see her go up the Hr. Main road when she ran away. When she used to stop while I was taking her home, I flicked her to hurry her up. I didn't put her out of doors that night. I didn't know her feet were frosted when I brought her home. She didn't complain but I think her feet were frosted. I have been frosted. I didn't feel the sting until the frost began to leave the parts. Belle's feet must have been dead all that night."

Tied Her Hands.
"Belle was on the floor about ten minutes after the rest of us got in bed. The children did not carry Belle upstairs. She went up herself. I don't know whether Mary carried Belle upstairs more than twice. Gregory did it as a rule. He could carry her more comfortably than I could. If I carried her up she might strike her feet. I imagine that Mary and Gregory could carry Belle up and downstairs better than I could. She said she'd sooner have Greg than either me or Mary to carry her up. She wouldn't let me take her up. I offered to carry her up the first time but she wouldn't have me. I tied her once in June last so that she would not run away in the night. I had no trouble with her but I tied her hands and I lay down on the floor and she lay down with me. When I went out I sent her upstairs. I tied her hands and kept her out of bed for fear she might get up and go through a window. I unified her hands when I went away. If she ran away after I went people would be up and would

tell me about it. I don't know why she started to run away that night."

Could do as Well as Doctor.
"She said nothing to me when I tied her hands. She was against the chimney when I tied her. It was in June that I put her in a swing after the first time she ran away. I never put the rope around her waist. I just sat her in the swing. I put on several potato poultices. On Friday I sent for Mrs. Prendergast. I wanted her advice and help as I was going away each morning. On Saturday I went for her with my horse. On Friday, the soles of Belle's feet were black. Mrs. Prendergast spoke of the doctor. I said I don't know what about the doctor. I think I could do as well myself. I told the doctor that when I called him again I'd be walking on sticks. This was after he refused to come when I wanted him. I have never needed the doctor since then. I would rather have died than have sent for the doctor. If one of my children were dying and I thought the doctor could save him I would send for him but I would not go for him."

Counsel—"Would you let your child die before you yourself would go for the doctor?"
Witness—"No, I would not."

Could Not Pay the Doctor.
"I used to attend to the poulticing of the child's feet at night time. On Monday night when the top of the toe came off I began to think of the doctor. The feet were then healing around the edges."

Counsel—"If the feet were healing why did you think of the doctor and the hospital?"
Witness—"I did not know what to do. Lots in my place would do the same."

Continuing—"I did not send for the doctor, because I wasn't able to pay for one visit at that time. To get at my purse when Belle stole the 50 cents she would have had to use a knife. There were \$20 in that purse."

I had \$16 on me when I was arrested. I could not afford to send for the doctor. That is the reason I didn't send for him."

Counsel—"Why didn't you say that yesterday?"
Witness—"I did not care about explaining that. I was ashamed of it."

"I was ashamed but I did tell the gang my son was a thief."

Thought Feet Were Healing.
"I began to think of the doctor on Jan. 9th. I thought if I got the doctor he would inflict some pain upon the child. That and not being able to stand against his fee is why I didn't send for him. I thought the feet were healing at that time. I first heard of the child saying she was dying on Sunday. I thought the child was dying on Sunday morning."

Counsel—"Why didn't you send for the doctor then?"
Witness—"I was not able to stand against his fee and I thought when her jaws got stiff the doctor could do nothing for her."

"I am not capable of judging what a doctor might do. Last summer was the only time I ever got goods on credit. I got \$30 worth. I would not ask the doctor for credit. I called him when I could pay him and he wouldn't come, and when I couldn't pay him I wouldn't ask him."

Kept Stolen Property.
"After arrest I went back to the children to tell them not to tell anything to any policeman because of the stolen property in the house which I was afraid might get me into trouble. It was stolen by Gregory and Mary late in the fall. I discovered they had stolen it the morning they did it. I asked where it came from but they didn't give me any satisfaction. I didn't tell them. Constables Devine and Mr. Ezekiel came to search the house. I told them it wasn't there. It was there but I had to tell a lie to keep myself out of trouble."

