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SUN PRINTING COMPANY. ALFRED MARKHAM

## THE SEMI-WEEKLY SUN

ST. JOHN, N. B., APRIL 1, 1999.

SHALL INTIMIDATION CONTINUE

Mr Tweedle and the speaker have decided that Mr. Hazen, as a private member, has no power to introduce a bill providing for a secret ballot. The measure requires the furnishing of ballets by the government. Ballets cost money, and money bills can only be introduced after receiving the asent of the lieutenant governor, which, of course, theasure the assent of the nimistry. So rules Speaker Hill on the point taken by Mr. Twee-

With all due deference to the peaker and the provincial secretary. it is not clear that the point is well taken. The ballot bill introduced by Mr. Hazen may in its operation involve the payment of a small sum of money from the treasury, but that does not of necessity make it a money bill in the sense that it requires the assent of the crown. It could probably be shown that one or other of the ministers every year introduces, without the formalities attending a money bill, legislation involving more or less public outlay. Almost all legislation in respect to the administration of justice affects the treasury in some alight degree, but these amendents do not require the same preliminary proceedings as a bill calling for the immediate and specific appropriation of a particular sum of money. The sénate of Canada has no more right than a private member of the legislature to originate a measure for the appropriation of the public revenue. Yet the Canada Temperance Act, involving the whole expense of holding Scott Act elections, was first introduced in the senate. It is reaable to say that Wr. Hazen has absolutely the same right to introduce his ballot bill as Senator Scott had to in a chamber which has not the power to originate bills appropriating public

But it is not a matter of public importance whether Mr. Hazen's bill. intended to free the people from intimidation at elections is ruled out, or whether it is voted down by the ministers and their supporters. It is obviously and admittedly the right thing that the ballot law should protect the electors from the coercion of those who have power over them. It is admitted that the present law does hot do this. For this no better evidence is needed than the testimony, publicly given, by one of the representatives of St. John. The government has the power to correct this evil. A minister has stopped Mr. Hazen from doing it. If no government measure is introduced the responsibility of the perpetuation of the present system of tyranny will rest with Mr. Emmerson and his col-

## NEW BRUNSWICK SCHOOLS.

In a recent article on this subject it was erroneously stated that the increase in the registered attendance of pupils of the New Brunswick schools was only three per cent in seven years. We are glad to be able et say that averaging the two terms of last year and the two terms ending 1891, the gain is 5 1-2 per cent, which would be equal to eight per cent in a decade. The increase in the average attendance, as pointed out in the previous issue, is still larger.

The chief superintendent is of the opinion that in view of the norease in the number of schools and of teachers the force of inspectors is not large enough to do justice to the duties. It is impossible even to accomplish the school visits required, to say nothing of the other work. Last year the six inspectors made 2,239 visits, which was an increase of 153 over the year before. But to complete the work assigned, it would have been necessary to pay 1,000 more visits. For other work that ought to be done such as the instruction of teachers in methods of organization and manage ment, talks with parents and trus-

tees, there is no opportunity. Dr. Inch thinks that the inspectors might under better conditions, be able, among other things, to persuade the people to consolidate their school work, by the amalgamation of neigh-

borius sections and the convey of children to distant schools aw provides that the ratepayers may at the school meeting vote money to of children living so far away that they are otherwise unable to aftend and that where a majority of rate-payers in two contiguous districts agree to unite into one district for the purpose of establishing a central school, and of providing for the conevance thereto of children living at a considerable distance, the provincial government shall grant to the united district an amount equal to half the expenditure incurred for such conveyance. This provision encour ages the establishment of stronger schools in scattered districts. It should give an educational opportunity to some children who are now entirely shut out from it. Under this legislation it is possible for two or nore country districts which have common schools under a single teacher, to unite for the establishment of a graded school with all the modern improvements." As yet, however, only one instance is reported in which the act has been applied. Two schools at North Head, Grand Manan, are about to be amalgamated. In the New England States the consolidation of schools and the corveyance of children has been going on for some years. Massachusetts pays \$105,000 a year for transportation. In the colony

## THE OTHER PARLIAMENT.

of Victoria, Australia, 253 schools

have been closed by the establishmen

of these beneficent educational com-

REPORT THE STATE OF THE STATE OF Fredericton has two parliaments session this week. The farmers' assembly has probably the smaller proportion of fluent talkers, but they make up for that deficiency by a fuller knowledge of the subjects under discossion. The address of the president of the farmers assembly may be compared with the speech from the throne delivered last week. It is much better English, much more to the point, and has more in it. Major Campbell is a practical farmer. would have been a good thing for the province if the late election had made him a member of the legislature and oner of agriculture, He could perhaps fill that position almost well as Mr. Labillois.