Counsel—"So you are prepared to lie to get yourself out of trouble?"
Witness—"I did that time."

"The stuff is there to-day hid under my house. I never got an opportunity to replace it. I go to church every Sunday but the children wouldn't go. Only Mrs. Mason and Mrs. Prendergast spoke to me about the prest. I would have got him but the child did not have the intelligence to talk to the prest."

Counsel—"Were you prepared to let a case-hardened child die without a prest?"
Witness—"Yes."

He continued—"The services of the prest would have been good, but the child couldn't talk to him."

"I Made a Mistake."
Mr. J. G. Higgins re-examined. The witness said—"I can't account for the child being afraid of me." In connection with Mrs. Prendergast's "boot," witness said he made a mistake. In further questioning he said—"I did not hear what the Magistrate said I beat Mary with in the Hr. Main Court. I found out about it in the Magistrate's Court here. I partly understood it was a shovel-handle. In the course of re-examination witness said he owed Dr. Jones money. Last summer he said he made a little over \$200 and practically nothing in the winter."

The re-examination lasted nearly half an hour and the prisoner was allowed to leave the box after being in it for nearly 5 hours during 5 1/2 hours of which he had to undergo a grueling cross examination, of which he showed the effects. The next witness called was Bridget Scivour.

A very Good Neighbour.
She said she had lived in Avondale for 35 years. She knew Nolan well. She had often been in Nolan's house. He was a very good man in every way so far as she knew. She had seen all his children. They never complained to her about their father. She did not know if Nolan had done anything to them. His children couldn't be worse. Nolan always looked well after the children. Mary used to burn her clothing and her brother's and sister's. She used also destroy food. Nolan did not neglect them in any way. Mary told

nothing but lies. Belle was a nice little girl, but she was wild. She would run even if she saw strangers."

Cross examined by Mr. Warren, witness said she had heard of Nolan beating the children. Belle used to run away before last June. It was two years ago that Mary burnt the clothing. Belle ran away the most. She didn't think that Nolan would throw water over or beat any of his children. Everybody said that Mary Nolan stole the things from Ezekiel's. Higgins, B.A., re-examined.

Both Children Bad.
Martha Cantwell was the next witness. Examined by Higgins, B.A., she said she lived at Avondale and she knew Nolan well. Both his children are bad and liars. She used to be in Nolan's house when his wife was alive. The children were well dressed for a poor man."

Warren, K.C., cross-examined. Witness said the two Nolan children were liars and thieves. She had given Mary clothes which she burnt, and said she hadn't done so. Witness had never heard of Nolan beating his children. She heard the people say Mary had beat her father to the Main Court for beating her. She used to see Belle with boots on everyday except in the summer."

At 6.15 p.m. the hearing was adjourned until 10 o'clock this morning.

MORNING SESSION.
CASE FOR DEFENCE CONCLUDED.
The case for the defence in the Nolan murder case was concluded in the Supreme Court to-day. Several witnesses were examined and counsel for defence intimated that he would begin his address to the jury after recess.

Patrick Molloy's Evidence.
Upon the Court resuming, pursuant to adjournment, J. G. Higgins, B.A. for the defence, called Patrick Molloy. Witness said he lived in Avondale and knew Nolan. He had called at Nolan's house. He was there on the night Belle Nolan was supposed to have run away. He spoke to Nolan in the night. Nolan never told him he had given Belle an odious beating. He knew the Nolan children well. He used not play with them."