## CASTILIAN CASE.

Captain Barrett and First Officer Severely Censured,

Suspend Their Certificates.

HALIFAX, March 29.—The judgment of the court of inquiry into the loss of the Allan line steamer Castilian was filed today. The court finds that there were several serious errors on the part of Captain Barrett and First Officer McAffee, and while their curificates are not suspended, these officers stand severely censured.

The decision of the court was as follows: The court, having most carefully and completely enquired into and investigated the circumstances attending the stranding and total loss of the Allan steamship Castillan on Cannet Rock Ledge, off the coast of Nova Sortia, at 340 s.m. of the 12th of March 1899, and having fully considered all the evidence that it was possible to obtain, has come to the conclusion that the disaster is suitributable to the following causes:

Not taking into sufficient consideration the first sounding of sixty-two fathers at 1 a.m., which naturally should have pointed out that the vessel was not in the position which she was supposed to be.

Not accurriely noting the distance run by the Log when the different soundings were talen; and

Rumning the ship at too high a rate of speed after finding the water was shouling rapidly.

When the cast of 36 farhoms was obtained

rapidly.

When the cast of 36 fathoms was obtained the ship's speel should have been at once reduced and constant soundings taken. Instead of having this done no sounding after that of 36 fathoms was obtained for about helf an hour, namely, at three o'clock, when the street of the

that of 36 fa nome was obtained for about helf an hour, namely, at three o'clock, when 17 fathoms were found.

Although a similar depth is to be cleained about ten and a half miles southeast by south, laff south from Seal Island, and the master states he considered he had overrun his distance and was on Seal Island Bank, he merely effected the ship's course from south easterly by east half east to southeast, or one and a half points, and kept on at full speed for nearly half an hour, when a cast of 10 fachoms were taken, after which the ship alloss immediately took the ground. There can be on doubt, indeed it was admitted by the master, that had he stopped the engines and reversed them when the 17 fathous cast was taken, he would have seved the ship. Propally the after knowledge derived from the circumstances connected with the course the ship was steered, and the disaster which ensued, influenced the master in confessing his career, and in the same manner those circumstances have to a certain extent enabled the court to arrive at this opinion.

cytent enabled the court to arrive at this cymion.

The court also considers, taking the evidence obtained from a number of well known and responsible misters of ships who were in the becasity of the catastrophe on the 12th of March, that there was some peculiar current setting into the Bay of Fundy on that day, which materially assisted in putting the ship to the northward of her course, but this foce not account for the long distance the versel was cut of her position, as assumed by the mister. He appears to have placed too much faith in his compasses, taking into consideration that the Castilian was a new ship and it was the first occasion on which she was running on an easterly course.

The master, who is without doubt a most experienced and well known navigator, having constantly navigated vessels in the vicinity of the disaster in question for upwards of twenty years, in the ordnion of the court took his position too much for granted, and although it refrains from dealing with the certificate of either the master or first office, considers it their painful duty to censure them both and the master. Reginald Liarrett, and the first officer, Duncan MoAfree, are hereby censured accordingly.

said that on the ground of expense the plaintiff could not bring them. At a court of probate held in Kent Co. by Judge James, letters testa-mentary of the will of the late W. W. Short were granted to Jessie S. Mc-Farlane and Charles K. Short, executrix and executor respectively. Letforensic life; the same means which bad brought Father Raftery, McSortrs of guardianship were also granted of the infant children of deceased to Charles K. Short.

Jury Award Him Twenty-five Thousand Dollars Damagas.

They Were Only Forty-five Minutes Agreeins on the Verdict-Judge Vanwart's Charge

Owing to His Honor Judge Vanwart being unwell Wednesday mornirg, the circuit adjourned until 2.15 p. n., at which hour Dr. Quigley briefly sddressed the court on the legal issue of negligence and on the measure of

At 2.45 p. m. the addresses to jury began under an agreement tween the counsel that they would each speak for an hour and twenty minutes

DR. PUGSLEY

began by stating the general principles of the estimation of damages, citin the Phillips case. This was not to be treated as an action against the company, but as if one of the jurors were the defendant. He regretted into the case the fact that the bonds of the company were selling above par. This was not a test of the hability. Another puestion would be that of contributing negligence. If the plaintiff had suffered through the want of care and caution on his part he would be prevented from recovering. Dr. Quigley called attention to the affidavits in support of a commis-sion and had used vague language insion and had used vague language in-timating that a crime had been com-mitted on behalf of the company. If Mr. McLean, whose reputation stood bight in the community, had been guilty of any wrongdoing he could be punished for it. No one thought for a moment, that a man who stood so high in the profession, had done anything wrong. It was the defendant's right to have a commission. Looking at the evidence of Prof. Hesse on cross-examination, where he was able to tell how many pupils he had, or what he had earred, it was surely open to offerge something against the other side. Dr. Quigley, on oath, had said that the compitssion would be destructive of the plaintiff's case, yet he showed this was only bluff, as he had declined to put it in evidence when the defend-ants offered to allow it. They wanted to put in the evidence of just one wittess which they wished to pick out of the lot. Again, the plaintiff wished to put in letters from Mr. Nellson and Dr. Quigley, and they tried to show that there was no offer of settlement. Yet Nielson's letters showed that the company was willing to do all for Prof. Hesse's comfort that could be done, and yet he did not ask for anything to be done. In view of Dr. Quigley's exaggerated ideas of damages it would have been impossible to make any arrangement for

The case in its main feature differed very greatly from any other which he acted? The answer he had seen. The two principal wit- Cam't do anything until there's a nesses had to confess that they lied to their employers as to the cause of Put the accident and that while remaining in that employment they were actually visiting Dr. Quigley's office and company, who is Dr. Walker at the giving information against their employers. Assuming their statement in court to be true, did it not seem in- of physician was, it was used there credible that these men should have confederated to deceive seven hasengers, whose fares would be 35 cents, and yet set up that they did this in the company's interest. Yet Garfield swore that the thought he could take the car over safely. There was evidence from which the jury could infer, but were not bound to infer that these men were negligent. The company had done all that money could do to make the road machinery in the power house perfect. The system of inspection was

also adequate. It was important to determine whether the plaintiff had jumuped from the car or not. Some of the witneses had described the position of the plaintiff in such a way that, it would seem impossible that he could have been thrown from the car. The witnesses seemed to have come into court with positive statement as if under the pressure of some influence. Dr. Christie, one of plaintiff's witnesses, thought that the injury must have been caused by jumping. by the positive evidence of Dr. T. Walker that on the day of the accident Prof. Heses told him that he had jumped. Father Raftery's evidence was also confirmatory of that, as saw him on his feet taking a step or two before falling. Was, then, jump-ing from the car a prudent thing to do? There was no danger of injury their places and they were not injured. If Prof. Hesse had told Dr. T. D. Walker that he had jumped from the car, and as he did on the stand afterwards denied that he had jumped, it would be for the jury to say what credit should be given to him not only on this but on the question of damages. The plaintiff came into court asking for justice, and yet withholding the elements upon which justice could be done. Why did he not give the facts on which he bas his claim to have earned \$4,000 or \$5,000 a year? He really swore less than \$2,000 a year income. Here were the figures for 1897; High ma \$320; 60 month's mind anniversar masses at \$3, \$180; in all \$572. Add the salary of \$1,000 and it gave \$1,572. But it was said that he had pupils. Yet the only pupil named for 1898 was McSorley. The only others were Kelly and Miss Cunningham in 1897. How the records of the church it might be

Yet surely the same means which had

his home in Boston to take part in

this as the crowning triumph of his

article in idlepess for months: the ame neans which caused them to all Dr. Quigley one story while they are talling their neighbors another tory, might surely have been utilized to bring Father Doran and the records of the church here. All that the plaintiff had was the evidence of Mc-Sorely that when he applied to the plaintiff to set lessons he was put off for a fortnight. This might be ex-rlained by the fact that it was about the Easter season. Eckels swore that plaintiff might have earned \$50 or \$60 a week. This was no evidence, and on what might have been earned. rg power it did not follow that plain-

the jury could not determine the case With reference to the loss of earniff would be entirely disabled from acting as an organist, though the defendants admitted that he could not use the artificial as well as the nat-