Cross-examined by Warren, K.C., he saw Nolan, Gregory and Mary the night he was at Nolan's house. He was in the kitchen that night. Belle

wasn't there. He had heard of Belle running away. He remembered Detective Byrne going to Avondale. He was asked to come to town to give evidence. He said he couldn't come because he was subject to fits. On the night in question he left John Nolan's at 7.30 to go to Nolan's. His brother was with him. Both went in the kitchen of Nolan's house. Accused made no mention of Belle. Witness had taken a saw of Nolan's to be filed. It was before he went out about a shaft. Nolan's children were wild and used to run away. He had never heard of their father beating them. He had heard of Nolan being up in Court at Harbor Main. Witness did not know what he was there for. Mary had her father up for beating her, he said after further questioning.

Higgins, B.A., re-examined.
To Mr. Justice Johnson—Witness said he had had a fit.

John Molloy's Evidence.
John Molloy was next called. He said he was the father of Patsy Molloy. Patsy has falling sickness on whites. Witness was born at Avondale. He knew Nolan well and was good friends with him. He said that Nolan was a good solid man and a very good neighbor. Nolan's children were very wild. When Nolan let them out he had a job to get them in. (Laughter.) Mary was very wild and Gregory was the same. Witness had caught Gregory stealing. Belle was wild and hard to do anything with. Witness said he had put his tie and collar in his overcoat-pocket and he found them gone later. This was on a Tuesday. After dinner that day Mike Mason told witness that Gregory had taken the collar. The collar was now too dirty to be put on. Witness produced it amid much laughter."

Cross-examined, he said no other boy had played tricks on him like that. He had never heard of Nolan beating his children. Accused, however, had a reputation for beating his children."

Counsel—"Why did you hesitate in answering that question? Is it because you don't want to say anything against Nolan?"
Witness—"I have nothing to say against him."

The children had a bad reputation, he said. He had heard of the robbery at Ezekiel's house. He had never heard tell of Nolan beating his children when he was at home."

Counsel—"Did he have a reputation for beating his children?"
Witness—"Well, he had."

Witness was home when Detective Byrne came to his house. The Detective wanted the boy to come to town as a witness, but his mother wouldn't allow him to go."

Re-examined, witness said he had only heard of the children being beaten since the "robbery."

Enough Lies to Hang Him.
Francis Cantwell was the next witness. He said he lived at Avondale and knew Nolan and his children. Nolan's children boarded at Mrs. Mason's after their father's arrest. He was there once. Michael Mason, Joseph Cantwell, Mrs. Mason, Mrs. Murray and the Nolan children were all there. Witness heard Mary Nolan say she made lies on her father in Harbor Main Court; and further, she said she'd make enough to hang him. He knew Nolan well. His children were wild and unruly. Witness helped to look for them once when they ran away. They were found in a cellar. These two children were Gregory and Belle. Nolan took the children by the hand and brought them home. Nolan did not beat the children. All the people in the neighbourhood say this (Continued on page 11)

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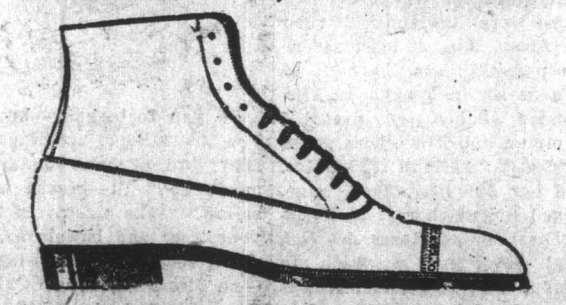
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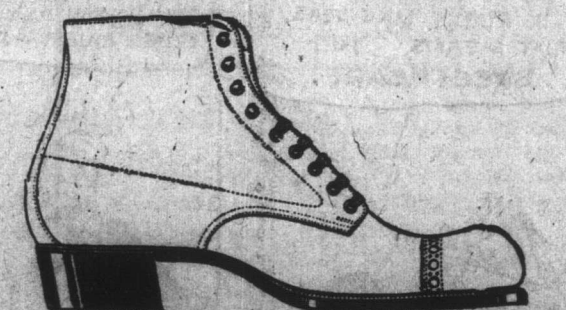
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