The plaintiff had ources of income. He taught harmony and piano playing. Both these he could still teach. As to Mr. Eckels' objection that a man who was a gripple would, from appearance sake, be unable to get many pupils, it was answered by the way that men in the court had walked around with artificial limbs. They could not be detected by the observer. Mr. Ford rtificial limbs. rgan, yet he could still play the dano perfectly well. He might still piano perfectly well. acquire the technical quisite for teaching vocal music the fury saw fit to give \$4,000, \$5,000 \$6,000 he would have ample capital to add to his other means of livelihood a plane business which would be profitable. The plaintiff was really ask ing for sufficiently large damages enable him to live without any work for the rest of his life and at his death be able to leave the whole sum after 1.1m for his children's children. As to the company, it had done a great work in St. John, and it was fair to ear that it might have stockholders who were dependent also for living on their income from holdings. He left the case to the in confidence that they would fairly with the matter towards parties. both

JUDGE PATMER

began his address at 4 o'clock. He pointed out that the detendants had dealined to put the whole of the commission in evidence. He thought that the case was to be dealt with on the and that deceit and artifice vas done with.

He then discussed the testimony

o Prof. Hesse falling from the car. The case was to be tried on the evidence and not on conjecture and sur-mises. The last appeal of Dr. Pugsley was for widows who owned stock. He wished to God that widows did wir the stock and that he had a chance of getting their verdict." It had been suggested that the company was to be treated as a man. Suppos that it were a man, possessed of the wealth of the company, who was the defendant? The inquiry would be what has he done? The answer would be that he had done all that the conductor, motorman, Neilson, Dr. Walkhere was. meeting of the company. If Dr. ev's text were ri hit and the hospital, undertakes to save all money possible. Sacred as the office for the help of the company. erick was Hesse's physician and there they try to make a bargain, that the torture may be put a stop to if the loss of the limb is not to be used before the jury. Now, then, defendants knowing they were liable, defend th action, and on the day of the trial apply to put it off swearing they have a good defence on the merits and stating that they have ten wooden legged men to swear that they can play the organ. Yet not a single witness was examined at New York or Philadelphia. They got one wooden legged organist at last and brought him here, and then it appears that he had his left leg, the important one, and had lost his right leg. After all had kept it out of court. Was it reasonable then to believe that it could help the defendant? Comment had been made on Eckels. and yet that was the very man to

formation as to Hesse's earnings, vho was said by their own side to be the best man for that purpose. Referring again to the question of contributing negligence, it was clear that if a man, by the wrongful act of the company was put in peril, he had a right to jump if he was frightened ment of the moment that it was the best taking to do. In the Phillips case it was said that part of the fare was insurance money. That was always true. If they were liable they were insurers of the passengers, had premium in their pocket, and had the money also to pay the damages in elements of damage in the where the verdict was \$80,000.

whom Robinson was referred for in-

There the evidence showed that the injury was temporary and would only last for a year or two. According to Dr. Pussley, because he thought Hesse had not pupils before the accident, yet after it he bought he could get plenty in Providence. His salary as organist was \$1,000 a year; he had \$3, \$4 and \$6 for requiem masses. That would average 24. Eckels, who was an organist, went by that place every day and swore there was a funeral there at least four times a week. The mas-ses for each funeral would average two. That would make \$1,664 on the basis of four funerals a week for one year, with two masses for each funeral. Then there was an average of 10 nuptial masses, say \$175 a year.

mas presents, say \$75. Besides this there would be his commissions on sale of planos and work of that kind. Then as to pupils, work of that kind. Then as to pupils, The case has been before the court Eckles said 1-2 to 3-4 of an hour would for the past two weeks.

CONSUMPTION

se in America so common as Catarrh. There is no discase so fearfully neglected. As a result it has increased over 200 per cent, in the last five years. Its germs fill the air. Luckily they have little effect on healthy tissue. But let a man take cold in the head, and at once these germs attach themselves to the lining of the nose and throat. The man wonders why his cold lasts so long. Before it is gone he catches another one. The watery secretions of the ordinary cold change to a thick slimy mucous, streaked with green and yellow. The head and throat become stopped up. The man has to hawk and spit continually. He cannot breathe comfortably unless his mouth is open. His breath grows offensive. He has Catarrh of the Head and Throat. He tries snuffs and washes. They clear his head for an hour or two but do not ours. The cataruh runs on.

Perhaps it travels into the Eusta drian tubes and causes strange sounds in the ears and a gradual dearness. More dangerous is its course if it moves down the throat into the bromehial tubes and chest. A slight hacking cough is Nature's first warning of this. The Gateway of Consumption is

Even at this stage the cure, under proper treatment, is easy. But let the disease run into the lungs and the end is inevitable—Catarrh of the Lungs—Consumption—Death Patent medicines will not succeed. Catarrh is a disease of the mucous membrane. The treatment must kill the germs and drive them out of the system. Catarri of the Head and Throat. Catarrh of the Bronchial Tubes.

The most prevalent form of cattarrh, is left unchecked it extends down the windpipe into the bronchial tubes and and results from neglected colds: Do you epit up slime? Are your eyes watery? ... Does your mose feel full? Does your nose discharge? Do you sneeze a good deal?
Do crusta form, in the nose?
Do you have palmacross the eyes?
Does rour breat small offensive?
Is your hearing beginning to fail? Are you losing your sense of smell? Do you hawk up phiegm in the morn-

Are there buzzing moises in your Do you have pains across the front of your head? Do you feel dropping in back part

If you have some of the above sympoms your disease is catarrh of

windpipe into the bronchial tubes and in time attacks the lungs and develops into catarrhal consumption.

Do you take cold easily?

Is your breathing too quick?

Do you raise frothy material?

Is your voice hoarse and husky?

Have you a dry hacking cough?

Do you feel worn out on rising?

Do you feel all stuffed up inside?

Are you gradually tosing strength?

Have you a disgust for fatty food?

Have you a sense of weight on chest?

Have you a scratchy feeling in throat? hroat? Do you cough worse night and morn-Do you get short of breath when

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If you have some of these symptoms you have catarrh of the If you have catarrh, answer the above questions out them out of the pa-

When catarrh of the head and throat

per and send them with any other information you may think would help me in forming a diagnosts, and I will answer your letter carefully, explain-ing your case thoroughly, and tell you what is necessary to do in order to

Dr. Sproule. B. A., (formerly Surgeon British Royal Naval Service), English Cataarh Specialist, Nos. 7, 9, 10. 11, 12 Doane Street, Boston.

against himself, making them 3-4 to said "This action is brought by Joseph 1 hour each. Then Father Raftery corroborated this, and he was almost catly visitor at the house, besides hearing the organ playing every mor-ning in the cathedral. From the pupils he would earn \$3,000 a year. Eckles swore that he could easily earn \$50 to \$69 a week.

Now would the jury say with Dr. next thing was, did the Pugsley that the pupils before the accident, and yet would go on earning like fun, with lots of pupils, after the leg was off. Before he was married Hesse paid \$700 a year for house rent. This was a fair test of what he had to spend. If the church records were of any use to the defendants they had them and would have put them in. He felt

that he had fully proved \$5,000 income at all events. Now as to what else the plaintiff could do for a living. He had now to te compensated once for all, for all that he had lost or ever could lose by the accident. Every man knew that if he had not been injured his earning power would have become more and more. This man had a right to have his children brought up in the way that they otherwise would have been. More than the \$100,000 asked for could not be given, but not a cent less should be given. It was a case that affected every man. Not a juror would take \$100,000 and suffer such a deprivation as Prof. Hesse had sus-

Another element of damages was the pain and suffering and attendant circumstances. His wife, far away, could not be with him for some time He was left to strangers, yet the plaintin had said, with tears in his eyes, that he had felt the kindness of the people of St. John. There was only one class that stood aloof, and they were the officials of the St. John Railway company.

The jury wow!: have to decide

whether it was worth while for the plainting to try to play the plane at all. Only Ford said he could. But what was it worth? When plaintiff lost his position as organist he lost the opportunity of getting his clien-The jury would have no right tage. assume that the plaintiff could make a living in that way. Particular motion and sensation were required for the piano. Not a man had been produced who could play on the plane with an artificial limb so as to re able to teach. It had been said that three people could play the piano so as to be able to teach. did not the defendants bring one of them on the stand? They had witnesses who could poles, row boats and ride a clumb

bicylce—all these were brought here-but not one who could play a plano so as to teach it.

In conclusion, Judge Palmer referred to the loss which he and the case had statined by the death of his son. at whose instance, in his old age, he had come into the case.

A large audience assembled at the For outside services he allowed \$100 court room yesterday to hear Judge ity in re the statements of Prof. vanwart's charge to the jury and Hesse about his earnings. As to Prof. witness the closing scenes in the notable case of Hesse v. the St. John Railway Co.

Hosse against the St. John Railway Co. to recover damages for injuries received by him. It is my duty to instruct you as to your determination. The first consideration is did he sustain an injury." From the evidence he did not think that it would be difficult to decide that he did. sult from negligence

Witnesses say that the car was started from the foot of King street without brakes, which his thought was negligence; still the de-fendants say that the car should have teen taken to the sheds by the power. There has been a great deal of evidence given which should not have been allowed. The defendants say they employ competent servants. The defendants say their road is of the best. The defendants claim, that because the motorman and conductor of the runaway car did wrong the company is not liable. Somebody is responsible for their wrong doing. If the motorman and conductor did not know the brake was disabled, some person was responsible for their not knowing it. Assume that the motorman and conductor could have taken the car to the she i with power, then the car would have been found in the very condition that it was, according to the evidence of the defence. would not make any difference if the brakes were of the best in every detail, if the man operating them is in competent the result is the same. His honor said the conduct of the motorman and conductor was almost criminal, and that no language could be used too express this too strongly. Locking at the law points of the case, if one party places another in icopardy then that person must use his hear to advantage to get out of it, and in the light of subsequent events, if a nan did not come out of the frav as good as others, that should not affect the case, as no two men in such cases act alike.

His honor said whether or not Prof. Hesse jumped was another question. The jury was to letermine this from the evidence. Coming to the question of damages, his honor said the jury should determine this, as man to man, placing the jury in Prof. Hesse's case. This should be determined irrespective of creed or sentiment of any kind. He instructed the jury to do their duty conscientiously. The injury will be lifelong, and no money you can give can give Prof. Hesse his leg. You must decide whether or not health will be permanently injured. As to the bill of expenses, it was put in without objection, and Prof. Hesse should be recouped. The on and matter of income was next taken up, and it was the duty of the jury to say, from the evidence, what they considered the Hesse were. earnings of Prof.

A commission had been taken out by the defendant's counsel to ascertain what Prof. Hesse's earnings were. The commission was not re-turned, the defendants not wanting it. This is one element on which the jury should decide as to the credibil-Hesse laying back for the rest of his days, his honor thought he should go to work as soon as he is able. been stated here by expert witnesses that the organ cannot be played with be the lessons, but Hesse put it more. His homor in delivering his charge an artificial foot. The jury in

clarge of do its duty. widows or i sion his h should set sus of syl Hease al, of should they and if big of will be take The jury ing out ex a verdict to the damage Mr. Pugel stay of post His honor

THEY

journed the

Many Peopl Absolut and

Ridicule, Ho and Fact in most c that reople nicicn on a radical. specsia and pride them never being This fear be carried t many people weak digesti tle time and ing the class so reliable Stuart's Dy Now Stu vastly differ spect from cines for Al a secret pat made of the

mage of the sis shows the sin, the die bismuth, hy powerfully cure indiges oughly beto sour and ca Cathartic can cure troubles be the bowels. is really in Stuart's after meals all there is or half dig gas, acidity. of the heart and many often called dress F. A

eases, sent REC The death took place or a long illnes main street. 41 years of ter of H. F. leaves a h daughter to Mrs Marr rae, princip on Tuesday court, in th some time brought to the funeral day from

Mrs. James

pastor of St

church and

were wedde

It was in S

Mich., for

classes of th to Dr. Max ment. Mrs. Mary residence, O on Tuesday, James some stroke of never fully anntil about was compel paralytic str the end can deceased wa day school, mere child. a retiring di where she funeral will afternoon; 2.45 p. m. ford's Point

March 29th tracted illne

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age.

In the r who on 17th by Judge imprisonr tiary for complication Sheriff Stev the penite to receive h a loathsom sheriff has jail. Yester ton, Q. C., Tuck at che order on th of the pris The order justice direction of the contraction of the contrac

> TO CU P Take Lax